

House Bill 597

By: Representative Houston of the 170th

A BILL TO BE ENTITLED
AN ACT

1 To provide a new charter for the City of Sparks, Georgia; to provide for incorporation,
2 boundaries, and powers of the city; to provide for general powers and limitations on powers;
3 to provide for a governing authority of such city and the powers, duties, authority, election,
4 terms, method of filling vacancies, compensation, expenses, qualifications, and prohibitions
5 relative to members of such governing authority; to provide for inquiries and investigations;
6 to provide for organization and procedures; to provide for ordinances; to provide for codes;
7 to provide for the office of mayor and certain duties and powers relative to the office of
8 mayor; to provide for administrative responsibilities; to provide for boards, commissions, and
9 authorities; to provide for a city manager, a city attorney, a city clerk, and other personnel;
10 to provide for a municipal court and the judge or judges thereof; to provide for practices and
11 procedures; to provide for ethics and disclosures; to provide for taxation, licenses, and fees;
12 to provide for franchises, service charges, and assessments; to provide for bonded and other
13 indebtedness; to provide for accounting and budgeting; to provide for purchases; to provide
14 for bonds for officials; to provide for other matters relative to the foregoing; to provide for
15 related matters; to repeal a specific law; to repeal conflicting laws; and for other purposes.

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

17 ARTICLE I
18 INCORPORATION, POWERS, AND NAME
19 SECTION 1.10.
20 Name.

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

24 **SECTION 1.11.**

25 Corporate boundaries.

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

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

37 **SECTION 1.12.**

38 Powers and construction.

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

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

46 **SECTION 1.13.**

47 Examples of powers.

48 (a) Air and water pollution. To regulate the emission of smoke or other exhaust which
 49 pollutes the air and to prevent the pollution of natural streams or bodies of water within the
 50 corporate limits of the city;

51 (b) 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 charter;

- 56 (c) 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 authorized
58 by this charter and for any purpose for which a municipality is authorized by the laws of
59 the state of Georgia; and to provide for the payment of expenses of the city;
- 60 (d) Building regulation. To regulate and to license the erection and construction of
61 buildings and all other structures; to adopt building, housing, plumbing, electrical, gas, and
62 heating and air conditioning codes; and to regulate all housing and building trades;
- 63 (e) Business regulation and taxation. To levy and to provide for collection of license fees
64 and taxes on privileges, occupations, trades, and professions as authorized by Title 48 of
65 the O.C.G.A. or such other applicable laws as are or may hereafter be enacted; to license
66 and regulate the same; to provide for the manner and method of payment of such licenses
67 and taxes; and to revoke such licenses after due process for failure to pay any city taxes or
68 fees;
- 69 (f) Contracts. To enter into contracts and agreements with other governmental entities and
70 with private persons, firms, and corporations;
- 71 (g) Emergencies. To establish procedures for determining and proclaiming that an
72 emergency situation exists within or outside the city and to make and carry out all
73 reasonable provisions deemed necessary to deal with or meet such an emergency for the
74 protection, safety, health, or well-being of the citizens of the city;
- 75 (h) Eminent domain. To acquire, construct, operate, and maintain public ways, parks,
76 public grounds, cemeteries, markets, market houses, public buildings, libraries, sewers,
77 drains, sewage treatment, waterworks, electrical systems, gas systems, airports, hospitals,
78 and charitable, educational, recreational, sport, curative, corrective, detentional, penal, and
79 medical institutions, agencies, and facilities, and any other public improvements inside or
80 outside the city and to regulate the use thereof and, for such purposes, property may be
81 condemned utilizing procedures enumerated in Title 22 or Title 32 of the O.C.G.A. or such
82 other applicable laws as are now or may hereafter be enacted;
- 83 (i) Environmental protection. To protect and preserve the natural resources, environment,
84 and vital areas of the city, region, or state through the preservation and improvement of air
85 quality, the restoration and maintenance of water resources, the control of erosion and
86 sedimentation, the management of solid and hazardous waste, and other necessary actions
87 for the protection of the environment;
- 88 (j) Fire regulations. To fix and establish fire districts and from time to time to extend,
89 enlarge, or restrict the same; to prescribe fire safety regulations not inconsistent with
90 general law, relating to both fire prevention and detection and to fire fighting; and to
91 prescribe penalties and punishment for violations thereof;

- 92 (k) Garbage fees. To levy, fix, assess, and collect a garbage, refuse, rubbish, solid waste,
93 and trash collection and disposal and other sanitary service charge, tax, or fee for such
94 services as may be necessary in the operation of the city from all individuals, firms, and
95 corporations residing in or doing business in the city benefiting from such services; to
96 enforce the payment of such charges, taxes, or fees; and to provide for the manner and
97 method of collection of such service charges; and to provide for the separate collection of
98 glass, tin, aluminum, cardboard, paper, and other recyclable materials and to provide for
99 the sale of such items;
- 100 (l) General health, safety, and welfare. To define, regulate, and prohibit any act, practice,
101 conduct, or use of property, which is detrimental to the health, sanitation, cleanliness,
102 welfare, and safety of the inhabitants of the city and to provide for the enforcement of such
103 standards;
- 104 (m) Gifts. To accept or refuse gifts, donations, bequests, or grants from any source for any
105 purpose related to powers and duties of the city and the general welfare of its citizens, on
106 such terms and conditions as the donor or grantor may impose;
- 107 (n) Health and sanitation. To prescribe standards of health and sanitation and to provide
108 for the enforcement of such standards;
- 109 (o) Jail sentences. To provide that persons given jail sentences in the municipal court may
110 work out such sentences in any public works or on the streets, roads, drains, and squares
111 or other public property in the city; to provide for commitment of such persons to any jail;
112 or to provide for commitment of such persons to any county work camp or county jail by
113 agreement with the appropriate county officials;
- 114 (p) Motor vehicles. To regulate the operation of motor vehicles and exercise control over
115 all traffic, including parking upon or across the streets, roads, alleys, and walkways of the
116 city;
- 117 (q) Municipal agencies and delegation of power. To create, alter, or abolish departments,
118 boards, offices, commissions, and agencies of the city and to confer upon such agencies the
119 necessary and appropriate authority for carrying out all the powers conferred upon or
120 delegated to the same;
- 121 (r) Municipal debts. To appropriate and borrow money for the payment of debts of the
122 city and to issue bonds for the purpose of raising revenue to carry out any project, program,
123 or venue authorized by this charter or the laws of the State of Georgia;
- 124 (s) Municipal property ownership. To acquire, dispose of, and hold in trust or otherwise
125 any real, personal, or mixed property, in fee simple or lesser interest, inside or outside the
126 property limits of the city;

- 127 (t) Municipal property protection. To provide for the preservation and protection of
128 property and equipment of the city and the administration and use of same by the public;
129 and to prescribe penalties and punishment for violations thereof;
- 130 (u) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose
131 of public utilities, including, but not limited to, a system of waterworks, sewers and drains,
132 sewage disposal, gas works, electric light plants, cable television and other
133 telecommunications, transportation facilities, public airports, and any other public utility;
134 and to fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties and
135 to provide for the withdrawal of service for refusal or failure to pay the same;
- 136 (v) Telecommunications. To acquire, own, hold, lease, sell, resell, build, maintain,
137 operate, and contract with respect to a telecommunications system network in order to
138 provide telecommunications services and other similar services, including cable television
139 services (CATV) and internet services; to establish and charge rates, fees, tolls, and charges
140 for the services, facilities, or commodities furnished or made available by such
141 undertaking; to interconnect its system or services or both with the systems or services of
142 consumers and other providers; to use telecommunications to respond to community needs,
143 encourage the development of information-based organizations in the City of Sparks,
144 Georgia, and to finance from time to time any such telecommunications systems through
145 the issuance of revenue bonds as then permitted by the Constitution and laws of the State
146 of Georgia; and to make any contract with respect to and furnish the services of any said
147 systems to consumers within or outside the corporate limits of the city;
- 148 (w) Nuisance. To define a nuisance and provide for its abatement whether on public or
149 private property;
- 150 (x) Penalties. To provide penalties for violation of any ordinance adopted pursuant to the
151 authority of this charter and the laws of the State of Georgia;
- 152 (y) Planning and zoning. To provide comprehensive city planning for development by
153 zoning; and to provide subdivision regulation and the like as the city council deems
154 necessary and reasonable to ensure a safe, healthy, and aesthetically pleasing community;
- 155 (z) Police and fire protection. To exercise the power of arrest through duly appointed
156 police officers and to establish, operate, or contract for a police and a firefighting agency;
- 157 (aa) Public hazards; removal. To provide for the destruction and removal of any building
158 or other structure which is or may become dangerous or detrimental to the public;
- 159 (bb) Public improvements. To provide for the acquisition, construction, building,
160 operation, and maintenance of public ways, parks and playgrounds, recreational facilities,
161 cemeteries, markets and market houses, public buildings, libraries, public housing, airports,
162 hospitals, terminals, docks, parking facilities, or charitable, cultural, educational,
163 recreational, conservation, sports, curative, corrective, detention, penal, and medical

164 institutions, agencies, and facilities; and to provide any other public improvements, inside
165 or outside the corporate limits of the city; to regulate the use of public improvements; and,
166 for such purposes, property may be acquired by condemnation under Title 22 or Title 32
167 of the O.C.G.A. or such other applicable laws as are now or may hereafter be enacted;

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

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

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

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

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

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

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

197 (jj) Special areas of public regulation. To regulate or prohibit junk dealers, pawn shops,
198 the manufacture, sale or transportation of intoxicating liquors or alcoholic beverages, and
199 the use and sale of firearms; to regulate the transportation, storage, and use of combustible,
200 explosive, and inflammable materials, the use of lighting and heating equipment, and any

201 other business or situation which may be dangerous to persons or property; to regulate and
 202 control the conduct of peddlers and itinerant traders, theatrical performers, exhibitors, and
 203 shows of any kind, by taxation or otherwise; and to license, tax, regulate, or prohibit
 204 professional fortunetelling, palmistry, adult bookstores, and massage parlors;
 205 (kk) Special assessments. To levy and provide for the collection of special assessments
 206 to cover the costs for any public improvements;
 207 (ll) Taxes: ad valorem. To the extent permitted by general law, to levy and provide for
 208 assessment, valuation, revaluation, and collection of taxes on all property subject to
 209 taxation;
 210 (mm) Taxes: other. To levy and collect such other taxes as may be allowed now or in the
 211 future by law;
 212 (nn) Taxicabs. To regulate and license vehicles operated for hire in the city; to limit the
 213 number of such vehicles; to require the operators thereof to be licensed; to require public
 214 liability insurance on such vehicles in the amounts to be prescribed by ordinance; and to
 215 regulate the parking of such vehicles;
 216 (oo) Urban redevelopment. To organize and operate an urban redevelopment program;
 217 and
 218 (pp) Other powers. To exercise and enjoy all other powers, functions, rights, privileges,
 219 and immunities necessary or desirable to promote or protect the safety, health, peace,
 220 security, good order, comfort, convenience, or general welfare of the city and its
 221 inhabitants; and to exercise all implied powers necessary to execute all powers granted in
 222 this charter as fully and completely as if such powers were fully stated in this charter; and
 223 to exercise all powers now or in the future authorized to be exercised by other municipal
 224 governments under other laws of the State of Georgia; and no listing of particular powers
 225 in this charter shall be held to be exclusive of others, nor restrictive of general words and
 226 phrases granting powers, but shall be held to be in addition to such powers unless expressly
 227 prohibited to municipalities under the Constitution or applicable laws of the State of
 228 Georgia.

229 **SECTION 1.14.**

230 Exercise of powers.

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

235 ARTICLE II
 236 GOVERNMENT STRUCTURE
 237 **SECTION 2.10.**
 238 City council; creation; number; election.

239 The legislative authority of the government of this city, except as otherwise specifically
 240 provided in this charter, shall be vested in a city council to be composed of a mayor and six
 241 councilmembers. The city council established in this charter shall in all respects be a
 242 successor to and continuation of the city governing authority under prior law. The mayor and
 243 councilmembers shall be elected in the manner provided by this charter.

244 **SECTION 2.11.**
 245 City councilmembers; terms and qualifications for office.

246 The mayor and members of the city council shall be elected to four-year staggered terms of
 247 office and shall serve until their respective successors are elected and qualified. No person
 248 shall be eligible to serve as mayor or councilmember unless:

- 249 (a) That person is a minimum of 21 years of age;
 250 (b) That person has been a resident of the city for one year prior to the date of qualifying
 251 to run for the office; and
 252 (c) That person is a registered and qualified voter of the city at the time of qualifying for
 253 office.

254 **SECTION 2.12.**
 255 Vacancy; filling of vacancies; suspensions.

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

260 (b) Filling of vacancies – A vacancy in the office of mayor or councilmember shall be
 261 filled for the remainder of the unexpired term, if any, by appointment by the city council
 262 or those members remaining if less than 12 months remain in the unexpired term, otherwise
 263 by an election as provided for in Section 5.14 of this charter and Titles 21 and 45 of the
 264 O.C.G.A. or such other laws as are or may hereafter be enacted. Appointments made
 265 hereunder shall be by majority vote of the remaining members of the city council.

266 (c) Suspension – Upon the suspension from office of mayor or councilmember in any
 267 manner authorized by the general laws of the State of Georgia, the city council or those
 268 remaining shall appoint a successor for the duration of the suspension. If the suspension
 269 becomes permanent, then the office shall become vacant and shall be filled for the
 270 remainder of the unexpired term, if any, as provided for in this charter.

271 **SECTION 2.13.**

272 Compensation and expenses.

273 The mayor and councilmembers shall receive compensation and expenses for their services
 274 as provided by ordinance.

275 **SECTION 2.14.**

276 Conflicts of interest; holding other offices.

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

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

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

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

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

294 (4) Accept any valuable gift, whether in the form of service, loan, thing, or promise,
 295 from any person, firm, or corporation which to that person's knowledge is interested,
 296 directly or indirectly, in any manner whatsoever, in business dealings with the
 297 governmental body by which that person is engaged; provided, however, that an elected

298 official who is a candidate for public office may accept campaign contributions and
299 services in connection with any such campaign;

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

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

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

314 (d) Use of public property – No elected official, appointed officer, or employee of the city
315 or any agency or entity to which this charter applies shall use property owned by such
316 governmental entity for personal benefit, convenience, or profit except in accordance with
317 policies promulgated by the city council or the governing body of such agency or entity;

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

321 (f) Ineligibility of elected official – Except where authorized by law, neither the mayor nor
322 any councilmember shall hold any other elective or compensated appointive office in the
323 city or otherwise be employed by said government or any agency thereof during the term
324 for which that person was elected. No former mayor or councilmember shall hold any
325 compensated appointive office in the city until one year after the expiration of the term for
326 which that person was elected;

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

334 (h) Penalties for violation –

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

338 (2) Any officer or employee of the city who shall forfeit that person's office or position
339 as described in paragraph (1) of this subsection shall be ineligible for appointment or
340 election to or employment in a position in the city government for a period of three years
341 hereafter.

342 **SECTION 2.15.**

343 Inquiries and investigations.

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

350 **SECTION 2.16.**

351 General power and authority of the city council.

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

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

361 **SECTION 2.17.**

362 Organizational meetings.

363 The city council shall hold an organizational meeting on the second Monday in January
364 following the election of city officials. The meeting shall be called to order by the city clerk

365 and the oath of office shall be administered by an officer authorised to administer oaths to
 366 the newly elected members as follows:

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

371 **SECTION 2.18.**

372 Meetings.

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

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

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

388 **SECTION 2.19.**

389 Rules of procedure.

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

393 (b) All committees and committee chairpersons and officers of the city council shall be
 394 appointed by the mayor and shall serve at the pleasure of the city council.

395 **SECTION 2.20.**

396 Quorum; voting.

397 (a) Four councilmembers shall constitute a quorum and shall be authorized to transact
 398 business of the city council. Voting on the adoption of ordinances shall be by voice vote
 399 and the vote shall be recorded in the journal, but councilmembers shall have the right to
 400 request a roll-call vote and such vote shall be recorded in the journal. Except as otherwise
 401 provided in this charter, the affirmative vote of four councilmembers shall be required for
 402 the adoption of any ordinance, resolution, or motion.

403 (b) No member of the city council shall abstain from voting on any matter properly
 404 brought before the council for official action except when such councilmember has a
 405 conflict of interest which is disclosed orally prior to or at the meeting and made a part of
 406 the minutes. Any member of the city council present and eligible to vote on a matter and
 407 refusing to do so for any reason other than a properly disclosed and recorded conflict of
 408 interest shall be deemed to have acquiesced or concurred with the members of the majority
 409 who did vote on the question involved.

410 (c) In the case of a tie vote by councilmembers, the mayor shall cast the deciding vote.

411 **SECTION 2.21.**

412 Ordinance form; procedures.

413 (a) Every proposed ordinance should be introduced in writing and in the form required for
 414 final adoption. No ordinance shall contain a subject which is not expressed in its title. The
 415 enacting clause shall be "It is hereby ordained by the governing authority of the City of
 416 Sparks..." and every ordinance shall so begin.

417 (b) An ordinance may be introduced by any councilmember and be read at a regular,
 418 special, or work meeting of the city council where an agenda applies. Ordinances shall be
 419 considered and adopted or rejected by the city council in accordance with the rules which
 420 it shall establish; provided, however, an ordinance shall not be adopted the same day it is
 421 introduced, except for emergency ordinances provided for in Section 2.23 of this charter.
 422 Upon introduction of any ordinance, the city clerk shall as soon as possible distribute a
 423 copy to the mayor and each councilmember and shall file a reasonable number of copies
 424 in the office of the clerk and at such other public places as the city council may designate.

425 **SECTION 2.22.**

426 Action requiring an ordinance.

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

428 **SECTION 2.23.**

429 Emergencies.

430 (a) To meet a public emergency affecting life, health, property, or public peace, the city
 431 council may convene on call of the mayor or three councilmembers and may promptly
 432 adopt an emergency ordinance, but such ordinance may not levy taxes; grant, renew, or
 433 extend a franchise; regulate the rate charged by any public utility for its services; or
 434 authorize the borrowing of money except for loans to be repaid within thirty days. An
 435 emergency ordinance shall be introduced in the form prescribed for ordinances generally,
 436 except that it shall be plainly designated as an emergency ordinance and shall contain, after
 437 the enacting clause, a declaration stating that an emergency exists and describing the
 438 emergency in clear and specific terms. An emergency ordinance may be adopted, with or
 439 without amendment, or rejected at the meeting at which it is introduced, but the affirmative
 440 vote of at least four councilmembers shall be required for adoption. It shall become
 441 effective upon adoption or at such later time as it may specify. Every emergency ordinance
 442 shall automatically stand repealed thirty days following the date upon which it was
 443 adopted, but this shall not prevent reenactment of the ordinance in the manner specified in
 444 this section if the emergency continues to exist. An emergency ordinance may also be
 445 repealed by adoption of a repealing ordinance in the same manner specified in this section
 446 for adoption of emergency ordinances.

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

451 **SECTION 2.24.**

452 Codes of technical regulations.

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

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

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

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

464 **SECTION 2.25.**

465 Signing; authenticating; recording; codification; printing.

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

468 (b) The city council shall provide for the preparation of a general codification of all the
 469 ordinances of the city having the force and effect of law. The general codification shall be
 470 adopted by the city council by ordinance and shall be published promptly, together with
 471 all amendments thereto and such codes of technical regulations and other rules and
 472 regulations as the city council may specify. This compilation shall be known and cited
 473 officially as "The Code of the City of Sparks, Georgia." Copies of the code shall be
 474 furnished to all officers, departments, and agencies of the city and made available for
 475 purchase by the public at a reasonable price as fixed by the city council.

476 (c) The city council shall cause each ordinance and each amendment to this charter to be
 477 printed as soon as practicable following its adoption, and the printed ordinances and charter
 478 amendments shall be made available for purchase by the public at reasonable prices to be
 479 fixed by the city council. Following publication of the first code under this charter and at
 480 all times thereafter, the ordinances and charter amendments shall be printed in substantially
 481 the same style as the code currently in effect and shall be suitable in form for incorporation
 482 therein. The city council shall make such further arrangements as deemed desirable with
 483 reproduction and distribution of any current changes in or additions to codes of technical
 484 regulations and other rules and regulations included in the code.

485 **SECTION 2.26.**

486 City manager; appointment; qualifications; compensation.

487 The city council, in consultation with the mayor, may appoint a city manager for an
488 indefinite term and shall fix the city manager's compensation. The city manager shall be
489 appointed solely on the basis of that person's executive and administrative qualifications.

490 **SECTION 2.27.**

491 Powers and duties of the city manager.

492 The city manager, if appointed, shall be the chief executive and administrative officer of the
493 city. The city manager shall be responsible to the city council for the administration of all
494 city affairs placed in the city manager's charge by or under this charter. The city manager
495 shall:

496 (a) Appoint and, when the city manager deems it necessary for the good of the city,
497 suspend or remove all city employees and administrative officers the city manager
498 appoints; provided, however, any department head suspended or removed by the city
499 manager shall have the right to appeal said suspension or removal in accordance with
500 Section 3.10 of this charter. The city manager may authorize any administrative officer
501 who is subject to the city manager's direction and supervision to exercise these powers with
502 respect to subordinates in that officer's department, office, or agency;

503 (b) Direct and supervise the administration of all departments, office, and agencies of the
504 city, except as otherwise provided by this charter or by law;

505 (c) Attend all city council meetings except for closed meetings held for the purposes of
506 deliberating on the appointment, discipline, or removal of the city manager and have the
507 right to take part in discussion but not vote;

508 (d) See that all laws, provisions of this charter, and acts of the city council, subject to
509 enforcement by the city manager or by officers subject to the city manager's direction and
510 supervision, are faithfully executed;

511 (e) Prepare and submit the annual operating budget and capital budget to the city council;

512 (f) Submit to the city council and make available to the public a complete report on the
513 finances and administrative activities of the city as of the end of each fiscal year;

514 (g) Make such other reports as the city council may require concerning the operations of
515 the city departments, offices, and agencies subject to the city manager's direction and
516 supervision;

517 (h) Keep the city council fully advised as to the financial condition and future needs of the
 518 city, and make such recommendations to the city council concerning the affairs of the city
 519 as the city manager deems desirable;

520 (i) Notwithstanding the powers and duties enumerated in this section, specifically excepted
 521 from the powers and duties of the city manager is the power and duty to direct, supervise,
 522 or oversee, in any fashion, the administration of the police department of the City of
 523 Sparks, which shall, in all respects, be governed by the chief of police, under the direction
 524 and supervision of the city council. The chief of police shall be appointed by the city
 525 council from time to time and shall be removed pursuant to the same procedure for removal
 526 of the city manager under Section 2.28 of this charter; and

527 (j) Perform other such duties as are specified in this charter or as may be required by the
 528 city council.

529 **SECTION 2.28.**

530 Removal of city manager.

531 The city council may remove the city manager from office or otherwise terminate the city
 532 manager's employment at will for any reason or for no reason at all, provided that the city
 533 council shall provide the city manager written notice of its decision to remove or terminate
 534 the city manager at least ten days in advance of the date set for removal or termination. The
 535 city council may suspend the city manager, with or without pay, simultaneous with its
 536 decision until the removal or termination date.

537 **SECTION 2.29.**

538 Acting city manager.

539 (a) The mayor shall, with no additional compensation, exercise the powers and perform
 540 the duties of city manager:

541 (1) At any time that a city manager is not employed by the city;

542 (2) Upon the removal of the city manager pursuant to Section 2.28 of this charter; or

543 (3) During the city manager's temporary absence or disability.

544 (b) During such period of removal or absence or disability, the city council may revoke
 545 the mayor's authority to act as city manager, upon the vote of at least four councilmembers,
 546 and appoint another officer of the city to serve as acting city manager until a new city
 547 manager is appointed or until the city manager shall return or the city manager's disability
 548 shall cease.

549 **SECTION 2.30.**

550 Council's interaction with administration.

551 Except for the purpose of inquiries and investigations under Section 2.15 of this charter,
 552 neither the city council nor its individual members shall give orders or instructions to any
 553 city officer or employee who is subject to and subordinate to the direction and supervision
 554 of the city manager. The mayor and individual councilmembers may inquire and seek
 555 information from any city officer or employee at any time, but all orders and instructions to
 556 city officers and city employees from the mayor and council shall be directed to the city
 557 manager.

558 **SECTION 2.31.**

559 Election of mayor; qualifications; forfeiture; compensation.

560 The mayor shall be elected and serve for a term of four years and until his or her successor
 561 is elected and qualified. The mayor is subject to the same qualifications of councilmembers
 562 as set forth in Section 2.11 of this charter. The mayor shall forfeit that office on the same
 563 grounds and under the same procedure as for councilmembers. The compensation of the
 564 mayor shall be established in the same manner as for councilmembers.

565 **SECTION 2.32.**

566 Powers and duties of mayor.

567 The mayor shall:

- 568 (a) Preside at all meetings of the city council, but the mayor shall have a vote only in the
 569 case of a tie vote by councilmembers;
- 570 (b) Be the head of the city for the purpose of service of process and for ceremonial
 571 purposes, and be the official spokesperson for the city and the chief advocate of policy;
- 572 (c) Have power to administer oaths and to take affidavits;
- 573 (d) Sign as a matter of course on behalf of the city all written and approved contracts,
 574 ordinances, and other instruments executed by the city which by law are required to be in
 575 writing; and
- 576 (e) Serve as acting city manager under the terms and conditions as specified in Section
 577 2.29 of this charter.

578 **SECTION 2.33.**

579 Mayor pro tempore.

580 By majority vote, the city council shall elect a councilmember to serve as mayor pro
 581 tempore. The mayor pro tempore shall assume the duties and powers of the mayor during
 582 the mayor's physical or mental disability, suspension from office, or absence. Any such
 583 disability or absence shall be declared by a majority vote of the city council. The mayor pro
 584 tempore shall sign all contracts and ordinances in which the mayor has a disqualifying
 585 financial interest as provided in Section 2.14 of this charter. When acting as mayor, the
 586 mayor pro tempore shall continue to have only one vote as a member of the council.

587 **ARTICLE III**588 **ADMINISTRATIVE AFFAIRS**589 **SECTION 3.10.**

590 Administrative and service departments.

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

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

598 (c) All appointed officers and directors of departments shall receive such compensation
 599 as prescribed by the budget resolution or ordinance establishing position classifications and
 600 pay plans.

601 (d) There shall be a director or department head of each department or agency who shall
 602 be its principal officer. Each director or department head shall, subject to the direction and
 603 supervision of the city manager or the city council, as the case may be, be responsible for
 604 the administration and direction of the affairs and operations of that director or department
 605 head's department or agency.

606 (e) A director or department head removed or suspended by the city manager pursuant to
 607 Section 2.27 of this charter shall have the right to appeal said suspension or removal by
 608 filing with the city council an appeal, in writing, fully stating the reasons for said appeal,
 609 no later than fifteen days after the date such suspension or removal is to take effect. If the
 610 appeal is timely filed, the city council shall have fifteen days after the date of filing to
 611 consider the appeal and set a hearing, which shall be open to the public and presided over

612 by the city attorney; provided, however, the hearing shall in no event be set later than thirty
613 days after the date such suspension or removal is to take effect. The city council shall have
614 fifteen days following the hearing to make a final determination. Any director or
615 department head who appeals pursuant to this section is determined to be suspended with
616 pay.

617 **SECTION 3.11.**

618 **Boards, commissions, and authorities.**

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

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

627 (c) The city council by ordinance may provide for the compensation and reimbursement
628 for actual and necessary expenses of the members of any board, commission, or authority.
629 The city council may also by ordinance provide for liability coverage for all members of
630 any board, commission, or authority while such members are conducting official business
631 of the city.

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

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

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

641 (g) Any member of a board, commission, or authority may be removed from office at will
642 by a majority vote of the members of the city council.

643 (h) Except as otherwise provided by this charter or by law, each board, commission, or
644 authority of the city shall elect one of its members as chair and one member as vice-chair
645 and may elect as its secretary one of its own members or may appoint as secretary an
646 employee of the city. Each board, commission, or authority of the city government may

647 establish such bylaws, rules, and regulations, not inconsistent with this charter, ordinances
648 of the city, or law, as it deems appropriate and necessary for the fulfillment of its duties or
649 the conduct of its affairs. Copies of such bylaws, rules, and regulations shall be filed with
650 the clerk of the city.

651 **SECTION 3.12.**

652 City attorney.

653 The city council shall appoint a city attorney, together with such assistant city attorneys as
654 may be authorized, and shall provide for the payment of such attorney or attorneys for
655 service rendered to the city. The city attorney shall be responsible for providing for the
656 representation and defense of the city in all litigation in which the city is a party; may be the
657 prosecuting officer in the municipal courts; shall attend the meetings of the city council as
658 directed; shall advise the city council and other officers and employees of the city concerning
659 legal aspects of the city's affairs; shall administer oath of office to each member of the city
660 council, including the mayor; shall draft or review every ordinance submitted to the city
661 council and, as a matter of course, shall sign each such ordinance indicating such drafting or
662 review; and shall perform such other duties as may be required of the city attorney by virtue
663 of such person's position as city attorney.

664 **SECTION 3.13.**

665 City clerk.

666 The city council shall appoint a city clerk who shall:

- 667 (a) Be responsible for keeping and preserving the city seal and all records of the city
668 council;
- 669 (b) Attend all meetings of the city council and keep minutes of the proceeding at such
670 meetings;
- 671 (c) Perform such other duties as may be required by the city council or the city manager;
672 and
- 673 (d) Collect taxes, licenses, fees, and other moneys belonging to the city subject to the
674 provisions of this charter and the ordinances of the city and to enforce all laws of Georgia
675 relating to the collection of delinquent taxes and sale or foreclosure for nonpayment of
676 taxes by the city.

677 The city clerk may also serve as city manager if appointed as such by the city council.

678 **SECTION 3.14.**

679 City auditor.

680 The city council may appoint a city auditor to perform the duties of an accountant.

681 **SECTION 3.15.**

682 Position classification and pay plans.

683 The city clerk shall be responsible for the preparation of a position classification and pay
 684 plan which shall be submitted to the city council for approval. Such plan may apply to all
 685 employees of the city and any of its agencies, departments, boards, commissions, or
 686 authorities. When a pay plan has been adopted, the city council shall not increase or decrease
 687 the salary range applicable to any position except by amendment of such pay plan. For
 688 purposes of this section, elected and appointed city officials are not city employees. The city
 689 manager, city attorney, and city auditor shall receive such compensation as provided by the
 690 city council which appoints them to their respective offices.

691 **SECTION 3.16.**

692 Personnel policies.

693 All employees serve at will and may be removed from office at any time unless otherwise
 694 provided by ordinance. The city manager shall be responsible for the preparation of
 695 personnel policies which shall be submitted to the city council for approval. Personnel
 696 policies shall be adopted consistent with this charter concerning:

- 697 (a) The method of employee selection and probationary periods of employment;
 698 (b) The administration of the position classification and pay plan, methods of promotion
 699 and application of service rating thereto, and transfer of employees within the classification
 700 plan;
 701 (c) Hours of work, vacation, sick leave, and other leaves of absence, overtime pay, and the
 702 order and manner in which layoffs shall be effected;
 703 (d) Such dismissal hearings as due process may require; and
 704 (e) Such other personnel notices as may be necessary to provide for adequate and
 705 systematic handling of personnel affairs.

706 ARTICLE IV
 707 JUDICIAL BRANCH
 708 **SECTION 4.10.**
 709 Creation; name.

710 There shall be a court to be known as the Municipal Court of the City of Sparks.

711 **SECTION 4.11.**
 712 Chief judge; associate judge.

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

715 (b) No person shall be qualified or eligible to serve as a judge on the municipal court
 716 unless that person shall have attained the age of 21 years and meets the qualifications
 717 provided in general law for municipal court judges. All judges shall be appointed by the
 718 city council and shall serve until a successor is appointed and qualified.

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

720 (d) Judges may be removed from office in accordance with state law.

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

725 **SECTION 4.12.**
 726 Convening.

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

728 **SECTION 4.13.**
 729 Jurisdiction; powers.

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

732 (b) The municipal court shall have authority to punish those in its presence for contempt,
 733 provided that such punishment shall not exceed \$300.00 or ten days in jail.

734 (c) The municipal court may fix punishment for offenses within its jurisdiction not
 735 exceeding a fine of \$1,000.00 or imprisonment for twelve months or both, or may fix

736 punishment by fine, imprisonment, or alternative sentencing, up to the maximum amount
737 as is now and hereafter provided by law.

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

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

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

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

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

765 **SECTION 4.14.**

766 **Certiorari.**

767 The right of certiorari from the decision and judgment of the municipal court shall exist in
768 all criminal cases and ordinance violation cases, and such certiorari shall be obtained under
769 the sanction of a judge of the Superior Court of Cook County under the laws of the State of
770 Georgia regulating the granting and issuance of writs of certiorari.

771 **SECTION 4.15.**

772 Rules for court.

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

780 **ARTICLE V**781 **ELECTIONS AND REMOVAL**782 **SECTION 5.10.**

783 Applicability of general law.

784 All elections shall be held and conducted in accordance with O.C.G.A. § 21-2-1 et seq., the
 785 "Georgia Election Code," as now or hereafter amended.

786 **SECTION 5.11.**

787 Election of the city council and mayor.

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

790 (b) The mayor and councilmembers elected to Posts 1, 2, and 3 at the general municipal
 791 election in November, 2017 shall serve for and during the four-year terms for which they
 792 were elected and until their successors are elected and qualified. The councilmembers
 793 elected to Posts 4, 5, and 6 at the general municipal election in November, 2015 shall serve
 794 for and during the four-year terms for which they were elected and until their successors
 795 are elected and qualified. Thereafter, all successors to the mayor and six councilmembers
 796 shall serve for terms of four years each and until their successors are elected and qualified,
 797 and all shall take office on the first day of January following their elections.

798 **SECTION 5.12.**

799 Nonpartisan elections.

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

802 **SECTION 5.13.**

803 Election by majority vote.

804 The mayor and city council shall be elected by a majority vote of the votes cast for each
805 position. In the event that no candidate receives a majority of the votes cast in said election,
806 a run-off election shall be held between the candidates receiving the highest number of votes.
807 Such run-off shall be held at the time specified by state election law.

808 **SECTION 5.14.**

809 Special elections; vacancies.

810 In the event that the office of mayor or councilmember shall become vacant for any cause
811 whatsoever, the city council or a majority of those remaining shall order a special election
812 to fill the balance of the unexpired term of such official; provided, however, if such vacancy
813 occurs within twelve months of the expiration of the term of that office, the city council or
814 a majority of those members remaining shall appoint a successor for the remainder of the
815 term. In all other aspects, the special election shall be held and conducted in accordance with
816 O.C.G.A. § 21-2-1 et seq., the "Georgia Election Code," as now or hereafter amended.

817 **SECTION 5.15.**

818 Other provisions.

819 Except as otherwise provided by this charter, the city council shall, by ordinance, prescribe
820 such rules and regulations as it deems appropriate to fulfill any options and duties under
821 O.C.G.A. § 21-2-1 et seq., the "Georgia Election Code," as now or hereafter amended.

822 **SECTION 5.16.**

823 Removal of officers.

824 (a) A councilmember, the mayor, or other appointed officers provided for in this charter
 825 shall be removed for any one or more of the causes provided in Title 45 of the O.C.G.A.
 826 or such other applicable laws.

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

829 (1) In the event an elected officer is sought to be removed by the action of the city
 830 council, such officer shall be entitled to a written notice specifying the ground or grounds
 831 for removal and to a public hearing which shall be held not less than ten days after the
 832 service of such written notice. The city council shall provide by ordinance for the manner
 833 in which such hearing shall be held. Any elected officer sought to be removed from
 834 office as provided in this section shall have the right to appeal from the decision of the
 835 city council to the Superior Court of Cook County. Such appeal shall be governed by the
 836 same rules as govern appeals to the superior court from the probate court; or

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

839 **ARTICLE VI**840 **FINANCE**841 **SECTION 6.10.**

842 Property tax.

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

849 **SECTION 6.11.**

850 Millage rate; due dates; payment methods.

851 The city council by ordinance shall establish a millage rate for the city property tax, a due
 852 date, and the time period within which these taxes must be paid. The city council by

853 ordinance may provide for the payment of these taxes by installments or in one lump sum,
854 as well as authorize voluntary payment of taxes prior to the time when due.

855 **SECTION 6.12.**

856 Occupation and business taxes.

857 The city council by ordinance shall have the power to levy such occupation or business taxes
858 as are authorized by law. The city council may classify businesses, occupations, or
859 professions for the purpose of such taxation in any way which may be lawful and may
860 compel the payment of such taxes as provided in Section 6.18 of this charter.

861 **SECTION 6.13.**

862 Licenses; permits; fees.

863 The city council by ordinance shall have the power to require any individuals, businesses,
864 practitioners, or corporations who transact business within this city to obtain a permit for
865 such activity from the city and pay a regulatory fee for such permit as provided by general
866 law. Such fees may reflect the total cost to the City of Sparks of regulating the activity and,
867 if unpaid, shall be collected as provided in Section 6.18 of this charter.

868 **SECTION 6.14.**

869 Franchises.

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

881 (b) To the extent authorized by general law, if no franchise agreement is in effect, the city
882 council has the authority to impose a tax on gross receipts for the use of this city's streets
883 and alleys for the purposes of railroads, street railways, telephone companies, electric

884 companies, electric membership corporations, cable television and other
 885 telecommunications companies, gas companies, transportation companies, and other
 886 similar organizations.

887 **SECTION 6.15.**

888 Services charges.

889 The city council shall have the power to assess and collect fees, charges, and tolls for sewers,
 890 sanitary and health services, or any other services provided or made available within and
 891 outside the corporate limits of the city for the total cost to the City of Sparks of providing or
 892 making available such services. If unpaid, such charges shall be collected as provided in
 893 Section 6.18 of this charter.

894 **SECTION 6.16.**

895 Special assessments.

896 The city council by ordinance shall have the power to assess and collect the cost of
 897 constructing, reconstructing, widening, or improving any public way, street, sidewalk,
 898 curbing, gutters, sewers, or other utility mains and appurtenances from the abutting property
 899 owners under such terms and conditions as are reasonable. If unpaid, such charges shall be
 900 collected as provided in Section 6.18 of this charter.

901 **SECTION 6.17.**

902 Construction; other taxes.

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

906 **SECTION 6.18.**

907 Collection of delinquent taxes and fees.

908 The city council by ordinance may provide generally for the collection of delinquent taxes,
 909 fees, or other revenue due the city under Sections 6.10 through 6.17 of this charter by
 910 whatever reasonable means as are not precluded by law. This shall include providing for the
 911 dates when the taxes or fees are due; late penalties or interest; issuance and execution of
 912 fi.fa.'s; creation and priority of liens; making delinquent taxes and fees personal debts of the

913 persons required to pay the taxes or fees imposed; revoking city licenses for failure to pay
 914 any city taxes or fees; and providing for the assignment or transfer of tax executions.

915 **SECTION 6.19.**

916 General obligation bonds.

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

921 **SECTION 6.20.**

922 Revenue bonds.

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

926 **SECTION 6.21.**

927 Short-term loans.

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

930 **SECTION 6.22.**

931 Lease-purchase contracts.

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

939 **SECTION 6.23.**

940 Fiscal year.

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

944 **SECTION 6.24.**

945 Budget ordinance.

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

951 **SECTION 6.25.**

952 Operating budget.

953 On or before the date fixed by the city council but not later than fifteen days prior to the
954 beginning of each fiscal year, the city manager shall submit to the city council a proposed
955 operating budget for the ensuing fiscal year. The budget shall be accompanied by a message
956 from the city manager containing a statement of general fiscal policies of the city, the
957 important features of the budget, explanations of major changes recommended for the next
958 fiscal year, a general summary of the budget, and such other comments and information as
959 the city manager may deem pertinent. The operating budget and the capital budget provided
960 for in Section 6.29 of this charter, the budget message, and all supporting documents shall
961 be filed in the office of the city clerk and shall be open to public inspection.

962 **SECTION 6.26.**

963 Action by city council on budget.

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

969 (b) The city council by ordinance shall adopt the final operating budget for the ensuing
 970 fiscal year not later than May 15 of each year. If the city council fails to adopt the budget
 971 by said date, the amounts appropriated for operation of the then current fiscal year shall be
 972 deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items
 973 prorated accordingly, until such time as the city council adopts a budget for the ensuing
 974 fiscal year. Adoption of the budget shall take the form of an appropriations ordinance
 975 setting out the estimated revenues in detail by sources and making appropriations according
 976 to fund and by organizational unit, purpose, or activity as set out in the budget preparation
 977 ordinance adopted pursuant to Section 6.24 of this charter.

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

982 **SECTION 6.27.**

983 Levy of taxes.

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

990 **SECTION 6.28.**

991 Changes in appropriations.

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

996 **SECTION 6.29.**

997 Capital improvements.

998 (a) On or before the date fixed by the city council, but not later than thirty days prior to the
 999 beginning of each fiscal year, the councilmembers shall consider a capital improvements

1000 plan with a recommended capital budget containing the means of financing the
1001 improvements proposed for the ensuing fiscal year.

1002 (b) The city council shall adopt by ordinance the final capital budget for the ensuing fiscal
1003 year not later than March 15 of each year. No appropriation provided for in a prior capital
1004 budget shall lapse until the purpose for which the appropriation was made shall have been
1005 accomplished or abandoned; provided, however, the city manager may submit amendments
1006 to the capital budget at any time during the fiscal year, accompanied by recommendations.
1007 Any such amendments to the capital budget shall become effective only upon adoption by
1008 ordinance.

1009 **SECTION 6.30.**

1010 Audits.

1011 There shall be an annual independent audit of all city accounts, funds, and financial
1012 transactions by a certified public accountant selected by the city council. The audit shall be
1013 conducted according to generally accepted auditing principles. Any audit of any funds by
1014 the state or federal governments may be accepted as satisfying the requirements of this
1015 charter. Copies of annual audit reports shall be available at printing costs to the public.

1016 **SECTION 6.31.**

1017 Contracts.

1018 The city manager shall examine all proposed contracts to which the City of Sparks may be
1019 a party and shall prepare for the mayor's signature any contract authorized by the city
1020 council. No contract with the city shall be binding on the city unless:

1021 (a) It is in writing;

1022 (b) It is drawn by or submitted and reviewed by the city attorney and, as a matter of
1023 course, is signed by the city attorney to indicate such drafting or review; and

1024 (c) It is made or authorized by the city council and such approval is entered in the city
1025 council journal of proceedings pursuant to Section 2.19 of this charter.

1026 **SECTION 6.32.**

1027 Purchasing.

1028 The city council shall by ordinance prescribe procedures for a system of centralized
1029 purchasing for the city.

1030 **SECTION 6.33.**

1031 Sale and lease of property.

1032 The city council may sell and convey or lease any real or personal property owned or held
1033 by the city for governmental or other purposes as now or hereafter provided by law.

1034 **ARTICLE VII**

1035 **GENERAL PROVISIONS**

1036 **SECTION 7.10.**

1037 Bonds for officials.

1038 The officers and employees of this city, both elected and appointed, shall execute such surety
1039 or fidelity bonds in such amounts and upon such terms and conditions as the city council
1040 shall from time to time require by ordinance or as may be provided by law.

1041 **SECTION 7.11.**

1042 Prior ordinances.

1043 All ordinances, resolutions, rules, and regulations now in force in the city not inconsistent
1044 with this charter are declared valid and of full effect and force until amended or repealed by
1045 the city council.

1046 **SECTION 7.12.**

1047 Existing personnel and officers.

1048 Except as specifically provided otherwise by this charter, all personnel and officers of this
1049 city and their rights, privileges, and powers shall continue beyond the time this charter takes
1050 effect for a period of ninety days before or during which time the existing city council shall
1051 pass a transition ordinance detailing the changes in personnel and appointed officers required
1052 or desired and arranging such titles, rights, privileges, and powers as may be required or
1053 desired to allow a reasonable transition.

1054 **SECTION 7.13.**

1055 Pending matters.

1056 Except as specifically provided otherwise by this charter, all rights, claims, actions, orders,
1057 contracts, and legal or administrative proceedings shall continue and any such ongoing work

1058 or cases shall be completed by such city agencies, personnel, or offices as may be provided
1059 by the city council.

1060 **SECTION 7.14.**

1061 Definitions and construction.

1062 (a) Section captions in this charter are informative only and shall not be considered as a
1063 part thereof.

1064 (b) The word "shall" is mandatory and the word "may" is permissive.

1065 (c) The singular shall include the plural, the masculine shall include the feminine, and vice
1066 versa.

1067 (d) Except as specifically provided otherwise by this charter, the terms "city council" and
1068 "councilmember" mean the members of the city council.

1069 **SECTION 7.15.**

1070 Responsibility for prior obligations and specific repealer.

1071 The City of Sparks is hereby made responsible as a corporate body for all legal debts,
1072 contracts and obligations for which the City of Sparks, as incorporated under an Act
1073 approved December 20, 1899 (Ga. Laws 1899, p. 271), as amended (the "Prior Act"), is now
1074 obligated. The Prior Act is hereby repealed in its entirety.

1075 **SECTION 7.16.**

1076 General repealer.

1077 All laws and parts of laws in conflict with this charter are repealed.