

House Bill 710

By: Representatives Petrea of the 166th, Stephens of the 164th, Gilliard of the 162nd, Hitchens of the 161st, and Gordon of the 163rd

A BILL TO BE ENTITLED
AN ACT

1 To incorporate the City of Chatham Islands; to provide for a charter for the City of Chatham
2 Islands; to provide for incorporation, boundaries, and powers of the city; to provide for a
3 governing authority of such city and the powers, duties, authority, election, terms, method
4 of filling vacancies, compensation, qualifications, prohibitions, and removal from office
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 and codes; to provide
7 for the offices of mayor and city manager and certain duties and powers relative to those
8 offices; to provide for administrative responsibilities; to provide for boards, commissions,
9 and authorities; to provide for a city attorney, a city clerk, and other personnel; to provide for
10 a municipal court and the judge or judges thereof; to provide for practices and procedures;
11 to provide for taxation and fees; to provide for franchises, service charges, and assessments;
12 to provide for bonded and other indebtedness; to provide for accounting and budgeting; to
13 provide for purchases; to provide for the sale of property; to provide for bonds for officials;
14 to provide for definitions and construction; to provide for other matters relative to the
15 foregoing; to provide for a transition period; to provide for related matters; to provide for a
16 referendum; to provide for contingent effective dates; to repeal conflicting laws; and for
17 other purposes.

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

19 ARTICLE I
20 INCORPORATION AND POWERS
21 SECTION 1.10.

22 Name.

23 This city and the inhabitants thereof are incorporated by the enactment of this charter and are
24 hereby constituted and declared a body politic and corporate under the name and style City
25 of Chatham Islands, Georgia, and by that name shall have perpetual succession.

26

SECTION 1.11.

27

Corporate boundaries.

28 (a) The corporate boundaries of this city shall include all of that territory described in and
 29 set forth in Appendix A of this charter which is incorporated into and made a part of this
 30 charter.

31 (b) The city clerk shall maintain a current map and written legal description of the corporate
 32 boundaries of the city, and such map and description shall incorporate any changes which
 33 may hereafter be made in such corporate boundaries.

34

SECTION 1.12.

35

Powers and construction.

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

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

43

SECTION 1.13.

44

Examples of powers.

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

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

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

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

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

68 (6) Contracts. To enter into contracts and agreements with other governmental entities
69 and with private persons, firms, and corporations.

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

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

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

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

90 (11) General health, safety, and welfare. To define, regulate, and prohibit any act,
91 practice, conduct, or use of property which is detrimental to health, sanitation,
92 cleanliness, welfare, and safety of the inhabitants of the city and to provide for the
93 enforcement of such standards.

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

97 (13) Health and sanitation. To prescribe standards of health and sanitation and to
98 provide for the enforcement of such standards.

99 (14) Jail sentences. To provide that persons given jail sentences in the city's court may
100 work out such sentences in any public works or on the streets, roads, drains, and other
101 public property in the city; to provide for commitment of such persons to any jail; to
102 provide for the use of pretrial diversion and any alternative sentencing allowed by law;
103 or to provide for commitment of such persons to any county work camp or county jail by
104 agreement with the appropriate county officials.

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

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

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

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

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

121 (20) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose
122 of public utilities, including, but not limited to, a system of waterworks, sewers and
123 drains, sewage disposal, storm-water management, gas works, electric light plants, cable
124 television and other telecommunications, transportation facilities, public airports, and any
125 other public utility; to fix the taxes, charges, rates, fares, fees, assessments, regulations,
126 and penalties; and to provide for the withdrawal of service for refusal or failure to pay the
127 same.

128 (21) Nuisance. To define a nuisance and provide for its abatement whether on public or
129 private property.

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

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

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

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

140 (26) Public improvements. To provide for the acquisition, construction, building,
141 operation, and maintenance of public improvements, inside or outside the corporate limits
142 of the city; to regulate the use of public improvements; and for such purposes, property
143 may be acquired by condemnation under Title 22 of the O.C.G.A., or such other
144 applicable laws as are or may hereafter be enacted.

145 (27) Public peace. To provide for the prevention and punishment of loitering, disorderly
146 conduct, drunkenness, riots, and public disturbances.

147 (28) Public transportation. To organize and operate such public transportation systems
148 as are deemed beneficial.

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

154 (30) Regulation of roadside areas. To prohibit or regulate and control the erection,
155 removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any
156 and all other structures or obstructions upon or adjacent to the rights-of-way of streets and
157 roads or within view thereof, within or abutting the corporate limits of the city; and to
158 prescribe penalties and punishment for violation of such ordinances.

159 (31) Retirement. To provide and maintain a retirement plan and other employee benefit
160 plans and programs for officers and employees of the city.

161 (32) Roadways. To lay out, open, extend, widen, narrow, establish or change the grade
162 of, abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise
163 improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and
164 walkways within the corporate limits of the city; and to grant franchises and
165 rights-of-way throughout the streets and roads and over the bridges and viaducts for the
166 use of public utilities; and to require real estate owners to repair and maintain in a safe

167 condition the sidewalks adjoining their lots or lands and to impose penalties for failure
168 to do so.

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

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

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

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

190 (37) Taxes: ad valorem. To levy and provide for the assessment, valuation, revaluation,
191 and collection of taxes on all property subject to taxation.

192 (38) Taxes: other. To levy and collect such other taxes as may be allowed now or in the
193 future by law.

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

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

199 (41) Other powers. To exercise and enjoy all other powers, functions, rights, privileges,
200 and immunities necessary or desirable to promote or protect the safety, health, peace,
201 security, good order, comfort, convenience, or general welfare of the city and its
202 inhabitants; to exercise all implied powers necessary or desirable to carry into execution
203 all powers granted in this charter as fully and completely as if such powers were fully

204 stated herein; and to exercise all powers now or in the future authorized to be exercised
 205 by other municipal governments under other laws of the State of Georgia. No listing of
 206 particular powers in this charter shall be held to be exclusive of others, nor restrictive of
 207 general words and phrases granting powers, but shall be held to be in addition to such
 208 powers unless expressly prohibited to municipalities under the Constitution or applicable
 209 laws of the State of Georgia.

210 **SECTION 1.14.**

211 Exercise of powers.

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

216 **ARTICLE II**

217 **GOVERNMENT STRUCTURE**

218 **SECTION 2.10.**

219 City council; creation; number; election.

220 The legislative authority of the government of this city, except as otherwise specifically
 221 provided in this charter, shall be vested in a city council to be composed of a mayor and four
 222 councilmembers. The councilmembers shall be elected in the manner provided by general
 223 law and this charter. The members of the council shall be elected at-large by the voters of
 224 the entire city in accordance with provisions of Article V of this charter. The mayor shall be
 225 elected as provided in Section 2.32 of this charter.

226 **SECTION 2.11.**

227 City council terms and qualifications for office; initial election and terms.

228 (a) Except as provided otherwise in this charter, the members of the city council shall serve
 229 for terms of four years and until their respective successors are elected and qualified. No
 230 person shall be eligible to serve as councilmember unless that person is at least 21 years of
 231 age at the time of qualifying and has been a resident of the territory encompassed by the city
 232 boundaries for at least 12 months prior to the date of his or her election; each shall continue
 233 to reside therein during that member's period of service and to be registered and qualified to
 234 vote in municipal elections of this city.

235 (b) For the purpose of electing members of the council, the City of Chatham Islands shall
 236 consist of four council posts which shall be designated Council Posts 1, 2, 3, and 4. At the
 237 time of qualifying, each candidate for election to the council other than the mayor shall
 238 designate the council post that he or she seeks to represent.

239 (c) The first election for mayor and councilmembers shall be a special election held on the
 240 Tuesday after the first Monday in November, 2020. At such election, the mayor and
 241 councilmembers from Council Posts 1 and 2 shall be elected for initial terms of office
 242 beginning immediately after their election and expiring on December 31, 2025. The
 243 councilmembers elected from Council Posts 3 and 4 shall be elected for initial terms of office
 244 beginning immediately after their election and expiring on December 31, 2023. Thereafter,
 245 their successors shall be elected for terms of four years. All members shall serve until their
 246 successors are elected and qualified.

247 **SECTION 2.12.**

248 Vacancy; filling of vacancies.

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

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

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

262 **SECTION 2.13.**

263 Compensation and expenses.

264 The mayor shall receive a salary of \$4,000.00 per annum to be paid in equal monthly
 265 amounts from funds of the city, and councilmembers shall receive a salary of \$3,000.00 per
 266 annum to be paid in equal monthly amounts from funds of the city for their services. In

267 addition, the mayor and councilmembers shall be reimbursed for their necessary and actual
 268 expenses incurred in the performance of their duties of office as provided by ordinance.

269 **SECTION 2.14.**

270 Holding other office; voting when financially interested.

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

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

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

277 **SECTION 2.15.**

278 Inquiries and Investigations.

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

285 **SECTION 2.16.**

286 General power and authority of the city council.

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

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

296 **SECTION 2.17.**

297 Eminent domain.

298 The city council is hereby empowered to acquire, construct, operate, and maintain public
299 improvements inside or outside the city and to regulate the use thereof, and for such
300 purposes, property may be condemned under procedures established under general law
301 applicable now or as provided in the future.

302 **SECTION 2.18.**

303 Organizational meetings.

304 The city council shall hold an organizational meeting on the first business day in January
305 following each election year for members of the city council. The meeting shall be called
306 to order by the city clerk, and the oath of office shall be administered to the newly elected
307 members by a judicial officer authorized to administer oaths and shall, to the extent that it
308 comports with federal and state law, be as follows:

309 "I do solemnly (swear)(affirm) that I will faithfully perform the duties of
310 (mayor)(councilmember) of this city and that I will support and defend the charter thereof
311 as well as the constitution and laws of the State of Georgia and of the United States of
312 America. I am not the holder of any unaccounted for public money due this state or any
313 political subdivision or authority thereof. I am not the holder of any office of trust under
314 the government of the United States, any other state, or any foreign state which I by the
315 laws of the State of Georgia am prohibited from holding. I am otherwise qualified to hold
316 such office according to the Constitution and laws of Georgia and the municipal charter.
317 I have been a resident of the City of Chatham Islands for the time required by the
318 Constitution and laws of this state and by the municipal charter. I will perform the duties
319 of my office in the best interest of the City of Chatham Islands to the best of my ability
320 without fear, favor, affection, reward, or expectation thereof."

321 **SECTION 2.19.**

322 Regular and special meetings.

323 (a) The city council shall hold not less than 12 regular meetings each year at such times and
324 places as shall be prescribed by ordinance.

325 (b) Special meetings of the city council may be held on call of the mayor or two members
326 of the city council. Notice of such special meetings shall be served on all other members
327 personally, or by telephone personally, at least 48 hours in advance of the meeting. Such

328 notice to such members shall not be required if the mayor and all councilmembers are present
 329 when the special meeting is called. Such notice of any special meeting may be waived by
 330 the mayor or a councilmember in writing before or after such a meeting, and attendance at
 331 the meeting shall also constitute a waiver of notice on any business transacted in such
 332 councilmember's presence. Only the business stated in the call may be transacted at the
 333 special meeting, and no other business may be transacted at such meeting.

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

338 **SECTION 2.20.**

339 Rules of procedure.

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

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

346 **SECTION 2.21.**

347 Quorum; voting.

348 (a) A majority of councilmembers shall constitute a quorum and shall be authorized to
 349 transact business of the city council. Voting on the adoption of ordinances shall be by voice
 350 vote and the vote shall be recorded in the journal, but any member of the city council shall
 351 have the right to request a roll call vote and such vote shall be recorded in the journal.
 352 Except as otherwise provided in this charter, the affirmative vote of a majority of
 353 councilmembers present shall be required for the adoption of any ordinance, resolution, or
 354 motion; provided, however, that no ordinance shall be enacted except upon the affirmative
 355 vote of three councilmembers.

356 (b) No member of the city council shall abstain from voting on any matter properly brought
 357 before the city council for official action except when such councilmember has a conflict of
 358 interest which is disclosed in writing prior to or at the meeting and made a part of the
 359 minutes. Any member of the city council present and eligible to vote on a matter and
 360 refusing to do so for any reason other than a properly disclosed and recorded conflict of

361 interest shall be deemed to have acquiesced or concurred with the members of the majority
362 who did vote on the question involved.

363 **SECTION 2.22.**

364 Ordinance form; procedures.

365 (a) Every proposed ordinance shall be introduced in writing and in the form required for
366 final adoption. No ordinance shall contain a subject which is not expressed in its title. The
367 enacting clause shall be "It is hereby ordained by the governing authority of the City of
368 Chatham Islands" and every ordinance shall so begin.

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

377 (c) Each ordinance shall contain only one subject which shall be expressed in its title;
378 provided, however, that appropriation ordinances may contain the various subjects, accounts,
379 and amounts for which moneys are appropriated and that ordinances which are codified or
380 recodified are not subject to the limitations of containing one subject.

381 **SECTION 2.23.**

382 Action requiring an ordinance.

383 Actions of the city council which have the force and effect of law shall be enacted by
384 ordinance. Every action of a general or permanent nature, including, but not limited to,
385 granting a franchise, levying a tax, appropriating money, contracting indebtedness to be
386 evidenced by the issuance of bonds or notes, for the purchase, lease, sale, or transfer of real
387 property or for establishing an offense and fixing the penalty therefor shall be taken by
388 ordinance in the manner provided in this charter.

389

SECTION 2.24.

390

Emergencies.

391 (a) To meet a public emergency affecting life, health, property, or public peace, the city
 392 council may convene on call of the mayor or two councilmembers and promptly adopt an
 393 emergency ordinance, but such ordinance may not levy taxes; grant, renew, or extend a
 394 franchise; regulate the rate charged by any public utility for its services; or authorize the
 395 borrowing of money except for loans to be repaid within 30 days. An emergency ordinance
 396 shall be introduced in the form prescribed for ordinances generally, except that it shall be
 397 plainly designated as an emergency ordinance and shall contain, after the enacting clause,
 398 a declaration stating that an emergency exists and describing the emergency in clear and
 399 specific terms. An emergency ordinance may be adopted, with or without amendment, or
 400 rejected at the meeting at which it is introduced, but the affirmative vote of at least a majority
 401 of councilmembers present shall be required for adoption. It shall become effective upon
 402 adoption or at such later time as it may specify. Every emergency ordinance shall
 403 automatically stand repealed 30 days following the date upon which it was adopted, but this
 404 shall not prevent reenactment of the ordinance in the manner specified in this section if the
 405 emergency still exists. An emergency ordinance may also be repealed by adoption of a
 406 repealing ordinance in the same manner specified in this section for adoption of emergency
 407 ordinances.

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

412

SECTION 2.25.

413

Codes of technical regulations.

414 (a) The city council may adopt any standard code of technical regulations by reference
 415 thereto in an adopting ordinance. The procedure and requirements governing such adopting
 416 ordinance shall be as prescribed for ordinances generally except that the requirements of
 417 subsection (b) of Section 2.22 of this charter for distribution and filing of copies of the
 418 ordinance shall be construed to include copies of any code of technical regulations, as well
 419 as the adopting ordinance and a copy of each adopted code of technical regulations, as well
 420 as the adopting ordinance, and shall be authenticated and recorded by the city clerk pursuant
 421 to Section 2.26 of this charter.

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

424 **SECTION 2.26.**

425 Signing; authenticating; recording; codification; printing.

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

428 (b) The city council shall provide for the preparation of a general codification of all the
429 ordinances of the city having the force and effect of law. The general codification shall be
430 adopted by the city council by ordinance and shall be published promptly, together with all
431 amendments thereto and such codes of technical regulations and other rules and regulations
432 as the city council may specify. This compilation shall be known and cited officially as "The
433 Code of the City of Chatham Islands, Georgia." Copies of the code shall be furnished to all
434 officers, departments, and agencies of the city and shall be made available for purchase by
435 the public at a reasonable price as fixed by the city council.

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

445 **SECTION 2.27.**

446 City manager; appointment; qualifications; compensation.

447 The city council shall appoint a city manager for an indefinite term and shall fix the city
448 manager's compensation. The city manager shall be appointed solely on the basis of
449 executive and administrative qualifications.

450 **SECTION 2.28.**

451 Removal of city manager.

452 The city manager is employed at will and may be summarily removed from office at any time
453 by the city council.

454 **SECTION 2.29.**

455 Acting city manager.

456 By letter filed with the city clerk, the city manager shall designate, subject to approval of the
457 city council, a qualified city administrative officer to exercise the powers and perform the
458 duties of the city manager during the city manager's temporary absence or physical or mental
459 disability. During such absence or disability, the city council may revoke such designation
460 at any time and appoint another officer of the city to serve until the city manager shall return
461 or the city manager's disability shall cease.

462 **SECTION 2.30.**

463 Powers and duties of the city manager.

464 The city manager shall be the chief administrative officer of the city. The city manager shall
465 be responsible to the city council for the administration of all city affairs placed in the city
466 manager's charge by or under this charter. As the chief administrative officer, the city
467 manager shall:

- 468 (1) Appoint and, when the city manager deems it necessary for the good of the city,
469 suspend or remove any city employee and administrative officer that the city manager
470 appoints, except as otherwise provided by law or personnel ordinances adopted pursuant
471 to this charter. The city manager may authorize any administrative officer who is subject
472 to the city manager's direction and supervision to exercise these powers with respect to
473 subordinates in that officer's department, office, or agency;
- 474 (2) Direct and supervise the administration of all departments, offices, and agencies of
475 the city, except as otherwise provided by this charter or by law;
- 476 (3) Attend all city council meetings except for closed meetings held for the purposes of
477 deliberating on the appointment, discipline, or removal of the city manager and have the
478 right to take part in discussion but not vote;
- 479 (4) See that all laws, provisions of this charter, and acts of the city council, subject to
480 enforcement by the city manager or by officers subject to the city manager's direction and
481 supervision, are faithfully executed;

- 482 (5) Prepare and submit the annual operating budget and capital budget to the city
483 council;
- 484 (6) Submit to the city council and make available to the public a complete report on the
485 finances and administrative activities of the city as of the end of each fiscal year;
- 486 (7) Fulfill state reporting requirements of Code Section 36-80-16 of the O.C.G.A., the
487 "Local Government Authorities Registration Act"; the Department of Community Affairs
488 local planning requirements for "Qualified Local Government" (QLG) status; and the
489 requirements of Article 2 of Chapter 70 of Title 36 of the O.C.G.A., regarding service
490 delivery;
- 491 (8) Make such other reports as the city council may require concerning the operations
492 of city departments, offices, and agencies subject to the city manager's direction and
493 supervision;
- 494 (9) Keep the city council fully advised as to the financial condition and future needs of
495 the city and make such recommendations to the city council concerning the affairs of the
496 city as the city manager deems desirable; and
- 497 (10) Perform other such duties as are specified in this charter or as may be required by
498 the city council.

499 **SECTION 2.31.**

500 Council interference with administration.

501 Except for the purpose of inquiries and investigations under Section 2.15 of this charter, the
502 city council or its members shall deal with city officers and employees who are subject to the
503 direction and supervision of the city manager solely through the city manager, and neither
504 the city council nor its members shall give orders to any such officer or employee, either
505 publicly or privately.

506 **SECTION 2.32.**

507 Election of mayor and selection mayor pro tem.

508 In accordance with the alternating election cycle for terms of office in subsection (b) of
509 Section 5.11 of this charter, except as otherwise provided in this charter, at each regular
510 election where the mayor is to be elected, the voters of the city shall elect a mayor at large
511 for a term of four years. At the first organizational meeting in January, 2021, and thereafter
512 at the beginning of each even-numbered year, beginning in 2022, the city council shall elect
513 from among its members a mayor pro tem who shall act as mayor during the absence or
514 disability of the mayor, but shall only have one vote on matters before the city council, and,

515 if a vacancy occurs, the mayor pro tem shall become mayor for the remainder of the expired
516 term.

517 **SECTION 2.33.**

518 Powers and duties of mayor.

519 The mayor shall:

- 520 (1) Preside at all meetings of the city council;
- 521 (2) Be the head of the city for the purpose of service of process and for ceremonial
522 purposes and shall be the official spokesperson for the city and the chief advocate of
523 policy;
- 524 (3) Have power to administer oaths and to take affidavits; and
- 525 (4) Sign as a matter of course on behalf of the city all written and approved contracts,
526 ordinances, and other instruments executed by the city which by law are required to be
527 in writing.

528 **SECTION 2.34.**

529 Position of mayor pro tem.

530 During the absence or physical or mental disability of the mayor for any reason, the mayor
531 pro tem, or in the mayor pro tem's absence or disability for any reason, any one of the
532 councilmembers chosen by a majority vote of the city council, shall be clothed with all the
533 rights and privileges of the mayor and shall perform the duties of the office of the mayor so
534 long as such absence or disability shall continue. Any such absence or disability shall be
535 declared by majority vote of all councilmembers. The mayor pro tem or selected
536 councilmember shall sign all contracts and ordinances in which the mayor has a disqualifying
537 financial interest as provided in Section 2.14 of this charter. When acting as mayor, the
538 mayor pro tem shall continue to have only one vote as a member of the council.

539 **ARTICLE III**

540 **ADMINISTRATIVE STRUCTURE**

541 **SECTION 3.10.**

542 Administrative and service departments.

543 (a) Except as otherwise provided in this charter, the city council, by ordinance, shall
544 prescribe the functions or duties, and establish, abolish, alter, consolidate, or leave vacant all

545 nonelective offices, positions of employment, departments, and agencies of the city, as
 546 necessary for the proper administration of the affairs and government of this city.

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

550 (c) All appointive officers and directors of departments shall receive such compensation as
 551 prescribed by ordinance or resolution.

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

556 (e) All appointive officers and directors under the supervision of the city manager shall be
 557 appointed by the city manager. All appointive officers and directors shall be employees at
 558 will and subject to removal or suspension at any time by the city manager unless otherwise
 559 provided by law or ordinance.

560 **SECTION 3.11.**

561 Consolidation of functions.

562 The city manager may consolidate any two or more positions or functions or may assign the
 563 functions of any one or more positions to the holder or holders of any other positions. The
 564 city manager may also perform all or part of the functions of any of the positions or offices
 565 in lieu of the appointment of other persons to perform the same.

566 **SECTION 3.12.**

567 Boards, commissions, and authorities.

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

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

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

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

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

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

587 (g) All board members serve at-will and may be removed at any time by a vote of three
588 members of the city council unless otherwise provided by law.

589 (h) Except as otherwise provided by this charter or by law, each board, commission, or
590 authority of the city shall elect one of its members as chairperson and one member as
591 vice-chairperson and may elect as its secretary one of its own members or may appoint as
592 secretary an employee of the city. Each board, commission, or authority of the city
593 government may establish such bylaws, rules, and regulations, not inconsistent with this
594 charter, ordinances of the city, or law, as it deems appropriate and necessary for the
595 fulfillment of its duties or the conduct of its affairs. Approval of such bylaws, rules, and
596 regulations shall be authorized by the affirmative vote of city council. Copies of such
597 bylaws, rules, and regulations shall be filed with the city clerk.

598 **SECTION 3.13.**

599 City attorney.

600 The city council shall appoint a city attorney, together with such assistant city attorneys as
601 may be authorized, and shall provide for the payment of such attorney or attorneys for
602 services rendered to the city. The city attorney shall be responsible for providing for the
603 representation and defense of the city in all litigation in which the city is a party; may be the
604 prosecuting officer in the municipal court; shall attend the meetings of the council as
605 directed; shall advise the city council, mayor, and other officers and employees of the city
606 concerning legal aspects of the city's affairs; and shall perform such other duties as may be
607 required by virtue of such person's position as city attorney. The city attorney shall not be
608 a public official of the city and shall not take an oath of office. The city attorney shall at all
609 times be an independent contractor. A law firm, rather than an individual, may be designated
610 as the city attorney.

611 **SECTION 3.14.**

612 City clerk.

613 The city council shall appoint a city clerk who shall not be a councilmember. The city clerk
 614 shall be custodian of the official city seal and city records; maintain city council records
 615 required by this charter; and perform such other duties as may be required by the city
 616 council.

617 **SECTION 3.15.**

618 Position classification and pay plans.

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

625 **ARTICLE IV**626 **JUDICIAL BRANCH**627 **SECTION 4.10.**

628 Creation; name.

629 There shall be a court to be known as the Municipal Court of the City of Chatham Islands.

630 **SECTION 4.11.**

631 Chief judge; associate judge.

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

634 (b) No person shall be qualified or eligible to serve as a judge on the municipal court unless
 635 that person shall have attained the age of 21 years, shall be a member of the State Bar of
 636 Georgia, and shall possess all qualifications required by law. All judges shall be appointed
 637 by the city council and shall serve for a minimum term of one year and until a successor is
 638 appointed or if the judge is removed from office as provided in Code Section 36-32-2.1 of
 639 the O.C.G.A. Such term shall be memorialized in a written agreement between such
 640 individual and the governing authority of the city or in an ordinance.

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

642 (d) Except as otherwise provided in subsection (b) of this section, judges serve at-will and
643 may be removed from office at any time by the city council unless otherwise provided by
644 ordinance.

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

649 **SECTION 4.12.**

650 Convening.

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

652 **SECTION 4.13.**

653 Jurisdiction; powers.

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

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

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

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

664 (e) The municipal court shall have authority to establish bail and recognizances to ensure
665 the presence of those charged with violations before such court and shall have discretionary
666 authority to accept cash or personal or real property as surety for the appearance of persons
667 charged with violations. Whenever any person shall give bail for that person's appearance
668 and shall fail to appear at the time fixed for trial, the bond shall be forfeited by the judge
669 presiding at such time and an execution issued thereon by serving the defendant and the
670 defendant's sureties with a rule nisi at least two days before a hearing on the rule nisi. In the
671 event that cash or property is accepted in lieu of bond for security for the appearance of a
672 defendant at trial, and if such defendant fails to appear at the time and place fixed for trial,
673 the cash so deposited shall be on order of the judge declared forfeited to the city, or the

674 property so deposited shall have a lien against it for the value forfeited, which lien shall be
675 enforceable in the same manner and to the same extent as a lien for city property taxes.

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

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

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

686 **SECTION 4.14.**

687 Certiorari.

688 The right of certiorari from the decision and judgment of the municipal court shall exist in
689 all criminal cases and ordinance violation cases, and such certiorari shall be obtained under
690 the sanction of a judge of the Superior Court of Chatham County under the laws of the State
691 of Georgia regulating the granting and issuance of writs of certiorari.

692 **SECTION 4.15.**

693 Rules for court.

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

733 **SECTION 5.13.**

734 Election by plurality.

735 The candidate receiving the highest number of votes cast for the council seat for which he
736 or she is offering for election shall be elected, and the candidate receiving the highest number
737 of votes cast for the office of mayor shall be elected.

738 **SECTION 5.14.**

739 Special elections; vacancies.

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

747 **SECTION 5.15.**

748 Other provisions.

749 Except as otherwise provided by this charter, the city council, by ordinance, shall 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."

752 **SECTION 5.16.**

753 Removal of officers.

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

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

759 (1) Following a hearing at which an impartial panel shall render a decision. In the event
760 an elected officer is sought to be removed by the action of the city council, such officer
761 shall be entitled to a written notice specifying the ground or grounds for removal and to
762 a public hearing which shall be held not less than ten days after the service of such

763 written notice. The city council, by ordinance, shall provide for the manner in which
 764 such hearings shall be held. Any elected officer sought to be removed from office as
 765 provided in this paragraph shall have the right of appeal from the decision of the city
 766 council to the Superior Court of Chatham County. Such appeal shall be governed by the
 767 same rules as govern appeals to the superior court from the probate court; or
 768 (2) By an order of the Superior Court of Chatham County following a hearing on a
 769 complaint seeking such removal brought by any resident of the City of Chatham Islands.

770 **ARTICLE VI**
 771 **FINANCE**
 772 **SECTION 6.10.**
 773 **Property tax.**

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

780 **SECTION 6.11.**
 781 **Millage rate; due dates; payment methods.**

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

786 **SECTION 6.12.**
 787 **Occupation and business taxes.**

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

792

SECTION 6.13.

793

Regulatory fees; permits.

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

799

SECTION 6.14.

800

Franchises.

801 (a) The city council shall have the power to grant franchises for the use of the city's streets
 802 and alleys for the purposes of railroads, street railways, telephone companies, electric
 803 companies, electric membership corporations, cable television and other telecommunications
 804 companies, gas companies, transportation companies, and other similar organizations. The
 805 city council shall determine the duration, terms, whether the same shall be exclusive or
 806 nonexclusive, and the consideration for such franchises; provided, however, that no franchise
 807 shall be granted for a period in excess of 35 years and no franchise shall be granted unless
 808 the city receives just and adequate compensation therefor. The city council shall provide for
 809 the registration of all franchises with the city clerk in a registration book kept by the city
 810 clerk.

811 (b) If no franchise agreement is in effect, the city council has the authority to impose a tax
 812 on gross receipts for the use of this city's streets and alleys for the purposes of railroads,
 813 street railways, telephone companies, electric companies, electric membership corporations,
 814 cable television and other telecommunications companies, gas companies, transportation
 815 companies, and other similar organizations.

816

SECTION 6.15.

817

Service charges.

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

822 **SECTION 6.16.**

823 Special assessments.

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

828 **SECTION 6.17.**

829 Construction; other taxes and fees.

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

833 **SECTION 6.18.**

834 Collection of delinquent taxes and fees.

835 The city council, by ordinance, may provide generally for the collection of delinquent taxes,
 836 fees, or other revenue due the city under Sections 6.10 through 6.17 of this charter by
 837 whatever reasonable means as are not precluded by law. This shall include providing for the
 838 dates when the taxes or fees are due; late penalties or interest; issuance and execution of
 839 fi.fa.'s; creation and priority of liens; making delinquent taxes and fees personal debts of the
 840 persons required to pay the taxes or fees imposed; revoking city permits for failure to pay any
 841 city taxes or fees; and providing for the assignment or transfer of tax executions.

842 **SECTION 6.19.**

843 General obligation bonds.

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

848 **SECTION 6.20.**

849 Revenue bonds.

850 Revenue bonds may be issued by the city council as state law now or hereafter provides.

851 Such bonds are to be paid out of any revenue produced by the project, program, or venture

852 for which they were issued.

853 **SECTION 6.21.**

854 Short-term loans.

855 The city may obtain short-term loans and shall repay such loans not later than December 31

856 of each year, unless otherwise provided by law.

857 **SECTION 6.22.**

858 Lease-purchase contracts.

859 The city may enter into multiyear lease, purchase, or lease-purchase contracts for the

860 acquisition of goods, materials, real and personal property, services, and supplies, provided

861 that the contract terminates without further obligation on the part of the municipality at the

862 close of the calendar year in which it was executed and at the close of each succeeding

863 calendar year for which it may be renewed. Contracts shall be executed in accordance with

864 the requirements of Code Section 36-60-13 of the O.C.G.A., or other such applicable laws

865 as are or may hereafter be enacted.

866 **SECTION 6.23.**

867 Fiscal year.

868 The city fiscal year shall be set as January 1 through December 31. This fiscal year shall

869 constitute the budget year and the year for financial accounting and reporting of each and

870 every office, department, agency, and activity of the city government unless otherwise

871 provided by state or federal law.

872

SECTION 6.24.

873

Preparation of budgets.

874 The city council, by ordinance, shall provide, procedures and requirements for the
 875 preparation and execution of an annual operating budget, a capital improvement plan, and
 876 a capital budget, including requirements as to the scope, content, and form of such budgets
 877 and plan.

878

SECTION 6.25.

879

Submission of operating budget to city council.

880 On or before a date fixed by the city council but not later than 90 days prior to the beginning
 881 of each fiscal year, the city manager shall submit to the city council a proposed operating
 882 budget for the ensuing fiscal year. The budget shall be accompanied by a message from the
 883 city manager containing a statement of the general fiscal policies of the city, the important
 884 features of the budget, explanations of major changes recommended for the next fiscal year,
 885 a general summary of the budget, and such other pertinent comments and information. The
 886 operating budget and the capital budget hereinafter provided for, the budget message, and
 887 all supporting documents shall be filed in the office of the city clerk and shall be open to
 888 public inspection.

889

SECTION 6.26.

890

Action by city council on budget.

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

896 (b) The city council, by ordinance, shall adopt the final operating budget for the ensuing
 897 fiscal year not later than the twentieth day of December of each year. If the city council fails
 898 to adopt the budget by this date, the amounts appropriated for operation for the current fiscal
 899 year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all
 900 items prorated accordingly until such time as the city council adopts a budget for the ensuing
 901 fiscal year. Adoption of the budget shall take the form of an appropriations ordinance setting
 902 out the estimated revenues in detail by sources and making appropriations according to fund

903 and by organizational unit, purpose, or activity as set out in the budget preparation ordinance
904 adopted pursuant to Section 6.24 of this charter.

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

909 **SECTION 6.27.**

910 Tax levies.

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

917 **SECTION 6.28.**

918 Changes in appropriations.

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

923 **SECTION 6.29.**

924 Capital budget.

925 (a) On or before the date fixed by the city council but no later than 90 days prior to the
926 beginning of each fiscal year, the city manager shall submit to the city council a proposed
927 capital improvements plan with a recommended capital budget containing the means of
928 financing the improvements proposed for the ensuing fiscal year. The city council shall have
929 power to accept, with or without amendments, or reject the proposed plan and proposed
930 budget. The city council shall not authorize an expenditure for the construction of any
931 building, structure, work, or improvement, unless the appropriations for such project are
932 included in the capital budget, except to meet a public emergency as provided in Section 2.24
933 of this charter.

934 (b) The city council, by ordinance, shall adopt the final capital budget for the ensuing fiscal
935 year not later than the twentieth day of December of each year. No appropriation provided
936 for in a prior capital budget shall lapse until the purpose for which the appropriation was
937 made shall have been accomplished or abandoned; provided, however, that the city manager
938 may submit amendments to the capital budget at any time during the fiscal year,
939 accompanied by recommendations. Any such amendments to the capital budget shall
940 become effective only upon adoption by ordinance.

941 **SECTION 6.30.**

942 Independent audit.

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

948 **SECTION 6.31.**

949 Contracting procedures.

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

- 951 (1) It is in writing;
- 952 (2) It is drawn by or submitted to and reviewed by the city attorney, and as a matter of
953 course, is signed by the city attorney to indicate such drafting or review; and
- 954 (3) It is made or authorized by the city council and such approval is entered in the city
955 council journal of proceedings pursuant to Section 2.20 of this charter.

956 **SECTION 6.32.**

957 Centralized purchasing.

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

960

SECTION 6.33.

961

Sale and lease of city property.

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

964 (b) The city council may quitclaim any rights it may have in property not needed for public
 965 or other purposes upon report by the city manager and adoption of a resolution, both finding
 966 that the property is not needed for public or other purposes and that the interest of the city
 967 has no readily ascertainable monetary value.

968 (c) Whenever in opening, extending, or widening any street, avenue, alley, or public place
 969 of the city, a small parcel or tract of land is cutoff or separated by such work from a larger
 970 tract or boundary of land owned by the city, the city council may authorize the city manager
 971 to sell and convey said cut-off or separated parcel or tract of land to an abutting or adjoining
 972 property owner or owners where such sale and conveyance facilitates the enjoyment of the
 973 highest and best use of the abutting owner's property. Included in the sales contract shall be
 974 a provision for the rights-of-way of said street, avenue, alley, or public place. Each abutting
 975 property owner shall be notified of the availability of the property and given the opportunity
 976 to purchase said property under such terms and conditions as set out by ordinance. All deeds
 977 and conveyances heretofore and hereafter so executed and delivered shall convey all title and
 978 interest the city has in such property, notwithstanding the fact that no public sale after
 979 advertisement was or is hereafter made.

980

ARTICLE VII

981

GENERAL PROVISIONS

982

SECTION 7.10.

983

Bonds for officials.

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

987

SECTION 7.11.

988

Construction.

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

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

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

994 **ARTICLE VIII**
995 **REFERENDUM AND TRANSITION**

996 **SECTION 8.10.**

997 Qualified electors.

998 (a) For the purposes of the referendum election provided for in Section 8.11 of this charter
999 and for the purposes of the special election to be held on the Tuesday after the first Monday
1000 in November, 2020, the qualified electors of the proposed City of Chatham Islands shall be
1001 those qualified electors of Chatham County residing within the corporate boundaries of the
1002 City of Chatham Islands as described by Section 1.11 of this charter. At subsequent
1003 municipal elections, the qualified electors of the City of Chatham Islands shall be determined
1004 pursuant to the authority of Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election
1005 Code."

1006 (b) Only for the purpose of holding and conducting the referendum election provided for by
1007 Section 8.11 of this charter and only for the purpose of holding and conducting the special
1008 election of the City of Chatham Islands to be held on the Tuesday after the first Monday in
1009 November, 2020, the election superintendent of Chatham County is vested with the powers
1010 and duties of the election superintendent of the City of Chatham Islands and the powers and
1011 duties of the governing authority of the City of Chatham Islands.

1012 **SECTION 8.11.**

1013 Referendum.

1014 The election superintendent of Chatham County shall call a special election for the purpose
1015 of submitting this Act to the qualified voters of the proposed City of Chatham Islands, as
1016 provided in Section 8.10 of this charter, for approval or rejection. The superintendent shall
1017 set the date of such election for the date of the 2020 general primary. The superintendent
1018 shall issue the call for such election at least 60 days prior to the date thereof. The
1019 superintendent shall cause the date and purpose of the election to be published once a week
1020 for two weeks immediately preceding the date thereof in the official organ of Chatham
1021 County. The ballot shall have written or printed thereon the words:

1022 "() YES Shall the Act incorporating the City of Chatham Islands in Chatham County

1023 () NO be approved?"

1024 All persons desiring to vote for approval of the Act shall vote "Yes," and those persons
 1025 desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes
 1026 cast on such question are for approval of the Act, it shall become of full force and effect as
 1027 provided in Section 8.12 of this charter; otherwise, it shall thereafter be void and of no force
 1028 and effect. The expense of the special election set forth in this section shall be borne by
 1029 Chatham County. It shall be the duty of the superintendent to hold and conduct such
 1030 election. It shall be his or her further duty to certify the result thereof to the Secretary of
 1031 State.

1032 **SECTION 8.12.**

1033 Effective dates.

1034 (a) Sections 1.10 and 1.11 of this charter and those provisions of this charter necessary for
 1035 the special election provided for in Section 8.11 of this charter shall become effective
 1036 immediately upon its approval by the Governor or upon its becoming law without such
 1037 approval.

1038 (b) Those provisions of this Act necessary for the special election to be held on the Tuesday
 1039 after the first Monday in November, 2020, shall be effective upon the certification of the
 1040 results of the referendum election provided for by Section 8.11 of this charter, if this Act is
 1041 approved at such referendum election.

1042 (c) The remaining provisions of this Act shall become of full force and effect for all
 1043 purposes on January 1, 2021.

1044 **SECTION 8.13.**

1045 Transition.

1046 (a) A period of time will be needed for an orderly transition of various government functions
 1047 from Chatham County to the City of Chatham Islands. Accordingly, there shall be a
 1048 transition period beginning on January 1, 2021, and ending at midnight on the last day of the
 1049 twenty-fourth month following such date. During such transition period, all provisions of
 1050 this charter shall be effective as law, but not all provisions of this charter shall be
 1051 implemented.

1052 (b) During such transition period, Chatham County shall continue to provide within the
 1053 territorial limits of the City of Chatham Islands all government services and functions which
 1054 Chatham County provided in that area during 2020 and at the same actual cost, except to the
 1055 extent otherwise provided in this section; provided, however, that upon at least 30 days' prior
 1056 written notice to Chatham County by the City of Chatham Islands, responsibility for any such

1057 service or function shall be transferred to the City of Chatham Islands. Beginning on
1058 January 1, 2021, the City of Chatham Islands shall collect taxes, fees, assessments, fines and
1059 forfeitures, and other moneys within the territorial limits of the City of Chatham Islands;
1060 provided, however, that upon at least 30 days' prior written notice to Chatham County by the
1061 City of Chatham Islands, the authority to collect any tax, fee, assessment, fine or forfeiture,
1062 or other moneys shall remain with Chatham County after January 1, 2021, until such time
1063 as Chatham County receives subsequent notice from the City of Chatham Islands that such
1064 authority shall be transferred to the City of Chatham Islands.

1065 (c) During the transition period, the governing authority of the City of Chatham Islands:

1066 (1) Shall hold regular meetings and may hold special meetings as provided in this
1067 charter;

1068 (2) May enact ordinances and resolutions as provided in this charter;

1069 (3) May amend this charter by home rule action as provided by general law;

1070 (4) May accept gifts and grants;

1071 (5) May borrow money and incur indebtedness to the extent authorized by this charter
1072 and general law;

1073 (6) May levy and collect an ad valorem tax for calendar years 2021 and 2022;

1074 (7) May establish a fiscal year and budget;

1075 (8) May create, alter, or abolish departments, boards, offices, commissions, and agencies
1076 of the city; appoint and remove officers and employees; and exercise all necessary or
1077 appropriate personnel and management functions; and

1078 (9) May generally exercise any power granted by this charter or general law, except to
1079 the extent that a power is specifically and integrally related to the provision of a
1080 governmental service, function, or responsibility not yet provided or carried out by the
1081 city.

1082 (d) Except as otherwise provided in this section, during the transition period, the Municipal
1083 Court of the City of Chatham Islands shall not exercise its jurisdiction. During the transition
1084 period, all ordinances of Chatham County shall remain applicable within the territorial limits
1085 of the City of Chatham Islands and the appropriate court or courts of Chatham County shall
1086 retain jurisdiction to enforce such ordinances. However, by appropriate agreement (and
1087 concurrent resolutions and ordinances if needed) Chatham County and the City of Chatham
1088 Islands may during the transition period transfer all or part of such regulatory authority and
1089 the appropriate court jurisdiction to the City of Chatham Islands. Any transfer of jurisdiction
1090 to the City of Chatham Islands during or at the end of the transition period shall not in and
1091 of itself abate any judicial proceeding pending in Chatham County or the pending
1092 prosecution of any violation of any ordinance of Chatham County.

1093 (e) During the transition period, the governing authority of Chatham Islands may at any
 1094 time, without the necessity of any agreement by Chatham County, commence to exercise its
 1095 planning and zoning powers; provided, however, that the city shall give the county notice of
 1096 the date on which the city will assume the exercise of such powers. Upon the governing
 1097 authority of Chatham Islands commencing to exercise its planning and zoning powers, the
 1098 Municipal Court of the City of Chatham Islands shall immediately have jurisdiction to
 1099 enforce the planning and zoning ordinances of the city. The provisions of this subsection
 1100 shall control over any conflicting provisions of any other subsection of this section.

1101 (f) Effective upon the termination of the transition period, subsections (b) through (e) of this
 1102 section shall cease to apply except for the last sentence of subsection (d) which shall remain
 1103 effective. Effective upon the termination of the transition period, the City of Chatham
 1104 Islands shall be a full functioning municipal corporation and subject to all general laws of
 1105 this state.

1106 **SECTION 8.14.**

1107 Directory nature of dates.

1108 It is the intention of the General Assembly that this Act be construed as directory rather than
 1109 mandatory with respect to any date prescribed herein. If it is necessary to delay any action
 1110 called for in this Act for providential cause or any other reason, it is the intention of the
 1111 General Assembly that the action be delayed rather than abandoned. Any delay in
 1112 performing any action under this Act, whether for cause or otherwise, shall not operate to
 1113 frustrate the overall intent of this Act. Without limiting the generality of the foregoing it is
 1114 specifically provided that:

1115 (1) If it is not possible to hold the referendum election provided for in Section 8.11 of
 1116 this Act on the date specified in that section, then such referendum shall be held as soon
 1117 thereafter as is reasonably practicable; and

1118 (2) If it is not possible to hold the first municipal election provided for in Section 2.11
 1119 of this Act on the date specified in that section, then there shall be a special election for
 1120 the initial members of the governing authority to be held as soon thereafter as is
 1121 reasonably practicable, and the commencement of the initial terms of office shall be
 1122 delayed accordingly.

1123 **SECTION 8.15.**

1124 General repealer.

1125 All laws and parts of laws in conflict with this Act are repealed.

1126 APPENDIX A
 1127 CORPORATE LIMITS
 1128 CITY OF CHATHAM ISLANDS

1129 The City of Chatham Islands shall include all the territory embraced within the following
 1130 census blocks based upon the 2010 United States decennial census:

1131 Plan: ChathamIslands-2019

1132 Plan Type: local

1133 Administrator: HD166

1134 User: bak

1135 District Chatham Islands

1136 Chatham County

1137 VTD: 0511-12

1138 011106:

1139 1036 1039

1140 VTD: 0511-17

1141 011004:

1142 1001

1143 011106:

1144 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011

1145 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023

1146 1024 1025 1026 1027 1028 1029 1030 1031 1032 1037 1038

1147 011107:

1148 1108 3000 3001 3002 3003 3004 3005 3006 3007 3008 3009 3010

1149 3011 3012 3013 3014 3015 3016 3017 3018 3019 3020 3021 3022

1150 3023 3024 3025 3027 3031 3032 3033 3034 3035 3036 3038 3053

1151 3054

1152 VTD: 0513-12

1153 011106:

1154 1034 1035

1155 011107:

1156 3050

1157 VTD: 0514-12

1158 011106:

1159 1040

1160 VTD: 0514-2
 1161 VTD: 0514-4
 1162 VTD: 0514-5
 1163 011104:
 1164 2000 2006 2007 2008 2009 2010 2011 2012 2013 2014 2015 2018
 1165 2020
 1166 011107:
 1167 1087
 1168 011108:
 1169 2001 2002 2003 2004 2013 2014 2015 2016 2017 2018 2019
 1170 VTD: 0514-6
 1171 011104:
 1172 2016 2017 2021 2022 2023 2024 2025
 1173 011108:
 1174 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011
 1175 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 2008 2009
 1176 2010 2011 2012 2020
 1177 VTD: 0514-7
 1178 VTD: 0514-8

1179 For the purposes of this description, the term "VTD" shall mean and describe the same
 1180 geographical boundaries as provided in the report of the Bureau of the Census for the United
 1181 States decennial census of 2010 for the State of Georgia. The separate numeric designations
 1182 in the description which are underneath a VTD heading shall mean and describe individual
 1183 blocks within a VTD as provided in the report of the Bureau of the Census for the United
 1184 States decennial census of 2010 for the State of Georgia.

1185 APPENDIX B
 1186 CERTIFICATE AS TO MINIMUM STANDARDS
 1187 FOR INCORPORATION OF A NEW MUNICIPAL CORPORATION

1188 I, Representative Jesse Petrea, Georgia State Representative from the 166th District and the
 1189 author of this bill introduced at the 2019 session of the General Assembly of Georgia, which
 1190 grants an original municipal charter to the City of Chatham Islands, do hereby certify that
 1191 this bill is in compliance with the minimum standards required by Chapter 31 of Title 36 of
 1192 the O.C.G.A. in that the area embraced within the original incorporation in this bill is in all
 1193 respects in compliance with the minimum standards required by Chapter 31 of Title 36 of the

1194 O.C.G.A. This certificate is executed to conform to the requirements of Code
1195 Section 36-31-5 of the O.C.G.A.

1196 So certified, this _____ day of _____, 2019.

1197 _____
1198 Honorable Jesse Petrea
1199 Representative, 166th District
1200 Georgia State House of Representatives