

Senate Bill 517

By: Senator Lucas of the 26th

A BILL TO BE ENTITLED
AN ACT

1 To provide a new charter for the City of Jeffersonville; 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, removal from office, method of filling vacancies, compensation, expenses, and
5 qualifications of members of such governing authority; to provide for conflict of interest and
6 holding other offices; to provide for inquiries and investigations; to provide for eminent
7 domain; to provide for organization and procedures; to provide for regular and special
8 meetings; to provide for ordinances; to provide for codes; to provide for emergencies; to
9 provide for signing, authentication, and codification of ordinances; to provide for the office
10 of mayor and certain duties and powers relative to the office of mayor; to provide for a
11 mayor pro tempore; to provide for approval or veto of ordinances and resolutions; to provide
12 for administrative responsibilities; to provide for boards, commissions, and authorities; to
13 provide for a city attorney, city clerk, and other personnel; to provide for the establishment
14 of a municipal court and the judge or judges thereof; to provide for practices and procedures;
15 to provide for city council districts; to provide for procedures for municipal elections; to
16 provide for taxation, permits, and fees; to provide for franchises, service charges, and
17 assessments; to provide for bonded and other indebtedness; to provide for accounting and
18 budgeting; to provide for contracting and purchasing; to provide for bonds for officials; to
19 provide for definitions and construction; to provide for severability; to provide for related
20 matters; to repeal a specific Act; to repeal conflicting laws; and for other purposes.

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

Reincorporation name.

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

SECTION 1.11.

Corporate boundaries.

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

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

SECTION 1.12.

Powers and construction.

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

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

SECTION 1.13.

Examples of powers.

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

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

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

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

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

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

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

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

- 88 (i) Fire regulations. To fix and establish fire limits and from time to time to extend, enlarge,
89 or restrict the same; to prescribe fire safety regulations not inconsistent with general law,
90 relating to both fire prevention and detection and to firefighting; and to prescribe penalties
91 and punishment for violations thereof.
- 92 (j) Garbage fees. To levy, fix, assess, and collect a garbage, refuse and trash collection and
93 disposal, and other sanitary service charge, tax, or fee for such services as may be necessary
94 in the operation of the city from all individuals, firms, and corporations residing in or doing
95 business therein benefiting from such services; to enforce the payment of such charges, taxes,
96 or fees; and to provide for the manner and method of collecting such service charges.
- 97 (k) General health, safety, and welfare. To define, regulate, and prohibit any act, practice,
98 conduct, or use of property which is detrimental to the health, sanitation, cleanliness, welfare,
99 and safety of the inhabitants of the city, and to provide for the enforcement of such standards.
- 100 (l) Gifts. To accept or refuse gifts, donations, bequests, or grants from any source for any
101 purpose related to powers and duties of the city and the general welfare of its citizens, on
102 such terms and conditions as the donor or grantor may impose.
- 103 (m) Health and sanitation. To prescribe standards of health and sanitation and to provide
104 for the enforcement of such standards.
- 105 (n) Jail sentences. To provide that persons given jail sentences in the city's court may work
106 out such sentences in any public works or on the streets, roads, drains, and other public
107 property in the city; to provide for commitment of such persons to any jail; to provide for the
108 use of pretrial diversion and any alternative sentencing allowed by law; or to provide for
109 commitment of such persons to any county work camp or county jail by agreement with the
110 appropriate county officials.
- 111 (o) Motor vehicles. To regulate the operation of motor vehicles and exercise control over
112 all traffic, including parking upon or across the streets, roads, alleys, and walkways of the
113 city.
- 114 (p) Municipal agencies and delegation of power. To create, alter, or abolish departments,
115 boards, offices, commissions, and agencies of the city, and to confer upon such agencies the
116 necessary and appropriate authority for carrying out all of the powers conferred upon or
117 delegated to the same.
- 118 (q) Municipal debts. To appropriate and borrow money for the payment of debts of the city
119 and to issue bonds for the purpose of raising revenue to carry out any project, program, or
120 venture authorized by this charter or the laws of the State of Georgia.
- 121 (r) Municipal property ownership. To acquire, dispose of, lease, and hold in trust or
122 otherwise any real, personal, or mixed property, in fee simple or lesser interest, inside or
123 outside the property limits of the city.

- 124 (s) Municipal property protection. To provide for the preservation and protection of
125 property and equipment of the city and the administration and use of the same by the public
126 and to prescribe penalties and punishment for violations thereof.
- 127 (t) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose of
128 public utilities, including but not limited to a system of waterworks, sewers and drains,
129 sewage disposal, storm-water management, gas works, electric light plants, cable television
130 and other telecommunications, transportation facilities, public airports, and any other public
131 utility; to fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties; and
132 to provide for the withdrawal of service for refusal or failure to pay the same.
- 133 (u) Nuisance. To define a nuisance and provide for its abatement whether on public or
134 private property.
- 135 (v) Penalties. To provide penalties for violation of any ordinances adopted pursuant to the
136 authority of this charter and the laws of the State of Georgia.
- 137 (w) Planning and zoning. To provide comprehensive city planning for development by
138 zoning and to provide subdivision regulation and the like as the city council deems necessary
139 and reasonable to ensure a safe, healthy, and aesthetically pleasing community.
- 140 (x) Police and fire protection. To exercise the power of arrest through duly appointed police
141 officers and to establish, operate, or contract for a police and fire-fighting agency.
- 142 (y) Public hazards: removal. To provide for the destruction and removal of any building or
143 other structure which is or may become dangerous or detrimental to the public.
- 144 (z) Public improvements. To provide for the acquisition, construction, building, operation,
145 and maintenance of public ways; parks and playgrounds; recreational facilities; cemeteries;
146 markets and market houses; public buildings; libraries; public housing; airports; hospitals;
147 terminals; docks; parking facilities; or charitable, cultural, educational, recreational
148 conservation, sport, curative, corrective, detention, penal, and medical institutions, agencies,
149 and facilities; to provide any other public improvements inside or outside the corporate limits
150 of the city; and to regulate the use of public improvements. For such purposes, property may
151 be acquired by condemnation under Title 22 of the O.C.G.A., or such other applicable laws
152 as are or may hereafter be enacted.
- 153 (aa) Public peace. To provide for the prevention and punishment of loitering, disorderly
154 conduct, drunkenness, riots, and public disturbances.
- 155 (bb) Public transportation. To organize and operate such public transportation systems as
156 are deemed beneficial.
- 157 (cc) Public utilities and services. To grant franchises or to make contracts for, or impose
158 taxes on, public utilities and public service companies; and to prescribe the rates, fares,
159 regulations, and standards and conditions of service applicable to the service to be provided

160 by the franchise grantee or contractor, insofar as not in conflict with valid regulations of the
161 Public Service Commission.

162 (dd) Regulation and roadside areas. To prohibit or regulate and control the erection,
163 removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any and
164 all structures or obstructions upon or adjacent to the rights-of-way of streets and roads or
165 within view thereof, within or abutting the corporate limits of the city; and to prescribe
166 penalties and punishment for violation of such ordinances.

167 (ee) Retirement. To provide and maintain a retirement plan and other employee benefit
168 plans and programs for officers and employees of the city.

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

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

183 (hh) Solid waste disposal. To provide for the collection and disposal of garbage, rubbish,
184 and refuse; to regulate the collection and disposal of garbage, rubbish, and refuse by others;
185 to provide for the separate collection of recyclable materials; and to provide for the sale of
186 such items.

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

195 (jj) Special assessments. To levy and provide for the collection of special assessments to
196 cover the costs of any public improvements.

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

199 (ll) Taxes: other. To levy and collect such other taxes as may be allowed now or in the
200 future by law.

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

205 (nn) Urban redevelopment. To organize and operate an urban redevelopment program.

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

216 **SECTION 1.14.**

217 Exercise of powers.

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

222 **ARTICLE II**

223 **GOVERNMENT STRUCTURE**

224 **SECTION 2.10.**

225 City council creation; number; election.

226 The governing authority of the government of the city, except as otherwise specifically
227 provided in this charter, shall be vested in a city council to be composed of seven
228 councilmembers. The city council established shall in all respects be a successor to and

229 continuation of the governing authority under prior law. The councilmembers shall be
230 elected in the manner provided by general law and this charter.

231 **SECTION 2.11.**

232 Mayor and city council terms and qualifications for office.

233 The mayor and members of the city council shall serve for terms of four years and until their
234 respective successors are elected and qualified. No person shall be eligible to serve as mayor
235 or councilmember unless that person shall have been a resident of the city for a continuous
236 period of at least 12 months immediately prior to the date of election of mayor or members
237 of the city council; each shall continue to reside therein during that member's period of
238 service and be registered and qualified to vote in municipal elections of the city. In addition
239 to the foregoing requirements, no person shall be eligible to serve as a councilmember
240 representing a council district unless that person has been a resident of the district such
241 person seeks to represent for a continuous period of at least six months immediately prior to
242 the date of the election for councilmember and continues to reside in such district during that
243 person's period of service.

244 **SECTION 2.12.**

245 Vacancies; filling of vacancies.

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

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

257 (c) This section shall also apply to a temporary vacancy created by the suspension from
258 office of the mayor or any councilmember.

SECTION 2.13.

Compensation and expenses.

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

SECTION 2.14.

Conflicts of interest; holding other offices.

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

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

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

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

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

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

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

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

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

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

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

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

314 (g) No appointed officer of the city shall continue in such employment upon qualifying as
315 a candidate for nomination or election to any public office. No employee of the city shall
316 continue in such employment upon qualifying for or election to any public office in the city
317 or any other public office which is inconsistent, incompatible, or in conflict with the duties
318 of the city employee. Such determination shall be made by the mayor and city council either
319 immediately upon election or at any time such conflict may arise.

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

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

SECTION 2.15.

Inquiries and investigations.

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

SECTION 2.16.

General power and authority of the city council.

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

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

SECTION 2.17.

Eminent domain.

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

SECTION 2.18.**Organizational meetings.**

The city council shall hold an organizational meeting as prescribed by ordinance. The meeting shall be called to order by the mayor-elect or city clerk, and the oath of office shall be administered to the newly elected members by a judicial officer authorized to administer oaths and shall, to the extent that it comports with federal and state law, be as follows:

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

SECTION 2.19.**Regular and special meetings.**

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

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

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

SECTION 2.20.

Rules of procedure.

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

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

SECTION 2.21.

Quorum; voting.

(a) Four councilmembers, not inclusive of the mayor, shall constitute a quorum and shall be authorized to transact business of the city council. Voting on the adoption of ordinances shall be by voice vote, and the vote shall be recorded in the journal; but any member of the city council shall have the right to request a roll call vote, and such vote shall be recorded in the journal. Except as otherwise provided in this charter, the affirmative vote of four councilmembers shall be required for the adoption of any ordinance, resolution, or motion.

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

(c) The mayor shall vote only in the case of tie or in the case where his or her vote will provide the fourth affirmative vote required for approval of a matter. The mayor may not cast a fourth affirmative vote when four votes have already been cast in opposition.

SECTION 2.22.

Action requiring an ordinance.

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

SECTION 2.23.**Emergencies.**

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

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

SECTION 2.24.**Codes of technical regulations.**

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

(1) The requirements of Section 2.25(b) of this charter for distribution and filing of copies of the ordinance shall be construed to include copies of any code of technical regulations, as well as the adopting ordinance; and

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

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

454 **SECTION 2.25.**

455 Signing; authenticating; recording; codification; printing.

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

458 (b) The city council shall provide for the preparation of a general codification of all the
459 ordinances of the city having the force and effect of law. The general codification shall be
460 adopted by the city council by ordinance and shall be published promptly, together with all
461 amendments thereto and such codes or technical regulations and other rules and regulations
462 as the city council may specify. This compilation shall be known and cited officially as "The
463 Code of the City of Jeffersonville, Georgia." Copies of the code shall be furnished to all
464 officers, departments, and agencies of the city, and made available for purchase by the public
465 at a reasonable price as fixed by the city council.

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

475 **SECTION 2.26.**

476 Mayor and mayor pro tempore.

477 (a) At each regular election, the voters of the city shall elect a mayor at-large for a term of
478 four years. The mayor shall be a qualified elector of the city and shall have been a resident
479 of the city for a continuous period of at least 12 months immediately prior to the election.
480 The mayor shall continue to reside in the city during the period of service. The mayor shall
481 forfeit the office on the same grounds and under the same procedure as for councilmembers.
482 The compensation of the mayor shall be established in the same manner as for
483 councilmembers.

484 (b) The city council shall elect from among its members a mayor pro tempore who shall act
485 as a mayor during the absence or disability of the mayor, and if a vacancy occurs, shall
486 become mayor for the remainder of the expired term.

487 **SECTION 2.27.**

488 Powers and duties of mayor.

489 The mayor shall be the chief executive officer of the city, and he or she shall:

- 490 (1) See that all laws and ordinances of the city are faithfully executed;
- 491 (2) Appoint and remove all department heads with confirmation by city council, and
492 solely appoint and remove all other employees of the city, notwithstanding a formal
493 appeal process that may be adopted, except as otherwise provided in this charter;
- 494 (3) Exercise supervision over all executive and administrative work of the city and
495 provide for the coordination of administrative activities;
- 496 (4) Preside at all meetings of the city council;
- 497 (5) Prepare and submit to the city council a recommended operating budget and capital
498 budget;
- 499 (6) Submit to the city council at least once a year a statement covering the financial
500 conditions of the city, and from time to time, such other information as the city council
501 may request;
- 502 (7) Recommend to the city council such measures relative to the affairs of the city,
503 improvement of the government, and promotion of the welfare of its inhabitants as the
504 mayor may deem expedient;
- 505 (8) Call special meetings of the city council as provided for in Section 2.19(b) of this
506 charter;
- 507 (9) Approve or disapprove by veto ordinances and resolutions of the city council as
508 provided in Section 2.28 of this charter;
- 509 (10) Execute on behalf of the city all written and approved contracts, ordinances, and
510 other instruments executed by the city which, by law, are required to be in writing;
- 511 (11) Provide for an annual audit of all accounts of the city;
- 512 (12) Require any department or agency of the city to submit written reports whenever
513 the mayor deems it expedient; and
- 514 (13) Perform such other duties as may be required by law, this charter, or ordinance.

SECTION 2.28.

Submission of ordinances and resolutions to the mayor; veto power.

(a) Every ordinance or resolution adopted by the city council shall be presented promptly by the city clerk to the mayor.

(b) The mayor, within ten calendar days of receipt of an ordinance or resolution, shall return it to the city clerk with or without the mayor's approval, or with the mayor's disapproval. If the ordinance or resolution has been approved by the mayor, it shall become law upon its return to the city clerk; if the ordinance or resolution is neither approved nor disapproved, it shall become law at 12:00 Noon on the tenth calendar day after its adoption; or if the ordinance or resolution is disapproved, the mayor shall submit to the city council through the city clerk a written statement of reasons for the veto. The city clerk shall record upon the ordinance or resolution the date of its delivery to and receipt by the mayor.

(c) Ordinances or resolutions vetoed by the mayor shall be presented by the city clerk to the city council at its next meeting. If the city council then or at its next meeting thereafter adopts the ordinance or resolution by an affirmative vote of five members, it shall become law.

(d) The mayor may disapprove or reduce any item or items of appropriation in any ordinance or resolution. The approved part or parts of any ordinance or resolutions making appropriations shall become law, and the part or parts disapproved shall not become law unless subsequently passed by the city council over the mayor's veto as provided herein. The reduced part or parts shall be presented to city council as though disapproved and shall not become law unless overridden by the council as provided in subsection (c) of this section.

SECTION 2.29.

Position of mayor pro tempore.

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

ARTICLE III

ADMINISTRATIVE AFFAIRS

SECTION 3.10.

Administrative and service departments.

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

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

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

(d) There may be a director of each department or agency who shall be its principal officer. Each director shall be subject to the direction and supervision of the appointing authority and be responsible for the administration and direction of the affairs and operations of that director's department or agency.

(e) All appointed officers and directors under the supervision of the appointing authority shall be nominated by the mayor with confirmation of appointment by the city council. All appointive officers and directors shall be employees at-will and subject to removal or suspension at any time by the appointing authority unless otherwise provided by law or ordinance.

SECTION 3.11.

Boards, commissions, and authorities.

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

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

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

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

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

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

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

594 (h) Except as otherwise provided by this charter or by law, each board, commission, or
595 authority of the city shall elect one of its members as chair and one member as vice chair,
596 and may elect as its secretary one of its own members or may appoint as secretary an
597 employee of the city. Each board, commission, or authority of the city may establish such
598 bylaws, rules, and regulations, not inconsistent with this charter, ordinances of the city, or
599 law, as it deems appropriate and necessary for the fulfillment of its duties or the conduct of
600 its affairs. Copies of such bylaws, rules, and regulations shall be filed with the city clerk.

601 **SECTION 3.12.**

602 City attorney.

603 (a) The city council shall appoint a city attorney, together with such assistant city attorneys
604 as may be authorized, and shall provide for the payment of such attorney or attorneys for
605 services rendered to the city. The city attorney shall be responsible for providing for the
606 representation and defense of the city in all litigation in which the city is a party; may be the
607 prosecuting officer in the municipal court; shall attend the meetings of the city council as
608 directed; shall advise the city council, mayor, and other officers and employees of the city
609 concerning legal aspects of the city's affairs; and shall perform such other duties as may be
610 required by virtue of the person's position as city attorney.

611 (b) The city attorney is not a public official of the city and does not take an oath of office.
612 The city attorney shall at all times be an independent contractor. A law firm, rather than an
613 individual, may be designated as the city attorney.

614 **SECTION 3.13.**

615 City clerk.

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

620 **SECTION 3.14.**

621 Personnel policies.

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

624 ARTICLE IV

625 JUDICIAL BRANCH

626 **SECTION 4.10.**

627 Creation; name.

628 There shall be a court to be known as the Municipal Court of the City of Jeffersonville.

629 **SECTION 4.11.**

630 Chief judge; associate judge.

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

633 (b) No person shall be qualified or eligible to serve as a judge on the municipal court unless
634 that person shall be a member of the State Bar of Georgia, and shall possess all qualifications
635 required by law. All judges shall be appointed for a term, as provided by general law, by the
636 city council and shall serve until a successor is appointed and qualified.

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

638 (d) Judges may be removed at any time as provided by law.

639 (e) Before assuming office, each judge shall take an oath, given by the mayor, that the judge
640 will honestly and faithfully discharge the duties of the office to the best of that person's
641 ability and without fear, favor, or partiality. The oath shall be entered upon the minutes of
642 the city council journal required in Section 2.21 of this charter.

SECTION 4.12.

Convening.

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

SECTION 4.13.

Jurisdiction; powers.

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

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

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

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

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

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

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

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

682 **SECTION 4.14.**

683 Certiorari.

684 The right of certiorari from the decision and judgment of the municipal court shall exist in
685 all criminal cases and ordinance violation cases, and such certiorari shall be obtained under
686 the sanction of a judge of the Superior Court of Twiggs County under the laws of the State
687 of Georgia regulating the granting and issuance of writs of certiorari.

688 **SECTION 4.15.**

689 Rules for court.

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

697 **ARTICLE V**

698 **ELECTIONS AND REMOVAL**

699 **SECTION 5.10.**

700 Applicability of general law.

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

SECTION 5.11.

Voting districts and election of the city council and mayor.

(a) There shall be a municipal general election every four years on the Tuesday next following the first Monday in November.

(b) At each municipal general election, there shall be elected a mayor and seven city councilmembers for terms of four years.

(c) The mayor shall be elected at-large by the qualified electors residing within the city.

(d) The seven city councilmembers shall be elected as follows:

(1) Four councilmembers shall be elected from the qualified electors residing within Voting District 1. Each councilmember elected pursuant to this paragraph must be a resident of such district. The four qualified candidates with the highest vote totals shall be elected; and

(2) Three councilmembers shall be elected from the qualified electors residing within Voting District 2. Each councilmember elected pursuant to this paragraph must be a resident of such district. The three qualified candidates with the highest vote totals shall be elected.

(e) Each qualified elector may only vote once for each candidate.

(f) For the purpose of electing members of the city council, the City of Jeffersonville will be divided into two Voting Districts. The Voting Districts that are in effect on the effective date of this charter shall continue in full force and effect until updated or amended as provided herein or by state law.

SECTION 5.12.

Nonpartisan elections.

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

SECTION 5.13.

Election by plurality, majority, or minimum percentage.

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

732 **SECTION 5.14.**
733 Special elections; vacancies.

734 In the event that the office of mayor or councilmember shall become vacant as provided in
735 Section 2.12 of this charter, the city council or those remaining shall order a special election
736 to fill the balance of the unexpired term of such official; provided, however, that if such
737 vacancy occurs within 12 months of the expiration of the term of that office, the city council
738 or those remaining shall appoint a successor for the remainder of the term. In all other
739 respects, the special election shall be held and conducted in accordance with the "Georgia
740 Election Code," as now or hereafter amended.

741 **SECTION 5.15.**
742 Other provisions.

743 Except as otherwise provided by this charter, the city council shall, by ordinance, prescribe
744 such rules and regulations it deems appropriate to fulfill any options and duties under the
745 "Georgia Election Code."

746 **ARTICLE VI**
747 **FINANCE**
748 **SECTION 6.10.**
749 Property tax.

750 The city council may assess, levy, and collect an ad valorem tax on all real and personal
751 property within the corporate limits of the city that is subject to such taxation by the state and
752 Twiggs County. This tax is for the purpose of raising revenues to defray the costs of
753 operating the city government, of providing governmental services, for the repayment of
754 principal and interest on general obligations, and for any other public purpose as determined
755 by the city council in its discretion.

756 **SECTION 6.11.**
757 Millage rate; due dates; payment methods.

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

SECTION 6.12.

Occupation and business taxes.

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

SECTION 6.13.

Regulatory fees; permits.

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

SECTION 6.14.

Franchises.

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

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

793 **SECTION 6.15.**

794 Service charges.

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

799 **SECTION 6.16.**

800 Special assessments.

801 The city council by ordinance shall have the power to assess and collect fees for the cost of
802 constructing, reconstructing, widening, or improving any public ways, streets, sidewalks,
803 curbing, gutters, sewers, or other utility mains and appurtenances from the abutting property
804 owners. If unpaid, such charges shall be collected as provided in Section 6.18 of this charter.

805 **SECTION 6.17.**

806 Construction; other taxes and fees.

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

810 **SECTION 6.18.**

811 Collection of delinquent taxes and fees.

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

819 **SECTION 6.19.**

820 General obligation bonds.

821

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

826 **SECTION 6.20.**

827 Revenue bonds.

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

831 **SECTION 6.21.**

832 Short-term loans.

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

835 **SECTION 6.22.**

836 Lease-purchase contracts.

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

844 **SECTION 6.23.**

845 Fiscal year.

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

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

850 **SECTION 6.24.**

851 Preparation of budgets.

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

856 **SECTION 6.25.**

857 Submission of operating budget to city council.

858 On or before a date fixed by the city council, but in no event later than 30 days prior to the
859 beginning of each fiscal year, the mayor shall submit to the city council a proposed operating
860 budget for the ensuing fiscal year. The budget shall be accompanied by a message from the
861 mayor containing a statement of the general fiscal policies of the city, the important features
862 of the budget, explanations of major changes recommended for the next fiscal year, a general
863 summary of the budget, and such other pertinent comments and information. The operating
864 budget and the capital budget hereinafter provided for, the budget message, and all
865 supporting documents shall be filed in the office of the city clerk and shall be open to public
866 inspection.

867 **SECTION 6.26.**

868 Action by city council on budget.

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

874 (b) The city council by ordinance shall adopt the final operating budget by a time each fiscal
875 year as enumerated in said ordinance. If the city council fails to adopt the budget by this
876 date, the amounts appropriated for operation for the current fiscal year shall be deemed
877 adopted by the ensuing fiscal year on a month-to-month basis, with all items prorated
878 accordingly until such time as the city council adopts a budget for the ensuing fiscal year.

879 Adoption of the budget shall take the form of an appropriations ordinance setting out the
880 estimated revenues in detail by sources and making appropriations according to fund and by
881 organizational unit, purpose, or activity as set out in the budget preparation ordinance
882 adopted pursuant to Section 6.24 of this charter.

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

887 **SECTION 6.27.**

888 Tax levies.

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

895 **SECTION 6.28.**

896 Changes in appropriations.

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

901 **SECTION 6.29.**

902 Capital budget.

903 (a) On or before the date fixed by the city council, but in no event later than 30 days prior
904 to the beginning of each fiscal year, the mayor shall submit to the city council a proposed
905 capital improvements plan with a recommended capital budget containing the means of
906 financing the improvements proposed for the ensuing fiscal year. The city council shall have
907 power to accept, with or without amendments, or reject the proposed plan and proposed
908 budget. The city council shall not authorize an expenditure for the construction of any

909 building, structure, work, or improvement, unless the appropriations for such project are
910 included in the capital budget, except to meet a public emergency as provided in Section 2.23
911 of this charter.

912 (b) The city council shall adopt by ordinance the final capital budget for the ensuing fiscal
913 year not later than a time set by city council by ordinance. No appropriations provided for
914 in a prior capital budget shall lapse until the purpose for which the appropriation was made
915 shall have been accomplished or abandoned; provided, however, that the city council may
916 submit amendments to the capital budget at any time during the fiscal year, accompanied by
917 recommendations. Any such amendments to the capital budget shall become effective only
918 upon adoption by ordinance.

919 **SECTION 6.30.**

920 Independent audit.

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

926 **SECTION 6.31.**

927 Contracting procedures.

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

- 929 (1) Is in writing and executed by the mayor;
930 (2) Is drawn by or submitted to and reviewed by the city attorney, and as a matter of
931 course, is signed by the city attorney to indicate such drafting or review; and
932 (3) Is made or authorized by the city council and such approval is entered in the city
933 council journal of proceedings pursuant to Section 2.21 of this charter.

934 **SECTION 6.32.**

935 Centralized purchasing.

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

938 **SECTION 6.33.**

939 Sale and lease of city property.

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

942 **ARTICLE VII**

943 **GENERAL PROVISIONS**

944 **SECTION 7.10.**

945 Bonds for officials.

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

949 **SECTION 7.11.**

950 Prior ordinances.

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

954 **SECTION 7.12.**

955 Existing personnel and officers.

956

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

960 **SECTION 7.13.**

961 Pending matters.

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

SECTION 7.14.

Construction.

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

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

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

SECTION 7.15.

Severability.

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

SECTION 7.16.

Specific repealer.

An Act to provide a new charter for the City of Jeffersonville, approved April 10, 2014 (Ga. L. 2014, p. 3791), is hereby repealed in its entirety, and all amendatory acts thereof are likewise repealed in their entirety.

SECTION 7.17.

General repealer.

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