

House Bill 707 (AS PASSED HOUSE AND SENATE)

By: Representatives Watson of the 172nd, Taylor of the 173rd, LaHood of the 175th, and Campbell of the 171st

A BILL TO BE ENTITLED

AN ACT

1 To provide a new charter for the City of Coolidge; to provide for incorporation, boundaries,
2 and powers of the city; to provide for the exercise of powers and limitations on powers; to
3 provide for a governing authority of such city and the powers, duties, authority, prohibitions,
4 election, terms, removal from office, method of filling vacancies, compensation, expenses,
5 and qualifications; to provide for conflict of interest and holding other offices; to provide for
6 inquiries and investigations; to provide for organization and meeting procedures; to provide
7 for ordinances; to provide for eminent domain; to provide for codes; to provide for the office
8 of mayor and certain duties and powers relative to the office of mayor; to provide for a veto;
9 to provide for a mayor pro tempore; to provide for a city manager; to provide for
10 administrative responsibilities; to provide for boards, commissions, and authorities; to
11 provide for a city attorney, city clerk, and other personnel; to provide for a comprehensive
12 land use plan; to provide for the establishment of a municipal court and the judge or judges
13 thereof; to provide for practices and procedures; to provide for taxation, permits, and fees;
14 to provide for franchises, service charges, and assessments; to provide for bonded and other
15 indebtedness; to provide for accounting and budgeting; to provide for contracting and
16 purchasing; to provide for sale of city property; to provide for bonds for officials; to provide
17 for pending matters; to provide for definitions and construction; to provide for severability;

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18 to provide for related matters; to repeal a specific Act; to repeal conflicting laws; and for
19 other purposes.

20 **ARTICLE I**
21 **INCORPORATION AND POWERS**

22 **SECTION 1.10.**

23 Name.

24 This city and the inhabitants thereof are reincorporated by the enactment of this charter and
25 are hereby constituted and declared a body politic and corporate under the name and style
26 City of Coolidge, Georgia, and by that name shall have perpetual existence.

27 **SECTION 1.11.**

28 Corporate Boundaries.

29 (a) The boundaries of this city shall be those existing on the effective date of the adoption
30 of this charter with such alterations as may be made from time to time in the manner
31 provided by law. The boundaries of this city at all times shall be shown on a map to be
32 retained permanently in the City of Coolidge City Hall and to be identified by the city clerk
33 as the Official Map of the Corporate Limits of the City of Coolidge, Georgia. Photographic,
34 typed, or other copy of such map or description certified by the City of Coolidge shall be
35 admitted as evidence in all courts and shall have the same force and effect as with the
36 original map or description.

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

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SECTION 1.12.

Powers and construction.

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

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

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SECTION 1.13.

Specific powers.

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

56 (b) Appropriations and Expenditures. To make appropriations for the support of the
57 government of the city; to authorize the expenditure of money for any purposes authorized
58 by this charter or for municipalities by the laws of the State of Georgia; and to provide for
59 the payment of expenses of the city.

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

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

69 (e) Condemnation. To condemn property inside or outside the corporate limits of the city
70 for present or future use and for any corporate purpose deemed necessary by the governing
71 authority, utilizing procedures provided by the O.C.G.A. as the same shall exist from time
72 to time.

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

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

79 (h) Environmental Protection. To protect and preserve the natural resources, environment,
80 and vital areas of the city through the preservation and improvement of air quality, the
81 restoration and maintenance of water resources, the control of erosion and sedimentation, the
82 management of solid and hazardous waste, and other necessary actions for the protection of
83 the environment.

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

88 (j) Garbage Fees. To levy, fix, assess, and collect a garbage, refuse, and trash collection and
89 disposal, and other sanitary service charge, tax, or fee for such services as may be necessary

90 in the operation of the city from all individuals, firms, and corporations residing in or doing
91 business therein benefitting from such services or to whom such services are available; to
92 enforce the payment of such charges, taxes, or fees; and to provide for the manner and
93 method of collecting such service charges.

94 (k) General Health, Safety, and Welfare. To define, regulate, and prohibit any act, practice,
95 conduct, or use of property which is detrimental to health, sanitation, cleanliness, welfare,
96 and safety of the inhabitants of the city, and to provide for the enforcement of such standards.

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

100 (m) Health and Sanitation. To prescribe standards of health and sanitation and to provide
101 for the enforcement of such standards.

102 (n) Jail Sentences. To provide that persons given jail sentences in the city's court may work
103 out such sentences in any public works or on the streets, roads, drains, and other public
104 property in the city; to provide for commitment of such persons to any jail; or to provide for
105 commitment of such persons to any county work camp or county jail by agreement with the
106 appropriate county officials.

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

110 (p) Municipal Agencies and Delegation of Power. To create, alter, or abolish departments,
111 boards, offices, commissions, and agencies of the city, and to confer upon such agencies the
112 necessary and appropriate authority for carrying out all the powers conferred upon or
113 delegated to the same.

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

- 117 (r) Municipal Property Ownership. To acquire, dispose of, lease, option, and hold in trust
118 or otherwise, any real, personal, or mixed property, in fee simple or lesser interest, inside or
119 outside the property limits of the city.
- 120 (s) Municipal Property Protection. To provide for the preservation and protection of
121 property and equipment of the city and the administration and use of same by the public, and
122 to prescribe penalties and punishment for violations thereof.
- 123 (t) Municipal Utilities. To acquire, lease, construct, operate, maintain, sell, and dispose of
124 public utilities, including, but not limited to, a system of waterworks, sewers and drains,
125 sewage disposal, gas works, electric light plants, cable television, and other
126 telecommunications, transportation facilities, public airports, and any other public utility; and
127 to fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties, and to
128 provide for the withdrawal of service for refusal or failure to pay the same.
- 129 (u) Nuisance. To define a nuisance and provide for its abatement whether on public or
130 private property.
- 131 (v) Penalties. To provide penalties for violation of any ordinances adopted pursuant to the
132 authority of this charter and the laws of the State of Georgia.
- 133 (w) Planning and Zoning. To provide comprehensive city planning for development by
134 zoning; and to provide subdivision regulations and the like as the city council deems
135 necessary and reasonable to ensure a safe, healthy, and aesthetically pleasing community.
- 136 (x) Police and Fire Protection. To exercise the power of arrest through duly appointed
137 police personnel; and to establish, operate, or contract for police and fire fighting agencies.
- 138 (y) Removal of Public Hazards. To provide for the destruction and removal of any building
139 or other structure which is or may become dangerous or detrimental to the public.
- 140 (z) Public Improvements. To provide for the acquisition, construction, building, operation,
141 and maintenance of public ways, parks and playgrounds, recreational facilities, cemeteries,
142 markets and market houses, public buildings, libraries, public housing, airports, hospitals,
143 terminals, docks, parking facilities, or charitable, cultural, educational, recreational,

144 conservation, sport, curative, corrective, detentional, penal, and medical institutions,
145 agencies, and facilities; and to provide any other public improvements, inside or outside the
146 corporate limits of the city; to regulate the use of public improvements; and for such
147 purposes property may be acquired by condemnation under procedures provided by the
148 O.C.G.A. as the same shall exist from time to time.

149 (aa) Public Peace. To provide for the prevention and punishment of drunkenness, riots, and
150 public disturbances.

151 (bb) Public Transportation. To organize and operate such public transportation systems as
152 are deemed beneficial.

153 (cc) Public Utilities and Services. To grant franchises or make contracts for, or impose taxes
154 on, public utilities and public service companies; and to prescribe the rates, fares, regulations
155 and standards, and conditions of service applicable to the service to be provided by the
156 franchise grantee or contractor, insofar as not in conflict with valid regulations of the Public
157 Service Commission.

158 (dd) Regulation of Roadside Areas. To prohibit or regulate and control the erection,
159 removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any and
160 all other structures or obstructions upon or adjacent to the rights-of-way of streets and roads
161 or within view thereof, within or abutting the corporate limits of the city; and to prescribe
162 penalties and punishment for violation of such ordinances.

163 (ee) Retirement. To provide and maintain a retirement plan for officers and employees of
164 the city.

165 (ff) Roadways. To lay out, open, extend, widen, narrow, establish, or change the grade of,
166 abandon or close, construct, pave, curb, gutter, provide drainage for, adorn with shade trees,
167 or otherwise improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys,
168 and walkways within the corporate limits of the city; and to grant franchises and
169 rights-of-way throughout the streets and roads and over the bridges and viaducts for the use

170 of public utilities; and to require real estate owners to repair and maintain in a safe condition
171 the sidewalks adjoining their lots or lands; and to impose penalties for failure to do so.

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

179 (hh) Solid Waste Disposal. To provide for the collection and disposal of garbage, rubbish,
180 and refuse, and to regulate the collection and disposal of garbage, rubbish, and refuse by
181 others; and to provide for the separate collection of glass, tin, aluminum, cardboard, paper,
182 and other recyclable materials.

183 (ii) Special Areas of Public Regulation. To regulate or prohibit junk dealers; pawn shops;
184 the manufacture, sale, or transportation of intoxicating liquors; and the use and sale of
185 firearms; to regulate the transportation, storage, and use of combustible, explosive, and
186 inflammable materials; the use of lighting and hearing equipment; and any other business or
187 situation which the city may deem to be dangerous to persons or property; to regulate and
188 control the conduct of peddlers and itinerant traders; theatrical performances, exhibitions,
189 and shows of any kind, by taxation or otherwise; and to license, tax, regulate, or prohibit
190 professional fortune-telling, palmistry, adult bookstores, and massage parlors.

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

193 (kk) Taxes: Ad Valorem. To levy and provide for the assessment, valuation, revaluation,
194 and collection of taxes on all property subject to taxation.

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

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

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

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

212 **SECTION 1.14.**

213 Exercise of powers.

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

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ARTICLE II

219

GOVERNMENT STRUCTURE

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SECTION 2.10.

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City council creation; number; election.

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

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SECTION 2.11.

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City council terms and qualifications for office.

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

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SECTION 2.12.

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Vacancy; filling of vacancies.

237 (a) Vacancies - The office of mayor or council member shall become vacant upon the
238 occurrence of any event specified by the Constitution of the State of Georgia, Title 45 of the
239 O.C.G.A., or such other applicable laws as are or may hereafter be enacted.

240 (b) Filling of Vacancies - A vacancy in the office of mayor shall be filled for the remainder
241 of the unexpired term by the mayor if less than 12 months remain in the unexpired term, and
242 shall be otherwise filled by an election as provided for in Section 5.14 of this charter and in
243 accordance with Titles 21 and 45 of the O.C.G.A. or such other laws as are or may hereafter
244 be enacted. A vacancy in the office of councilmember shall be filled for the remainder of the
245 unexpired term, if any, by appointment of less than 12 months remain in the unexpired term,
246 and shall be otherwise filled by an election as provided for in Section 5.14 of this charter and
247 Titles 21 and 45 of the O.C.G.A. or such other laws as are or may hereafter be enacted.

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

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SECTION 2.13.

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Compensation and expenses.

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

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SECTION 2.14.

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Holding other office; voting when financially interested.

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(a) Fiduciary Capacity - 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.

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

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(1) Engage in any business or transaction, or have a financial interest 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 that person's judgment or action in the performance of that person's official duties;

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(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 that person's judgment or action in the performance of that person's official duties;

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

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

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

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

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

297 (d) Use of Public Property - No elected official, appointed officer, or employee of the city
298 or any agency or entity to which this charter applies shall use property owned by such
299 governmental entity for personal benefit, convenience, or profit except in accordance with
300 policies promulgated by the city council or the governing body of such agency or entity.

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

304 (f) Ineligibility of Elected Official - Except where authorized by law, neither the mayor nor
305 any councilmember shall hold any other elective or compensated appointive office in the city
306 or otherwise be employed by said government or any agency thereof during the term for
307 which that person was elected. No former councilmember and no former mayor shall hold
308 any compensated appointive office in the city until two years after the expiration of the term
309 for which that official was elected.

310 (g) Political Activities of Certain Officers and Employees - No appointed officer of the city
311 shall continue in such employment upon qualifying as a candidate for nomination or election
312 to any public office. No employee of the city shall continue in such employment upon
313 qualifying for any public office in this city or upon qualifying for any other public office
314 which is inconsistent, incompatible, or in conflict with the duties of the city employee. Such
315 determination shall be made by the mayor and council either immediately upon qualifying
316 or at any time such conflict may arise.

317 (h) Penalties for Violation:

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

322 (2) Any city officer or employee who shall forfeit that person's office or position as
323 described in paragraph (1) of this subsection shall be ineligible for appointment or
324 election to or employment in a position in the city government for a period of five years
325 thereafter.

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SECTION 2.15.

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Inquiries and investigations.

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

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SECTION 2.16.

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General power and authority of the city council.

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

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all the powers of government of this city.

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(b) In addition to all other powers conferred upon it by law, the council shall have the

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authority to adopt and provide for the execution of such ordinances, resolutions, rules, and

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regulations, not inconsistent with this charter and the Constitution and the laws of the State

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of Georgia, which it shall deem necessary, expedient, or helpful for the peace, good order,

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protection of life and property, health, welfare, sanitation, comfort, convenience, prosperity,

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or well-being of the inhabitants of the City of Coolidge and may enforce such ordinances by

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imposing penalties for violation thereof.

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SECTION 2.17.

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Eminent domain.

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The city council is hereby empowered to acquire, construct, operate, and maintain public

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ways, parks, public grounds, cemeteries, markets, market houses, public buildings, libraries,

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sewers, drains, sewage treatment, waterworks, electrical systems, gas systems, airports,

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hospitals, and charitable, educational, recreational, sport, curative, corrective, detentional,

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penal, and medical institutions, agencies and facilities, and any other public improvements

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inside or outside the city, and to regulate the use thereof, and for such purposes, property

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may be condemned under procedures established under general law applicable now or as

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provided in the future.

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SECTION 2.18.

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Organizational meetings.

357 The city council shall hold an organizational meeting at the first regularly scheduled meeting
358 in January following the regular election, as provided in Section 5.11. The meeting shall be
359 called to order by the city clerk, and the oath of office shall be administered to the newly
360 elected members as follows:

361 "I _____ do solemnly swear or affirm that I will properly perform the duties of the
362 office of _____ in and for the City of Coolidge, to the best of my knowledge, skill,
363 and ability; that I am not the holder of any unaccounted for public money due to the State
364 of Georgia or any political subdivision or authority thereto; that I am not the holder of any
365 office of trust under the government of the United States, any other state, or any foreign
366 state, which I am by the laws of the State of Georgia prohibited from holding; that I am
367 qualified to hold the office which I am about to enter according to the Constitution and
368 laws of Georgia; that I will support the Constitution of the United States and the State of
369 Georgia; that I have been a resident of the City of Coolidge for the time required by the
370 Constitution and laws of the State of Georgia and the charter of the City of Coolidge, so
371 help me God."

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SECTION 2.19.

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Regular and special meetings.

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

376 (b) Special meetings of the city council may be held on call of the mayor or three members
377 of the city council. Notice of such special meetings shall be served on all other members
378 personally, or by telephone personally, at least 24 hours in advance of the meeting. Such

379 notice to councilmembers shall not be required if the mayor and all councilmembers are
380 present when the special meeting is called. Such notice of any special meeting may be
381 waived by a council member in writing before or after such a meeting, and attendance at the
382 meeting shall also constitute a waiver of notice on any business transacted in such council
383 member's presence. Only the business stated in the call may be transacted at the special
384 meeting.

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

389 **SECTION 2.20.**

390 Rules of procedure.

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

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

397 **SECTION 2.21.**

398 Quorum; voting.

399 (a) Four councilmembers other than the mayor or the mayor and three councilmembers shall
400 constitute a quorum and shall be authorized to transact business of the city council. Voting
401 on the adoption of ordinances shall be by voice vote, and the vote shall be recorded in the

402 journal, but any member of the city council shall have the right to request a roll call vote and
403 such vote shall be recorded in the journal. Except as otherwise provided in this charter, the
404 affirmative vote of four councilmembers shall be required for the adoption of any ordinance,
405 resolution, or motion. The mayor shall vote only in the event of a tie or when an affirmative
406 or negative vote by the mayor constitutes a majority of four votes. An abstention shall not
407 be counted as either an affirmative or negative vote.

408 (b) Every ordinance, resolution, or motion passed by the city council may be subject to veto
409 by the mayor in the following manner: The mayor, within three days may write out his or her
410 objection to such ordinance, resolution, or motion, the objection shall be presented to the city
411 council at the next regularly scheduled meeting. Said objection shall be entered into the
412 minutes, and the city council shall vote on the question as to whether said ordinance,
413 resolution, or motion shall become adopted over said veto. Should as many as four members
414 of the city council at the next regularly scheduled meeting following the mayor's veto vote
415 in the affirmation, said ordinance, resolution, or motion shall stand affirmed and become
416 effective without the approval of the mayor; otherwise the veto will stand.

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SECTION 2.22.

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Ordinance form; procedures.

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

423 (b) An ordinance may be introduced by any council member and be read at a regular or
424 special meeting of the city council. Ordinances shall be considered and adopted or rejected
425 by the city council in accordance with the rules which it shall establish. Except for
426 emergency ordinances, all ordinances shall have two separate readings; provided, however,

427 that the council may dispense with the second reading with the unanimous consent of the
428 members present. Upon introduction of any ordinance, the clerk shall as soon as possible
429 distribute a copy to the mayor and each council member and shall file a reasonable number
430 of copies in the office of the clerk and at such other public places as the city council may
431 designate.

432 **SECTION 2.23.**

433 Action requiring an ordinance.

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

436 **SECTION 2.24.**

437 Emergencies.

438 (a) To meet a public emergency affecting life, health, property, or public peace, the city
439 council may convene on call of the mayor or two councilmembers and promptly adopt an
440 emergency ordinance, but such ordinance may not levy taxes; grant, renew, or extend a
441 franchise; regulate the rate charged by any public utility for its services; or authorize the
442 borrowing of money except for loans to be repaid within 30 days. An emergency ordinance
443 shall be introduced in the form prescribed for ordinances generally, except that it shall be
444 plainly designated as an emergency ordinance and shall contain, after the enacting clause,
445 a declaration stating that an emergency exists and describing the emergency in clear and
446 specific terms. An emergency ordinance may be adopted, with or without amendment, or
447 rejected at the meeting at which it is introduced, but the affirmative vote of at least three
448 councilmembers shall be required for adoption. It shall become effective upon adoption or
449 at such later time as it may specify. Every emergency ordinance shall automatically stand

450 repealed 30 days following the date upon which it was adopted, but this shall not prevent
451 reenactment of the ordinance in the manner specified in this section if the emergency still
452 exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance
453 in the same manner specified in this section for adoption of emergency ordinances.

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

458 **SECTION 2.25.**

459 Codes of technical regulations.

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

463 (1) The requirements of subsection (b) of Section 2.22 for distribution and filing of
464 copies of the ordinance shall be construed to include copies of any code of technical
465 regulations, as well as the adopting ordinance; and

466 (2) A copy of each adopted code of technical regulations, as well as the adopting
467 ordinance, shall be authenticated and recorded by the clerk pursuant to Section 2.22.

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

470

SECTION 2.26.

471

Signing; authenticating; recording; codification; printing.

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

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

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

491 **SECTION 2.27.**

492 Election of mayor; forfeiture; compensation.

493 The mayor shall be elected and serve for a term of four years and until a successor is elected
494 and qualified. The mayor shall be a qualified elector of this city and shall have been a
495 resident of the city for 12 months preceding the election. The mayor shall continue to reside
496 in this city during the period of service. The mayor shall forfeit the office on the same
497 grounds and under the same procedure as for councilmembers. The compensation of the
498 mayor shall be established in the same manner as for councilmembers.

499 **SECTION 2.28.**

500 Powers and duties of mayor.

501 The mayor shall:

- 502 (1) Preside at all meetings of the city council;
- 503 (2) Be the head of the city for the purpose of service of process and for ceremonial
504 purposes, and be the official spokesperson for the city and the chief advocate of policy;
- 505 (3) Have power to administer oaths and to take affidavits;
- 506 (4) Sign as a matter of course on behalf of the city all written and approved contracts,
507 ordinances, and other instruments executed by the city which by law are required to be
508 in writing;
- 509 (5) Vote in the event of a tie;
- 510 (6) Fulfill such other executive and administrative duties as the city council shall by
511 ordinance establish not in conflict with the provisions of this charter; and
- 512 (7) Veto any ordinance, resolution, or motion as provided in subsection (b)
513 of Section 2.21.

514 **SECTION 2.29.**

515 Mayor pro tem; selection; duties.

516 By a majority vote, the city council shall elect a council member to serve as mayor pro tem.
517 In the mayor's absence, the mayor pro tem shall preside at meetings of the city council and
518 shall assume the duties and powers of the mayor upon the mayor's physical or mental
519 disability, provided that the mayor pro tem shall vote as a member of the council at all times
520 when serving as herein provided.

521 **SECTION 2.30.**

522 City manager; appointment; qualifications; compensation.

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

526 **SECTION 2.31.**

527 Duties of the city manager.

528 The city manager shall be the chief executive and administrative officer of the city. The
529 manager shall be responsible to the city council for the administration of all city affairs
530 placed in his or her charge by or under this charter. As the chief executive and administrative
531 officer, the manager shall:

532 (1) Appoint and, when the manager deems it necessary for the good of the city, suspend
533 or remove all city employees and administrative officers the manager appoints, except
534 as otherwise provided by law or personnel ordinances adopted pursuant to this charter.

535 The manager may authorize any administrative officer who is subject to the manager's

- 536 direction and supervision to exercise these powers with respect to subordinates in that
537 officer's department, office, or agency;
- 538 (2) Direct and supervise the administration of all departments, offices, and agencies of
539 the city, except as otherwise provided by this charter or by law;
- 540 (3) Attend all city council meetings except for closed meetings held for the purposes of
541 deliberating on the appointment, discipline, or removal of the city manager and have the
542 right to take part in discussion but not vote;
- 543 (4) See that all laws, provisions of this charter, and acts of the city council, subject to
544 enforcement by the manager or by officers subject to the manager's direction and
545 supervision, are faithfully executed;
- 546 (5) Consult with the mayor in the preparation of the annual operating budget and capital
547 budget to the city council;
- 548 (6) Submit to the city council and make available to the public a complete report on the
549 finances and administrative activities of the city as of the end of each fiscal year;
- 550 (7) Make such other reports as the city council may require concerning the operations
551 of city departments, offices, and agencies subject to the manager's direction and
552 supervision;
- 553 (8) Keep the city council fully advised as to the financial condition and future needs of
554 the city and make such recommendations to the city council concerning the affairs of the
555 city as the manager deems desirable; and
- 556 (9) Perform other such duties as are specified in this charter or as may be required by the
557 city council.

558

SECTION 2.32.

559

Removal of city manager.

560 (a) The city manager is employed at will and may be summarily removed from office at any
561 time by the city council. The city council may remove the manager from office in
562 accordance with the following procedures:

563 (1) The city council shall adopt by affirmative vote of a majority of all its members a
564 preliminary resolution which must state the reasons for removal and may suspend the
565 manager from duty for a period not to exceed 45 days. A copy of the resolution shall be
566 delivered promptly to the manager;

567 (2) Within five days after a copy of the resolution is delivered to the manager, the
568 manager may file with the city council a written request for a public hearing. This
569 hearing shall be held within 30 days after the request is filed. The manager may file with
570 the council a written reply not later than five days before the hearing; and

571 (3) If the manager has not requested a public hearing within the time specified in
572 paragraph (2) of this subsection, the city council may adopt a final resolution for removal,
573 which may be made effective immediately, by an affirmative vote of a majority of all its
574 members. If the manager has requested a public hearing, the city council may adopt a
575 final resolution for removal, which may be made effective immediately, by an affirmative
576 vote of a majority of all its members at any time after the public hearing.

577 (b) The manager may continue to receive a salary until the effective date of a final resolution
578 of removal.

579 **SECTION 2.33.**

580 Council interference with administration.

581 Except for the purpose of inquiries and investigations under Section 2.15, the city council or
582 its members shall deal with city officers and employees who are subject to the direction and
583 supervision of the city manager solely through the city manager, and neither the city council
584 nor its members shall give orders to any such officer or employee, either publicly or
585 privately.

586 **ARTICLE III**
587 **ADMINISTRATIVE AFFAIRS**

588 **SECTION 3.10.**

589 Administrative and service departments.

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

594 (b) Except as otherwise provided by this charter or by law, the directors of city departments
595 and other appointed officers of the city under the supervision of the city manager shall be
596 appointed by the city manager solely on the basis of their respective administrative and
597 professional qualifications. Except those appointed by the city council, all appointed
598 officers, directors, and department heads shall be employees at will and subject to removal
599 or suspension at any time by the city manager.

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

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

606 **SECTION 3.11.**

607 Boards, commissions, and authorities.

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

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

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

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

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

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

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

629 (h) Except as otherwise provided by this charter or by law, each board, commission, or
630 authority of the city shall elect one of its members as chair and one member as vice chair and
631 may elect as its secretary one of its own members or may appoint as secretary an employee
632 of the city. Each board, commission, or authority of the city government may establish such
633 bylaws, rules, and regulations not inconsistent with this charter or ordinances of the city or
634 law as it deems appropriate and necessary for the fulfillment of its duties or the conduct of
635 its affairs. Copies of such bylaws, rules, and regulations shall be filed with the city clerk.

636 **SECTION 3.12.**

637 City attorney.

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

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

649 **SECTION 3.13.**

650 City clerk.

651 The city council shall appoint a city clerk who shall not be a council member. The city clerk
652 shall be custodian of the official city seal and city records; maintain city council records
653 required by this charter; and perform such other duties as may be required by the city
654 council. The city clerk shall be under the supervision of the city manager.

655 **SECTION 3.14.**

656 Personnel policies.

657 The city council shall adopt by ordinance a personnel policy and procedure manual. All
658 employees serve at-will and may be removed from office at any time, unless otherwise
659 provided by ordinance.

660 **ARTICLE IV**

661 **JUDICIAL BRANCH**

662 **SECTION 4.10.**

663 Municipal court creation.

664 There shall be a court to be known as the Municipal Court of the City of Coolidge.

665

SECTION 4.11.

666

Chief judge; associate judge.

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

669 (b) No person shall be qualified or eligible to serve as a judge on the municipal court unless
670 that person shall have attained the age of 21 years and shall possess all qualifications
671 required by law. All judges shall be appointed by the city council and shall serve until a
672 successor is appointed and qualified.

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

674 (d) Judges serve as provided in Code Section 36-32-2 of the O.C.G.A., and may be removed
675 from office in accordance with Code Section 36-32-2.1, or other such applicable laws as are
676 or may hereafter be enacted. Judges serve at-will and may be removed from office at any
677 time by the city council, unless otherwise provided by ordinance.

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

682

SECTION 4.12.

683

Convening.

684 The municipal court shall convene at regular intervals as provided by ordinance.

685

SECTION 4.13.

686

Jurisdiction; powers.

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

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

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

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

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

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

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

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

720 **SECTION 4.14.**

721 Certiorari.

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

726 **SECTION 4.15.**

727 Rules for court.

728 With the approval of the city council, the judge of municipal court shall have full power and
729 authority to make reasonable rules and regulations necessary and proper to secure the
730 efficient and successful administration of the municipal court; provided, however, that the
731 city council may adopt in part or in toto the rules and regulations applicable to municipal
732 courts. The rules and regulations made or adopted shall be filed with the city clerk, shall be

733 available for public inspection, and, upon request, a copy shall be furnished to all defendants
734 in municipal court proceedings at least 48 hours prior to said proceedings.

735 **SECTION 4.16.**

736 Indigent defense and prosecutor.

737 The mayor and council shall have the power to provide for a system of defense for indigent
738 persons charged in the municipal court of the City of Coolidge with violations of ordinances
739 and/or state laws, and for the prosecution of such cases by a prosecutor, and to provide for
740 and require the expense of same to be prorated over all criminal cases disposed of by the
741 court, and all bond forfeitures in said cases to be imposed by the municipal court judge and
742 collected in all criminal cases and in bond forfeitures in such cases as costs in addition to
743 fines, penalties, and all other costs.

744 **ARTICLE V**

745 **ELECTIONS AND REMOVAL**

746 **SECTION 5.10.**

747 Applicability of general law.

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

750 **SECTION 5.11.**

751 Regular elections; time for holding.

752 (a) The mayor and councilmembers serving on the effective date of this charter shall serve
753 out the remainder of their terms of office.

754 (b) There shall be elected the mayor and three councilmembers at one election and every
755 four years thereafter. There shall be elected three councilmembers at the next succeeding
756 election and every four years thereafter. Terms shall be for four years.

757 (c) Elections for mayor and city council shall be held on the Tuesday following the first
758 Monday in November of each election year. At the 2021 election, the mayor plus three
759 councilmembers shall be elected for four-year terms. Beginning in 2023, there shall be an
760 election for three councilmembers, and they shall serve for four-year terms, and their
761 successors shall be elected to four-year terms.

762 **SECTION 5.12.**

763 Nonpartisan elections.

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

766 **SECTION 5.13.**

767 Election by plurality.

768 The person receiving a plurality of the votes cast for the office of mayor shall be elected.

769 The persons receiving the highest number of votes case for city council positions shall be
770 elected.

771 **SECTION 5.14.**

772 Special elections; vacancies.

773 In the event that the office of mayor or councilmember shall become vacant as provided in
774 Section 2.12 of this charter, the city council or those remaining shall order a special election
775 to fill the balance of the unexpired term of such official; provided, however, that if such
776 vacancy occurs within 12 months of the expiration of the term of that office, the city council
777 or those members remaining shall appoint a successor for the remainder of the term. In all
778 other respects, the special election shall be held and conducted in accordance with Chapter
779 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended.

780 **SECTION 5.15.**

781 Other provisions.

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

786 **SECTION 5.16.**

787 Removal of officers.

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

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

793 (1) Following a hearing at which an impartial panel shall render a decision. In the event
794 an elected officer is sought to be removed by the action of the city council, such officer
795 shall be entitled to a written notice specifying the ground or grounds for removal and to
796 a public hearing which shall be held not less than ten days after the service of such
797 written notice. The city council shall provide by ordinance for the manner in which such
798 hearings shall be held. Any elected officer sought to be removed from office as provided
799 in this section shall have the right of appeal from the decision of the city council to the
800 Superior Court of Thomas County. Such appeal shall be governed by the same rules as
801 govern appeals to the superior court from the probate court; or
802 (2) By an order of the Superior Court of Thomas County following a hearing on a
803 complaint seeking such removal brought by any resident of the City of Coolidge.

804 **ARTICLE VI**

805 **FINANCE**

806 **SECTION 6.10.**

807 **Property tax.**

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

814 **SECTION 6.11.**

815 Millage rate; due dates; payment methods.

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

820 **SECTION 6.12.**

821 Occupation and business taxes.

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

826 **SECTION 6.13.**

827 Regulatory fees; permits.

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

833 **SECTION 6.14.**

834 Franchises.

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

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

851 **SECTION 6.15.**

852 Service charges.

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

856 providing or making available such services. If unpaid, such charges shall be collected as
857 provided in Section 6.18.

858 **SECTION 6.16.**

859 Special assessments.

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

865 **SECTION 6.17.**

866 Construction; other taxes and fees.

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

870 **SECTION 6.18.**

871 Collection of delinquent taxes and fees.

872 The city council by ordinance may provide generally for the collection of delinquent taxes,
873 fees, or other revenue due the city under Sections 6.10 through 6.17 by whatever reasonable
874 means as are not precluded by law. This shall include providing for the dates when the taxes
875 or fees are due, late penalties or interest, issuance and execution of any fi.fa., creation and
876 priority of liens, making delinquent taxes and fees the personal debts of the persons required

877 to pay the taxes or fees imposed, revoking city permits for failure to pay city taxes or fees,
878 and providing for the assignment or transfer of tax executions.

879 **SECTION 6.19.**

880 General obligation bonds.

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

885 **SECTION 6.20.**

886 Revenue bonds.

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

890 **SECTION 6.21.**

891 Short-term loans.

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

894 **SECTION 6.22.**

895 Lease-purchase contracts.

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

903 **SECTION 6.23.**

904 Fiscal year.

905 The city council shall set the fiscal year by ordinance. This fiscal year shall constitute the
906 budget year and the year for financial accounting the reporting of each and every office,
907 department, agency, and activity of the city government, unless otherwise provided by state
908 or federal law.

909 **SECTION 6.24.**

910 Preparation of budgets.

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

915 **SECTION 6.25.**

916 Submission of operating budget to city council.

917 On or before a date fixed by the city council, but not later than 60 days prior to the beginning
918 of each fiscal year, the mayor upon consultation with the city manager shall submit to the
919 city council a proposed operating budget for the ensuing fiscal year. The budget shall be
920 accompanied by a message from the mayor containing a statement of the general fiscal
921 policies of the city, the important features of the budget, explanations of major changes
922 recommended for the next fiscal year, a general summary of the budget, and such other
923 pertinent comments and information. The operating budget and the capital budget
924 hereinafter provided for, the budget message, and all supporting documents shall be filed in
925 the office of the city clerk and shall be open to public inspection.

926 **SECTION 6.26.**

927 Action by city council on budget.

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

933 (b) The city council by ordinance shall adopt the final operating budget for the ensuing fiscal
934 year not later than the first day of the ensuing fiscal year. If the city council fails to adopt
935 the budget by this date, the amounts appropriated for operation for the current fiscal year
936 shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items
937 prorated accordingly until such time as the city council adopts a budget for the ensuing fiscal
938 year. Adoption of the budget shall take the form of an appropriations ordinance setting out

939 the estimated revenues in detail by sources and making appropriations according to fund and
940 by organizational unit, purpose, or activity as set out in the budget preparation ordinance
941 adopted pursuant to Section 6.24.

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

946 **SECTION 6.27.**

947 Tax levies.

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

954 **SECTION 6.28.**

955 Changes in appropriations.

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

960 **SECTION 6.29.**

961 Independent audit.

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

967 **SECTION 6.30.**

968 Contracting procedures.

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

970 (1) It is in writing;

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

973 (3) It is made or authorized by the city council, and such approval is entered in the city
974 council journal of proceedings pursuant to Section 2.21.

975 **SECTION 6.31.**

976 Centralized purchasing.

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

979

SECTION 6.32.

980

Sale and lease of city property.

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

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

987 (c) Whenever in opening, extending, or widening any street, avenue, alley, or public place
988 of the city a small parcel or tract of land is cut off or separated by such work from a larger
989 tract or boundary of land owned by the city, the city council may authorize the mayor to sell
990 and convey said cut off or separated parcel or tract of land to an abutting or adjoining
991 property owner or owners where such sale and conveyance facilitates the enjoyment of the
992 highest and best use of the abutting owner's property. Included in the sales contract shall be
993 a provision for the rights-of-way of said street, avenue, alley, or public place. Each abutting
994 property owner shall be notified of the availability of the property and given the opportunity
995 to purchase said property under such terms and conditions as set out by ordinance. All deeds
996 and conveyances heretofore and hereafter so executed and delivered shall convey all title and
997 interest the city has in such property, notwithstanding the fact that no public sale after
998 advertisement was or is hereafter made.

ARTICLE VII**GENERAL PROVISIONS****SECTION 7.10.**

Bonds for officials.

1003 The officers and employees of this city, both elective and appointive, shall execute such
1004 surety or fidelity bonds in such amounts and upon such terms and conditions as the city
1005 council shall from time to time require by ordinance or as may be provided by law.

SECTION 7.11.

Prior ordinances.

1008 All ordinances, resolutions, rules, and regulations now in force in the city and not
1009 inconsistent with this charter are hereby declared valid and of full force and effect until
1010 amended or repealed by the city council.

SECTION 7.12.

Existing personnel and officers.

1013 Except as specifically provided otherwise by this charter, all personnel and officers of the
1014 city and their rights, privileges, and powers shall continue beyond the time this charter takes
1015 effect for a period of 180 days before or during which the existing city council shall pass a
1016 transition ordinance detailing the changes in personnel and appointive officers required or
1017 desired and arranging such titles, rights, privileges, and powers as may be required or desired
1018 to allow a reasonable transition.

1019 **SECTION 7.13.**

1020 Pending matters.

1021 Except as specifically provided otherwise by this charter, all rights, claims, actions, orders,
1022 contracts, and legal or administrative proceedings shall continue, and any such ongoing work
1023 or cases shall be completed by such city agencies, personnel, or offices as may be provided
1024 by the city council.

1025 **SECTION 7.14.**

1026 Construction.

1027 (a) Section captions in this charter are informative only and are not to be considered as a part
1028 thereof.

1029 (b) The word "shall" is mandatory, and the word "may" is permissive.

1030 (c) The singular shall include the plural, and the masculine shall include the feminine, and
1031 vice versa.

1032 **SECTION 7.15.**

1033 Severability.

1034 If any article, section, subsection, paragraph, sentence, or part thereof of this charter shall be
1035 held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect
1036 nor impair other parts of this charter unless it clearly appears that such other parts are wholly
1037 and necessarily dependent upon the part held to be invalid or unconstitutional, it being the
1038 legislative intent in enacting this charter that each article, section, subsection, paragraph,
1039 sentence, or part thereof be enacted separately and independent of each other.

1040 **SECTION 7.16.**

1041 Specific repealer.

1042 An Act incorporating the City of Coolidge in the County of Thomas, State of Georgia,
1043 approved March 5, 1976, (Ga.L. 1976 p. 2872), is hereby repealed in its entirety, and all
1044 amendatory acts thereto are likewise repealed in their entirety.

1045 **SECTION 7.17.**

1046 General repealer.

1047 All other laws and parts of laws in conflict with this charter are hereby repealed.