House Bill 1162 (AS PASSED HOUSE AND SENATE)

By: Representative Jenkins of the 8th

A BILL TO BE ENTITLED

AN ACT

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

ARTICLE I

INCORPORATION AND POWERS

SECTION 1.10.

Name.

This city and the inhabitants thereof are reincorporated by the enactment of this charter and are constituted and declared a body politic and corporate under the name and style the City of Sky Valley, Georgia and by that name shall have perpetual succession. Under that name, said city shall continue to be vested with all of the property and rights of property which now

belong to the corporation; may sue and be sued; may contract and be contracted with; may acquire and hold such property, real and personal, as may be devised, bequeathed, sold, or in any manner conveyed or dedicated to or otherwise acquired by it and from time to time may hold or invest, sell, or dispose of the same; may have a common seal and alter and renew the same at will; and may exercise in conformity with this charter all municipal powers, functions, rights, privileges, and immunities of every name and nature whatsoever.

SECTION 1.11.

Corporate boundaries.

(a) The boundaries of the City of Sky Valley 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 current boundaries of the City of Sky Valley are and at all times shall be shown on a map, a written description, or any combination thereof, to be retained permanently in the office of the city clerk and to be designated, as the case may be: "Official Map (or Description) of the corporate limits of the City of Sky Valley, Georgia." Alterations in these boundaries shall be indicated by appropriate entries upon or additions to such map or description. Such entries or additions shall be made by and under the direction of the mayor. Photographic, typed, or other copies of such map or description certified by the mayor 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. A redrawn map shall supersede for all purposes the entire map or maps which it is designated to replace.

SECTION 1.12.

Specific powers.

The corporate powers of the government of the City of Sky Valley, to be exercised by the governing authority, include, but are not limited to:

(1) Taxes: ad valorem. To levy and provide for the assessment, valuation, revaluation, and collection of taxes on all property subject to taxation as may be allowed now or in the future by state law;

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

(3) Business regulation and taxation. To levy and to provide for collection of license or regulatory fees and taxes on privileges, occupations, trades, and professions as authorized by Title 48 of the O.C.G.A. or such other 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 or license fees and taxes; and to revoke such permits after due process for failure to pay any city taxes or fees;

(4) 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;

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

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

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

(8) 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 now or may hereafter be enacted;

(9) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose of public utilities, including but not limited to a system of waterworks, sewers and drains, sewage disposal, gas works, electric generating plants, cable television and other telecommunications, transportation facilities, public airports, and any other public utility; and to fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties and to provide for the manner and method of collecting charges for such services and for enforcing payment of same; charges for such services shall constitute a lien against the property receiving such services and shall be enforced in the same manner and under the same remedies as a lien for city property taxes;

(10) Public utilities and services. To grant franchises or make contracts for public utilities and public service companies not to exceed periods of 35 years; or to impose taxes on public utilities and public service companies; and to prescribe the rates, fares, regulations, and standards and conditions of service applicable to the service to be provided by the franchise grantee or contractor, insofar as not in conflict with valid regulations of the Georgia Public Service Commission;

(11) Roadways. To lay out, open, extend, widen, narrow, establish or change the grade of, abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise

improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and walkways within the corporate limits of the city; to grant franchises and rights of way throughout the streets and roads and over the bridges and viaducts for the use of public utilities and public services; to require real estate owners to repair and maintain in a safe condition the sidewalks adjoining their lots or lands; and to enact ordinances establishing the terms and conditions under which such repairs and maintenance shall be effected, including the penalties to be imposed for failure to do so;

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

(13) Building regulation. To establish minimum standards for and to regulate the erection, construction, and repair of buildings and all other structures; to adopt building, housing, plumbing, electrical, gas, and heating and air-conditioning codes; to regulate all housing, building, and building trades; to license the construction and erection of buildings and all other structures for the health, sanitation, cleanliness, welfare, and safety of inhabitants of the city; and to provide for the enforcement of such standards;

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

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

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

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

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

(19) Pollution. To regulate the emission of smoke or other exhaust which pollutes the air and to prevent the pollution of natural streams which flow within the corporate limits of the city;

(20) Environmental protection. To protect and preserve the natural resources, environment, and vital areas of 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 solid and hazardous waste, and other necessary actions for the protection of the environment;

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

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

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

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

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

service charges and for enforcing payment of the same; to levy a fee, charge, or water tax as necessary to assure the acquiring, constructing, equipping, operating, maintaining, and extending of a water plant and water system; to levy on the users of the water system a water service charge or fee or water tax for the use of the water system; to provide for the manner and method of collecting such water service charges and for enforcing payment of the same; and to charge, impose, and collect a sewer and/or water connection fee or fees to those connected with the water or sewer system;

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

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

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

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

(30) Public peace. To adopt ordinances and regulations for the prevention and punishment of loitering, disorderly conduct, riots, public drunkenness, and disturbing the peace in the corporate limits of the city; and to prohibit or regulate by ordinance such other conduct and activities within said city which, while not constituting an offense against the laws of this state, are deemed by the governing authority to be detrimental and offensive to the peace and good order of the city or to the welfare of the citizens thereof;

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

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

(33) Taxicabs. To regulate and license vehicles operated for hire in the city; to limit the number of such vehicles; to require the operators thereof to be licensed; to require public

liability insurance on such vehicles in the amounts to be prescribed by ordinance; and to regulate the parking of such vehicles;

(34) Public transportation. To organize and operate such public transportation systems as are deemed beneficial;

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

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

(37) Contracts. To enter into contracts and agreements with other governmental entities and with private persons, firms, and corporations providing for services to be furnished and payments to be made therefor;

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

(39) General welfare. To make, ordain, and establish such bylaws, ordinances, rules, and regulations as shall appear necessary for the security, welfare, convenience, and interest of the city and the inhabitants thereof and for preserving the health, peace, order, and good government of the city;

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

(41) Police and fire protection. To exercise the power of arrest through duly appointed police officers or in any other manner provided by the general laws of the State of Georgia; and to establish, operate, or contract for a police and a fire-fighting agency;

(42) Emergencies. To establish procedures for determining and proclaiming that an emergency situation exists within or outside the city; and to make and carry out all reasonable provisions deemed necessary to deal with or meet such an emergency for the protection, safety, health, or well-being of the citizens of the city; and

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

be in addition to such powers unless expressly prohibited to municipalities under the Constitution or applicable laws of the State of Georgia.

SECTION 1.13.

Powers and construction.

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

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

SECTION 1.14.

Exercise of powers.

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

ARTICLE II

GOVERNMENT STRUCTURE

SECTION 2.10.

City council: composition; number; election.

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

SECTION 2.11.

City council: terms and qualifications for office.

(a) The members of the city council shall serve for a term of two years and until their respective successors are elected and qualified. No person shall be eligible to serve as a councilmember unless that person shall have been a resident of the City of Sky Valley for

12 months continuously prior to the date of the election of councilmembers. Each person so elected shall continue to reside within the corporate limits of Sky Valley during that person´s period of service as councilmember. Each councilmember shall be registered and qualified to vote in the municipal elections of the City of Sky Valley.

(b) The election for the two councilmembers whose terms expire in 2008 shall be held at the time of the general election in November, 2008.

(c) The election for the three councilmembers whose terms expire in 2009 shall be held at the time of the general election in November, 2009.

SECTION 2.12.

Vacancy; forfeiture of office; filling of vacancies.

(a) Vacancies—The office of mayor or councilmember shall become vacant upon the incumbent´s death, resignation, forfeiture of office or removal from office, or occurrence of any event specified by the Constitution, Title 45 of the O.C.G.A., or such other applicable laws as are or may hereafter be enacted.

(b) Forfeiture of office—The mayor or any councilmember shall forfeit his or her office if he or she:

(1) Lacks at any time during his or her term of office any qualifications of the office as prescribed by this charter or the laws of the State of Georgia;

(2) Is convicted of a felony or other crime involving moral turpitude; or

(3) Abandons the office or neglects to perform the duties thereof.

(c) Filling of vacancies.

(1) A vacancy in the office of a councilmember shall be filled for the remainder of the unexpired term, if any, by appointment by the city council if less than 12 months remain in the unexpired term, otherwise by an election as provided for in Section 5.15 of this charter and Titles 21 and 45 of the O.C.G.A. or such other laws as are or may hereafter be enacted. This provision shall also apply to a temporary vacancy created by the suspension from office of the mayor or any councilmember.

(2) In the event that the office of mayor shall become vacant for any cause whatsoever, the president of the city council shall act as mayor until the next general or special election, as provided in this paragraph, with all the powers and duties of the mayor. The president of the council shall temporarily vacate his or her seat on the city council to act as mayor and shall lose all voting privileges while serving as mayor. Upon election of the mayor as provided herein, the council president shall be entitled to return to his or her seat on the city council for the remainder of his or her term, if any, provided that the president of the city council who is serving as mayor does not qualify to run for the unexpired term of the mayor at the next general or special election. When the office of

president of the city council becomes vacant because the president of the city council becomes the acting mayor due to a vacancy in the office of mayor, such vacancy in the president of the city council position shall be filled by election by the remaining members of the city council. The term of office for a councilmember so elected shall continue until the next general or special election for the office of mayor.

(d) Nonpartisan elections—Political parties shall not conduct primaries for city offices, and names of candidates for city offices shall be listed without party description.

SECTION 2.13.

Elections.

For the purpose of electing the mayor and city council, the City of Sky Valley shall consist of one city-wide election district. The candidate for mayor and the candidates for city council receiving the most votes city wide will be elected.

SECTION 2.14.

Compensation and expenses.

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

SECTION 2.15.

Conflicts of interest; holding other offices.

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

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

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

(3) Disclose confidential information, including information obtained at meetings which are closed pursuant to Chapter 14 of Title 50 of the O.C.G.A., concerning the property, government, or affairs of the governmental body by which 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;

(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;

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

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

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

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

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

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

(g) Political activities of certain officers and employees—No appointed officer of the city shall continue in such employment upon qualifying as a candidate for nomination or election

to any public office within the City of Sky Valley. No employee of the city shall continue in such employment upon election to any public office in this city or any other public office which is inconsistent, incompatible, or in conflict with the duties of the city employee. Such determination shall be made by the mayor and city council either immediately upon election or at any time such conflict may arise.

(h) Abstentions–A councilmember shall vote on all motions unless he or she has a conflict of interest preventing him or her from making a decision in a fair and legal manner. If a conflict of interest does exist, the councilmember shall explain for the record his or her decision to abstain on any vote.

(i) Penalties for violation.

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

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

SECTION 2.16.

Inquiries and investigations.

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

SECTION 2.17.

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 of Sky Valley as provided by Article I of this charter.

(b) In addition to all other powers conferred upon it by 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, 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 Sky Valley and may enforce such ordinances by imposing penalties for violation thereof.

(c) The city council by ordinance may create, change, alter, abolish, or consolidate offices, agencies, and departments of the city and may assign additional functions to any of the offices, agencies, and departments expressly provided for by this charter.

SECTION 2.18.

Organizational meeting.

(a) At the first meeting of each year the first order of business will be organization. The meeting shall be called to order by the city clerk, and the oath of office shall be administered to the newly elected members as follows:

"I do solemnly swear (or affirm) that I will well and truly 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 the United States of America."

(b) The city council, by majority vote of all the members thereof, shall elect one of their number to be president of the city council. The person elected as president shall serve a term of one year and until a successor is elected and qualified. The president of the city council shall assume the duties and powers of the mayor upon the mayor´s disability or absence or upon the event of a vacancy in that office.

SECTION 2.19.

Regular and special meetings.

(a) The city council shall hold regular meetings at such times and places as shall be prescribed by ordinance. The city council may recess any regular meeting and continue such meeting on any weekday and at any hour it may fix and may transact any business at such continued meeting that could have been transacted at any regular meeting.

(b) Special meetings of the city council may be held on call of the mayor or three members of the city council. Notice of such special meeting shall be served on all other members as provided by ordinance. 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 notice may be transacted at the special meeting unless all councilmembers are present and consent. With such consent, any business which may be transacted in a regular meeting may be conducted 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 as fully as is reasonably possible as provided by Code Section 50-14-1 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 of procedure and order of business consistent with the provisions of this charter and shall provide for keeping of a journal of its proceedings, which shall be a public record.

(b) All committees and committee chairpersons shall be appointed by the mayor subject to the approval of a majority of councilmembers and shall serve at the pleasure of the mayor and city council. The mayor or any councilmember may initiate the removal of any committee chairperson or committee member at any time by moving the council to act on the recommended removal. Any removal is subject to approval by the majority of the city council.

SECTION 2.21.

Quorum; voting.

Any four members of the city council 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 the majority of the quorum shall be required for the adoption of any ordinance, resolution, or motion. In the event any councilmember or the mayor leaves the meeting after the motion is made but before the motion is decided, he or she shall be deemed absent for quorum purposes.

SECTION 2.22.

Ordinance form; procedures.

(a) Except as herein provided, every official action of the city council which is to become law shall be by ordinance. Each proposed ordinance or resolution may be introduced in writing and in a form required for final adoption. No ordinance shall contain a subject which is not expressed in its title. The enacting clause should be "The council of the City of Sky Valley hereby ordains..." and every ordinance should so begin.

(b) An ordinance may be introduced by any councilmember and be read or summarized at a regular or special meeting of the city council. Ordinances shall be considered and adopted

or rejected by the city council in accordance with the rules which it shall establish; provided, however, that an ordinance shall not be adopted the same day it is introduced, except for emergency ordinances provided for in Section 2.23 of this charter and except for ordinances originally introduced and approved upon the affirmative vote of all the councilmembers present. Upon introduction of any ordinance, the clerk shall as soon as possible distribute a copy to the mayor and to each councilmember and shall file a reasonable number of copies in the office of the clerk and at such other public places as the city council may designate.

(c) All ordinances, bylaws, rules, and regulations now in force in the city not inconsistent with this charter are declared valid and of full effect and force until amended or repealed by the governing authority.

(d) Whenever possible, ordinances should be prepared by the city attorney.

SECTION 2.23.

Emergencies.

(a) To meet a public emergency affecting life, health, property, or public peace, the city council may promptly adopt one or more emergency ordinances, but such ordinances may 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 as provided by law. 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 three 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 generally except that:

(1) The requirements of subsection (b) of Section 2.22 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 clerk pursuant to Section 2.25 of this charter.

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

SECTION 2.25.

Submission of ordinances to the mayor; signing; authenticating; recording; codification; printing.

(a) The clerk shall authenticate by the clerk´s signature and record in full in a properly indexed book kept for that purpose all ordinances adopted by the city council, and every ordinance adopted by the council shall be presented promptly by the clerk to the mayor.

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

(c) Ordinances vetoed by the mayor shall be presented by the city clerk to the city council at its next regular meeting, and should the city council then or at its next regular meeting adopt the ordinance by an affirmative vote of four of its members, it shall become law.

(d) The mayor may disapprove or reduce any item or items of appropriation in any ordinance. The approved part or parts of any ordinance 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 in subsection (c) of this section.

(e) The city council shall provide for the preparation of a general codification of all the ordinances of the city having the force and effect of law. The general codification shall be

adopted by the city council by ordinance and shall be published promptly, together with all amendments thereto and such codes of technical regulations and other rules and regulations as the city council may specify. This compilation shall be known and cited officially as "The Code of the City of Sky Valley, Georgia." Copies of the code shall be furnished to all officers, departments, and agencies of the city and made available for purchase by the public at a reasonable price as fixed by the city council.

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

ARTICLE III
EXECUTIVE BRANCH ORGANIZATION AND GENERAL PROVISIONS

SECTION 3.10.
Chief executive officer.

The mayor shall be the chief executive of the City of Sky Valley. The mayor shall possess, have, and exercise all of the executive and administrative powers granted to the city under the Constitution and laws of the State of Georgia and all the executive and administrative powers contained in this charter.

SECTION 3.11.
Election; powers and duties of mayor.

(a) The mayor shall be elected in the manner provided in this charter and shall serve for a term of two years and until a successor is elected and qualified. The mayor shall have the same qualifications, be administered the oath of office, and forfeit the office on the same grounds and under the same procedures as for councilmembers. The manner of fixing compensation and the limitations on holding other offices and dealing in matters in which the mayor is financially interested shall be the same for the mayor as is established for councilmembers.

(b) As the chief executive of the City of Sky Valley, the mayor shall:

(1) See that all laws and ordinances of the city are faithfully executed;

(2) With the recommendation of the city manager, authorize the provisional employment of all officers, department heads, and employees of the city, except where otherwise provided by this charter, subject to final approval by the city council within an introductory period not to exceed 90 days after the first date of employment;

(3) Call special meetings of the city council as provided in this charter;

(4) Approve or disapprove ordinances as provided in this charter;

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

(6) See that all funds of the city are properly accounted for and that all revenues are properly and promptly collected;

(7) Inspect or cause to be inspected the records and books of account of the officers of the city and see that they are properly and correctly kept;

(8) See that order is maintained in the city and that its property and effects are preserved;

(9) Perform such other duties as may be required by law, this charter, or ordinance;

(10) Preside at all meetings of the city council; and

(11) Fulfill such other executive and administrative duties as the city council shall by ordinance establish.

(c) The mayor shall have authority to:

(1) Bind the city by signing any contract, obligation, or other matter entered into and authorized by ordinance or resolution of the city council that is properly passed in accordance with the provisions of this charter;

(2) Create committees and appoint members consisting of councilmembers, city staff, and citizens at large upon the concurrence by a majority vote of the city council; and

(3) Perform duties as may be proper and necessary in the conduct of the affairs of the city and as may be hereinafter authorized.

SECTION 3.12.

President of city council as acting mayor.

During the temporary absence or disability of the mayor for any cause, the president of the city council or in the president´s absence or disability for any reason, any councilmember chosen by 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 mayor for so long as such absence or disability shall continue. If the mayor returns within his or her elected term, the mayor will resume the office of mayor and the president of the city council will resume the office of president of the city council. The president of the city council shall retain the authority

to vote on matters before the city council during a temporary absence of the mayor. An absence or disability shall be declared by a majority vote of all councilmembers.

SECTION 3.13.

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

(b) Except as otherwise provided by this charter, the directors of departments and other appointed officers of the city shall serve at the pleasure of the city manager. Vacancies occurring in an appointive office shall be filled in the same manner as prescribed by this charter for original appointment.

(c) 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.

(d) All appointed officers and directors of departments shall receive such compensation as prescribed by the city council.

SECTION 3.14.

Boards, commissions, and authorities.

(a) The city council shall 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) With the exception of the planning and zoning commission and unless otherwise provided by ordinance, state law, or this charter, all members of boards, commissions, and authorities of this city shall be appointed annually at the first regular scheduled meeting of each calendar year by the city council.

(c) Any vacancy in office of any member of a board, commission, or authority of this city shall be filled for the unexpired term in the manner prescribed herein for the original appointment, except as otherwise provided by this charter or any applicable state law.

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

(e) Any member of a board, commission, or authority may be removed from office for cause by a vote of three members of the city council unless otherwise provided by law.

(f) 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.

(g) The qualifications required of members of boards, commissions, and authorities shall be as prescribed by ordinance.

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

SECTION 3.15.

City attorney.

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

SECTION 3.16.

City clerk.

The city council shall appoint a city clerk and such deputies as necessary to keep a journal of the proceedings of the city council, to maintain in a safe place all records and documents pertaining to the affairs of the city, and to perform such other duties as may be required by law or as the city council may direct.

SECTION 3.17.

City manager.

(a) The council may employ a city manager for an indefinite term or pursuant to a contract for a defined term as the chief operating officer of the city to be responsible for the

day-to-day management of the government of the city. The duties of the city manager shall include, but are not limited to, overseeing personnel, public works, purchasing and sales, and the customary and general operations of the city as well as specific duties assigned by ordinance.

(b) The city manager shall report to the mayor and city council as requested.

(c) The mayor shall have supervisory oversight of the city manager.

(d) The mayor shall nominate the city manager from a list of qualified candidates chosen by a search committee which shall consist of the mayor, the president of the council, one councilmember, and two citizens chosen by the mayor and approved by the city council.

SECTION 3.18.

Tax commissioner.

The council may appoint a tax commissioner to collect all taxes, licenses, fees, and other moneys belonging to the city subject to the provisions of this charter and the ordinances of the city, and the tax commissioner shall diligently comply with and enforce all general laws of the State of Georgia relating to the collection, sale, or foreclosure of taxes by municipalities. The tax commissioner shall be designated as a duly authorized officer to conduct a sale for taxes due.

SECTION 3.19.

Consolidation of functions.

The city council may consolidate any two or more of the positions of the city clerk, city tax commissioner, or any other positions or may assign the functions of any one or more of such positions to the holder or holders of any other positions.

SECTION 3.20.

Personnel policies.

The city council shall adopt rules and regulations consistent with this charter concerning personnel policies as may be necessary to provide for adequate and systematic handling of the personnel affairs of the city. Except as otherwise provided in this charter, all employees of the city shall be subject to removal or discharge with or without cause at any time.

ARTICLE IV

MUNICIPAL COURT

SECTION 4.10.

Creation; name.

There shall be a court to be known as the Municipal Court of the City of Sky Valley.

SECTION 4.11.

Chief judge; associate judge.

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

(b) No person shall be qualified or eligible to serve as a judge on the municipal court unless that person shall have attained the age of 21 years and shall be a member in good standing of the State Bar of Georgia and shall possess all qualifications required by law. All judges shall be appointed by the city council and shall serve until a successor is appointed and qualified.

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

(d) Judges serve at will and may be removed for cause by a vote of three members of the city council.

(e) Before assuming office, each judge shall take an oath, given by the mayor, that such judge will honestly and faithfully discharge the duties of the judge´s office to the best of the judge´s ability and without fear, favor, or partiality. The oath shall be entered upon the minutes of the city council journal.

SECTION 4.12.

Convening.

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

SECTION 4.13.

Jurisdiction; powers.

The establishment, jurisdiction, and powers of the Municipal Court of the City of Sky Valley is as established by the law of Georgia governing municipal courts as it now exists or as amended. Chapter 32 of Title 36 of the O.C.G.A. is hereby adopted by reference. The powers of the municipal court include the power to authorize the abatement of nuisances.

SECTION 4.14.

Certiorari.

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

SECTION 4.15.

Rules for court.

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

ARTICLE V

ELECTIONS

SECTION 5.10.

Applicability of general law.

All primaries and elections shall be held and conducted in accordance with Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended. Except as otherwise provided by the Georgia Election Code, the city council shall, by ordinance or resolution, prescribe such rules and regulations as it deems appropriate, including but not limited to the establishment of qualifying fees, to fulfill any options and duties under Chapter 2 of Title 21 of the O.C.G.A., as now or hereafter amended.

SECTION 5.11.

Qualifying; nomination of candidates; absentee ballots.

Consistent with Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," the council by ordinance may prescribe rules and regulations governing qualifying fees, the nomination of candidates, absentee ballots, write-in votes, the challenge of votes, and such other rules and regulations as may be necessary for the conduct of elections in the City of Sky Valley.

SECTION 5.12.

Regular elections; time for holding.

There shall be a municipal general election annually on the Tuesday next following the first Monday in November.

SECTION 5.13.

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 5.14.

Special elections; vacancies.

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

SECTION 5.15.

Other provisions.

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

SECTION 5.16.

Removal of officers.

(a) The mayor, councilmembers, or appointed officers provided for in this charter shall be removed from office for any one or more of the causes provided in Title 45 of the O.C.G.A. or such other applicable laws as are or may hereafter be enacted. This mandatory removal due to a cause listed under Title 45 of the O.C.G.A. does not limit the authority of the mayor and the city council to terminate an appointed officer´s appointment at will.

(b) Removal of a mayor or councilmember pursuant to subsection (a) of this section shall be accomplished by the following method. In the event an elected officer is sought to be removed by the action of the city council, such officer shall be entitled to a written notice

specifying the ground or grounds for removal and to a public hearing which shall be held not less than ten days after the service of such written notice. The city council shall provide by ordinance for the manner in which such hearings shall be held. Any elected officer sought to be removed from office as provided in this section shall have the right of appeal from the decision of the city council to the Superior Court of Rabun County. Such appeal shall be governed by the same rules as govern appeals to the superior court from the probate court.

ARTICLE VI
FINANCE AND FISCAL

SECTION 6.10.
Property taxes.

All property subject to taxation for state or county purposes, assessed as of January 1 of each year, may be subject to a property tax levied by the City of Sky Valley. The city council shall use the county assessment for the year in which the city taxes are to be levied and shall request the county to furnish appropriate information for such purpose.

SECTION 6.11.
Ad valorem taxes.

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

SECTION 6.12.
Millage rate; due dates; payment methods.

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

SECTION 6.13.
Collection of delinquent taxes and fees; transfer of executions.

(a) The city council by ordinance may provide generally for the collection of delinquent taxes, fees, or other revenue due the city under this charter by whatever reasonable means

as are not precluded by law. This shall include providing for the dates when the taxes or fees are due; late penalties or interest; issuance and execution of fi. fas.; the creation and priority of liens; making delinquent taxes and fees personal debts of the persons required to pay the taxes or fees imposed; revoking city permits for failure to pay any city taxes or fees; and the assignment or transfer of tax executions. The council may provide by ordinance for the collection of delinquent taxes by fi. fa. issued by the city clerk or tax commissioner and executed by any police officer of the city under the same procedures provided by law governing execution of such process from the superior court. A lien shall exist against all property upon which city taxes are levied, as of the assessment date of each year, which lien shall be superior to all other liens, except that it shall have equal dignity with those of federal, state, or county taxes. In cases of hardship, the city council shall have discretionary authority to waive any and all penalties imposed on delinquent taxes, fees, assessments, or other amounts due to the city.

(b) The city clerk shall be authorized to assign or transfer any fi. fa. or execution issued for any tax or for any street, sewer, or other assessment in the same manner and to the same extent as provided by Georgia law regarding sales and transfers of tax fi. fas. Such transfer or assignment, when made, shall vest the purchaser or transferee with all right, title, and interest as provided by Georgia law governing sales and transfers of tax fi. fas. provided, however, that upon levy of execution and sale of property pursuant to such tax fi. fas., whether assigned, transferred, or executed by the city, the owner of such property, in fee simple or lesser interest, shall not lose his or her right to redeem the property in accord with the requirements of redemption of property sold under state or county ad valorem tax fi. fas. as said requirements now exist or as may be hereafter provided by law.

SECTION 6.14.

Licenses; occupation taxes; excise taxes.

The city council by ordinance shall have the power to levy such specific or occupation taxes upon the residents of the City of Sky Valley, both individual and corporate, and upon all those who transact or offer to transact business therein, or who practice or offer to practice any profession or calling therein, as the city council may deem expedient for the public health, safety, benefit, convenience, or advantage of the city. The city council by ordinance shall have the power to classify businesses, occupations, professions, or callings for the purpose of licensing and taxation in any manner which may be lawful; to require such persons to purchase licenses; to compel the payment for such licenses and taxes by execution or any other lawful manner; and to enact ordinances and regulations necessary or proper to carry out the powers granted herein. The city council shall have the power to levy an excise tax not prohibited by general law.

SECTION 6.15.

Franchises.

(a) The city council shall have the power to grant franchises for the use of any city owned property 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 other similar organizations. The city council shall determine the duration, 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 with the city clerk in a registration book kept by the city 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 this 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 other similar organizations.

SECTION 6.16.

Service charges.

The city council by ordinance shall have the power to assess and collect fees, charges, and tolls for sewers, sanitary and health services, or any other services provided or made available within and outside the corporate limits of the city for the total cost to the city of providing or making available such services. If unpaid, such charges shall be collected as provided in Section 6.13 of this charter.

SECTION 6.17.

Special assessments.

The city council by ordinance shall have the power to assess and collect the cost of constructing, reconstructing, widening, or improving any public way, street, sidewalk, curbing, gutter, sewer, other utility main and appurtenance, or other public improvement from the abutting property owners under such terms and conditions as may be prescribed by ordinance. If unpaid, such charges shall be collected as provided in Section 6.13 of this charter.

SECTION 6.18.

Construction; other taxes.

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

SECTION 6.19.

General obligation bonds.

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

SECTION 6.20.

Revenue bonds.

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

SECTION 6.21.

Short-term loans.

The city may obtain short-term loans and must repay such loans not later than the end of the fiscal year of each year, unless otherwise provided by law.

SECTION 6.22.

Lease-purchase contracts.

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

SECTION 6.23.

Fiscal year.

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

SECTION 6.24.

Submission of operating budget to city council.

On or before a date fixed by the city council but not later than 90 days prior to the beginning of each fiscal year, the city manager shall submit to the city council a proposed operating budget for the ensuing fiscal year. The operating budget and all supporting documents shall be filed in the office of the city clerk and shall be open to public inspection.

SECTION 6.25.

Action by city council on budget.

(a) The councilmembers may amend the operating budget proposed by the city manager, except that the budget as finally amended and adopted must provide for all expenditures required by state law or by other provisions of this charter and for all debt service requirements for the ensuing fiscal year.

(b) The city council by ordinance shall adopt the final operating budget for the ensuing fiscal year not later than seven days prior to the beginning thereof. If the city council fails to adopt the budget by this date, the amounts appropriated for operation for the then current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items prorated accordingly, until such time as the city council adopts a budget for the ensuing fiscal year.

SECTION 6.26.

Property tax levies.

As the next order of business following adoption of the operating budget, the city council shall levy by ordinance an annual tax on all taxable real and personal property within the City of Sky Valley. The tax rates set by such ordinance shall be such that reasonable estimates of revenues from such levy shall at least be sufficient, together with other anticipated revenues, fund balances, and applicable reserves, to equal the total amount appropriated for each of the several funds set forth in the annual operating budget for defraying the expenses of the general government of the City of Sky Valley.

SECTION 6.27.

Additional appropriations.

The city council by ordinance may make appropriations in addition to those contained in the current operating budget at any regular meeting or special meeting called for such purpose. Any such additional appropriations may be made from an existing unappropriated surplus in any fund or on a revised estimate of revenues.

SECTION 6.28.

Capital improvements budget.

The council may by ordinance provide for the preparation by the city manager and submission to the mayor and city council of a capital improvements budget.

SECTION 6.29.

Independent audit.

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

SECTION 6.30.

Contracting procedures.

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

(1) It is in writing; and

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

SECTION 6.31.

Centralized purchasing; sale of city property.

(a) The city council shall by ordinance prescribe procedures for a system of centralized purchasing for the City of Sky Valley.

(b) Except as otherwise provided by law, the city council may sell and convey any real or personal property owned or held by the city for governmental or other purposes at a public or private sale, with or without advertisement, for such consideration as it shall deem equitable and just for the city.

ARTICLE VIII

MISCELLANEOUS

SECTION 7.10.

Official bonds.

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

SECTION 7.11.

Prior ordinances.

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

SECTION 7.12.

Existing personnel and officers.

Except as specifically provided otherwise by this charter, all personnel and officers of this city and their rights, privileges, and powers shall continue beyond the time this charter takes effect for a period of 60 days before or during which time the existing city council shall pass a transition ordinance detailing the changes in personnel and appointed officers required or desired and arranging such titles, rights, privileges, and powers as may be required or desired to allow a reasonable transition.

SECTION 7.13.

Pending matters.

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

SECTION 7.14.

Construction.

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

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

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

SECTION 7.15.

Penalties.

The violation of any provision of this charter for which no penalty is specifically provided herein is hereby declared to be a misdemeanor and shall be punishable by a fine as allowed by state law or by imprisonment not to exceed 90 days or both.

SECTION 7.16.

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 or parts 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 7.17.

Specific repealer.

An Act incorporating the City of Sky Valley in the County of Rabun, approved March 24, 1978 (Ga. L. 1978, p. 4292), is repealed in its entirety, and all amendatory Acts thereto are likewise repealed in their entirety.

SECTION 7.18.

Effective date.

This Act shall become effective on July 1, 2008.

SECTION 7.19.

General repealer.

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