

House Bill 1041

By: Representatives Morris of the 156th and Nimmer of the 178th

A BILL TO BE ENTITLED
AN ACT

1 To provide for a new charter for the City of Baxley; to provide for incorporation, corporate
2 boundaries, municipal powers, and exercise of powers; to provide for a government structure
3 of such city including creation, number, and election of the mayor and council; to provide
4 for council members' terms and qualifications for office; to provide procedures for elections,
5 vacancies in office, filling of vacancies, and nonpartisan elections; to provide for election by
6 majority; to provide for compensation and expenses; to provide rules regarding conflicts of
7 interest and the holding of other offices; to provide for inquiries and investigations; to
8 provide general powers and authority of the mayor and council; to provide for eminent
9 domain; to provide for organizational meetings; to provide for regular and special meetings;
10 to provide for rules of procedure; to provide for quorum and voting; to provide for ordinance
11 form and procedures; to provide for action requiring an ordinance; to provide for
12 emergencies; to provide for codes of technical regulation; to provide for ordinance book,
13 codification of ordinances, and availability of laws; to provide for a city manager and
14 appointment and qualifications; to provide for an acting city manager; to provide for the
15 powers and duties of the city manager; to prohibit council interference with administration;
16 to provide for authority of the city manager in public emergencies; to provide compensation
17 for the city manager; to provide for the election of the mayor; to provide for a mayor pro
18 tempore; to provide for the powers and duties of the mayor and council; to define the position
19 of mayor pro tempore; to provide for the administrative affairs of the city; to create boards,
20 commissions, and authorities of the city; to provide for a city clerk; to provide for a city
21 attorney; to provide for rules and regulations through an employee handbook; to provide for
22 personnel policies; to provide for a judicial branch including a municipal court and judge(s)
23 of that court; to provide for the convening of court; to establish certiorari; to provide for rules
24 of the municipal court; to provide for the finance of the city; to provide for property taxes;
25 to provide for a millage rate; to provide for occupation taxes and regulatory fees; to provide
26 for licenses and permits; to provide for franchises; to provide for service fees; to provide for
27 roads; to provide for other taxes; to provide for the collection of delinquent taxes; to provide
28 for borrowing; to provide for revenue bonds; to provide for loans; to provide for accounting

and budgeting; to provide for a budget ordinance; to provide for an operating budget; to provide for adoption of the budget; to provide for the levy of taxes; to provide for changes in the budget; to provide for capital improvements; to provide for audits; to provide for procurement and property management; to provide for purchasing; to provide for sale of property; to provide for deposits; to provide for bonds for officials; to provide for the validity of existing ordinances, resolutions, rules, and regulations of the city; to provide for charter language on other general matters; to provide for definitions and construction; to provide for specific repealer; to provide an effective date; to provide a general repealer; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

ARTICLE I.

CREATION, INCORPORATION, POWERS

SECTION 1.10.

Incorporation.

The City of Baxley in Appling County, Georgia, is reincorporated by the enactment of this charter and is constituted and declared a body politic and corporate under the name of "City of Baxley." References in this charter to "the city" or "this city" refer to the City of Baxley, Georgia. This city shall have perpetual existence.

SECTION 1.11.

Corporate boundaries.

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

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

SECTION 1.12.**Municipal powers.**

(a) The 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. The city shall have all the powers of self-government not otherwise prohibited by this charter or by general law.

(b) The powers of the city shall be construed liberally in favor of the city. The specific mention or failure to mention particular powers shall not be construed as limiting in any way the powers of the city. Such powers shall include, but are not limited to, the following, and also include the power to provide punishment for violation of ordinances enacted under this subsection:

(1) Air and water 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;

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

(3) 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 this city. Such appropriations and expenditures shall not exceed the annual income and other money of the city after paying interest on bonds and providing a sinking fund for the final payment on the principal of such bonds;

(4) Building regulations. To regulate and to license the erection and construction of buildings and all other structures as provided by law and this charter, and to regulate all housing and building trades except as prohibited by general law;

(5) Business regulation and taxation. To regulate, license, levy, and provide for the collection of regulatory fees, occupation taxes, and license fees and taxes on privileges, occupations, trades, and professions as provided by this charter or by general state law;

(6) 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 laws as are or may hereafter be enacted;

- 96 (7) Contracts. To enter into contracts and agreements with other governments and/or
97 entities and with private persons, firms, and corporations;
- 98 (8) Emergencies. To establish procedures for determining and proclaiming that an
99 emergency situation exists inside or outside the city, and to make and carry out all
100 reasonable provisions deemed necessary to deal with or meet such an emergency for the
101 protection, safety, health, or well-being of the inhabitants of the city;
- 102 (9) Fire regulations. To fix and establish fire limits and from time to time extend,
103 enlarge, or restrict such limits; to prescribe fire safety regulations, not inconsistent with
104 general law, relating to both fire prevention and detection and to fire fighting; and to
105 prescribe penalties and punishment for violations thereof;
- 106 (10) Garbage collection and disposal. To provide for the collection and disposal of
107 garbage, rubbish, and refuse and to regulate the collection and disposal of garbage,
108 rubbish, and refuse by others; to levy, fix, assess, and collect a garbage, rubbish, refuse
109 collection and disposal, and other sanitary service charge, tax, or fee for such services as
110 may be necessary in the operation of the city from all individuals, firms, and corporations
111 residing in or doing business within the city and benefiting from such services; to enforce
112 the payment of such charges, taxes, or fees; and to provide for the manner and method
113 of collecting such service charges, taxes, or fees;
- 114 (11) General health, safety, and welfare. To define, regulate, or prohibit any act,
115 practice, conduct, or use of property which is detrimental to the health, sanitation,
116 cleanliness, welfare, or safety of the inhabitants of the city and to provide for the
117 enforcement of such standards;
- 118 (12) Gifts. To accept or refuse gifts, donations, bequests, or grants from any source for
119 any purpose related to the powers and duties of the city and the general welfare of its
120 inhabitants on such terms and conditions as the donor or grantor may impose;
- 121 (13) Health and sanitation. To prescribe standards of health and sanitation within the
122 city and to provide for the enforcement of such standards;
- 123 (14) Jail sentences. To provide that persons given jail sentences in the municipal court
124 may work out such sentences in any public works or on the streets, roads, drains, and
125 other public property in the city; to provide for the commitment of such persons to any
126 jail; to provide for the use of pretrial diversion and any alternative sentencing allowed by
127 law; and to provide for the commitment of such persons to any county correctional
128 institutions or county jail or county detention center by agreement with the appropriate
129 county officials;
- 130 (15) Motor vehicles. To regulate the operation of motor vehicles and exercise control
131 over all traffic, including parking upon or across the streets, roads, alleys, and walkways

of the city in accordance with general state law and any duly authorized ordinance of the city;

(16) Municipal agencies and delegation of power. To create, alter, or abolish departments, boards, offices, commissions, and other 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 them, including, but not limited to, a municipal planning board and board of adjustment;

(17) 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. The mayor and council shall set aside annually a sum sufficient as a sinking fund to retire any bonded indebtedness of the city as it becomes due;

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

(19) Municipal property protection. To provide for the preservation and protection of property and equipment of the city and the administration and use of such property and equipment by the public;

(20) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, or otherwise dispose of public utilities, including, but not limited to, a system of waterworks, sewers and drains, waste-water and sewage treatment and disposal, gas works, electric plants, transportation facilities, public airports, telecommunications systems, and any other public utility; to fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties therefor; to provide for the withdrawal of service for failure to pay the same; to authorize the extension of water, sewerage, electrical distribution systems, and other utility services, and all necessary appurtenances by which such utilities are distributed, inside and outside the corporate limits of the city; and to provide utility services to persons, firms, and corporations inside and outside the corporate limits of the city. The mayor and council may fix a higher rate for public utility services furnished by the city to any person, firm, or corporation residing or located outside the corporate limits of the city. All fire hydrants connected to city water mains and used by any person, firm, or corporation outside the corporate limits of the city shall be paid for at a rate to be prescribed by the mayor and council;

(21) Nuisances. To define a nuisance and to provide for its abatement, whether on public or private property;

(22) Penalties. To provide penalties for violations of any ordinances adopted pursuant to the authority of this charter and the laws of the State of Georgia. Such penalties shall

not exceed the maximum as provided by state law or as provided in the respective ordinance, if applicable;

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

(24) Fire, police protection, and code enforcement. To exercise the power of arrest through duly appointed police officers; to establish, operate, or contract for a police agency; to establish, operate, or contract for a fire-fighting agency; to establish, operate, or contract for a city marshal, if necessary, to enforce the code of ordinances of the city;

(25) 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;

(26) Public Improvements. To provide for the acquisition, construction, building, operation, and maintenance of public ways, parks, playgrounds, recreational facilities, cemeteries, markets, market houses, public buildings, libraries, public housing, airports, hospitals, terminals, docks, parking facilities, or 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 or may hereafter be enacted;

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

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

(29) Public utilities and services. To make contracts for public utilities and public services and to prescribe the rates, fares, regulations, and the standards and conditions of service applicable to the service to be provided by the contractor, insofar as not in conflict with valid regulations of the state Public Service Commission;

(30) 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, inside or abutting the corporate limits of the city;

(31) Retirement. To allow, provide, and maintain a retirement plan and other employee benefit plans and programs for officers and employees of the city when deemed necessary;

(32) Roadways. To lay out, open, extend, widen, narrow, establish, 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; and to negotiate and execute leases over, through, under, or across any city property or the right of way of any street, road, alley, or walkway or portion thereof within the corporate limits of the city for bridges, passageways, or any other purpose or use between buildings on opposite sides of the street and for other bridges, overpasses, and underpasses for private use at such location, and to charge a rental therefor in such manner as may be provided by ordinance; to authorize and control the construction of bridges, overpasses, and underpasses within the corporate limits of the city; and to grant franchises and rights of way as provided in this charter or by law;

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

(34) Special areas of public regulation. To license, tax, regulate, prohibit, or control by taxing or otherwise: junk dealers; pawnshops, including title pawn businesses; Internet/sweepstakes cafes; the sale, manufacture, or transportation of alcoholic beverages and/or intoxicating liquors; the use and sale of firearms; the transportation, storage, and use of combustible, explosive, and inflammable materials; the use of lighting and heating equipment; any business or situation which may be dangerous to persons or property; the conduct of peddlers and itinerant traders; theatrical performances, exhibitions, and shows of any kind; professional fortune telling; palmistry; adult entertainment, adult bookstores, and adult movie houses; massage parlors; and tattoo parlors;

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

(36) Taxation of property. To levy and provide for the assessment, valuation, revaluation, and collection of taxes on all property subject to taxation;

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

(38) 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;

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

(40) 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 to carry into execution all powers granted in this charter as fully and completely as if such powers were fully stated 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 listing 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.

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 shall be carried into execution as provided by ordinance or as provided by pertinent laws of the State of Georgia.

ARTICLE II.

GOVERNMENT STRUCTURE.

SECTION 2.10.

Mayor and council creation; number; election.

The legislative authority of the government of this city, except as otherwise specifically provided in this charter, shall be vested in a mayor and council to be composed of a mayor and six council members. The mayor and council established shall in all respects be a successor to and continuation of the governing authority under prior law. The mayor and council shall be elected in the manner provided by general law and this charter. One council member shall be elected from each of the six districts of the city by the voters residing in that district. The mayor shall be elected by the qualified voters of the city at large as provided in Section 2.36 of this charter. The mayor and council members shall exercise their powers

274 in such manner as prescribed by this charter and the Constitution and applicable general laws
275 of the State of Georgia, or if not prescribed, in such manner as prescribed by the duly
276 established ordinances of the City of Baxley.

277 **SECTION 2.11.**

278 City council terms and qualifications for office.

279 (a) The six council members shall serve for terms of four years and until their respective
280 successors are elected and qualified. No person shall be eligible to serve as a council
281 member unless he or she has been a resident of the city for at least 12 months preceding his
282 or her election. Each council member shall be a resident of the district which he or she
283 represents. Each council member shall continue to reside within the city in the district in
284 which he or she represents during his or her period of service and shall be registered and
285 qualified to vote in municipal elections of this city. No person's name shall be listed as a
286 candidate on the ballot for election to the office of council member unless such person shall
287 file a written notice with the city clerk, within the time required by law, that he or she desires
288 his or her name to be placed on the ballot.

289 (b) No person shall be eligible to serve as a council member representing a district unless
290 that person has been a resident of the district such person seeks to represent for a continuous
291 period of at least six months immediately prior to the date of the election for council
292 member.

293 (c) No person shall be eligible to serve as a council member who shall have been convicted
294 of a crime involving moral turpitude, unless such person has received a full pardon and has
295 had all rights of citizenship restored.

296 **SECTION 2.12.**

297 Elections.

298 (a) For the purpose of electing council members, the territory comprising the City of Baxley
299 shall be subdivided into six parts or districts, to be known as District One, District Two,
300 District Three, District Four, District Five and District Six. One council member shall be
301 elected from each district. Each district shall consist of certain census blocks located within
302 the City of Baxley identified in the latest United States decennial census redistricting data,
303 in a manner consistent with state and federal law. The six districts shall in all respects be
304 successors to and continuations of Districts One, Two, Three, Four, Five and Six as
305 established under prior law until otherwise modified under applicable state or federal law.

306 (b) The members of the mayor and council shall be designated as: Mayor; Council member,
307 District One; Council member, District Two; Council member, District Three; Council
308 member, District Four; Council member, District Five; and Council member, District Six.
309 A candidate for any position as a council member shall at the time of qualifying designate
310 by district number the position that such candidate is seeking.

311 (c) No candidate shall be elected for the office of mayor or council member unless such
312 candidate receives a majority of the votes cast in the election. If no candidate receives a
313 majority of the votes cast, a run-off election shall be held between the two candidates
314 receiving the highest number of votes. The run-off election shall be held as provided by law.

315 (d) At any election, all persons who are qualified under the Constitution and laws of Georgia
316 to vote for members of the General Assembly of Georgia and who are bona fide residents of
317 the city shall be eligible to qualify as voters in the election.

318 (e) All elections shall be held and conducted in accordance with Chapter 2 of Title 21 of the
319 O.C.G.A., the "Georgia Election Code." Except as otherwise provided by this charter, the
320 mayor and council shall, by ordinance, prescribe such rules and regulations as it deems
321 appropriate to fulfill any obligations and duties under the "Georgia Election Code."

322 (f) The mayor and council members who are in office on the effective date of this Act shall
323 serve until the expiration of the term of office to which they were elected and until their
324 successors are elected and qualified.

325 (g) Successors to the mayor and council members whose terms of office are to expire shall
326 be elected at the regular municipal election in November immediately prior to such
327 expiration of terms, and shall take office on the first meeting in January immediately
328 following such election for terms of office of four years each and until their respective
329 successors are elected and qualified.

330 **SECTION 2.13.**

331 Vacancy; filling of vacancies.

332 (a) The office of council member shall become vacant upon the incumbent's death,
333 resignation, forfeiture of office, or occurrence of any event specified by the Constitution of
334 the State of Georgia, Title 45 of the O.C.G.A., or such other applicable laws as are or may
335 hereafter be enacted.

336 (b) If less than 12 months remains in the unexpired term, a vacancy in the office of council
337 member shall be filled for the remainder of the unexpired term by appointment by vote of the
338 majority of the remaining members of the mayor and council. If such vacancy occurs 12
339 months or more prior to the expiration of the term of that office, it shall be filled for the
340 remainder of the unexpired term by a special election in accordance with Titles 21 and 45 of

341 the O.C.G.A. or such other laws as are or may hereafter be enacted. If a special election is
342 required to fill a vacancy in the office of council member for an unexpired term, the vacant
343 position shall be filled for the period between the occurrence of the vacancy and the
344 completion of the special election by appointment by vote of the majority of the remaining
345 members of the mayor and council.

346 (c) This provision shall also apply to a temporary vacancy created by the suspension from
347 office of a council member.

348 **SECTION 2.14.**

349 Nonpartisan elections.

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

352 **SECTION 2.15.**

353 Election by majority.

354 The candidate receiving a majority of the votes cast for any city office shall be elected.

355 **SECTION 2.16.**

356 Compensation and expenses.

357 The mayor and council members shall receive compensation and expenses for their services
358 as provided by ordinance and in accordance with general state law.

359 **SECTION 2.17.**

360 Conflicts of interest; holding other offices.

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

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

365 (1) Engage in any business or transaction or have a financial or other personal interest,
366 direct or indirect, which is incompatible with the proper discharge of his or her official
367 duties or which would tend to impair the independence of his or her judgment or action
368 in the performance of his or her official duties;

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

(3) Disclose confidential information concerning the property, government, or affairs of the governmental body by which he or she is engaged without proper legal authorization or use such information to advance the financial or other private interest of himself or herself or others;

(4) Accept any valuable gift, whether in the form of service, loan, object, or promise, from any person, firm, or corporation that to his or her knowledge is interested, directly or indirectly, in any manner in business dealings with the governmental body by which he or she 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 private interests other than his or her own in any action or proceeding against this city or against 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 he or she has a financial interest.

(c) Disclosure — Any elected official, appointed officer, or employee who has any private financial interest, directly or indirectly, in any contract or matter pending before or within any department or other agency of the city shall disclose such private interest to the mayor and council. Any council member who has a private interest in any matter pending before the mayor and council shall disclose such private interest, and such disclosure shall be entered on the records of the mayor and council. Such mayor or council member shall disqualify himself or herself from participating in any decision or vote relating to such private interest. Any elected official, appointed officer, or employee of any agency or political entity to which this charter applies who shall have any private financial interest, directly or indirectly, in any contract or matter pending before or within such entity shall disclose such private 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 governmental agency or entity to which this charter applies shall use property owned by such governmental agency or entity for personal benefit, convenience, or profit, except in accordance with policies promulgated by the mayor and 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 mayor and council.

406 (f) Ineligibility of elected official — Except as authorized by law, neither the mayor nor any
407 council member shall hold any other elective or appointive office in the city or otherwise be
408 employed by such government or any agency thereof during the term for which that official
409 was elected. No former mayor and no former council member shall hold any appointive
410 office in the city until one year after the expiration of the term for which that official was
411 elected.

412 (g) Political activities of certain officers and employees — No appointive officer or
413 employee of the city shall continue in such employment upon qualifying as a candidate for
414 nomination or election to any public office which, in the determination of the mayor and
415 council, would or could conflict with the performance of the officer's or employee's city job;
416 and as may be further defined in the city's personnel policy.

417 (h) Penalties for violation — Any city officer who knowingly conceals such financial
418 interest or knowingly violates any of the requirements of this section shall be guilty of
419 malfeasance in office or position and shall be deemed to have forfeited that person's office
420 or position. Any officer of the city who shall forfeit an office or position as described herein
421 shall be ineligible for appointment or election to or employment in a position in the city
422 government for a period of three years thereafter.

423 **SECTION 2.18.**

424 Inquiries and investigations.

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

431 **SECTION 2.19.**

432 General power and authority of the mayor and council.

433 (a) Except as otherwise provided by this charter, the mayor and council shall be vested with
434 all the powers of government of this city.

435 (b) In addition to all other powers conferred upon it by law, the mayor and council shall
436 have the authority to adopt and provide for the execution of such ordinances, resolutions,
437 rules, and regulations, not inconsistent with this charter and the Constitution and the laws of
438 the State of Georgia, which it shall deem necessary, expedient, or helpful for the peace, good

439 order, protection of life and property, health, welfare, sanitation, comfort, convenience,
440 prosperity, and well-being of the inhabitants of the City of Baxley and may enforce such
441 ordinances by imposing penalties for violation thereof.

442 **SECTION 2.20.**

443 Public facilities; eminent domain.

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

452 **SECTION 2.21.**

453 Organizational meetings.

454 The mayor and council shall hold an organizational meeting at the first regular meeting in
455 January following an election. The meeting shall be called to order by the mayor or city
456 clerk and the oath of office shall be administered to the newly elected members by an officer
457 authorized by law to administer oaths and shall be as follows:

458 "I do solemnly (swear or affirm) that I will faithfully perform the duties of (mayor) (council
459 member) of the City of Baxley, and that I will support and defend the charter thereof as
460 well as the Constitution and laws of the State of Georgia and of the United States of
461 America. I am not the holder of any unaccounted for public money due this state or any
462 political subdivision or authority thereof. I am not the holder of any office of trust under
463 the government of the United States, any other state, or any foreign state which I by the
464 laws of the State of Georgia am prohibited from holding. I am otherwise qualified to hold
465 such office according to the Constitution and laws of Georgia. I have been a resident of
466 [my district and] the City of Baxley for the time required by the Constitution and laws of
467 this state and by the municipal charter. I will perform the duties of my office in the best
468 interest of the City of Baxley to the best of my ability without fear, favor, affection,
469 redistrict, or expectation thereof, and in all things pertaining to my office, I will be
470 governed by my conviction to the public good, so help me God."

SECTION 2.22.

Regular and special meetings.

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

(b) Special meetings of the mayor and council may be held on call of the mayor or three members of the council. Notice of such special meetings shall be served on all other members personally in writing or orally, or by telephone personally, at least 48 hours in advance of the meeting. Such notice to mayor and council member shall not be required if the mayor and all council members are present when the special meeting is called. Such notice may be waived by the mayor or by a council member 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 mayor or council member's presence. Only the business stated in the call may be transacted at the special meeting, unless the call states that any other business may be conducted.

(c) All meetings of the mayor and 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 Section 50-14-1 of the O.C.G.A., or such other applicable laws as are or may hereafter be enacted.

SECTION 2.23.

Rules of procedure.

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

(b) All committees and committee chairs and officers of the mayor and council shall be appointed by majority vote of the council members and shall serve at the pleasure of the mayor and council.

SECTION 2.24.

Quorum; voting.

(a) Any four members of the mayor and council, including the mayor or mayor pro tempore, shall constitute a quorum and shall be authorized to transact the business of the mayor and council. Voting on the adoption of ordinances or resolutions shall be by voice vote and the vote shall be recorded in the minutes, but any member of the council shall have the right to

request a roll call vote and such vote shall be recorded in the minutes. Except as otherwise provided in this charter, the affirmative vote of four council members, or in the case of a tie, three council members and the mayor shall be required for the adoption of any ordinance, resolution or other act of the mayor and council.

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

SECTION 2.25.

Ordinance form; procedures.

(a) Every proposed ordinance should be introduced in writing and in the form required for final adoption, subject to such changes as may be made and voted on by the mayor and council prior to or at the time of its adoption, and after being presented for consideration at any meeting of the mayor and council, shall be posted in full in an area designated for such purposes that is open to the public during the hours the office of the city clerk is open. No ordinance shall contain a subject which is not expressed in its title. The enacting clause shall be "It is hereby ordained by the mayor and council of the City of Baxley".

(b) An ordinance may be introduced by any council member and be read in full or by title only at a regular or special meeting of the mayor and council. Ordinances shall be considered and adopted or rejected by the mayor and council in accordance with the rules that it shall establish; provided, however, an ordinance shall not be adopted the same day it is introduced, except for emergency ordinances as provided in Section 2.27 of this charter. Upon introduction of any ordinance, the clerk shall as soon as possible distribute a copy to the mayor and each council member and shall post a copy for public viewing at such place as may be designated for such purposes.

SECTION 2.26.

Action requiring an ordinance.

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

SECTION 2.27.**Emergencies.**

To meet a public emergency affecting life, health, property, or public peace, the mayor and council may convene on the call of the mayor or three council members and may promptly adopt an emergency ordinance, but such ordinance shall not levy taxes; grant, renew, or extend a franchise; regulate the rates charged by any public utility for its services; or authorize the borrowing of money, except for loans to be repaid within 30 days. An emergency ordinance shall be introduced in the form prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing the emergency in clear and specific terms. An emergency ordinance may be adopted, with or without amendment, or rejected at the meeting at which it is introduced, but the affirmative vote of at least three council members 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 continues to exist. 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.

SECTION 2.28.**Codes of technical regulations.**

(a) As may be consistent with law, the mayor and council may adopt building, housing, property maintenance, plumbing, electrical, gas, mechanical, or fire codes or any other standard codes 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 2.25 of this charter for distribution and filing of copies of the ordinance shall be construed to include copies of any code of technical regulations, as well as the adopting ordinance; and

(2) A copy of each adopted code of technical regulations, as well as the adopting ordinance, shall be authenticated and recorded by the city clerk pursuant to Section 2.29 of this charter.

(b) Copies of any adopted code of technical regulations shall be made available by the city clerk for distribution or for purchase at a reasonable price.

569 **SECTION 2.29.**

570 Ordinance book; codification of ordinances; availability of laws.

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

573 (b) The mayor and council shall provide for the preparation of a codification of ordinances
574 of the city as required by law.

575 (c) The mayor and council shall cause each ordinance and each amendment to this charter
576 to be printed following its adoption, and the printed ordinances and charter amendments shall
577 be made available for purchase by the public at reasonable prices. The ordinances shall be
578 printed in substantially the same style as the codification then in effect and shall be suitable
579 in form for incorporation within the codification. The mayor and council shall make such
580 further arrangements as deemed desirable for reproduction and distribution of any changes
581 in or additions to codes of technical regulations and other rules and regulations included or
582 adopted by reference in the codification.

583 **SECTION 2.30.**

584 City manager; appointment; qualifications.

585 By the majority vote, the mayor and council shall appoint a city manager for an indefinite
586 term or a term prescribed by the mayor and council; and a majority vote shall be required for
587 termination of appointment. The manager shall be appointed solely on the basis of his or her
588 executive and administrative qualifications, with special reference to actual experience in or
589 knowledge of accepted practice in respect to the duties of his or her office. The appointee
590 need not be a resident of the city. No member of the mayor and council shall receive such
591 appointment while in office, nor within one year after the expiration of such member's term.

592 **SECTION 2.31.**

593 Acting city manager.

594 By letter filed with the city clerk, the city manager shall designate, subject to the approval
595 of the mayor and council, a qualified city administrative officer to exercise the powers and
596 perform the duties of the city manager during his or her temporary absence or disability.
597 During such absence or disability, the mayor and council may revoke such designation at any
598 time and appoint another officer of the city to serve until the manager shall return or his or
599 her disability shall cease.

SECTION 2.32.**Powers and duties of the city manager.**

The city manager shall be the chief administrative officer of the city. He or she shall be responsible to the mayor and council for the administration of all city affairs placed in his or her charge by or under this charter. He or she shall have the following powers and duties:

(1) Appoint, and when he or she deems it necessary for the good of the city, suspend or remove all city employees and administrative officers, except as otherwise provided by law, this charter, or personnel ordinances adopted pursuant to this charter;

(2) Direct and supervise the administration of all departments, offices, and agencies of the city, except as otherwise provided by this charter or by law;

(3) Attend all mayor and council meetings with the right to take part in the discussion, but he or she may not vote. The city manager shall be entitled to notice of all regular and special meetings of the mayor and council;

(4) See that all laws, provisions of this charter, and acts of the mayor and council subject to enforcement by him or her, or by officers subject to his or her direction and supervision, are faithfully executed;

(5) Prepare and submit the annual operating budget and capital budget to the mayor and council, together with a message describing the important features, and be responsible for its administration after adoption;

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

(7) Make such other reports as the mayor and council may require concerning the operations of city departments, offices, and agencies subject to his or her direction and supervision;

(8) Establish powers and duties of, and recommend to the mayor and council a standard schedule of pay for, each appointive office and position in the city service, including minimum, intermediate, and maximum rates of pay, except as may otherwise be provided by law or this charter;

(9) Recommend to the mayor and council, from time to time, adoption of such measures as may be deemed necessary or expedient for the health, safety, or welfare of the inhabitants of the city or for the improvement of administrative services;

(10) Consolidate or combine offices, positions, departments, or units under his or her jurisdiction with the approval of the mayor and council; the city manager may be the head of one or more departments;

(11) Investigate the affairs of the city or any department or division thereof; including investigation of all complaints in relation to matters concerning the administration of the

636 government of the city and in regard to service maintained by the public utilities in the
637 city and assurance that all franchises, permits, and privileges granted by the city are
638 faithfully observed;

639 (12) Keep the mayor and council fully advised as to the financial condition and future
640 needs of the city and make such recommendations to the mayor and council concerning
641 the affairs of the city as he or she deems desirable; and

642 (13) Perform such other duties as are specified in this charter or as may be required by
643 the mayor and council.

644 **SECTION 2.33.**

645 Council interference with administration.

646 Neither the mayor and council nor any of its members shall direct or request any person's
647 appointment to or removal from office by the city manager or any of the manager's
648 subordinates, nor in any manner take part in the appointment or removal of officers and
649 employees in the administrative services of the city. Except for the purpose of inquiries and
650 investigations under Section 2.18 of this charter, the mayor and council or its members shall
651 deal with city officers and employees who are subject to the direction and supervision of the
652 city manager solely through the city manager, and neither the mayor and council nor its
653 members shall give orders to any such officer or employee, either publicly or privately.

654 **SECTION 2.34.**

655 Emergencies.

656 In case of an accident, disaster, or other circumstance creating a public emergency, the city
657 manager may administer contracts and make purchases for the purpose of meeting such
658 emergency, but he or she shall file promptly with the mayor and council a certificate showing
659 such emergency and the necessity for such action, together with an itemized account of all
660 expenditures.

661 **SECTION 2.35.**

662 Compensation.

663 The city manager shall receive such compensation as prescribed by the mayor and council.

SECTION 2.36.

Election of mayor.

At a regular election of the city, the voters of the city shall elect a mayor at large for a term of four years and until a successor is elected and qualified. The mayor shall be a qualified elector of this city and shall have been a resident of the city for 12 months prior to the election. The mayor shall continue to reside in this city during the period of service. No person shall be eligible to serve as mayor who shall have been convicted of a crime involving moral turpitude unless such person has received a full pardon and has had all rights of citizenship restored. The mayor shall forfeit the office on the same grounds and under the same procedure as for council members. The compensation of the mayor shall be established in the same manner as for council members.

SECTION 2.37.

Mayor pro tempore.

The mayor and council shall elect one council member from among its members who shall act as mayor pro tempore during the absence or disability of the mayor, but shall only vote once on matters before the mayor and council. If a vacancy occurs, the mayor pro tempore shall become mayor for the remainder of the unexpired term, or until a special election is completed pursuant to subsection (b) of Section 2.13 of this charter if 12 months or more remains in the unexpired term.

SECTION 2.38.

Powers and duties of mayor.

The mayor shall:

- (1) Be the titular head of the municipal government;
- (2) Preside at all meetings of the mayor and council;
- (3) Be the 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;
- (4) Have the power to administer oaths and to take affidavits;
- (5) Have a vote upon any question before the mayor and council only when the vote is evenly divided; and
- (6) Sign as a matter of course on behalf of the city all written and approved contracts, ordinances, and other instruments executed by the city which by law are required to be in writing.

696

SECTION 2.39.

697

Position of mayor pro tempore.

698

699

700

701

702

703

704

705

706

707

During the absence or physical or mental disability of the mayor for any cause, the mayor pro tempore, or in the mayor pro tempore's absence or disability for any reason, any one of the council members chosen by a majority vote of the mayor and council, shall be clothed with all rights and privileges of the mayor and shall perform the duties of the office of mayor so long as such absence or disability shall continue. Any such absence or disability shall be declared by majority vote of all council members. The mayor pro tempore or selected council member shall sign all contracts and ordinances in which the mayor has a disqualifying financial interest as provided in Section 2.17 of this charter. When acting as mayor, the mayor pro tempore shall continue to have only one vote as a member of the mayor and council.

708

ARTICLE III

709

ADMINISTRATIVE AFFAIRS

710

SECTION 3.10.

711

Boards, commissions, and authorities.

712

713

714

715

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

716

717

718

719

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

720

721

722

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

723

724

725

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

726

727

728

729

(e) No member of a board, commission, or authority shall assume office until he or she has executed and filed with the city clerk an oath obligating himself or herself to perform faithfully and impartially the duties of his or her office, such oath to be prescribed by ordinance and administered by a person authorized by law to administer oaths.

(f) All members of a board, commission, or authority shall serve at will, and any such members may be removed from office by a majority vote of the mayor and council.

(g) 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, and may elect as its secretary one of its 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, the 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.

(h) All boards, commissions, and authorities previously established and duly appointed by the mayor and council prior to the effective date of this charter are hereby continued under this charter and shall remain in full force and effect subsequent to the enactment of this charter. Any such board, commission, or authority so continued shall continue to have the powers, duties, rights, obligations, and liabilities that exist on the effective date of this charter and shall be subject to all laws, subject to the provisions of this charter, that are not in conflict therewith.

SECTION 3.11.

City clerk.

The mayor and council shall appoint or remove a city clerk who shall not be a council member. The city clerk shall be custodian of the official city seal and city records; maintain mayor and council records required by this charter; and perform such other duties as may be required by the mayor and council.

SECTION 3.12.

City attorney.

The mayor and council, with the recommendation of the city manager, 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 council as directed; shall advise the mayor and 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 the person's

763 position as city attorney. The city attorney is not an officer or public official of the city and
764 does not take an oath of office. The city attorney shall at all times be an independent
765 contractor.

766 **SECTION 3.13.**
767 Rules and regulations.

768 The mayor and council, through the adoption of an employee handbook, shall adopt rules and
769 regulations consistent with this charter concerning:

- 770 (1) The method of employee selection and probationary periods of employment;
771 (2) The administration of a position classification and pay plan, methods of promotion
772 and applications of service ratings thereto, and transfer of employees within the
773 classification plan;
774 (3) Hours of work, vacation, sick leave and other leaves of absence, overtime pay, and
775 the order and manner in which layoffs shall be effected;
776 (4) Such dismissal hearings as due process may require; and
777 (5) Such other personnel notices as may be necessary to provide for adequate and
778 systematic handling of personnel matters.

779 **SECTION 3.14.**
780 Personnel policies.

- 781 (a) All employees are at-will and may be removed from office at any time unless otherwise
782 provided by ordinance;
783 (b) Personnel policies, handbooks, and ordinances previously established by the mayor and
784 council prior to enactment of this charter shall continue in full force and effect subsequent
785 to the enactment of this charter until otherwise modified by the mayor and council pursuant
786 to applicable law.

787 **ARTICLE IV.**
788 **JUDICIAL BRANCH**
789 **SECTION 4.10.**
790 Municipal court.

791 There shall be a court to be known as the Municipal Court of the City of Baxley.

SECTION 4.11.**Judges.**

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

(b) The chief judge shall be appointed by the mayor and council for a term of one year.

(c) No person shall be qualified or eligible to serve as a judge on the municipal court unless he or she shall have attained the age of 25 years and shall have been a member of the State Bar of Georgia for a minimum of three years. All judges shall be appointed by the mayor and council.

(d) The compensation of the judge or judges shall be fixed by the mayor and council.

(e) The judge or judges may be removed for cause by a majority vote of the mayor and council.

(f) Before assuming office, each judge shall take an oath, administered by a person authorized by law to administer oaths, that he or she shall honestly and faithfully discharge the duties of his or her office to the best of his or her ability and without fear, favor, or partiality. The oath shall be entered upon the records of the mayor and council.

(g) Whenever no judge of the city can be in attendance in the municipal court for any reason, a person having the qualifications of a judge of the municipal court may be appointed by the chief judge or the mayor to preside in the court, and his or her acts therein shall be as binding as those of a regular judge of the court.

SECTION 4.12.**Convening of court.**

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

(b) The municipal court shall have the authority to punish those in its presence for contempt, provided that such punishment shall not exceed the maximum penalty imposed by state law.

(c) The municipal court may fix punishment for offenses within its jurisdiction not exceeding the maximum fine and imprisonment as provided by state law.

(d) The municipal court shall have the authority to establish a schedule of fees to defray the costs of operation and shall be entitled to reimbursement of the actual cost of meals, transportation, and care taking of prisoners bound over to superior or state courts for violation of state law.

(e) The municipal court shall have authority to establish bail and recognizances to ensure the presence of those charged with violations before the court and shall have discretionary

authority to accept cash or personal or real property as a surety bond for the appearance of persons charged with violations. Whenever any person gives bail for his or her appearance and fails to appear at the time fixed for trial, his or her bond shall be forfeited by the judge presiding at such time and an execution shall be issued thereon by serving the defendant and his or her sureties with a rule nisi at least two days before a hearing on the rule nisi.

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

(g) The municipal court shall have the authority to bind prisoners over to the appropriate court when it appears by probable cause that any statute has been violated.

(h) Each judge of the municipal court may compel the presence of all persons necessary to a proper disposal of each case by the issuance of summonses, subpoenas, and warrants, which may be served or executed by any officer as authorized by this charter or by law.

(i) The judge or judges of the municipal court shall be authorized to issue warrants for the arrest of persons charged with offenses against any ordinance of the city, and each judge of the municipal court shall have the same authority as a magistrate of the state to issue warrants for offenses against state laws committed within the city.

(j) The municipal court is specifically vested with all the jurisdiction and powers throughout the geographic area of this city granted by law to municipal courts and particularly by such laws as authorize the abatement of nuisances and the prosecution of traffic violations.

SECTION 4.13.

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 Appling County under the laws of the State of Georgia regulating the granting and issuance of writs of certiorari.

SECTION 4.14.

Rules.

With the approval of the mayor and council, the judge or judges 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 mayor and council may adopt in part or in toto the rules and regulations applicable to municipal courts. The rule and regulations made or adopted shall be filed with the city clerk,

859 shall be available for public inspection, and upon request, shall be furnished to all defendants
860 in municipal court proceedings at least 48 hours prior to such proceedings.

861 **ARTICLE V.**
862 **FINANCE**
863 **SECTION 5.10.**
864 **Property tax.**

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

870 **SECTION 5.11.**
871 **Millage.**

872 (a) The mayor and council by ordinance shall establish a millage rate for the city property
873 tax, a due date, and the time period within which these taxes must be paid.
874 (b) The millage rate levied pursuant to this article shall not exceed 20 mills, except that such
875 limitation shall not apply with respect to any ad valorem tax levied for the purpose of
876 payment of any general obligation debt of the city.
877 (c) The mayor and council by ordinance may provide for the payment of these taxes by
878 installments or in one lump sum, as well as authorize the voluntary payment of taxes prior
879 to the time when due.

880 **SECTION 5.12.**
881 **Occupation taxes and regulatory fees.**

882 The mayor and council by ordinance shall have the power to levy and to provide for the
883 collection of such occupation taxes and regulatory fees as are not denied by law on
884 privileges, occupations, trades, professions, and any other lawful subjects thereof and may
885 regulate the same. Such taxes and fees may be levied on individuals, firms, corporations, and
886 other entities that transact business in the city of that practice or offer to practice any
887 profession or calling within the city to the extent that they have, in accordance with law, a
888 sufficient nexus to the city. The mayor and council shall provide for the manner and method
889 of payment of such taxes and fees. The mayor and council may classify businesses,

890 occupations, professions, or callings for the purpose of such taxes and fees in any way which
891 may be lawful, and may compel the payment of such taxes and fees as provided in Section
892 5.18 of this charter.

893 **SECTION 5.13.**

894 Licenses and permits.

895 The mayor and council, by ordinance, shall have the power to require any individual, firm,
896 corporation, or other entity that transacts business in the city or that practices or offers to
897 practice any profession or calling within the city to obtain a license or permit for such
898 activity from the city and to pay a reasonable fee for such license or permit where such
899 activities are not exclusively regulated by general law. The city may also regulate such
900 activities and shall provide for the manner and method of payment of such fees. Fees under
901 this section, if unpaid, shall be collected as provided in Section 5.18 of this charter. The
902 council, by ordinance, may establish reasonable requirements for obtaining or keeping such
903 licenses as the public health, safety, and welfare necessitate. The mayor and council may
904 revoke any such license or permit after due process for failure to pay any city taxes or fees
905 or for other cause determined by the mayor and council.

906 **SECTION 5.14.**

907 Franchises.

908 The mayor and council shall have the power to grant franchises and rights of way for the use
909 of the city's streets, roads, alleys, bridges, and viaducts for the purposes of railroads, street
910 railways, electric companies, gas companies, transportation companies, telecommunications
911 companies, other public utilities and organizations, and for private use. The mayor and
912 council shall determine the duration and terms of franchises, whether they shall be exclusive
913 or nonexclusive, and the consideration for such franchises; provided, however, that no
914 franchise shall be granted for a longer period than may be specified by the Constitution and
915 general laws of this state and no franchise shall be granted unless the city receives just and
916 adequate compensation therefor. The mayor and council shall provide for the registration
917 of all franchises with the city clerk in a registration book kept by him or her. The mayor and
918 council may provide by ordinance for the registration within a reasonable time of all
919 franchises previously granted.

920 **SECTION 5.15.**

921 Service fees.

922 The mayor and council, by ordinance, shall have the power to assess and collect fees,
923 charges, and tolls for sewers, sanitary and health services, or any other services provided or
924 made available inside or outside the corporate limits of the city for the total cost to the city
925 of providing or making available such services. If unpaid, such charges shall be collected
926 as provided in Section 5.18 of this charter.

927 **SECTION 5.16.**

928 Roads.

929 The mayor and council by ordinance shall have the power to assess, charge, and collect the
930 costs of constructing, reconstructing, widening, or improving any public way, street,
931 sidewalk, curbing, gutters, sewers, or other utility mains and appurtenances from the abutting
932 property owners under such terms and conditions as are reasonable. If unpaid, such charges
933 shall be collected as provided in Section 5.18 of this charter.

934 **SECTION 5.17.**

935 Other taxes.

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

939 **SECTION 5.18.**

940 Collection of delinquent taxes.

941 The mayor and council by ordinance may provide generally for the collection of delinquent
942 taxes, fees, or other revenue due the city under Sections 5.10 through 5.17 of this charter by
943 whatever reasonable means as are not precluded by law. Such means shall include, but shall
944 not be limited to, providing for the dates when the taxes are due, late penalties or interest,
945 issuance and execution of writs of fieri facias (fi.fa.'s), creation and priority of liens, making
946 delinquent taxes and fees personal debts of the persons required to pay the taxes or fees
947 imposed, and providing for the assignment or transfer of tax executions.

948 **SECTION 5.19.**

949 Borrowing.

950 The mayor and council shall have the power to issue bonds and notes for the purpose of
951 raising revenue to carry out any project, program, or venture authorized under this charter
952 or the laws of this state. Such bonding authority shall be exercised in accordance with the
953 laws governing bond issuance by municipalities in effect at the time that an issue is
954 undertaken.

955 **SECTION 5.20.**

956 Revenue bonds.

957 Revenue bonds may be issued by the mayor and council as state law now or hereafter
958 provides. Such bonds shall be paid out of any revenue produced by the project, program, or
959 venture for which they are issued.

960 **SECTION 5.21.**

961 Loans.

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

964 **SECTION 5.22.**

965 Accounting and budgeting.

966 The mayor and council shall set the fiscal year by ordinance. This fiscal year shall constitute
967 the budget year and the year for financial accounting and reporting of every office,
968 department, agency, and activity of the city government.

969 **SECTION 5.23.**

970 Budget ordinance.

971 The mayor and council shall by ordinance provide the procedures and requirements for the
972 preparation and execution of an annual operating budget, a capital improvement program,
973 and a capital budget, including requirements as to the scope, content, and form of such
974 budgets and program.

SECTION 5.24.

Operating budget.

The city manager shall submit to the mayor and council a proposed operating budget for each ensuing fiscal year. The budget shall be accompanied by a message from the city manager containing a statement of the general fiscal policies of the city, the important features of the budget, explanations of major changes recommended for the next fiscal year, a general summary of the budget, and such other comments and information as the city manager may deem pertinent. The operating budget, the capital improvements program, the capital budget, the budget message, and all supporting documents shall be filed in the office of the city clerk and shall be open to public inspection.

SECTION 5.25.

Adoption of budget.

(a) The mayor and council 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 this charter and for all debt service requirements for the ensuing fiscal year. The total appropriations from any fund shall not exceed the estimated fund balance, reserves, and revenues.

(b) After the conducting of a budget hearing, the mayor and council shall adopt the final operating budget for the ensuing fiscal year not later than the beginning of each fiscal year. If the mayor and council fails to adopt the budget by such date, the dollar amounts appropriated for operation for the preceding 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 mayor and council adopts a budget for the ensuing fiscal year. Adoption of the budget shall take the form of an appropriations ordinance or resolution setting out the estimated revenues in detail by sources and making appropriations according to fund and by organization unit, purpose, or activity as set out in the budget preparation ordinance adopted pursuant to Section 5.23 of this charter.

(c) The amount set out in the adopted operating budget for each organizational unit shall constitute the annual appropriation for such unit, and no expenditure shall be made or encumbrance created in excess of the otherwise unencumbered balance of the appropriations or allotments thereof to which it is chargeable, except as such budget may be amended by the mayor and council pursuant to Section 5.27 of this charter.

SECTION 5.26.

Levy of taxes.

Following adoption of the operating budget, the mayor and council shall levy by a majority vote of the mayor and council such taxes as are necessary. The taxes and tax rates 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 expense of the general government of the city.

SECTION 5.27.

Changes in budget.

The mayor and council, by majority vote, may make changes in the appropriations contained in the current operating budget at any regular meeting or at any special meeting called for such purposes.

SECTION 5.28.

Capital improvements.

No appropriations provided for in a prior capital improvements program and capital budget shall lapse until the purpose for which the appropriations were made shall have been accomplished or abandoned; however, the city manager may submit amendments to the capital improvements program and the capital budget at any time during the fiscal year, accompanied by his or her recommendations. Any such amendments to the capital improvements program and the capital budget shall become effective only upon adoption by majority vote of the mayor and council.

SECTION 5.29.

Audits.

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

SECTION 5.30.

Procurement and property management.

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

(1) In writing;

(2) Drawn by or submitted to and reviewed by the city attorney and, as a matter of course, signed by him or her to indicate such drafting or review; and

(3) Made or approved by the mayor and council and such approval is entered in the mayor and council minutes pursuant to Section 2.23 of this charter.

SECTION 5.31.

Purchasing.

The mayor and council shall prescribe procedures for a system of centralized purchasing for the city.

SECTION 5.32.

Sale of property.

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

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

(c) Whenever in opening, extending or widening any street, avenue, alley, or other public place of the city a small parcel or tract of land is cut off or separated by such work from a larger tract or boundary of land owned by the city, the mayor and council may authorize the city manager to execute and deliver in the name of the city a deed conveying such cutoff or separated parcel or tract of land to an abutting or adjoining property owner or owners in exchange for rights of way of such street, avenue, alley, or other public place when such exchange is deemed to be in the best interest of the city. All deeds and conveyances heretofore or hereafter so executed and delivered shall convey all title and interest that the city has in such property, notwithstanding the fact that no public sale after advertisements was or is hereafter made.

SECTION 5.33.

Deposits.

The city shall select some chartered bank or banks or other chartered depository financial institution or institutions as a city depository or depositories, in which shall be deposited all city funds that are not otherwise lawfully invested.

ARTICLE VI**GENERAL PROVISIONS****SECTION 6.10.**

Bonds for officials.

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

SECTION 6.11.

Ordinances, resolutions, rules and regulations.

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

SECTION 6.12.

Charter language on other general 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 agencies, personnel, officers, or offices as may be provided by the mayor and council.

SECTION 6.13.

Definitions and construction.

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

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

1094 (c) The singular shall include the plural, and the masculine shall include the feminine, and
1095 vice versa.

1096 **SECTION 6.14.**

1097 Specific repealer.

1098 An Act incorporating the City of Baxley, approved February 23, 1875 (Ga. L. 1875, p. 156),
1099 as amended, and the several Acts amendatory thereof, specifically including the Act
1100 establishing the most recent charter for the City of Baxley, approved April 13, 1982 (Ga. L.
1101 1982, p. 4725), and Acts amendatory thereof, are repealed. The official incorporation date
1102 of the City of Baxley shall remain February 23, 1875.

1103 **SECTION 6.15.**

1104 Effective date.

1105 This Act shall become effective upon its approval by the Governor or upon its becoming law
1106 without such approval.

1107 **SECTION 6.16.**

1108 General repealer.

1109 All laws and parts of laws in conflict with this Act are repealed.