

House Bill 930

By: Representative Allison of the 8th

A BILL TO BE ENTITLED
AN ACT

1 To provide a new charter for the City of Blairsville; to provide for incorporation, boundaries
2 and property of the city; to provide for powers, construction of powers, examples of powers,
3 and the exercise of powers; to provide for a governing authority of such city and the number,
4 election, terms, and qualifications of its members; to provide for vacancies and the filling of
5 same; to provide for compensation and expenses; to provide for conflicts of interest and
6 holding other offices; to provide for inquiries and investigations; to provide for general
7 powers and authority; to provide for eminent domain; to provide for oaths and organizational
8 meetings; to provide for regular and special meetings; to provide for rules of procedure,
9 determination of a quorum, and voting; to provide for ordinances, resolutions, and codes; to
10 provide for emergencies; to provide for codes of technical regulations; to provide for signing,
11 authenticating, recording, codification, and printing; to provide for a mayor and election of
12 same, forfeiture and compensation, powers and duties of the mayor, and other matters
13 relative thereto; to provide for administrative affairs and responsibilities; to provide for
14 administrative and service departments; to provide for a city attorney and a city clerk; to
15 provide for position classification and pay plans; to provide for personnel policies; to provide
16 for a municipal court and the judge or judges thereof and other matters relative to those
17 judges; to provide for the court's jurisdiction, powers, practices, and procedures; to provide
18 for the right of certiorari; to provide for rules of the municipal court; to provide for elections
19 and removal from office; to provide for finances; to provide for a property tax, millage rate,
20 due dates, and payment methods; to provide for occupation and business taxes and related
21 regulatory fees and permits; to provide for franchises, service charges, and special
22 assessments; to provide for construction and other taxes and fees and collection of delinquent
23 taxes and fees; to provide for bonded and other indebtedness; to provide for lease-purchase
24 contracts; to provide for a fiscal year; to provide for budgeting and appropriations; to provide
25 for tax levies; to provide for audits; to provide for contracting procedures; to provide for the
26 conveyance and acquisition of property and interests therein; to provide for bonds for
27 officials; to provide for prior ordinances and rules, existing officers and rules, and pending
28 matters; to provide for definitions and construction; to provide for other matters relative to

29 the foregoing; to provide a specific repealer; to provide an effective date; to repeal
30 conflicting laws; and for other purposes.

31 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

32 ARTICLE I

33 INCORPORATION AND POWERS

34 SECTION 1.10.

35 Incorporation.

36 The City of Blairsville in Union County, Georgia, heretofore made a body politic and
37 corporate by Acts of the General Assembly of the State of Georgia, under the name of the
38 "City of Blairsville," shall continue as a body politic and corporate, known by the corporate
39 name of the "City of Blairsville," and, by that name, the City of Blairsville shall continue to
40 have perpetual succession, the power to sue and be sued, to plead and be impleaded, in all
41 courts of law and equity, and in all actions whatsoever, and may have and use a common
42 seal. This Act shall constitute the whole charter of the City of Blairsville, repealing and
43 replacing the charter provided by an Act of the General Assembly approved March 28, 1984
44 (Ga. L. 1984, p. 4967), as amended. References in this charter to "the city" refer to the City
45 of Blairsville.

46 SECTION 1.11.

47 Corporate boundaries.

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

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

59 **SECTION 1.12.**

60 Powers and construction.

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

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

68 **SECTION 1.13.**

69 Examples of powers.

70 Without limiting the generality of Section 1.12 of this charter, the city may exercise any or
 71 all of the following powers:

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

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

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

85 (4) Business regulation and taxation. To levy and to provide for the collection of
 86 regulatory fees and taxes on privileges, occupations, trades, and professions as authorized
 87 by Title 48 of the Official Code of Georgia Annotated, or other such applicable laws as
 88 are or may hereafter be enacted; to permit and regulate the same; to provide for the
 89 manner and method of payment of such regulatory fees and taxes; and to revoke such
 90 permits after due process for failure to pay any city taxes or fees;

91 (5) Condemnation. To condemn property, inside or outside the corporate limits of the
 92 city, for present or future use and for any corporate purpose deemed necessary by the

93 governing authority, utilizing procedures enumerated in Title 22 of the Official Code of
94 Georgia Annotated, Title 32 of the Official Code of Georgia Annotated, or such other
95 applicable laws as are or may hereafter be enacted;

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

98 (7) Emergencies. To establish procedures for determining and proclaiming that an
99 emergency situation exists within or without 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 citizens of the city;

102 (8) Environmental protection. To protect and preserve the natural resources,
103 environment, and vital areas of the city, the region, and the state through the preservation
104 and improvement of air quality, the restoration and maintenance of water resources, the
105 control of erosion and sedimentation, the management of stormwater and establishment
106 of a stormwater utility, the management of solid and hazardous waste, and other
107 necessary actions for the protection of the environment;

108 (9) Fire regulations. To fix and establish fire limits and from time to time extend,
109 enlarge, or restrict the same; to prescribe fire safety regulations consistent with general
110 law, relating to fire prevention and detection and firefighting; and to prescribe penalties
111 and punishment for violations thereof;

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

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

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

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

127 (14) Jail sentences. To provide that persons given jail sentences in the city's court may
128 work out such sentences in any public works or on the streets, roads, drains, and other
129 public property in the city, to provide for commitment of such persons to any jail, to

130 provide for the use of pretrial diversion and any alternative sentencing allowed by law,
131 or to provide for commitment of such persons to any county work camp or county jail by
132 agreement with the appropriate county officials;

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

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

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

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

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

149 (20) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose
150 of public utilities, including but not limited to a system of waterworks, sewers and drains,
151 sewage disposal, stormwater management, gas works, electric light plants, cable
152 television and other telecommunications, transportation facilities, public airports, and any
153 other public utility; and to fix the taxes, charges, rates, fares, fees, assessments,
154 regulations, and penalties, and to provide for the withdrawal of service for refusal or
155 failure to pay the same;

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

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

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

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

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

- 167 (26) Public improvements. To provide for the acquisition, construction, building,
168 operation, and maintenance of public ways, parks and playgrounds, recreational facilities,
169 cemeteries, markets and market houses, public buildings, libraries, public housing,
170 airports, hospitals, terminals, docks, parking facilities, or charitable, cultural, educational,
171 recreational, conservation, sport, curative, corrective, detention, penal and medical
172 institutions, agencies and facilities; and to provide any other public improvements inside
173 or outside the corporate limits of the city; to regulate the use of public improvements; and
174 for such purposes, property may be acquired by condemnation under Title 22 of the
175 Official Code of Georgia Annotated, Title 32 of the Official Code of Georgia Annotated,
176 or such other applicable laws as are or may hereafter be enacted;
- 177 (27) Public peace. To provide for the prevention and punishment of loitering, disorderly
178 conduct, drunkenness, riots, and public disturbances;
- 179 (28) Public transportation. To organize and operate such public transportation systems
180 as are deemed beneficial;
- 181 (29) Public utilities and services. To grant franchises or to make contracts for, or impose
182 taxes on public utilities and public service companies; and to prescribe the rates, fares,
183 regulations and standards, and conditions of service applicable to the service to be
184 provided by the franchise grantee or contractor, insofar as not in conflict with valid
185 regulations of the Public Service Commission;
- 186 (30) Regulation and roadside areas. To prohibit or regulate and control the erection,
187 removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any
188 and all other structures or obstructions upon or adjacent to the rights-of-way of streets and
189 roads, or within view thereof, within or abutting the corporate limits of the city; and to
190 prescribe penalties and punishment for violation of such ordinances;
- 191 (31) Retirement. To provide and maintain a retirement plan and other employee benefit
192 plans and programs for officers and employees of the city;
- 193 (32) Roadways. To lay out, open, extend, widen, narrow, establish, or change the grade
194 of, abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise
195 improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and
196 walkways within the corporate limits of the city; and to grant franchises in rights-of-way
197 throughout the streets and roads, and over the bridges and viaducts for the use of public
198 utilities; and to require real estate owners to repair and maintain in a safe condition the
199 sidewalks adjoining their lots or lands, and to impose penalties for failure to do so;
- 200 (33) Sewer fees. To levy a fee, charge, or sewer tax as necessary to assure the acquiring,
201 constructing, equipping, operating, maintaining, and extending of a sewage disposal plant
202 and sewerage system, and to levy on those to whom sewers and sewerage systems are
203 made available a sewer service fee, charge, or sewer tax for the availability or use of the

204 sewers; to provide for the manner and method of collecting such service charges and for
205 enforcing payment of the same; and to charge, impose, and collect a sewer connection fee
206 or fees to those connected with the system;

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

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

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

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

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

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

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

230 (41) Other powers. To exercise and enjoy all other powers, functions, rights, privileges,
231 and immunities necessary or desirable to promote or protect the safety, health, peace,
232 security, good order, comfort, convenience, or general welfare of the city and its
233 inhabitants; and to exercise all implied powers necessary or desirable to carry into
234 execution all powers granted in this charter as fully and completely as if such powers
235 were fully stated herein; and to exercise all powers, now or in the future, authorized to
236 be exercised by other municipal governments under other laws of the State of Georgia;
237 and no listing of particular powers in this charter shall be held to be exclusive of others,
238 nor restrictive of general words and phrases granting powers, but shall be held to be in
239 addition to such powers unless expressly prohibited to municipalities under the
240 Constitution or applicable laws of the State of Georgia.

241 **SECTION 1.14.**

242 Exercise of powers.

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

247 **ARTICLE II**

248 **GOVERNMENT STRUCTURE, ELECTIONS, AND REMOVAL**

249 **SECTION 2.10.**

250 City council creation; number; election.

251 (a) The legislative authority of the government of this city, except as otherwise specifically
 252 provided in this charter, shall be vested in a city council to be composed of a mayor and five
 253 council members. The city council established shall in all respects be a successor to and
 254 continuation of the governing authority under prior law. The mayor and council members
 255 shall be elected in the manner provided by general law and this charter.

256 (b) The council shall be composed of five members elected by the voters of the city at large
 257 in accordance with provisions of Article V of this charter. The mayor shall be elected as
 258 provided in Section 2.27 of this charter.

259 **SECTION 2.11.**

260 City council terms and qualifications for office.

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

267 **SECTION 2.12.**

268 Vacancy; filling of vacancies.

269 (a) The office of mayor or council member shall become vacant upon the incumbent's death,
 270 resignation, forfeiture of office, or occurrence of any event specified by the Constitution of

271 the State of Georgia, Title 45 of the Official Code of Georgia Annotated, or such other
272 applicable laws as are or may hereafter be enacted.

273 (b) A vacancy in the office of mayor or council member shall be filled for the remainder of
274 the unexpired term, if any, by appointment by the city council or those members remaining
275 if less than 24 months remain in the unexpired term. If such vacancy occurs 24 months or
276 more prior to the expiration of the term of that office, it shall be filled for the remainder of
277 the unexpired term by a special election, as provided for in Section 5.14 of this charter and
278 in accordance with Titles 21 and 45 of the Official Code of Georgia Annotated, or other such
279 laws as are or may hereafter be enacted.

280 (c) This provision shall also apply to a temporary vacancy created by the suspension from
281 office of the mayor or any council member.

282 **SECTION 2.13.**

283 Compensation and expenses.

284 The mayor and council members shall receive compensation and expenses for their services
285 as provided by ordinance.

286 **SECTION 2.14.**

287 Conflicts of interest; holding other offices.

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

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

292 (c) Neither the mayor nor any member of the city council shall vote upon, sign, or veto any
293 ordinance, resolution, contract, or other matter in which that person or a member of the
294 immediate family of that person, being parents, siblings, children, and grandchildren, is
295 financially interested.

296 **SECTION 2.15.**

297 Inquiries and investigations.

298 Following the adoption of an authorizing resolution, the city council may make inquiries and
299 investigations into the affairs of the city and the conduct of any department, office, or agency
300 thereof, and for this purpose may subpoena witnesses, administer oaths, take testimony, and
301 require the production of evidence. Any person who fails or refuses to obey a lawful order

302 issued in the exercise of these powers by the city council shall be punished as provided by
303 ordinance.

304 **SECTION 2.16.**

305 General power and authority of the city council.

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

308 (b) In addition to all other powers conferred upon it by law, the council shall have the
309 authority to adopt and provide for the execution of such ordinances, resolutions, rules, and
310 regulations, consistent with this charter and the Constitution and the laws of the State of
311 Georgia, which it shall deem necessary, expedient, or helpful for the peace, good order,
312 protection of life and property, health, welfare, sanitation, comfort, convenience, prosperity,
313 or well-being of the inhabitants of the City of Blairsville and may enforce such ordinances
314 by imposing penalties for violation thereof.

315 **SECTION 2.17.**

316 Eminent domain.

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

325 **SECTION 2.18.**

326 Organizational meetings.

327 The city council shall hold an organizational meeting on the first Tuesday of January or the
328 first business day following the first Tuesday if that day is a holiday. The meeting shall be
329 called to order by the mayor or mayor-elect and the oath of office shall be administered to
330 the newly elected members by a judicial officer authorized to administer oaths and shall, to
331 the extent that it comports with federal and state law, be as follows:

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

344 **SECTION 2.19.**

345 Regular and special meetings.

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

348 (b) Special meetings of the city council may be held on call of the mayor or three members
349 of the city council. Notice of such special meetings shall be served on all other members
350 personally, or by telephone personally, at least 24 hours in advance of the meeting. Such
351 notice to council members shall not be required if the mayor and all council members are
352 present when the special meeting is called. Such notice of any special meeting may be
353 waived by a council member in writing before or after such a meeting, and attendance at the
354 meeting shall also constitute a waiver of notice on any business transacted in such council
355 member's presence. Only the business stated in the call may be transacted at the special
356 meeting.

357 (c) All meetings of the city council shall be public to the extent required by law, and notice
358 to the public of special meetings shall be made as fully as is reasonably possible as provided
359 by Section 50-14-1 of the Official Code of Georgia Annotated, or other such applicable laws
360 as are or may hereafter be enacted.

361 **SECTION 2.20.**

362 Rules of procedure.

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

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

369 **SECTION 2.21.**

370 Quorum; voting.

371 (a) Three council members shall constitute a quorum and shall be authorized to transact
372 business of the city council. Voting on the adoption of ordinances shall be by voice vote and
373 the vote shall be recorded in the journal, but any member of the city council shall have the
374 right to request a roll call vote and such vote shall be recorded in the journal. Except as
375 otherwise provided in this charter, the affirmative vote of three council members shall be
376 required for the adoption of any ordinance, resolution, or motion, except when the mayor
377 votes to break a tie, and in that event the affirmative vote of the mayor and two council
378 members shall be sufficient for the adoption of an ordinance, resolution, or motion.

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

386 **SECTION 2.22.**

387 Ordinance form; resolutions; procedures.

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

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

400 **SECTION 2.23.**

401 Action requiring an ordinance.

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

403 **SECTION 2.24.**

404 Emergencies.

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

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

425

SECTION 2.25.

426

Codes of technical regulations.

427 (a) The city council may adopt any standard code of technical regulations by reference
428 thereto in an adopting ordinance. The procedure and requirements governing such adopting
429 ordinance shall be as prescribed for ordinances generally except that: (1) the requirements
430 of Section 2.22(b) of this charter for distribution and filing of copies of the ordinance shall
431 be construed to include copies of any code of technical regulations, as well as the adopting
432 ordinance; and (2) a copy of each adopted code of technical regulations, as well as the
433 adopting ordinance, shall be authenticated and recorded by the clerk pursuant to Section 2.26
434 of this charter.

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

437

SECTION 2.26.

438

Signing; authenticating; recording codification; printing.

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

441 (b) The city council may provide for the preparation of a general codification of all the
442 ordinances of the city having the force and effect of law. The general codification shall be
443 adopted by the city council by ordinance and shall be published promptly, together with all
444 amendments thereto and such codes of technical regulations and other rules and regulations
445 as the city council may specify. This compilation shall be known and cited officially as "The
446 Code of the City of Blairsville, Georgia." Copies of the code shall be furnished to all officers,
447 departments, and agencies of the city and made available for purchase by the public at a
448 reasonable price as fixed by the city council.

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

458 **SECTION 2.27.**

459 Election of mayor; forfeiture; compensation.

460 The mayor shall be elected and serve for a term of four years and until a successor is elected
 461 and qualified. The mayor shall be a qualified elector of this city and shall have been a
 462 resident of the city for at least 12 months prior to the election. The mayor shall continue to
 463 reside in this city during the period of service. The mayor shall forfeit the office on the same
 464 grounds and under the same procedure as for council members. The compensation of the
 465 mayor shall be established in the same manner as for council members.

466 **SECTION 2.28.**

467 Powers and duties of mayor.

468 The mayor shall:

- 469 (1) Preside at all meetings of the city council;
 470 (2) Be the head of the city for the purpose of service of process and for ceremonial
 471 purposes, and be the official spokesperson for the city and the chief advocate of policy;
 472 (3) Have the power to administer oaths and to take affidavits;
 473 (4) Sign as a matter of course on behalf of the city all written and approved contracts,
 474 ordinances, and other instruments executed by the city which by law are required to be
 475 in writing;
 476 (5) Vote in the event of a tie on matters before the council;
 477 (6) Prepare and submit to the city council a recommended annual operating budget and
 478 recommended capital budget; and
 479 (7) Fulfill such other executive and administrative duties as the city council shall by
 480 ordinance establish.

481 **ARTICLE III**

482 **ADMINISTRATIVE AFFAIRS**

483 **SECTION 3.10.**

484 Administrative and service departments.

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

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

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

494 (d) There shall be a director of each department or agency who shall be its principal officer.
495 Each director shall, subject to the direction and supervision of the mayor, be responsible for
496 the administration and direction of the affairs and operations of that director's department or
497 agency.

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

502 **SECTION 3.11.**

503 **Boards; commissions; and authorities.**

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

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

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

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

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

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

523 (g) All members of boards, commissions, and authorities serve at-will and may be removed
524 at any time by a vote of three members of the city council unless otherwise provided by law.
525 (h) Except as otherwise provided by this charter or by law, each board, commission, or
526 authority of the city shall elect one of its members as chair and one member as vice-chair,
527 and may elect as its secretary one of its own members or may appoint as secretary an
528 employee of the city. Each board, commission, or authority of the city government may
529 establish such bylaws, rules, and regulations, not inconsistent with this charter, ordinances
530 of the city, or law, as it deems appropriate and necessary for the fulfillment of its duties or
531 the conduct of its affairs. Copies of such bylaws, rules, and regulations shall be filed with
532 the clerk of the city.

533 **SECTION 3.12.**

534 City attorney.

535 The city council shall appoint a city attorney, together with such assistant city attorneys as
536 may be authorized, and shall provide for the payment of such attorney or attorneys for
537 services rendered to the city. The city attorney shall be responsible for providing for the
538 representation and defense of the city in all litigation in which the city is a party; may be the
539 prosecuting officer in the municipal court; shall attend the meetings of the council as
540 directed; shall advise the city council, mayor, and other officers and employees of the city
541 concerning legal aspects of the city's affairs; and shall perform such other duties as may be
542 required by virtue of the person's position as city attorney. The city attorney is not a public
543 official of the city and does not take an oath of office. The city attorney shall at all times be
544 an independent contractor. A law firm, rather than an individual, may be designated as the
545 city attorney.

546 **SECTION 3.13.**

547 City clerk.

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

552 **SECTION 3.14.**

553 Position classification and pay plans.

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

560 **SECTION 3.15.**

561 Personnel policies.

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

564 **ARTICLE IV**

565 **JUDICIAL BRANCH**

566 **SECTION 4.10.**

567 Creation of municipal court.

568 There shall be a court to be known as the Municipal Court of the City of Blairsville.

569 **SECTION 4.11.**

570 Chief judge of municipal court; associate judge.

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

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

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

578 (d) Judges serve at-will and may be removed from office at any time by the city council
 579 unless otherwise provided by ordinance.

580 (e) Before assuming office, each judge shall take an oath, given by the mayor, that the judge
 581 will honestly and faithfully discharge the duties of the office to the best of that person's

582 ability and without fear, favor, or partiality. The oath shall be entered upon the minutes of
583 the city council journal required in Section 2.20 of this charter.

584 **SECTION 4.12.**

585 Convening.

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

587 **SECTION 4.13.**

588 Jurisdiction; powers.

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

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

593 (c) The municipal court may fix punishment for offenses within its jurisdiction not
594 exceeding a fine of \$1,000.00, or fines in such higher amounts as municipalities may be
595 allowed to impose by general laws of the state, or imprisonment for 180 days or both such
596 fine and imprisonment or may fix punishment by fine, imprisonment, or alternative
597 sentencing as now, or hereafter, provided by law.

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

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

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

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

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

623 **SECTION 4.14.**

624 Certiorari.

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

629 **SECTION 4.15.**

630 Rules for court.

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

666 to fill the balance of the unexpired term of such official; provided, however, that if such
 667 vacancy occurs within 24 months of the expiration of the term of that office, the city council
 668 or those remaining shall appoint a successor for the remainder of the term. In all other
 669 respects, the special election shall be held and conducted in accordance with the Georgia
 670 Election Code, Chapter 2 of Title 21 of the Official Code of Georgia Annotated, as now or
 671 hereafter amended.

672 **SECTION 5.15.**

673 Other provisions.

674 Except as otherwise provided by this charter, the city council shall, by ordinance, prescribe
 675 such rules and regulations it deems appropriate to fulfill any options and duties under the
 676 Georgia Election Code, Chapter 2 of Title 21 of the Official Code of Georgia Annotated, as
 677 now or hereafter amended.

678 **SECTION 5.16.**

679 Removal of officers.

680 (a) The mayor, council members, or other appointed officers provided for in this charter
 681 shall be removed from office for any one or more of the causes provided in Title 45 of the
 682 Official Code of Georgia Annotated, or such other applicable laws as are or may hereafter
 683 be enacted.

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

686 (1) Following a hearing at which an impartial panel shall render a decision. In the event
 687 an elected officer is sought to be removed by the action of the city council, such officer
 688 shall be entitled to a written notice specifying the ground or grounds for removal and to
 689 a public hearing which shall be held not less than ten days after the service of such
 690 written notice. The city council shall provide by ordinance for the manner in which such
 691 hearings shall be held. Any elected officer sought to be removed from office as herein
 692 provided shall have the right of appeal from the decision of the city council to the
 693 Superior Court of Union County. Such appeal shall be governed by the same rules as
 694 govern appeals to the superior court from the probate court; or

695 (2) By an order of the Superior Court of Union County following a hearing on a
 696 complaint seeking such removal brought by any resident of the City of Blairsville.

726

SECTION 6.14.

727

Franchises.

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

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

744

SECTION 6.15.

745

Service charges.

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

750

SECTION 6.16.

751

Special assessments.

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

756 **SECTION 6.17.**

757 Construction; other taxes and fees.

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

761 **SECTION 6.18.**

762 Collection of delinquent taxes and fees.

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

770 **SECTION 6.19.**

771 General obligation bonds.

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

776 **SECTION 6.20.**

777 Revenue bonds.

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

781 **SECTION 6.21.**

782 Short-term loans.

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

785 **SECTION 6.22.**

786 Lease-purchase contracts.

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

795 **SECTION 6.23.**

796 Fiscal year.

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

801 **SECTION 6.24.**

802 Preparation of budgets.

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

807

SECTION 6.25.

808

Submission of operating budget to city council.

809 On or before a date fixed by the city council but not later than 90 days prior to the beginning
810 of each fiscal year, the mayor shall submit to the city council a proposed operating budget
811 for the ensuing fiscal year. The budget shall be accompanied by a message from the mayor
812 containing a statement of the general fiscal policies of the city, the important features of the
813 budget, explanations of major changes recommended for the next fiscal year, a general
814 summary of the budget, and such other pertinent comments and information. The operating
815 budget and the capital budget hereinafter provided for, the budget message, and all
816 supporting documents shall be filed in the office of the city clerk and shall be open to public
817 inspection.

818

SECTION 6.26.

819

Action by city council on budget.

820 (a) The city council may amend the operating budget proposed by the mayor, except that the
821 budget as finally amended and adopted must provide for all expenditures required by state
822 law or by other provisions of this charter and for all debt service requirements for the ensuing
823 fiscal year, and the total appropriations from any fund shall not exceed the estimated fund
824 balance, reserves, and revenues. The city council by ordinance shall adopt the final operating
825 budget for the ensuing fiscal year not later than the tenth day before the beginning of the next
826 fiscal year. If the city council fails to adopt the budget by this date, the amounts appropriated
827 for operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year
828 on a month-to-month basis, with all items prorated accordingly until such time as the city
829 council adopts a budget for the ensuing fiscal year. Adoption of the budget shall take the
830 form of an appropriations ordinance setting out the estimated revenues in detail by sources
831 and making appropriations according to fund and by organizational unit, purpose, or activity
832 as set out in the budget preparation ordinance adopted pursuant to Section 6.24 of this
833 charter.

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

838 **SECTION 6.27.**

839 Tax levies.

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

846 **SECTION 6.28.**

847 Changes in appropriations.

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

852 **SECTION 6.29.**

853 Capital budget.

854 (a) On or before the date fixed by the city council, but no later than 90 days prior to the
855 beginning of each fiscal year, the mayor shall submit to the city council a proposed capital
856 improvements plan with a recommended capital budget containing the means of financing
857 the improvements proposed for the ensuing fiscal year. The city council shall have power
858 to accept, with or without amendments, or reject the proposed plan and proposed budget.
859 The city council shall not authorize an expenditure for the construction of any building,
860 structure, work, or improvement, unless the appropriations for such project are included in
861 the capital budget, except to meet a public emergency as provided in Section 2.24 of this
862 charter.

863 (b) The city council shall adopt by ordinance the final capital budget for the ensuing fiscal
864 year not later than the tenth day before the beginning of the next fiscal year. No
865 appropriation provided for in a prior capital budget shall lapse until the purpose for which
866 the appropriation was made shall have been accomplished or abandoned; provided, however,
867 that the mayor may submit amendments to the capital budget at any time during the fiscal
868 year, accompanied by recommendations. Any such amendments to the capital budget shall
869 become effective only upon adoption by ordinance.

870 **SECTION 6.30.**

871 Independent audit.

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

877 **SECTION 6.31.**

878 Contracting procedures.

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

880 (1) It is in writing;

881 (2) It is made or authorized by the city council and such approval is entered in the city
882 council minutes of proceedings pursuant to Section 2.21 of this charter.

883 **SECTION 6.32.**

884 Centralized purchasing.

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

887 **SECTION 6.33.**

888 Sale and lease of city property.

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

891 **ARTICLE VII**

892 **GENERAL PROVISIONS**

893 **SECTION 7.10.**

894 Bonds for officials.

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

898 **SECTION 7.11.**

899 Prior ordinances.

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

903 **SECTION 7.12.**

904 Existing personnel and officers.

905 Except as specifically provided otherwise by this charter, all personnel and officers of the
906 city and their rights, privileges, and powers shall continue beyond the time this charter takes
907 effect for a period of 120 days before or during which the existing city council shall pass a
908 transition ordinance detailing the changes in personnel and appointed officers required or
909 desired and arranging such titles, rights, privileges, and powers as may be required or desired
910 to allow a reasonable transition.

911 **SECTION 7.13.**

912 Pending matters.

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

917 **SECTION 7.14.**

918 Construction.

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

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

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

924 **SECTION 7.15.**

925 Specific repealer.

926 An Act to reincorporate the City of Blairsville in the County of Union; to create a new
927 charter for said city; to provide its corporate limits; to provide for the government of said
928 city; to provide for the officials thereof; to provide for their powers and duties; to provide for
929 their terms of office; to provide for the organization and administration of said city; to
930 provide for finance and fiscal matters; to provide for election and removal of officers; to
931 provide for a city court; to provide for miscellaneous provisions; to provide for other matters
932 relative to the foregoing; to provide an effective date; to repeal certain specific laws; to
933 repeal conflicting laws; and for other purposes, approved March 28, 1984 (Ga. L. 1984, p.
934 4967), as amended, is hereby repealed.

935 **SECTION 7.16.**

936 Effective date.

937 This Act shall become effective on July 1, 2016.

938 **SECTION 7.17.**

939 General repealer.

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