

House Bill 1007

By: Representative Powell of the 171st

A BILL TO BE ENTITLED
AN ACT

1 To provide a new charter for the City of Pelham; to provide for incorporation, boundaries,
2 and property of the city; to provide for construction of powers; to create a city council and
3 provide for its number, election, terms, qualifications, vacancies and filling of same,
4 compensation and expenses, and conflicts of interest; to provide for inquiries and
5 investigations, eminent domain, meetings, and rules of procedure; to provide for a quorum
6 and voting; to provide for ordinances, emergencies, technical codes, and maintenance of
7 ordinances; to provide for the election of a mayor and for forfeiture, compensation, powers,
8 and duties; to provide for a mayor pro tempore; to provide for a city manager and to prohibit
9 interference with administration by the governing body; to provide for administrative and
10 service departments; to provide for boards, commissions, and authorities; to provide for a
11 city attorney, a city clerk, and other personnel and matters relating thereto; to provide for a
12 municipal court and the judge or judges thereof and other matters relative to those judges;
13 to provide for the court's jurisdiction, powers, practices, and procedures; to provide for the
14 right of certiorari; to provide for elections and removal from office; to provide for taxation,
15 licenses, and fees; to provide for franchises, service charges, and assessments; to provide for
16 bonded and other indebtedness; to provide for auditing, accounting, budgeting, and
17 appropriations; to provide for city contracts and purchasing; to provide for the conveyance
18 of property and interests therein; to provide for bonds for officials; to provide for a board of
19 education; to provide for prior ordinances and rules, pending matters, and existing personnel;
20 to provide for definitions and construction; to provide for other matters relative to the
21 foregoing; to provide a specific repealer; to provide an effective date; to repeal conflicting
22 laws; and for other purposes.

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

ARTICLE I

INCORPORATION AND POWERS

SECTION 1.10.

Incorporation.

The City of Pelham in Mitchell County, Georgia, heretofore made a body politic and corporate by Acts of the General Assembly of the State of Georgia, under the name of the "City of Pelham," shall continue as a body politic and corporate, known by the corporate name of the "City of Pelham," and, by that name, the City of Pelham shall continue to have perpetual succession, the power to sue and be sued, to plead and be impleaded, in all courts of law and equity, and in all actions whatsoever, and may have and use a common seal. This Act shall constitute the whole charter of the City of Pelham, repealing and replacing the charter provided by an Act of the General Assembly approved March 11, 1977 (Ga. L. 1977, p. 3034), as amended. References in this charter to "the city" refer to the City of Pelham.

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 with such alterations as may be made from time to time in the manner provided by 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 and to be designated, as the case may be: "Official Map (or Description) of the corporate limits of the City of Pelham, Georgia." Photographic, typed, or other copies of such map or description certified by the city clerk shall be admitted as evidence in all courts and shall have the same force and effect as with the original map or description.

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

SECTION 1.12.

Powers and construction.

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

(b) The powers of 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.

SECTION 1.13.

Examples of powers.

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

(2) 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 or for municipalities by the laws of the State of Georgia; and to provide for the payment of expenses of the city;

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

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

(5) 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 as the same shall exist from time to time provided by the Official Code of Georgia Annotated;

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

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

(8) Environmental protection. To protect and preserve the natural resources, environment, and vital areas of the city through the preservation and improvement of air

91 quality, the restoration and maintenance of water resources, the control of erosion and
92 sedimentation, the management of solid and hazardous waste, and other necessary actions
93 for the protection of the environment;

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

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

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

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

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

113 (14) Jail sentences. To provide that persons given jail sentences in the city's court may
114 work out such sentences in any public works or on the streets, roads, drains, and other
115 public property in the city; to provide for commitment of such persons to any jail; or to
116 provide for commitment of such persons to any county work camp or county jail by
117 agreement with the appropriate county officials;

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

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

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

(18) Municipal property ownership. To acquire, dispose of, lease, and hold in trust or otherwise accept or transfer an interest in any real, personal, or mixed property, in fee simple or lesser interest, inside or outside the property 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 the same by the public, and to prescribe penalties and punishment for violations thereof;

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

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

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

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

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

(25) Public hazards removal. To provide for the destruction and removal of any building or other structure that 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 and playgrounds, recreational facilities, cemeteries, markets and market houses, public buildings, libraries, public housing, airports, hospitals, terminals, docks, parking facilities, or charitable, cultural, educational, recreational, conservation, sport, curative, corrective, detention, penal, and medical institutions, agencies and facilities; and 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 procedures provided by the Official Code of Georgia Annotated as the same shall exist from time to time;

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

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

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

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

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

(32) Roadways. To lay out, open, extend, widen, narrow, establish, change the grade of, abandon or close, construct, pave, curb, gutter, provide drainage for, 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 grant franchises in rights-of-way throughout the streets and roads and over the bridges and viaducts for the use of public utilities; and to require real estate owners to repair and maintain in a safe condition the sidewalks adjoining their lots or lands, and to impose penalties for failure to do so;

(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 sewage disposal plant and sewerage system; to levy on those to whom sewers and sewerage systems are made available a sewer service fee, charge, or sewer tax for the availability or use of the sewers; to provide for the manner and method of collecting such service charges and for enforcing payment of the same; and to charge, impose, and collect a sewer connection fee or fees to those connected with the system;

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

(35) Special areas of public regulation. To regulate or prohibit junk dealers, the manufacture, sale, or transportation of intoxicating liquors; to regulate the transportation, storage, and use of combustible, explosive, and inflammable materials, the use of lighting and heating equipment, and any other business or situation which the city may deem to be dangerous to persons or property; to regulate and control the conduct of peddlers and itinerant traders and theatrical performances, exhibitions, and shows of any kind, by

taxation or otherwise; and to license, tax, or regulate professional fortunetelling, palmistry, and massage parlors;

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

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

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

(39) 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;

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

(41) Other powers. To exercise and enjoy all other powers, functions, rights, privileges, and immunities necessary or desirable to promote or protect the safety, health, peace, security, good order, comfort, convenience, or general welfare of the city and its inhabitants; to exercise all implied powers necessary or desirable to carry into execution all powers granted in this charter as fully and completely as if such powers were fully stated herein; 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; and 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 1.14.

Exercise of powers.

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

ARTICLE II

GOVERNMENT STRUCTURE, ELECTIONS, AND REMOVAL

SECTION 2.10.

City 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 city council to be composed of a mayor and seven council members. The city council shall in all respects be a successor to and continuation of the governing authority under prior law. The mayor and council members shall be elected in the manner provided by general law and this charter.

SECTION 2.11.

City council terms and qualifications for office.

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

SECTION 2.12.

Vacancy; filling of vacancies.

(a) Vacancies. The office of mayor or council member shall become vacant upon the incumbent's death, resignation, forfeiture of office, or the occurrence of any event specified by the Constitution of the State of Georgia, Title 45 of the Official Code of Georgia Annotated, or such other applicable laws as are or may hereafter be enacted.

(b) Filling of vacancies. A vacancy in the office of mayor or council member shall be filled for the remainder of the unexpired term, if any, by appointment by the remaining council members if less than six months remain in the unexpired term, otherwise by an election, as provided for in Section 5.14 of this charter and in accordance with Titles 21 and 45 of the Official Code of Georgia Annotated or other such laws as are or may hereafter be enacted.

SECTION 2.13.

Compensation and expenses.

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

SECTION 2.14.

Conflicts of interest.

- (a) Elected and appointed officers of the city are trustees and servants of the residents of the city and shall act in a fiduciary capacity for the benefit of such residents.
- (b) Neither the mayor nor any member of the city council shall vote upon, sign, or veto any ordinance, resolution, contract or other matter in which that person is financially interested.

SECTION 2.15.

Inquiries and investigations.

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

SECTION 2.16.

Eminent domain.

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

SECTION 2.17.**Organizational meetings.**

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

"I _____ do solemnly swear or affirm that I will properly perform the duties of the office of _____ in and for the City of Pelham, to the best of my knowledge, skill, and ability; that I am not the holder of any unaccounted for public money due to the State of Georgia or any political subdivision or authority thereof; that I am not the holder of any office of trust under the government of the United States, or any other state, or any foreign state, which I am by the laws of the State of Georgia prohibited from holding; that I am qualified to hold the office which I am about to enter according to the Constitution and laws of the State of Georgia; that I will support the Constitutions of the United States and the State of Georgia; that I have been a resident of the district from which elected and the City of Pelham for the time required by the Constitution and laws of the State of Georgia and the Charter of the City of Pelham, so help me God."

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

(c) Special meetings of the city council may be held on call of the mayor or three members of the city council. Notice of such special meetings shall be served on all other members personally, or by telephone personally, at least 24 hours in advance of the meeting. Such notice to council members shall not be required if the mayor and all council members are present when the special meeting is called. Such notice of any special meeting may be waived 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 council member's presence. Only the business stated in the call may be transacted at the special meeting.

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

SECTION 2.18.

Rules of procedure.

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

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

SECTION 2.19.

Quorum; voting.

Four council members other than the mayor or the mayor and three council members shall constitute a quorum and shall be authorized to transact business of the city council. Voting on the adoption of ordinances may be by oral vote, and the vote shall be recorded in the city council minutes of proceedings pursuant to Section 2.18 of this charter; but any member of the city council shall have the right to require a roll-call vote, and such vote shall be recorded in the city council minutes of proceedings pursuant to Section 2.18 of this charter. Except as otherwise provided in this charter, the affirmative vote of four council members shall be required for the adoption of any ordinance. An abstention noted on the record shall be counted as a negative vote.

SECTION 2.20.

Ordinance form; resolutions; procedures.

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

(b) An ordinance may be introduced by any council member and be read at a regular or special meeting of the city council. Ordinances shall be considered and adopted or rejected by the city council in accordance with the rules which it shall establish. Except for emergency ordinances, all ordinances shall have two separate readings; provided, however, that the city council may dispense with the second reading with the unanimous consent of the members present. Upon introduction of any ordinance, the city clerk shall as soon as possible distribute a copy to the mayor and each council member and shall file a reasonable

352 number of copies in the office of the clerk and at such other public places as the city council
353 may designate.

354 **SECTION 2.21.**

355 Action requiring an ordinance; definition.

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

357 **SECTION 2.22.**

358 Emergencies.

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

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

379 **SECTION 2.23.**

380 Codes of technical regulations.

381 (a) The city council may adopt any standard code of technical regulations by reference
382 thereto in an adopting ordinance. The procedures and requirements governing such adopting

ordinance shall be as prescribed for ordinances generally except that: (1) the requirements of Section 2.20(b) of this charter for distribution and filing of copies of the ordinance shall be construed to include copies of any code of technical regulations, as well as the adopting ordinance; and (2) a copy of each adopted code of technical regulations, as well as the adopting ordinance, shall be authenticated and recorded by the clerk pursuant to Section 2.24 of this charter.

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

SECTION 2.24.

Signing; authenticating; recording codification; printing.

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

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

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

SECTION 2.25.

Election of mayor; forfeiture; compensation.

The mayor shall be elected and serve 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

416 resident of the city for at least 12 months preceding the election. The mayor shall continue
417 to reside in this city during the period of service. The mayor shall forfeit the office on the
418 same grounds and under the same procedure as for council members. The compensation of
419 the mayor shall be established in the same manner as for council members.

420 **SECTION 2.26.**

421 Powers and duties of mayor.

422 The mayor shall:

- 423 (1) Preside at all meetings of the city council;
424 (2) Be the head of the city for the purpose of service of process and for ceremonial
425 purposes and be the official spokesperson for the city and the chief advocate of policy;
426 (3) Have the power to administer oaths and to take affidavits;
427 (4) Sign as a matter of course on behalf of the city all written and approved contracts,
428 ordinances, and other instruments executed by the city which by law are required to be
429 in writing; and
430 (5) Vote on matters before the city council and be counted toward a quorum as any other
431 council member.

432 **SECTION 2.27.**

433 Mayor pro tempore; selection; duties.

434 By a majority vote, the city council shall elect a council member to serve as mayor pro
435 tempore. In the mayor's absence, the mayor pro tempore shall preside at meetings of the city
436 council and shall assume the duties and powers of the mayor upon the mayor's physical or
437 mental disability, provided that the mayor pro tempore shall vote as a member of the city
438 council at all times when serving as herein provided.

439 **SECTION 2.28.**

440 City manager; appointment; qualifications; compensation.

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

SECTION 2.29.**Powers and duties of the city manager.**

The city manager shall be the chief executive and administrative officer of the city. The city manager shall be responsible to the city council for the administration of all city affairs placed in the city manager's charge by or under this charter. As the chief executive and administrative officer, the city manager shall:

(1) Appoint and, when the city manager deems it necessary for the good of the city, suspend or remove all city employees and administrative officers the city manager appoints, except as otherwise provided by law or personnel ordinances adopted pursuant to this charter. The city manager may authorize any administrative officer who is subject to the city manager's direction and supervision to exercise those powers with respect to subordinates in that officer's department, office, or agency;

(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 city council meetings except for closed meetings held for the purposes of deliberating on the appointment, discipline, or removal of the city manager and have the right to take part in discussions but not vote;

(4) See that all laws, provisions of this charter, and acts of the city council, subject to enforcement by the city manager or by officers subject to the city manager's direction and supervision, are faithfully executed;

(5) Prepare and submit the annual operating budget and capital budget to the city council;

(6) Submit to the city 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 city council may require concerning the operations of city departments, offices, and agencies subject to the city manager's direction and supervision;

(8) Keep the city council fully advised as to the financial condition and future needs of the city and make such recommendations to the city council concerning the affairs of the city as the city manager deems desirable; and

(9) Perform other such duties as are specified in this charter or as may be required by the city council.

SECTION 2.30.

Removal of city manager.

The city manager is employed at will and may be summarily removed from office at any time by the city council for any lawful reason or without cause by affirmative vote of a majority of all council members.

SECTION 2.31.

Council interference with administration.

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

ARTICLE III**ADMINISTRATIVE AFFAIRS****SECTION 3.10.**

Administrative and service departments.

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

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

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

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

508

SECTION 3.11.

509

Boards; commissions; and authorities.

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

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

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

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

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

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

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

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

SECTION 3.12.

City attorney.

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

SECTION 3.13.

City clerk.

The city council shall appoint 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 city council records required by this charter; and perform such other duties as may be required by the city council. The city clerk shall be under the supervision of the city manager.

SECTION 3.14.

Personnel policies.

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

ARTICLE IV**JUDICIAL BRANCH****SECTION 4.10.**

Creation of municipal court.

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

SECTION 4.11.

Chief judge of municipal court; associate judge.

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

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

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

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

(e) Before assuming office, each judge shall take an oath, given by the mayor, that the judge will honestly and faithfully discharge the duties of the office to the best of that person's ability and without fear, favor or partiality. The oath shall be entered upon the city council minutes of proceedings required in Section 2.18 of this charter.

SECTION 4.12.

Convening.

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

SECTION 4.13.

Jurisdiction; powers.

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

(b) The municipal court shall have authority to punish those in its presence for contempt, provided that such punishment shall not exceed \$500.00 or ten days in jail.

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

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

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

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

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

(h) Each judge 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.

SECTION 4.14.

Certiorari.

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

SECTION 4.15.

Rules for court.

With the approval of the city council, the judge shall have full power and authority to make reasonable rules and regulations necessary and proper to secure the efficient and successful administration of the municipal court; provided, however, that the city council may adopt in

628 part or in whole the rules and regulations applicable to municipal courts. The rules and
629 regulations made or adopted shall be filed with the city clerk, shall be available for public
630 inspection, and, upon request, a copy shall be furnished to all defendants in municipal court
631 proceedings at least 48 hours prior to said proceedings.

632 **SECTION 4.16.**

633 Indigent defense and prosecutor.

634 The mayor and city council shall have the power to provide for a system of defense for
635 indigent persons charged in the municipal court of the City of Pelham with violations of
636 ordinances or state laws and for the prosecution of such cases by a prosecutor. The city
637 council is further authorized to provide for the expense of indigent defense and prosecution
638 by prorating the estimated cost over all criminal cases disposed of by the court and bond
639 forfeitures in the criminal cases. A bond amount shall be imposed by the municipal court
640 judge and collected in all criminal cases. Bond forfeitures in such cases shall be collected
641 as costs in addition to fines, penalties, and all other costs.

642 **ARTICLE V**

643 **ELECTIONS AND REMOVAL**

644 **SECTION 5.10.**

645 Applicability of general law.

646 All primaries and elections shall be held and conducted in accordance with Chapter 2 of Title
647 21 of the Official Code of Georgia Annotated, the "Georgia Election Code," as now or
648 hereafter amended.

649 **SECTION 5.11.**

650 Regular elections; time for holding same.

651 (a) The council shall be composed of seven members. Three council members shall be
652 elected from District 1 and four council members shall be elected from District 2. Council
653 members elected from District 1 shall be elected from numbered posts, Post 1, Post 2, Post
654 3, and Post 4. Only those persons residing within a district shall be qualified to vote for
655 candidates for the city council from such district.

656 (b)(1) Municipal general elections for the City of Pelham shall be conducted on the
657 Tuesday next following the first Monday in November of each odd-numbered year.

(2) Successors to council members whose terms of office are to expire shall be elected at the municipal general election immediately preceding the expiration of such terms, shall take office the first day of January immediately following that election, and shall serve for terms of four years each and until their respective successors are elected and qualified. Each person seeking election from a council district shall designate the current district and post for which that person seeks election.

(3) Every four years, the mayor of the City of Pelham shall be elected to take office the first day of January immediately following election and to serve for a term of office of four years and until a successor is elected and qualified.

(c) The mayor and council members serving as such on July 1, 2016, shall continue to serve for the remainder of the terms to which they were elected.

SECTION 5.12.

Nonpartisan elections.

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

SECTION 5.13.

Election by majority.

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

SECTION 5.14.

Special elections; vacancies.

In the event that the office of mayor or council member shall become vacant as provided in Section 2.12 of this charter, the city council or those remaining shall appoint a successor for the remainder of the term, provided that less than six months remain in the unexpired term. In all other respects, the special election shall be held and conducted in accordance with Chapter 2 of Title 21 of the Official Code of Georgia Annotated, the "Georgia Election Code," as now or hereafter amended.

684 **SECTION 5.15.**

685 Other provisions.

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

690 **SECTION 5.16.**

691 Removal of officers.

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

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

698 (1) In the event an elected officer is sought to be removed by the action of the city
699 council, such officer shall be entitled to a written notice specifying the ground or grounds
700 for removal and to a public hearing which shall be held not less than ten days after the
701 service of such written notice. The city council shall provide by ordinance for the manner
702 in which such hearings shall be held. Any elected officer sought to be removed from
703 office as herein provided shall have the right of appeal from the decision of the city
704 council to the Superior Court of Mitchell County. Such appeal shall be governed by the
705 same rules as govern appeals to the superior court from the probate court; or

706 (2) By an order of the Superior Court of Mitchell County following a hearing on a
707 complaint seeking such removal brought by any resident of the city of Pelham.

708 **ARTICLE VI**

709 **FINANCE**

710 **SECTION 6.10.**

711 Property tax.

712 The city council may assess, levy, and collect an ad valorem tax on all real and personal
713 property within the corporate limits of the city that is subject to such taxation by the state and
714 county. This tax is for the purpose of raising revenues to defray the costs of operating the
715 city government, of providing governmental services, for the repayment of principal and

716 interest on general obligations, and for any other public purpose as determined by the city
717 council in its discretion.

718 **SECTION 6.11.**

719 Millage rate; due dates; payment methods.

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

724 **SECTION 6.12.**

725 Occupation and business taxes.

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

730 **SECTION 6.13.**

731 Regulatory fees; permits.

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

737 **SECTION 6.14.**

738 Franchises.

739 (a) The city council shall have the power to grant franchises for the use of this city's streets
740 and alleys for the purposes of railroads, street railways, telephone companies, electric
741 companies, electric membership corporations, cable television and other telecommunications
742 companies, gas companies, transportation companies, and other similar organizations. The
743 city council shall determine the duration, terms, whether the same shall be exclusive or
744 nonexclusive, and the consideration for such franchises; provided, however, that no franchise

745 shall be granted for a period in excess of 35 years, and no franchise shall be granted unless
746 the city receives just and adequate compensation therefor. The city council shall provide for
747 the registration of all franchises with the city clerk in a registration book kept by the city
748 clerk. The city council may provide by ordinance for the registration within a reasonable
749 time of all franchises previously granted.

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

755 **SECTION 6.15.**

756 Service charges.

757 The city council by ordinance shall have the power to assess and collect fees, charges, and
758 tolls for sewers, sanitary and health services, or any other services provided or made
759 available within and without the corporate limits of the city for the total cost to the city of
760 providing or making available such services. If unpaid, such charges shall be collected as
761 provided in Section 6.18 of this charter.

762 **SECTION 6.16.**

763 Special assessments.

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

769 **SECTION 6.17.**

770 Construction; other taxes and fees.

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

774 **SECTION 6.18.**

775 Collection of delinquent taxes and fees.

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

783 **SECTION 6.19.**

784 General obligation bonds.

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

789 **SECTION 6.20.**

790 Revenue bonds.

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

794 **SECTION 6.21.**

795 Short-term loans.

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

798 **SECTION 6.22.**

799 Lease-purchase contracts.

800 The city may enter into multiyear lease, purchase, or lease-purchase contracts for the
801 acquisition of goods, materials, real and personal property, services, and supplies, provided

802 the contract terminates without further obligation on the part of the municipality at the close
803 of the calendar year or fiscal year in which it was executed and at the close of each
804 succeeding calendar year or fiscal year, as applicable, for which it may be renewed.
805 Contracts must be executed in accordance with the requirements of Section 36-60-13 of the
806 Official Code of Georgia Annotated or other such applicable laws as are or may hereafter be
807 enacted.

808 **SECTION 6.23.**

809 Fiscal year.

810 The city council shall set the fiscal year by ordinance. This fiscal year shall constitute the
811 budget year and the year for financial accounting and reporting of each and every office,
812 department, agency and activity of the city government.

813 **SECTION 6.24.**

814 Preparation of budgets.

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

819 **SECTION 6.25.**

820 Submission of operating budget to city council.

821 On or before a date fixed by the city council, but not later than 60 days prior to the beginning
822 of each fiscal year, the city manager shall submit to the city council a proposed operating
823 budget for the ensuing fiscal year. The budget shall be accompanied by a message from the
824 mayor containing a statement of the general fiscal policies of the city, the important features
825 of the budget, explanations of major changes recommended for the next fiscal year, a general
826 summary of the budget, and such other pertinent comments and information. The operating
827 budget and the capital budget hereinafter provided for, the budget message, and all
828 supporting documents shall be filed in the office of the city clerk and shall be open to public
829 inspection.

830

SECTION 6.26.

831

Action by city council on budget.

832

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

837

(b) The city council by ordinance shall adopt the final operating budget for the ensuing fiscal year not later than the tenth day before the beginning of the next fiscal year. If the city council fails to adopt the budget by such date, the amounts appropriated for operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items prorated accordingly until such time as the city council adopts a budget for the ensuing fiscal year. Adoption of the budget shall take the form of an appropriations ordinance setting out the estimated revenues in detail by sources and making appropriations according to fund and by organizational unit, purpose, or activity as set out in the budget preparation ordinance adopted pursuant to Section 6.24 of this charter.

846

(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 allotment thereof to which it is chargeable.

850

SECTION 6.27.

851

Tax levies.

852

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

858

SECTION 6.28.

859

Changes in appropriations.

860

The city council by ordinance may make changes in the appropriations contained in the current operating budget at any regular meeting or special or emergency meeting called for

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862 such purpose, but any additional appropriations may be made only from an existing
863 unexpended surplus.

864 **SECTION 6.29.**

865 Independent audit.

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

871 **SECTION 6.30.**

872 Contracting procedures.

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

874 (1) It is in writing;

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

877 (3) It is made or authorized by the city council, and such approval is entered in the city
878 council minutes of proceedings pursuant to Section 2.18 of this charter.

879 **SECTION 6.31.**

880 Centralized purchasing.

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

883 **SECTION 6.32.**

884 Sale and lease of city property.

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

887 ARTICLE VI-A
888 CITY OF PELHAM PUBLIC SCHOOL SYSTEM
889 SECTION 6A.10.
890 Public school system.

891 (a) The City of Pelham public school system shall be under the control and management of
892 the board of education of the City of Pelham, sometimes referred to in this section as the
893 "board." That board shall be composed of seven members, and three of those members shall
894 be elected from District 1 and the remaining four members shall be elected from District 2.

895 (b) No person may offer for election to the board unless that person resides in the district
896 from which that person offers for election. A member of the board must continue to reside
897 in the district from which that person is elected during that member's term of office, and upon
898 removing such residence from that district that member shall thereby create a vacancy in that
899 office. The qualifications for members of the board shall otherwise be the same as for the
900 city council.

901 (c) A vacancy in the office of board of education shall be filled for the remainder of the
902 unexpired term, if any, by appointment by the remaining board members if less than six
903 months remain in the unexpired term, otherwise by an election.

904 (d) Elections for members of the board shall be held annually on the second Tuesday in
905 January at the city general elections. Only those persons residing within a district shall be
906 qualified to vote for members of the board of education from that district. All elections for
907 members of the board shall be by plurality vote and shall be nonpartisan and without any
908 primary.

909 (e) Elections for members of the board shall be held at the time of the municipal general
910 elections. Members of the board elected from Education District 1 shall be elected from
911 numbered posts, Post 1, Post 2, and Post 3 and members of the board elected from Education
912 District 2 shall be elected from numbered Posts, Post 1, Post 2, Post 3, and Post 4. Only
913 those persons residing within a district shall be qualified to vote for members of the board
914 of education from that district. All elections for members of the board shall be by plurality
915 vote and shall be nonpartisan and without any primary.

916 (f) Members of the board in office July 1, 2016, shall continue to serve for the remainder of
917 the terms to which they were elected.

918 (g) Successors to members of the board whose terms of office are to expire shall be elected
919 at the municipal general election immediately preceding the expiration of such terms, shall
920 take office the first day of January immediately following that election, and shall serve for
921 terms of four years each and until their respective successors are elected and qualified. Each

922 person seeking election from an education district shall designate the current education
923 district and post for which that person seeks election.

924 ARTICLE VII
925 GENERAL PROVISIONS

926 SECTION 7.10.
927 Bonds for officials.

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

931 SECTION 7.11.
932 Prior ordinances.

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

936 SECTION 7.12.
937 Existing personnel and officers.

938 Except as specifically provided otherwise by this charter, all personnel and officers of the
939 city and their rights, privileges, and powers shall continue beyond the time this charter takes
940 effect for a period of 180 days before or during which the existing city council shall pass a
941 transition ordinance detailing the changes in personnel and appointed officers required or
942 desired and arranging such titles, rights, privileges, and powers as may be required or desired
943 to allow a reasonable transition.

944 SECTION 7.13.
945 Pending matters.

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

950 **SECTION 7.14.**

951 Construction.

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

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

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

957 **SECTION 7.15.**

958 Specific repealer.

959 An Act providing a new charter for the City of Pelham, approved March 11, 1977 (Ga. L.
960 1977, p. 3034), as amended, is hereby repealed.

961 **SECTION 7.16.**

962 Effective date.

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

964 **SECTION 7.17.**

965 General repealer.

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