

House Bill 845

By: Representative Gurtler of the 8th

A BILL TO BE ENTITLED
AN ACT

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

29 audits; to provide for contracting procedures; to provide for centralized purchasing; to
 30 provide for the conveyance and acquisition of property and interests therein; to provide for
 31 bonds for officials; to provide for prior ordinances and rules, existing officers and rules, and
 32 pending matters; to provide for definitions and construction; to provide for other matters
 33 relative to the foregoing; to provide for severability; to provide a specific repealer; to provide
 34 an effective date; to repeal conflicting laws; and for other purposes.

35 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

36 **ARTICLE I**
 37 **INCORPORATION AND POWERS**
 38 **SECTION 1.01.**
 39 **Incorporation.**

40 The City of Young Harris, Georgia, in the County of Towns, and the inhabitants thereof are
 41 hereby constituted and declared a body politic and corporate under the same name and style
 42 of Young Harris, Georgia, and by that name shall have perpetual succession, may sue and
 43 be sued, plead and be impleaded in all the courts of law and equity and in all actions
 44 whatsoever, and may have and use a common seal and change it at pleasure. This Act shall
 45 constitute the whole charter of the City of Young Harris, repealing and replacing the charter
 46 provided by an Act of the General Assembly, approved March 24, 1978 (Ga. L. 1978,
 47 p. 4470), as amended. References in this charter to "the city" refer to the City of Young
 48 Harris.

49 **SECTION 1.02.**
 50 **Corporate boundaries.**

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

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

62 **SECTION 1.03.**

63 Powers and construction.

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

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

71 **SECTION 1.04.**

72 Examples of powers.

73 Without limiting the generality of Section 1.03 of this charter, the city may exercise any or
 74 all of the following powers:

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

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

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

88 (4) Business regulation and taxation. To levy and to provide for the collection of
 89 regulatory fees and taxes on privileges, occupations, trades, and professions as authorized
 90 by Title 48 of the O.C.G.A., or other such applicable laws as are or may hereafter be
 91 enacted; to permit and regulate the same; to provide for the manner and method of

- 92 payment of such regulatory fees and taxes; and to revoke such permits after due process
93 for failure to pay any city taxes or fees;
- 94 (5) Condemnation. To condemn property, inside or outside the corporate limits of the
95 city, for present or future use and for any corporate purpose deemed necessary by the
96 governing authority, utilizing procedures enumerated in Title 22 of the O.C.G.A., Title 32
97 of the O.C.G.A., or such other applicable laws as are or may hereafter be enacted;
- 98 (6) Contracts. To enter into contracts and agreements with other governmental entities
99 and with private persons, firms, and corporations;
- 100 (7) Emergencies. To establish procedures for determining and proclaiming that an
101 emergency situation exists within or without the city, and to make and carry out all
102 reasonable provisions deemed necessary to deal with or meet such an emergency for the
103 protection, safety, health, or well-being of the citizens of the city;
- 104 (8) Environmental protection. To protect and preserve the natural resources,
105 environment, and vital areas of the city, the region, and the state through the preservation
106 and improvement of air quality, the restoration and maintenance of water resources, the
107 control of erosion and sedimentation, the management of storm water and establishment
108 of a storm-water utility, the management of solid and hazardous waste, and other
109 necessary actions for the protection of the environment;
- 110 (9) Fire regulations. To fix and establish fire limits and from time to time extend,
111 enlarge, or restrict the same; to prescribe fire safety regulations consistent with general
112 law relating to fire prevention and detection and firefighting; and to prescribe penalties
113 and punishment for violations thereof;
- 114 (10) Garbage fees. To levy, fix, assess, and collect a garbage, refuse, and trash collection
115 and disposal, and other sanitary service charge, tax, or fee for such services as may be
116 necessary in the operation of the city from all individuals, firms, and corporations
117 residing or doing business therein benefiting from such services; to enforce the payment
118 of such charges, taxes, or fees; and to provide for the manner and method of collecting
119 such service charges;
- 120 (11) General health, safety, and welfare. To define, regulate, and prohibit any act,
121 practice, conduct, or use of property which is detrimental to health, sanitation,
122 cleanliness, welfare, and safety of the inhabitants of the city, and to provide for the
123 enforcement of such standards;
- 124 (12) Gifts. To accept or refuse gifts, donations, bequests, or grants from any source for
125 any purpose related to powers and duties of the city and the general welfare of its
126 citizens, on such terms and conditions as the donor or grantor may impose;
- 127 (13) Health and sanitation. To prescribe standards of health and sanitation and to
128 provide for the enforcement of such standards;

- 129 (14) Jail sentences. To provide that persons given jail sentences in the municipal court
130 may work out such sentences in any public works or on the streets, roads, drains, and
131 other public property in the city; to provide for commitment of such persons to any jail;
132 and to provide for the use of pretrial diversion and any alternative sentencing allowed by
133 law, or to provide for commitment of such persons to any county work camp or county
134 jail by agreement with the appropriate county officials;
- 135 (15) Motor vehicles. To regulate the operation of motor vehicles and exercise control
136 over all traffic, including parking upon or across the streets, roads, alleys, and walkways
137 of the city;
- 138 (16) Municipal agencies and delegation of power. To create, alter, or abolish
139 departments, boards, offices, commissions, and agencies of the city and to confer upon
140 such agencies the necessary and appropriate authority for carrying out all of the powers
141 conferred upon or delegated to the same;
- 142 (17) Municipal debts. To appropriate and borrow money for the payment of debts of the
143 city and to issue bonds for the purpose of raising revenue to carry out any project,
144 program, or venture authorized by this charter or the laws of the State of Georgia;
- 145 (18) Municipal property ownership. To acquire, dispose of, lease, and hold in trust or
146 otherwise any real, personal, or mixed property, in fee simple or lesser interest, inside or
147 outside the property limits of the city;
- 148 (19) Municipal property protection. To provide for the preservation and protection of
149 property and equipment of the city and the administration and use of the same by the
150 public; and to prescribe penalties and punishment for violations thereof;
- 151 (20) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose
152 of public utilities, including, but not limited to, a system of waterworks, sewers and
153 drains, sewage disposal, storm-water management, gas works, electric light plants, cable
154 television and other telecommunications, transportation facilities, public airports, and any
155 other public utility; and to fix the taxes, charges, rates, fares, fees, assessments,
156 regulations, and penalties and to provide for the withdrawal of service for refusal or
157 failure to pay the same;
- 158 (21) Nuisance. To define a nuisance and provide for its abatement whether on public or
159 private property;
- 160 (22) Penalties. To provide penalties for violation of any ordinances adopted pursuant to
161 the authority of this charter and the laws of the State of Georgia;
- 162 (23) Planning and zoning. To provide comprehensive city planning for development by
163 zoning; and to provide subdivision regulation and the like as the city council deems
164 necessary and reasonable to ensure a safe, healthy, and aesthetically pleasing community;

- 165 (24) Police and fire protection. To exercise the power of arrest through duly appointed
166 police officers and to establish, operate, or contract for a police or fire-fighting agency;
- 167 (25) Public hazards removal. To provide for the destruction and removal of any building
168 or other structure that is or may become dangerous or detrimental to the public;
- 169 (26) Public improvements. To provide for the acquisition, construction, building,
170 operation, and maintenance of public ways, parks and playgrounds, recreational facilities,
171 cemeteries, markets and market houses, public buildings, libraries, public housing,
172 sewers, drains, sewerage treatment, airports, hospitals, terminals, docks, parking
173 facilities, or charitable, cultural, educational, recreational, conservation, sport, curative,
174 corrective, detention, penal, and medical institutions, agencies, and facilities; to provide
175 any other public improvements inside or outside the corporate limits of the city; to
176 regulate the use of public improvements; and for such purposes, property may be
177 acquired by condemnation under Title 22 of the O.C.G.A., Title 32 of the O.C.G.A., or
178 such other applicable laws as are or may hereafter be enacted;
- 179 (27) Public peace. To provide for the prevention and punishment of loitering, disorderly
180 conduct, drunkenness, riots, and public disturbances; and to prohibit or regulate by
181 ordinance such other conduct and activities within the city which, while not constituting
182 offenses against the laws of the State of Georgia, nevertheless are deemed by the city
183 council to be detrimental and offensive to the peace and good order of the city or to the
184 welfare of the citizens thereof;
- 185 (28) Public transportation. To organize and operate such public transportation systems
186 as are deemed beneficial;
- 187 (29) Public utilities and services. To grant franchises or to make contracts for or impose
188 taxes on public utilities and public service companies; and to prescribe the rates, fares,
189 regulations and standards, and conditions of service applicable to the service to be
190 provided by the franchise grantee or contractor, insofar as these are not in conflict with
191 valid regulations of the Public Service Commission;
- 192 (30) Regulation and roadside areas. To prohibit or regulate and control the erection,
193 removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any
194 and all other structures or obstructions upon or adjacent to the rights of way of streets and
195 roads, or within view thereof, within or abutting the corporate limits of the city; and to
196 prescribe penalties and punishment for violation of such ordinances;
- 197 (31) Retirement. To provide and maintain a retirement plan and other employee benefit
198 plans and programs for officers and employees of the city;
- 199 (32) Roadways. To lay out, open, extend, widen, narrow, establish, or change the grade
200 of, abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise
201 improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and

202 walkways within the corporate limits of the city; to grant franchises in rights of way
203 throughout the streets and roads and over the bridges and viaducts for the use of public
204 utilities; and to require real estate owners to repair and maintain in a safe condition the
205 sidewalks adjoining their lots or lands and to impose penalties for failure to do so;

206 (33) Sewer fees. To levy a fee, charge, or sewer tax as necessary to assure the acquiring,
207 constructing, equipping, operating, maintaining, and extending of a sewage disposal plant
208 and sewerage system and to levy on those to whom sewers and sewerage systems are
209 made available a sewer service fee, charge, or sewer tax for the availability or use of the
210 sewers; to provide for the manner and method of collecting such service charges and for
211 enforcing payment of the same; and to charge, impose, and collect a sewer connection fee
212 or fees to those connected with the system;

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

217 (35) Special areas of public regulation. To regulate or prohibit junk dealers and the
218 manufacture and sale of intoxicating liquors; to regulate the transportation, storage, and
219 use of combustible, explosive, and inflammable materials, the use of lighting and heating
220 equipment, and any other business or situation which may be dangerous to persons or
221 property; to regulate and control the conduct of peddlers and itinerant traders, theatrical
222 performances, exhibitions, and shows of any kind, by taxation or otherwise; to license
223 and tax professional fortunetelling, palmistry, and massage parlors; to restrict adult
224 bookstores and entertainment to certain areas; to regulate and license vehicles operated
225 for hire in the city; to limit the number of vehicles operated for hire; to require the
226 operators of vehicles operated for hire to be licensed; to require public liability insurance
227 on vehicles operated for hire in the amounts to be prescribed by ordinance; and to
228 regulate the parking of vehicles operated for hire;

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

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

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

235 (39) Other powers. To exercise and enjoy all other powers, functions, rights, privileges,
236 and immunities necessary or desirable to promote or protect the safety, health, peace,
237 security, good order, comfort, convenience, or general welfare of the city and its
238 inhabitants; to exercise all implied powers necessary or desirable to carry into execution

239 all powers granted in this charter as fully and completely as if such powers were fully
 240 stated herein; to exercise all powers, now or in the future, authorized to be exercised by
 241 other municipal governments under other laws of the State of Georgia; and no listing of
 242 particular powers in this charter shall be held to be exclusive of others, nor restrictive of
 243 general words and phrases granting powers, but shall be held to be in addition to such
 244 powers unless expressly prohibited to municipalities under the Constitution or applicable
 245 laws of the State of Georgia.

246 **SECTION 1.05.**

247 Exercise of powers.

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

253 **ARTICLE II**

254 **GOVERNMENT STRUCTURE, ELECTIONS, AND REMOVAL**

255 **SECTION 2.01.**

256 City council creation; number; election.

257 The legislative authority of the government of the City of Young Harris, except as otherwise
 258 specifically provided in this charter, shall be vested in a city council to be composed of a
 259 mayor and six councilmembers. The mayor and councilmembers shall be elected in the
 260 manner provided by Article V of this charter.

261 **SECTION 2.02.**

262 Terms and qualifications for office.

263 The members of the city council shall serve for terms of four years and until their respective
 264 successors are elected and qualified. The terms of office shall be staggered such that three
 265 members of the city council are elected every two years. The mayor shall serve for a term
 266 of four years and until his or her respective successor is elected and qualified. The mayor
 267 and those members of the city council in office on the effective date of this charter shall
 268 serve out the terms to which they were elected and until their respective successors are
 269 elected and qualified. Successors to the mayor and members of the city council who were

270 elected in 2015 shall be elected in the 2019 general election, and successors to the members
 271 of the city council elected in 2017 shall be elected in the 2021 general election. Thereafter,
 272 a successor shall be elected at the municipal general election immediately preceding the end
 273 of each person's term of office. No person shall be eligible to serve as mayor or
 274 councilmember unless such person:

275 (1) Has been a resident of the City of Young Harris for a period of at least one year
 276 immediately prior to the date of the election for mayor or councilmember;

277 (2) Continues to reside therein during his or her period of service;

278 (3) Is registered and qualified to vote in municipal elections in the City of Young Harris;
 279 and

280 (4) Meets the qualification standards required for members of the Georgia House of
 281 Representatives as are now or may in the future be prescribed by the Georgia
 282 Constitution.

283 **SECTION 2.03.**

284 Vacancy; filling of vacancies.

285 (a) The office of mayor or councilmember shall become vacant upon the incumbent's death,
 286 resignation, forfeiture of office, or occurrence of any event specified by the Constitution of
 287 the State of Georgia, Title 45 of the O.C.G.A., or such other applicable laws as are or may
 288 hereafter be enacted.

289 (b) A vacancy in the office of mayor or councilmember shall be filled for the remainder of
 290 the unexpired term, if any, as provided for in Article V of this charter. This provision shall
 291 also apply to a temporary vacancy created by the suspension from office of the mayor or any
 292 councilmember.

293 **SECTION 2.04.**

294 Compensation and expenses.

295 (a) Until changed as provided in subsection (b) of this section, the mayor and
 296 councilmembers shall continue to receive the same compensation to which they were entitled
 297 immediately prior to the effective date of this charter.

298 (b) The compensation of the mayor and councilmembers may be changed by ordinance; but
 299 any increase shall be subject to Code Section 36-35-4 of the O.C.G.A. or any similar law
 300 hereafter enacted.

301 **SECTION 2.05.**

302 Conflicts of interest; holding other offices.

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

305 (b) Except as authorized by general state law, the mayor or any councilmember shall not
306 hold any other city office during the term for which he or she was elected.

307 (c) No elected official, appointed officer, or employee of the city or any agency or political
308 entity to which this charter applies shall knowingly engage in any business or transaction or
309 have a financial or other personal interest, direct or indirect, which is incompatible with the
310 proper discharge of his or her official duties or which would tend to impair his or her
311 performance of his or her official duties.

312 **SECTION 2.06.**

313 Inquiries and investigations.

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

319 **SECTION 2.07.**

320 General power and authority of the city council.

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

323 (b) In addition to all other powers conferred upon it by law, the city council shall have the
324 authority to adopt and provide for the execution of such ordinances, resolutions, rules, and
325 regulations, consistent with this charter and the Constitution and the laws of the State of
326 Georgia, which it shall deem necessary, expedient, or helpful for the peace, good order,
327 protection of life and property, health, welfare, sanitation, comfort, convenience, prosperity,
328 or well-being of the inhabitants of the City of Young Harris and may enforce such ordinances
329 by imposing penalties for violation thereof.

330 **SECTION 2.08.**

331 Eminent domain.

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

340 **SECTION 2.09.**

341 Chief executive officer.

342 The mayor shall be the chief executive officer of the city. The mayor shall possess, have,
 343 and exercise all of the executive and administrative powers granted to the mayor under the
 344 Constitution, the laws of the State of Georgia, and this charter.

345 **SECTION 2.10.**

346 Duties of mayor.

347 As the chief executive officer of the city, the mayor shall:

- 348 (1) Preside at all meetings of the city council;
- 349 (2) Be the official head of the city for the service of process and for ceremonial purposes;
- 350 (3) Have power to administer oaths and to take affidavits;
- 351 (4) Sign all written contracts entered into by the city council on behalf of the city and all
 352 other contracts and instruments executed by the city which by law are required to be in
 353 writing;
- 354 (5) See that all laws and ordinances of the city are faithfully executed;
- 355 (6) Have the power to appoint and remove all officers, department heads, and employees
 356 of the city, except as otherwise provided in this charter;
- 357 (7) Exercise supervision over all executive and administrative work of the city and
 358 provide for the coordination of administrative activities;
- 359 (8) Submit to the city council at least once a year a statement covering the financial
 360 condition of the city and from time to time such other information as the city council may
 361 request;

- 362 (9) Recommend to the city council such measures relative to the affairs of the city,
 363 improvement of the government, and promotion of the welfare of its inhabitants as he or
 364 she may deem expedient;
- 365 (10) Call special meetings of the city council as provided for in Section 2.13 of this
 366 charter;
- 367 (11) Examine and audit all accounts of the city before payment;
- 368 (12) Require any department or agency of the city to submit written reports in connection
 369 with the affairs thereof whenever he or she deems it expedient;
- 370 (13) Have the power to veto any action taken by the city council unless such action was
 371 approved by a two-thirds' vote of the city council; provided, however, that this veto
 372 power shall not apply to the introduction and adoption of ordinances; and
- 373 (14) Perform other duties as may be required by law, this charter, or ordinance.

374 **SECTION 2.11.**

375 Mayor pro tem.

376 During the absence or disability of the mayor for any cause, the mayor pro tem, or in his or
 377 her absence or disability for any reason any councilmember chosen by the city council, shall
 378 be clothed with all the rights and privileges of the mayor and shall perform the duties of the
 379 office of the mayor so long as such absence or disability shall continue.

380 **SECTION 2.12.**

381 Organizational meetings.

382 (a) The mayor and city council shall conduct an organizational meeting on the first Tuesday
 383 after the first Monday in January or the first business day following the first Tuesday if that
 384 day is a holiday. The meeting shall be called to order by the city clerk, and the oath of office
 385 shall be administered to the newly elected mayor and councilmembers as follows:

386 "I do solemnly (swear)(affirm) that I will faithfully perform the duties of
 387 (mayor)(councilmember) of this city and that I will support and defend the charter thereof
 388 as well as the Constitution and laws of the State of Georgia and of the United States of
 389 America. I am not the holder of any unaccounted for public money due this state or any
 390 political subdivision or authority thereof. I am not the holder of any office of trust under
 391 the government of the United States, any other state, or any foreign state which I by the
 392 laws of the State of Georgia am prohibited from holding. I am otherwise qualified to hold
 393 such office according to the Constitution and laws of Georgia. I have been a resident of
 394 the City of Young Harris for the time required by the Constitution and laws of this state and

395 by the municipal charter. I will perform the duties of my office in the best interest of the
 396 City of Young Harris to the best of my ability without fear, favor, affection, reward, or
 397 expectation thereof."

398 (b) Following the swearing in of new members, the mayor and city council by a majority
 399 vote shall elect one of the councilmembers to serve as mayor pro tem for a term of one year
 400 and until his or her successor is elected and qualified.

401 **SECTION 2.13.**

402 Regular and special meetings.

403 (a) The city council shall hold regular meetings at such times and places as shall be
 404 prescribed by ordinance. The city council may recess any regular meeting and continue such
 405 meeting on any weekday or hour it may fix and may transact any business at such continued
 406 meeting as may be transacted at any regular meeting.

407 (b) Special meetings of the city council may be held on call of the mayor or four members
 408 of the city council. Notice of such special meetings shall be served on all other members
 409 personally, or by telephone personally, at least 24 hours in advance of the meeting. Such
 410 notice to councilmembers shall not be required if the mayor and all councilmembers are
 411 present when the special meeting is called. Such notice of any special meeting may be
 412 waived by a councilmember in writing before or after such a meeting, and attendance at the
 413 meeting shall also constitute a waiver of notice on any business transacted in such
 414 councilmember's presence. Only the business stated in the call may be transacted at the
 415 special meeting.

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

420 **SECTION 2.14.**

421 Rules of procedure.

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

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

428 **SECTION 2.15.**

429 Quorum; voting.

430 (a) Four councilmembers shall constitute a quorum and shall be authorized to transact
 431 business of the city council. Voting on the adoption of ordinances shall be taken by voice
 432 vote and the ayes and nays shall be recorded in the journal but any member of the city
 433 council shall have the right to request a roll-call vote. Except as otherwise provided in this
 434 charter, the affirmative vote of a majority of the votes cast shall be required for the adoption
 435 of any ordinance, resolution, or motion. In the event that any vote of the city council results
 436 in a three-three or two-two tie, then the mayor, as presiding officer, shall be entitled to cast
 437 the tie-breaking vote.

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

445 **SECTION 2.16.**

446 Ordinance form; resolutions; procedures.

447 (a) Every proposed ordinance shall be introduced in writing and in the form required for
 448 final adoption. No ordinance shall contain a subject which is not expressed in its title. The
 449 enacting clause shall be "The City Council of the City of Young Harris hereby ordains ..."
 450 and every ordinance shall so begin.

451 (b) An ordinance may be introduced by any councilmember and be read at a regular or
 452 special meeting of the city council. Ordinances shall be considered and adopted or rejected
 453 by the city council in accordance with the rules which the city council shall establish;
 454 provided, however, that an ordinance shall not be adopted on the same day it is introduced,
 455 except for emergency ordinances as provided in Section 2.18. Upon introduction of any
 456 ordinance, the city clerk shall as soon as possible distribute a copy to the mayor and to each
 457 councilmember and shall file a reasonable number of copies in the office of the city clerk and
 458 at such other public places as the city council may designate.

459

SECTION 2.17.

460

Action requiring an ordinance.

461

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

462

SECTION 2.18.

463

Emergencies.

464

(a) To meet a public emergency affecting life, health, property, or public peace, the city

465

council may convene on call of the mayor or four councilmembers and promptly adopt an

466

emergency ordinance, but such ordinance may not levy taxes; grant, renew, or extend a

467

franchise; regulate the rate charged by any public utility for its services; or authorize the

468

borrowing of money except for loans to be repaid within 30 days. An emergency ordinance

469

shall be introduced in the form prescribed for ordinances generally, except that it shall be

470

plainly designated as an emergency ordinance and shall contain, after the enacting clause,

471

a declaration stating that an emergency exists and describing the emergency in clear and

472

specific terms. An emergency ordinance may be adopted, with or without amendment, or

473

rejected at the meeting at which it is introduced, but the affirmative vote of at least four

474

councilmembers shall be required for adoption. It shall become effective upon adoption or

475

at such later time as it may specify. Every emergency ordinance shall automatically stand

476

repealed 60 days following the date upon which it was adopted, but this shall not prevent

477

reenactment of the ordinance in the manner specified in this section if the emergency still

478

exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance

479

in the same manner specified in this section for adoption of emergency ordinances.

480

(b) Such meetings shall be open to the public to the extent required by law and notice to the

481

public of emergency meetings shall be made as fully as is reasonably possible in accordance

482

with Code Section 50-14-1 of the O.C.G.A., or such other applicable laws as are or may

483

hereafter be enacted.

484

SECTION 2.19.

485

Codes of technical regulations.

486

(a) The city council may adopt any standard code of technical regulations by reference

487

thereto in an adopting ordinance. The procedure and requirements governing such adopting

488

ordinance shall be as prescribed for ordinances generally except that:

489 (1) The requirements of subsection (b) of Section 2.16 of this charter for distribution and
 490 filing of copies of the ordinance shall be construed to include copies of any code of
 491 technical regulations, as well as the adopting ordinance; and

492 (2) A copy of each adopted code of technical regulations, as well as the adopting
 493 ordinance, shall be authenticated and recorded by the city clerk pursuant to Section 2.20
 494 of this charter.

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

497 **SECTION 2.20.**

498 Signing; authenticating; recording; codification; printing.

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

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

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

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

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

556 (f) No member of a board, commission, or authority shall assume office until that person has
557 executed and filed with the city clerk the oath as follows:

558 "I do solemnly swear that I will well and truly perform the duties of (name office) of the
559 City of Young Harris and that I will support and defend the charter thereof."

560 (g) All members of boards, commissions, and authorities serve at will and may be removed
561 at any time by a vote of four members of the city council unless otherwise provided by law.

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

569 **SECTION 3.03.**

570 City manager.

571 The city council may appoint a city manager. The duties and authority of the city manager
572 shall be prescribed by ordinance of the city council and, in so doing, the city council may
573 specifically delegate to the city manager any of the administrative or budgetary duties of the
574 mayor.

575 **SECTION 3.04.**

576 City attorney.

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

584 required by virtue of the person's position as city attorney. The city attorney is not a public
585 official of the city and shall not take an oath of office. The city attorney shall at all times be
586 an independent contractor. A law firm, rather than an individual, may be designated as the
587 city attorney.

588 **SECTION 3.05.**

589 City clerk.

590 The city council shall appoint a city clerk who shall not be a councilmember. The city clerk
591 shall be custodian of the official city seal and city records, shall maintain city council records
592 required by this charter, and shall perform such other duties as may be required by the city
593 council.

594 **SECTION 3.06.**

595 City tax collector.

596 The city council may appoint a city tax collector to collect all taxes, licenses, fees, and other
597 moneys belonging to the city, subject to the provisions of this charter and the ordinances of
598 the city. The city tax collector shall diligently comply with and enforce all general laws of
599 Georgia relating to the collection, sale, or foreclosure of taxes by municipalities.

600 **SECTION 3.07.**

601 City accountant.

602 The city council may appoint a city accountant to perform the duties of an accountant.

603 **SECTION 3.08.**

604 Consolidation of functions.

605 The city council may consolidate any two or more of the positions of city clerk, city tax
606 collector, and city accountant or any other positions or may assign the functions of any one
607 or more of such positions to the holder or holders of any other positions.

608 **SECTION 3.09.**

609 Position classification and pay plans.

610 The city council may direct the mayor to prepare a position classification and pay plan to be
 611 submitted to the city council for approval. Such plan may apply to all employees of the city
 612 and any of its agencies, departments, boards, commissions, or authorities. When a pay plan
 613 has been adopted, the city council shall not increase or decrease the salary range applicable
 614 to any position except by amendment of such pay plan. For purposes of this section, all
 615 elected and appointed city officials are not city employees.

616 **SECTION 3.10.**

617 Personnel policies.

618 The city council may adopt rules and regulations consistent with this charter concerning:

- 619 (1) The method of employees' selection and probationary periods of employment;
 620 (2) The administration of a position classification and pay plan, methods of promotion, and
 621 application of service ratings thereto, and transfer of employees within the classification
 622 plan;
 623 (3) Vacation, sick leave, and other leaves of absence, overtime pay, and the order and
 624 manner in which layoffs shall be effected;
 625 (4) Such dismissal hearings as due process may require; and
 626 (5) Such other personnel policies as may be necessary to provide for adequate and
 627 systematic handling of personnel affairs of the city.

628 **ARTICLE IV**

629 **JUDICIAL BRANCH**

630 **SECTION 4.01.**

631 Creation of Municipal Court of Young Harris.

632 There shall be a court to be known as the Municipal Court of the City of Young Harris.

633 **SECTION 4.02.**

634 Judges.

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

637 (b) No person shall be qualified or eligible to serve as a judge on the municipal court unless
 638 that person shall possess all qualifications required by Code Section 36-32-1.1 of the
 639 O.C.G.A. and all other applicable laws. All judges shall be appointed by the city council and
 640 shall serve for a minimum term of one year and until a successor is appointed or until the
 641 judge is removed from office as provided in Code Section 36-32-2.1 of the O.C.G.A. Such
 642 term shall be memorialized in a written agreement between such judge and the city council
 643 or in an ordinance.

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

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

647 (e) Before assuming office, each judge shall take an oath, given by the mayor, that the judge
 648 will honestly and faithfully discharge the duties of the office to the best of that person's
 649 ability and without fear, favor, or partiality. The oath shall be entered upon the minutes of
 650 the city council journal required in Section 2.14(a) of this charter.

651 **SECTION 4.03.**

652 Convening.

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

654 **SECTION 4.04.**

655 Jurisdiction; powers.

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

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

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

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

667 (e) The municipal court shall have authority to establish bail and recognizances to ensure
 668 the presence of those charged with violations before such court and shall have discretionary
 669 authority to accept cash or personal or real property as surety for the appearance of persons

670 charged with violations. Whenever any person shall give bail for that person's appearance
671 and shall fail to appear at the time fixed for trial, the bond shall be forfeited by the judge
672 presiding at such time and an execution issued thereon by serving the defendant and the
673 defendant's sureties with a rule nisi at least two days before a hearing on the rule nisi. In the
674 event that cash or property is accepted in lieu of bond for security for the appearance of a
675 defendant at trial, and if such defendant fails to appear at the time and place fixed for trial,
676 the cash so deposited shall be on order of the judge declared forfeited to the city or the
677 property so deposited shall have a lien against it for the value forfeited, which lien shall be
678 enforceable in the same manner and to the same extent as a lien for city property taxes.

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

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

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

689 **SECTION 4.05.**

690 Certiorari.

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

695 **SECTION 4.06.**

696 Rules for court.

697 With the approval of the city council, the judge shall have full power and authority to make
698 reasonable rules and regulations necessary and proper to secure the efficient and successful
699 administration of the municipal court; provided, however, that the city council may adopt in
700 part or in whole the rules and regulations applicable to municipal courts. The rules and
701 regulations made or adopted shall be filed with the city clerk and shall be available for public

702 inspection, and, upon request, a copy shall be furnished to all defendants in municipal court
703 proceedings at least 48 hours prior to such proceedings.

704 **ARTICLE V**
705 **ELECTIONS AND REMOVAL**

706 **SECTION 5.01.**
707 **Applicability of general law.**

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

710 **SECTION 5.02.**
711 **Election of the city council and mayor.**

712 (a) There shall be a municipal general election biennially on the Tuesday next following the
713 first Monday in November in odd-numbered years.

714 (b) There shall be elected the mayor and three councilmembers at the municipal general
715 election held in 2019 and quadrennially thereafter. The remaining city council seats shall be
716 filled at the municipal general election held in 2021 and quadrennially thereafter, so that a
717 continuing body is created. Terms shall be for four years and until a successor is elected and
718 qualified.

719 (c) The mayor and councilmembers in office on the effective date of this charter shall remain
720 in office until their successors are elected and take office as provided in this charter.

721 **SECTION 5.03.**
722 **Nonpartisan elections.**

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

725 **SECTION 5.04.**
726 **Election by plurality.**

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

728

SECTION 5.05.

729

Special elections; vacancies.

730 In the event that the office of mayor or councilmember shall become vacant as provided in
 731 Section 2.03 of this charter, the city council or those remaining shall order a special election
 732 to fill the balance of the unexpired term of such official; provided, however, that if such
 733 vacancy occurs within 24 months of the expiration of the term of that office, the city council
 734 or those remaining shall appoint a successor for the remainder of the term. In all other
 735 respects, the special election shall be held and conducted in accordance with the Georgia
 736 Election Code, Chapter 2 of Title 21 of the O.C.G.A., as now or hereafter amended.

737

SECTION 5.06.

738

Other provisions.

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

742

SECTION 5.07.

743

Removal of officers.

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

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

749 (1) By action of a two-thirds' vote of the entire membership of the city council; provided,
 750 however, that if the officer sought to be removed is a member of the council, he or she shall
 751 not vote. In the event an elected officer is sought to be removed by the action of the city
 752 council, such officer shall be entitled to a written notice specifying the ground or grounds
 753 for removal and to a public hearing which shall be held not less than ten days after the
 754 service of such written notice. The city council shall provide by ordinance for the manner
 755 in which such hearing shall be held. Any elected officer sought to be removed from office
 756 as herein provided shall have the right of appeal from the decision of the city council to the
 757 Superior Court of Towns County. Such appeal shall be governed by the same rules as
 758 govern appeals to the superior court from the probate court.

759 (2) By an order of the Superior Court of Towns County following a hearing on a complaint
760 seeking such removal brought by any resident of the City of Young Harris.

761 **ARTICLE VI**
762 **FINANCE**
763 **SECTION 6.01.**
764 **Property tax.**

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

771 **SECTION 6.02.**
772 **Millage rate; due dates; payment methods.**

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

777 **SECTION 6.03.**
778 **Occupation and business taxes.**

779 The city council by ordinance shall have the power to levy such occupation or business taxes
780 as are not denied by law. The city council may classify businesses, occupations, or
781 professions for the purpose of such taxation in any way which may be lawful and may
782 compel the payment of such taxes as provided in Section 6.09 of this charter.

783 **SECTION 6.04.**
784 **Regulatory fees; permits.**

785 The city council by ordinance shall have the power to require businesses or practitioners
786 doing business within this city to obtain a permit for such activity from the city and pay a
787 reasonable regulatory fee for such permit as provided by general law. Such fees shall reflect

788 the total cost to the city of regulating the activity and, if unpaid, shall be collected as
789 provided in Section 6.09 of this charter.

790 **SECTION 6.05.**

791 Franchises.

792 (a) The city council shall have the power to grant franchises for the use of the city's streets
793 and alleys for the purposes of railroads, street railways, telephone companies, electric
794 companies, electric membership corporations, cable television and other telecommunications
795 companies, gas companies, transportation companies, and other similar organizations. The
796 city council shall determine the duration, terms, whether the same shall be exclusive or
797 nonexclusive, and the consideration for such franchises; provided, however, that no franchise
798 shall be granted for a period in excess of 35 years and no franchise shall be granted unless
799 the city receives just and adequate compensation therefor. The city council shall provide for
800 the registration of all franchises with the city clerk in a registration book kept by the city
801 clerk. The city council may provide by ordinance for the registration within a reasonable
802 time of all franchises previously granted.

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

808 **SECTION 6.06.**

809 Service charges.

810 The city council by ordinance shall have the power to assess and collect fees, charges,
811 assessments, and tolls for sewers, sanitary and health services, or any other services provided
812 or made available within and without the corporate limits of the city. If unpaid, such charges
813 shall be collected as provided in Section 6.09 of this charter.

814 **SECTION 6.07.**

815 Special assessments.

816 The city council by ordinance shall have the power to assess and collect the cost of
817 constructing, reconstructing, widening, or improving any public way, street, sidewalk,

818 curbing, gutters, sewers, or other utility mains and appurtenances from the abutting property
819 owners. If unpaid, such charges shall be collected as provided in Section 6.09 of this charter.

820 **SECTION 6.08.**

821 Construction; other taxes and fees.

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

825 **SECTION 6.09.**

826 Collection of delinquent taxes and fees.

827 The city council by ordinance may provide generally for the collection of delinquent taxes,
828 fees, or other revenue due the city under Sections 6.01 through 6.08 of this charter by
829 whatever reasonable means as are not precluded by law. This shall include providing for the
830 dates when the taxes or fees are due, late penalties or interest, issuance and execution of
831 fi. fas., creation and priority of liens, making delinquent taxes and fees personal debts of the
832 persons required to pay the taxes or fees imposed, revoking city permits for failure to pay any
833 city taxes or fees, and providing for the assignment or transfer of tax executions.

834 **SECTION 6.10.**

835 General obligation bonds.

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

840 **SECTION 6.11.**

841 Revenue bonds.

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

845 **SECTION 6.12.**

846 Short-term loans.

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

849 **SECTION 6.13.**

850 Lease-purchase contracts.

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

858 **SECTION 6.14.**

859 Fiscal year.

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

864 **SECTION 6.15.**

865 Preparation of budgets.

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

870 **SECTION 6.16.**

871 Tax levies.

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

878 **SECTION 6.17.**

879 Changes in appropriations.

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

884 **SECTION 6.18.**

885 Independent audit.

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

891 **SECTION 6.19.**

892 Contracting procedures.

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

894 (1) It is in writing; and

895 (2) It is made or authorized by the city council and such approval is entered in the city
896 council minutes of proceedings pursuant to Section 2.14 of this charter.

897

SECTION 6.20.

898

Centralized purchasing.

899

900

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

901

SECTION 6.21.

902

Sale and lease of city property.

903

904

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

905

906

907

908

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

909

910

911

912

913

914

915

916

917

918

919

920

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

921

ARTICLE VII

922

GENERAL PROVISIONS

923

SECTION 7.01.

924

Bonds for officials.

925

926

927

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

928 **SECTION 7.02.**

929 Prior ordinances.

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

933 **SECTION 7.03.**

934 Existing personnel and officers.

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

941 **SECTION 7.04.**

942 Pending matters.

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

947 **SECTION 7.05.**

948 Construction.

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

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

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

954 **SECTION 7.06.**

955 Severability.

956 If any article, section, subsection, paragraph, sentence, or part thereof of this charter shall be
957 held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect
958 or impair other parts of this charter unless it clearly appears that such other parts are wholly
959 and necessarily dependent upon the part held to be invalid or unconstitutional, it being the
960 legislative intent in enacting this charter that each article, section, subsection, paragraph,
961 sentence, or part thereof be enacted separately and independent of each other.

962 **SECTION 7.07.**

963 Specific repealer.

964 An Act granting a new charter to the City of Young Harris, approved March 24, 1978
965 (Ga. L. 1978, p. 4470), and all amendatory Acts thereto are hereby repealed in their
966 entireties.

967 **SECTION 7.08.**

968 Effective date.

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

971 **SECTION 7.09.**

972 General repealer.

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