

House Bill 1160

By: Representative Morris of the 156<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To provide a new charter for the City of Uvalda; to provide for re-incorporation, boundaries,  
2 and powers of the city; to provide for general powers and limitations on powers; to provide  
3 for the exercise of powers, duties, authority, election, terms, removal from office, method of  
4 filling vacancies, compensation, expenses, and qualifications; to provide for conflict of  
5 interest and holding other offices; to provide for inquiries and investigations; to provide for  
6 organization and procedures; to provide for ordinances; to provide for eminent domain; to  
7 provide for codes of technical regulation; to provide for the office of mayor and certain  
8 duties and powers related thereto; to provide for a mayor pro tempore; to provide for  
9 administrative responsibilities; to provide for a city manager; to provide for boards,  
10 commissions, and authorities; to provide for a city attorney, a city clerk, and other personnel;  
11 to provide for the establishment of a municipal court and the judge or judges thereof; to  
12 provide for practices and procedures; to provide for taxation, permits, and fees; to provide  
13 for franchises, service charges, and assessments; to provide for bonded and other  
14 indebtedness; to provide for accounting and budgeting; to provide for contracting and  
15 purchasing; to provide for bonds for officials; to provide for definitions and construction; to  
16 provide for related matters; to provide for severability; to repeal a specific Act; to repeal  
17 conflicting laws; and for other purposes.

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

19 **ARTICLE I**  
20 **INCORPORATION AND POWERS**  
21 **SECTION 1.01.**  
22 **Re-incorporation.**

23 The City of Uvalda in Montgomery County, Georgia, heretofore made a body politic and  
24 corporate by Acts of the General Assembly of the State of Georgia, under the name and style  
25 "City of Uvalda," shall continue as a body politic and corporate, known under the name and

26 style "City of Uvalda," and, by that name, shall continue to have perpetual existence, the  
 27 power to sue and be sued, to plead and be impleaded, in all courts of law and equity, and in  
 28 all actions whatsoever, and may have and use a common seal. This Act shall constitute the  
 29 whole charter of the City of Uvalda, Georgia, repealing and replacing all prior charters.

30 **SECTION 1.02.**

31 Corporate boundaries.

32 (a) The boundaries of the City of Uvalda shall be those existing on the effective date of this  
 33 charter with such alterations as may be made from time to time in the manner provided by  
 34 law. The boundaries of this city at all times shall be shown on a map, a written description  
 35 or any combination thereof, to be retained permanently in the office of city clerk and to be  
 36 designated as the case may be: "Official Map (or Description) of the corporate limits of the  
 37 City of Uvalda, Georgia." Photographic, typed, or other copies of such map or description  
 38 certified by the city clerk shall be admitted as evidence in all courts and shall have the same  
 39 force and effect as with the original map or description.

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

43 **SECTION 1.03.**

44 Powers and construction.

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

49 (b) The powers of the City of Uvalda shall be construed liberally in favor of the city. The  
 50 specific mention or failure to mention particular powers shall not be construed as limiting in  
 51 any way the powers of this city. The corporate powers of the City of Uvalda to be exercised  
 52 by the governing authority shall include, but not be limited to, the following:

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

- 58 (2) Appropriations and Expenditures. To make appropriations for the support of the  
59 government of the city; to authorize the expenditure of money for any purposes  
60 authorized by this charter and for any purpose for which a municipality is authorized by  
61 the laws of the State of Georgia; and to provide for the payment of expenses of the city;
- 62 (3) Building Regulation. To regulate and to license the erection and construction of  
63 buildings and all other structures; to adopt building, housing, plumbing, electrical, gas,  
64 and heating and air conditioning codes; and to regulate all housing and building trades  
65 to the extent permitted by general law;
- 66 (4) Business Regulation and Taxation. To levy and to provide for the collection of  
67 regulatory fees and taxes on privileges, occupations, trades, and professions as authorized  
68 by Title 48 of the O.C.G.A., or other such applicable laws as are or may hereafter be  
69 enacted; to permit and regulate the same; to provide for the manner and method of  
70 payment of such regulatory fees and taxes; and to revoke such permits after due process  
71 for failure to pay any city taxes or fees;
- 72 (5) Condemnation. To condemn property, inside or outside the corporate limits of the  
73 city, for present or future use and for any corporate purpose deemed necessary by the city  
74 council, utilizing procedures enumerated in Title 22 of the O.C.G.A., or such other  
75 applicable laws as are or may hereafter be enacted;
- 76 (6) Contracts. To enter into contracts and agreements with other governmental entities  
77 and with private persons, firms, and corporations;
- 78 (7) Emergencies. To establish procedures for determining and proclaiming that an  
79 emergency situation exists within or without the city, and to make and carry out all  
80 reasonable provisions deemed necessary to deal with or meet such an emergency for the  
81 protection, safety, health, or well-being of the citizens of the city;
- 82 (8) Environmental Protection. To protect and preserve the natural resources,  
83 environment and vital areas of the city, the region, and the state through the preservation  
84 and improvement of air quality, the restoration and maintenance of water resources, the  
85 control of erosion and sedimentation, the management of storm water and establishment  
86 of a storm water utility, the management of solid and hazardous waste, and other  
87 necessary actions for the protection of the environment;
- 88 (9) Ethics. To adopt ethics ordinances and regulations governing the conduct of  
89 municipal elected officials, appointed officials, and employees, establishing procedures  
90 for ethics complaints and setting forth penalties for violations of such rules and  
91 procedures;
- 92 (10) Fire Regulations. To fix and establish fire limits and from time to time to extend,  
93 enlarge, or restrict the same; to prescribe fire safety regulations not inconsistent with

94 general law, relating to both fire prevention and detection and to firefighting; and to  
95 prescribe penalties and punishment for violations thereof;

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

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

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

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

111 (15) Jail Sentences. To provide that persons given jail sentences in the city's court may  
112 work out such sentences in any public works or on the streets, roads, drains, and other  
113 public property in the city, to provide for commitment of such persons to any jail, to  
114 provide for the use of pretrial diversion and any alternative sentencing allowed by law,  
115 or to provide for commitment of such persons to any county work camp or county jail by  
116 agreement with the appropriate county officials;

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

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

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

127 (19) Municipal Property Ownership. To acquire, dispose of, lease, and hold in trust or  
128 otherwise accept or transfer any interest in any real, personal, or mixed property, in fee  
129 simple or lesser interest, inside or outside the property limits of the city;

- 130 (20) Municipal Property Protection. To provide for the preservation and protection of  
131 property and equipment of the city and the administration and use of same by the public;  
132 and to prescribe penalties and punishment for violations thereof;
- 133 (21) Municipal Utilities. To acquire, lease, construct, operate, maintain, sell, and dispose  
134 of public utilities, including but not limited to a system of waterworks, sewers and drains,  
135 sewage disposal, storm water management, gas works, electric light plants, cable  
136 television and other telecommunications, transportation facilities, public airports, and any  
137 other public utility; to fix the taxes, charges, rates, fares, fees, assessments, regulations,  
138 and penalties; and to provide for the withdrawal of service for refusal or failure to pay the  
139 same;
- 140 (22) Nuisance. To define a nuisance and provide for its abatement whether on public or  
141 private property;
- 142 (23) Penalties. To provide penalties for violation of any ordinances adopted pursuant to  
143 the authority of this charter and the laws of the State of Georgia;
- 144 (24) Planning and Zoning. To provide comprehensive city planning for development by  
145 zoning; and to provide subdivision regulation and the like as the city council deems  
146 necessary and reasonable to insure a safe, healthy, and aesthetically pleasing community;
- 147 (25) Police and Fire Protection. To exercise the power of arrest through duly appointed  
148 police officers, and to establish, operate, or contract for a police and a fire-fighting  
149 agency;
- 150 (26) Public Hazards - removal. To provide for the destruction and removal of any  
151 building or other structure which is or may become dangerous or detrimental to the  
152 public;
- 153 (27) Public Improvements. To provide for the acquisition, construction, building,  
154 operation, and maintenance of public ways, parks and playgrounds, recreational facilities,  
155 cemeteries, public buildings, libraries, public housing, parking facilities, or charitable,  
156 cultural, educational, recreational, conservation, sport, detentional, penal, and medical  
157 institutions, agencies, and facilities; and to provide any other public improvements inside  
158 or outside the corporate limits of the city and to regulate the use of public improvements;  
159 and for such purposes, property may be acquired by condemnation under Title 22 of the  
160 O.C.G.A., or such other applicable laws as are or may hereafter be enacted;
- 161 (28) Public Peace. To provide for the prevention and punishment of loitering, disorderly  
162 conduct, drunkenness, riots, and public disturbances;
- 163 (29) Public Transportation. To organize and operate such public transportation systems  
164 as are deemed beneficial;
- 165 (30) Public Utilities and Services. To grant franchises or make contracts for, or impose  
166 fees on, public utilities and public services, and to prescribe the rates, fares, regulations,

167 and standards and conditions of service applicable to the service to be provided by the  
168 franchise grantee or contractor, insofar as not in conflict with valid regulations of the  
169 Public Service Commission;

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

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

177 (33) Roadways. To lay out, open, extend, widen, narrow, establish or change the grade  
178 of, abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise  
179 improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and  
180 walkways within the corporate limits of the city; to grant franchises and rights of way  
181 throughout the streets and roads and over the bridges and viaducts for the use of public  
182 utilities; and to require real estate owners to repair and maintain in a safe condition the  
183 sidewalks adjoining their lots or lands and to impose penalties for failure to do so;

184 (34) Sewer Fees. To levy a fee or a charge as necessary to assure the acquiring,  
185 constructing, equipping, operating, maintaining, and extending of a sewage disposal plant  
186 and sewerage system, and to levy on those to whom sewers and sewerage systems are  
187 made available a sewer service fee or charge, for the availability or use of the sewers; to  
188 provide for the manner and method of collecting such service charges and for enforcing  
189 payment of the same; and to charge, impose, and collect a sewer connection fee or fees  
190 to those connected with the system;

191 (35) Solid Waste Disposal. To provide for the collection and disposal of garbage,  
192 rubbish, and refuse and to regulate the collection and disposal of garbage, rubbish, and  
193 refuse by others; and to provide for the separate collection of glass, tin, aluminum,  
194 cardboard, paper, and other recyclable materials, and to provide for the sale of such  
195 items;

196 (36) Special Areas of Public Regulation. To regulate or prohibit junk dealers, the  
197 manufacture and sale of intoxicating liquors; to regulate the transportation, storage, and  
198 use of combustible, explosive, and inflammable materials, the use of lighting and heating  
199 equipment, and any other business or situation which may be dangerous to persons or  
200 property; to regulate and control the conduct of peddlers and itinerant traders, theatrical  
201 performances, exhibitions, and shows of any kind; to license, and regulate or prohibit  
202 professional fortunetelling, palmistry, and massage parlors; and to restrict adult  
203 bookstores to certain areas;

- 204 (37) Special Assessments. To levy and provide for the collection of special assessments  
 205 to cover the costs for any public improvements;
- 206 (38) Taxes - Ad Valorem. To levy and provide for the assessment, valuation,  
 207 revaluation, and collection of taxes on all property subject to taxation;
- 208 (39) Taxes - other. To levy and collect such other taxes as may be allowed now or in the  
 209 future by law;
- 210 (40) Taxicabs. To regulate and license vehicles operated for hire in the city; to limit the  
 211 number of such vehicles; to require the operators thereof to be licensed; to require public  
 212 liability insurance on such vehicles in the amounts to be prescribed by ordinance; and to  
 213 regulate the parking of such vehicles;
- 214 (41) Urban Redevelopment. To organize and operate an urban redevelopment program;  
 215 and
- 216 (42) Other Powers. To exercise and enjoy all other powers, functions, rights, privileges,  
 217 and immunities necessary or desirable to promote or protect the safety, health, peace,  
 218 security, good order, comfort, convenience, or general welfare of the city and its  
 219 inhabitants; to exercise all implied powers necessary or desirable to carry into execution  
 220 all powers granted in this charter as fully and completely as if such powers were fully  
 221 stated herein; and to exercise all powers now or in the future authorized to be exercised  
 222 by other municipal governments under other laws of the State of Georgia. Any listing of  
 223 particular powers in this charter shall not be held to be exclusive of others or restrictive  
 224 of general words and phrases granting powers, but shall be held to be in addition to such  
 225 powers unless expressly prohibited to municipalities under the Constitution or applicable  
 226 laws of the State of Georgia.

227 **SECTION 1.04.**

228 Exercise of powers.

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

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ARTICLE II  
GOVERNMENT STRUCTURE  
**SECTION 2.01.**  
City council creation; number; election.

237 The legislative authority of the government of the City of Uvalda, except as otherwise  
238 specifically provided in this charter, shall be vested in a city council to be composed of a  
239 mayor and six councilmembers. For the purpose of electing the members of the city council,  
240 the City of Uvalda shall consist of one election district. The candidates for councilmembers  
241 need not designate a post and shall be eligible for any one of the open seats on the city  
242 council. The candidates for councilmembers receiving the highest number of votes cast for  
243 councilmembers shall be elected for the open councilmember seats. The mayor, who shall  
244 be a member of the city council, shall be elected by a majority vote of the qualified electors  
245 of the city at large voting at the elections of the city. Political parties shall not conduct  
246 primaries for city offices, and all names of candidates for city offices shall be listed without  
247 party designation.

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**SECTION 2.02.**  
City council terms and qualifications for office.

250 The members of the city council shall serve for terms of four years and until their respective  
251 successors are elected and qualified. No person shall be eligible to serve as a councilmember  
252 unless that person shall have been a resident of the area comprising the corporate limits of  
253 the City of Uvalda for a continuous period of at least 12 months immediately prior to the date  
254 of election of the members of the council, shall continue to reside therein during that person's  
255 period of service, and shall continue to be registered and qualified to vote in municipal  
256 elections of the City of Uvalda. The councilmembers in office upon the adoption of this  
257 charter shall serve out the terms they were originally elected to serve.

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**SECTION 2.03.**  
Vacancy; filling of vacancies; suspensions.

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

264 (b) A vacancy in the office of mayor or councilmember shall be filled for the remainder of  
 265 the unexpired term by a special election if such vacancy occurs 12 months or more prior to  
 266 the expiration of the term of that office as provided for in Section 5.03 of this charter and in  
 267 accordance with Titles 21 and 45 of the O.C.G.A., or other such laws as are or may hereafter  
 268 be enacted. If such vacancy occurs within 12 months of the expiration of the term of that  
 269 office, the city council or those members remaining may appoint a successor for the  
 270 remainder of the term.

271 (c) This provision shall also apply to a temporary vacancy created by the suspension from  
 272 office of the mayor or any councilmember.

#### 273 **SECTION 2.04.**

#### 274 Compensation and expenses.

275 The mayor and councilmembers shall receive compensation and expenses for their services  
 276 as provided by ordinance. The city council may also provide by ordinance for the provision  
 277 of insurance, retirement, workers' compensation, and other employee benefits to the mayor  
 278 and members of the city council and may provide by ordinance for the reimbursement of  
 279 expenses actually and necessarily incurred by the mayor and members of the city council in  
 280 carrying out their official duties. The annual salary of the mayor and the annual salary for  
 281 each councilmember may be increased or decreased by ordinance duly enacted, but no such  
 282 change shall become effective until the beginning of the next term for said mayor or  
 283 councilmember.

#### 284 **SECTION 2.05.**

#### 285 Holding other office; voting when financially interested.

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

288 (b) Conflict of interest. No elected official, appointed officer, member of any board or  
 289 authority, or employee of the city or any agency or political entity to which this charter  
 290 applies shall knowingly:

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

295 (2) Engage in or accept private employment, or render services for private interests when  
 296 such employment or service is incompatible with the proper discharge of that person's

297 official duties or would tend to impair the independence of the official's judgment or  
298 action in the performance of those official duties;

299 (3) Disclose confidential information, including information obtained at meetings which  
300 are closed pursuant to Title 50, Chapter 14 of the O.C.G.A., concerning the property,  
301 government, or affairs of the governmental body by which the official is engaged without  
302 proper legal authorization; or use such information to advance the financial or other  
303 private interest of the official or others;

304 (4) Accept any valuable gift, whether in the form of service, loan, thing, or promise,  
305 from any person, firm, or corporation which to the elected official, appointed officer,  
306 member of a board or authority, or employee of the city's knowledge is interested,  
307 directly or indirectly, in any manner whatsoever, in business dealings with the  
308 governmental body by which the official is engaged; provided, however, that an elected  
309 official who is a candidate for public office may accept campaign contributions and  
310 services in connection with any such campaign;

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

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

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

325 (d) Use of public property. No elected official, appointed officer, member of any board or  
326 authority, or employee of the city or any agency or entity to which this charter applies shall  
327 use property owned by such governmental entity for personal benefit or profit but shall use  
328 such property only in their capacity as an officer or employee of the city.

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

332 (f) Ineligibility of elected official. Except where authorized by law, neither the mayor nor  
333 any councilmember shall hold any other elective or appointive office in the city or otherwise

334 be employed by said government or any agency thereof during the term for which that  
 335 official was elected. No former mayor and no former councilmember shall hold any  
 336 appointive office in the city until one year after the expiration of the term for which that  
 337 official was elected.

338 (g) Political activities of certain officers and employees. No appointive officer of the city  
 339 shall continue in such employment upon qualifying as a candidate for nomination or election  
 340 to any public office. No employee of the city shall continue in such employment upon  
 341 qualifying for or election to any public office in this city or any other public office which is  
 342 inconsistent, incompatible or in conflict with the duties of the city employee. Such  
 343 determination shall be made by the city council either immediately upon election or at any  
 344 time such conflict may arise.

345 (h) Penalties for violation:

346 (1) Any elected official, appointed officer, member of any board or authority, or  
 347 employee who knowingly conceals such financial interest or knowingly violates any of  
 348 the requirements of this section shall be guilty of malfeasance in office or position and  
 349 shall be deemed to have forfeited that person's office or position.

350 (2) Any elected official, appointed officer, member of any board or authority, or  
 351 employee of the city who shall forfeit an office or position as described in paragraph (1)  
 352 above shall be ineligible for appointment or election to or employment in a position in  
 353 the city government for a period of three years thereafter.

354 **SECTION 2.06.**

355 **Inquiries and investigations.**

356 (a) Following the adoption of an authorizing resolution, the city council may make inquiries  
 357 and investigations into the affairs of the city and the conduct of any department, office, or  
 358 agency thereof, and for this purpose may subpoena witnesses, administer oaths, take  
 359 testimony, and require the production of evidence. Any person who fails or refuses to obey  
 360 a lawful order issued in the exercise of these powers by the city council shall be punished as  
 361 provided by ordinance.

362 (b) The city council, may by majority vote of all members, request an official inquiry or  
 363 investigation into the affairs of the city and of any department, office, or agency of the city  
 364 by any state or federal governmental agency authorized to make such inquiries or  
 365 investigations and direct all employees and appointed officers to cooperate with any such  
 366 investigative agency upon penalty of termination of employment or removal from office for  
 367 refusal to do so.

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**SECTION 2.07.**

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General power and authority of the city council.

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

372 (b) In addition to all other powers conferred upon it by law, the council shall have the  
373 authority to adopt and provide for the execution of such ordinances, resolutions, rules, and  
374 regulations, not inconsistent with this charter and the Constitution and the laws of the State  
375 of Georgia, which it shall deem necessary, expedient, or helpful for the peace, good order,  
376 protection of life and property, health, welfare, sanitation, comfort, convenience, prosperity,  
377 or well-being of the inhabitants of the City of Uvalda and may enforce such ordinances by  
378 imposing penalties for violation thereof.

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**SECTION 2.08.**

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Eminent domain.

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

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**SECTION 2.09.**

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Organizational meeting.

391 The city council shall meet on the first working day in January immediately following each  
392 regular municipal election. The meeting shall be called to order by the mayor-elect and the  
393 oath of office shall be administered to the newly elected mayor and councilmembers by a  
394 judicial officer or other person authorized to administer oaths. The oath shall, to the extent  
395 that it comports with federal and state law, be as follows:

396 "I do solemnly swear or affirm that I will faithfully execute the office of [councilmember  
397 or mayor as the case may be] of the City of Uvalda, and will to the best of my ability  
398 support and defend the Constitution of the United States, the Constitution of Georgia, and  
399 the charter, ordinances, and regulations of the City of Uvalda. I am not the holder of any

400 unaccounted for public money due this state or any political subdivision or authority  
 401 thereof. I am not the holder of any office of trust under the government of the United  
 402 States, any other state, or any foreign state which I, by the laws of the State of Georgia,  
 403 am prohibited from holding. I am otherwise qualified to hold said office according to the  
 404 Constitution and laws of Georgia. I have been a resident of the City of Uvalda for the  
 405 time required by the Constitution and laws of this state and by the municipal charter. I  
 406 will perform the duties of my office in the best interest of the City of Uvalda to the best  
 407 of my ability without fear, favor, affection, reward, or expectation thereof."

408 **SECTION 2.10.**

409 Regular and special meetings.

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

414 (b) Special meetings of the council may be held on the call of the mayor or on the written  
 415 call of any two members of the council which is consented to by a third member. For any  
 416 called meeting initiated by two councilmembers, such written call shall be delivered to the  
 417 city clerk who shall then contact the other councilmembers to determine if there be a third  
 418 member who consents to such call and if there be, then notice as hereinafter provided shall  
 419 be issued. Notice of such special meetings shall be delivered to all members of the council  
 420 and the mayor personally, by registered mail, or by electronic means, at least 24 hours in  
 421 advance of the meeting. Such notice to councilmembers shall not be required if the mayor  
 422 and all councilmembers are present when the special meeting is called. Such notice of any  
 423 special meeting may be waived by the mayor or a councilmember in writing before or after  
 424 such a meeting, and attendance at the meeting shall also constitute a waiver of notice. The  
 425 notice of such special meeting shall state what business is to be transacted at the special  
 426 meeting. Only the business stated in the call may be transacted at the special meeting.

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

431 **SECTION 2.11.**

432 Rules of procedure.

433 (a) The city council shall adopt its rules of procedure and order of business consistent with  
434 the provisions of this charter and shall provide for keeping a journal of its proceedings, which  
435 shall be public record. If there be no adoption of rules of procedure and order, then Robert's  
436 Rules of Order shall govern.

437 (b) All committees and committee chairs and officers of the city council shall be appointed  
438 by the mayor and approved by a majority vote of the city council and shall serve at the  
439 pleasure of the city council. The mayor upon approval of a majority of the council shall have  
440 the power to appoint new members to any committee at any time.

441 **SECTION 2.12.**

442 Quorum: voting; abstentions.

443 (a) Four councilmembers shall constitute a quorum and shall be authorized to transact  
444 business for the council. The mayor shall not be counted for purposes of making a quorum.

445 (b) Voting on the adoption of ordinances shall be taken by voice or show of hands vote and  
446 the yeas and nays shall be recorded in the minutes, but on the request of any member there  
447 shall be a roll-call vote and such vote shall be recorded in the minutes. Except as otherwise  
448 provided in this charter, the affirmative vote of three councilmembers shall be required for  
449 the adoption of any ordinance, resolution, or motion, except when the mayor votes to break  
450 a tie, and in that event the affirmative vote of the mayor and two councilmembers shall be  
451 sufficient for the adoption of an ordinance, resolution, or motion.

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

459 (d) The city council may, by ordinance or resolution, adopt rules and bylaws to govern the  
460 conduct of its business, including procedures and penalties for compelling the attendance of  
461 absent members.

462

**SECTION 2.13.**

463

Ordinance form; resolutions; procedures.

464 (a) Every proposed ordinance shall be introduced in writing, and the city council shall have  
 465 the authority to approve, disapprove, or amend the same in accordance with this section. No  
 466 ordinance shall contain a subject which is not expressed in its title. The ordinance shall be  
 467 considered "read" by a reading of its heading, presenting a written copy to each council  
 468 member, and making a printed copy available to any member of the public upon request.

469 (b) Except for emergency ordinances as provided in Section 2.15 of this charter, an  
 470 ordinance may be introduced by a motion made by any councilmember at a regularly  
 471 scheduled monthly meeting of the city council and shall be read as defined in subsection (a)  
 472 of this section. The effect of the approval of such motion shall be to require that said  
 473 ordinance be considered and voted upon by motion and second reading at the next successive  
 474 regularly scheduled monthly city council meeting. The reading or discussion of any  
 475 proposed ordinance at an open work-session or special meeting of the city council shall not  
 476 count towards the requirement of a reading at two successive regularly scheduled monthly  
 477 meetings of the city council. Motions for consideration and adoption or rejection by the  
 478 council shall occur upon motion and after a reading at the second successive regularly  
 479 scheduled monthly meeting after its introduction and reading at the immediately preceding  
 480 regularly scheduled monthly meeting of the city council.

481 (c) Upon introduction of any ordinance, the city clerk shall, as soon as possible, distribute  
 482 a copy to the mayor and to each councilmember and shall file a reasonable number of copies  
 483 in the office of the clerk and at such other public places as the city council may designate.  
 484 The clerk may, with the approval of council, make arrangements for reproduction and  
 485 distribution of proposed ordinances by electronic or other means.

486 (d) After the title and preamble of any proposed ordinance is read at the second successive  
 487 regularly scheduled monthly meeting of the city council, it may be approved and passed at  
 488 such time as provided in subsection (b) of Section 2.13 of this charter. The enacting clause  
 489 shall be "Now Therefore, Be It Ordained by the mayor and city council of the City of  
 490 Uvalda" and every ordinance shall so begin.

491 (e) The catchlines of sections of this charter or any ordinance printed in boldface type,  
 492 italics, or otherwise, are intended as mere catchwords to indicate the contents of the section,  
 493 and:

- 494 (1) Shall not be deemed or taken to be titles of such sections or as any part of the section;
- 495 and
- 496 (2) Shall not be so deemed when any of such sections, including the catchlines, are
- 497 amended or reenacted unless expressly provided to the contrary.

498 Furthermore, the chapter, article, and section headings contained in this Act shall not be  
 499 deemed to govern, limit, or modify or in any manner affect the scope, meaning, or intent of  
 500 the provisions of any chapter, article, or section hereof.

501 (f) A resolution shall be limited to expressions of the city's will, intent, recognition, or  
 502 declarations concerning the city, its citizens, or anything affecting either. No resolution shall  
 503 have any penal aspect. A resolution may be made and voted upon in oral form but shall  
 504 thereafter be reduced to writing. A resolution may be passed by the council at any public  
 505 meeting; however, any resolution which approves the expenditure of public funds shall be  
 506 discussed in an open meeting not less than seven days prior to its approval in an open  
 507 meeting.

508 **SECTION 2.14.**

509 Action requiring an ordinance.

510 Any and all acts of the city council which have the force and effect of law shall be enacted  
 511 by ordinance.

512 **SECTION 2.15.**

513 Emergencies.

514 (a) To meet a public emergency affecting life, health, property or public peace, the city  
 515 council may convene on call of a public meeting as provided in Section 2.10 of this charter  
 516 and promptly adopt an emergency ordinance, but such ordinance may not levy taxes; grant,  
 517 renew, or extend a franchise; regulate the rate charged by any public utility for its services;  
 518 or authorize the borrowing of money except for loans to be repaid within 30 days. An  
 519 emergency ordinance shall be introduced in the form prescribed for ordinances generally,  
 520 except that it shall be plainly designated as an emergency ordinance and shall contain, after  
 521 the enacting clause, a declaration stating that an emergency exists, and describing the  
 522 emergency in clear and specific terms.

523 (b) An emergency ordinance may be adopted, with or without amendment, or rejected at the  
 524 meeting at which it is introduced, but the affirmative vote of the majority of the  
 525 councilmembers present shall be required for adoption. It shall become effective upon  
 526 adoption or at such later time as it may specify. A quorum of councilmembers shall be  
 527 required to adopt any and all emergency ordinances.

528 (c) Every emergency ordinance shall automatically stand repealed 90 days following the  
 529 date upon which it was adopted, but this shall not prevent reenactment of the ordinance in  
 530 the manner specified in this section if the emergency still exists. An emergency ordinance

531 may also be repealed by adoption of a repealing ordinance in the same manner specified in  
532 this section for adoption of emergency ordinances.

533 (d) Such meetings shall be open to the public to the extent required by law, and notice to the  
534 public of emergency meetings shall be made as fully as is reasonably possible in accordance  
535 with Code Section 50-14-1 of the O.C.G.A. or such other applicable laws as are or may  
536 hereafter be enacted.

537 **SECTION 2.16.**

538 Codes of technical regulation.

539 The city council may adopt any standard code of technical regulations by reference thereto  
540 in an adopting ordinance. The procedure and requirements governing such adopting  
541 ordinance shall be the same as prescribed for ordinances as shown in Section 2.13 of this  
542 charter.

543 **SECTION 2.17.**

544 Signing; authenticating; recording; codification; printing.

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

547 (b) The city council shall provide for the preparation of a general codification of all the  
548 ordinances of the city having the force and effect of law. The general codification shall be  
549 adopted by the city council by ordinance and shall be published promptly, together with all  
550 amendments thereto and such codes of technical regulations and other rules and regulations  
551 as the city council may specify.

552 (c) This compilation shall be known and cited officially as "The Code of Ordinances of the  
553 City of Uvalda, Georgia." Copies of the code shall be furnished to all officers, departments,  
554 and agencies of the city, and made available for purchase by the public at a reasonable price  
555 fixed by the city council.

556 (d) The city council shall cause each ordinance and each amendment to this charter to be  
557 printed promptly following its adoption, and the printed ordinances and charter amendments  
558 shall be made available for purchase by the public at reasonable prices to be fixed by the city  
559 council. Following publication of the first code under this charter and at all times thereafter,  
560 the ordinances and charter amendments shall be printed in substantially the same style as the  
561 code currently in effect and shall be suitable in form for incorporation therein. The city  
562 council shall make such further arrangements as deemed desirable with reproduction and

563 distribution of any current changes in or additions to codes of technical regulations and other  
564 rules and regulations included in such code.

565 **SECTION 2.18.**

566 Election of mayor; forfeiture; compensation.

567 The mayor shall be elected and serve for a term of four years and until a successor is elected  
568 and qualified. The mayor shall be a qualified elector of this city and shall have been a  
569 resident of the city for 12 months prior to the election. The mayor shall continue to reside  
570 in this city during the period of service. The mayor shall forfeit the office on the same  
571 grounds and under the same procedure as for councilmembers. The compensation of the  
572 mayor shall be established in the same manner as for councilmembers. The mayor in office  
573 upon the adoption of this charter shall serve out the remainder of the term he or she was  
574 originally elected to serve.

575 **SECTION 2.19.**

576 Mayor pro tempore.

577 (a) By a majority vote, the city council shall elect a councilmember to serve as mayor pro  
578 tempore. The mayor pro tempore shall assume the duties and powers of the mayor during  
579 his or her absence. The mayor pro tem shall sign all contracts and ordinances in which the  
580 mayor has a disqualifying financial interest as provided in Section 2.05 of this charter. When  
581 acting as mayor, the mayor pro tem shall continue to vote as a member of the council.

582 (b) The mayor pro tempore shall be elected at the organizational meeting held on the first  
583 working day in January immediately following each regular municipal election and shall  
584 serve for a period of two years.

585 **SECTION 2.20.**

586 Powers and duties of mayor.

587 The mayor shall:

- 588 (1) Preside at all meetings of the city council;
- 589 (2) Be the head of the city for the purpose of service of process and for ceremonial  
590 purposes, and be the official spokesperson for the city and the chief advocate of policy;
- 591 (3) Have the power to administer oaths and to take affidavits;

- 592 (4) Sign as a matter of course on behalf of the city all written and approved contracts,  
 593 ordinances, and other instruments executed by the city which by law are required to be  
 594 in writing;
- 595 (5) Vote on matters before the city council only in the event of a tie among the city  
 596 councilmembers in order to break the tie. The mayor will not be counted for purposes  
 597 of a quorum;
- 598 (6) Cause to be prepared and submitted to the city council a recommended annual  
 599 operating budget and recommended capital budget; and
- 600 (7) Fulfill such other executive and administrative duties as the city council shall by  
 601 ordinance or resolution establish.

602 **ARTICLE III**

603 **ADMINISTRATIVE AFFAIRS**

604 **SECTION 3.01.**

605 **Administrative and service departments.**

- 606 (a) Except as otherwise provided in this charter, the city council, by ordinance or resolution,  
 607 shall prescribe the functions or duties, and establish, abolish, alter, consolidate, or leave  
 608 vacant all nonelective offices, positions of employment, departments, and agencies of the  
 609 city, as necessary for the proper administration of the affairs and government of the City of  
 610 Uvalda.
- 611 (b) Except as otherwise provided in this charter or by law, the directors of departments and  
 612 other appointed officers of the city shall be appointed solely on the basis of their respective  
 613 administrative and professional qualifications.
- 614 (c) All appointive officers and directors of departments shall receive such compensation as  
 615 prescribed by ordinance or resolution.
- 616 (d) There shall be a director of each department or agency who shall be its principal officer.  
 617 Each director shall, subject to the direction and supervision of the city council, be responsible  
 618 for the administration and direction of the affairs and operations of that director's department  
 619 or agency.
- 620 (e) All appointive officers and directors under the supervision of the city council shall be  
 621 appointed by the city council. All appointive officers and directors shall be employed at-will  
 622 and subject to removal or suspension at any time by the city council unless otherwise  
 623 provided by law or ordinance.

624

**SECTION 3.02.**

625

## Boards, commissions, and authorities.

626 (a) The city council shall create by ordinance or resolution such boards, commissions, and  
627 authorities to fulfill any investigative, quasi-judicial, or quasi-legislative function the city  
628 council deems necessary, and shall by ordinance establish the compensation, period of  
629 existence, duties, and powers thereof.

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

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

637 (d) Except as otherwise provided by this charter or by law, no member of any board,  
638 commission, or authority shall hold any elective office in this city unless approved by a  
639 majority vote of the city council.

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

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

647 (g) All board members serve at-will and may be removed at any time by a majority vote of  
648 the city council unless otherwise provided by law.

649 (h) Except as otherwise provided by this charter or by applicable state law, each board,  
650 commission, or authority of the city government shall elect one of its members as  
651 chairperson and one member as vice chairperson for terms of one year and may elect as its  
652 secretary one of its own members or may appoint as secretary an employee of the city. Each  
653 board, commission, or authority of the city government may establish such bylaws, rules, and  
654 regulations not inconsistent with this charter, ordinances of the city, or applicable state law  
655 as it deems appropriate and necessary for the conduct of its affairs, copies of which shall be  
656 filed with the clerk of the city.

657 **SECTION 3.03.**

658 City attorney.

659 (a) The city council shall appoint a city attorney, together with such assistant city attorneys  
660 as may be authorized, and shall provide for the payment of such attorney or attorneys for  
661 services rendered to the city. The city attorney shall be responsible for providing for the  
662 representation and defense of the city in all litigation in which the city is a party; may be the  
663 prosecuting officer in the municipal court or may serve as judge of municipal court if  
664 appointed by the city council as provided for in Section 4.02 of this charter; shall attend the  
665 meetings of the council as directed; shall advise the city council, mayor, and other officers  
666 and employees of the city concerning legal aspects of the city's affairs; shall perform such  
667 other duties as may be required by virtue of the person's position as city attorney; and shall  
668 be a member in good standing with the State Bar of Georgia.

669 (b) The city attorney is not a public official of the city and does not take an oath of office.  
670 The city attorney shall at all times be an independent contractor. A law firm, rather than an  
671 individual, may be designated as the city attorney.

672 (c) The city attorney shall be considered an appointed officer for purposes of this charter.

673 **SECTION 3.04.**

674 City clerk.

675 The city council shall appoint a city clerk who shall not be a councilmember. The city clerk  
676 shall be custodian of the official city seal and city records; maintain city council records  
677 required by this charter; and perform such other duties as may be required by the city  
678 council.

679 **SECTION 3.05.**

680 Deputy city clerk.

681 The city council may designate a qualified city administrative officer to exercise the powers  
682 and perform the duties of city clerk during the city clerk's absence and shall perform such  
683 other duties as may be required by the city council.

684 **SECTION 3.06.**

685 Tax collector.

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

690 **SECTION 3.07.**

691 City accountant.

692 The city council may appoint a city accountant, subject to confirmation by majority vote of  
693 the council, to perform the duties of an accountant.

694 **SECTION 3.08.**

695 City manager.

696 The city council may select and appoint a city manager whose salary shall be fixed by the  
697 city council and whose term of office shall be established by the city council and whose  
698 duties, powers, and qualifications shall be prescribed by the policies and procedures adopted  
699 by the city council from time to time. The mayor and any other councilmember shall be  
700 ineligible for the office of city manager for a period of at least 12 months from the date of  
701 the expiration of his or her term of office or his or her resignation from office.

702 **SECTION 3.09.**

703 Consolidation of functions.

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

707 **SECTION 3.10.**

708 Council interference with administration.

709 The city council or its members shall deal with city officers and employees who are subject  
710 to the direction or supervision of a department director solely through the respective  
711 department director, and neither the city council nor its members shall give orders to any

712 such officer or employee, either publicly or privately except that this shall not apply to any  
713 councilmember who is appointed to be an administrative director.

714 **SECTION 3.11.**

715 Rules and regulations.

716 (a) All employees serve at-will and may be removed from office at any time unless  
717 otherwise provided by ordinance or resolution.

718 (b) The city council shall adopt rules and regulations consistent with this charter concerning:

719 (1) The method of employee selection and periods of employment;

720 (2) The administration of a position classification, methods of promotion and  
721 applications of service ratings thereto, and transfer of employees within the classification  
722 plan;

723 (3) Hours of work, vacation, sick leave, and other leaves of absence, overtime pay, and  
724 the order and manner in which layoffs shall be effected;

725 (4) Such dismissal hearings as due process may require; and

726 (5) Such other personnel rules as may be necessary to provide for adequate and  
727 systematic handling of personnel affairs.

728 **ARTICLE IV**

729 **JUDICIAL BRANCH**

730 **SECTION 4.01.**

731 Creation of municipal court; name.

732 There shall be a court to be known as the Municipal Court of the City of Uvalda, Georgia.

733 **SECTION 4.02.**

734 Chief judge; associate judge.

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

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

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

742 (d) Judges shall be removed from office pursuant to Code Section 36-32-2.1 of the O.C.G.A.

743 (e) Before assuming office, each judge shall take an oath, given by the mayor, that the judge  
 744 will honestly and faithfully discharge the duties of the office to the best of that person's  
 745 ability and without fear, favor, or partiality. The oath shall be entered upon the minutes of  
 746 the city council journal required in Section 2.17 of this charter.

747 **SECTION 4.03.**

748 Convening.

749 Said court shall be convened at such times as designated by ordinance or as deemed  
 750 necessary to keep current the dockets thereof.

751 **SECTION 4.04.**

752 Jurisdiction; powers.

753 (a) The municipal court shall have the power to enforce ordinances of the city and, to the  
 754 extent permitted by the Constitution and the general laws of the State of Georgia, to enforce  
 755 the laws of this state; to try and punish violations of this charter, all city ordinances, and such  
 756 other violations as provided by law; and to hear and determine all other matters committed  
 757 to such court by ordinance or by law.

758 (b) The municipal court shall have authority to punish those in its presence for contempt,  
 759 provided that such punishment shall not exceed a fine of \$200.00 or ten days in jail, or both  
 760 such fine and incarceration, for each separate offense.

761 (c) The municipal court may fix punishment for offenses within its jurisdiction not  
 762 exceeding a fine of \$1,000.00 or imprisonment for more than one year, or both such fine and  
 763 imprisonment, or may fix punishment by fine, imprisonment, or alternative sentencing as  
 764 now or hereafter provided by law.

765 (d) The municipal court shall have authority to establish a schedule of fees to defray the cost  
 766 of operation of such court and to reimburse the city for the cost of prisoners' meals,  
 767 transportation, medical costs, confinement, and other expenses of taking care of prisoners,  
 768 including, but not limited to, those bound over to superior courts for violations of state law.

769 (e) The municipal court shall have authority to establish bail and recognizance to ensure the  
 770 presence of those charged with violations before said court and shall have discretionary  
 771 authority to accept cash or personal or real property as surety for the appearance of persons  
 772 charged with violations. Whenever any person shall give bail for that person's appearance  
 773 and shall fail to appear at the time fixed for trial, the bond shall be forfeited in the following  
 774 manner:

775 (1) Any person charged with a violation of an ordinance or other offense against the  
 776 municipality who gives a cash bond for his or her personal appearance in court at a  
 777 designated time and place and who fails to appear at said time and place shall forfeit the  
 778 cash bond upon the call of the case for trial. It shall not be necessary for the municipality  
 779 to take any further action to forfeit the cash bond. Forfeiture of a cash bond shall not be  
 780 a bar to a subsequent prosecution of the accused for the violation; and

781 (2) In all other cases, whenever any person shall give bail for that person's appearance  
 782 and shall fail to appear at the time fixed for trial, the bond shall be forfeited by the judge  
 783 presiding at such time, and an execution issued thereon in accordance with the procedures  
 784 set forth in Article 3 of Chapter 6 of Title 17 of the O.C.G.A., as now or hereafter  
 785 amended.

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

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

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

796 **SECTION 4.05.**

797 Certiorari.

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

802 **SECTION 4.06.**

803 Rules for court.

804 With the approval of the city council, the judge shall have full power and authority to make  
 805 reasonable rules and regulations necessary and proper to ensure the efficient and successful  
 806 administration of the municipal court; provided, however, that the city council may adopt in  
 807 part or in toto the rules and regulations applicable to municipal courts. The rules and

808 regulations made or adopted shall be filed with the city clerk, shall be available for public  
 809 inspection, and, upon request, a copy shall be furnished to all defendants in municipal court  
 810 proceedings at least 48 hours prior to said proceedings.

811 **SECTION 4.07.**

812 Appeal.

813 Any person convicted of an offense in the municipal court shall have the right to appeal to  
 814 the Superior Court of Montgomery County. The right of appeal and procedures pertaining  
 815 to appeal bonds to the superior court from the municipal court shall be in the same manner  
 816 and under the same procedure as generally prescribed for appeals and appeal bonds from the  
 817 probate court.

818 **ARTICLE V**  
 819 **ELECTIONS AND REMOVAL**

820 **SECTION 5.01.**

821 Applicability of general law.

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

824 **SECTION 5.02.**

825 Election of the city council and mayor.

826 (a) There shall be a municipal general election biennially in the odd years on the Tuesday  
 827 next following the first Monday in November.

828 (b) There shall be elected three councilmembers at one election and at every other regular  
 829 election thereafter. The remaining city council seats shall be filled at the election alternating  
 830 with the first election so that a continuing body is created. Terms shall be for four years.

831 **SECTION 5.03.**

832 Special elections; vacancies.

833 In the event that the office of mayor or councilmember shall become vacant, as provided in  
 834 Section 2.03 of this charter, the city council or those remaining shall order a special election  
 835 to fill the balance of the unexpired term of such official; provided, however, that if such  
 836 vacancy occurs within 12 months of the expiration of the term of that office, the city council

837 or those remaining may appoint a successor for the remainder of the term. In all other  
838 respects, the special election shall be held and conducted in accordance with Chapter 2 of  
839 Title 21 of the O.C.G.A., the Georgia Election Code, as now or hereafter amended.

840 **SECTION 5.04.**

841 Other provisions.

842 Except as otherwise provided by this charter, the city council shall, by ordinance, prescribe  
843 such rules and regulations it deems appropriate to fulfill any options and duties under the  
844 Georgia Election Code.

845 **SECTION 5.05.**

846 Removal of officers.

847 The mayor, councilmembers, or other appointed officers provided for in this charter may be  
848 removed from office for any one or more of the causes provided in Title 45 of the O.C.G.A.,  
849 or such other applicable laws as are or may hereafter be enacted.

850 **SECTION 5.06.**

851 Suspension of officers and employees.

852 The mayor, with the concurrence in writing of at least one councilmember, may suspend any  
853 employee of the city for good cause, with or without pay. The concurrence of a  
854 councilmember must be as to all of the terms of the mayor's suspension in order to be  
855 effective. Written notice shall be given to such employee specifying the ground or grounds  
856 for suspension. Such written notice shall be provided no later than three days after the  
857 employees last workday. The employee shall have the right to request a hearing before a  
858 quorum of the city council held pursuant to subsection (a) of Section 5.07 of this charter.

859 **SECTION 5.07.**

860 Right to hearing.

861 (a) Any employee who has been suspended under Section 5.06 of this charter shall have the  
862 right to appeal such suspension to a quorum of the city council by requesting a hearing in  
863 writing to the city clerk not later than five days after the suspension. If requested by the  
864 appointed officer or employee, such hearing shall be held at the next regularly scheduled

865 meeting of the city council. If no such hearing is requested, then the suspension shall stand  
866 as originally decreed.

867 (b) The quorum shall decide by a majority vote whether such employee or officer shall be  
868 terminated from employment or be reinstated with or without pay during such period of  
869 suspension.

870 (c) The purpose of said hearing shall be to allow said employee the opportunity to address  
871 the ground or grounds for said employee's suspension or termination. Nothing contained  
872 herein shall be construed as creating a property interest in employment with the city and all  
873 employees remain at-will employees and subject to the general laws, rules, and regulations  
874 of the state governing such status.

875 (d) The city council may provide by ordinance or resolution for any additional procedures  
876 under which such hearings shall be held.

877 **ARTICLE VI**  
878 **FINANCE**  
879 **SECTION 6.01.**  
880 **Property tax.**

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

887 **SECTION 6.02.**  
888 **Millage rate; due dates; payment methods.**

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

893

**SECTION 6.03.**

894

Occupation and business taxes.

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

899

**SECTION 6.04.**

900

Regulatory fees; permits.

901 The city council by ordinance shall have the power to require businesses or practitioners  
 902 doing business within this city to obtain a permit for such activity from the city and pay a  
 903 reasonable regulatory fee for such permit as provided by general law. Such fees shall reflect  
 904 the total cost to the city for regulating the activity, and if unpaid, shall be collected as  
 905 provided in Section 6.09 of this charter.

906

**SECTION 6.05.**

907

Franchises.

908 (a) The city council shall have the power to grant franchises for the use of this city's streets  
 909 and alleys for the purposes of railroads, street railways, telephone companies, electric  
 910 companies, electric membership corporations, cable television and other telecommunications  
 911 companies, gas companies, transportation companies, and other similar organizations. The  
 912 city council shall determine the duration, terms, whether the same shall be exclusive or  
 913 nonexclusive, and the consideration for such franchises; provided, however, that no franchise  
 914 shall be granted for a period in excess of 35 years and no franchise shall be granted unless  
 915 the city receives just and adequate compensation therefor. The city council shall provide for  
 916 the registration of all franchises with the city clerk in a registration book kept by the clerk.  
 917 The city council may provide by ordinance for the registration within a reasonable time of  
 918 all franchises previously granted.

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

924 **SECTION 6.06.**

925 Service charges.

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

930 **SECTION 6.07.**

931 Special assessments.

932 The city council by ordinance shall have the power to assess and collect the cost of  
 933 constructing, reconstructing, widening, or improving any public way, street, sidewalk,  
 934 curbing, gutters, sewers, or other utility mains and appurtenances from the abutting property  
 935 owners. If unpaid, such charges shall be collected as provided in Section 6.09 of this charter.

936 **SECTION 6.08.**

937 Construction; other taxes and fees.

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

941 **SECTION 6.09.**

942 Collection of delinquent taxes and fees.

943 The city council, by ordinance, may provide generally for the collection of delinquent taxes,  
 944 fees, or other revenue due the city under Sections 6.01 through 6.08 of this charter by  
 945 whatever reasonable means as are not precluded by law. This shall include providing for the  
 946 dates when the taxes or fees are due; late penalties or interest; issuance and execution of  
 947 fi.fa.'s; creation and priority of liens; making delinquent taxes and fees personal debts of the  
 948 persons required to pay the taxes or fees imposed; revoking city permits for failure to pay any  
 949 city taxes or fees; and providing for the assignment or transfer of tax executions.

950 **SECTION 6.10.**

951 General obligation bonds.

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

956 **SECTION 6.11.**

957 Revenue bonds; sinking fund.

958 Revenue bonds may be issued by the city council as state law now or hereafter provides.  
 959 Such bonds are to be paid out of any revenue produced by the project, program, or venture  
 960 for which they were issued. Whenever any bonds are issued by the City of Uvalda, it shall  
 961 be the duty of the city council to provide a sinking fund to pay off the principal and interest  
 962 of such bonds or series of bonds at their maturity.

963 **SECTION 6.12.**

964 Short-term loans.

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

967 **SECTION 6.13.**

968 Lease-purchase contracts.

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

976 **SECTION 6.14.**

977 Fiscal year.

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

982 **SECTION 6.15.**

983 Preparation of budgets.

984 The city council shall provide an ordinance or resolution on the procedures and requirements  
 985 for the preparation and execution of an annual operating budget, a capital improvement plan,  
 986 and a capital budget, including requirements as to the scope, content, and form of such  
 987 budgets and plans.

988 **SECTION 6.16.**

989 Submission of operating budget to city council.

990 On or before a date fixed by the city council but not later than 60 days prior to the beginning  
 991 of each fiscal year, the mayor shall cause to be submitted to the city council a proposed  
 992 operating budget for the ensuing fiscal year. The budget shall be accompanied by a message  
 993 that contains a statement of the general fiscal policies of the city, the important features of  
 994 the budget, explanations of major changes recommended for the next fiscal year, a general  
 995 summary of the budget, and such other pertinent comments and information. The operating  
 996 budget and the capital budget hereinafter provided for, the budget message, and all  
 997 supporting documents shall be filed in the office of the city clerk and shall be open to public  
 998 inspection.

999 **SECTION 6.17.**

1000 Action by city council on budget.

1001 (a) The city council may amend the proposed operating budget, except that the budget as  
 1002 finally amended and adopted must provide for all expenditures required by state law or by  
 1003 other provisions of this charter and for all debt service requirements for the ensuing fiscal  
 1004 year, and the total appropriations from any fund shall not exceed the estimated fund balance,  
 1005 reserves, and revenues.

1006 (b) The city council by ordinance shall adopt the final operating budget for the ensuing fiscal  
1007 year not less than the 30 days prior to the beginning of the fiscal year. If the city council fails  
1008 to adopt the budget by this date, the amounts appropriated for operation for the current fiscal  
1009 year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all  
1010 items prorated accordingly until such time as the city council adopts a budget for the ensuing  
1011 fiscal year. Adoption of the budget shall take the form of an appropriations ordinance setting  
1012 out the estimated revenues in detail by sources and making appropriations according to fund  
1013 and by organizational unit, purpose, or activity as set out in the budget preparation ordinance  
1014 adopted pursuant to Section 6.15 of this charter.

1015 (c) The amount set out in the adopted operating budget for each organizational unit shall  
1016 constitute the annual appropriation for such, and no expenditure shall be made or  
1017 encumbrance created in excess of the otherwise unencumbered balance of the appropriations  
1018 or allotment thereof, to which it is chargeable.

1019 **SECTION 6.18.**

1020 Tax levies.

1021 The city council shall levy by ordinance such taxes as are necessary. The taxes and tax rates  
1022 set by such ordinances shall be such that reasonable estimates of revenues from such levy  
1023 shall at least be sufficient, together with other anticipated revenues, fund balances, and  
1024 applicable reserves, to equal the total amount appropriated for each of the several funds set  
1025 forth in the annual operating budget for defraying the expenses of the general government  
1026 of this city.

1027 **SECTION 6.19.**

1028 Changes in appropriations.

1029 The city council by ordinance may make changes in the appropriations contained in the  
1030 current operating budget, at any regular meeting, special or emergency meeting called for  
1031 such purpose, but any additional appropriations may be made only from an existing  
1032 unexpended surplus.

1033 **SECTION 6.20.**

1034 Capital budget.

1035 (a) On or before the date fixed by the city council but no later than 60 days prior to the  
1036 beginning of each fiscal year, the mayor shall cause to be submitted to the city council a

1037 proposed capital improvements plan with a recommended capital budget containing the  
 1038 means of financing the improvements proposed for the ensuing fiscal year. The city council  
 1039 shall have power to accept, with or without amendments, or reject the proposed plan and  
 1040 proposed budget. The city council shall not authorize an expenditure for the construction of  
 1041 any building, structure, work, or improvement, unless the appropriations for such project are  
 1042 included in the capital budget, except to meet a public emergency as provided in Section 2.15  
 1043 of this charter.

1044 (b) The city council shall adopt by ordinance the final capital budget for the ensuing fiscal  
 1045 year no later than 30 days prior to the beginning of each fiscal year. No appropriation  
 1046 provided for in a prior capital budget shall lapse until the purpose for which the appropriation  
 1047 was made shall have been accomplished or abandoned; provided, however, that the mayor  
 1048 may submit amendments to the capital budget at any time during the fiscal year,  
 1049 accompanied by recommendations. Any such amendments to the capital budget shall become  
 1050 effective only upon adoption by ordinance.

1051 **SECTION 6.21.**

1052 Independent audit.

1053 There shall be an annual independent audit of all city accounts, funds, and financial  
 1054 transactions by a certified public accountant selected by the city council. The audit shall be  
 1055 conducted according to generally accepted auditing principles. Any audit of any funds by  
 1056 the state or federal governments may be accepted as satisfying the requirements of this  
 1057 charter. Copies of annual audit reports shall be available at printing costs to the public and  
 1058 shall be posted or published as required by state law.

1059 **SECTION 6.22.**

1060 Contracting procedures.

1061 No contract with the city shall be binding on the city unless:

- 1062 (1) It is in writing;
- 1063 (2) It is drawn by or submitted to and reviewed by the city attorney, and as a matter of  
 1064 course, is signed by the city attorney to indicate such drafting or review; and
- 1065 (3) It is made or authorized by the city council and such approval is entered in the city  
 1066 council minutes of proceedings pursuant to Section 2.17 of this charter.

1067 **SECTION 6.23.**

1068 Centralized purchasing.

1069 The city council shall by ordinance or resolution prescribe procedures for a system of  
1070 centralized purchasing for the city.

1071 **SECTION 6.24.**

1072 Sale and lease of city property.

1073 (a) The city council may sell and convey, or lease any real or personal property owned or  
1074 held by the city for governmental or other purposes as now or hereafter provided by law.

1075 (b) The city council may quitclaim any rights it may have in property not needed for public  
1076 purposes upon report by the mayor and adoption of a resolution, both finding that the  
1077 property is not needed for public or other purposes and that the interest of the city has no  
1078 readily ascertainable monetary value.

1079 (c) Whenever in opening, extending, or widening any street, avenue, alley, or public place  
1080 of the city, a small parcel or tract of land is cut off or separated by such work from a larger  
1081 tract or boundary of land owned by the city, the city council may authorize the mayor to sell  
1082 and convey said cut-off or separated parcel or tract of land to an abutting or adjoining  
1083 property owner or owners where such sale and conveyance facilitate the enjoyment of the  
1084 highest and best use of the abutting owner's property. Included in the sales contract shall be  
1085 a provision for the rights-of-way of said street, avenue, alley, or public place. Each abutting  
1086 property owner shall be notified of the availability of the property and given the opportunity  
1087 to purchase said property under such terms and conditions as set out by ordinance. All deeds  
1088 and conveyances heretofore and hereafter so executed and delivered shall convey all title and  
1089 interest the city has in such property, notwithstanding the fact that no public sale after  
1090 advertisement was or is hereafter made.

1091 **ARTICLE VII**

1092 **GENERAL PROVISIONS**

1093 **SECTION 7.01.**

1094 Bonds for officials.

1095 The officers and employees of this city, both elective and appointive, shall execute such  
1096 surety or fidelity bonds in such amounts and upon such terms and conditions as the city  
1097 council may from time to time require by ordinance or as may be provided by law.

1098 **SECTION 7.02.**

1099 Prior ordinances.

1100 All ordinances, resolutions, rules, and regulations now in force in the city not inconsistent  
1101 with this charter are hereby declared valid and of full effect and force until amended or  
1102 repealed by the city council.

1103 **SECTION 7.03.**

1104 Severability.

1105 If any article, section, subsection, paragraph, sentence, or part thereof of this charter shall be  
1106 held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect  
1107 or impair other parts of this charter unless it clearly appears that such other parts are wholly  
1108 and necessarily dependent upon the part held to be invalid or unconstitutional, it being the  
1109 legislative intent in enacting this charter that each article, section, subsection, paragraph,  
1110 sentence, or part thereof be enacted separately and independent of each other.

1111 **SECTION 7.04.**

1112 Specific repealer.

1113 An Act to provide a new charter for the City of Uvalda, approved March 13, 1957 (Ga.  
1114 L. 1957, p. 2929), is hereby repealed in its entirety and all amendatory acts thereto are  
1115 likewise repealed in their entirety.

1116 **SECTION 7.05.**

1117 Effective date.

1118 This Act shall become effective upon its approval by the Governor or upon its becoming law  
1119 without such approval.

1120 **SECTION 7.06.**

1121 General repealer.

1122 All laws and parts of laws in conflict with this Act are repealed.