

House Bill 1399

By: Representatives Scoggins of the 14th and Gambill of the 15th

A BILL TO BE ENTITLED
AN ACT

1 To provide a new charter for the City of White; to provide for incorporation, boundaries, and
2 powers of the city; to provide for the exercise of powers and limitations on powers; to
3 provide for a governing authority of such city and the powers, duties, authority, prohibitions,
4 elections, terms, removal from office, method of filling vacancies, compensation, expenses,
5 and qualifications; to provide for conflict of interest and holding other offices; to provide for
6 inquiries and investigations; to provide for organization and meeting procedures; to provide
7 for ordinances; to provide for eminent domain; to provide for codes; to provide for the office
8 of mayor and certain duties and powers relative to the office of mayor; to provide for a veto;
9 to provide for a mayor pro tempore; to provide for administrative responsibilities; to provide
10 for boards, commissions, and authorities; to provide for a city attorney, city clerk, and other
11 personnel; to provide for the establishment of a municipal court and the judge or judges
12 thereof; to provide for practices and procedures; to provide for taxation, permits, and fees;
13 to provide 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 sale of city property; to provide for bonds for officials; to provide
16 for pending matters; to provide for definitions and construction; to provide for severability;
17 to provide for related matters; to repeal specific Acts; to repeal conflicting laws; and for other
18 purposes.

H. B. 1399

- 1 -

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

20 ARTICLE I.
21 INCORPORATION AND POWERS

22 SECTION 1.10.
23 Name.

24 The city, and the inhabitants thereof, are reincorporated by the enactment of this charter and
25 are hereby constituted and declared a body politic and corporate under the name and style
26 City of White, Georgia, and by that name shall have perpetual succession.

27 SECTION 1.11.
28 Corporate boundaries.

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

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

SECTION 1.12.

Powers and construction.

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

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

SECTION 1.13.

Examples of powers.

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

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

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

63 (d) Business regulation and taxation. To levy and to provide for the collection of regulatory
64 fees and taxes on privileges, occupations, trades, and professions as authorized by Title 48
65 of the O.C.G.A., or other such applicable laws as are or may hereafter be enacted; to permit
66 and regulate the same; to provide for the manner and method of payment of such regulatory
67 fees and taxes; and to revoke such permits after due process for failure to pay any city taxes
68 or fees.

69 (e) Condemnation. To condemn property, inside or outside the corporate limits of the city,
70 for present or future use and for any corporate purpose deemed necessary by the governing
71 authority, utilizing procedures enumerated in Title 22 of the O.C.G.A., or such other
72 applicable laws as are or may hereafter be enacted.

73 (f) Contracts. To enter into contracts and agreements with other governmental entities and
74 with private persons, firms, and corporations.

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

79 (h) Environmental protection. To protect and preserve the natural resources, environment,
80 and vital areas of the city, the region, and the state through the preservation and improvement
81 of air quality, the restoration and maintenance of water resources, the control of erosion and
82 sedimentation, the management of stormwater and establishment of a stormwater utility, the
83 management of solid and hazardous waste, and other necessary actions for the protection of
84 the environment.

85 (i) Fire regulations. To fix and establish fire limits and from time to time to extend, enlarge,
86 or restrict the same; to prescribe fire safety regulations not inconsistent with general law,
87 relating to both fire prevention and detection and to fire fighting; and to prescribe penalties
88 and punishment for violations thereof.

- 89 (j) Garbage fees. To levy, fix, assess, and collect a garbage, refuse and trash collection and
90 disposal, and other sanitary service charge, tax, or fee for such services as may be necessary
91 in the operation of the city from all individuals, firms, and corporations residing in or doing
92 business therein benefiting from such services; to enforce the payment of such charges, taxes,
93 or fees; and to provide for the manner and method of collecting such service charges.
- 94 (k) General health, safety, and welfare. To define, regulate, and prohibit any act, practice,
95 conduct, or use of property which is detrimental to health, sanitation, cleanliness, welfare,
96 and safety of the inhabitants of the city, and to provide for the enforcement of such standards;
- 97 (l) Gifts. To accept or refuse gifts, donations, bequests, or grants from any source for any
98 purpose related to powers and duties of the city and the general welfare of its citizens, on
99 such terms and conditions as the donor or grantor may impose.
- 100 (m) Health and sanitation. To prescribe standards of health and sanitation and to provide
101 for the enforcement of such standards.
- 102 (n) Jail sentences. To provide that persons given jail sentences in the city's court may work
103 out such sentences in any public works or on the streets, roads, drains, and other public
104 property in the city, to provide for commitment of such persons to any jail, to provide for the
105 use of pretrial diversion and any alternative sentencing allowed by law, or to provide for
106 commitment of such persons to any county work camp or county jail by agreement with the
107 appropriate county officials.
- 108 (o) Motor vehicles. To regulate the operation of motor vehicles and exercise control over
109 all traffic, including parking upon or across the streets, roads, alleys, and walkways of the
110 city.
- 111 (p) Municipal agencies and delegation of power. To create, alter, or abolish departments,
112 boards, offices, commissions, and agencies of the city, and to confer upon such agencies the
113 necessary and appropriate authority for carrying out all the powers conferred upon or
114 delegated to the same.

- 115 (q) Municipal debts. To appropriate and borrow money for the payment of debts of the city
116 and to issue bonds for the purpose of raising revenue to carry out any project, program, or
117 venture authorized by this charter or the laws of the State of Georgia.
- 118 (r) Municipal property ownership. To acquire, dispose of, lease, and hold in trust or
119 otherwise, any real, personal, or mixed property, in fee simple or lesser interest, inside or
120 outside the property limits of the city.
- 121 (s) Municipal property protection. To provide for the preservation and protection of
122 property and equipment of the city, and the administration and use of same by the public; and
123 to prescribe penalties and punishment for violations thereof.
- 124 (t) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose of
125 public utilities, including, but not limited to, a system of waterworks, sewers and drains,
126 sewage disposal, stormwater management, gas works, electric light plants, cable television
127 and other telecommunications, transportation facilities, public airports, and any other public
128 utility; and to fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties,
129 and to provide for the withdrawal of service for refusal or failure to pay the same.
- 130 (u) Nuisance. To define a nuisance and provide for its abatement whether on public or
131 private property.
- 132 (v) Penalties. To provide penalties for violation of any ordinances adopted pursuant to the
133 authority of this charter and the laws of the State of Georgia.
- 134 (w) Planning and zoning. To provide comprehensive city planning for development by
135 zoning; and to provide subdivision regulation and the like as the city council deems
136 necessary and reasonable to insure a safe, healthy, and aesthetically pleasing community.
- 137 (x) Police and fire protection. To exercise the power of arrest through duly appointed police
138 officers, and to establish, operate, or contract for a police and a firefighting agency.
- 139 (y) Public hazards: removal. To provide for the destruction and removal of any building or
140 other structure which is or may become dangerous or detrimental to the public.

(z) Public improvements. To provide for the acquisition, construction, building, operation, and maintenance of public ways, parks and playgrounds, recreational facilities, cemeteries, markets and market houses, public buildings, libraries, public housing, airports, hospitals, terminals, docks, parking facilities, or charitable, cultural, educational, recreational, conservation, sport, curative, corrective, detentional, penal, and medical institutions, agencies, and facilities; and to provide any other public improvements, inside or outside the corporate limits of the city; to regulate the use of public improvements; and for such purposes, property may be acquired by condemnation under Title 22 of the O.C.G.A., or such other applicable laws as are or may hereafter be enacted.

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

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

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

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

(ee) Retirement. To provide and maintain a retirement plan and other employee benefit plans and programs for officers and employees of the city.

(ff) Roadways. To lay out, open, extend, widen, narrow, establish or change the grade of, abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise improve,

168 maintain, repair, clean, prevent erosion of, and light the roads, alleys, and walkways within
169 the corporate limits of the city; and to grant franchises and rights of way throughout the
170 streets and roads, and over the bridges and viaducts for the use of public utilities; and to
171 require real estate owners to repair and maintain in a safe condition the sidewalks adjoining
172 their lots or lands, and to impose penalties for failure to do so.

173 (gg) Sewer fees. To levy a fee, charge, or sewer tax as necessary to assure the acquiring,
174 constructing, equipping, operating, maintaining, and extending of a sewage disposal plant
175 and sewerage system, and to levy on those to whom sewers and sewerage systems are made
176 available a sewer service fee, charge, or sewer tax for the availability or use of the sewers;
177 to provide for the manner and method of collecting such service charges and for enforcing
178 payment of the same; and to charge, impose, and collect a sewer connection fee or fees to
179 those connected with the system.

180 (hh) Solid waste disposal. To provide for the collection and disposal of garbage, rubbish,
181 and refuse, and to regulate the collection and disposal of garbage, rubbish, and refuse by
182 others; and to provide for the separate collection of glass, tin, aluminum, cardboard, paper,
183 and other recyclable materials, and to provide for the sale of such items.

184 (ii) Special areas of public regulation. To regulate or prohibit junk dealers, the manufacture
185 and sale of intoxicating liquors; to regulate the transportation, storage, and use of
186 combustible, explosive, and inflammable materials, the use of lighting and heating
187 equipment, and any other business or situation which may be dangerous to persons or
188 property; to regulate and control the conduct of peddlers and itinerant traders, theatrical
189 performances, exhibitions, and shows of any kind, by taxation or otherwise; to license and
190 tax professional fortune telling, palmistry, and massage parlors: and to restrict adult stores
191 to certain areas.

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

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

196 (ll) Taxes: Other. To levy and collect such other taxes as may be allowed now or in the
197 future by law.

198 (mm) Taxicabs. To regulate and license vehicles operated for hire in the city; to limit the
199 number of such vehicles; to require the operators thereof to be licensed; to require public
200 liability insurance on such vehicles in the amounts to be prescribed by ordinance; and to
201 regulate the parking of such vehicles.

202 (nn) Urban redevelopment. To organize and operate an urban redevelopment program.

203 (oo) Other powers. To exercise and enjoy all other powers, functions, rights, privileges, and
204 immunities necessary or desirable to promote or protect the safety, health, peace, security,
205 good order, comfort, convenience, or general welfare of the city and its inhabitants; and to
206 exercise all implied powers necessary or desirable to carry into execution all powers granted
207 in this charter as fully and completely as if such powers were fully stated herein; and to
208 exercise all powers now or in the future authorized to be exercised by other municipal
209 governments under other laws of the State of Georgia; and no listing of particular powers in
210 this charter shall be held to be exclusive of others, nor restrictive of general words and
211 phrases granting powers, but shall be held to be in addition to such powers unless expressly
212 prohibited to municipalities under the Constitution or applicable laws of the State of Georgia.

213 SECTION 1.14.

214 Exercise of powers.

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

219 ARTICLE II.
220 GOVERNMENT STRUCTURE: LEGISLATIVE BRANCH

221 SECTION 2.10.

222 City council creation; number; election.

223 The legislative authority of the government of this city, except as otherwise specifically
224 provided in this charter, shall be vested in a mayor and city council. The city council
225 established shall in all respects be a successor to and continuation of the governing authority
226 under prior law. The councilmembers shall be elected in the manner provided by general law
227 and this charter. The council shall be composed of four members elected by the voters of the
228 city at large in accordance with the provisions of Article V of this charter. The mayor shall
229 be elected as provided in Section 2.27 of this charter.

230 SECTION 2.11.

231 City council terms and qualifications for office.

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

SECTION 2.12.

Vacancy; filling of vacancies.

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

(b) A vacancy in the office of mayor or councilmember shall be filled for the remainder of the unexpired term, if any, by appointment by the city council or those members remaining if less than 12 months remain in the unexpired term. If such vacancy occurs 12 months or more prior to the expiration of the term of that office, it shall be filled for the remainder of the unexpired term by a special election, as provided for in Section 5.14 of this charter and in accordance with Titles 21 and 45 of the O.C.G.A., or other such laws as are or may hereafter be enacted.

(c) This section shall also apply to a temporary vacancy created by the suspension from office of any councilmember.

SECTION 2.13.

Compensation and expenses.

The councilmembers shall receive compensation and expenses for their services as provided by ordinance.

SECTION 2.14.

Conflicts of interest; holding other offices.

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

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

(c) No elected official, appointed officer, or employee of the city or any agency or entity to which this charter applies shall knowingly:

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

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

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

(4) Accept any valuable gift, whether in the form of a service, loan, thing, or promise, from any person, firm, or corporation which to the official's knowledge is interested, directly or indirectly, in any manner whatsoever, in business dealings with the governmental body by which the official is engaged; provided, however, that an elected official who is a candidate

281 for public office may accept campaign contributions and services in connection with any
282 such campaign;

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

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

287 (d) Any elected official, appointed officer, or employee of the city who shall have any
288 financial interest, directly or indirectly, in any contract or matter pending before or within
289 any department of the city shall disclose such interest to the city council. The mayor or any
290 councilmember who has a financial interest in any matter pending before the city council
291 shall disclose such interest and such disclosure shall be entered on the records of the city
292 council, and that official shall disqualify himself or herself from participating in any decision
293 or vote relating thereto. Any elected official, appointed officer, or employee of any agency
294 or entity to which this charter applies who shall have any financial interest, directly or
295 indirectly, in any contract or matter pending before or within such entity shall disclose such
296 interest to the governing body of such agency or entity.

297 (e) No elected official, appointed officer, or employee of the city or any agency or entity to
298 which this charter applies shall use property owned by such governmental entity for personal
299 benefit or profit but shall use such property only in their capacity as an officer or employee
300 of the city.

301 (f) Any violation of this section which occurs with the knowledge, express or implied, of a
302 party to a contract or sale shall render said contract or sale voidable at the option of the city
303 council.

304 (g) Except where authorized by law, neither the mayor nor any councilmember shall hold
305 any other elective or appointive office in the city or otherwise be employed by said
306 government or any agency thereof during the term for which that official was elected. No

former mayor and no former councilmember shall hold any appointive office in the city until one year after the expiration of the term for which that official was elected.

(h) No appointed officer of the city shall continue in such employment upon qualifying as a candidate for nomination or election to any public office. No employee of the city shall continue in such employment upon qualifying for or election to any public office in this city or any other public office which is inconsistent, incompatible, or in conflict with the duties of the city employee. Such determination shall be made by the council either immediately upon election or at any time such conflict may arise.

(i) Penalties for violation:

(1) Any officer or employee of the city who knowingly conceals a financial interest or knowingly violates any of the requirements of this section shall be guilty of malfeasance in office or position and shall be deemed to have forfeited that person's office or position.

(2) Any officer or employee of the city who shall forfeit an office or position as described in paragraph (1) of this subsection shall be ineligible for appointment or election to or employment in a position in the city government for a period of three years thereafter.

SECTION 2.15.

Inquiries and investigations.

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

330 SECTION 2.16.

331 General power and authority of the city council.

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

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

341 SECTION 2.17.

342 Eminent domain.

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

SECTION 2.18.

Organizational meetings.

The city council shall hold an organizational meeting in January at a time and place set by ordinance. The meeting shall be called to order by the mayor-elect and the oath of office shall be administered to the newly elected members by an officer authorized to administer oaths and shall, to the extent that it comports with federal and state law, be as follows:

"I do solemnly (swear)(affirm) that I will faithfully perform the duties of (mayor)(councilmember) of this city and that I will support and defend the charter thereof as well as the Constitution and laws of the State of Georgia and of the United States of America."

SECTION 2.19.

Regular and special meetings.

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

(b) Special meetings of the city council may be held on call of the mayor or members of the city council. Notice of such special meetings shall be served on all other members personally, or by telephone personally, at least 48 hours in advance of the meeting. Such notice to councilmembers shall not be required if the mayor and all councilmembers are present when the special meeting is called. Such notice of any special meeting may be waived by a councilmember in writing before or after such a meeting, and attendance at the meeting shall also constitute a waiver of notice on any business transacted in such councilmember's presence. Only the business stated in the call may be transacted at the special meeting.

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

378 SECTION 2.20.
379 Rules of procedure.

380 (a) The city council shall adopt its rules of procedure and order of business consistent with
381 the provisions of this charter and shall provide for keeping a journal of its proceedings, which
382 shall be a public record.
383 (b) All committees and committee chairs and officers of the city council shall be appointed
384 by the mayor and shall serve at the pleasure of the mayor. The mayor shall have the power
385 to appoint new members to any committee at any time.

386 SECTION 2.21.
387 Quorum; voting.

388 (a) Three members of the city council, or the mayor and two members of the city council,
389 shall constitute a quorum and shall be authorized to transact business of the city council.
390 Voting on the adoption of ordinances shall be by voice vote and the vote shall be recorded
391 in the journal, but any member of the city council shall have the right to request a roll call
392 vote and such vote shall be recorded in the journal. Except as otherwise provided in this
393 charter, the affirmative vote of three members of the city council, or the mayor and two
394 members of the city council, shall be required for the adoption of any ordinance, resolution,
395 or motion.

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

403 SECTION 2.22.

404 Ordinance form; procedures.

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

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

SECTION 2.23.

Action requiring an ordinance.

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

SECTION 2.24.

Emergencies.

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

(b) Such meetings shall be open to the public to the extent required by law and notice to the public of emergency meetings shall be made as fully as is reasonably possible in accordance

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

442 SECTION 2.25.
443 Codes of technical regulations.

444 (a) The city council may adopt any standard code of technical regulations by reference
445 thereto in an adopting ordinance. The procedure and requirements governing such adopting
446 ordinance shall be as prescribed for ordinances generally except that:

447 (1) The requirements of subsection (b) of Section 2.22 of this charter for distribution and
448 filing of copies of the ordinance shall be construed to include copies of any code of
449 technical regulations, as well as the adopting ordinance: and

450 (2) A copy of each adopted code of technical regulations, as well as the adopting
451 ordinance, shall be authenticated and recorded by the city clerk pursuant to Section 2.26
452 of this charter.

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

455 SECTION 2.26.
456 Signing; authenticating; recording; codification; printing.

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

459 (b) The city council shall provide for the preparation of a general codification of all the
460 ordinances of the city having the force and effect of law. The general codification shall be
461 adopted by the city council by ordinance and shall be published promptly, together with all
462 amendments thereto and such codes of technical regulations and other rules and regulations

463 as the city council may specify. This compilation shall be known and cited officially as "The
464 Code of the City of White, Georgia." Copies of the code shall be furnished to all officers,
465 departments, and agencies of the city and made available for purchase by the public at the
466 printing cost.

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

476 SECTION 2.27.

477 Election of mayor; forfeiture; compensation.

478 The mayor shall be elected and serve for a term of four years and until a successor is elected
479 and qualified. The mayor shall be a qualified elector of this city and shall have been a
480 resident of the city for 12 months preceding the election. The mayor shall continue to reside
481 in this city during the mayor's period of service. The mayor shall forfeit the office on the
482 same grounds and under the same procedure as for councilmembers. The compensation of
483 the mayor shall be an hourly rate equal to the rate of pay of the city clerk, with the exception
484 that the mayor shall receive the same rate of pay for attending council meetings as prescribed
485 by ordinance for councilmembers.

SECTION 2.28.

Chief executive officer.

The mayor shall be the chief executive of the city. The mayor shall possess all of the executive and administrative power granted to the city under the Constitution and laws of the State of Georgia, and all of the executive and administrative powers contained in this charter.

SECTION 2.29.

Powers and duties of mayor.

The mayor shall:

- (1) Preside at all meetings of the city council;
- (2) Be the head of the city for the purposes of service of process and for ceremonial purposes and be the official spokesperson for the city and chief advocate of policy;
- (3) Recommend all officers and department heads to the city council for hire and termination;
- (4) Have the power to administer oaths and to take affidavits;
- (5) Hire and supervise employees of the city, except as otherwise provided in this charter. The mayor may authorize any administrative officer to exercise these powers with respect to subordinates in that officer's department, office, or agency;
- (6) Sign as a matter of course on behalf of the city all written and approved contracts, ordinances, and other instruments executed by the city which by law are required to be in writing;
- (7) Exercise supervision over all executive and administrative work of the city and provide for the coordination of administrative activities;
- (8) Vote on matters before the city council and be counted toward a quorum as a councilmember;

- 510 (9) Prepare and submit to the city council a recommended operating budget and capital
511 budget;
- 512 (10) Submit to the city council at least once a year a statement covering the financial
513 conditions of the city, and from time to time, such other information as the city council
514 may request;
- 515 (11) Recommend to the city council such measures relative to the affairs of the city,
516 improvement of the government, and promotion of the welfare of its inhabitants as the
517 mayor may deem expedient;
- 518 (12) Call special meetings of the city council as provided for in subsection (b) of
519 Section 2.19 of this charter;
- 520 (13) Provide for an annual audit of all accounts of the city;
- 521 (14) Require any department or agency of the city to submit written reports whenever
522 the mayor deems it expedient; and
- 523 (15) Perform such other duties as may be required by law, this charter, or by ordinance.

524 SECTION 2.30.
525 Limitation on terms of service.

526 The mayor may run for an unlimited number of consecutive terms.

527 SECTION 2.31.
528 Mayor pro tempore; selection; duties.

529 By a majority vote, the city council shall elect a councilmember to serve as mayor pro
530 tempore. The mayor pro tempore shall preside at all meetings of the city council and shall
531 assume the duties and powers of the mayor upon the mayor's physical or mental disability,
532 suspension from office, or absence. The city council by a majority vote shall elect a new

533 presiding officer from among its members for any period in which the mayor pro tempore
534 is disabled, absent, or acting as mayor. Any such absence or disability shall be declared by
535 majority vote of all councilmembers. When serving as mayor, the mayor pro tempore shall
536 not also vote as a member of the council.

537 ARTICLE III.
538 ADMINISTRATIVE AFFAIRS

539 SECTION 3.10.
540 Administrative and service departments.

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

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

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

550 (d) There shall be a director of each department or agency who shall be its principal officer.
551 Each director shall be responsible for the administration and direction of the affairs and
552 operations of that director's department or agency.

553 (e) All appointed officers and directors shall be nominated by the mayor with confirmation
554 of appointment by the city council. All appointed officers and directors shall be employees
555 at will and subject to removal or suspension at any time by the city council unless otherwise
556 provided by law or ordinance.

SECTION 3.11.

Boards, commissions, and authorities.

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

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

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

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

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

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

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

(h) Except as otherwise provided by this charter or by law, each board, commission, or authority of the city shall elect one of its members as chair and one member as vice-chair, and may elect as its secretary one of its own members or may appoint as secretary an

583 employee of the city. Each board, commission, or authority of the city government may
584 establish such bylaws, rules, and regulations, not inconsistent with this charter, ordinances
585 of the city, or law, as it deems appropriate and necessary for the fulfillment of its duties or
586 the conduct of its affairs. Copies of such bylaws, rules, and regulations shall be filed with
587 the city clerk.

588 SECTION 3.12.

589 City attorney.

590 The city council shall appoint a city attorney, together with such assistant city attorneys as
591 may be authorized, and shall provide for the payment of such attorney or attorneys for
592 services rendered to the city. The city attorney shall be responsible for providing for the
593 representation and defense of the city in all litigation in which the city is a party; may be the
594 prosecuting officer in the municipal court: shall attend the meetings of the council as
595 directed; shall advise the city council, mayor, and other officers and employees of the city
596 concerning legal aspects of the city's affairs; and shall perform such other duties as may be
597 required by virtue of the person's position as city attorney. The city attorney is not a public
598 official of the city and shall not take an oath of office. The city attorney shall at all times be
599 an independent contractor. A law firm, rather than an individual, may be designated as the
600 city attorney.

601 SECTION 3.13.

602 City clerk.

603 The city council shall appoint a city clerk who shall not be a councilmember. The city clerk
604 shall be custodian of the official city seal and city records; maintain city council records as

605 required by this charter; and perform such other duties as may be required by the city
606 council.

607 SECTION 3.14.

608 City accountant.

609 The city council shall appoint a city accountant who shall not be a councilmember. The city
610 accountant shall be custodian of accounting books and shall perform such other duties as may
611 be required by the city.

612 SECTION 3.15.

613 Position classification and pay plans.

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

620 SECTION 3.16.

621 Personnel policies.

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

624 ARTICLE IV.
625 JUDICIAL BRANCH: MUNICIPAL COURT

626 SECTION 4.10.
627 Creation; name.

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

629 SECTION 4.11.
630 Chief judge; associate judge.

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

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

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

638 (d) Judges shall serve a term and may be removed as provided for by general law.

639 (e) Before assuming office, each judge shall take an oath, given by the mayor, that the judge
640 will honestly and faithfully discharge the duties of the office to the best of that person's
641 ability and without fear, favor, or partiality. The oath shall be entered upon the minutes of
642 the city council journal required in Section 2.20 of this charter.

643 SECTION 4.12.
644 Convening.

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

646 SECTION 4.13.
647 Jurisdiction; powers.

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

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

652 (c) The municipal court may fix punishment for offenses within its jurisdiction not
653 exceeding a fine of \$1,000.00, or imprisonment for 180 days, or both such fine and
654 imprisonment, or may fix punishment by fine, imprisonment, or alternative sentencing as
655 now or hereafter provided by law. The fine schedule may be revised by the council by
656 ordinance.

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

660 (e) The municipal court shall have authority to establish bail and recognizances to ensure
661 the presence of those charged with violations before such court, and shall have discretionary
662 authority to accept cash or personal or real property as surety for the appearance of persons
663 charged with violations. Whenever any person shall give bail for that person's appearance
664 and shall fail to appear at the time fixed for trial, the bond shall be forfeited by the judge
665 presiding at such time, and an execution issued thereon by serving the defendant and the
666 defendant's sureties with a rule nisi, at least two days before a hearing on the rule nisi. In the

667 event that cash or property is accepted in lieu of bond for security for the appearance of a
668 defendant at trial, and if such defendant fails to appear at the time and place fixed for trial,
669 the cash so deposited shall be on order of the judge declared forfeited to the city, or the
670 property so deposited shall have a lien against it for the value forfeited which lien shall be
671 enforceable in the same manner and to the same extent as a lien for city property taxes.

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

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

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

682 SECTION 4.14.

683 Appeal.

684 The right of appeal from the decision and judgment of the municipal court shall exist in all
685 criminal cases and ordinance violation cases, and such appeal shall be had pursuant to
686 general law.

687 SECTION 4.15.

688 Rules for court.

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

696 ARTICLE V.

697 ELECTIONS AND REMOVAL

698 SECTION 5.10.

699 Applicability of general law.

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

702 SECTION 5.11.

703 Election of the city council and mayor.

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

706 (b) There shall be elected the mayor and two councilmembers at one election and at every
707 other regular election thereafter. The remaining city council seats shall be filled at the

708 election alternating with the first election so that a continuing body is created. Terms shall
709 be for four years.

710 SECTION 5.12.
711 Nonpartisan elections.

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

714 SECTION 5.13.
715 Election by plurality.

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

717 SECTION 5.14.
718 Special elections; vacancies.

719 In the event that the office of mayor or councilmember shall become vacant as provided in
720 Section 2.12 of this charter, the city council or those remaining shall order a special election
721 to fill the balance of the unexpired term of such official; provided, however, that, if such
722 vacancy occurs within 12 months of the expiration of the term of that office, the city council
723 or those remaining shall appoint a successor for the remainder of the term. In all other
724 respects, the special election shall be held and conducted in accordance with Chapter 2 of
725 Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended.

726 SECTION 5.15.
727 Other provisions.

728 Except as otherwise provided by this charter, the city council shall, by ordinance, prescribe
729 such rules and regulations it deems appropriate to fulfill any options and duties under
730 Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code."

731 SECTION 5.16.
732 Removal of officers.

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

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

738 (1) Following a hearing at which an impartial panel shall render a decision. In the event
739 an elected officer is sought to be removed by the action of the city council, such officer
740 shall be entitled to a written notice specifying the ground or grounds for removal and to a
741 public hearing which shall be held not less than ten days after the service of such written
742 notice. The city council shall provide by ordinance for the manner in which such hearings
743 shall be held. Any elected officer sought to be removed from office as herein provided
744 shall have the right of appeal from the decision of the city council to the Superior Court of
745 Bartow County. Such appeal shall be governed by the same rules as govern appeals to the
746 superior court from the probate court.

747 (2) By an order of the Superior Court of Bartow County following a hearing on a
748 complaint seeking such removal brought by any resident of the City of White.

749 ARTICLE VI.
750 FINANCE

751 SECTION 6.10.
752 Property tax.

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

759 SECTION 6.11.
760 Millage rate; due dates; payment methods.

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

765 SECTION 6.12.
766 Occupation and business taxes.

767 The city council by ordinance shall have the power to levy such occupation or business taxes
768 as are not denied by law. The city council may classify businesses, occupations, or

769 professions for the purpose of such taxation in any way which may be lawful and may
770 compel the payment of such taxes as provided in Section 6.18 of this charter.

771 SECTION 6.13.

772 Regulatory fees; permits.

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

778 SECTION 6.14.

779 Franchises.

780 (a) The city council shall have the power to grant franchises for the use of this city's streets
781 and alleys for the purposes of railroads, street railways, telephone companies, electric
782 companies, electric membership corporations, cable television and other telecommunications
783 companies, gas companies, transportation companies, and other similar organizations. The
784 city council shall determine the duration, terms, whether the same shall be exclusive or
785 nonexclusive, and the consideration for such franchises; provided, however, that no franchise
786 shall be granted for a period in excess of 35 years and no franchise shall be granted unless
787 the city receives just and adequate compensation therefor. The city council shall provide for
788 the registration of all franchises with the city clerk in a registration book kept by the clerk.
789 The city council may provide by ordinance for the registration within a reasonable time of
790 all franchises previously granted.

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

796 SECTION 6.15.

797 Service charges.

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

802 SECTION 6.16.

803 Special assessments.

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

808 SECTION 6.17.

809 Construction; other taxes and fees.

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

813 SECTION 6.18.

814 Collection of delinquent taxes and fees.

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

822 SECTION 6.19.

823 General obligation bonds.

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

828 SECTION 6.20.

829 Revenue bonds.

830 Revenue bonds may be issued by the city council as state law now or hereafter provides.

831 Such bonds are to be paid out of any revenue produced by the project, program, or venture

832 for which they were issued.

833 SECTION 6.21.

834 Short-term loans.

835 The city may obtain short-term loans and shall repay such loans not later than December 31

836 of each year, unless otherwise provided by law.

837 SECTION 6.22.

838 Lease-purchase contracts.

839 The city may enter into multiyear lease, purchase, or lease-purchase contracts for the

840 acquisition of goods, materials, real and personal property, services, and supplies provided

841 the contract terminates without further obligation on the part of the municipality at the close

842 of the calendar year in which it was executed and at the close of each succeeding calendar

843 year for which it may be renewed. Contracts shall be executed in accordance with the

844 requirements of Code Section 36-60-13 of the O.C.G.A., or other such applicable laws as are

845 or may hereafter be enacted.

846 SECTION 6.23.

847 Fiscal year.

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

852 SECTION 6.24.

853 Preparation of budgets.

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

858 SECTION 6.25.

859 Submission of operating budget to city council.

860 On or before a date fixed by the city council but not later than 60 days prior to the beginning
861 of each fiscal year, the mayor shall submit to the city council a proposed operating budget
862 for the ensuing fiscal year. The budget shall be accompanied by a message from the mayor
863 containing a statement of the general fiscal policies of the city, the important features of the
864 budget, explanations of major changes recommended for the next fiscal year, a general
865 summary of the budget, and such other pertinent comments and information. The operating
866 budget and the capital budget hereinafter provided for, the budget message, and all

867 supporting documents shall be filed in the office of the city clerk and shall be open to public
868 inspection.

869 SECTION 6.26.

870 Action by city council on budget.

871 (a) The city council may amend the operating budget proposed by the mayor; provided that
872 the budget as finally amended and adopted shall provide for all expenditures required by state
873 law or by other provisions of this charter and for all debt service requirements for the ensuing
874 fiscal year, and the total appropriations from any fund shall not exceed the estimated fund
875 balance, reserves, and revenues.

876 (b) The city council by ordinance shall adopt the final operating budget for the ensuing fiscal
877 year not later than the 15th day of December of each year. If the city council fails to adopt
878 the budget by this date, the amounts appropriated for operation for the current fiscal year
879 shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items
880 prorated accordingly until such time as the city council adopts a budget for the ensuing fiscal
881 year. Adoption of the budget shall take the form of an appropriations ordinance setting out
882 the estimated revenues in detail by sources and making appropriations according to fund and
883 by organizational unit, purpose, or activity as set out in the budget preparation ordinance
884 adopted pursuant to Section 6.24 of this charter.

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

889 SECTION 6.27.

890 Tax levies.

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

897 SECTION 6.28.

898 Changes in appropriations.

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

903 SECTION 6.29.

904 Capital budget.

905 (a) On or before the date fixed by the city council but no later than 30 days prior to the
906 beginning of each fiscal year, the mayor shall submit to the city council a proposed capital
907 improvements plan with a recommended capital budget containing the means of financing
908 the improvements proposed for the ensuing fiscal year. The city council shall have the power
909 to accept, with or without amendments, or reject the proposed plan and proposed budget.
910 The city council shall not authorize an expenditure for the construction of any building,

911 structure, work, or improvement, unless the appropriations for such project are included in
912 the capital budget, except to meet a public emergency as provided in Section 2.24 of this
913 charter.

914 (b) The city council shall adopt by ordinance the final capital budget for the ensuing fiscal
915 year not later than the 15th day of December of each year. No appropriation provided for in
916 a prior capital budget shall lapse until the purpose for which the appropriation was made
917 shall have been accomplished or abandoned: provided, however, that the mayor may submit
918 amendments to the capital budget at any time during the fiscal year, accompanied by
919 recommendations. Any such amendments to the capital budget shall become effective only
920 upon adoption by ordinance.

921 SECTION 6.30.
922 Independent audit.

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

928 SECTION 6.31.
929 Contracting procedures.

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

- 931 (1) It is in writing;
932 (2) It is drawn by or submitted to and reviewed by the city attorney, and as a matter of
933 course, is signed by the city attorney to indicate such drafting or review; and

934 (3) It is made or authorized by the city council and such approval is entered in the city
935 council journal of proceedings pursuant to Section 2.20 of this charter.

936 SECTION 6.32.
937 Centralized purchasing.

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

940 SECTION 6.33.
941 Sale and lease of city property.

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

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

948 (c) Whenever in opening, extending, or widening any street, avenue, alley, or public place
949 of the city, a small parcel or tract of land is cut off or separated by such work from a larger
950 tract or boundary of land owned by the city, the city council may authorize the mayor to sell
951 and convey said cut-off or separated parcel or tract of land to an abutting or adjoining
952 property owner or owners where such sale and conveyance facilitates the enjoyment of the
953 highest and best use of the abutting owner's property. Included in the sales contract shall be
954 a provision for the rights of way of such street, avenue, alley, or public place. Each abutting
955 property owner shall be notified of the availability of the property and given the opportunity
956 to purchase such property under such terms and conditions as set out by ordinance. All deeds

957 and conveyances heretofore and hereafter so executed and delivered shall convey all title and
958 interest the city has in such property, notwithstanding the fact that no public sale after
959 advertisement was or is hereafter made.

960 ARTICLE VII.
961 GENERAL PROVISIONS

962 SECTION 7.10.
963 Bonds for officials.

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

967 SECTION 7.11.
968 Prior ordinances.

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

972 SECTION 7.12.
973 Existing personnel and officers.

974 Except as specifically provided otherwise by this charter, all personnel and officers of the
975 city and their rights, privileges, and powers shall continue beyond the time this charter takes
976 effect for a period of 90 days before or during which the existing city council shall pass a

977 transition ordinance detailing the changes in personnel and appointed officers required or
978 desired and arranging such titles, rights, privileges, and powers as may be required or desired
979 to allow a reasonable transition.

980 SECTION 7.13.

981 Pending matters.

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

986 SECTION 7.14.

987 Construction.

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

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

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

993 SECTION 7.15.

994 Severability.

995 If any article, section, subsection, paragraph, sentence, or part thereof of this charter shall be
996 held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect
997 or impair other parts of this charter unless it clearly appears that such other parts are wholly

998 and necessarily dependent upon the part held to be invalid or unconstitutional, it being the
999 legislative intent in enacting this charter that each article, section, subsection, paragraph,
1000 sentence, or part thereof be enacted separately and independent of each other.

1001 SECTION 7.16.

1002 Specific repealer.

1003 An Act providing for a new charter for the City of White, approved May 6, 2019 (Ga.
1004 L. 2019, p. 3880), is hereby repealed in its entirety; and all amendatory acts thereto are
1005 likewise repealed in their entirety.

1006 SECTION 7.17.

1007 General repealer.

1008 All laws and parts of laws in conflict with this Act are repealed.