

House Bill 1205 (AS PASSED HOUSE AND SENATE)

By: Representative Dickey of the 134th

A BILL TO BE ENTITLED

AN ACT

1 To provide a new charter for the City of Yatesville; to provide for incorporation, boundaries,
2 and 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
9 mayor pro tem; to provide for administrative responsibilities; to provide for boards,
10 commissions, and authorities; to provide for a city attorney, 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 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 provide for an effective date; and for other purposes.

H. B. 1205

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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

19 **ARTICLE I**
20 **INCORPORATION AND POWERS**

21 **SECTION 1.1.**
22 **Name.**

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

26 **SECTION 1.2.**
27 **Corporate boundaries.**

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

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

SECTION 1.3.

Powers and construction.

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

(b) The powers of 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 1.4.

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 as provided for this charter.

(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.

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

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

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

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

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

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

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

93 (k) General health, safety and welfare. To define, regulate and prohibit any act, practice,
94 conduct or use of property which is detrimental to health, sanitation, cleanliness, welfare, and
95 safety of the inhabitants of the city, and to provide for the enforcement of such standards.

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

99 (m) Health and sanitation. To prescribe standards of health and sanitation and to provide
100 for the enforcement of such standards.

101 (n) Jail sentences. To provide that persons given jail sentences in the city's court may work
102 out such sentences in any public works or on the streets, roads, drains and other public
103 property in the city, to provide for commitment of such persons to any jail, to provide for the
104 use of pretrial diversion and any alternative sentencing allowed by law, or to provide for
105 commitment of such persons to any county work camp or county jail by agreement with the
106 appropriate county officials.

107 (o) Motor vehicles. To regulate the operation of motor vehicles and exercise control over
108 all traffic, including parking upon or across the streets, roads, alleys and walkways of the
109 city.

110 (p) Municipal agencies and delegation of power. To create, alter or abolish departments,
111 boards, offices, commissions and agencies of the city, and to confer upon such agencies the
112 necessary and appropriate authority for carrying out all the powers conferred upon or
113 delegated to the same.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

212 **SECTION 1.5.**

213 Exercise of powers.

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

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ARTICLE II

219

GOVERNMENT STRUCTURE

220

SECTION 2.1.

221

City council creation; number; election.

222

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

227

(b) The council shall be composed of five members elected by the voters of the city at large in accordance with provisions of Article V. Not more than one councilmember shall reside in each district. The mayor shall be elected as provided in Section 2.32.

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SECTION 2.2.

231

City council terms and qualifications for office.

232

The mayor and members of the city council shall serve for terms of four years and until their respective successors are elected and qualified. No person shall be eligible to serve as mayor or councilmember unless that person shall have been a resident of the city for 24 months prior to the date of election of the mayor or members of the council; each shall continue to reside therein during that member's period of service and to be registered and qualified to vote in municipal elections of this city.

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SECTION 2.3.

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Vacancy; filling of vacancies.

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

244 (b) Filling of vacancies. A vacancy in the office of mayor or councilmember shall be filled
245 for the remainder of the unexpired term, if any, by appointment by the city council or those
246 members remaining if less than 12 months remains in the unexpired term. If such vacancy
247 occurs 12 months or more prior to the expiration of the term of that office, it shall be filled
248 for the remainder of the unexpired term by a special election, as provided for in Section 5.5
249 of this charter and in accordance with Titles 21 and 45 of the O.C.G.A., or other such laws
250 as are or may hereafter be enacted.

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

253

SECTION 2.4.

254

Compensation and expenses.

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

257 **SECTION 2.5.**

258 Holding other office; voting when financially interested.

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

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

263 (c) Neither the mayor nor any member of the city council shall vote upon, sign or veto any
264 ordinance, resolution, contract or other matter in which that person is financially interested.

265 **SECTION 2.6.**

266 Conflicts of interest; holding other offices.

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

269 (b) Conflict of interest - No elected official, appointed officer, or employee of the city or any
270 agency or political entity to which this charter applies shall knowingly:

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

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

279 (3) Disclose confidential information, including information obtained at meetings which
280 are closed pursuant to Title 50, Chapter 14 of the O.C.G.A., concerning the property,

281 government, or affairs of the governmental body by which the official is engaged without
282 proper legal authorization; or use such information to advance the financial or other private
283 interest of the official or others;

284 (4) Accept any valuable gift, whether in the form of service, loan, thing, or promise, from
285 any person, firm or corporation which to the official's knowledge is interested, directly or
286 indirectly, in any manner whatsoever, in business dealings with the governmental body by
287 which the official is engaged; provided, however, that an elected official who is a candidate
288 for public office may accept campaign contributions and services in connection with any
289 such campaign;

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

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

294 (c) Disclosure - Any elected official, appointed officer, or employee who shall have any
295 financial interest, directly or indirectly, in any contract or matter pending before or within
296 any department of the city shall disclose such interest to the city council. The mayor or any
297 councilmember who has a financial interest in any matter pending before the city council
298 shall disclose such interest and such disclosure shall be entered on the records of the city
299 council, and that official shall disqualify himself or herself from participating in any decision
300 or vote relating thereto. Any elected official, appointed officer, or employee of any agency
301 or political entity to which this charter applies who shall have any financial interest, directly
302 or indirectly, in any contract or matter pending before or within such entity shall disclose
303 such interest to the governing body of such agency or entity.

304 (d) Use of public property - No elected official, appointed officer, or employee of the city
305 or any agency or entity to which this charter applies shall use property owned by such
306 governmental entity for personal benefit or profit but shall use such property only in their
307 capacity as an officer or employee of the city.

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

311 (f) Ineligibility of elected official - Except where authorized by law, neither the mayor nor
312 any councilmember shall hold any other elective or appointive office in the city or otherwise
313 be employed by said government or any agency thereof during the term for which that
314 official was elected. No former mayor and no former councilmember shall hold any
315 appointive office in the city until one year after the expiration of the term for which that
316 official was elected.

317 (g) Political activities of certain officers and employees - No appointive officer of the city
318 shall continue in such employment upon qualifying as a candidate for nomination or election
319 to any public office. No employee of the city shall continue in such employment upon
320 qualifying for or election to any public office in this city or any other public office which is
321 inconsistent, incompatible or in conflict with the duties of the city employee. Such
322 determination shall be made by the mayor and council either immediately upon election or
323 at any time such conflict may arise.

324 (h) Penalties for violation.

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

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

331

SECTION 2.7.

332

Inquiries and investigations.

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

339

SECTION 2.8.

340

General power and authority of the city council.

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

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

350 **SECTION 2.9.**

351 Eminent domain.

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

360 **SECTION 2.10.**

361 Organizational meeting.

362 The city council shall hold an organizational meeting on the fourth Tuesday of every month.
363 The meeting shall be called to order by the mayor-elect or city clerk and the oath of office
364 shall be administered to the newly elected members by a judicial officer authorized to
365 administer oaths and shall, to the extent that it comports with federal and state law, be as
366 follows:

367 "I do solemnly (swear)(affirm) that I will faithfully perform the duties of
368 (mayor)(councilmember) of this city and that I will support and defend the charter thereof
369 as well as the Constitution and laws of the State of Georgia and of the United States of
370 America. I am not the holder of any unaccounted for public money due this state or any
371 political subdivision or authority thereof. I am not the holder of any office of trust under
372 the government of the United States, any other state, or any foreign state which I by the
373 laws of the State of Georgia am prohibited from holding. I am otherwise qualified to hold

374 said office according to the Constitution and laws of Georgia. I have been a resident [of
375 my district and] the City of Yatesville for the time required by the Constitution and laws
376 of this state and by the municipal charter. I will perform the duties of my office in the best
377 interest of the City of Yatesville to the best of my ability without fear, favor, affection,
378 reward, or expectation thereof."

379 **SECTION 2.11.**

380 Regular and special meetings.

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

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

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

396 **SECTION 2.12.**

397 Rules of procedure.

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

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

404 **SECTION 2.13.**

405 Quorum; voting.

406 (a) Three councilmembers shall constitute a quorum and shall be authorized to transact
407 business of the city council. Voting on the adoption of ordinances shall be by voice vote and
408 the vote shall be recorded in the journal, but any member of the city council shall have the
409 right to request a roll call vote and such vote shall be recorded in the journal. Except as
410 otherwise provided in this charter, the affirmative vote of three councilmembers shall be
411 required for the adoption of any ordinance, resolution, or motion.

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

419

SECTION 2.14.

420

Ordinance form; procedures.

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

425 (b) An ordinance may be introduced by any councilmember and be read at a regular or
426 special meeting of the city council. Ordinances shall be considered and adopted or rejected
427 by the city council in accordance with the rules which it shall establish; provided, however,
428 an ordinance shall not be adopted the same day it is introduced, except for emergency
429 ordinances provided in Section 2.16. Upon introduction of any ordinance, the city clerk shall
430 as soon as possible distribute a copy to the mayor and to each councilmember and shall file
431 a reasonable number of copies in the office of the city clerk and at such other public places
432 as the city council may designate.

433

SECTION 2.15.

434

Action requiring an ordinance.

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

436

SECTION 2.16.

437

Emergencies.

438 (a) To meet a public emergency affecting life, health, property or public peace, the city
439 council may convene on call of the mayor or three councilmembers and promptly adopt an
440 emergency ordinance, but such ordinance may not levy taxes; grant, renew or extend a

441 franchise; regulate the rate charged by any public utility for its services; or authorize the
442 borrowing of money except for loans to be repaid within 30 days. An emergency ordinance
443 shall be introduced in the form prescribed for ordinances generally, except that it shall be
444 plainly designated as an emergency ordinance and shall contain, after the enacting clause,
445 a declaration stating that an emergency exists, and describing the emergency in clear and
446 specific terms. An emergency ordinance may be adopted, with or without amendment, or
447 rejected at the meeting at which it is introduced, but the affirmative vote of at least three
448 councilmembers shall be required for adoption. It shall become effective upon adoption or
449 at such later time as it may specify. Every emergency ordinance shall automatically stand
450 repealed 30 days following the date upon which it was adopted, but this shall not prevent
451 reenactment of the ordinance in the manner specified in this section if the emergency still
452 exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance
453 in the same manner specified in this section for adoption of emergency ordinances.

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

458 **SECTION 2.17.**

459 Codes of technical regulations.

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

463 (1) The requirements of Section 2.14(b) for distribution and filing of copies of the
464 ordinance shall be construed to include copies of any code of technical regulations, as well
465 as the adopting ordinance; and

- 466 (2) A copy of each adopted code of technical regulations, as well as the adopting
467 ordinance, shall be authenticated and recorded by the city clerk pursuant to Section 2.18.
468 (b) Copies of any adopted code of technical regulations shall be made available by the city
469 clerk for inspection by the public.

470 **SECTION 2.18.**

471 Signing; authenticating; recording; codification; printing.

- 472 (a) The city clerk shall authenticate by the city clerk's signature and record in full in a
473 properly indexed book kept for that purpose, all ordinances adopted by the council.
- 474 (b) The city council shall provide for the preparation of a general codification of all the
475 ordinances of the city having the force and effect of law. The general codification shall be
476 adopted by the city council by ordinance and shall be published promptly, together with all
477 amendments thereto and such codes of technical regulations and other rules and regulations
478 as the city council may specify. This compilation shall be known and cited officially as "The
479 Code of the City of Yatesville, Georgia." Copies of the code shall be furnished to all
480 officers, departments and agencies of the city, and made available for purchase by the public
481 at a reasonable price as fixed by the city council.
- 482 (c) The city council shall cause each ordinance and each amendment to this charter to be
483 printed promptly following its adoption, and the printed ordinances and charter amendments
484 shall be made available for purchase by the public at reasonable prices to be fixed by the city
485 council. Following publication of the first code under this charter and at all times thereafter,
486 the ordinances and charter amendments shall be printed in substantially the same style as the
487 code currently in effect and shall be suitable in form for incorporation therein. The city
488 council shall make such further arrangements as deemed desirable with reproduction and
489 distribution of any current changes in or additions to codes of technical regulations and other
490 rules and regulations included in the code.

491

SECTION 2.19.

492

Selection of mayor and mayor pro tem.

493 At each regular election the voters of the city shall elect a mayor at large for a term of four
494 years. The mayor shall be a qualified elector of this city and shall have been a resident of the
495 city for 24 months prior to the election. The mayor shall continue to reside in this city during
496 the period of service. The mayor shall forfeit the office on the same grounds and under the
497 same procedure as for councilmembers. The compensation of the mayor shall be established
498 in the same manner as for councilmembers. The council shall elect from among its members
499 a mayor pro tem who shall act as mayor during the absence or disability of the mayor, but
500 shall only vote once on matters before the council, and, if a vacancy occurs, shall become
501 mayor for the remainder of the expired term.

502

SECTION 2.20.

503

Powers and duties of mayor.

504 The mayor shall:

- 505 (1) Preside at all meetings of the city council;
- 506 (2) Be the head of the city for the purpose of service of process and for ceremonial
507 purposes, and be the official spokesperson for the city and the chief advocate of policy;
- 508 (3) Have power to administer oaths and to take affidavits;
- 509 (4) Sign as a matter of course on behalf of the city all written and approved contracts,
510 ordinances and other instruments executed by the city which by law are required to be in
511 writing;
- 512 (5) Vote on matters before the city council only in the case of a tie vote;
- 513 (6) Prepare and submit to the city council a recommended annual operating budget and
514 recommended capital budget; and

515 (7) Fulfill such other executive and administrative duties as the city council shall establish
516 by ordinance.

517 **SECTION 2.21.**

518 Chief executive officer.

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

522 **SECTION 2.22.**

523 Position of mayor pro tem.

524 During the absence or physical or mental disability of the mayor for any cause, the mayor
525 pro tem, or in the mayor pro tem's absence or disability for any reason, any one of the
526 councilmembers chosen by a majority vote of the city council, shall be clothed with all the
527 rights and privileges of the mayor and shall perform the duties of the office of the mayor so
528 long as such absence or disability shall continue. Any such absence or disability shall be
529 declared by majority vote of all councilmembers. The mayor pro tem or selected
530 councilmember shall sign all contracts and ordinances in which the mayor has a disqualifying
531 financial interest as provided in Section 2.5. When acting as mayor, the mayor pro tem shall
532 continue to have only vote as a member of the council.

533

ARTICLE III

534

ADMINISTRATIVE AFFAIRS

535

SECTION 3.1.

536

Administrative and service departments.

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

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

544 (c) All appointive officers and directors of departments shall receive such compensation as
545 prescribed by ordinance or resolution.

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

550 (e) All appointive officers and directors under the supervision of the mayor shall be
551 nominated by the mayor with confirmation of appointment by the city council. All
552 appointive officers and directors shall be employees at-will and subject to removal or
553 suspension at any time by the mayor unless otherwise provided by law or ordinance.

554

SECTION 3.2.

555

Boards, commissions, and authorities.

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

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

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

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

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

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

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

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

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

585 **SECTION 3.3.**

586 City attorney.

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

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

598 **SECTION 3.4.**

599 City clerk.

600 The city council and mayor shall appoint a city clerk who shall not be a councilmember. The
601 city clerk shall be custodian of the official city seal and city records; maintain city council

602 records required by this charter; and perform such other duties as may be required by the city
603 council.

604 **SECTION 3.5.**

605 Position classification and pay plans.

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

612 **SECTION 3.6.**

613 Personnel policies.

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

616 **ARTICLE IV**

617 **MUNICIPAL COURT**

618 **SECTION 4.1.**

619 Creation; name.

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

621

SECTION 4.2.

622

Chief judge; other judges.

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

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

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

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

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

635

SECTION 4.3.

636

Convening.

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

638

SECTION 4.4.

639

Jurisdiction; powers.

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

642 (b) The municipal court shall have authority to punish those in its presence for contempt,
643 provided that such punishment shall not exceed ten days in jail and a fine as authorized by
644 law.

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

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

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

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

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

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

674 **SECTION 4.5.**

675 Rules for court.

676 With the approval of the city council, the judge shall have full power and authority to make
677 reasonable rules and regulations necessary and proper to secure the efficient and successful
678 administration of the municipal court; provided, however, that the city council may adopt in
679 part or in toto the rules and regulations applicable to municipal courts. The rules and
680 regulations made or adopted shall be filed with the city clerk and shall be available for public
681 inspection.

682 **SECTION 4.6.**

683 Petitions for review.

684 The right to seek petitions for review from the decision and judgment of the municipal court
685 shall exist in all criminal cases and ordinance violation cases, and such petitions shall be
686 made to the Superior Court of Upson County under the laws of the State of Georgia
687 regulating appeals to the superior courts.

688 **ARTICLE V**
689 **ELECTIONS AND REMOVAL**

690 **SECTION 5.1.**
691 **Applicability of general law.**

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

694 **SECTION 5.2.**
695 **Election of city council and mayor.**

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

698 (b) There shall be elected the mayor and two councilmembers at one election and at every
699 other regular election thereafter. The remaining city council seats shall be filled at the
700 election alternating with the first election so that a continuing body is created. Terms shall
701 be for four years.

702 **SECTION 5.3.**
703 **Nonpartisan elections.**

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

706 **SECTION 5.4.**

707 Election by plurality.

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

709 **SECTION 5.5.**

710 Special elections; vacancies.

711 In the event that the office of mayor or councilmember shall become vacant as provided in
712 Section 2.3 of this charter, the city council or those remaining shall order a special election
713 to fill the balance of the unexpired term of such official; provided, however, if such vacancy
714 occurs within 12 months of the expiration of the term of that office, the city council or those
715 remaining shall appoint a successor for the remainder of the term. In all other respects, the
716 special election shall be held and conducted in accordance with the Georgia Election Code,
717 Chapter 2 of Title 21 of the O.C.G.A., as now or hereafter amended.

718 **SECTION 5.6.**

719 Other provisions.

720 .

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

724

SECTION 5.7.

725

Removal of officers.

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

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

731 (1) Following a hearing at which an impartial panel shall render a decision. In the event
732 an elected officer is sought to be removed by the action of the city council, such officer
733 shall be entitled to a written notice specifying the ground or grounds for removal and to a
734 public hearing which shall be held not less than ten (10) days after the service of such
735 written notice. The city council shall provide by ordinance for the manner in which such
736 hearings shall be held. Any elected officer sought to be removed from office as provided
737 in this section shall have the right of appeal from the decision of the city council to the
738 Superior Court of Upson County. Such appeal shall be governed by the same rules as
739 govern appeals to the superior court from the probate court.

740 (2) By an order of the Superior Court of Upson County following a hearing on a complaint
741 seeking such removal brought by any resident of the City of Yatesville.

742 **ARTICLE VI**
743 **FINANCE**

744 **SECTION 6.1.**
745 **Property tax.**

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

752 **SECTION 6.2.**
753 **Millage rate; due dates; payment methods.**

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

758 **SECTION 6.3.**
759 **Occupation and business taxes.**

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

762 professions for the purpose of such taxation in any way which may be lawful and may
763 compel the payment of such taxes as provided in Section 6.9.

764 **SECTION 6.4.**

765 Regulatory fees; permits.

766 The city council by ordinance shall have the power to require businesses or practitioners
767 doing business within this city to obtain a permit for such activity from the city and pay a
768 reasonable regulatory fee for such permit as provided by general law. Such fees shall reflect
769 the total cost to the city of regulating the activity, and if unpaid, shall be collected as
770 provided in Section 6.9.

771 **SECTION 6.5.**

772 Franchises.

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

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

789 **SECTION 6.6.**

790 Service charges.

791 The city council by ordinance shall have the power to assess and collect fees, charges,
792 assessments, and tolls for sewers, sanitary and health services, or any other services provided
793 or made available within and without the corporate limits of the city. If unpaid, such charges
794 shall be collected as provided in Section 6.9.

795 **SECTION 6.7.**

796 Special assessments.

797 The city council by ordinance shall have the power to assess and collect the cost of
798 constructing, reconstructing, widening, or improving any public way, street, sidewalk,
799 curbing, gutters, sewers, or other utility mains and appurtenances from the abutting property
800 owners. If unpaid, such charges shall be collected as provided in Section 6.9.

801 **SECTION 6.8.**

802 Construction; other taxes and fees.

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

806 **SECTION 6.9.**

807 Collection of delinquent taxes and fees.

808 The city council, by ordinance, may provide generally for the collection of delinquent taxes,
809 fees, or other revenue due the city under Sections 6.1 through 6.8 by whatever reasonable
810 means as are not precluded by law. This shall include providing for the dates when the taxes
811 or fees are due; late penalties or interest; issuance and execution of fi.fa.'s; creation and
812 priority of liens; making delinquent taxes and fees personal debts of the persons required to
813 pay the taxes or fees imposed; revoking city permits for failure to pay any city taxes or fees;
814 and providing for the assignment or transfer of tax executions.

815 **SECTION 6.10.**

816 General obligation bonds.

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

821 **SECTION 6.11.**

822 Revenue bonds.

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

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

825 for which they were issued.

826 **SECTION 6.12.**

827 Short-term loans.

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

829 of each year, unless otherwise provided by law.

830 **SECTION 6.13.**

831 Lease-purchase contracts.

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

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

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

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

836 year for which it may be renewed. Contracts must be executed in accordance with the

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

838 or may hereafter be enacted.

839 **SECTION 6.14.**

840 Fiscal year.

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

845 **SECTION 6.15.**

846 Preparation of budgets.

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

851 **SECTION 6.16.**

852 Submission of operating budget to city council.

853 On or before a date fixed by the city council but not later than 45 days prior to the beginning
854 of each fiscal year, the mayor shall submit to the city council a proposed operating budget
855 for the ensuing fiscal year. The budget shall be accompanied by a message from the mayor
856 containing a statement of the general fiscal policies of the city, the important features of the
857 budget, explanations of major changes recommended for the next fiscal year, a general
858 summary of the budget, and such other pertinent comments and information. The operating
859 budget and the capital budget provided for in this section, the budget message, and all

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

862 **SECTION 6.17.**

863 Action by city council on budget.

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

869 (b) The city council by ordinance shall adopt the final operating budget for the ensuing fiscal
870 year not later than the thirtieth day of March of each year. If the city council fails to adopt
871 the budget by this date, the amounts appropriated for operation for the current fiscal year
872 shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items
873 prorated accordingly until such time as the city council adopts a budget for the ensuing fiscal
874 year. Adoption of the budget shall take the form of an appropriations ordinance setting out
875 the estimated revenues in detail by sources and making appropriations according to fund and
876 by organizational unit, purpose, or activity as set out in the budget preparation ordinance
877 adopted pursuant to Section 6.15.

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

882 **SECTION 6.18.**

883 Tax levies.

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

890 **SECTION 6.19.**

891 Changes in appropriations.

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

896 **SECTION 6.20.**

897 Capital budget.

898 (a) On or before the date fixed by the city council but no later than 45 days prior to the
899 beginning of each fiscal year, the mayor shall submit to the city council a proposed capital
900 improvements plan with a recommended capital budget containing the means of financing
901 the improvements proposed for the ensuing fiscal year. The city council shall have power
902 to accept, with or without amendments, or reject the proposed plan and proposed budget.
903 The city council shall not authorize an expenditure for the construction of any building,

904 structure, work or improvement, unless the appropriations for such project are included in
905 the capital budget, except to meet a public emergency as provided in Section 2.16.

906 (b) The city council shall adopt by ordinance the final capital budget for the ensuing fiscal
907 year not later than the thirtieth day of March of each year. No appropriation provided for in
908 a prior capital budget shall lapse until the purpose for which the appropriation was made
909 shall have been accomplished or abandoned; provided, however, the mayor may submit
910 amendments to the capital budget at any time during the fiscal year, accompanied by
911 recommendations. Any such amendments to the capital budget shall become effective only
912 upon adoption by ordinance.

913 **SECTION 6.21.**

914 Independent audit.

915 There shall be an annual independent audit of all city accounts, funds and financial
916 transactions by a certified public accountant selected by the city council. The audit shall be
917 conducted according to generally accepted auditing principles. Any audit of any funds by
918 the state or federal government may be accepted as satisfying the requirements of this
919 section. Copies of annual audit reports shall be available at printing costs to the public.

920 **SECTION 6.22.**

921 Contracting procedures.

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

923 (1) It is in writing;

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

926 (3) It is made or authorized by the city council and such approval is entered in the city
927 council journal of proceedings pursuant to Section 2.13.

928 **SECTION 6.23.**

929 Centralized purchasing.

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

932 **SECTION 6.24.**

933 Sale and lease of city property.

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

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

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

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

952 **ARTICLE VII**
953 **GENERAL PROVISIONS**

954 **SECTION 7.1.**
955 **Bonds for officials.**

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

959 **SECTION 7.2.**
960 **Prior ordinances.**

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

964 **SECTION 7.3.**
965 **Existing personnel and officers.**

966 Except as specifically provided otherwise by this charter, all personnel and officers of the
967 city and their rights, privileges and powers shall continue beyond the time this charter takes
968 effect for a period of 180 days before or during which the existing city council shall pass a

969 transition ordinance detailing the changes in personnel and appointive officers required or
970 desired and arranging such titles, rights, privileges and powers as may be required or desired
971 to allow a reasonable transition.

972 **SECTION 7.4.**

973 Pending matters.

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

978 **SECTION 7.5.**

979 Construction.

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

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

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

985 **SECTION 7.6.**

986 Severability.

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

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

993 **ARTICLE VIII**

994 Effective date.

995 This Act shall become effective on July 1, 2026.

996 **ARTICLE IX**

997 Repealer.

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