

House Bill 1082 (AS PASSED HOUSE AND SENATE)

By: Representative Greene of the 151st

A BILL TO BE ENTITLED
AN ACT

1 To provide a new charter for the City of Blakely; to provide for incorporation, boundaries,
2 powers, and construction; to provide for a governing authority, its number, elections, terms,
3 qualifications, filling of vacancies, conflicts of interest, compensation and expenses, inquiries
4 and investigations, power and authority, eminent domain, meetings, procedural rules, quorum
5 and voting, ordinances, emergencies, technical codes, a chief executive officer, powers and
6 duties of the mayor, and a mayor pro tempore; to provide for city departments, city boards,
7 commissions, authorities, a city attorney, a city clerk, and personnel policies; to provide for
8 a municipal court, municipal judges, convening, jurisdiction and powers, certiorari, rules, and
9 indigent defense; to provide for elections, special elections, removal of officers, and
10 vacancies; to provide for taxes, regulatory fees and permits, franchises, service charges,
11 special assessments, collection of delinquent taxes and fees, bonds, short-term loans,
12 lease-purchase contracts, a fiscal year, budgets, changes in appropriations, audits, contracting
13 procedures and purchasing, and sale and lease of property; to provide for bonds for officials,
14 prior ordinances, existing personnel and officers, pending matters, and construction; to
15 provide for other matters relative to the foregoing; to provide a specific repealer; to provide
16 an effective date; to repeal conflicting laws; and for other purposes.

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

18 **ARTICLE I**
19 **INCORPORATION AND POWERS**
20 **SECTION 1.10.**
21 **Incorporation.**

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

25 **SECTION 1.11.**

26 Corporate boundaries.

27 (a) The boundaries of this city shall be those existing on the effective date of the adoption
 28 of this charter with such alterations as may be made from time to time in the manner
 29 provided by law. The boundaries of this city at all times shall be shown on a map to be
 30 retained permanently in the City of Blakely City Hall and to be identified by the city clerk
 31 as the Official Map of the Corporate Limits of the City of Blakely, Georgia. A photographic,
 32 typed, or other copy of such map or description certified by the City of Blakely shall be
 33 admitted as evidence in all courts and shall have the same force and effect as with the
 34 original map or description.

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

38 **SECTION 1.12.**

39 Powers and construction.

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

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

47 **SECTION 1.13.**

48 Specific powers.

49 The city shall have the following powers:

- 50 (1) Animal Regulations. To regulate and license or to prohibit the keeping or running
 51 at large of animals and fowl and to provide for the impoundment of the same if in
 52 violation of any ordinance or lawful order; to provide for the disposition by sale, gift, or
 53 humane destruction of animals and fowl when not redeemed as provided by ordinance;
 54 and to provide punishment for violation of ordinances enacted hereunder;
- 55 (2) Appropriations and Expenditures. To make appropriations for the support of the
 56 government of the city; to authorize the expenditure of money for any purpose authorized

57 by this charter or for municipal corporations by the laws of the State of Georgia; and to
58 provide for the payment of expenses of the city;

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

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

68 (5) Condemnation. To condemn property inside or outside the corporate limits of the
69 city for present or future use and for any corporate purpose deemed necessary by the
70 governing authority, utilizing procedures as the same shall exist from time to time
71 provided by the Official Code of Georgia Annotated;

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

74 (7) 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 (8) Environmental Protection. To protect and preserve the natural resources,
79 environment, and vital areas of the city through the preservation and improvement of air
80 quality, the restoration and maintenance of water resources, the control of erosion and
81 sedimentation, the management of solid and hazardous waste, and other necessary actions
82 for the protection of the environment;

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

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

- 93 (11) General Health, Safety, and Welfare. To define, regulate, and prohibit any act,
94 practice, conduct, or use of property which is detrimental to health, sanitation,
95 cleanliness, welfare, and safety of the inhabitants of the city and to provide for the
96 enforcement of such standards;
- 97 (12) Gifts. To accept or refuse gifts, donations, bequests, or grants from any source for
98 any purpose related to the powers and duties of the city and the general welfare of its
99 citizens, on such terms and conditions as the donor or grantor may impose;
- 100 (13) Health and Sanitation. To prescribe standards of health and sanitation and to
101 provide for the enforcement of such standards;
- 102 (14) Jail Sentences. To provide that persons given jail sentences in the city's court may
103 work out such sentences in any public works or on the streets, roads, drains, and other
104 public property in the city; to provide for commitment of such persons to any jail or to
105 any county work camp or county jail by agreement with the appropriate county officials;
- 106 (15) Motor Vehicles. To regulate the operation of motor vehicles and exercise control
107 over all traffic, including parking upon or across the streets, roads, alleys, and walkways
108 of the city;
- 109 (16) Municipal Agencies and Delegation of Power. To create, alter, or abolish
110 departments, boards, offices, commissions, and agencies of the city and to confer upon
111 such agencies the necessary and appropriate authority for carrying out all the powers
112 conferred upon or delegated to the same;
- 113 (17) Municipal Debts. To appropriate and borrow money for the payment of debts of the
114 city and to issue bonds for the purpose of raising revenue to carry out any project,
115 program, or venture authorized by this charter and the laws of the State of Georgia;
- 116 (18) Municipal Property Ownership. To acquire, dispose of, lease, option, and hold in
117 trust or otherwise accept or transfer an interest in any real, personal, or mixed property,
118 in fee simple or lesser interest, inside or outside the property limits of the city;
- 119 (19) Municipal Property Protection. To provide for the preservation and protection of
120 property and equipment of the city and the administration and use of the same by the
121 public, and to prescribe penalties and punishment for violations thereof;
- 122 (20) Municipal Utilities. To acquire, lease, construct, operate, maintain, sell, and dispose
123 of public utilities, including, but not limited to, a system of waterworks, sewers and
124 drains, sewage disposal, gas works, electric light plants, cable television, and other
125 telecommunications, transportation facilities, public airports, and any other public utility;
126 and to fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties and
127 to provide for the withdrawal of service for refusal or failure to pay the same;
- 128 (21) Nuisance. To define a nuisance and provide for its abatement whether on public or
129 private property;

- 130 (22) Penalties. To provide penalties for violation of any ordinances adopted pursuant to
131 the authority of this charter and the laws of the State of Georgia;
- 132 (23) Planning and Zoning. To provide comprehensive city planning for development by
133 zoning; and to provide subdivision regulation and the like as the city council deems
134 necessary and reasonable to ensure a safe, healthy, and aesthetically pleasing community;
- 135 (24) Police and Fire Protection. To exercise the power of arrest through duly appointed
136 police and to establish, operate, or contract for a police and a fire-fighting agency;
- 137 (25) Public Hazards: Removal. To provide for the destruction and removal of any
138 building or other structure which is or may become dangerous or detrimental to the
139 public;
- 140 (26) Public Improvements. To provide for the acquisition, construction, building,
141 operation, and maintenance of public ways, parks and playgrounds, recreational facilities,
142 cemeteries, markets and market houses, public buildings, libraries, public housing,
143 airports, hospitals, terminals, docks, parking facilities, or charitable, cultural, educational,
144 recreational, conservation, sport, curative, corrective, detentional, penal, and medical
145 institutions, agencies, and facilities; to provide any other public improvements, inside or
146 outside the corporate limits of the city; to regulate the use of public improvements; and
147 for such purposes, property may be acquired by condemnation under procedures provided
148 by the Official Code of Georgia Annotated as the same shall exist from time to time;
- 149 (27) Public Peace. To provide for the prevention and punishment of drunkenness, riots,
150 and public disturbances;
- 151 (28) Public Transportation. To organize and operate such public transportation systems
152 as are deemed beneficial;
- 153 (29) Public Utilities and Services. To grant franchises or make contracts for or impose
154 taxes on public utilities and public service companies; and to prescribe the rates, fares,
155 regulations, standards, and conditions of service applicable to the service to be provided
156 by the franchise grantee or contractor, insofar as the same are not in conflict with valid
157 regulations of the Public Service Commission;
- 158 (30) Regulation of Roadside Areas. To prohibit or regulate and control the erection,
159 removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any
160 and all other structures or obstructions upon or adjacent to the rights-of-way of streets and
161 roads or within view thereof, within or abutting the corporate limits of the city; and to
162 prescribe penalties and punishment for violation of such ordinances;
- 163 (31) Retirement. To provide and maintain a retirement plan for officers and employees
164 of the city;
- 165 (32) Roadways. To lay out, open, extend, widen, narrow, establish, change the grade of,
166 abandon or close, construct, pave, curb, gutter, provide drainage for, adorn with shade

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

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

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

184 (35) Special Areas of Public Regulation. To the extent allowed by general law, to
185 regulate or prohibit junk dealers, pawn shops, the manufacture and sale of intoxicating
186 liquors; to regulate the transportation, storage, and use of combustible, explosive, and
187 flammable materials and the use of lighting and heating equipment; to regulate any other
188 business or situation which the city may deem to be dangerous to persons or property; to
189 regulate and control the conduct of peddlers and itinerant traders and theatrical
190 performances, exhibitions, and shows of any kind, by taxation or otherwise; to license,
191 tax, regulate, or prohibit professional fortunetelling, palmistry, and massage parlors; and
192 to restrict adult bookstores to certain areas;

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

195 (37) Taxes: Ad Valorem. To levy and provide for the assessment, valuation, revaluation,
196 and collection of taxes on all property subject to taxation;

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

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

203 (40) Telecommunications. To engage in the planning, design, acquisition, construction,
 204 and equipping of communication cables, sleeves, and systems for the distribution and sale
 205 of communication services to private and public users and consumers, including but not
 206 limited to broadband, Internet, cable television, and associated services to the state and
 207 to counties and municipalities within the territorial boundaries of the city and to enter into
 208 intergovernmental agreements with other governmental entities for the planning, design,
 209 acquisition, construction, and equipping of said systems for the distribution and sale of
 210 such services;

211 (41) Urban Redevelopment. To organize and operate an urban redevelopment program;
 212 and

213 (42) Other Powers. To exercise and enjoy all other powers, functions, rights, privileges,
 214 and immunities necessary or desirable to promote or protect the safety, health, peace,
 215 security, good order, comfort, convenience, or general welfare of the city and its
 216 inhabitants; to exercise all implied powers necessary or desirable to carry into execution
 217 all powers granted in this charter as fully and completely as if such powers were fully
 218 stated herein; and to exercise all powers now or in the future authorized to be exercised
 219 by other municipal governments under other laws of the State of Georgia; and no listing
 220 of particular powers in this charter shall be held to be exclusive of others, nor restrictive
 221 of general words and phrases granting powers, but shall be held to be in addition to such
 222 powers unless expressly prohibited to municipalities under the Constitution or applicable
 223 laws of the State of Georgia.

224 **SECTION 1.14.**

225 Exercise of powers.

226 All powers, functions, rights, privileges, and immunities of the city and its officers, agencies,
 227 or employees shall be carried into execution as provided by this charter. Regarding any
 228 matter for which this charter makes no provisions, such shall be carried into execution as
 229 provided by ordinance or as provided by pertinent laws of the State of Georgia.

230 **ARTICLE II**

231 **GOVERNMENT STRUCTURE**

232 **SECTION 2.10.**

233 City council creation; number; election.

234 The legislative authority of the government of this city, except as otherwise specifically
 235 provided in this charter, shall be vested in a city council to be composed of a mayor and four

236 councilmembers. The city council shall in all respects be a successor to and continuation of
 237 the governing authority under prior law. The mayor and councilmembers shall be elected
 238 in the manner provided by general law and this charter.

239 **SECTION 2.11.**

240 Mayor and city council terms and qualifications for office.

241 (a) The mayor and members of the city council shall serve for terms of four years and until
 242 their respective successors are elected and qualified. No person shall be eligible to serve as
 243 mayor or councilmember unless that person shall have been a resident of the city for at least
 244 12 months prior to the date of election of the mayor or member of the council.

245 (b) The mayor may reside anywhere within the City of Blakely and must receive a majority
 246 of the votes cast for such office in the entire city. The mayor must continue to reside within
 247 the City of Blakely during that person's term of office or that office shall thereupon become
 248 vacant.

249 (c) In order to be elected as a member of the board from a council district, a person must
 250 reside in that council district at the time such person is elected and must receive a majority
 251 of the votes cast for that office in that council district only and not at large. Only electors
 252 who are residents of that council district may vote for a councilmember for that council
 253 district. At the time of qualifying for election as a councilmember from a council district,
 254 each candidate for such office shall specify the council district for which that person is a
 255 candidate. A person elected as a councilmember from a council district must continue to
 256 reside in that council district during that person's term of office or that office shall thereupon
 257 become vacant.

258 **SECTION 2.12.**

259 Vacancy; filling of vacancies.

260 (a) The office of mayor or councilmember shall become vacant upon the occurrence of any
 261 event specified by the Constitution, Title 45 of the Official Code of Georgia Annotated, or
 262 such other applicable laws as are or may hereafter be enacted. In addition, the office of
 263 mayor or councilmember shall become vacant upon the unexcused absence of the holder of
 264 the office from four consecutive regularly scheduled meetings of the city council. Excused
 265 absences shall be granted by a majority vote as provided in Section 2.21 of this charter and
 266 shall be entered upon the minutes of the council meeting.

267 (b) A vacancy in the office of mayor or councilmember shall be filled for the remainder of
 268 the unexpired term, if any, by appointment by the remaining councilmembers if less than six

269 months remains in the unexpired term. If six months or more remain in the unexpired term,
 270 an election shall be held as provided for in Section 5.14 of this charter and in accordance
 271 with Titles 21 and 45 of the Official Code of Georgia Annotated or such other laws as are or
 272 may hereafter be enacted.

273 **SECTION 2.13.**

274 Compensation and expenses.

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

277 **SECTION 2.14.**

278 Conflicts of interest.

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

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

283 **SECTION 2.15.**

284 Inquiries and investigations.

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

291 **SECTION 2.16.**

292 General power and authority of the city council.

293 Except as otherwise provided by law or this charter, the city council shall be vested with all
 294 the powers of government of this city as provided by Article I of this charter.

295 **SECTION 2.17.**

296 Eminent domain.

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

305 **SECTION 2.18.**

306 Organizational meetings.

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

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

322 **SECTION 2.19.**

323 Regular and special meetings.

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

326 (b) Special meetings of the city council may be held on call of the mayor or three members
 327 of the city council. Notice of such special meetings shall be served on all other members
 328 personally or by telephone at least 24 hours in advance of the meeting. Such notice to
 329 councilmembers shall not be required if the mayor and all councilmembers are present when
 330 the special meeting is called. Such notice of any special meeting may be waived by a
 331 councilmember in writing before or after such a meeting, and attendance at the meeting shall
 332 also constitute a waiver of notice on any business transacted in such councilmember's
 333 presence. Only the business stated in the call may be transacted at the special meeting.

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

338 **SECTION 2.20.**

339 Rules of procedure.

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

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

346 **SECTION 2.21.**

347 Quorum; voting.

348 Three councilmembers or the mayor and two councilmembers shall constitute a quorum and
 349 shall be authorized to transact business of the city council. Voting on the adoption of
 350 ordinances shall be by oral vote, and the vote shall be recorded in the journal; but any
 351 member of the city council shall have the right to request a roll-call vote, and such vote shall
 352 be recorded in the journal. Except as otherwise provided in this charter, the affirmative vote
 353 of three councilmembers or of the mayor and two councilmembers shall be required for the
 354 adoption of any ordinance, resolution, or motion. The mayor shall vote only in the case of
 355 a tie or when an affirmative or negative vote by the mayor constitutes a majority of three
 356 votes. An abstention shall not be counted as either an affirmative or a negative vote.

357

SECTION 2.22.

358

Ordinance form; procedures.

359 (a) Except as herein provided, every official action of the city council which is to become
 360 law shall be by ordinance. Each proposed ordinance shall be introduced in writing and in the
 361 form required for final adoption. No ordinance shall contain a subject which is not expressed
 362 in its title. The enacting clause shall be "It is hereby ordained by the governing authority of
 363 the City of Blakely," and every ordinance shall so begin.

364 (b) An ordinance may be introduced by any councilmember and be read at a regular or
 365 special meeting of the city council. Ordinances shall be considered and adopted or rejected
 366 by the city council in accordance with the rules which it shall establish. All ordinances shall
 367 have two separate readings; provided, however, that the city council may dispense with the
 368 second reading by the unanimous consent of the members present. Emergency ordinances,
 369 as provided in Section 2.24 of this charter, may be adopted on the same day that they are
 370 introduced without a second reading. Upon introduction of any ordinance, the city clerk shall
 371 as soon as possible distribute a copy to the mayor and to each councilmember and shall file
 372 a reasonable number of copies in the office of the city clerk and at such other public places
 373 as the city council may designate.

374

SECTION 2.23.

375

Action requiring an ordinance.

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

377

SECTION 2.24.

378

Emergencies.

379 (a) To meet a public emergency affecting life, health, safety, property, or public peace, the
 380 city council may convene on call of the mayor or three councilmembers and promptly adopt
 381 an emergency ordinance, but such ordinance may not levy taxes; grant, renew, or extend a
 382 franchise; regulate the rate charged by any public utility for its services; or authorize the
 383 borrowing of money except for loans to be repaid within 30 days. An emergency ordinance
 384 shall be introduced in the form prescribed for ordinances generally, except that it shall be
 385 plainly designated as an emergency ordinance and shall contain, after the enacting clause,
 386 a declaration stating that an emergency exists and describing the emergency in clear and
 387 specific terms. An emergency ordinance may be adopted, with or without amendment, or
 388 rejected at the meeting at which it is introduced, but the affirmative vote of at least three

389 councilmembers or the mayor and two councilmembers shall be required for adoption. It
 390 shall become effective upon adoption or at such later time as it may specify. Every
 391 emergency ordinance shall automatically stand repealed 30 days following the date upon
 392 which it was adopted, but this shall not prevent re-enactment of the ordinance in the manner
 393 specified in this section if the emergency still exists. An emergency ordinance may also be
 394 repealed by adoption of a repealing ordinance in the same manner specified in this section
 395 for adoption of emergency ordinances.

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

400 **SECTION 2.25.**

401 Codes of technical regulations.

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

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

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

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

413 **SECTION 2.26.**

414 Signing; authenticating; recording; codification; printing.

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

417 (b) The city council shall provide for the preparation of a general codification of all the
 418 ordinances of the city having the force and effect of law. The general codification shall be
 419 adopted by the city council by ordinance and shall be published promptly, together with all
 420 amendments thereto and such codes of technical regulations and other rules and regulations
 421 as the city council may specify. This compilation shall be known and cited officially as "The

422 Code of the City of Blakely, Georgia." Copies of the code shall be furnished to all officers,
 423 departments, and agencies of the city and made available for purchase by the public at a
 424 reasonable price as fixed by the city council.

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

434 **SECTION 2.27.**

435 Chief executive officer.

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

439 **SECTION 2.28.**

440 Powers and duties of mayor.

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

- 442 (1) See that all laws and ordinances of the city are faithfully executed;
- 443 (2) Appoint and remove all officers, department heads, and employees of the city except
 444 as otherwise provided in this charter;
- 445 (3) Exercise supervision over all executive and administrative work of the city and
 446 provide for the coordination of administrative activities;
- 447 (4) Prepare and submit to the city council a recommended operating budget and capital
 448 budget;
- 449 (5) Submit to the city council at least once a year a statement covering the financial
 450 conditions of the city and from time to time such other information as the city council
 451 may request;
- 452 (6) Recommend to the city council such measures relative to the affairs of the city,
 453 improvement of the government, and promotion of the welfare of its inhabitants as the
 454 mayor may deem expedient;

- 455 (7) Call special meetings of the city council as provided for in Section 2.19 of this
 456 charter;
- 457 (8) Provide for an annual audit of all accounts of the city;
- 458 (9) Require any department or agency of the city to submit written reports whenever the
 459 mayor and city council deem it expedient;
- 460 (10) Sign as a matter of course all written contracts, ordinances, and other instruments
 461 executed by the city which by law are required to be in writing;
- 462 (11) Preside at all meetings of the city council and vote only in the event of a tie or when
 463 an affirmative or negative vote by the mayor constitutes a majority of three votes; and
- 464 (12) Perform such other duties as may be required by law, this charter, or ordinance.

465 **SECTION 2.29.**

466 Mayor pro tempore; selection; duties.

467 At the first meeting in January of each year, the city council shall elect a councilmember to
 468 serve as mayor pro tempore. In the mayor's absence, the mayor pro tempore shall preside
 469 at meetings of the city council and shall assume the duties and powers of the mayor upon the
 470 mayor's physical or mental disability, provided that the mayor pro tempore shall vote as a
 471 member of the city council at all times when serving as herein provided.

472 **ARTICLE III**

473 **ADMINISTRATIVE AFFAIRS**

474 **SECTION 3.10.**

475 Administrative and service departments.

- 476 (a) Except as otherwise provided in this charter, the city council, by ordinance, shall
 477 prescribe the functions and duties of and establish, abolish, alter, consolidate, or leave vacant
 478 all nonelective offices, positions of employment, departments, and agencies of the city, as
 479 necessary for the proper administration of the affairs and government of this city.
- 480 (b) Except as otherwise provided by this charter or by law, the directors of city departments
 481 and other appointed officers of the city shall be appointed solely on the basis of their
 482 respective administrative and professional qualifications.
- 483 (c) All appointed officers and directors of departments shall receive such compensation as
 484 prescribed by ordinance.
- 485 (d) All appointed officers and directors of city departments under the supervision of the
 486 mayor and city council shall be nominated by the mayor with confirmation of appointment
 487 by the city council. All appointed officers, directors, and department heads shall be

488 employees at-will and subject to removal or suspension at any time by the mayor and city
489 council, unless otherwise provided by law or ordinance.

490 **SECTION 3.11.**

491 Boards, commissions, and authorities.

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

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

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

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

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

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

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

513 (h) Except as otherwise provided by this charter or by law, each board, commission, or
514 authority of the city shall elect one of its members as chairperson and one member as vice
515 chairperson and may elect as its secretary one of its own members or may appoint as
516 secretary an employee of the city. Each board, commission, or authority of the city may
517 establish such bylaws, rules, and regulations, not inconsistent with this charter, ordinances
518 of the city, or law, as it deems appropriate and necessary for the fulfillment of its duties or
519 the conduct of its affairs. Copies of such bylaws, rules, and regulations shall be filed with
520 the city clerk.

521 **SECTION 3.12.**

522 City attorney.

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

531 **SECTION 3.13.**

532 City clerk.

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

536 **SECTION 3.14.**

537 Personnel policies.

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

540 **ARTICLE IV**

541 **JUDICIAL BRANCH**

542 **SECTION 4.10.**

543 Municipal court creation.

544 There shall be a court to be known as the municipal court of the City of Blakely.

545 **SECTION 4.11.**

546 Chief judge; associate judge.

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

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

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

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

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

560 **SECTION 4.12.**

561 Convening.

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

563 **SECTION 4.13.**

564 Jurisdiction; powers.

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

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

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

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

576 (e) The municipal court shall have authority to establish bail and recognizance to ensure the
 577 presence of those charged with violations before said court and shall have discretionary
 578 authority to accept cash or personal or real property as surety for the appearance of persons
 579 charged with violations. Whenever any person shall give bail for that person's appearance
 580 and shall fail to appear at the time fixed for trial, the bond shall be forfeited by the judge
 581 presiding at such time, and an execution issued thereon by serving the defendant and the

582 defendant's sureties with a rule nisi, at least two days before a hearing on the rule nisi. In the
583 event that cash or property is accepted in lieu of bond for security for the appearance of a
584 defendant at trial, and if such defendant fails to appear at the time and place fixed for trial,
585 the cash so deposited shall be on order of the judge declared forfeited to the city, or the
586 property so deposited shall have a lien against it for the value forfeited which lien shall be
587 enforceable in the same manner and to the same extent as a lien for city property taxes.

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

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

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

598 **SECTION 4.14.**

599 Certiorari.

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

604 **SECTION 4.15.**

605 Rules for court.

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

613

SECTION 4.16.

614

Indigent defense and prosecutor.

615 The mayor and city council shall have the power to provide for a system of defense for
 616 indigent persons charged in the municipal court of the City of Blakely with violations of
 617 ordinances or state laws and for the prosecution of such cases by a prosecutor. The city
 618 council is further authorized to provide for the expense of indigent defense and prosecution
 619 by prorating the estimated cost over all criminal cases disposed of by the court and bond
 620 forfeitures in criminal cases. A bond amount shall be imposed by the municipal court judge
 621 and collected in all criminal cases. Bond forfeitures in such cases shall be collected as costs
 622 in addition to fines, penalties, and all other costs.

623

ARTICLE V

624

ADMINISTRATION

625

SECTION 5.10.

626

Applicability of general law.

627 All primaries and elections shall be held and conducted in accordance with Chapter 2 of Title
 628 21 of the Official Code of Georgia Annotated, the "Georgia Election Code," as now or
 629 hereafter amended.

630

SECTION 5.11.

631

Regular elections; time for holding.

632 (a) On Tuesday next following the first Monday in November, 2017, successors to District
 633 1 - Post 1 and District 2 - Post 1 councilmembers whose terms expire on December 31, 2017,
 634 shall be elected for a term of office expiring on December 31, 2021, and until their respective
 635 successors are elected and qualified.

636 (b) On Tuesday next following the first Monday in November, 2019, successors to the
 637 mayor, District 1 - Post 2, and District 2 - Post 2 councilmembers whose terms expire on
 638 December 31, 2019, shall be elected for a term of office expiring on December 31, 2023, and
 639 until their respective successors are elected and qualified.

640 (c) Thereafter, the general municipal election for the election of the mayor and
 641 councilmembers shall be conducted on the Tuesday next following the first Monday in
 642 November in each odd-numbered year. Successors shall be elected to those offices, the terms
 643 of which will expire on December 31 of such year. All persons elected to such offices shall
 644 take office on January 1 immediately following the date of the municipal election and shall

645 have terms of office of four years and until their respective successors are elected and
646 qualified.

647 **SECTION 5.12.**

648 Nonpartisan elections.

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

651 **SECTION 5.13.**

652 Election by majority.

653 The person receiving a majority of the votes cast in the city election for the office of mayor
654 shall be elected. The person receiving a majority of the votes cast in the city election for
655 each of the city council district posts shall be elected to the position of councilmember from
656 their respective district post.

657 **SECTION 5.14.**

658 Special elections.

659 In the event that the office of mayor or councilmember shall become vacant as provided in
660 Section 2.12 of this charter, the city council or the remaining councilmembers shall appoint
661 a successor for the remainder of the term if fewer than six months remain in the term. If six
662 months or more remain in the unexpired term, a special election shall be held and conducted
663 in accordance with Chapter 2 of Title 21 of the Official Code of Georgia Annotated, the
664 "Georgia Election Code," as now or hereafter amended.

665 **SECTION 5.15.**

666 Other provisions.

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

671 **SECTION 5.16.**

672 Removal of officers.

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

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

678 (1) Following a hearing at which an impartial panel shall render a decision. In the event
 679 an elected officer is sought to be removed by the action of the city council, such officer
 680 shall be entitled to a written notice specifying the ground or grounds for removal and to
 681 a public hearing which shall be held not less than ten days after the service of such
 682 written notice. The city council shall provide by ordinance for the manner in which such
 683 hearings shall be held. Any elected officer sought to be removed from office as provided
 684 in this paragraph shall have the right of appeal from the decision of the city council to the
 685 Superior Court of Early County. Such appeal shall be governed by the same rules as
 686 govern appeals to the superior court from the probate court.

687 (2) By an order of the Superior Court of Early County following a hearing on a
 688 complaint seeking such removal brought by any resident of the City of Blakely.

689 **ARTICLE VI**690 **FINANCE**691 **SECTION 6.10.**

692 Property tax.

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

699 **SECTION 6.11.**

700 Millage rate; due dates; payment methods.

701 The city council by ordinance shall establish a millage rate for the city property tax, a due
 702 date, and the time period within which these taxes must be paid. The city council, by

703 ordinance, may provide for the payment of these taxes by installments or in one lump sum,
704 as well as authorize the voluntary payment of taxes prior to the time when due.

705 **SECTION 6.12.**

706 Occupational and business taxes.

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

711 **SECTION 6.13.**

712 Regulatory fees; permits.

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

718 **SECTION 6.14.**

719 Franchises.

720 (a) The city council shall have the power to grant franchises for the use of the city's streets,
721 roads, alleys, and walkways for the purposes of railroads, street railways, telephone
722 companies, electric companies, electric membership corporations, cable television and other
723 telecommunications companies, gas companies, transportation companies, and other similar
724 organizations. The city council shall determine the duration of, terms, whether the same
725 shall be exclusive or nonexclusive, and the consideration for such franchises; provided,
726 however, no franchise shall be granted for a period in excess of 35 years, and no franchise
727 shall be granted unless the city receives just and adequate compensation therefor. The city
728 council shall provide for the registration of all franchises with the city clerk in a registration
729 book kept by the city clerk. The city council may provide by ordinance for the registration
730 within a reasonable time of all franchises previously granted.

731 (b) If no franchise agreement is in effect, the city council has the authority to impose a tax
732 on gross receipts for the use of the city's streets, roads, alleys, and walkways for the purposes
733 of railroads, street railways, telephone companies, electric companies, electric membership

734 corporations, cable television and other telecommunications companies, gas companies,
735 transportation companies, and other similar organizations.

736 **SECTION 6.15.**

737 Service charges.

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

743 **SECTION 6.16.**

744 Special assessments.

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

750 **SECTION 6.17.**

751 Construction; other taxes and fees.

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

755 **SECTION 6.18.**

756 Collection of delinquent taxes and fees.

757 (a) The city council shall have the power and authority to provide by ordinance for the
758 collection from delinquent taxpayers, in addition to all other sums, of the costs of collection
759 and the costs of levy preparation and execution procedures and to add such sums to the
760 amounts due on tax executions. The costs of levy preparation and execution procedures shall
761 include, without limitation, the cost of title searches, name and address verifications, legal
762 fees, and all other levy and enforcement costs of every kind.

763 (b) The city council shall have the power and authority to provide by ordinance for the
 764 employment by the city clerk of agencies to assist in the collection of delinquent taxes and
 765 in tax execution levy preparation and enforcement procedures, to provide for the payment
 766 of the costs of such agencies by the delinquent taxpayer, and to provide for the costs of such
 767 agencies to be added to the amounts due on tax executions.

768 (c) Executions for any and all taxes or licenses, or demands of any sort due the city or its
 769 corporate authorities by any person, firm, or corporation, or against any property subject
 770 thereto, shall be issued by the city clerk, be signed by him or her, bear teste in the name of
 771 the mayor, and be directed to the chief of police of said city and his or her deputies and any
 772 and all sheriffs, deputy sheriffs, and constables of this state, commanding them that of any
 773 property belonging to the defendant against whom said execution is issued, or of certain
 774 property described in the execution, they make by levy and sale the amount due on the
 775 execution with all costs.

776 (d) Except as otherwise provided by this charter, all executions issued by the city clerk for
 777 taxes, license fees, special assessments, fines, or forfeitures due the city shall be governed
 778 by the laws governing executions for state and county taxes and shall be subject to all
 779 presumptions of law and fact which apply to executions for state and county taxes.

780

SECTION 6.19.

781

General obligation bonds.

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

786

SECTION 6.20.

787

Revenue bonds.

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

791 **SECTION 6.21.**

792 Short-term loans.

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

795 **SECTION 6.22.**

796 Lease-purchase contracts.

797 The city may enter into multiyear lease, purchase, or lease-purchase contracts for the
798 acquisition of goods, materials, real and personal property, services, and supplies, provided
799 that the contract terminates without further obligation on the part of the city at the close of
800 the calendar year in which it was executed and at the close of each succeeding calendar year
801 for which it may be renewed. Contracts must be executed in accordance with the
802 requirements of Code Section 36-60-13 of the Official Code of Georgia Annotated or such
803 other applicable laws as are or may hereafter be enacted.

804 **SECTION 6.23.**

805 Fiscal year.

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

809 **SECTION 6.24.**

810 Preparation of budgets.

811 The city council shall provide by ordinance for the procedures and requirements for the
812 preparation and execution of an annual operating budget, a capital improvement plan, and
813 a capital budget, including requirements as to the scope, content, and form of such budgets
814 and plans.

815 **SECTION 6.25.**

816 Submission of operating budget to city council.

817 On or before a date fixed by the city council, but not later than 60 days prior to the beginning
818 of each fiscal year, the mayor shall submit to the city council a proposed operating budget

819 and capital budget for the ensuing fiscal year. The operating budget shall be accompanied
 820 by a message from the mayor containing a statement of the general fiscal policies of the city,
 821 the important features of the budget, explanations of major changes recommended for the
 822 next fiscal year, a general summary of the budget, and such other pertinent comments and
 823 information deemed necessary. The operating budget and the capital budget required by this
 824 article, the budget message, and all supporting documents shall be filed in the office of the
 825 city clerk and shall be open to public inspection.

826 **SECTION 6.26.**

827 Action by city council on budget.

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

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

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

846 **SECTION 6.27.**

847 Tax levies.

848 The city council shall levy by ordinance such taxes as are necessary. The taxes and tax rates
 849 set by such ordinance shall be such that reasonable estimates of revenues from such levy
 850 shall at least be sufficient, together with other anticipated revenues, fund balances, and
 851 applicable reserves, to equal the total amount appropriated for each of the several funds set

852 forth in the annual operating budget for defraying the expenses of the general government
853 of the city.

854 **SECTION 6.28.**

855 Change in appropriations.

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

860 **SECTION 6.29.**

861 Independent audit.

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

867 **SECTION 6.30.**

868 Contracting procedures.

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

870 (1) It is in writing;

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

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

875 **SECTION 6.31.**

876 Centralized purchasing.

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

879

SECTION 6.32.

880

Sale and lease of city property.

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

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

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

899

ARTICLE VII

900

GENERAL PROVISIONS

901

SECTION 7.10.

902

Bonds for officials.

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

906

SECTION 7.11.

907

Prior ordinances.

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

911 **SECTION 7.12.**

912 Existing personnel and officers.

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

919 **SECTION 7.13.**

920 Pending matters.

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

925 **SECTION 7.14.**

926 Construction.

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

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

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

932 **SECTION 7.15.**

933 Specific repealer.

934 An Act to provide a new charter for the City of Blakely, approved April 5, 1994 (Ga. L.
 935 1994, p. 4579), as amended, is hereby repealed.

936 **SECTION 7.16.**

937 Effective date.

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

939

SECTION 7.17.

940

General repealer.

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