

House Bill 618 (COMMITTEE SUBSTITUTE)

By: Representative Petrea of the 166th

A BILL TO BE ENTITLED
AN ACT

1 To incorporate the City of Skidaway Island; to provide for a charter for the City of Skidaway
2 Island; to provide for incorporation, boundaries, and powers of the city; to provide for a
3 governing authority of such city and the powers, duties, authority, election, terms, method
4 of filling vacancies, compensation, qualifications, prohibitions, and removal from office
5 relative to members of such governing authority; to provide for inquiries and investigations;
6 to provide for organization and procedures; to provide for ordinances and codes; to provide
7 for the offices of mayor and city manager and certain duties and powers relative to those
8 offices; to provide for administrative responsibilities; to provide for boards, commissions,
9 and authorities; to provide for a city attorney, a city clerk, and other personnel; to provide for
10 a municipal court and the judge or judges thereof; to provide for practices and procedures;
11 to provide for taxation and fees; to provide for franchises, service charges, and assessments;
12 to provide for bonded and other indebtedness; to provide for accounting and budgeting; to
13 provide for purchases; to provide for the sale of property; to provide for homestead
14 exemptions; to provide for bonds for officials; to provide for definitions and construction;
15 to provide for other matters relative to the foregoing; to provide for a transition period; to
16 provide for related matters; to provide for a referendum; to provide for contingent effective
17 dates; to repeal conflicting laws; and for other purposes.

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

19 ARTICLE I
20 INCORPORATION AND POWERS
21 SECTION 1.10.

22 Name.

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

26

SECTION 1.11.

27

Corporate boundaries.

28 (a) The corporate boundaries of this city shall include all of that territory described in and
 29 set forth in Appendix A of this charter which is incorporated into and made a part of this
 30 charter.

31 (b) The city clerk shall maintain a current map and written legal description of the corporate
 32 boundaries of the city, and such map and description shall incorporate any changes which
 33 may hereafter be made in such corporate boundaries.

34

SECTION 1.12.

35

Powers and construction.

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

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

43

SECTION 1.13.

44

Examples of powers.

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

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

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

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

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

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

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

74 (8) Environmental protection. To protect and preserve the natural resources,
75 environment, and vital areas of the city, the region, and the state through the preservation
76 and improvement of air quality, the restoration and maintenance of water resources, the
77 control of erosion and sedimentation, the management of storm water and establishment
78 of a storm-water utility, the management of solid and hazardous waste, and other
79 necessary actions for the protection of the environment.

80 (9) Fire regulations. To fix and establish fire limits and from time to time to extend,
81 enlarge, or restrict the same; to prescribe fire safety regulations not inconsistent with
82 general law, relating to both fire prevention and detection and to firefighting; and to
83 prescribe penalties and punishment for violations thereof.

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

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

- 94 (12) Gifts. To accept or refuse gifts, donations, bequests, or grants from any source for
95 any purpose related to powers and duties of the city and the general welfare of its
96 citizens, on such terms and conditions as the donor or grantor may impose.
- 97 (13) Health and sanitation. To prescribe standards of health and sanitation and to
98 provide for the enforcement of such standards.
- 99 (14) Jail sentences. To provide that persons given jail sentences in the city's court may
100 work out such sentences in any public works or on the streets, roads, drains, and other
101 public property in the city; to provide for commitment of such persons to any jail; to
102 provide for the use of pretrial diversion and any alternative sentencing allowed by law;
103 or to provide for commitment of such persons to any county work camp or county jail by
104 agreement with the appropriate county officials.
- 105 (15) Motor vehicles. To regulate the operation of motor vehicles and exercise control
106 over all traffic, including parking upon or across the streets, roads, alleys, and walkways
107 of the city.
- 108 (16) Municipal agencies and delegation of power. To create, alter, or abolish
109 departments, boards, offices, commissions, and agencies of the city and to confer upon
110 such agencies the necessary and appropriate authority for carrying out all the powers
111 conferred upon or delegated to the same.
- 112 (17) Municipal debts. To appropriate and borrow money for the payment of debts of the
113 city and to issue bonds for the purpose of raising revenue to carry out any project,
114 program, or venture authorized by this charter or the laws of the State of Georgia.
- 115 (18) Municipal property ownership. To acquire, dispose of, lease, and hold in trust or
116 otherwise any real, personal, or mixed property, in fee simple or lesser interest, inside or
117 outside the property limits of the city.
- 118 (19) Municipal property protection. To provide for the preservation and protection of
119 property and equipment of the city and the administration and use of same by the public;
120 and to prescribe penalties and punishment for violations thereof.
- 121 (20) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose
122 of public utilities, including, but not limited to, a system of waterworks, sewers and
123 drains, sewage disposal, storm-water management, gas works, electric light plants, cable
124 television and other telecommunications, transportation facilities, public airports, and any
125 other public utility; to fix the taxes, charges, rates, fares, fees, assessments, regulations,
126 and penalties; and to provide for the withdrawal of service for refusal or failure to pay the
127 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 officers and to establish, operate, or contract for a police and a firefighting 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 improvements, inside or outside the corporate limits
142 of the city; to regulate the use of public improvements; and for such purposes, property
143 may be acquired by condemnation under Title 22 of the O.C.G.A., or such other
144 applicable laws as are or may hereafter be enacted.
- 145 (27) Public peace. To provide for the prevention and punishment of loitering, disorderly
146 conduct, drunkenness, riots, and public disturbances.
- 147 (28) Public transportation. To organize and operate such public transportation systems
148 as are deemed beneficial.
- 149 (29) Public utilities and services. To grant franchises or make contracts for or impose
150 taxes on public utilities and public service companies and to prescribe the rates, fares,
151 regulations and standards, and conditions of service applicable to the service to be
152 provided by the franchise grantee or contractor, insofar as not in conflict with valid
153 regulations of the Public Service Commission.
- 154 (30) Regulation of roadside areas. To prohibit or regulate and control the erection,
155 removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any
156 and all other structures or obstructions upon or adjacent to the rights-of-way of streets and
157 roads or within view thereof, within or abutting the corporate limits of the city; and to
158 prescribe penalties and punishment for violation of such ordinances.
- 159 (31) Retirement. To provide and maintain a retirement plan and other employee benefit
160 plans and programs for officers and employees of the city.
- 161 (32) Roadways. To lay out, open, extend, widen, narrow, establish or change the grade
162 of, abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise
163 improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and
164 walkways within the corporate limits of the city; and to grant franchises and
165 rights-of-way throughout the streets and roads and over the bridges and viaducts for the
166 use of public utilities; and to require real estate owners to repair and maintain in a safe

167 condition the sidewalks adjoining their lots or lands and to impose penalties for failure
168 to do so.

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

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

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

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

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

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

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

198 (40) Urban redevelopment. To organize and operate an urban redevelopment program.

199 (41) Other powers. To exercise and enjoy all other powers, functions, rights, privileges,
200 and immunities necessary or desirable to promote or protect the safety, health, peace,
201 security, good order, comfort, convenience, or general welfare of the city and its
202 inhabitants; to exercise all implied powers necessary or desirable to carry into execution
203 all powers granted in this charter as fully and completely as if such powers were fully

204 stated herein; and to exercise all powers now or in the future authorized to be exercised
 205 by other municipal governments under other laws of the State of Georgia. No listing of
 206 particular powers in this charter shall be held to be exclusive of others, nor restrictive of
 207 general words and phrases granting powers, but shall be held to be in addition to such
 208 powers unless expressly prohibited to municipalities under the Constitution or applicable
 209 laws of the State of Georgia.

210 **SECTION 1.14.**

211 Exercise of powers.

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

216 **ARTICLE II**

217 **GOVERNMENT STRUCTURE**

218 **SECTION 2.10.**

219 City council; creation; number; election.

220 The legislative authority of the government of this city, except as otherwise specifically
 221 provided in this charter, shall be vested in a city council to be composed of a mayor and six
 222 councilmembers. The councilmembers shall be elected in the manner provided by general
 223 law and this charter. The members of the council shall be elected at-large by the voters of
 224 the entire city in accordance with provisions of Article V of this charter. The mayor shall be
 225 elected as provided in Section 2.32 of this charter.

226 **SECTION 2.11.**

227 City council terms and qualifications for office; initial election and terms.

228 (a) Except as provided otherwise in this charter, the members of the city council shall serve
 229 for terms of four years and until their respective successors are elected and qualified. No
 230 person shall be eligible to serve as councilmember unless that person is at least 21 years of
 231 age at the time of qualifying and has been a resident of the territory encompassed by the city
 232 boundaries for at least 12 months prior to the date of his or her election; each shall continue
 233 to reside therein during that member's period of service and to be registered and qualified to
 234 vote in municipal elections of this city.

235 (b) For the purpose of electing members of the council, the City of Skidaway Island shall
236 consist of six council posts which shall be designated Council Posts 1, 2, 3, 4, 5, and 6. At
237 the time of qualifying, each candidate for election to the council other than the mayor shall
238 designate the council post that he or she seeks to represent. To be eligible to seek and to hold
239 Council Post 1, in addition to the other qualifications specified in subsection (a) of this
240 section, the person shall be a resident of the area within the city that is not contained in the
241 subdivision known as "The Landings." Persons elected to Council Posts 2, 3, 4, 5, and 6 may
242 reside anywhere within the city.

243 (c) The first election for mayor and councilmembers shall be a special election held on the
244 third Tuesday in March, 2019. At such election, the mayor and councilmembers from
245 Council Posts 1, 2, and 3 shall be elected for initial terms of office beginning immediately
246 after their election and expiring on December 31, 2023. The councilmembers elected from
247 Council Posts 4, 5, and 6 shall be elected for initial terms of office beginning immediately
248 after their election and expiring on December 31, 2021. Thereafter, their successors shall be
249 elected for terms of four years. All members shall serve until their successors are elected and
250 qualified.

251 **SECTION 2.12.**

252 Vacancy; filling of vacancies.

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

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

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

266

SECTION 2.13.

267

Compensation and expenses.

268 The mayor shall receive a salary of \$4,000.00 per annum to be paid in equal monthly
 269 amounts from funds of the city, and councilmembers shall receive a salary of \$3,000.00 per
 270 annum to be paid in equal monthly amounts from funds of the city for their services. In
 271 addition, the mayor and councilmembers shall be reimbursed for their necessary and actual
 272 expenses incurred in the performance of their duties of office as provided by ordinance.

273

SECTION 2.14.

274

Holding other office; voting when financially interested.

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

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

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

281

SECTION 2.15.

282

Inquiries and Investigations.

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

289

SECTION 2.16.

290

General power and authority of the city council.

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

293 (b) In addition to all other powers conferred upon it by law, the council shall have the
 294 authority to adopt and provide for the execution of such ordinances, resolutions, rules, and
 295 regulations, not inconsistent with this charter and the Constitution and the laws of the State

296 of Georgia, which it shall deem necessary, expedient, or helpful for the peace, good order,
297 protection of life and property, health, welfare, sanitation, comfort, convenience, prosperity,
298 or well-being of the inhabitants of the City of Skidaway Island and may enforce such
299 ordinances by imposing penalties for violation thereof.

300 **SECTION 2.17.**

301 Eminent domain.

302 The city council is hereby empowered to acquire, construct, operate, and maintain public
303 improvements inside or outside the city and to regulate the use thereof, and for such
304 purposes, property may be condemned under procedures established under general law
305 applicable now or as provided in the future.

306 **SECTION 2.18.**

307 Organizational meetings.

308 The city council shall hold an organizational meeting on the first business day in January
309 following each election year for members of the city council. The meeting shall be called
310 to order by the city clerk, and the oath of office shall be administered to the newly elected
311 members by a judicial officer authorized to administer oaths and shall, to the extent that it
312 comports with federal and state law, be as follows:

313 "I do solemnly (swear)(affirm) that I will faithfully perform the duties of
314 (mayor)(councilmember) of this city and that I will support and defend the charter thereof
315 as well as the constitution and laws of the State of Georgia and of the United States of
316 America. I am not the holder of any unaccounted for public money due this state or any
317 political subdivision or authority thereof. I am not the holder of any office of trust under
318 the government of the United States, any other state, or any foreign state which I by the
319 laws of the State of Georgia am prohibited from holding. I am otherwise qualified to hold
320 such office according to the Constitution and laws of Georgia and the municipal charter.
321 I have been a resident of the City of Skidaway Island for the time required by the
322 Constitution and laws of this state and by the municipal charter. I will perform the duties
323 of my office in the best interest of the City of Skidaway Island to the best of my ability
324 without fear, favor, affection, reward, or expectation thereof."

325

SECTION 2.19.

326

Regular and special meetings.

327 (a) The city council shall hold not less than 12 regular meetings each year at such times and
328 places as shall be prescribed by ordinance.

329 (b) Special meetings of the city council may be held on call of the mayor or two members
330 of the city council. Notice of such special meetings shall be served on all other members
331 personally, or by telephone personally, at least 48 hours in advance of the meeting. Such
332 notice to such members shall not be required if the mayor and all councilmembers are present
333 when the special meeting is called. Such notice of any special meeting may be waived by
334 the mayor or a councilmember in writing before or after such a meeting, and attendance at
335 the meeting shall also constitute a waiver of notice on any business transacted in such
336 councilmember's presence. Only the business stated in the call may be transacted at the
337 special meeting, and no other business may be transacted at such meeting.

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

342

SECTION 2.20.

343

Rules of procedure.

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

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

350

SECTION 2.21.

351

Quorum: voting

352 (a) A majority of councilmembers shall constitute a quorum and shall be authorized to
353 transact business of the city council. Voting on the adoption of ordinances shall be by voice
354 vote and the vote shall be recorded in the journal, but any member of the city council shall
355 have the right to request a roll call vote and such vote shall be recorded in the journal.
356 Except as otherwise provided in this charter, the affirmative vote of a majority of

357 councilmembers present shall be required for the adoption of any ordinance, resolution, or
 358 motion; provided, however, that no ordinance shall be enacted except upon the affirmative
 359 vote of four councilmembers.

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

367 **SECTION 2.22.**

368 Ordinance form; procedures.

369 (a) Every proposed ordinance shall be introduced in writing and in the form required for
 370 final adoption. No ordinance shall contain a subject which is not expressed in its title. The
 371 enacting clause shall be "It is hereby ordained by the governing authority of the City of
 372 Skidaway Island" and every ordinance shall so begin.

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

381 (c) Each ordinance shall contain only one subject which shall be expressed in its title;
 382 provided, however, that appropriation ordinances may contain the various subjects, accounts,
 383 and amounts for which moneys are appropriated and that ordinances which are codified or
 384 recodified are not subject to the limitations of containing one subject.

385 **SECTION 2.23.**

386 Action requiring an ordinance.

387 Actions of the city council which have the force and effect of law shall be enacted by
 388 ordinance. Every action of a general or permanent nature, including, but not limited to,
 389 granting a franchise, levying a tax, appropriating money, contracting indebtedness to be

390 evidenced by the issuance of bonds or notes, for the purchase, lease, sale, or transfer of real
 391 property or for establishing an offense and fixing the penalty therefor shall be taken by
 392 ordinance in the manner provided in this charter.

393 **SECTION 2.24.**

394 Emergencies.

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

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

416 **SECTION 2.25.**

417 Codes of technical regulations.

418 (a) The city council may adopt any standard code of technical regulations by reference
 419 thereto in an adopting ordinance. The procedure and requirements governing such adopting
 420 ordinance shall be as prescribed for ordinances generally except that the requirements of
 421 subsection (b) of Section 2.22 of this charter for distribution and filing of copies of the
 422 ordinance shall be construed to include copies of any code of technical regulations, as well

423 as the adopting ordinance and a copy of each adopted code of technical regulations, as well
424 as the adopting ordinance, and shall be authenticated and recorded by the city clerk pursuant
425 to Section 2.26 of this charter.

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

428 **SECTION 2.26.**

429 Signing; authenticating; recording; codification; printing.

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

432 (b) The city council shall provide for the preparation of a general codification of all the
433 ordinances of the city having the force and effect of law. The general codification shall be
434 adopted by the city council by ordinance and shall be published promptly, together with all
435 amendments thereto and such codes of technical regulations and other rules and regulations
436 as the city council may specify. This compilation shall be known and cited officially as "The
437 Code of the City of Skidaway Island, Georgia." Copies of the code shall be furnished to all
438 officers, departments, and agencies of the city and shall be made available for purchase by
439 the public at a reasonable price as fixed by the city council.

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

449 **SECTION 2.27.**

450 City manager; appointment; qualifications; compensation.

451 The city council shall appoint a city manager for an indefinite term and shall fix the city
452 manager's compensation. The city manager shall be appointed solely on the basis of
453 executive and administrative qualifications.

454 **SECTION 2.28.**

455 Removal of city manager.

456 The city manager is employed at will and may be summarily removed from office at any time
457 by the city council.

458 **SECTION 2.29.**

459 Acting city manager.

460 By letter filed with the city clerk, the city manager shall designate, subject to approval of the
461 city council, a qualified city administrative officer to exercise the powers and perform the
462 duties of the city manager during the city manager's temporary absence or physical or mental
463 disability. During such absence or disability, the city council may revoke such designation
464 at any time and appoint another officer of the city to serve until the city manager shall return
465 or the city manager's disability shall cease.

466 **SECTION 2.30.**

467 Powers and duties of the city manager.

468 The city manager shall be the chief administrative officer of the city. The city manager shall
469 be responsible to the city council for the administration of all city affairs placed in the city
470 manager's charge by or under this charter. As the chief administrative officer, the city
471 manager shall:

- 472 (1) Appoint and, when the city manager deems it necessary for the good of the city,
473 suspend or remove any city employee and administrative officer that the city manager
474 appoints, except as otherwise provided by law or personnel ordinances adopted pursuant
475 to this charter. The city manager may authorize any administrative officer who is subject
476 to the city manager's direction and supervision to exercise these powers with respect to
477 subordinates in that officer's department, office, or agency;
- 478 (2) Direct and supervise the administration of all departments, offices, and agencies of
479 the city, except as otherwise provided by this charter or by law;
- 480 (3) Attend all city council meetings except for closed meetings held for the purposes of
481 deliberating on the appointment, discipline, or removal of the city manager and have the
482 right to take part in discussion but not vote;
- 483 (4) See that all laws, provisions of this charter, and acts of the city council, subject to
484 enforcement by the city manager or by officers subject to the city manager's direction and
485 supervision, are faithfully executed;

- 486 (5) Prepare and submit the annual operating budget and capital budget to the city
487 council;
- 488 (6) Submit to the city council and make available to the public a complete report on the
489 finances and administrative activities of the city as of the end of each fiscal year;
- 490 (7) Fulfill state reporting requirements of Code Section 36-80-16 of the O.C.G.A., the
491 "Local Government Authorities Registration Act"; the Department of Community Affairs
492 local planning requirements for "Qualified Local Government" (QLG) status; and the
493 requirements of Article 2 of Chapter 70 of Title 36 of the O.C.G.A., regarding service
494 delivery;
- 495 (8) Make such other reports as the city council may require concerning the operations
496 of city departments, offices, and agencies subject to the city manager's direction and
497 supervision;
- 498 (9) Keep the city council fully advised as to the financial condition and future needs of
499 the city and make such recommendations to the city council concerning the affairs of the
500 city as the city manager deems desirable; and
- 501 (10) Perform other such duties as are specified in this charter or as may be required by
502 the city council.

503 **SECTION 2.31.**

504 Council interference with administration.

505 Except for the purpose of inquiries and investigations under Section 2.15 of this charter, the
506 city council or its members shall deal with city officers and employees who are subject to the
507 direction and supervision of the city manager solely through the city manager, and neither
508 the city council nor its members shall give orders to any such officer or employee, either
509 publicly or privately.

510 **SECTION 2.32.**

511 Selection of mayor and mayor pro tem.

512 In accordance with the alternating election cycle for terms of office in subsection (b) of
513 Section 5.11 of this charter, except as otherwise provided in this charter, at each regular
514 election where the mayor is to be elected, the voters of the city shall elect a mayor at large
515 for a term of four years. At the first organizational meeting in July, 2019, and thereafter at
516 the beginning of each even-numbered year, beginning in 2020, the city council shall elect
517 from among its members a mayor pro tem who shall act as mayor during the absence or
518 disability of the mayor, but shall only have one vote on matters before the city council, and,

519 if a vacancy occurs, the mayor pro tem shall become mayor for the remainder of the expired
520 term.

521 **SECTION 2.33.**

522 Powers and duties of mayor.

523 The mayor shall:

- 524 (1) Preside at all meetings of the city council;
525 (2) Be the head of the city for the purpose of service of process and for ceremonial
526 purposes and be the official spokesperson for the city and the chief advocate of policy;
527 (3) Have power to administer oaths and to take affidavits; and
528 (4) Sign as a matter of course on behalf of the city all written and approved contracts,
529 ordinances, and other instruments executed by the city which by law are required to be
530 in writing.

531 **SECTION 2.34.**

532 Position of mayor pro tem.

533 During the absence or physical or mental disability of the mayor for any reason, the mayor
534 pro tem, or in the mayor pro tem's absence or disability for any reason, any one of the
535 councilmembers chosen by a majority vote of the city council, shall be clothed with all the
536 rights and privileges of the mayor and shall perform the duties of the office of the mayor so
537 long as such absence or disability shall continue. Any such absence or disability shall be
538 declared by majority vote of all councilmembers. The mayor pro tem or selected
539 councilmember shall sign all contracts and ordinances in which the mayor has a disqualifying
540 financial interest as provided in Section 2.14 of this charter. When acting as mayor, the
541 mayor pro tem shall continue to have only one vote as a member of the council.

542 **ARTICLE III**

543 **ADMINISTRATIVE STRUCTURE**

544 **SECTION 3.10.**

545 Administrative and service departments.

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

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

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

555 (d) There may be a director of each department or agency who shall be its principal officer.
556 Each director shall, subject to the direction and supervision of the city manager, be
557 responsible for the administration and direction of the affairs and operations of that director's
558 department or agency.

559 (e) All appointive officers and directors under the supervision of the city manager shall be
560 appointed by the city manager. All appointive officers and directors shall be employees at
561 will and subject to removal or suspension at any time by the city manager unless otherwise
562 provided by law or ordinance.

563 **SECTION 3.11.**

564 Consolidation of functions.

565 The city manager may consolidate any two or more positions or functions or may assign the
566 functions of any one or more positions to the holder or holders of any other positions. The
567 city manager may also perform all or part of the functions of any of the positions or offices
568 in lieu of the appointment of other persons to perform the same.

569 **SECTION 3.12.**

570 Boards, commissions, and authorities.

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

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

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

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

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

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

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

592 (h) Except as otherwise provided by this charter or by law, each board, commission, or
593 authority of the city shall elect one of its members as chairperson and one member as
594 vice-chairperson and may elect as its secretary one of its own members or may appoint as
595 secretary an employee of the city. Each board, commission, or authority of the city
596 government may establish such bylaws, rules, and regulations, not inconsistent with this
597 charter, ordinances of the city, or law, as it deems appropriate and necessary for the
598 fulfillment of its duties or the conduct of its affairs. Approval of such bylaws, rules, and
599 regulations shall be authorized by the affirmative vote of city council. Copies of such
600 bylaws, rules, and regulations shall be filed with the city clerk.

601 **SECTION 3.13.**

602 City attorney.

603 The city council shall appoint a city attorney, together with such assistant city attorneys as
604 may be authorized, and shall provide for the payment of such attorney or attorneys for
605 services rendered to the city. The city attorney shall be responsible for providing for the
606 representation and defense of the city in all litigation in which the city is a party; may be the
607 prosecuting officer in the municipal court; shall attend the meetings of the council as
608 directed; shall advise the city council, mayor, and other officers and employees of the city
609 concerning legal aspects of the city's affairs; and shall perform such other duties as may be
610 required by virtue of the person's position as city attorney. The city attorney shall not be a
611 public official of the city and shall not take an oath of office. The city attorney shall at all
612 times be an independent contractor. A law firm, rather than an individual, may be designated
613 as the city attorney.

614 **SECTION 3.14.**

615 City clerk.

616 The city council shall appoint a city clerk who shall not be a councilmember. The city clerk
 617 shall be custodian of the official city seal and city records; maintain city council records
 618 required by this charter; and perform such other duties as may be required by the city
 619 council.

620 **SECTION 3.15.**

621 Position classification and pay plans.

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

628 **ARTICLE IV**629 **JUDICIAL BRANCH**630 **SECTION 4.10.**

631 Creation; name.

632 There shall be a court to be known as the Municipal Court of the City of Skidaway Island.

633 **SECTION 4.11.**

634 Chief judge; associate judge.

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

637 (b) No person shall be qualified or eligible to serve as a judge on the municipal court unless
 638 that person shall have attained the age of 21 years, shall be a member of the State Bar of
 639 Georgia, and shall possess all qualifications required by law. All judges shall be appointed
 640 by the city council and shall serve for a minimum term of one year and until a successor is
 641 appointed or if the judge is removed from office as provided in Code Section 36-32-2.1 of
 642 the O.C.G.A. Such term shall be memorialized in a written agreement between such
 643 individual and the governing authority of the city or in an ordinance.

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

645 (d) Except as otherwise provided in subsection (b) of this section, judges serve at-will and
646 may be removed from office at any time by the city council unless otherwise provided by
647 ordinance.

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

652 **SECTION 4.12.**

653 Convening.

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

655 **SECTION 4.13.**

656 Jurisdiction; powers.

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

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

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

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

667 (e) The municipal court shall have authority to establish bail and recognizances to ensure
668 the presence of those charged with violations before such court and shall have discretionary
669 authority to accept cash or personal or real property as surety for the appearance of persons
670 charged with violations. Whenever any person shall give bail for that person's appearance
671 and shall fail to appear at the time fixed for trial, the bond shall be forfeited by the judge
672 presiding at such time and an execution issued thereon by serving the defendant and the
673 defendant's sureties with a rule nisi at least two days before a hearing on the rule nisi. In the
674 event that cash or property is accepted in lieu of bond for security for the appearance of a
675 defendant at trial, and if such defendant fails to appear at the time and place fixed for trial,
676 the cash so deposited shall be on order of the judge declared forfeited to the city, or the

677 property so deposited shall have a lien against it for the value forfeited, which lien shall be
678 enforceable in the same manner and to the same extent as a lien for city property taxes.

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

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

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

689 **SECTION 4.14.**

690 Certiorari.

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

695 **SECTION 4.15.**

696 Rules for court.

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

704 ARTICLE V
 705 ELECTIONS AND REMOVAL
 706 **SECTION 5.10.**
 707 Applicability of general law.

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

710 **SECTION 5.11.**
 711 Election of the city council.

712 (a) There shall be a municipal general election every odd-numbered year on the Tuesday
 713 next following the first Monday in November, beginning in 2021.

714 (b) There shall be elected three councilmembers and a mayor at one election and at every
 715 other regular election thereafter. The three remaining city council seats shall be filled at the
 716 election alternating with the first election so that a continuing body is created. Terms of
 717 office shall be for four years and until their respective successors are elected and qualified.

718 (c) When qualifying to seek election to the city council, the individual qualifying shall
 719 specify the position for which he or she is offering for election. Members of the city council
 720 and the mayor shall be elected by the voters of the city at-large. The member representing
 721 Council Post 1 shall be a resident of the portions of the city that are not contained in the
 722 subdivision known as "The Landings on Skidaway Island."

723 (d) In the initial election under this charter to be held on the third Tuesday in March, 2019,
 724 the mayor and four council posts shall be filled. The initial terms of office for those
 725 individuals elected to the positions of mayor and Council Districts 1, 2, and 3 shall take
 726 office immediately upon the certification of the results of such initial election and shall serve
 727 until December 31, 2023, and until their respective successors are elected and qualified. The
 728 individuals elected to Council Districts 4, 5, and 6 shall take office immediately upon the
 729 certification of the results of such initial election and shall serve until December 31, 2021,
 730 and until their respective successors are elected and qualified. Thereafter, all members of the
 731 city council shall be elected in November immediately preceding the end of their respective
 732 terms of office and shall take office on January 1 immediately following such election for
 733 terms of office of four years and until their respective successors are elected and qualified.

734 (e) City council members, other than the mayor, shall be limited to three consecutive
 735 four-year terms of office as members of the city council. The mayor shall be limited to two
 736 consecutive four-year terms of office as mayor. The initial terms of office under

737 subsection (d) of this section of less than four years and partial terms of office shall not be
738 counted toward this number.

739 **SECTION 5.12.**

740 Nonpartisan elections.

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

743 **SECTION 5.13.**

744 Election by plurality.

745 The candidate receiving the highest number of votes cast for the council seat for which he
746 or she is offering for election shall be elected, and the candidate receiving the highest number
747 of votes cast for the office of mayor shall be elected.

748 **SECTION 5.14.**

749 Special elections; vacancies.

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

757 **SECTION 5.15.**

758 Other provisions.

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

762 **SECTION 5.16.**

763 Removal of officers.

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

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

769 (1) Following a hearing at which an impartial panel shall render a decision. In the event
770 an elected officer is sought to be removed by the action of the city council, such officer
771 shall be entitled to a written notice specifying the ground or grounds for removal and to
772 a public hearing which shall be held not less than ten days after the service of such
773 written notice. The city council shall provide by ordinance for the manner in which such
774 hearings shall be held. Any elected officer sought to be removed from office as provided
775 in this paragraph shall have the right of appeal from the decision of the city council to the
776 Superior Court of Chatham County. Such appeal shall be governed by the same rules as
777 govern appeals to the superior court from the probate court; or

778 (2) By an order of the Superior Court of Chatham County following a hearing on a
779 complaint seeking such removal brought by any resident of the City of Skidaway Island.

780 **ARTICLE VI**

781 **FINANCE**

782 **SECTION 6.10.**

783 Property tax.

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

790 **SECTION 6.11.**

791 Millage rate; due dates; payment methods.

792 The city council, by ordinance, shall establish a millage rate for the city property tax, not to
793 exceed 4.13 mills, a due date, and the time period within which these taxes shall be paid.

794 The city council, by ordinance, may provide for the payment of these taxes by two
795 installments or in one lump sum, as well as authorize the voluntary payment of taxes prior
796 to the time when due.

797 **SECTION 6.12.**

798 Occupation and business taxes.

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

803 **SECTION 6.13.**

804 Regulatory fees; permits.

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

810 **SECTION 6.14.**

811 Franchises.

812 (a) The city council shall have the power to grant franchises for the use of the city's streets
813 and alleys for the purposes of railroads, street railways, telephone companies, electric
814 companies, electric membership corporations, cable television and other telecommunications
815 companies, gas companies, transportation companies, and other similar organizations. The
816 city council shall determine the duration, terms, whether the same shall be exclusive or
817 nonexclusive, and the consideration for such franchises; provided, however, that no franchise
818 shall be granted for a period in excess of 35 years and no franchise shall be granted unless
819 the city receives just and adequate compensation therefor. The city council shall provide for
820 the registration of all franchises with the city clerk in a registration book kept by the city
821 clerk.

822 (b) If no franchise agreement is in effect, the city council has the authority to impose a tax
823 on gross receipts for the use of this city's streets and alleys for the purposes of railroads,
824 street railways, telephone companies, electric companies, electric membership corporations,

825 cable television and other telecommunications companies, gas companies, transportation
826 companies, and other similar organizations.

827 **SECTION 6.15.**

828 Service charges.

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

833 **SECTION 6.16.**

834 Special assessments.

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

839 **SECTION 6.17.**

840 Construction; other taxes and fees.

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

844 **SECTION 6.18.**

845 Collection of delinquent taxes and fees.

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

853 **SECTION 6.19.**

854 General obligation bonds.

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

859 **SECTION 6.20.**

860 Revenue bonds.

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

864 **SECTION 6.21.**

865 Short-term loans.

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

868 **SECTION 6.22.**

869 Lease-purchase contracts.

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

877 **SECTION 6.23.**

878 Fiscal year.

879 The city fiscal year shall be set as January 1 through December 31. This fiscal year shall
880 constitute the budget year and the year for financial accounting and reporting of each and

881 every office, department, agency, and activity of the city government unless otherwise
882 provided by state or federal law.

883 **SECTION 6.24.**

884 Preparation of budgets.

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

888 **SECTION 6.25.**

889 Submission of operating budget to city council.

890 On or before a date fixed by the city council but not later than 90 days prior to the beginning
891 of each fiscal year, the city manager shall submit to the city council a proposed operating
892 budget for the ensuing fiscal year. The budget shall be accompanied by a message from the
893 city manager containing a statement of the general fiscal policies of the city, the important
894 features of the budget, explanations of major changes recommended for the next fiscal year,
895 a general summary of the budget, and such other pertinent comments and information. The
896 operating budget and the capital budget hereinafter provided for, the budget message, and
897 all supporting documents shall be filed in the office of the city clerk and shall be open to
898 public inspection.

899 **SECTION 6.26.**

900 Action by city council on budget.

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

906 (b) The city council by ordinance shall adopt the final operating budget for the ensuing fiscal
907 year not later than the twentieth day of December of each year. If the city council fails to
908 adopt the budget by this date, the amounts appropriated for operation for the current fiscal
909 year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all
910 items prorated accordingly until such time as the city council adopts a budget for the ensuing
911 fiscal year. Adoption of the budget shall take the form of an appropriations ordinance setting

912 out the estimated revenues in detail by sources and making appropriations according to fund
 913 and by organizational unit, purpose, or activity as set out in the budget preparation ordinance
 914 adopted pursuant to Section 6.24 of this charter.

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

919 **SECTION 6.27.**

920 Tax levies.

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

927 **SECTION 6.28.**

928 Changes in appropriations.

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

933 **SECTION 6.29.**

934 Capital budget.

935 (a) On or before the date fixed by the city council but no later than 90 days prior to the
 936 beginning of each fiscal year, the city manager shall submit to the city council a proposed
 937 capital improvements plan with a recommended capital budget containing the means of
 938 financing the improvements proposed for the ensuing fiscal year. The city council shall have
 939 power to accept, with or without amendments, or reject the proposed plan and proposed
 940 budget. The city council shall not authorize an expenditure for the construction of any
 941 building, structure, work, or improvement, unless the appropriations for such project are

942 included in the capital budget, except to meet a public emergency as provided in Section 2.24
943 of this charter.

944 (b) The city council shall adopt by ordinance the final capital budget for the ensuing fiscal
945 year not later than the twentieth day of December of each year. No appropriation provided
946 for in a prior capital budget shall lapse until the purpose for which the appropriation was
947 made shall have been accomplished or abandoned; provided, however, that the city manager
948 may submit amendments to the capital budget at any time during the fiscal year,
949 accompanied by recommendations. Any such amendments to the capital budget shall
950 become effective only upon adoption by ordinance.

951 **SECTION 6.30.**
952 Independent audit.

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

958 **SECTION 6.31.**
959 Contracting procedures.

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

- 961 (1) It is in writing;
962 (2) It is drawn by or submitted to and reviewed by the city attorney, and as a matter of
963 course, is signed by the city attorney to indicate such drafting or review; and
964 (3) It is made or authorized by the city council and such approval is entered in the city
965 council journal of proceedings pursuant to Section 2.21 of this charter.

966 **SECTION 6.32.**
967 Centralized purchasing.

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

970 **SECTION 6.33.**

971 Sale and lease of city property.

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

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

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

990 **ARTICLE VII**

991 **GENERAL PROVISIONS**

992 **SECTION 7.10.**

993 Bonds for officials.

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

997 **SECTION 7.11.**

998 Construction.

999 (a) Section captions in this charter are informative only and are not to be considered as a part
1000 thereof.

1001 (b) The word "shall" is mandatory and the word "may" is permissive.

1002 (c) The singular shall include the plural, the masculine shall include the feminine, and vice
1003 versa.

1004 **ARTICLE VIII**

1005 **HOMESTEAD EXEMPTIONS**

1006 **SECTION 8.10.**

1007 **General homestead exemption.**

1008 (a) As used in this section, the term:

1009 (1) "Ad valorem taxes for municipal purposes" means all ad valorem taxes for municipal
1010 purposes levied by, for, or on behalf of the City of Skidaway Island, except for any ad
1011 valorem taxes to pay interest on and to retire municipal bonded indebtedness.

1012 (2) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of
1013 the O.C.G.A., as amended.

1014 (b) Each resident of the City of Skidaway Island is granted an exemption on that person's
1015 homestead from City of Skidaway Island ad valorem taxes for municipal purposes in the
1016 amount of the assessed value of that homestead. The value of that property in excess of such
1017 exempted amount shall remain subject to taxation.

1018 (c) Any person who as of January 1, 2018, has applied for and is eligible for the \$2,000.00
1019 exemption from county ad valorem taxation provided in Code Section 48-5-44 of the
1020 O.C.G.A. shall be eligible for the exemption provided for by subsection (b) of this section
1021 without applying therefor. Thereafter, a person shall not receive the homestead exemption
1022 granted by subsection (b) of this section unless such person or person's agent files an
1023 application with the governing authority of the City of Skidaway Island, or the designee
1024 thereof, giving such information relative to receiving such exemption as will enable the
1025 governing authority of the City of Skidaway Island, or the designee thereof, to make a
1026 determination regarding the initial and continuing eligibility of such person for such
1027 exemption. The governing authority of the City of Skidaway Island, or the designee thereof,
1028 shall provide application forms for this purpose.

1029 (d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of
1030 the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year
1031 as long as the person granted the homestead exemption under subsection (b) of this section
1032 occupies the residence as a homestead. After a person has filed the proper application as
1033 provided in subsection (c) of this section, it shall not be necessary to make application
1034 thereafter for any year, and the exemption shall continue to be allowed to such person. It
1035 shall be the duty of any person granted the homestead exemption under subsection (b) of this

1036 section to notify the governing authority of the City of Skidaway Island, or the designee
1037 thereof, in the event that person for any reason becomes ineligible for such exemption.

1038 (e) The exemption granted by subsection (b) of this section shall not apply to or affect any
1039 state ad valorem taxes, county ad valorem taxes for county purposes, or county or
1040 independent school district ad valorem taxes for educational purposes. The homestead
1041 exemption granted by subsection (b) of this section shall be in lieu of and not in addition to
1042 any other homestead exemption applicable to City of Skidaway Island ad valorem taxes for
1043 municipal purposes.

1044 (f) The exemption granted by subsection (b) of this section shall apply to all taxable years
1045 beginning on or after July 1, 2019.

1046 **SECTION 8.11.**

1047 Homestead exemption; senior citizen; disabled.

1048 (a) As used in this section, the term:

1049 (1) "Ad valorem taxes for municipal purposes" means all ad valorem taxes for municipal
1050 purposes levied by, for, or on behalf of the City of Skidaway Island, including, but not
1051 limited to, any ad valorem taxes to pay interest on and to retire municipal bonded
1052 indebtedness.

1053 (2) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of
1054 the O.C.G.A., as amended.

1055 (3) "Income" means Georgia taxable net income determined pursuant to Chapter 7 of
1056 Title 48 of the O.C.G.A., as amended, for state income tax purposes, except such term
1057 shall not include income received as retirement, survivor, or disability benefits under the
1058 federal Social Security Act or under any other public or private retirement, disability, or
1059 pension system, except such income which is in excess of the maximum amount
1060 authorized to be paid to an individual and such individual's spouse under the federal
1061 Social Security Act. Income from such sources in excess of such maximum amount shall
1062 be included as income for the purposes of this Act.

1063 (4) "Senior citizen" means a person who is 65 years of age or older on or before
1064 January 1 of the year in which application for the exemption under subsection (b) of this
1065 section is made.

1066 (b) Each resident of the City of Skidaway Island who is disabled or who is a senior citizen
1067 is granted an exemption on that person's homestead from City of Skidaway Island ad valorem
1068 taxes for municipal purposes in the amount of \$14,000.00 of the assessed value of that
1069 homestead. The exemption under this subsection shall only be granted if that person's
1070 income, together with the income of the spouse who also occupies and resides at such

1071 homestead, does not exceed \$15,000.00 for the immediately preceding year. The value of
1072 that property in excess of such exempted amount shall remain subject to taxation.

1073 (c)(1) In order to qualify for the exemption provided for in subsection (b) of this section
1074 as being disabled, the person claiming such exemption shall be required to obtain a
1075 certificate from not more than three physicians licensed to practice medicine under
1076 Chapter 34 of Title 43 of the O.C.G.A., as amended, certifying that in the opinion of such
1077 physician or physicians, such person is mentally or physically incapacitated to the extent
1078 that such person is unable to be gainfully employed and that such incapacity is likely to
1079 be permanent. Such certificate or certificates shall constitute part of and be submitted
1080 with the application provided for in paragraph (2) of this subsection.

1081 (2) A person shall not receive the homestead exemption granted by subsection (b) of this
1082 section unless such person or person's agent files an application with the governing
1083 authority of the City of Skidaway Island, or the designee thereof, giving the person's age,
1084 income, and such additional information relative to receiving such exemption as will
1085 enable the governing authority of the City of Skidaway Island, or the designee thereof,
1086 to make a determination regarding the initial and continuing eligibility of such person for
1087 such exemption. The governing authority of the City of Skidaway Island, or the designee
1088 thereof, shall provide application forms for this purpose.

1089 (d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of
1090 the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year
1091 as long as the person granted the homestead exemption under subsection (b) of this section
1092 occupies the residence as a homestead. After a person has filed the proper application, as
1093 provided in subsection (c) of this section, it shall not be necessary to make application
1094 thereafter for any year, and the exemption shall continue to be allowed to such person. It
1095 shall be the duty of any person granted the homestead exemption under subsection (b) of this
1096 section to notify the governing authority of the City of Skidaway Island, or the designee
1097 thereof, in the event that person for any reason becomes ineligible for such exemption.

1098 (e) The exemption granted by subsection (b) of this section shall not apply to or affect any
1099 state ad valorem taxes, county ad valorem taxes for county purposes, or county or
1100 independent school district ad valorem taxes for educational purposes. The homestead
1101 exemption granted by subsection (b) of this section shall be in addition to and not in lieu of
1102 any other homestead exemption applicable to City of Skidaway Island ad valorem taxes for
1103 municipal purposes.

1104 (f) The exemption granted by subsection (b) of this section shall apply to all taxable years
1105 beginning on or after July 1, 2019.

1106 **SECTION 8.12.**

1107 Homestead exemption; base year.

1108 (a) As used in this Act, the term:

1109 (1) "Ad valorem taxes for municipal purposes" means all municipal ad valorem taxes for
1110 municipal purposes levied by, for, or on behalf of the City of Skidaway Island, except for
1111 any ad valorem taxes to pay interest on and to retire municipal bonded indebtedness.

1112 (2) "Base year" means the taxable year immediately preceding the taxable year in which
1113 the exemption under subsection (b) of this section is first granted to the most recent
1114 owner of such homestead, provided that, for any resident who is receiving a base year
1115 homestead exemption from Chatham County taxes on January 1, 2019, the base year for
1116 such Chatham County base year homestead exemption shall be the base year for the
1117 exemption under subsection (b) of this section until such resident becomes ineligible for
1118 such exemption under this section.

1119 (3) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of
1120 the O.C.G.A., as amended, with the additional qualification that it shall include not more
1121 than five contiguous acres of homestead property.

1122 (b) Each resident of the City of Skidaway Island is granted an exemption on that person's
1123 homestead from City of Skidaway Island ad valorem taxes for municipal purposes in an
1124 amount equal to the amount by which the current year assessed value of that homestead
1125 exceeds the base year assessed value of that homestead. This exemption shall not apply to
1126 taxes assessed on improvements to such homestead or additional land that is added to such
1127 homestead after January 1 of the base year. If any real property is removed from such
1128 homestead, the base year assessed value shall be adjusted to reflect such removal, and the
1129 exemption shall be recalculated accordingly. The value of that property in excess of such
1130 exempted amount shall remain subject to taxation.

1131 (c) The unremarried surviving spouse of a deceased spouse who had been granted the
1132 exemption provided for in subsection (b) of this section shall continue to receive the
1133 exemption provided under subsection (b) of this section so long as that unremarried surviving
1134 spouse continues to occupy the home as a residence and homestead.

1135 (d) A person shall not receive the homestead exemption granted by subsection (b) of this
1136 section unless such person or person's agent files an application with the governing authority
1137 of the City of Skidaway Island, or the designee thereof, giving such information relative to
1138 receiving such exemption as will enable the governing authority of the City of Skidaway
1139 Island, or the designee thereof, to make a determination regarding the initial and continuing
1140 eligibility of such person for such exemption. The governing authority of the City of
1141 Skidaway Island, or the designee thereof, shall provide application forms for this purpose.

- 1142 (e) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of
 1143 the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year
 1144 as long as the person granted the homestead exemption under subsection (b) of this section
 1145 occupies the residence as a homestead. After a person has filed the proper application as
 1146 provided in subsection (d) of this section, it shall not be necessary to make application
 1147 thereafter for any year, and the exemption shall continue to be allowed to such person. It
 1148 shall be the duty of any person granted the homestead exemption under subsection (b) of this
 1149 section to notify the governing authority of the City of Skidaway Island, or the designee
 1150 thereof, in the event that person for any reason becomes ineligible for such exemption.
- 1151 (f) The exemption granted by subsection (b) of this section shall not apply to or affect any
 1152 state ad valorem taxes, county ad valorem taxes for county purposes, or county or
 1153 independent school district ad valorem taxes for educational purposes. The homestead
 1154 exemption granted by subsection (b) of this section shall be in addition to and not in lieu of
 1155 any other homestead exemption applicable to City of Skidaway Island ad valorem taxes for
 1156 municipal purposes.
- 1157 (g) The exemption granted by subsection (b) of this section shall apply to all taxable years
 1158 beginning on or after July 1, 2019.

1159 **ARTICLE IX**

1160 **REFERENDUM AND TRANSITION**

1161 **SECTION 9.10.**

1162 **Qualified electors.**

- 1163 (a) For the purposes of the referendum election provided for in Section 9.11 of this charter
 1164 and for the purposes of the special election to be held on the third Tuesday in March, 2019,
 1165 the qualified electors of the City of Skidaway Island shall be those qualified electors of
 1166 Chatham County residing within the corporate limits of the City of Skidaway Island as
 1167 described by Section 1.11 of this charter. At subsequent municipal elections, the qualified
 1168 electors of the City of Skidaway Island shall be determined pursuant to the authority of
 1169 Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code."
- 1170 (b) Only for the purpose of holding and conducting the referendum election provided for by
 1171 Section 9.11 of this charter and only for the purpose of holding and conducting the special
 1172 election of the City of Skidaway Island to be held on the third Tuesday in March, 2019, the
 1173 election superintendent of Chatham County is vested with the powers and duties of the
 1174 election superintendent of the City of Skidaway Island and the powers and duties of the
 1175 governing authority of the City of Skidaway Island.

1176 **SECTION 9.11.**

1177 Referendum.

1178 The election superintendent of Chatham County shall call a special election for the purpose
 1179 of submitting this Act to the qualified voters of the proposed City of Skidaway Island, as
 1180 provided in Section 9.10 of this charter, for approval or rejection. The superintendent shall
 1181 set the date of such election for the date of the 2018 November general election. The
 1182 superintendent shall issue the call for such election at least 60 days prior to the date thereof.
 1183 The superintendent shall cause the date and purpose of the election to be published once a
 1184 week for two weeks immediately preceding the date thereof in the official organ of Chatham
 1185 County. The ballot shall have written or printed thereon the words:

1186 "() YES Shall the Act incorporating the City of Skidaway Island in Chatham County
 1187 () NO and granting the homestead exemptions described therein be approved?"

1188 All persons desiring to vote for approval of the Act shall vote "Yes," and those persons
 1189 desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes
 1190 cast on such question are for approval of the Act, it shall become of full force and effect as
 1191 provided in Section 9.12 of this charter; otherwise, it shall thereafter be void and of no force
 1192 and effect. The expense of the special election set forth in this section shall be borne by
 1193 Chatham County. It shall be the duty of the superintendent to hold and conduct such
 1194 election. It shall be his or her further duty to certify the result thereof to the Secretary of
 1195 State.

1196 **SECTION 9.12.**

1197 Effective dates.

1198 (a) Sections 1.10 and 1.11 of this charter and those provisions of this charter necessary for
 1199 the special election provided for in Section 9.11 of this charter shall become effective
 1200 immediately upon its approval by the Governor or upon its becoming law without such
 1201 approval.

1202 (b) Those provisions of this Act necessary for the special election to be held on the third
 1203 Tuesday in March, 2019, shall be effective upon the certification of the results of the
 1204 referendum election provided for by Section 9.11 of this charter, if this Act is approved at
 1205 such referendum election.

1206 (c) The remaining provisions of this Act shall become of full force and effect for all
 1207 purposes on July 1, 2019, except that the initial mayor and councilmembers shall take office
 1208 immediately following their election and by action of a quorum may prior to July 1, 2019,
 1209 meet and take actions binding on the city.

1210 **SECTION 9.13.**

1211 Transition.

1212 (a) A period of time will be needed for an orderly transition of various government functions
 1213 from Chatham County to the City of Skidaway Island. Accordingly, there shall be a
 1214 transition period beginning on July 1, 2019, and ending at midnight on the last day of the
 1215 twenty-fourth month following such date. During such transition period, all provisions of
 1216 this charter shall be effective as law, but not all provisions of this charter shall be
 1217 implemented.

1218 (b) During such transition period, Chatham County shall continue to provide within the
 1219 territorial limits of the City of Skidaway Island all government services and functions which
 1220 Chatham County provided in that area during 2018 and at the same actual cost, except to the
 1221 extent otherwise provided in this section; provided, however, that upon at least 30 days' prior
 1222 written notice to Chatham County by the City of Skidaway Island, responsibility for any such
 1223 service or function shall be transferred to the City of Skidaway Island. Beginning on July 1,
 1224 2019, the City of Skidaway Island shall collect taxes, fees, assessments, fines and forfeitures,
 1225 and other moneys within the territorial limits of the City of Skidaway Island; provided,
 1226 however, that upon at least 30 days' prior written notice to Chatham County by the City of
 1227 Skidaway Island, the authority to collect any tax, fee, assessment, fine or forfeiture, or other
 1228 moneys shall remain with Chatham County after July 1, 2019, until such time as Chatham
 1229 County receives subsequent notice from the City of Skidaway Island that such authority shall
 1230 be transferred to the City of Skidaway Island.

1231 (c) During the transition period, the governing authority of the City of Skidaway Island:

- 1232 (1) Shall hold regular meetings and may hold special meetings as provided in this
 1233 charter;
- 1234 (2) May enact ordinances and resolutions as provided in this charter;
- 1235 (3) May amend this charter by home rule action as provided by general law;
- 1236 (4) May accept gifts and grants;
- 1237 (5) May borrow money and incur indebtedness to the extent authorized by this charter
 1238 and general law;
- 1239 (6) May levy and collect an ad valorem tax for calendar years 2019 and 2020;
- 1240 (7) May establish a fiscal year and budget;
- 1241 (8) May create, alter, or abolish departments, boards, offices, commissions, and agencies
 1242 of the city; appoint and remove officers and employees; and exercise all necessary or
 1243 appropriate personnel and management functions; and
- 1244 (9) May generally exercise any power granted by this charter or general law, except to
 1245 the extent that a power is specifically and integrally related to the provision of a

1246 governmental service, function, or responsibility not yet provided or carried out by the
1247 city.

1248 (d) Except as otherwise provided in this section, during the transition period, the Municipal
1249 Court of the City of Skidaway Island shall not exercise its jurisdiction. During the transition
1250 period, all ordinances of Chatham County shall remain applicable within the territorial limits
1251 of the City of Skidaway Island and the appropriate court or courts of Chatham County shall
1252 retain jurisdiction to enforce such ordinances. However, by appropriate agreement (and
1253 concurrent resolutions and ordinances if needed) Chatham County and the City of Skidaway
1254 Island may during the transition period transfer all or part of such regulatory authority and
1255 the appropriate court jurisdiction to the City of Skidaway Island. Any transfer of jurisdiction
1256 to the City of Skidaway Island during or at the end of the transition period shall not in and
1257 of itself abate any judicial proceeding pending in Chatham County or the pending
1258 prosecution of any violation of any ordinance of Chatham County.

1259 (e) During the transition period, the governing authority of Skidaway Island may at any
1260 time, without the necessity of any agreement by Chatham County, commence to exercise its
1261 planning and zoning powers; provided, however, that the city shall give the county notice of
1262 the date on which the city will assume the exercise of such powers. Upon the governing
1263 authority of Skidaway Island commencing to exercise its planning and zoning powers, the
1264 Municipal Court of the City of Skidaway Island shall immediately have jurisdiction to
1265 enforce the planning and zoning ordinances of the city. The provisions of this subsection
1266 shall control over any conflicting provisions of any other subsection of this section.

1267 (f) Effective upon the termination of the transition period, subsections (b) through (e) of this
1268 section shall cease to apply except for the last sentence of subsection (d) which shall remain
1269 effective. Effective upon the termination of the transition period, the City of Skidaway
1270 Island shall be a full functioning municipal corporation and subject to all general laws of this
1271 state.

1272 **SECTION 9.14.**

1273 Directory nature of dates.

1274 It is the intention of the General Assembly that this Act be construed as directory rather than
1275 mandatory with respect to any date prescribed in this Act. If it is necessary to delay any
1276 action called for in this Act for providential cause or any other reason, it is the intention of
1277 the General Assembly that the action be delayed rather than abandoned. Any delay in
1278 performing any action under this Act, whether for cause or otherwise, shall not operate to
1279 frustrate the overall intent of this Act. Without limiting the generality of the foregoing it is
1280 specifically provided that:

H. B. 618 (SUB)

1281 (1) If it is not possible to hold the referendum election provided for in Section 9.11 of
 1282 this Act on the date specified in that section, then such referendum shall be held as soon
 1283 thereafter as is reasonably practicable; and

1284 (2) If it is not possible to hold the first municipal election provided for in Section 2.11
 1285 of this Act on the date specified in that section, then there shall be a special election for
 1286 the initial members of the governing authority to be held as soon thereafter as is
 1287 reasonably practicable, and the commencement of the initial terms of office shall be
 1288 delayed accordingly.

1289 **SECTION 9.15.**

1290 General repealer.

1291 All laws and parts of laws in conflict with this Act are repealed.

1292 APPENDIX A

1293 CORPORATE LIMITS

1294 CITY OF SKIDAWAY ISLAND

1295 The City of Skidaway Island shall include all the territory embraced within the following
 1296 census blocks based upon the 2010 United States decennial census:

1297 Plan: skidaway-city-2017

1298 Plan Type: Local

1299 Administrator: H166

1300 User: Gina

1301 District SKIDAWAY

1302 Chatham County

1303 VTD: 0511-12

1304 011006:

1305 1004 1005

1306 VTD: 0514-12

1307 011005:

1308 3011 3062 3063 3064 3065 3068 3069 3073 3074 3075 3076 3077

1309 3079 3083

1310 011006:

1311 1000 1001 1002 1003 1007 1008 1009 1011 1038 1039 1040 2004

1312 2005 2007 2008 2009 2010 2011 2012 2014 2015 2017 2018 2019
 1313 2020 2032 2033 2034
 1314 VTD: 0514-13
 1315 011005:
 1316 1000 1001 1002 1003 1005 1006 1007 1008 1009 1010 2024 4000
 1317 4001 4002 4003 4004 4005 4006 4007 4008 4009 4010 4011 4012
 1318 4013 4014 4015 4016 4017 4019 4023 4035
 1319 011006:
 1320 1037
 1321 VTD: 0514-14
 1322 011005:
 1323 2005 2009 2010 2011 2012 2013 2014 2015 2016 2017 2018 2019
 1324 2020 2021 2022 2023 2025 2026 2027 2028 2029 2030 2031 2032
 1325 2033 2034 2035 2036 2037 2038 2039 2040 2041 2045 2046 2047
 1326 2057 3066 3067 3070 3071 3072 3078 3080
 1327 VTD: 0514-15
 1328 011005:
 1329 1004
 1330 011006:
 1331 1006 1010 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021
 1332 1022 1023 1024 1025 1026 1027 1028 1029 1030 1031 1032 1033
 1333 1034 1041 1043 2006 2013 2016 2035 2036 2037 2038 2039 2040

1334 For the purposes of this description, the term "VTD" shall mean and describe the same
 1335 geographical boundaries as provided in the report of the Bureau of the Census for the United
 1336 States decennial census of 2010 for the State of Georgia. The separate numeric designations
 1337 in the description which are underneath a VTD heading shall mean and describe individual
 1338 blocks within a VTD as provided in the report of the Bureau of the Census for the United
 1339 States decennial census of 2010 for the State of Georgia.

1340 APPENDIX B
 1341 CERTIFICATE AS TO MINIMUM STANDARDS
 1342 FOR INCORPORATION OF A NEW MUNICIPAL CORPORATION

1343 I, Representative Jesse Petrea, Georgia State Representative from the 166th District and the
 1344 author of this bill introduced at the 2017 session of the General Assembly of Georgia, which
 1345 grants an original municipal charter to the City of Skidaway Island, do hereby certify that this

1346 bill is in compliance with the minimum standards required by Chapter 31 of Title 36 of the
1347 O.C.G.A. in that the area embraced within the original incorporation in this bill is in all
1348 respects in compliance with the minimum standards required by Chapter 31 of Title 36 of the
1349 O.C.G.A. This certificate is executed to conform to the requirements of Code
1350 Section 36-31-5 of the O.C.G.A.

1351 So certified, this _____ day of _____, 2017.

1352

Honorable Jesse Petrea

1353

Representative, 166th District

1354

Georgia State House of Representatives

1355