

House Bill 697

By: Representative Pruett of the 149th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act to provide a new charter for the City of Alamo, approved May 18, 2007
2 (Ga. L. 2007, p. 3964), so as to provide for incorporation, boundaries, and powers of the city;
3 to provide for general powers and limitations on powers; to provide for a governing authority
4 of such city and the powers, duties, authority, election, terms, method of filling vacancies,
5 compensation, expenses, qualifications, and prohibitions relative to members of such
6 governing authority; to provide for inquiries and investigations; to provide for organization
7 and procedures; to provide for ordinances; to provide for codes; to provide for the office of
8 mayor and certain duties and powers relative to the office of mayor; to provide for
9 administrative responsibilities; to provide for boards, commissions, and authorities; to
10 provide for a city manager, a city attorney, a city clerk, and other personnel; to provide for
11 a municipal court and the judge or judges thereof; to provide for practices and procedures;
12 to provide for ethics and disclosures; to provide for taxation, licenses, and fees; to provide
13 for franchises, service charges, and assessments; to provide for bonded and other
14 indebtedness; to provide for accounting and budgeting; to provide for purchases; to provide
15 for bonds for officials; to provide for other matters relative to the foregoing; to provide an
16 effective date; to provide for related matters; to repeal conflicting laws; and for other
17 purposes.

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

19 **SECTION 1.**

20 An Act to provide a new charter for the City of Alamo, approved May 18, 2007 (Ga. L. 2007,
21 p. 3964), is amended by striking from Article I through the end and inserting in lieu thereof
22 the following:

23 "ARTICLE I
 24 INCORPORATION AND POWERS
 25 SECTION 1.01.
 26 Name.

27 This city and the inhabitants thereof, are reincorporated by the enactment of this charter
 28 and are hereby constituted and declared a body politic and corporate under the name and
 29 style 'City of Alamo, Georgia,' and by that name shall have perpetual succession.

30 SECTION 1.02.
 31 Corporate boundaries.

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

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

43 SECTION 1.03.
 44 Powers and construction.

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

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

53 (1) Animal regulations. To regulate and license or to prohibit the keeping or running
 54 at-large of animals and fowl, and to provide for the impoundment of same if in violation

55 of any ordinance or lawful order; to provide for the disposition by sale, gift, or humane
56 destruction of animals and fowl when not redeemed as provided by ordinance; and to
57 provide punishment for violation of any ordinance enacted hereunder;

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

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

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

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

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

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

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

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

90 (10) Garbage fees. To levy, fix, assess, and collect a garbage, refuse, and trash collection
91 and disposal and other sanitary service charge, tax, or fee for such services as may be

92 necessary in the operation of the city from all individuals, firms, and corporations
93 residing in the city or doing business therein and benefiting from such services; to enforce
94 the payment of such charges, taxes, or fees; and to provide for the manner and method
95 of collecting such service charges;

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

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

103 (13) Health and sanitation. To prescribe standards of health and sanitation and to
104 provide for the enforcement of such standards;

105 (14) Jail sentences. To provide that persons given jail sentences in the city's court may
106 work out such sentences in any public works or on the streets, roads, drains, and other
107 public property in the city, to provide for commitment of such persons to any jail, or to
108 provide for commitment of such persons to any county work camp or county jail by
109 agreement with the appropriate county officials;

110 (15) Motor vehicles. To regulate the operation of motor vehicles and exercise control
111 over all traffic, including parking upon or across the streets, roads, alleys, and walkways
112 of the city;

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

117 (17) Municipal debts. To appropriate and borrow money for the payment of debts and
118 expenses of the city or for other lawful purposes and to issue bonds for the purpose of
119 raising revenue to carry out any project, program, or venture authorized by this charter
120 or the laws of the State of Georgia;

121 (18) Municipal property ownership. To acquire, dispose of, lease, and hold in trust or
122 otherwise, any real, personal, or mixed property, in fee simple or lesser interest, inside
123 or outside the property limits of the city;

124 (19) Municipal property protection. To provide for the preservation and protection of
125 property and equipment of the city, and the administration and the use of same by the
126 public; and to prescribe penalties and punishment for violations thereof;

127 (20) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose
128 of public utilities, including, but not limited to, a system of waterworks, sewers and

129 drains, sewage disposal, gas works, electric light plants, cable television and other
130 telecommunications, transportation facilities, public airports, and any other public utility;
131 and to fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties for
132 such utilities and to provide for the withdrawal of service for refusal or failure to pay the
133 same;

134 (21) Nuisance. To define a nuisance and provide for its abatement whether on public or
135 private property;

136 (22) Penalties. To provide penalties for violation of any ordinances adopted pursuant to
137 the authority of this charter and the laws of the State of Georgia;

138 (23) Planning and zoning. To provide comprehensive city planning for development by
139 zoning; and to provide subdivision regulation and the like as the city council deems
140 necessary and reasonable to ensure a safe, healthy, and esthetically pleasing community;

141 (24) Police and fire protection. To exercise the power of arrest through duly appointed
142 police officers, and to establish, operate, or contract for a police and a fire-fighting
143 agency, including, but not limited to, a volunteer fire-fighting agency.

144 (25) Public hazards; removal. To provide for the destruction and removal of any
145 building or other structure which is unfit for human habitation or commercial, industrial,
146 or business occupancy or use or which is or may become dangerous or detrimental to the
147 public health, safety, and welfare.

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

157 (27) Public peace. To provide for the prevention and punishment of drunkenness, riots,
158 and public disturbances;

159 (28) Public transportation. To organize and operate such public transportation systems
160 as are deemed beneficial;

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

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

171 (31) Retirement. To provide and maintain a retirement plan for officers and employees
172 of the city;

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

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

188 (34) Solid waste disposal. To provide for the collection and disposal of garbage, rubbish,
189 and refuse, and to levy a fee, charge, or tax for such services; to regulate the collection
190 and disposal of garbage, rubbish, and refuse by others; and to provide for the separate
191 collection of glass, tin, aluminum, cardboard, paper, and other recyclable materials, and
192 to provide for the sale of such items;

193 (35) Special areas of public regulation. To regulate or prohibit junk dealers, pawn shops,
194 the manufacture, sale, or transportation of intoxicating liquors, and the use of firearms;
195 to regulate the transportation, storage, and use of combustible, explosive, and
196 inflammable materials, the use of lighting and heating equipment, and any other business
197 or situation which may be dangerous to persons or property; to regulate and control the
198 conduct of peddlers and itinerant traders, theatrical performances, exhibitions, and shows
199 of any kind, by taxation or otherwise; and to license, tax, regulate, or prohibit
200 professional fortune telling, palmistry, adult bookstores, and massage parlors;

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

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

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

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

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

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

224 SECTION 1.04.

225 Exercise of powers.

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

230 ARTICLE II

231 GOVERNMENTAL STRUCTURE

232 SECTION 2.01.

233 City council creation; number; election.

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

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

239 SECTION 2.02.

240 Mayor or city council terms and qualifications for office.

241 The mayor and members of the city council shall be elected by the voters of the city at
 242 large and shall serve a term of four years and until their respective successors are elected
 243 and qualified. No person shall be eligible to serve as mayor or councilmember unless that
 244 person shall have been a resident of the city for 12 months prior to the date of election of
 245 the mayor or member of the council and be registered and qualified to vote in municipal
 246 elections of this city. Each shall continue to reside in the city during that person's period
 247 of service and be registered and qualified to vote in municipal elections of this city. No
 248 person shall be eligible to qualify as a candidate for the office of mayor or councilmember
 249 while holding any other elective public office nor while a candidate for nomination or
 250 election to any other public office. No person shall be eligible to qualify as a candidate for
 251 the office of mayor or councilmember while indebted to the city for delinquent property
 252 taxes, water, sewer, or garbage collection fees, fines, or any other delinquent indebtedness
 253 of any kind. After election to the office of mayor or council, any officer indebted to the
 254 city for property taxes, water, sewer, or garbage collection fees, fines, or any other
 255 indebtedness of any kind which is six months past due shall be disqualified to serve; and
 256 the office may, in the discretion of the remaining members of the council, be declared
 257 vacant, and the vacancy filled as provided in Section 2.03 of this charter.

258 SECTION 2.03.

259 Vacancy; filling of vacancies.

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

264 (b) Should the mayor or any member of council fail or refuse to perform the duties of his
 265 or her office for a period of three consecutive months, or should any officer-elect refuse to
 266 qualify, the office may be, in the discretion of the remaining members of the council,
 267 declared vacant, and the vacancy filled as provided in subsection (c) of this section. Failure

268 to perform duties of an office shall include, but not be limited to, the failure to attend
269 council meetings, both regular and special, for three months in succession.

270 (c) A vacancy in the office of mayor or councilmember shall be filled for the remainder
271 of the unexpired term, if any, by appointment by the council if less than 12 months remain
272 in the unexpired term, otherwise by an election, as provided for in Section 5.05 of this
273 charter and in accordance with Titles 21 and 45 of the O.C.G.A., or other such laws as are
274 or may hereafter be enacted.

275 SECTION 2.04.

276 Compensation and expenses.

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

279 SECTION 2.05.

280 Holding other office; voting when financially interested.

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

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

285 (c) Neither the mayor nor any member of the city council shall vote upon, sign, preside
286 during discussions of, or veto any ordinance, resolution, contract, or other matter in which
287 that person is financially interested. "Financially interested" shall mean that the interested
288 person will directly or indirectly receive a personal financial benefit, accruing to such
289 person individually or to any corporation, company, or entity in which the person has an
290 interest as sole owner, partner, shareholder, or other ownership interest or in which the
291 person is an officer or director, and which does not provide a similar financial benefit to
292 the general population of the city or to a substantial segment of the general population. An
293 ownership interest as partner, shareholder, or other similar interest shall not disqualify the
294 interested person unless it exceeds 1 percent of the total ownership of the partnership,
295 corporation, company, or other entity.

296 (d) Neither the mayor nor any member of the city council shall vote upon, sign, preside
297 during discussions of, or veto any ordinance, resolution, contract, or other matter in which
298 that person's family member is financially interested or which directly involves that
299 person's family member in connection with any zoning, condemnation, license, permit,
300 fines, penalties, claims, petitions, appeals, or other matters in which the family member is

301 subject to some action by the city or is seeking some private remedy from the city which
302 does not directly involve the general population of the city or a substantial segment of the
303 general population. The mayor or councilmember whose family member is interested in
304 any action as provided in this section shall disclose the nature and extent of any such
305 relationship and interest to the city council and refrain from voting on such action,
306 engaging in council discussions thereof, presiding during discussions thereof, or otherwise
307 seeking to influence the outcome of such action. "Family member" shall mean the spouse,
308 parent, brother, sister, child, grandparent, grandchild, uncle, aunt, nephew, niece, first
309 cousin, or second cousin, whether by blood or by marriage.

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

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

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

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

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

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

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

335 (f) Any elected official, appointed officer, or employee who shall have any financial
336 interest, directly or indirectly, in any contract or matter pending before or within any
337 department of the city shall disclose such interest to the city council. The mayor or any

338 councilmember who has a financial interest in any matter pending before the city council
 339 shall disclose such interest and such disclosure shall be entered on the records of the city
 340 council, and that official shall disqualify himself or herself from participating in any
 341 decision or vote relating thereto. Any elected official, appointed officer, or employee of
 342 any agency or political entity to which this charter applies who shall have any financial
 343 interest, directly or indirectly, in any contract or matter pending before or within such
 344 entity shall disclose such interest to the governing body of such agency or entity.

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

349 (h) Any violation of this section which occurs with the knowledge, express or implied, of
 350 a party to a contract or sale shall render said contract or sale voidable at the option of the
 351 city council.

352 (i) Except where specifically authorized by law, neither the mayor nor any councilmember
 353 shall hold any other elective or appointive office in the city or otherwise be employed by
 354 said government or any agency thereof during the term for which that official was elected.

355 (j) No employee of the city shall continue in such employment upon election to any public
 356 office in this city or any other public office which is inconsistent, incompatible, or in
 357 conflict with the duties of the city employee. Such determination shall be made by the city
 358 council either immediately upon election or at any time such conflict may arise.

359 (k)(1) Any city officer or employee who knowingly conceals such financial interest or
 360 knowingly violates any of the requirements of this section shall be guilty of malfeasance
 361 in office or position and shall be subject to forfeiture of that person's office or position.

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

366 SECTION 2.06.

367 Inquiries and investigations.

368 Following the adoption of an authorizing resolution, the city council may make inquiries
 369 and investigations into the affairs of the city and conduct of any department, office, or
 370 agency thereof and for this purpose may subpoena witnesses, administer oaths, take
 371 testimony, and require the production of evidence. Any person who fails or refuses to obey

372 a lawful order issued in the exercise of these powers by the city council shall be punished
 373 as provided by ordinance.

374 SECTION 2.07.

375 General power and authority of the city council.

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

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

385 SECTION 2.08.

386 Eminent domain.

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

395 SECTION 2.09.

396 Organizational meetings.

397 The city council shall hold an organizational meeting at the first regular meeting following
 398 each municipal general election. The meeting shall be called to order by the city clerk or,
 399 in the absence of a city clerk, by the mayor or mayor elect and the oath of office shall be
 400 administered to the newly elected members by a judicial officer or notary public authorized
 401 to administer oaths. The oath shall be as follows:

402 I do solemnly (swear) (affirm) that I will faithfully perform the duties of (mayor)
403 (councilmember) of this city and that I will support and defend the charter thereof as
404 well as the constitution and laws of the State of Georgia and the United States of
405 America. I am not the holder of any unaccounted for public money due this state or any
406 political subdivision or authority thereof. I am not the holder of any office of trust
407 under the government of the United States, any other state, or any foreign state which
408 I by the laws of the State of Georgia am prohibited from holding. I am otherwise
409 qualified to hold said office according to the Constitution and laws of Georgia. I have
410 been a resident of the City of Alamo for the time required by the Constitution and laws
411 of this state and by the municipal charter to qualify for this office. I will perform the
412 duties of my office in the best interest of the City of Alamo to the best of my ability
413 without fear, favor, affection, reward, or expectation thereof.'

414 SECTION 2.10.

415 Regular and special meetings.

- 416 (a) The city council shall hold regular meetings at such times and places as shall be
417 prescribed by ordinance.
- 418 (b) Special meetings of the city council may be held on call of the mayor or two members
419 of the city council. Notice of such special meetings shall be served on all other members
420 personally, or by telephone personally, at least 48 hours in advance of the meeting. Such
421 notice to councilmembers shall not be required if the mayor and all councilmembers are
422 present when the special meeting is called. Such notice of any special meeting may be
423 waived by a councilmember in writing before or after such a meeting, and attendance at the
424 meeting shall also constitute a waiver of notice on any business transacted in such
425 councilmember's presence except where the councilmember attends a meeting for the
426 express purpose of objecting to the transaction of any business because the meeting is not
427 lawfully called or convened. Only the business stated in the call may be transacted at the
428 special meeting unless the councilmembers present at such meeting (other than the mayor)
429 unanimously agree to consider other matters.
- 430 (c) All meetings of the city council shall be public to the extent required by law and notice
431 to the public of special meetings shall be made fully as is reasonably possible as provided
432 by Chapter 14 of Title 50 of the O.C.G.A., or other such applicable laws as are or may
433 hereafter be enacted.

434 SECTION 2.11.

435 Rules of procedure.

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

439 (b) All committees and committee chairpersons and officers of the city council shall be
440 appointed by the council and shall serve at the pleasure of the council. The council shall
441 have the power to appoint new members to any committee at any time.

442 SECTION 2.12.

443 Quorum; voting.

444 The mayor or the mayor pro tempore and four councilmembers shall constitute a quorum
445 and shall be authorized to transact business of the city council. Voting on the adoption of
446 ordinances shall be by voice vote and the vote shall be recorded in the journal or minutes,
447 but the presiding officer or any member of the city council shall have the right to request
448 a roll-call vote and such vote shall be recorded in the journal or minutes. Except as
449 otherwise provided in this charter, so long as a quorum is present, the affirmative vote of
450 a majority of those councilmembers present and voting shall be required for the adoption
451 of any ordinance, resolution, or motion. An abstention shall not be counted as a vote,
452 either for or against adoption. The mayor shall have the right to vote so as to decide the
453 question in the event of a tie vote, but not otherwise. The mayor pro tempore, while acting
454 as such in the mayor's absence, shall have the right to vote so as to decide the question in
455 the event of a tie vote, but not otherwise.

456 SECTION 2.13.

457 Ordinance form; procedures.

458 (a) Every proposed ordinance shall be introduced in writing. No ordinance shall contain
459 a subject which is not expressed in its title. The enacting clause shall be 'It is hereby
460 ordained by the governing authority of the City of Alamo' and every ordinance shall so
461 begin.

462 (b) An ordinance may be introduced by the mayor or any councilmember and be read at
463 a regular or special meeting of the city council. Ordinances shall be considered and
464 adopted or rejected by the city council in accordance with the rules which it shall establish;
465 provided, however, an ordinance shall not be adopted the same day it is introduced, except

466 for emergency ordinances provided in Section 2.15 of this charter. Upon introduction of
467 any ordinance, the clerk shall within five working days distribute a copy to the mayor and
468 to each councilmember and shall file a reasonable number of copies in the office of the
469 clerk and at such other public places as the city council may designate.

470 SECTION 2.14.

471 Action requiring an ordinance.

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

474 SECTION 2.15.

475 Emergencies.

476 (a) To meet a public emergency affecting life, health, property, or public peace, the city
477 council may convene on call of the mayor or two councilmembers and promptly adopt an
478 emergency ordinance, but such ordinance may not levy taxes; grant, renew, or extend a
479 franchise; regulate the rate charged by any public utility for its services; or authorize the
480 borrowing of money except for loans to be repaid within 30 days. An emergency
481 ordinance shall be introduced in the form prescribed for ordinances generally, except that
482 it shall be plainly designated as an emergency ordinance and shall contain, after the
483 enacting clause, a declaration stating that an emergency exists, and describing the
484 emergency in clear and specific terms. An emergency ordinance may be adopted, with or
485 without amendment, or rejected at the meeting at which it is introduced, but the affirmative
486 vote of a majority of those councilmembers present and voting shall be required for
487 adoption as provided in Section 2.12 of this charter. The mayor and mayor pro tempore
488 shall have the right to vote as provided in Section 2.12 of this charter. The emergency
489 ordinance shall become effective upon adoption or at such later time as it may specify.
490 Every emergency ordinance shall automatically stand repealed 30 days following the date
491 upon which it was adopted, but this shall not prevent reenactment of the ordinance in the
492 manner specified in this section if the emergency still exists. An emergency ordinance may
493 also be repealed by adoption of a repealing ordinance in the same manner specified in this
494 section for adoption of emergency ordinances.

495 (b) Such meetings shall be open to the public to the extent required by law and notice to
496 the public of emergency meetings shall be made as fully as reasonably possible in
497 accordance with Chapter 14 of Title 50 of the O.C.G.A. or such other applicable laws as
498 are or may hereafter be enacted.

499

SECTION 2.16.

500

Codes of technical regulations.

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

504 (1) The requirements of subsection (b) of Section 2.13 of this charter for distribution and
505 filing of copies of the ordinance shall be construed to include the adopting ordinance but
506 shall only require that the code of technical regulations be made available for review in
507 the office of the city clerk; and

508 (2) A copy of each adopted code of technical regulations, as well as the adopting
509 ordinance, shall be authenticated and recorded by the clerk pursuant to Section 2.17 of
510 this charter.

511 (b) Any adopted code of technical regulations shall be made available by the clerk for
512 inspection by the public.

513

SECTION 2.17.

514

Signing; authenticating; recording; codification; printing.

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

517 (b) The city council shall provide for the preparation of a general codification of all the
518 ordinances of the city having the force and effect of law. The general codification shall be
519 adopted by the city council by ordinance and shall be published promptly, together with
520 all amendments thereto and such codes of technical regulations and other rules and
521 regulations as the city council may specify. The compilation shall be known and cited
522 officially as 'The Code of the City of Alamo, Georgia.' Copies of the code shall be
523 furnished to all officers, departments, and agencies of the city, and made available for
524 purchase by the public at a reasonable price fixed by the city council.

525 (c) The city council shall cause each ordinance and each amendment to this charter to be
526 printed promptly following its adoption, and the printed ordinances and charter
527 amendments shall be made available for purchase by the public at reasonable prices to be
528 fixed by the city council. Following publication of the first code under this charter and at
529 all times thereafter, the ordinances and charter amendments shall be printed in substantially
530 the same style as the code currently in effect and shall be printed for incorporation therein.
531 The city council shall make such further arrangements as deemed desirable with respect

532 to reproduction and distribution of any current changes in or additions to codes of technical
533 regulations and other rules and regulations included in the code.

534 SECTION 2.18.

535 Election of mayor; forfeiture; compensation.

536 The mayor shall be elected and serve for a term of four years and until a successor is
537 elected and qualified. The mayor shall be a qualified elector of this city and shall have
538 been a resident of the city 12 months preceding the election. The mayor shall continue to
539 reside in this city during the period of service. The mayor shall forfeit the office on the
540 same grounds and under the same procedure as for councilmembers. The compensation
541 of the mayor shall be established in the same manner as for councilmembers.

542 SECTION 2.19.

543 Powers and duties of mayor.

544 The mayor shall:

- 545 (1) Preside at all meetings of the city council;
- 546 (2) Be the head of the city for the purpose of service of process and for ceremonial
547 purposes, and be an official spokesperson for the city and an advocate of policy;
- 548 (3) Have power to administer oaths and to take affidavits;
- 549 (4) Sign as a matter of course on behalf of the city all written and approved contracts,
550 ordinances, and other instruments executed by the city which by law are required to be
551 in writing;
- 552 (5) Vote so as to decide the question in the event of a tie vote, but not otherwise;
- 553 (6) Assist the city manager to prepare and submit to the city council a recommended
554 annual operating budget and recommended capital budget; and
- 555 (7) Fulfill such other executive and administrative duties as the city council shall by
556 ordinance establish.

557 SECTION 2.20.

558 Mayor pro tempore; selection; duties.

559 By a majority vote, the city council shall elect a councilmember to serve as mayor pro
560 tempore each year who shall serve at the pleasure of city council. Except when presiding
561 at a meeting or acting as mayor, the mayor pro tempore shall continue to vote and
562 otherwise participate as a councilmember. Upon the mayor's physical or mental disability,
563 disqualification, suspension from office, or absence for any cause, the mayor pro tempore

564 shall preside at all meetings of the city council and shall assume the duties and powers of
 565 the mayor. During the mayor's physical or mental disability, disqualification, suspension
 566 from office, or absence for any cause, the mayor pro tempore shall be clothed with all the
 567 rights, powers, and privileges of the mayor and shall perform the duties of the office of the
 568 mayor so long as such absence, disqualification, suspension, or disability shall continue.
 569 The mayor pro tempore shall sign all contracts and ordinances in which the mayor has a
 570 disqualifying financial interest as provided in Section 2.05 of this charter. When acting as
 571 mayor, the mayor pro tempore shall continue to have only one vote as a member of the
 572 council. The city council by a majority vote shall elect a new presiding officer from among
 573 its members for any period in which the mayor pro tempore is disabled, disqualified, or
 574 absent. Any such absence or disability of the mayor or mayor pro tempore shall be
 575 declared by majority vote of all councilmembers.

576 ARTICLE III

577 ADMINISTRATIVE AFFAIRS

578 SECTION 3.01.

579 Administrative and service departments.

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

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

587 (c) All appointed officers, directors of departments, and employees shall receive such
 588 compensation as prescribed by ordinance.

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

593 (e) All appointed officers, directors, and employees under the supervision of the city
 594 manager shall be nominated by the city manager with confirmation of appointment by the
 595 City Council. All appointed officers, directors, and employees shall be employees at will
 596 and subject to removal or suspension at any time by the city manager unless otherwise
 597 provided by law or ordinance. The city council may adopt such personnel policies and
 598 procedures as it deems appropriate for the employment, retention, promotion, demotion,

599 discipline, suspension, and termination of officers, department heads, and employees, and
600 the filing of grievances and appeals by such personnel.

601 SECTION 3.02.

602 Boards, commissions, and authorities.

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

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

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

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

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

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

622 (g) All board members serve at will and may be removed at any time by a majority vote
623 of the city council as provided in Section 2.12 of this charter, unless otherwise provided
624 by law.

625 (h) Except as otherwise provided by this charter or by law, each board, commission, or
626 authority of the city shall elect one of its members as chairperson and one member as vice
627 chairperson and may elect as its secretary one of its own members or may appoint as
628 secretary an employee of the city. Each board, commission, or authority of the city
629 government may establish such bylaws, rules, and regulations, not inconsistent with this
630 charter, ordinances of the city, or law, as it deems appropriate and necessary for the
631 fulfillment of its duties or the conduct of its affairs. Copies of such bylaws, rules, and
632 regulations shall be filed with the clerk of the city.

633 SECTION 3.03.

634 City attorney.

635 The city council shall appoint each year a city attorney, together with such assistant city
636 attorneys as may be authorized, and shall provide for the payment of such attorney or
637 attorneys for services rendered to the city. The city attorney shall be responsible for
638 providing for the representation and defense of the city in all litigation in which the city is
639 a party; may be the prosecuting officer in the municipal court; shall attend the meetings of
640 the council as directed; shall advise the city council, mayor, and other officers and
641 employees of the city concerning legal aspects of the city's affairs; and shall perform such
642 other duties as may be required by virtue of the person's position as city attorney.

643 SECTION 3.04.

644 City clerk.

645 The city council shall hire a city clerk who shall not be a councilmember. The city clerk
646 shall be custodian of the official city seal and city records; maintain city council records
647 required by this charter; and perform such other duties as may be required by the council.

648 If the position of city manager is vacant, the city council shall be authorized to appoint the
649 city clerk as temporary city manager for such time period as city council shall determine.

650 SECTION 3.05.

651 Employees at will.

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

654 SECTION 3.06.

655 City manager.

656 (a) The city council, in its sole discretion, may name a city manager to administer the
657 day-to-day operations of the city, subject to direction from the city council. The city
658 manager shall be selected on the basis of his or her executive and administrative
659 qualifications and need not be a resident of the City of Alamo. The mayor and city council
660 members of the City of Alamo shall be ineligible to serve as city manager during their
661 respective terms of office.

662 (b) The city manager shall be appointed for an indefinite term, and the manager may be
 663 removed at any time by a majority vote of the city council with or without cause. The city
 664 council shall fix the city manager's compensation.

665 (c) The city manager may also be the clerk, treasurer and recorder, or any one or more of
 666 such officers as may be authorized by city council.

667 (d) Before any city manager shall be qualified, he or she shall give a surety bond payable
 668 to the city in such amount as city council shall deem appropriate to secure and indemnify
 669 the city by reason of his or her default, misfeasance, or nonfeasance in the performance of
 670 his or her duties, and shall be required to take the same oath as provided for
 671 councilmembers.

672 SECTION 3.07.

673 Acting city manager.

674 By letter filed with the city clerk, the city manager may designate, subject to approval of
 675 the city council, a qualified city administrative officer to exercise the powers and perform
 676 the duties of city manager during the city manager's temporary absence. During such
 677 absence, the city council may revoke such designation at any time and appoint another
 678 officer of the city to serve until the city manager shall return.

679 SECTION 3.06.

680 Powers and duties of the city manager.

681 The city manager shall be the chief executive and administrative officer of the city. The
 682 city manager shall be responsible to the city council for the administration of all city affairs
 683 placed in the manager's charge by or under this charter. As the chief executive and
 684 administrative officer, the city manager shall:

685 (1) Appoint and, when the city manager deems it necessary for the good of the city,
 686 suspend or remove all city employees and administrative officers the city manager
 687 appoints, except as otherwise provided by law or personnel ordinances adopted pursuant
 688 to this charter. The city manager may authorize any administrative officer who is subject
 689 to the city manager's direction and supervision to exercise these powers with respect to
 690 subordinates in that officer's department, office, or agency;

691 (2) Direct and supervise the administration of all departments, offices, and agencies of
 692 the city, except as otherwise provided by this charter, by law or by ordinances or policies
 693 approved by city council;

- 694 (3) Attend all city council meetings except for closed meetings held for the purposes of
 695 deliberating on the appointment, discipline, or removal of the city manager and have the
 696 right to take part in discussion but not vote;
- 697 (4) See that all laws, provisions of this charter, and acts of the city council, subject to
 698 enforcement by the city manager or by officers subject to the city manager's direction and
 699 supervision, are faithfully executed;
- 700 (5) Prepare and submit to the city council a recommended annual operating budget and
 701 recommended capital budget;
- 702 (6) Submit to the city council and make available to the public a complete report on the
 703 finances and administrative activities of the city as of the end of each fiscal year;
- 704 (7) Make such other reports as the city council may require concerning the operations
 705 of city departments, offices, and agencies subject to the city manager's direction and
 706 supervision;
- 707 (8) Keep the city council fully advised as to the financial condition and future needs of
 708 the city, and make such recommendations to the city council concerning the affairs of the
 709 city as the city manager deems desirable; and
- 710 (9) Perform other such duties as are specified in this charter or as may be required by the
 711 city council.

712 SECTION 3.07.

713 Council interference with administration.

714 Except for the purpose of inquiries and investigations under Section 2.06 of this charter,
 715 the city council or its members shall deal with city officers and employees who are subject
 716 to the direction and supervision of the city manager solely through the city manager, and
 717 neither the city council nor its members shall give orders to any such officer or employee,
 718 either publicly or privately.

719 ARTICLE IV

720 JUDICIAL BRANCH

721 SECTION 4.01.

722 Creation; name.

723 There shall be a court to be known as the Municipal Court of the City of Alamo.

724 SECTION 4.02.

725 Chief judge; associate judge.

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

728 (b) No person shall be qualified or eligible to serve as a judge on the municipal court
729 unless that person shall be licensed to practice law in the State of Georgia and an active
730 member in good standing of the State Bar of Georgia and shall possess all other
731 qualifications required by law.

732 (c) All judges shall be appointed by the city council and shall receive such compensation
733 as fixed by ordinance of the city council.

734 (d) Judges shall serve a minimum term of one year and until a successor is appointed
735 unless earlier removed as provided by law.

736 (e) Before assuming office, each judge shall take an oath, given by the mayor or mayor pro
737 tempore, that the judge will honestly and faithfully discharge the duties of the office to the
738 best of that person's ability and without fear, favor, or partiality. The oath shall be entered
739 upon the minutes of the city council journal required in Section 2.11 of this charter.

740 SECTION 4.03.

741 Convening

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

743 SECTION 4.04.

744 Jurisdiction; powers.

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

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

753 (c) The municipal court may fix punishment for offenses within its jurisdiction not
754 exceeding a fine of \$1,000.00 or imprisonment for more than six months, or both such fine

755 and imprisonment, or may fix punishment by fine, imprisonment, or alternative sentencing
756 as now or hereafter provided by law.

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

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

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

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

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

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

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

788 SECTION 4.05.

789 Certiorari.

790 The right of certiorari from the decision and judgment of the municipal court shall exist in
791 all criminal cases and ordinance violation cases, and such certiorari shall be obtained under
792 the sanction of a judge of the Superior Court of Wheeler County under the laws of the State
793 of Georgia regulating the granting and issuance of writs of certiorari.

794 SECTION 4.06.

795 Rules of court.

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

803 ARTICLE V

804 ELECTIONS AND REMOVAL

805 SECTION 5.01.

806 Applicability of general law.

807 Voters shall be registered and all elections shall be held and conducted in accordance with
808 Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter
809 amended.

810 SECTION 5.02.

811 Election of the mayor and city council.

812 (a) On the Tuesday next following the first Monday in November, 2019, an election shall
813 be held for the election of the mayor and those three councilmembers whose terms will
814 expire at the end of 2019. At such election, the candidate for mayor receiving the highest
815 number of votes shall be elected by plurality vote. At such election, the three candidates
816 for council receiving the highest number of votes shall be elected by plurality vote. The

817 mayor and councilmembers elected at such election shall serve terms of four years as
818 provided in Section 2.02 of this charter.

819 (b) On the Tuesday next following the first Monday in November 2021, an election shall
820 be held for the election of those three councilmembers whose terms will expire at the end
821 of 2021. At such election, the three candidates for council receiving the highest number
822 of votes shall be elected by plurality vote. The councilmembers elected at such election
823 shall serve terms of four years as provided in Section 2.02 of this charter.

824 (c) Thereafter, a municipal general election shall be held biennially in odd-numbered years
825 on the Tuesday next following the first Monday in November of each such year for the
826 purpose of electing candidates for mayor and councilmembers, or councilmembers only,
827 whose terms will expire at the end of such year.

828 (d) The term of office of each candidate so elected shall begin on January 1 next following
829 the November election.

830 SECTION 5.03.

831 Nonpartisan elections.

832 Elections for city offices shall be nonpartisan. Political parties shall not conduct primaries
833 for city offices and all names of candidates for city offices shall be listed without party
834 designations.

835 SECTION 5.04.

836 Election by plurality.

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

838 SECTION 5.05.

839 Special elections; vacancies.

840 In the event that the office of mayor or councilmember shall become vacant as provided
841 in Section 2.03 of this charter, the city council or those remaining shall order a special
842 election to fill the balance of the unexpired term of such official; provided, however, that,
843 if such vacancy occurs within 12 months of the expiration of the term of that office, the city
844 council or those remaining shall appoint a successor for the remainder of the term. In all
845 other respects, the special election shall be held and conducted in accordance with
846 Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter
847 amended.

848 SECTION 5.06.

849 Other provisions.

850 Except as otherwise provided in this charter, the city council shall, by ordinance, prescribe
 851 such rules and regulations as it deems appropriate to fulfill any duties and any discretionary
 852 or optional provisions under Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia Election
 853 Code'.

854 SECTION 5.07.

855 Removal of officers.

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

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

861 (1) Following a hearing at which an impartial panel, selected by the mayor and the
 862 council, shall render a decision. In the event an elected officer is sought to be removed
 863 by the action of the city council, such officer shall be entitled to a written notice
 864 specifying the ground or grounds for removal and to a public hearing which shall be held
 865 not less than ten days after the service of such written notice. The city council shall
 866 provide by ordinance for the manner of selecting the impartial panel and the manner in
 867 which such hearings shall be held. Any elected officer sought to be removed from office
 868 as provided in this section shall have the right of appeal from the decision of the city
 869 council to the Superior Court of Wheeler County. Such appeal shall be governed by the
 870 same rules as govern appeals to the superior court from the probate court; or

871 (2) By writ of quo warranto, recall petition, or such other means as may be prescribed
 872 by general law.

873 ARTICLE VI

874 FINANCE

875 SECTION 6.01.

876 Property tax.

877 The city council may assess, levy, and collect an ad valorem tax on all real and personal
 878 property within the corporate limits of the city that is subject to such taxation by the state
 879 and county. This tax is for the purpose of raising revenues to defray the costs of operating

880 the city government, of providing governmental services, for the repayment of principal
 881 and interest on general obligations, and for any other public purpose as determined by the
 882 city council at its discretion.

883 SECTION 6.02.

884 Millage rate; due dates; payment methods.

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

889 SECTION 6.03.

890 Occupation and business taxes.

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

895 SECTION 6.04.

896 Regulatory fees; permits.

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

902 SECTION 6.05.

903 Franchises.

904 (a) The city council shall have the power to grant franchises for the use of this city's streets
 905 and alleys for the purposes of railroads, street railways, telephone companies, electric
 906 companies, electric membership corporations, cable television and other
 907 telecommunications companies, gas companies, transportation companies, and other
 908 similar organizations. The city council shall determine the duration, terms, whether the

909 same shall be exclusive or nonexclusive, and the consideration for such franchises;
 910 provided, however, that no franchise shall be granted for a period in excess of 35 years, and
 911 no franchise shall be granted unless the city receives just and adequate compensation
 912 therefor. The city council may provide for the registration of all franchises with the city
 913 clerk in a registration book kept by the clerk. The city council may provide by ordinance
 914 for the registration within a reasonable time of all franchises previously granted.

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

920 SECTION 6.06.

921 Service charges.

922 The city council by ordinance shall have the power to assess and collect fees, charges, and
 923 tolls for sewers, sanitary and health services, garbage and refuse collection, or any other
 924 services provided or made available within and outside the corporate limits of the city for
 925 the total cost to the city of providing, maintaining, or making available such services. If
 926 unpaid, such charges shall be collected as provided in Section 6.09 of this charter.

927 SECTION 6.07.

928 Special assessments.

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

934 SECTION 6.08.

935 Construction; other taxes and fees.

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

939 SECTION 6.09.

940 Collection of delinquent taxes and fees.

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

949 SECTION 6.10.

950 General obligation bonds.

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

955 SECTION 6.11.

956 Revenue bonds.

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

960 SECTION 6.12.

961 Short term loans.

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

964 SECTION 6.13.

965 Lease-purchase contracts.

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

973 SECTION 6.14.

974 Fiscal year.

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

978 SECTION 6.15.

979 Preparation of budgets.

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

984 SECTION 6.16.

985 Submission of operating budget to city council.

986 On or before a date fixed by the city council but not later than 60 days prior to the
 987 beginning of each fiscal year, the mayor and city manager shall submit to the city council
 988 a proposed operating budget for the ensuing fiscal year. The budget shall be accompanied
 989 by a message from the mayor or city manager, or both, containing a statement of the
 990 general fiscal policies of the city, the important features of the budget, explanations of
 991 major changes recommended for the next fiscal year, a general summary of the budget, and
 992 such other pertinent comments and information as the mayor and city manager deem
 993 appropriate. The operating budget and the capital budget provided for in Section 6.19 of

994 this charter, the budget message, and all supporting documents shall be filed in the office
995 of the city clerk and shall be open to public inspection.

996 SECTION 6.17.

997 Action by city council on budget.

998 (a) The city council may amend the operating budget proposed by the mayor and city
999 manager; except, that the budget as finally amended and adopted shall provide for all
1000 expenditures required by state law or by other provisions of this charter and for all debt
1001 service requirements for the ensuing fiscal year, and the total appropriations from any fund
1002 shall not exceed the estimated fund balance, reserves, and revenues.

1003 (b) The city council by ordinance shall adopt the final operating budget for the ensuing
1004 fiscal year not later than the last day of the current fiscal year. If the city council fails to
1005 adopt the budget by this date, the amounts appropriated for operation for the current fiscal
1006 year shall be deemed adopted for the ensuing year on a month-to-month basis, with all
1007 items prorated accordingly until such time as the city council adopts a budget for the
1008 ensuing fiscal year. Adoption of the budget shall take the form of an appropriations
1009 ordinance setting out the estimated revenues in detail by sources and making appropriations
1010 according to fund and by organizational unit, purpose, or activity as set out in the budget
1011 preparation ordinance adopted pursuant to Section 6.15 of this charter.

1012 (c) The city council shall levy by ordinance such taxes as are necessary. The taxes and tax
1013 rates set by such ordinance shall be such that reasonable estimates of revenues from such
1014 levy shall at least be sufficient, together with other anticipated revenues, fund balances and
1015 applicable reserves, to equal the total amount appropriated for each of the several funds set
1016 forth in the annual operating budget for defraying the expenses of the general government
1017 of this city.

1018 SECTION 6.18.

1019 Changes in appropriations.

1020 The city council by ordinance may make changes in the appropriations contained in the
1021 current operating budget at any regular meeting or special or emergency meeting called for
1022 such purpose.

1023 SECTION 6.19.

1024 Capital budget.

1025 (a) On or before the date fixed by the city council but no later than 60 days prior to the
1026 beginning of each fiscal year, the mayor and city manager shall submit to the city council
1027 a proposed capital improvements plan with a recommended capital budget containing the
1028 means of financing the improvements proposed for the ensuing fiscal year. The city
1029 council shall have the power to accept, with or without amendments, or reject the proposed
1030 plan and proposed budget. The city council shall not authorize an expenditure for the
1031 construction of any building, structure, work, or improvement, unless the appropriations
1032 for such project are included in the capital budget, except to meet a public emergency as
1033 provided in Section 2.15 of this charter.

1034 (b) The city council shall adopt by ordinance the final capital budget for the ensuing fiscal
1035 year not later than the last day of the current fiscal year. No appropriation provided for in
1036 a prior capital budget shall lapse until the purpose for which the appropriation was made
1037 shall have been accomplished or abandoned; provided, however, that the mayor and city
1038 manager may submit amendments to the capital budget at any time during the fiscal year,
1039 accompanied by recommendations. Any such amendments to the capital budget shall
1040 become effective only upon adoption by ordinance.

1041 SECTION 6.20.

1042 Independent audit.

1043 There shall be an annual independent audit of all the city accounts, funds, and financial
1044 transactions by a certified public accountant selected by the city council. The audit shall
1045 be conducted according to generally accepted auditing principles. Any audit of any funds
1046 by the state or federal governments may be accepted as satisfying the requirements of this
1047 charter. Copies of annual audit reports shall be available at printing costs to the public.

1048 SECTION 6.21.

1049 Contracting procedures.

1050 No contract with the city shall be binding on the city unless:

1051 (1) It is in writing;

1052 (2) It is made or authorized by the city council and such approval is entered in the city
1053 council journal of proceedings pursuant to Section 2.12 of this charter; and

1054 (3) It is signed by the mayor or the mayor pro tempore.

1055 SECTION 6.22.

1056 Sale and lease of city property.

1057 (a) The city council may sell and convey or lease any real or personal property owned or
1058 held by the city for governmental or other purposes as now or hereafter provided by law.

1059 (b) The city council may quitclaim any rights it may have in property not needed for public
1060 purposes upon report by the mayor or city manager and adoption of a resolution, both
1061 finding that the property is not needed for public or other purposes and that the interest of
1062 the city has no readily ascertainable monetary value.

1063 (c) Whenever in opening, extending, or widening any street, avenue, alley, or public place
1064 of the city, a small parcel or tract of land is cut-off or separated by such work from a larger
1065 tract or boundary of land owned by the city, the city council may authorize the mayor or
1066 city manager to sell and convey such cut-off or separated parcel or tract of land to an
1067 abutting or adjoining property owner or owners where such sale and conveyance facilitates
1068 the enjoyment of the highest and best use of the abutting owner's property. Included in the
1069 sales contract shall be a provision for the rights of way of such street, avenue, alley, or
1070 public place. Each abutting property owner shall be notified of the availability of the
1071 property and given the opportunity to purchase such property under such terms and
1072 conditions as set out by ordinance. All deeds and conveyances heretofore and hereafter so
1073 executed and delivered shall convey all title and interest the city has in such property,
1074 notwithstanding the fact that no public sale after advertisement was or is hereafter made.

1075 ARTICLE VII

1076 GENERAL PROVISIONS

1077 SECTION 7.01.

1078 Bonds for officials.

1079 The officers and employees of the city, both elected and appointed, shall execute such
1080 surety and fidelity bonds in such amounts and upon such terms and conditions as the city
1081 council shall from time to time require by ordinance or as may be provided by law.

1082 SECTION 7.02.

1083 Existing ordinances, resolutions, rules, and regulations.

1084 Existing ordinances, resolutions, rules, and regulations of this city not in conflict with this
1085 charter shall continue in force, unless repealed or amended, for two years from the effective
1086 date of this charter. During such two-year period, the city council shall review all such

1087 provisions and shall readopt, repeal, or amend each, so that a codification as provided by
 1088 subsection (b) of Section 2.17 of this charter is accomplished.

1089 SECTION 7.03.

1090 Existing personnel and officers.

1091 Except as specifically provided otherwise by this charter, all personnel and officers of the
 1092 city and their rights, privileges, and powers shall continue beyond the time this charter
 1093 takes effect for a period of 90 days before or during which the existing city council shall
 1094 pass a transition ordinance detailing the changes in personnel and appointed officers
 1095 required or desired and arranging such titles, rights, privileges, and powers as may be
 1096 necessary or desired to allow a reasonable transition.

1097 SECTION 7.04.

1098 Pending matters.

1099 Except as specifically provided otherwise by this charter, all rights, claims, actions, orders,
 1100 contracts, and legal or administrative proceedings shall continue and any such ongoing
 1101 work or cases shall be completed by such city agencies, personnel, or offices as may be
 1102 provided by the city council.

1103 SECTION 7.05.

1104 Construction.

1105 (a) Section captions in this charter are informative only and are not to be considered as a
 1106 part thereof.

1107 (b) The word "shall" is mandatory and the word "may" is permissive.

1108 (c) The singular shall include the plural, the masculine shall include the feminine, and vice
 1109 versa.

1110 SECTION 7.06.

1111 Severability.

1112 If any article, section, subsection, paragraph, sentence, or part thereof of this charter shall
 1113 be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not
 1114 affect or impair other parts of this charter unless it clearly appears that such other parts are
 1115 wholly and necessarily dependent upon the part held to be invalid or unconstitutional, it

1116 being the legislative intent in enacting this charter that each article, section, subsection,
1117 paragraph, sentence, or part thereof be enacted separately and independent of each other.”

1118 **SECTION 2.**

1119 This Act shall become effective on July 1, 2019.

1120 **SECTION 3.**

1121 All laws and parts of laws in conflict with this Act are repealed.