

Senate Bill 439

By: Senator Black of the 8th

A BILL TO BE ENTITLED  
AN ACT

1 To provide a new charter for the City of Barwick; to provide for incorporation, boundaries,  
2 powers and construction; to provide for a governing authority, its number, elections, terms,  
3 and qualifications, compensation and expenses, holding other offices and voting when  
4 financially interested, inquiries and investigations, power and authority, eminent domain,  
5 meetings, procedural rules, quorum and voting, ordinances, emergencies, technical codes,  
6 signing, authenticating, recording, codification, and printing of ordinances, a chief executive  
7 officer, powers and duties of the mayor, and a mayor pro tempore; to provide for city  
8 departments, city boards, commissions, and authorities, a city attorney, a city clerk, and  
9 personnel policies; to provide for a municipal court, municipal judges, convening,  
10 jurisdiction and powers, certiorari, rules, and indigent defense; to provide for elections,  
11 removal, and vacancies; to provide for taxes, regulatory fees and permits, franchises, service  
12 charges, special assessments, collection of taxes and fees, bonds, short-term loans,  
13 lease-purchase contracts, a fiscal year, budgets, changes in appropriations, audits, contracting  
14 procedures and purchasing, and sale and lease of property; to provide for bonds for officials,  
15 prior ordinances, existing personnel and officers, pending matters, and construction; to  
16 provide for other matters relative to the foregoing; to provide a specific repealer; to provide  
17 an effective date; 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 reincorporated by the enactment of this charter and  
24 are hereby constituted and declared a body politic and corporate under the name and style  
25 City of Barwick, Georgia, and by that name shall have perpetual existence.

26

**SECTION 1.11.**

27

## Corporate boundaries.

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

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

39

**SECTION 1.12.**

40

## Powers and construction.

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

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

48

**SECTION 1.13.**

49

## Specific powers.

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

55 (b) Appropriations and Expenditures. To make appropriations for the support of the  
56 government of the city; to authorize the expenditure of money for any purposes authorized

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

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

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

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

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

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

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

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

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

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

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

165 (ff) Roadways. To lay out, open, extend, widen, narrow, establish, or change the grade of,  
166 abandon or close, construct, pave, curb, gutter, provide drainage for, adorn with shade trees  
167 or otherwise improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys,  
168 and walkways within the corporate limits of the city; and to grant franchises and  
169 rights-of-way throughout the streets and roads, and over the bridges and viaducts for the use  
170 of public utilities; and to require real estate owners to repair and maintain in a safe condition  
171 the sidewalks adjoining their lots or lands, and to impose penalties for failure to do so.

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

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

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

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

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

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

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

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

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

212 **SECTION 1.14.**

213 Exercise of powers.

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

218 **ARTICLE II**

219 **GOVERNMENT STRUCTURE**

220 **SECTION 2.10.**

221 City council creation; number; election.

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

227 **SECTION 2.11.**

228 Mayor and city council terms and qualifications for office.

229 The mayor and members of the city council shall serve for terms of four years and until their  
 230 respective successors are elected and qualified. The mayor and members serving as such on  
 231 July 1, 2016, shall continue to serve for the remainder of the terms to which they were  
 232 elected. No person shall be eligible to serve as mayor or councilmember unless that person

233 shall have been a resident of the city for one year prior to the date of election of the mayor  
 234 or member of the council; each person holding city office shall continue to reside therein  
 235 during his or her period of service and to be registered and qualified to vote in municipal  
 236 elections of this city.

237 **SECTION 2.12.**

238 Vacancy; filling of vacancies.

239 (a) The office of mayor or councilmember shall become vacant upon the occurrence of any  
 240 event specified by the Constitution, Title 45 of the Official Code of Georgia Annotated, or  
 241 such other applicable laws as are or may hereafter be enacted. Provided, however, the office  
 242 of mayor or councilmember shall become vacant upon the unexcused absence of the holder  
 243 of the office from four consecutive regularly scheduled meetings of the city council.  
 244 Excused absences shall be granted by a majority vote of the remaining city councilmembers  
 245 and the mayor as provided in Section 2.21 of this charter and shall be entered upon the  
 246 minutes of the council meeting.

247 (b) A vacancy in the office of mayor or councilmember shall be filled for the remainder of  
 248 the unexpired term, if any, by appointment by the remaining councilmembers if less than six  
 249 months remains in the unexpired term, otherwise by an election, as provided for in Section  
 250 5.14 of this charter and in accordance with Titles 21 and 45 of the Official Code of Georgia  
 251 Annotated or other such laws as are or may hereafter be enacted.

252 **SECTION 2.13.**

253 Compensation and expenses.

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

256 **SECTION 2.14.**

257 Conflicts of interest.

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

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



262 **SECTION 2.15.**

263 Inquiries and investigations.

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

270 **SECTION 2.16.**

271 General power and authority of the city council.

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

274 **SECTION 2.17.**

275 Eminent domain.

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

284 **SECTION 2.18.**

285 Organizational meetings.

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

290 "I \_\_\_\_\_ do solemnly swear or affirm that I will properly perform the duties of the  
 291 office of \_\_\_\_\_ in and for the City of Barwick, to the best of my knowledge, skill,  
 292 and ability; that I am not the holder of any unaccounted for public money due to the State  
 293 of Georgia or any political subdivision or authority thereof; that I am not the holder of any  
 294 office of trust under the government of the United States, any other state, or any foreign  
 295 state, which I am by the laws of the State of Georgia prohibited from holding; that I am  
 296 qualified to hold the office which I am about to enter according to the Constitution and  
 297 laws of Georgia; that I will support the Constitutions of the United States and the State of  
 298 Georgia; that I have been a resident of the post from which elected and the City of Barwick  
 299 for the time required by the Constitution and laws of the State of Georgia and the charter  
 300 of the City of Barwick, so help me God."

301 **SECTION 2.19.**

302 Regular and special meetings.

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

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

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

318 **SECTION 2.20.**

319 Rules of procedure.

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

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

326 **SECTION 2.21.**

327 Quorum; voting.

328 Three councilmembers shall constitute a quorum and shall be authorized to transact business  
 329 of the city council. Voting on the adoption of ordinances shall be by oral vote, and the vote  
 330 shall be recorded in the journal; but any member of the city council shall have the right to  
 331 request a roll call vote, and such vote shall be recorded in the journal. Except as otherwise  
 332 provided in this charter, the affirmative vote of three councilmembers shall be required for  
 333 the adoption of any ordinance, resolution, or motion. An abstention shall not be counted as  
 334 either an affirmative or negative vote.

335 **SECTION 2.22.**

336 Ordinance form; procedures.

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

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

352 **SECTION 2.23.**

353 Action requiring an ordinance.

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

355 **SECTION 2.24.**

356 Emergencies.

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

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

377 **SECTION 2.25.**

378 Codes of technical regulations.

379 (a) The city council may adopt any standard code of technical regulations by reference  
 380 thereto in an adopting ordinance. The procedure and requirements governing such adopting  
 381 ordinance shall be as prescribed for ordinances generally except that: (1) the requirements  
 382 of Section 2.22(b) of this charter for distribution and filing of copies of the ordinance shall  
 383 be construed to include copies of any code of technical regulations, as well as the adopting

384 ordinance; and (2) a copy of each adopted code of technical regulations as well as the  
 385 adopting ordinance, shall be authenticated and recorded by the city clerk pursuant to Section  
 386 2.26 of this charter.

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

389 **SECTION 2.26.**

390 Signing; authenticating; recording; codification; printing.

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

393 (b) The city council shall provide for the preparation of a general codification of all the  
 394 ordinances of the city having the force and effect of law. The general codification shall be  
 395 adopted by the city council by ordinance and shall be published promptly, together with all  
 396 amendments thereto and such codes of technical regulations and other rules and regulations  
 397 as the city council may specify. This compilation shall be known and cited officially as "The  
 398 Code of the City of Barwick, Georgia." Copies of the code shall be furnished to all officers,  
 399 departments, and agencies of the city and made available for purchase by the public at a  
 400 reasonable price as fixed by the city council.

401 (c) The city council shall cause each ordinance and each amendment to this charter to be  
 402 printed promptly following its adoption, and the printed ordinances and charter amendments  
 403 shall be made available for purchase by the public at reasonable prices to be fixed by the city  
 404 council. Following publication of the first code under this charter and at all times thereafter,  
 405 the ordinances and charter amendments shall be printed in substantially the same style as the  
 406 code currently in effect and shall be suitable in form to incorporate therein. The city council  
 407 shall make such further arrangements as deemed desirable with reproduction and distribution  
 408 of any current changes in or additions to codes of technical regulations and other rules and  
 409 regulations included in the code.

410 **SECTION 2.27.**

411 Chief executive officer.

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

415

**SECTION 2.28.**

416

Powers and duties of mayor.

417 As the chief executive officer of this city, the mayor shall:

418 (1) See that all laws and ordinances of the city are faithfully executed;

419 (2) Recommend to the city council such measures relative to the affairs of the city,  
420 improvement of the government, and promotion of the welfare of its inhabitants as the  
421 mayor may deem expedient;

422 (3) Call special meetings of the city council as provided for in Section 2.19(b) of this  
423 charter;

424 (4) Preside at all meetings of the city council and vote only in the event of a tie or when  
425 an affirmative or negative vote by the mayor constitutes a majority of three votes;

426 (5) Provide for an annual audit of all accounts of the city;

427 (6) Require any department or agency of the city to submit written reports whenever the  
428 mayor and council deem it expedient; and

429 (7) Perform such other duties as may be required by law, this charter, or by ordinance.

430

**SECTION 2.29.**

431

Mayor pro tempore; selection; duties.

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

437

**ARTICLE III**

438

**ADMINISTRATIVE AFFAIRS**

439

**SECTION 3.10.**

440

Administrative and service departments.

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

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

448 (c) All appointed officers and directors of departments shall receive such compensation as  
449 prescribed by ordinance.

450 (d) All appointed officers and directors of city departments under the supervision of the  
451 mayor and council shall be nominated by the mayor with confirmation of appointment by the  
452 city council. All appointed officers, directors, and department heads shall be  
453 employees-at-will and subject to removal or suspension at any time by the mayor and  
454 council, unless otherwise provided by law or ordinance.

455 **SECTION 3.11.**

456 Boards, commissions, and authorities.

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

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

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

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

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

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

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

478 (h) Except as otherwise provided by this charter or by law, each board, commission, or  
479 authority of the city shall elect one of its members as chairperson and one member as vice

480 chairperson and may elect as its secretary one of its own members or may appoint as  
 481 secretary an employee of the city. Each board, commission, or authority of the city  
 482 government may establish such bylaws, rules, and regulations, not inconsistent with this  
 483 charter, ordinances of the city, or law, as it deems appropriate and necessary for the  
 484 fulfillment of its duties or the conduct of its affairs. Copies of such bylaws, rules, and  
 485 regulations shall be filed with the city clerk.

486 **SECTION 3.12.**

487 City attorney.

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

496 **SECTION 3.13.**

497 City clerk.

498 The city council shall appoint a city clerk who shall not be a councilmember. The city clerk  
 499 shall be custodian of the official city seal and city records; maintain city council records  
 500 required by this charter; and perform such other duties as may be required by the city  
 501 council.

502 **SECTION 3.14.**

503 Personnel policies.

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



506                                   ARTICLE IV  
 507                                   JUDICIAL BRANCH  
 508                                   **SECTION 4.10.**  
 509                                   Municipal court creation.

510   There shall be a court to be known as the municipal court of the City of Barwick.

511                                   **SECTION 4.11.**  
 512                                   Chief judge; associate judge.

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

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

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

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

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

526                                   **SECTION 4.12.**  
 527                                   Convening.

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

529                                   **SECTION 4.13.**  
 530                                   Jurisdiction; powers.

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

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

535 (c) The municipal court may fix punishment for offenses within its jurisdiction not  
 536 exceeding a fine of \$1,000.00 or imprisonment for 180 days, or other such fine and  
 537 imprisonment, or may fix punishment by fine, imprisonment, or alternative sentencing as  
 538 now or hereafter provided by law.

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

542 (e) The municipal court shall have authority to establish bail and recognizance to ensure the  
 543 presence of those charged with violations before said court, and shall have discretionary  
 544 authority to accept cash or personal or real property as surety for the appearance of persons  
 545 charged with violations. Whenever any person shall give bail for that person's appearance  
 546 and shall fail to appear at the time fixed for trial, the bond shall be forfeited by the judge  
 547 presiding at such time, and an execution issued thereon by serving the defendant and the  
 548 defendant's sureties with a rule nisi, at least two days before a hearing on the rule nisi. In the  
 549 event that cash or property is accepted in lieu of bond for security for the appearance of a  
 550 defendant at trial, and if such defendant fails to appear at the time and place fixed for trial,  
 551 the cash so deposited shall be on order of the judge declared forfeited to the city, or the  
 552 property so deposited shall have a lien against it for the value forfeited which lien shall be  
 553 enforceable in the same manner and to the same extent as a lien for city property taxes.

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

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

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

#### 564 **SECTION 4.14.**

#### 565 **Certiorari.**

566 The right of certiorari from the decision and judgment of the municipal court shall exist in  
 567 all criminal cases and ordinance violation cases, and such certiorari shall be obtained under  
 568 the sanction of a judge of the Superior Court of Thomas County under the laws of the State  
 569 of Georgia regulating the granting and issuance of writs of certiorari.

570 **SECTION 4.15.**

571 Rules for court.

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

579 **SECTION 4.16.**

580 Indigent defense and prosecutor.

581 The mayor and council shall have the power to provide for a system of defense for indigent  
 582 persons charged in the municipal court of the City of Barwick with violations of ordinances  
 583 or state laws, and for the prosecution of such cases by a prosecutor. The city council is  
 584 further authorized to provide for the expense of indigent defense and prosecution by  
 585 prorating the estimated cost over all criminal cases disposed of by the court and bond  
 586 forfeitures in the criminal cases. A bond amount shall be imposed by the municipal court  
 587 judge and collected in all criminal cases. Bond forfeitures in such cases shall be collected  
 588 as costs in addition to fines, penalties, and all other costs.

589 **ARTICLE V**

590 **ADMINISTRATION**

591 **SECTION 5.10.**

592 Applicability of general law.

593 All primaries and elections shall be held and conducted in accordance with Chapter 2 of Title  
 594 21 of the Official Code of Georgia Annotated, the "Georgia Election Code," as now or  
 595 hereafter amended.

596 **SECTION 5.11.**

597 Regular elections; time for holding.

598 Beginning in 2017, and every four years thereafter, on the Tuesday following the first  
 599 Monday in November, there shall be an election for mayor and city councilmembers for

600 Council Posts 1 and 4. Beginning in 2019, and every four years thereafter, on the Tuesday  
601 following the first Monday in November, there shall be an election for city councilmembers  
602 for Council Posts 2, 3, and 5. The terms of office shall begin at the organizational meeting  
603 as provided for in Section 2.18 of this charter.

604 **SECTION 5.12.**

605 Nonpartisan elections.

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

608 **SECTION 5.13.**

609 Election by majority.

610 The person receiving a majority of the votes cast in the city election for the office of mayor  
611 shall be elected. The person receiving a majority of the votes cast in the city election for  
612 each of the city council Posts shall be elected to the position of councilmember from their  
613 respective Post.

614 **SECTION 5.14.**

615 Special elections.

616 In the event that the office of mayor or councilmember shall become vacant as provided in  
617 Section 2.12 of this charter, the city council or those remaining shall appoint a successor for  
618 the remainder of the term if less than six months remain in the term. In all other respects, the  
619 special election shall be held and conducted in accordance with Chapter 2 of Title 21 of the  
620 Official Code of Georgia Annotated, the "Georgia Election Code," as now or hereafter  
621 amended.

622 **SECTION 5.15.**

623 Other provisions.

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

628

**SECTION 5.16.**

629

Removal of officers.

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

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

635 (1) Following a hearing at which an impartial panel shall render a decision. In the event  
 636 an elected officer is sought to be removed by the action of the city council, such officer  
 637 shall be entitled to a written notice specifying the ground or grounds for removal and to  
 638 a public hearing which shall be held not less than ten days after the service of such  
 639 written notice. The city council shall provide by ordinance for the manner in which such  
 640 hearings shall be held. Any elected officer sought to be removed from office as provided  
 641 in this paragraph shall have the right of appeal from the decision of the city council to the  
 642 Superior Court of Thomas County. Such appeal shall be governed by the same rules as  
 643 govern appeals to the superior court from the probate court.

644 (2) By an order of the Superior Court of Thomas County following a hearing on a  
 645 complaint seeking such removal brought by any resident of the City of Barwick.

646

**ARTICLE VI**

647

**FINANCE**

648

**SECTION 6.10.**

649

Property tax.

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

656

**SECTION 6.11.**

657

Millage rate; due dates; payment methods.

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

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

662 **SECTION 6.12.**

663 Occupation and business taxes.

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

668 **SECTION 6.13.**

669 Regulatory fees; permits.

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

675 **SECTION 6.14.**

676 Franchises.

677 (a) The city council shall have the power to grant franchises for the use of this city's streets  
678 and alleys for the purposes of railroads, street railways, telephone companies, electric  
679 companies, electric membership corporations, cable television, and other telecommunications  
680 companies, gas companies, transportation companies, and other similar organizations. The  
681 city council shall determine the duration, terms, whether the same shall be exclusive or  
682 nonexclusive, and the consideration for such franchises; provided, however, no franchise  
683 shall be granted for a period in excess of 35 years, and no franchise shall be granted unless  
684 the city receives just and adequate compensation therefor. The city council shall provide for  
685 the registration of all franchises with the city clerk in a registration book kept by the city  
686 clerk. The city council may provide by ordinance for the registration within a reasonable  
687 time of all franchises previously granted.

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

691 television, and other telecommunications companies, gas companies, transportation  
692 companies, and other similar organizations.

693 **SECTION 6.15.**

694 Service charges.

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

700 **SECTION 6.16.**

701 Special assessments.

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

707 **SECTION 6.17.**

708 Construction; other taxes and fees.

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

712 **SECTION 6.18.**

713 Collection of delinquent taxes and fees.

714 (a) The city council shall have the power and authority to provide by ordinance for the  
715 collection from delinquent tax payers, in addition to all other sums, of the costs of collection  
716 and the costs of levy preparation and execution procedures, and to add such sums to the  
717 amounts due on tax executions. The costs of levy preparation and execution procedures shall  
718 include, but without limitation, the cost of title searches, name and address verifications,  
719 legal fees, and all other levy and enforcement costs of every kind.

720 (b) The city council shall have the power and authority to provide by ordinance for the  
721 employment by the city clerk of agencies to assist in the collection of delinquent taxes and  
722 in tax execution levy preparation and enforcement procedures, to provide for the payment  
723 of the costs of such agencies by the delinquent tax payer, and to provide for the costs of such  
724 agencies to be added to the amounts due on tax executions.

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

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

737 **SECTION 6.19.**

738 General obligation bonds.

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

743 **SECTION 6.20.**

744 Revenue bonds.

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



748 **SECTION 6.21.**

749 Short-term loans.

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

752 **SECTION 6.22.**

753 Lease-purchase contracts.

754 The city may enter into multi-year lease, purchase or lease-purchase contracts for the  
755 acquisition of goods, materials, real and personal property, services, and supplies provided  
756 the contract terminates without further obligation on the part of the municipality at the close  
757 of the calendar year in which it was executed and at the close of each succeeding calendar  
758 year for which it may be renewed. Contracts must be executed in accordance with the  
759 requirements of O.C.G.A. Section 36-60-13 or other such applicable laws as are or may  
760 hereafter be enacted.

761 **SECTION 6.23.**

762 Fiscal year.

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

766 **SECTION 6.24.**

767 Preparation of budgets.

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

772 **SECTION 6.25.**

773 Submission of operating budget to city council.

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

776 for the ensuing fiscal year. The budget shall be accompanied by a message from the mayor  
 777 containing a statement of the general fiscal policies of the city, the important features of the  
 778 budget, explanations of major changes recommended for the next fiscal year, a general  
 779 summary of the budget, and such other pertinent comments and information. The operating  
 780 budget and the capital budget required by this article, the budget message, and all supporting  
 781 documents shall be filed in the office of the city clerk and shall be open to public inspection.

782 **SECTION 6.26.**

783 Action by city council on budget.

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

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

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

802 **SECTION 6.27.**

803 Tax levies.

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

808 forth in the annual operating budget for defraying the expenses of the general government  
809 of this city.

810 **SECTION 6.28.**

811 Change in appropriations.

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

816 **SECTION 6.29.**

817 Independent audit.

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

823 **SECTION 6.30.**

824 Contracting procedures.

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

826 (a) It is in writing;

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

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

831 **SECTION 6.31.**

832 Centralized purchasing.

833 The city council, by ordinance, shall prescribe procedures for a system of centralized  
834 purchasing for the city.

835

**SECTION 6.32.**

836

Sale and lease of city property.

837

The city council may sell and convey or lease any real or personal property owned or held

838

by the city for government or other purposes as now or hereafter provided by law.

839

**ARTICLE VII**

840

**GENERAL PROVISIONS**

841

**SECTION 7.10.**

842

Bonds for officials.

843

The officers and employees of this city, both elected and appointed, shall execute such surety

844

or fidelity bonds in such amounts and upon such terms and conditions as the city council

845

shall from time to time require by ordinance or as may be provided by law.

846

**SECTION 7.11.**

847

Prior ordinances.

848

All ordinances, resolutions, rules, and regulations now in force in the city and not

849

inconsistent with this charter are hereby declared valid and of full effect and force until

850

amended or repealed by the city council.

851

**SECTION 7.12.**

852

Existing personnel and officers.

853

Except as specifically provided otherwise by this charter, all personnel and officers of the

854

city and their rights, privileges, and powers shall continue beyond the time this charter takes

855

effect for a period of 180 days before or during which the existing city council shall pass a

856

transition ordinance detailing the changes in personnel and appointed officers required or

857

desired and arranging such titles, rights, privileges, and powers as may be required or desired

858

to allow a reasonable transition.

859

**SECTION 7.13.**

860

Pending matters.

861

Except as specifically provided otherwise by this charter, all rights, claims, actions, orders,

862

contracts, and legal or administrative proceedings shall continue, and any such ongoing work

863 or cases shall be completed by such city agencies, personnel, or offices as may be provided  
864 by the city council.

865 **SECTION 7.14.**

866 Construction.

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

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

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

872 **SECTION 7.15.**

873 Specific repealer.

874 An Act to provide a new Charter for the City of Barwick, Georgia, in the Counties of  
875 Thomas and Brooks, approved April 17, 1975 (Ga. L. 1975, p. 4226), as amended, is hereby  
876 repealed.

877 **SECTION 7.16.**

878 Effective date.

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

880 **SECTION 7.17.**

881 General repealer.

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