# THE CHARTER

Editor's note(s)—The charter of the City of Sandersville, Georgia is derived from a 1990 Act of the Georgia Legislature (H.B. No. 1839). Numbering of sections corresponds to the state law. Provisions of limited application, such as severability and repealer clauses have been omitted from this printing. Any material appearing in brackets has been added by the codifier for clarification.

## ARTICLE I - Incorporation and Powers

Sec. 1.10 Incorporation.

The City of Sandersville, Georgia, in the County of Washington, and the inhabitants thereof shall continue to be a body politic and corporate under the name and style of the "City of Sandersville, Georgia." Under that name the city shall be and continue to be vested with all of the property and rights of property, real and personal, which now belong to the corporation; shall have perpetual succession; may bring and defend actions; may contract and be contracted with; and may have a common seal and alter and renew the same at will. This Act shall constitute the whole charter of the City of Sandersville, Georgia. References in this charter to "the city" or "this city" refer to the City of Sandersville. The city shall have perpetual existence.

Sec. 1.11 Corporate boundaries.

1. The boundaries of this city shall be those existing on the effective date of the adoption of this Charter with such alterations as may be made from time to time by local law or in the manner provided by general state law. The boundaries of this city at all times shall be shown on a map, a written description or any combination thereof, to be retained permanently in the office of the city clerk of the city and to be designated, as the case may be: "Official Map or Description of the Corporate Limits of the City of Sandersville, Georgia." Photographic, typed, or other copies of such map or description certified by the mayor shall be admitted as evidence in all courts and shall have the same force and effect as with the original map or description.
2. The City Council may provide for the redrawing of any such map by ordinance to reflect lawful changes in the corporate boundaries. A redrawn map shall supersede for all purposes the entire map or maps which it is designated to replace.

Sec. 1.12 Municipal powers.

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

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

(1) Air and water pollution. To regulate the emission of smoke or other exhaust which pollutes the air and to prevent the pollution of natural streams which flow within the corporate limits of the city;

(2) Animal regulations. To regulate and license or to prohibit the keeping or running at large of animals and fowl and to provide for the impoundment of same if in violation of any ordinance or lawful order; to provide for the disposition by sale, gift, or humane destruction of animals and fowl when not redeemed as provided by ordinance; and to provide punishment for violation of ordinances enacted under this paragraph;

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

(4) Building regulation. To regulate and to license the erection and construction of buildings and all other structures not inconsistent with general law; to adopt building, housing, plumbing, electrical, gas, and heating and air conditioning codes; and to regulate all housing and building trades except as otherwise prohibited by general law;

(5) Business regulation and taxation. To levy and to provide for the collection of license fees and taxes on privileges, occupations, trades, and professions; to license and regulate the same; to provide for the manner and method of payment of such licenses and taxes; and to revoke such licenses after due process for failure to pay any city taxes or fees;

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

(7) Contracts. To enter into contracts and agreements with other governments and entities and with private persons, firms and corporations;

(8) Emergencies. To establish procedures for determining and proclaiming that an emergency situation exists inside or outside the city and to make and carry out all reasonable provisions deemed necessary to deal with or meet such an emergency for the protection, safety, health, or well-being of the citizens of the city;

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

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

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

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

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

(14) Jail sentences. To provide that persons given jail sentences in the municipal court may work out such sentences in any public works or on the streets, roads, drains, and squares in the city; to provide for commitment of such persons to any jail; or to provide for the commitment of such persons to any county work camp or county jail by agreement with the appropriate county officials;

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

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

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

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

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

(20) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose of public utilities, including, but not limited to, a system of waterworks, sewers, and drains, sewage disposal, gas works, electric plants, transportation facilities, public airports, and any other public utility; and to fix the taxes, charges, rates, fares, fees, assessments, regulations and penalties therefor; and to provide for the withdrawal of service for refusal or failure to pay the same; and to authorize the extension of water, sewerage, and electrical distribution systems, and all necessary appurtenances by which said utilities are distributed, inside and outside the corporate limits of the city; and to provide utility services to persons, firms, and corporations inside and outside the corporate limits of the city as provided by ordinance;

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

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

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

(24) Police and fire protection. To exercise the power of arrest through duly appointed police officers and to establish, operate, or contract for a police and fire-fighting agency;

(25) Public hazards, removal. To provide for the destruction and removal of any building or other structure which is or may become dangerous or detrimental to the public;

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

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

(28) Public transportation. To organize and operate or contract for such public transportation systems as are deemed beneficial;

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

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

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

(32) Roadways. To lay out, open, extend, widen, narrow, establish or change the grade of, abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and walkways within the corporate limits of the city; and to negotiate and execute leases over, through, under, or across any city property or the right-of-way of any street, road, alley, and walkway or portion thereof within the corporate limits of the city for bridges, passageways, or any other purpose or use between buildings on opposite sides of the street and for other bridges, overpasses, and underpasses for private use at such location and to charge a rental therefor in such manner as may be provided by ordinance; and to authorize and control the construction of bridges, overpasses, and underpasses within the corporate limits of the city; and to grant franchises and rights of way throughout the streets and roads and over the bridges and viaducts for the use of public utilities and for private use; and to require real estate owners to repair and maintain in a safe condition the sidewalks adjoining their lots or lands and to impose penalties for failure to do so;

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

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

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

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

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

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

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

(40) Telecommunications. The City shall have the power and authority to acquire, own, hold, lease, sell, resell, build, maintain, operate and contract with respect to a telecommunications systems network in order to provide telecommunications services and similar other services, including cable television services (CATV), to establish and charge rates, fees, tolls and charges for the services, facilities or commodities furnished or made available by such undertaking; to interconnect its system or services or both with the systems or services of consumers and other providers, to use telecommunications to respond to community needs, encourage the development of information based organizations in the City of Sandersville, Georgia, to finance from time to time any such telecommunications systems through the issuance of revenue bonds as then permitted by the Constitution and laws of the State of Georgia; and to make any contract with respect to and furnish the services of any said systems to consumers within or outside the corporate limits of the City. (Ord. of 3-2-98, § 1)

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

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

Sec. 1.13 Exercise of powers.

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

## ARTICLE II Government Structure, Elections, and Removal

Sec. 2.10 City Council creation; composition; number; election.

(a) The legislative authority of the government of this City, except as otherwise specifically provided in this Charter, shall be vested in a City Council to be composed of a Mayor and Mayor Pro Tem, elected by the voters of the City at large, and one member from each of the four council districts elected by the voters of those districts. The Mayor, Mayor Pro Tem and four (4) Council Members shall be successors to the Mayor, Council Member from Post 5 and Council Members from Posts 1–-4 provided for in the City Charter repealed by this Charter.

(b) Except for the purpose of staggering terms of office, The Mayor and Council Members shall serve for terms of four (4) years and until their respective successors are elected and qualified. No person shall be eligible to serve as Mayor or Council Member unless he shall have been a resident of this City for twelve (12) months immediately preceding the election of Mayor or Council Members and, and in the case of candidates for council member posts 1 through 4, a resident of the post described in subsection (f) of Section 2.11 which the candidate seeks to represent immediately prior to the date of the election. Each person elected as Mayor or Council Member shall continue to reside within the City and, for Council Members posts 1 through 4, in the post described in subsection (f) of Section 2.11 which that member represents, during said period of service and shall be registered and qualified to vote in municipal elections of this City. No person's name shall be listed as a candidate on the ballot for election for either Mayor or Council Member unless such person shall file a written notice with the Clerk of said City that he desires his name to be placed on said ballot as a candidate either for Mayor, Mayor Pro Tem or Council Member. No person shall be eligible for the office of Mayor or Council Member unless such person shall file above said notice within the time provided for in Chapter 3 of Title 21 of the O.C.G.A., the "Georgia Municipal Election Code."

Sec. 2.11 Elections.

(a) At any election, all persons who are qualified under the Constitution and laws of Georgia to vote for members of the General Assembly of Georgia and who are bona fide residents of said City shall be eligible to qualify as voters in the election.

(b) All primaries and elections shall be held and conducted in accordance with Chapter 3 of Title 21 of the O.C.G.A., the "Georgia Municipal Election Code." Except as otherwise provided by this charter, the city council shall, by ordinance, prescribe such rules and regulations it deems appropriate to fulfill any options and duties under the "Georgia Municipal Election Code."

(c) The Mayor and Council Members who are in office immediately prior to the effective date of this Charter shall serve until the expiration of the terms of office to which they were elected, which shall expire December 31, 2027, and until their successors are elected and qualified.

(d) For the purpose of electing members of the council, the City of Sandersville shall consist of four council member posts described in subsection (f) of this section. Each person seeking election as a member of the council shall designate the post for which he seeks election.

(e) On the Tuesday next following the first Monday in November, 2027, there shall be elected a Mayor and a Council member from District Two and a Council member from District Four to each serve two years and, there shall be elected a Mayor Pro Tem and a Council member from District One and a Council member from District Three to each serve four years. Persons so elected shall take office on the first day of January following their election and serve until their respective successors are elected and qualified. On the Tuesday next following the first Monday in November, 2029, there shall be elected a Mayor and a Council member from District Two and a Council member from District Four to each serve four years. Thereafter, all Council members shall serve alternating staggered four-year terms. On the Tuesday next following the first Monday in November, 2031, there shall be elected a Mayor Pro Tem and a Council member from District One and a Council member from District Three to each serve four years.

(f) Establishment of Council Posts

(1) For the purposes of electing members of the City Council, the territory of the City of Sandersville is divided into four posts, which shall be and correspond to those four numbered districts described in and attached to and made a part of this Act and further identified as 'Plan Name: sandersville-2013 Plan Type: Local Administrator: Sandersville User: bak'.

(2) When used in such attachment, the term 'VTD' (voting tabulation district) shall mean and describe the same geographical boundaries as provided in the report of the Bureau of the Census for the United States decennial census of 2020 for the State of Georgia.

(3) The separate numeric designations in a district description which are underneath a VTD heading shall mean and describe individual Blocks within a VTD as provided in the report of the Bureau of the Census for the United States decennial census of 2020 for the State of Georgia. Any part of the City of Sandersville which is not included in any such district described in that attachment shall be included within that district contiguous to such part which contains the least population according to the United States decennial census of 2020 for the State of Georgia.

(4) Any part of the City of Sandersville which is described in that attachment as being in a particular district shall nevertheless not be included within such district if such part is not contiguous to such district. Such noncontiguous part shall instead be included within that district contiguous to such part which contains the least population according to the United States decennial census of 2020 for the State of Georgia.

(5) Except as otherwise provided in the description of any council district, whenever the description of such district refers to a named city, it shall mean the geographical boundaries of that city as shown on the census map for the United States decennial census of 2020 for the State of Georgia.

(Act No. 141, Ga. L. 2015, p. 3733)

Sec. 2.12 Vacancies in office.

(a) Vacancies and suspensions

` (1) The office of mayor or council member shall become vacant upon the incumbent's death, resignation, forfeiture of office, or removal from office in any manner authorized by this charter or the general laws of the State of Georgia.

(2) Upon the suspension from office of mayor or council member in any manner authorized by the general laws of the State of Georgia, the city council or those remaining shall appoint a successor for the duration of the suspension. If the suspension becomes permanent, then the office shall become vacant and shall be filled as provided in subsection (b) of this section.

(b) In the event that the office of mayor or council member shall become vacant, the city council or those remaining shall order a special election to fill the balance of the unexpired term of such official; provided, however, if such vacancy occurs within six months of the expiration of the term of that office, the City Council or those Members remaining shall appoint a successor for the remainder of the term. In all other respects, the special election shall be held and conducted in accordance with Chapter 3 of Title 21 of the O.C.G.A., the "Georgia Municipal Election Code," as now or hereafter amended.

(c) In the event the office of Mayor Pro Tem becomes vacant, whether by death, resignation, a person's filling the unexpired term of mayor, or any other cause, the remaining council members shall elect from their membership a person meeting the requirements of office of Mayor Pro Tem to serve out the unexpired term and until a successor is elected and qualified.

(d) In the event vacancies in office result in less than a quorum of Council Members holding office, then the remaining Council Members in office shall constitute a quorum and shall be authorized to transact business of the City Council. A vote of a majority of the remaining Council Members shall be required for the adoption of any ordinance.

Sec. 2.13 Non-partisan elections.

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

Sec. 2.14 Election by majority or plurality.

1. No person shall be elected to the office of Mayor or Mayor Pro Tem unless that person has received a majority of the votes cast in the entire City for that office. In the event no candidate receives a majority of the votes cast in said election, a run-off election shall be held between the two candidates receiving the highest number of votes. Such run-off shall be held in accordance with the Georgia Municipal Election Code unless such run-off date is postponed by court order.
2. No person shall be elected to the office of any of the four Council Member districts unless that person has received a plurality of the votes cast for that office from voters voting only in each district and not at large.

Sec. 2.15 Compensation and expenses.

The Mayor, Mayor Pro Tem and council members shall receive compensation and expenses for their services as provided by ordinance and in accordance with Chapter 35 of Title 36 of the O.C.G.A. The mayor and council members shall be entitled to receive their actual and necessary expenses incurred in the performance of their duties of office.

Sec. 2.16 Prohibitions.

(a) No elected official, appointed officer, or employee of the City or any agency or political entity to which this Charter applies shall knowingly:

(1) Engage in any business or transaction or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his official duties or which would tend to impair the independence of his judgment or action in the performance of his official duties;

(2) Engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of his official duties or would tend to impair the independence of his judgment or action in the performance of his official duties;

(3) Disclose confidential information, including information obtained at meetings which are closed pursuant to Title 50, Chapter 14 of the Official Code of Georgia Annotated, concerning the property, government, or affairs of the governmental body by which he is engaged without proper legal authorization or use such information to advance the financial or other private interest of himself or others;

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

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

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

(b) Any elected official, appointed officer, or employee who has any private financial interest, directly or indirectly, in any contract or matter pending before or within any department of the City shall disclose such private interest to the City Council. The Mayor or any Council Member who has a private interest in any matter pending before the City Council shall disclose such private interest and such disclosure shall be entered on the records of the City Council, and he shall disqualify himself from participating in any decision or vote relating thereto. Any elected official, appointed officer, or employee of any agency or political entity to which this Charter applies who shall have any private financial interest, directly or indirectly, in any contract or matter pending before or within such entity shall disclose such private interest to the governing body of such agency or entity.

(c) No elected official, appointed officer, or employee of the City or any agency or entity to which this charter applies shall use property owned by such governmental entity for personal benefit, convenience, or profit except in accordance with policies promulgated by the City Council or the governing body of such agency or entity.

(d) Any violation of this section which occurs with the knowledge, express or implied, of another party to a contract or sale shall render said contract or sale voidable at the option of the City Council.

(e) Except where authorized by law, neither the Mayor nor Mayor Pro Tem nor any Council Member shall hold any other elective or compensated appointive office in the city or otherwise be employed by said government or any agency thereof during the term for which he was elected. No former mayor and no former council member shall hold any compensated appointive office in the city until one year after the expiration of the term for which he was elected.

(f) No appointive officer and no employee of the city shall continue in such employment upon qualifying as a candidate for nomination or election to any elective city office. No employee of the City shall continue in such employment upon qualifying for or election to any public office in this City or any other public office which is inconsistent, incompatible or in conflict with the duties of the City employee. Such determination shall be made by the Mayor and Council either immediately upon election or at any time such conflict may arise.

(g) Penalties for violation.

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

(2) Any officer or employee of the city who shall forfeit his office or position as described in paragraph (1) of this subsection shall be ineligible for appointment or election to or employment in a position in the city government for a period of three (3) years thereafter.

(3) Any violation of this section which occurs with the knowledge, express or implied, of another party to a contract or sale shall render said contract or sale voidable at the option of the City Council.

Sec. 2.17 Removal of officers

(a) The Mayor, Mayor Pro Tem, a Council Member, or other appointed officers provided for in this charter shall be removed from office for any one or more of the following causes:

(1) incompetence, misfeasance or malfeasance in office;

(2) conviction of a crime involving moral turpitude;

(3) failure at any time to possess any of the qualifications of office as provided by this charter or by law;

(4) knowingly violating any express prohibition of this charter;

(5) abandonment of office or neglect to perform the duties thereof; or

(6) failure for any other cause to perform the duties of office as required by this charter or by state law.

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

(1) By majority vote of the full council after an investigative hearing, with the officer to be removed not voting. In the event an elected officer is sought to be removed by the action of the city council, such officer shall be entitled to a written notice specifying the ground or grounds for removal and to a public hearing which shall be held not less than 10 days after the service of such written notice. Any elected officer sought to be removed from office as provided in this section shall have the right of appeal from the decision of the city council to the Superior Court of Washington County. Such appeal shall be governed by the same rules as govern appeals to the superior court from the probate court.

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

ARTICLE III – Organization of Government, General Authority and Ordinances

Sec. 3.10 General power and authority.

(a) Except as otherwise provided by this charter, the City Council shall be vested with all the powers of government of this City as provided by Article I of this charter.

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

Sec. 3.11 Organization.

1. The City Council shall hold an organizational meeting at the first regular meeting on the first day of January following the regular municipal election. The meeting shall be called to order by the City Clerk and the oath of office shall be administered to the newly elected members as follows:

"I do solemnly (swear) (affirm) that I will faithfully perform the duties of (mayor) (council member) of this city and that I will support and defend the charter thereof as well as the Constitution and laws of the State of Georgia and of the United States of America."

Sec. 3.12 Inquiries and investigations.

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

Sec. 3.13 Meetings.

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

(b) Special meetings of the City Council may be held on call of the Mayor or three (3) members of the City Council. Notice of such special meetings shall be served on all other members personally, or by telephone personally, at least 48 hours in advance of the meeting. Such notice to Council Members shall not be required if the Mayor, Mayor Pro Tem and all Council Members are present when the special meeting is called. Such notice of any special meeting may be waived by a Council Member in writing before or after such a meeting and attendance at the meeting shall also constitute a waiver of notice on any business transacted in such council member's presence. Only the business stated in the call may be transacted at the special meeting.

(c) All meetings of the City Council shall be public to the extent required by law and notice to the public of special meetings shall be given as required by law.

Sec. 3.14 Procedures.

(a) The City Council shall adopt its rules of procedure and order of business consistent with the provisions of this charter and shall provide for keeping minutes of its proceedings which shall be a public record.

Sec. 3.15 Voting.

(a) Except as otherwise provided in subsection (b) of this section, three (3) council members in addition to the presiding officer shall constitute a quorum and shall be authorized to transact business of the City Council. Voting on the adoption of ordinances shall be by voice vote and the vote shall be recorded in the minutes, but any member of the City Council shall have a right to request a roll-call vote and such vote shall be recorded in the minutes. Except as otherwise provided in this charter, the affirmative vote of a majority of council members present shall be required for the adoption of any ordinance, resolution, or motion. The mayor, or mayor pro tempore, if presiding, shall be entitled to vote only in the case of a tie, except that the mayor or mayor pro tempore, if presiding, shall be entitled to vote on all appointments.

(b) In the event vacancies in office result in less than a quorum of councilmembers holding office, then the remaining councilmembers in office shall constitute a quorum and shall be authorized to transact business of the city council. A vote of a majority of the remaining councilmembers shall be required for the adoption of any ordinance, resolution, or motion.

Sec. 3.16 - Boards.

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

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

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

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

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

(f) No member of a board, commission, or authority shall assume office until he has executed and filed with the Clerk of the City an oath obligating himself to perform faithfully and impartially the duties of his office, such oath to be prescribed by ordinance and administered by the mayor.

(g) All members of a board, commission, or authority serve at-will and may be removed from office for cause by a vote of a majority of members of the City Council.

(h) Except as otherwise provided by this charter or by law, each board, commission, or authority of the City shall elect one of its members as chairman and one member as vice-chairman, and may elect as its secretary one of its members or may appoint as secretary an employee of the City. Each board, commission, or authority of the city government may establish such by-laws, rules, and regulations, not inconsistent with this charter, an ordinance of the City, or law, as it deems appropriate and necessary for the fulfillment of its duties or the conduct of its affairs. Copies of such bylaws, rules, and regulations shall be filed with the Clerk of the City.

Sec. 3.17 - Ordinances.

(a) Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain a subject which is not expressed in its title. The enacting clause shall be "The Council of the City of Sandersville hereby ordains…" and every ordinance shall so begin.

(b) An ordinance may be introduced by any Council Member or the Mayor Pro Tem, provided that he is not the presiding officer, and be read at a regular or special meeting of the City Council. Ordinances shall be considered and adopted or rejected by the City Council in accordance with the rules which it shall establish; provided, however, an ordinance shall not be adopted the same day it is introduced, except in the event a second reading of the ordinance is waived based on a vote and passage by the council and except for emergency ordinances provided for in section 3.18. Upon introduction of any ordinance, the Clerk shall, as soon as possible, distribute a copy to the Mayor, Mayor Pro Tem and each Council Member and shall file a reasonable number of copies in the office of the clerk and at such other public places as the City Council may designate.

Sec. 3.18 -  Effect of Ordinances.

(a) In addition to other acts required by general state law or by specific provisions of this charter to be done by ordinance, acts of the City Council which have the force and effect of law shall be enacted by ordinance.

Sec. 3.19 -  Emergencies.

1. To meet a public emergency affecting life, health, property, or public peace, the City Council may convene on call of the Mayor or three (3) Council Members and may promptly adopt an emergency ordinance, but such ordinance may not levy taxes; grant, renew, or extend a franchise; regulate the rate charged by any public utility for its services; or authorize the borrowing of money except for loans to be repaid within 30 days. An emergency ordinance shall be introduced in the form prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing the emergency in clear and specific terms. An emergency ordinance may be adopted, with or without amendment, or rejected at the meeting at which it is introduced, but the affirmative vote of at least three (3) council members shall be required for adoption. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance shall automatically stand repealed 30 days following the date upon which it was adopted, but this shall not prevent re-enactment of the ordinance in the manner specified in this section if the emergency continues to exist. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

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

Sec. 3.20 Codes.

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

(1) the requirements of subsection (b) of section 3.17 of this charter for distribution and filing of copies of the ordinance shall be construed to include copies of any code of technical regulations, as well as the adopting ordinance; and

(2) a copy of each adopted code of technical regulations, as well as the adopting ordinance, shall be authenticated and recorded by the Clerk pursuant to section 3.21 of this charter.

(b) Copies of any adopted code of technical regulations shall be made available by the clerk for distribution or for purchase at a reasonable price.

Sec. 3.21 Codification of ordinances.

(a) The Clerk shall authenticate by her signature and record in full in a properly indexed book kept for that purpose all ordinances adopted by the Council.

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

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

**Sec. 3.21 - Mayor; delegation of powers.**

The mayor shall possess all of the executive and administrative powers granted to the City under the constitution and laws of the State of Georgia, and all the executive and administrative powers contained in this charter, except as otherwise specifically provided in this charter.

Sec. 3.22 - Power and Duties of Mayor

The mayor shall:

(1) call special meetings of the City Council as provided for in section 3.13;

(2) preside at all meetings of the city council;

(3) be the head of the city for the purpose of service of process and for ceremonial purposes,

and be the official spokesperson for the city and the chief advocate of policy;

(4) have power to administer oaths and to take affidavits;

(5) sign as a matter of course on behalf of the city all written and approved contracts,

ordinances and other instruments executed by the city which by law are required to be in writing;

(6) see that all laws and ordinances of the City are faithfully executed;

(7) perform other duties as may be required by general state law, this charter, or ordinance;

(8) approve or disapprove ordinances as provided in Section 3.23

**Sec. 3.23 Submission of ordinances to the mayor; veto power.**

(a) Every ordinance adopted by the city council shall be presented promptly by the City Clerk to

the Mayor.

(b) The Mayor shall, within three (3) calendar days of receipt of an ordinance, return it to the City Clerk with or without his approval, or with his disapproval. If the ordinance has been approved by the Mayor, it shall become law upon its return to the City Clerk; if the ordinance is neither approved nor disapproved, it shall become law at 12:00 noon on the third calendar day after its adoption; if the ordinance is disapproved, the Mayor shall submit to the City Council through the City Clerk a written statement of his reasons for his veto. The Clerk shall record upon the ordinance the date of its delivery to and receipt from the Mayor.

(c) Ordinances vetoed by the Mayor shall be presented by the City Clerk to the City Council at its next regular meeting, and should the City Council then or at its next general meeting adopt the ordinance by an affirmative vote of four (4) of its members, it shall become law.

(d) The Mayor may disapprove or reduce any item or items of appropriation in any ordinance. The approved part or parts of any ordinance making appropriations shall become law, and the part or parts disapproved shall not become law unless subsequently passed by the City Council over the Mayor's veto as provided in this section. The reduced part or parts shall be presented to the City Council as though disapproved and shall not become law unless overridden by the Council as provided in subsection (c) of this section

Sec. 3.24 Position of Mayor Pro tem.

1. The Mayor Pro Tem shall be elected as an at-large Council position, as provided under section 2.11 and subsection 2.12 (c). During any disability or absence of the Mayor, the Mayor Pro Tem shall preside at all meetings of the City Council and shall assume the duties and powers of the Mayor. Any such disability or absence of the Mayor shall be declared by a majority vote of the City Council. In the event of a vacancy in the office of Mayor during the last six months of the Mayor’s term of office, the Mayor Pro Tem shall serve as Mayor until a successor is elected at a special election as provided in subsection (b) of Section 2.12 and is qualified. The City Council shall by majority vote elect a presiding officer from its number for any period in which both the Mayor and Mayor Pro Tem are disabled or absent. Such absence or disability of the Mayor Pro Tem shall similarly be declared by majority vote of the City Council.

(b) The Mayor Pro Tem or selected councilmember shall sign all contracts and ordinances in which the Mayor has a disqualifying financial interest as provided in Section 2.16.

**ARTICLE IV – Executive Branch and Administration**

**(replaces section 3.24 City Administrator)**

**Sec. 4.10 City Manager; Appointment; Qualifications; Compensation.**

(a) The City Council shall appoint a City Manager for an indefinite term and shall, in mutual agreement with the City Manager, establish the Manager’s compensation. The Manager shall be appointed solely on the basis of executive and administrative qualifications. Such qualifications may include:

1. a master’s degree with a concentration in public administration, public affairs or public policy and three years’ experience in an appointed managerial or administrative position in a local government, or
2. a bachelor’s degree and five years of such experience.

**Sec. 4.11 Removal of City Manager.**

(a) The city council may remove the manager from office in accordance with the following

procedures:

(1) The city council shall adopt by affirmative vote of a majority of all its members a

preliminary resolution which must state the reasons for removal and may suspend the

Manager from duty for a period not to exceed 45 days. A copy of the resolution shall be

delivered promptly to the manager.

(2) Within five (5) days after a copy of the resolution is delivered to the Manager, the

Manager may file with the City Council a written request for a public hearing. This

hearing shall be held within 30 days after the request is filed. The manager may file

with the council a written reply not later than five (5) days before the hearing.

(3) If the manager has not requested a public hearing within the time specified in paragraph (2) above, the City Council may adopt a final resolution for removal, which may be made effective immediately, by an affirmative vote of a majority of all its members. If the Manager has requested a public hearing, the City Council may adopt a final resolution for removal, which may be made effective immediately. by an affirmative vote of a majority of all its members at any time after the public hearing.

(b) The manager may continue to receive a salary until the effective date of a final resolution of removal.

**Sec. 4.12 Acting City Manager.**

By letter filed with the City Clerk, the Manager may designate, subject to approval of the City Council, a qualified city administrative officer to exercise the powers and perform the duties of Manager during the Manager's temporary absence or physical or mental disability. During such absence or disability, the City Council may revoke such designation at any time and appoint

another officer of the city to serve until the Manager shall return or the Manager's disability shall

cease.

**Sec. 4.13 Powers and Duties of the City Manager.**

The City Manager shall be the chief executive and administrative officer of the City. The

Manager shall be responsible to the City Council for the administration of all City affairs placed in the Manager's charge by or under this charter. As the chief executive and administrative officer,

the Manager shall:

(1) appoint and, when the Manager deems it necessary for the good of the city, suspend or

remove any city employee or administrative officer the Manager appoints, except as

otherwise provided by law or personnel ordinances adopted pursuant to this Charter. The

Manager may authorize any administrative officer who is subject to the Manager's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency;

(2) direct and supervise the administration of all departments, offices and agencies of the City, except as otherwise provided by this Charter or by law;

(3) attend all City Council meetings except for closed meetings held for the purposes of

deliberating on the appointment, discipline or removal of the City Manager and have the

right to take part in discussion but not vote;

(4) see that all laws, provisions of this Charter, and acts of the City Council, subject to

enforcement by the Manager or by officers subject to the Manager's direction and

supervision, are faithfully executed;

(5) prepare and submit the annual operating budget and capital budget to the City Council;

(6) submit to the City Council and make available to the public a complete report on the finances and administrative activities of the City as of the end of each fiscal year;

(7) make such other reports as the City Council may require concerning the operations of City departments, offices and agencies subject to the manager's direction and supervision;

(8) keep the City Council fully advised as to the financial condition and future needs of the City, and make such recommendations to the City Council concerning the affairs of the City as the manager deems desirable; and

(9) perform other such duties as are specified in this Charter or Employment Agreement with the City of Sandersville or as may be required by the City Council.

**Sec. 4.14 Council Interference with Administration.**

Except for the purpose of inquiries and investigations under Section 3.12, the City Council or its members shall deal with City officers and employees who are subject to the direction and

supervision of the manager solely through the manager, and neither the City Council nor its

members shall give orders to any such officer or employee, either publicly or privately.

Sec. 4.15 - Department heads.

(a) Except as otherwise provided by this Charter or by law, the directors of departments and other officers of the City shall be hired solely on the basis of their respective administrative and professional qualifications.

(b) All officers and directors of departments shall receive such compensation as prescribed by ordinance.

(c) There shall be a director of each department or agency who shall be its principal officer. Each director shall, subject to the direction and supervision of the City Manager, be responsible for the administration and direction of the affairs and operations of his department or agency

(d) All directors under the supervision of the City Manager shall be employees at-will and subject to removal or suspension at any time by the Manager. Procedures for such removals shall be in accordance with applicable laws, ordinances and other official City policies.

(e) All directors shall be appointed or hired by the City Manager.

Sec. 4.16 City Attorney.

The City Council shall appoint a City Attorney, together with any Assistant City Attorney if needed, who shall be a member of the State Bar of Georgia. The City Attorney shall serve at the pleasure of the City Council and shall be responsible for representing and defending the City in all litigation in which the City is a party, may be the prosecuting officer in the municipal court, shall attend the meetings of the Council as directed, shall advise the City Council, Mayor, and City Manager concerning legal aspects of the City's affairs, and shall perform such other duties as may be required of him by virtue of his position as City Attorney. The City Council shall provide for the compensation of the City Attorney.

Sec. 4.17 - City Clerk.

The City Council shall appoint a City Clerk who shall not be a council member. The City Clerk shall be custodian of the official City seal, maintain City Council records required by this charter, be the tax collector, and perform such other duties as may be required by the City Council.

Sec. 4.18 Personnel Rules and regulations.

The City Manager shall recommend and the City Council shall adopt rules and regulations consistent with this charter concerning:

(1) the method of employee selection and probationary periods of employment;

(2) the administration of a position classification and pay plan, methods of promotion and application of service ratings thereto, and transfer of employees within the classification plan;

(3) hours of work, vacation, sick leave, and other leaves of absence, overtime pay, and the order and manner in which layoff shall be effected;

(4) such dismissal hearings as due process may require; and

(5) such other personnel policies as may be necessary to provide for adequate and systematic handling of personnel affairs.

## ARTICLE V - Judicial Branch

Sec. 5.10 -  Municipal court.

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

Sec. 5.11 - Judges.

(a) The Municipal Court shall be presided over by a Chief Judge and such part-time, full-time, or stand-by judges as shall be provided by ordinance. The method of selection and terms of such judges shall be provided by ordinance.

(b) No person shall be qualified or eligible to serve as a Judge on the Municipal Court unless he shall have attained the age of 21 years and shall be a member of the State Bar of Georgia. All judges shall be appointed by the City Council and serve at the City Council’s pleasure.

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

(d) Judges may be removed for cause by a vote of four (4) members of the City Council.

(e) Before assuming office, each judge shall take an oath, given by the Mayor, that he will honestly and faithfully discharge the duties of his office to the best of his ability and without fear, favor, or partiality. The oath shall be entered in the minutes of the City Council meetings.

Sec. 5.12 - Convening of court.

The Municipal Court shall be convened at regular intervals as provided by ordinance.

Sec 5.13  - Powers.

(a) The Municipal Court shall try and punish violations of this charter, all city ordinances, and such other violation as provided by law.

(b) The Municipal Court shall have authority to punish those in its presence for contempt, provided that such punishment shall not exceed a fine of $100 or 10 days in jail.

(c) The Municipal Court may fix punishment for offenses within its jurisdiction not exceeding a fine of $1,000 or imprisonment for 180 days or both such fine and imprisonment or may fix punishment by fine, imprisonment, or alternative sentencing as now or hereafter provided by law.

(d) The Municipal Court shall have authority to establish a schedule of fees to defray the cost of operation and shall be entitled to reimbursement of the cost of meals, transportation, and caretaking of prisoners bound over to superior courts for violation of state law.

(e) The Municipal Court shall have authority to establish bail and recognizances to ensure the presence of those charged with violations before said court and shall have discretionary authority to accept cash or personal or real property as surety bond for the appearance of persons charged with violations. Whenever any person shall give bail for his appearance and shall fail to appear at the time fixed for trial, his bond shall be forfeited by the judge presiding at such time and an execution shall be issued thereon by serving the defendant and his sureties with a rule nisi at least two (2) days before a hearing on the rule nisi. In the event that cash or property is accepted in lieu of bond for security for the appearance of a defendant at trial and if such defendant fails to appear at the time and place fixed for trial the cash so deposited shall be on order of the judge declared forfeited to the city, or the property so deposited shall have a lien against it for the value forfeited, which lien shall be enforceable in the same manner and to the same extent as a lien for city property taxes.

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

(g) The Municipal Court shall have the authority to bind prisoners over to the appropriate court when it appears by probable cause that a state law has been violated.

(h) Each Judge of the Municipal Court may compel the presence of all parties necessary to a proper disposal of each case by the issuance of summonses, subpoenas and warrants which may be served as executed by any officer as authorized by this charter or by law.

(i) Each Judge of the Municipal Court shall be authorized to issue warrants for the arrest of persons charged with offenses against any ordinance of the City, and each Judge of the Municipal Court shall have the same authority as a magistrate of the state to issue warrants for offenses against state laws committed within the City.

(j) The Municipal Court is specifically vested with all of the jurisdiction and powers throughout the geographic area of this City granted by law to Municipal Courts and particularly by such laws as authorize the abatement of nuisances and prosecution of traffic violations.

Sec. 5.14 - Certiorari.

The right of certiorari from the decision and judgment of the Municipal Court shall exist in all criminal cases and ordinance violation cases, and such certiorari shall be obtained under the sanction of a Judge of the Superior Court of Washington County, under the laws of the State of Georgia regulating the granting and issuance of writs of certiorari.

Sec. 5.15 - Rules.

With the approval of the City Council, the Judge shall have full power and authority to make reasonable rules and regulations necessary and proper to secure the efficient and successful administration of the Municipal Court; provided, however, that the City Council may adopt in part or in toto the rules and regulations applicable to Superior Courts. The rules and regulations made or adopted shall be filed with the City Clerk, shall be available for public inspection, and, upon request, shall be furnished to all defendants in Municipal Court proceedings at least 48 hours prior to said proceedings.

## ARTICLE VI Finance

Sec. 6.10 - Property tax.

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

Sec. 6.11 - Millage.

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

Sec. 6.12 Occupation taxes and business license fees.

The City Council by ordinance shall have the power to levy such occupation or business taxes as are not denied by law. Such taxes may be levied on both individuals and corporations who transact business in this city or who practice or offer to practice any profession or calling within the city to the extent such persons have a constitutionally sufficient nexus to this city to be so taxed. The City Council may classify businesses, occupations, professions, or callings for the purpose of such taxation in any way which may be lawful and may compel the payment of such taxes as provided in section 6.18 of this charter.

Sec. 6.13 - Licenses.

The city council by ordinance shall have the power to require businesses or practitioners doing business within this City to obtain a license or permit for such activity from the City and pay a reasonable regulatory fee for such license or permit as provided by general law. Such fees may reflect the total cost to the City of regulating the activity and, if unpaid, shall be collected as provided in section 6.18 of this charter. The city council by ordinance may establish reasonable requirements for obtaining or keeping such licenses as the public health, safety, and welfare necessitates.

Sec. 6.14 - Franchises.

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

(b) If no franchise agreement is in effect, the City Council has the authority to impose a tax on gross receipts for the use of the City’s streets and alleys for the purposes of railroads, street railways, telephone companies, electric companies, electric membership corporations, cable television and other telecommunications companies, gas companies, transportation companies and other similar organizations.

Sec. 6.15 - Service fees.

The city council by ordinance shall have the power to assess and collect fees, charges, assessments and tolls for sewers, sanitary and health services, or any other services provided or made available inside or outside the corporate limits of the city for the total cost to the city of providing or making available such services. If unpaid, such charges shall be collected as provided in section 6.18 of this charter.

Sec. 6.16 - Special assessments.

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

Sec. 6.17 - Other taxes.

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

Sec. 6.18 - Collection of delinquent taxes.

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

Sec 6.19 - General obligation bonds.

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

Sec. 6.20 - Revenue bonds.

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

Sec. 6.21 – Short-term Loans.

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

Sec. 6.22 - Accounting and budgeting.

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

Sec. 6.23 Budget ordinance.

The city council shall provide an ordinance on the procedures and requirements for the preparation and execution of an annual operating budget, a capital improvement program, and a capital budget, including requirements as to the scope, content, and form of such budgets and programs. The city council shall comply with the provisions of chapter 81 of title 36 of the O.C.G.A.

**Sec. 6.24 – Submission of operating budget to City** **Council.**

The City Manager shall submit to the City Council a proposed operating budget for the ensuing fiscal year. The budget shall be accompanied by a message from the City Manager containing a statement of the general fiscal policies of the city, the important features of the budget, explanations of major changes recommended for the next fiscal year, a general summary of the budget, and such other pertinentcomments and information. The operating budget and the capital budget hereinafter provided for, the budget message, and all supporting documents shall be filed in the office of the City Clerk and shallbe open to public inspection.

Sec. 6.25 – Action by City Council on Budget

1. The City Council may amend the operating budget proposed by the City Manager except that the budget as finally amended and adopted must provide for all expenditures required by state law or by other provisions of this charter and for all debt service requirements for the ensuing fiscal year, and the total appropriations from any fund shall not exceed the fund balance, reserves and revenues.
2. The City Council by ordinance shall adopt the final operating budget for the ensuing fiscal year not later than the 31st day of December of each year. If the City Council fails to adopt the budget by this date, the amounts appropriated for operation for the current fiscal year shall be deemed adopted for the ensuing year on a month-to-month basis, with all items estimated prorated accordingly until such time as the City Council adopts a budget for the ensuing year. Adoption of the budget shall take the form of an appropriations ordinance setting out the estimated revenues in detail by sources and making appropriates according to fund and by organizational unit, purpose, or activity as set out in the budget preparation ordinance adopted pursuant to Section 6.24.
3. The amount set out in the adopted operating budget for each organizational unit shall constitute the annual appropriation for such, and no expenditure shall be made or encumbrance created in excess of the otherwise unencumbered balance of the appropriations or allotment thereof, to which it is chargeable.

Sec. 6.26 – Capital Budget.

1. The City Manager shall submit to the City Council a proposed capital improvements plan with a recommended capital budget containing the means of financing the improvements proposed for the ensuing fiscal year. The City Council shall have the power to accept, with or without amendments, or reject the proposed plan and proposed budget The City Council shall not authorize an expenditure for the construction of any building, structure, work or improvement unless the appropriations for such are included in the capital budget, except to meet a public emergency as provided in Section 3.18.
2. The City Council shall adopt by ordinance the final capital budget for the ensuing fiscal year not later than the 31st day of December of each year. No appropriation provided for in a prior capital budget shall lapse until the purpose for which the appropriation was made shall have been accomplished or abandoned; provided, however, the City Manager may submit amendments to the capital budget at any time during the fiscal year, accompanied by recommendations. Any such amendments to the capital budget shall become effective only upon adoption by ordinance.

Sec. 6.27 - Levy of taxes.

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

Sec. 6.28 Changes in appropriations.

The City Council by majority vote may make changes in the appropriations contained in the current operating budget at any regular meeting or special or emergency meeting called for such purposes, but any additional appropriations may be made only from an existing unappropriated reserves in the fund to which it applies or on a revised estimate of revenue.

Sec. 6.29 – Independent Audit.

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

Sec. 6.30 Procurement and property management.

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

(1) it is in writing;

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

(3) it is made or authorized by the city council and such approval is entered in the city council minutes.

Sec. 6.31 - Purchasing.

The City Council shall by ordinance prescribe procedures for a system of centralized purchasing for the City.

Sec. 6.32 – Sale and lease of city property.

(a) The City Council may sell and convey, or lease any real or personal property, except a public utility, owned or held by the city for governmental or other purposes as now or hereafter provided by law. A public utility held or owned by the city may not be sold or conveyed unless the sale or conveyance is approved by a majority of the qualified voters of the city voting in a special election which shall be called for that purpose.

(b) The City Council may quitclaim any rights it may have in property not needed for public purposes upon request by the City Manager and adoption of a resolution, both finding that the property is not needed for public or other purposes and that the interest of the city has no readily ascertainable monetary value.

(c) Whenever in opening, extending, or widening any street, avenue, alley, or public place of the City a small parcel or tract of land is cut off or separated by such work from a larger tract or boundary of land owned by the City, the City Council may authorize the City Manager to execute and deliver in the name of the city a deed conveying said cut-off or separated parcel or tract of land to an abutting or adjoining property owner or owners in exchange for rights-of-way of said street, avenue, alley or public place when such exchange is deemed to be in the best interest of the city. All deeds and conveyances heretofore and hereafter so executed and delivered shall convey all title and interest the city has in such property, notwithstanding the fact that no public sale after advertisement was or is hereafter made.

## ARTICLE VII General Provisions

Sec. 7.10 Bonds for officials.

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

Sec. 7.11 Rules and regulations.

All ordinances, resolutions, rules, and regulations now in force in the City not inconsistent with this charter are declared valid and of full effect and force until amended or repealed by the City Council.

Sec. 7.12 Pending matters.

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

Sec. 7.13 Definitions and construction.

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

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

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

Sec. 7.14 Penalties.

The violation of any provisions of this charter, for which penalty is not specifically provided for herein, is hereby declared to be an offense and shall be punishable by a fine of not more than $1,000 or by imprisonment not to exceed 180 days or both such fine and imprisonment.