

House Bill 585 (AS PASSED HOUSE AND SENATE)

By: Representative Jackson of the 128th

A BILL TO BE ENTITLED
AN ACT

1 To provide a new charter for the City of Davisboro; to provide for incorporation, boundaries,
2 and powers of the city; to provide for a governing authority of such city and the powers,
3 duties, authority, election, terms, vacancies, compensation, expenses, qualifications,
4 prohibitions, conflicts of interest, and suspension and removal from office relative to
5 members of such governing authority; to provide for inquiries and investigations; to provide
6 for oaths, organization, meetings, quorum, voting, rules, and procedures; to provide for
7 ordinances and codes; to provide for a mayor and mayor pro tempore and certain duties,
8 powers, and other matters relative thereto; to provide for administrative affairs and
9 responsibilities; to provide for boards, commissioners, and authorities; to provide for a city
10 manager, a city attorney, a city clerk, and other personnel and matters relating thereto; to
11 provide for rules and regulations; to provide for a municipal court and the judge or judges
12 thereof and other matters relative to those judges; to provide for the court's jurisdiction,
13 powers, practices, and procedures; to provide for the right of certiorari; to provide for
14 elections; to provide for taxation, licenses, and fees; to provide for franchises, service
15 charges, and assessments; to provide for bonded and other indebtedness; to provide for city
16 contracts and purchasing; to provide for the conveyance of property and interests therein; to
17 provide for bonds for officials; to provide for prior ordinances and rules, pending matters,
18 and existing personnel; to provide for penalties; to provide for definitions and construction;
19 to provide for related matters; to repeal a specific Act; to repeal conflicting laws; and for
20 other purposes.

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

ARTICLE I

INCORPORATION AND POWERS

SECTION 1.10.

Name.

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

SECTION 1.11.

Corporate boundaries.

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

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

SECTION 1.12.

Powers and construction.

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

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

SECTION 1.13.

Examples of powers.

- 53 (a) The powers of the city shall include, but are not limited to, the following:
- 54 (1) Animal regulations. To regulate and license or to prohibit the keeping or running at
55 large of animals and fowl and to provide for the impoundment of same if in violation of
56 any ordinance or lawful order; to provide for the disposition by sale, gift, or humane
57 destruction of animals and fowl when not redeemed as provided by ordinance; and to
58 provide punishment for violation of ordinances enacted under this charter;
- 59 (2) Appropriations and expenditures. To make appropriations for the support of the
60 government of the city; to authorize the expenditure of money for any purposes
61 authorized by this charter and for any purpose for which a municipality is authorized by
62 the laws of the State of Georgia; and to provide for the payment of expenses of the city;
- 63 (3) Building regulations. To regulate and to license the erection and construction of
64 buildings and all other structures; to adopt building, housing, plumbing, fire safety,
65 electrical, gas, and heating and air conditioning codes; and to regulate all housing and
66 building trades;
- 67 (4) Business regulation and taxation. To levy and to provide for the collection of
68 regulatory fees and taxes on privileges, occupations, trades, and professions as authorized
69 by Title 48 of the O.C.G.A. or such other applicable laws as are or may hereafter be
70 enacted; to permit and regulate the same; to provide for the manner and method of
71 payment of such regulatory fees and taxes; and to revoke such permits after due process
72 for failure to pay any city taxes or fees;
- 73 (5) Condemnation. To condemn property inside or outside the corporate limits of the
74 city for present or future use and for any corporate purpose deemed necessary by the
75 governing authority, utilizing procedures enumerated in Title 22 of the O.C.G.A. or such
76 other applicable laws as are or may hereafter be enacted;
- 77 (6) Contracts. To enter into contracts and agreements with other governmental entities
78 and with private persons, firms, and corporations;
- 79 (7) Emergencies. To establish procedures for determining and proclaiming that an
80 emergency situation exists within or outside the city and to make and carry out all
81 reasonable provisions deemed necessary to deal with or meet such an emergency for the
82 protection, safety, health, or well-being of the citizens of the city;
- 83 (8) Environmental protection. To protect and preserve the natural resources,
84 environment, and vital areas of the city, the region, and the state through the preservation
85 and improvement of air quality, the restoration and maintenance of water resources, the

86 control of erosion and sedimentation, the management of solid and hazardous waste, and
87 other necessary actions for the protection of the environment;

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

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

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

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

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

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

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

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

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

- 123 (18) Municipal property ownership. To acquire, dispose of, lease, and hold in trust or
124 otherwise any real, personal, or mixed property, in fee simple or lesser interest, inside or
125 outside the property limits of the city;
- 126 (19) Municipal property protection. To provide for the preservation and protection of
127 property and equipment of the city and the administration and use of the same by the
128 public; and to prescribe penalties and punishment for violations thereof;
- 129 (20) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose
130 of public utilities, including but not limited to a system of waterworks, sewers and drains,
131 sewage disposal, gas works, electric light plants, cable television and other
132 telecommunications, transportation facilities, public airports, and any other public utility;
133 to fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties; and to
134 provide for the withdrawal of service for refusal or failure to pay the same;
- 135 (21) Nuisance. To define a nuisance and provide for its abatement whether on public or
136 private property;
- 137 (22) Penalties. To provide penalties for violation of any ordinances adopted pursuant to
138 the authority of this charter and the laws of the State of Georgia;
- 139 (23) Planning and zoning. To provide comprehensive city planning for development by
140 zoning; and to provide subdivision regulation and the like as the city council deems
141 necessary and reasonable to ensure a safe, healthy, and aesthetically pleasing community;
- 142 (24) Police and fire protection. To exercise the power to arrest through duly appointed
143 police officers, and to establish, operate, or contract for a police and a fire-fighting
144 agency;
- 145 (25) Public hazards: removal. To provide for the destruction and removal of any
146 building or other structure which is or may become dangerous or detrimental to the
147 public;
- 148 (26) Public improvements. To provide for the acquisition, construction, building,
149 operation, and maintenance of public ways, parks and playgrounds, public grounds,
150 recreational facilities, cemeteries, markets and market houses, public buildings, libraries,
151 sewers, drains, sewage treatment, waterworks, electrical systems, gas systems, other
152 public utilities, public housing, airports, hospitals, terminals, docks, parking facilities, or
153 charitable, cultural, educational, recreational, conservation, sport, curative, corrective,
154 detentional, penal, and medical institutions, agencies, and facilities; and to provide any
155 other public improvements inside or outside the corporate limits of the city; to regulate
156 the use of public improvements; and for such purposes, property may be acquired by
157 condemnation under Title 22 of the O.C.G.A. or such other applicable laws as are or may
158 hereafter be enacted;

- 159 (27) Public peace. To provide for the prevention and punishment of loitering, disorderly
160 conduct, drunkenness, riots, and public disturbances;
- 161 (28) Public transportation. To organize and operate such public transportation systems
162 as are deemed beneficial;
- 163 (29) Public utilities and services. To grant franchises or make contracts for, or impose
164 taxes on, public utilities and public service companies; and to prescribe the rates, fares,
165 regulations and standards, and conditions of service applicable to the service to be
166 provided by the franchise grantee or contractor, insofar as not in conflict with valid
167 regulations of the Georgia Public Service Commission;
- 168 (30) Regulation of roadside areas. To prohibit or regulate and control the erection,
169 removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any
170 and all other structures or obstructions upon or adjacent to the rights-of-way of streets and
171 roads or within view thereof, within or abutting the corporate limits of the city; and to
172 prescribe penalties and punishment for violation of such ordinances;
- 173 (31) Retirement. To provide and maintain a retirement plan and other employee benefit
174 plans and programs for officers and employees of the city;
- 175 (32) Roadways. To lay out, open, extend, widen, narrow, establish or change the grade
176 of, abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise
177 improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and
178 walkways within the corporate limits of the city; and to grant franchises and
179 rights-of-way throughout the streets and roads and over the bridges and viaducts for the
180 use of public utilities; and to require real estate owners to repair and maintain in a safe
181 condition the sidewalks adjoining their lots or lands and to impose penalties for failure
182 to do so;
- 183 (33) Sewer fees. To levy a fee, charge, or sewer tax as necessary to assure the acquiring,
184 constructing, equipping, operating, maintaining, and extending of a sewage disposal plant
185 and sewerage system and to levy on those to whom sewers and sewerage systems are
186 made available a sewer service fee, charge, or sewer tax for the availability or use of the
187 sewers; to provide for the manner and method of collecting such service charges and for
188 enforcing payment of the same; and to charge, impose, and collect a sewer connection fee
189 or fees to those connected with the system;
- 190 (34) Solid waste disposal. To provide for the collection and disposal of garbage, rubbish,
191 and refuse and to regulate the collection and disposal of garbage, rubbish, and refuse by
192 others; and to provide for the separate collection of glass, tin, aluminum, cardboard,
193 paper, and other recyclable materials and to provide for the sale of such items;
- 194 (35) Special areas of public regulation. To regulate or prohibit junk dealers and the
195 manufacture and sale of intoxicating liquors; to regulate the transportation, storage, and

196 use of combustible, explosive, and inflammable materials, the use of lighting and heating
 197 equipment, and any other business or situation which may be dangerous to persons or
 198 property; to regulate and control the conduct of peddlers and itinerant traders, theatrical
 199 performances, exhibitions, and shows of any kind by taxation or otherwise; to license and
 200 tax professional fortunetelling, palmistry, and massage parlors; and to restrict adult
 201 entertainment and novelty stores and businesses to certain areas;

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

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

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

208 (39) Urban redevelopment. To organize and operate an urban redevelopment program;
 209 and

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

221 (b) Forbearance in the exercise of any power of the city shall not constitute a waiver by the
 222 city to use any such power.

223 **SECTION 1.14.**

224 Exercise of powers.

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

229 ARTICLE II
 230 GOVERNMENT STRUCTURE
 231 **SECTION 2.10.**

232 City council creation; number; election.

233 The legislative authority of the government of this city, except as otherwise specifically
 234 provided in this charter, shall be vested in a city council to be composed of a mayor and four
 235 councilmembers. The city council established shall in all respects be a successor to and
 236 continuation of the governing authority under prior law. The mayor and councilmembers
 237 shall be elected in the manner provided by general law and this charter.

238 **SECTION 2.11.**

239 City council terms and qualifications for office.

240 The mayor and members of the city council shall serve for terms of four years and until their
 241 respective successors are elected and qualified. No person shall be eligible to serve as mayor
 242 or councilmember unless that person shall have been a resident of the city for 12 months
 243 prior to the date of election of mayor or members of the council; each shall continue to reside
 244 therein during that member's period of service and to be registered and qualified to vote in
 245 municipal elections of this city.

246 **SECTION 2.12.**

247 Vacancy; filling of vacancies.

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

252 (b) A vacancy in the office of mayor or councilmember shall be filled for the remainder of
 253 the unexpired term, if any, by appointment by the city council or those members remaining
 254 if less than six months remains in the unexpired term. If such vacancy occurs six months or
 255 more prior to the expiration of the term of that office, it shall be filled for the remainder of
 256 the unexpired term by a special election, as provided for in Section 5.15 of this charter and
 257 in accordance with Titles 21 and 45 of the O.C.G.A. or such other laws as are or may
 258 hereafter be enacted.

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

261 **SECTION 2.13.**

262 Compensation and expenses.

263 The mayor and councilmembers shall receive compensation and expenses, if any, for their
 264 services as provided by ordinance.

265 **SECTION 2.14.**

266 Conflicts of interest; holding other offices.

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

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

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

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

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

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

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

292 (6) Vote on or otherwise participate in the negotiation or in the making of any contract
 293 with any business or entity in which the official or a member of his family, including any

294 spouse, child, grandchild, parent, grandparent, or sibling, whether by consanguinity or
295 affinity, has a financial interest.

296 (c) Any elected official, appointed officer, or employee who shall have any financial
297 interest, directly or indirectly, in any contract or matter pending before or within any
298 department of the city shall disclose such interest to the city council. The mayor or any
299 councilmember who has a financial interest in any matter pending before the city council
300 shall disclose such interest, and such disclosure shall be entered on the records of the city
301 council, and that official shall disqualify himself or herself from participating in any decision
302 or vote relating thereto. Any elected official, appointed officer, or employee of any agency
303 or political entity to which this charter applies who shall have any financial interest, directly
304 or indirectly, in any contract or matter pending before or within such entity shall disclose
305 such interest to the governing body of such agency or entity.

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

310 (e) Any violation of this section which occurs with the knowledge, express or implied, of
311 a party to a contract or sale shall render such contract or sale voidable at the option of the city
312 council.

313 (f) Except where authorized by law, neither the mayor nor any councilmember shall hold
314 any other elective or compensated appointive office in the city or otherwise be employed by
315 the City of Davisboro or any agency thereof during the term for which that person was
316 elected. No former mayor and no former councilmember shall hold any compensated
317 appointive office in the city until one year after the expiration of the term for which that
318 person was elected.

319 (g) No appointed officer of the city shall continue in such employment upon qualifying as
320 a candidate for nomination or election to any public office. No employee of the city shall
321 continue in such employment upon qualifying for or election to any public office in this city
322 or any other public office which is inconsistent, incompatible, or in conflict with the duties
323 of the city employee. Such determination shall be made by the mayor and city council either
324 immediately upon election or at any time such conflict may arise.

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

328 (2) Any officer or employee of the city who shall forfeit an office or position as
329 described in paragraph (1) of this subsection, shall be ineligible for appointment or

330 election to or employment in a position in the city government for a period of three years
 331 thereafter.

332 **SECTION 2.15.**

333 Inquiries and investigations.

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

340 **SECTION 2.16.**

341 General power and authority of the city council.

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

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

351 **SECTION 2.17.**

352 Eminent domain.

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

361 **SECTION 2.18.**

362 Oath of office.

363 (a) The mayor and members of the city council shall subscribe to the oath of office before
364 serving under this charter.

365 (b) The city council shall hold an organizational meeting each January. The meeting shall
366 be called to order by the mayor, and the oath of office shall be administered to the newly
367 elected members by a judicial officer authorized to administer oaths and shall, to the extent
368 that it comports with federal and state law, be as follows:

369 "I do solemnly (swear)(affirm) that I will faithfully perform the duties of
370 (mayor)(councilmember) of this city and that I will support and defend the charter thereof
371 as well as the Constitution and laws of the State of Georgia and of the United States of
372 America. I am not the holder of any unaccounted for public money due this state or any
373 political subdivision or authority thereof. I am not the holder of any office of trust under
374 the government of the United States, any other state, or any foreign state which I by the
375 laws of the State of Georgia am prohibited from holding. I am otherwise qualified to hold
376 said office according to the Constitution and laws of Georgia. I have been a resident of the
377 City of Davisboro for the time required by the Constitution and laws of this state and by
378 the municipal charter. I will perform the duties of my office in the best interest of the City
379 of Davisboro to the best of my ability without fear, favor, affection, reward, or expectation
380 thereof."

381 **SECTION 2.19.**

382 Regular and special meetings.

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

385 (b) Special meetings of the city council may be held on call of the mayor or at least three
386 members of the city council. Notice of such special meetings shall be served on all other
387 members personally, or by telephone personally, at least 48 hours in advance of the meeting.
388 Such notice to councilmembers shall not be required if the mayor and all councilmembers
389 are present when the special meeting is called. Such notice of any special meeting may be
390 waived by a councilmember in writing before or after such a meeting, and attendance at the
391 meeting shall also constitute a waiver of notice on any business transacted in such
392 councilmember's presence. Only the business stated in the call may be transacted at the
393 special meeting, except by unanimous consent of all members of the city council.

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

398 **SECTION 2.20.**

399 Rules of procedure.

400 The city council shall adopt its rules of procedure and order of business consistent with the
401 provisions of this charter and shall provide for keeping a minute book of its proceedings,
402 which shall be a public record.

403 **SECTION 2.21.**

404 Committees.

405 (a) The mayor shall have the authority to establish committees which shall be empowered
406 to make recommendations to the city council for conducting the affairs of the city. The
407 mayor shall appoint members for any committee so established, and committee members
408 shall serve at the pleasure of the mayor. Members of the city council shall have the right to
409 serve as ex-officio members of any committee but shall not have the right to vote on
410 committee business.

411 (b) Neither the mayor nor the city council is bound by any recommendation made by a
412 committee.

413 **SECTION 2.22.**

414 Quorum; voting.

415 (a) The mayor and two councilmembers shall constitute a quorum and shall be authorized
416 to transact business of the city council. In the absence of the mayor, three councilmembers
417 shall constitute a quorum and shall be authorized to transact business of the city council.
418 Voting on the adoption of ordinances shall be by voice vote, and the vote shall be recorded
419 in the minute book; but any member of the city council shall have the right to request a roll
420 call vote, and such vote shall be recorded in the minute book. Except as otherwise provided
421 in this charter, the affirmative vote of at least three councilmembers, either the mayor and
422 two councilmembers or three councilmembers, shall be required for the city council to take
423 any action, including but not limited to the adoption of any ordinance, resolution, or motion.

424 (b) No member of the city council shall abstain from voting on any matter properly brought
 425 before the city council for official action except when such councilmember has a conflict of
 426 interest which is disclosed in writing prior to or at the meeting and made a part of the
 427 minutes. Any member of the city council present and eligible to vote on a matter and
 428 refusing to do so for any reason other than a properly disclosed and recorded conflict of
 429 interest shall be deemed to have voted against the question involved.

430 **SECTION 2.23.**

431 Ordinance form; procedures.

432 (a) Every proposed ordinance shall be introduced in writing and in the form required for
 433 final adoption. No ordinance shall contain a subject which is not expressed in its title. The
 434 enacting clause shall be "It is hereby ordained by the governing authority of the City of
 435 Davisboro" and every ordinance shall so begin.

436 (b) An ordinance may be introduced by the mayor or any councilmember and read at a
 437 regular or special meeting of the city council. Ordinances shall be considered and adopted
 438 or rejected by the city council in accordance with the rules which it shall establish; provided,
 439 however, that an ordinance shall not be adopted the same day it is introduced, except for
 440 emergency ordinances provided in Section 2.25 of this charter. Upon introduction of any
 441 ordinance, the city clerk shall distribute as soon as possible a copy to the mayor and to each
 442 councilmember and shall file a reasonable number of copies in the office of the city clerk and
 443 at such other public places as the city council may designate.

444 **SECTION 2.24.**

445 Action requiring an ordinance.

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

447 **SECTION 2.25.**

448 Emergencies.

449 (a) To meet a public emergency affecting life, health, property, or public peace, the city
 450 council may convene on call of the mayor or two councilmembers and promptly adopt an
 451 emergency ordinance, but such ordinance may not levy taxes; grant, renew, or extend a
 452 franchise; regulate the rate charged by any public utility for its services; or authorize the
 453 borrowing of money except for loans to be repaid within 30 days. An emergency ordinance
 454 shall be introduced in the form prescribed for ordinances generally, except that it shall be

455 plainly designated as an emergency ordinance and shall contain, after the enacting clause,
 456 a declaration stating that an emergency exists and describing the emergency in clear and
 457 specific terms. An emergency ordinance may be adopted, with or without amendment, or
 458 rejected at the meeting at which it is introduced, but the affirmative vote of at least three
 459 councilmembers shall be required for adoption. It shall become effective upon adoption or
 460 at such later time as it may specify. Every emergency ordinance shall automatically stand
 461 repealed 30 days following the date upon which it was adopted, but this shall not prevent
 462 reenactment of the ordinance in the manner specified in this section if the emergency still
 463 exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance
 464 in the same manner specified in this section for adoption of emergency ordinances.

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

469 **SECTION 2.26.**

470 Codes of technical regulations.

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

474 (1) The requirements of subsection (b) of Section 2.23 of this charter for distribution and
 475 filing of copies of the ordinance shall be construed to include copies of any code of
 476 technical regulations, as well as the adopting ordinance; and

477 (2) A copy of each adopted code of technical regulations, as well as the adopting
 478 ordinance, shall be authenticated and recorded by the clerk pursuant to Section 2.27 of
 479 this charter.

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

482 **SECTION 2.27.**

483 Signing; authenticating; recording; codification; printing.

484 (a) All ordinances duly adopted by the city council shall be authenticated by the city clerk's
 485 signature and recorded in full in a properly indexed book kept for that purpose.

486 (b) The city council shall provide for the preparation of a general codification of all the
 487 ordinances of the city having the force and effect of law. The general codification shall be

488 adopted by the city council by ordinance and shall be published promptly, together with all
489 amendments thereto and such codes of technical regulations and other rules and regulations
490 as the city council may specify. This codification shall be known and cited officially as "The
491 Code of Ordinances of the City of Davisboro, Georgia." Copies of the code shall be
492 furnished to all officers, departments, and agencies of the city and made available for
493 purchase by the public at a reasonable price fixed by the city council.

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

503 **SECTION 2.28.**

504 City manager; appointment; qualifications; compensation.

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

508 **SECTION 2.29.**

509 Removal of city manager.

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

512 **SECTION 2.30.**

513 Acting city manager.

514 The city manager shall designate, subject to approval of the city council, a qualified city
515 administrative officer to exercise the powers and perform the duties of city manager during
516 the city manager's temporary absence or physical or mental disability. During such absence
517 or disability, the city council may revoke such designation at any time and appoint another

518 officer of the city to serve until the city manager shall return or the city manager's disability
519 shall cease.

520 **SECTION 2.31.**

521 Powers and duties of the city manager.

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

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

532 (2) Direct and supervise the administration of all departments, offices, and agencies of
533 the city, except as otherwise provided by this charter or by law;

534 (3) Attend all city council meetings except for closed meetings held for the purposes of
535 deliberating on the appointment, discipline, or removal of the city manager and have the
536 right to take part in discussion but not vote;

537 (4) See that all laws, provisions of this charter, and acts of the city council, subject to
538 enforcement by the city manager or by officers subject to the city manager's direction and
539 supervision, are faithfully executed;

540 (5) Prepare and submit the annual operating budget and capital budget to the city
541 council;

542 (6) Submit to the city council and make available to the public a complete report on the
543 finances and administrative activities of the city as of the end of each fiscal year;

544 (7) Make such other reports as the city council may require concerning the operations
545 of the city departments, offices, and agencies subject to the city manager's direction and
546 supervision;

547 (8) Keep the city council fully advised as to the financial condition and future needs of
548 the city and make such recommendations to the city council concerning the affairs of the
549 city as the city manager deems desirable; and

550 (9) Perform such other duties as are specified in this charter or as may be required by the
551 city council.

552 **SECTION 2.32.**

553 Council's interference with administration.

554 Except for the purpose of inquiries and investigations under Section 2.15 of this charter, the
 555 city council or its members shall deal with city officers and employees who are subject to the
 556 direction and supervision of the city manager solely through the city manager, and neither
 557 the city council nor its members shall give orders to any such officer or employee, either
 558 publicly or privately. The city council shall act in all matters as a body, and no member shall
 559 seek individually to influence the official acts of the city manager or any other officer or
 560 employee of the city, to direct or request the appointment of any person to, or his or her
 561 removal from, any office or position of employment, or to interfere in any way with the
 562 performance of the duties by the city manager or other officers or employees.

563 **SECTION 2.33.**

564 Election of mayor and mayor pro tempore.

565 The mayor shall be elected at large as provided in Section 5.11 of this charter. The mayor
 566 shall be a qualified elector of this city and shall have been a resident of the city for 12 months
 567 prior to the date of election. The mayor shall continue to reside in this city during the period
 568 of service. The mayor shall forfeit the office on the same grounds and under the same
 569 procedure as for councilmembers. The compensation, if any, of the mayor shall be
 570 established in the same manner as for councilmembers. The city council shall elect from
 571 among its members a mayor pro tempore who shall act as mayor during the absence or
 572 disability of the mayor but shall only vote once on matters before the city council and, if a
 573 vacancy occurs, shall become mayor for the remainder of the expired term.

574 **SECTION 2.34.**

575 Powers and duties of mayor.

576 The mayor shall:

- 577 (1) Preside at all meetings of the city council;
- 578 (2) Be the head of the city for the purpose of service of process and for ceremonial
 579 purposes and be the official spokesperson for the city and the chief advocate of policy;
- 580 (3) Have power to administer oaths and to take affidavits;
- 581 (4) Sign as a matter of course on behalf of the city all written and approved contracts,
 582 ordinances, resolutions, and other instruments executed by the city which by law are
 583 required to be in writing;

- 584 (5) Vote on all matters before the city council unless a conflict of interest exists; and
 585 (6) Perform such other duties as may be required by law, this charter, or ordinance.

586 **SECTION 2.35.**

587 Position of mayor pro tempore.

588 During the absence or physical or mental disability of the mayor for any cause, the mayor
 589 pro tempore, or in the mayor pro tempore's absence or disability for any reason, any one of
 590 the councilmembers chosen by a majority vote of the city council, shall be clothed with all
 591 the rights and privileges of the mayor and shall perform the duties of the office of the mayor
 592 so long as such absence or disability shall continue. Any such absence or disability shall be
 593 declared by vote of three councilmembers. The mayor pro tempore or selected
 594 councilmember shall sign all contracts and ordinances in which the mayor has a disqualifying
 595 financial interest as provided in Section 2.14 of this charter. When acting as mayor, the
 596 mayor pro tempore shall continue to have only one vote as a member of the council.

597 **ARTICLE III**

598 **ADMINISTRATIVE AFFAIRS**

599 **SECTION 3.10.**

600 Administrative and service departments.

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

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

608 (c) All appointed officers and directors of departments shall receive such compensation as
 609 prescribed by ordinance or resolution.

610 (d) There shall be a director of each department or agency who shall be its principal officer.
 611 Each director shall, subject to the direction and supervision of the city manager, be
 612 responsible for the administrative and direction of the affairs and operations of that director's
 613 department or agency.

614 (e) All directors of departments under the supervision of the city manager shall be
 615 nominated by the city manager with confirmation of appointment by the city council.

616 (f) All appointed officers and directors shall be employees at will and shall be subject to
617 removal or suspension at any time by the city manager in the manner provided by the city's
618 personnel policy and procedure manual.

619 **SECTION 3.11.**

620 Boards, commissions, and authorities.

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

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

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

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

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

636 (f) No member of a board, commission, or authority shall assume office until that person has
637 executed and filed with the city clerk an oath obligating himself or herself to faithfully and
638 impartially perform the duties of that member's office.

639 (g) All members of boards, commissions, or authorities serve at will and may be removed
640 at any time by a vote of three members of the city council unless otherwise provided by law.

641 (h) Except as otherwise provided by this charter or by law, each board, commission, or
642 authority of the city shall elect one of its members as chairperson and one member as vice
643 chairperson and may elect as its secretary one of its own members or may appoint as
644 secretary an employee of the city. Each board, commission, or authority of the city
645 government may establish such bylaws, rules, and regulations, not inconsistent with this
646 charter, ordinances of the city, or law, as it deems appropriate and necessary for the
647 fulfillment of its duties or the conduct of its affairs. Copies of such bylaws, rules, and
648 regulations shall be filed with the city clerk.

649 **SECTION 3.12.**

650 City attorney.

651 (a) The mayor and city council shall appoint a city attorney, together with such assistant city
652 attorneys as may be authorized, and shall provide for the payment of such attorney or
653 attorneys for services rendered to the city. The city attorney shall be responsible for
654 providing for the representation and defense of the city in all litigation in which the city is
655 a party; may be the prosecuting officer in the municipal court; shall attend the meetings of
656 the city council as directed; shall advise the city council, mayor, and other officers and
657 employees of the city concerning legal aspects of the city's affairs; and shall perform such
658 other duties as may be required by virtue of the person's position as city attorney.

659 (b) The city attorney is not a public official of the city and does not take an oath of office.
660 The city attorney shall at all times be an independent contractor. A law firm, rather than an
661 individual, may be designated as the city attorney.

662 **SECTION 3.13.**

663 City clerk.

664 The mayor and city council shall appoint a city clerk who shall not be a councilmember. The
665 city clerk shall be custodian of the official city seal and city records; maintain city council
666 records required by this charter; attend meetings of the city council and keep minutes of its
667 proceedings at such meetings; and perform such other duties as may be required by the city
668 council. With the approval of the city council, the city manager may serve as the city clerk.

669 **SECTION 3.14.**

670 City employees.

671 All employees serve at will and may be removed from office at any time unless otherwise
672 provided by ordinance. The city council shall adopt by ordinance a personnel policy and
673 procedure manual. All employees shall be governed by the city's personnel policy and
674 procedure manual.

675 ARTICLE IV
 676 JUDICIAL BRANCH
 677 **SECTION 4.10.**
 678 Creation; name.

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

680 **SECTION 4.11.**
 681 Chief judge; associate judge.

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

684 (b) No person shall be qualified or eligible to serve as a judge on the municipal court unless
 685 that person shall have attained the age of 21 years, shall be a member of the State Bar of
 686 Georgia, and shall possess all qualifications required by law. All judges shall be appointed
 687 by the city council and shall serve until a successor is appointed and qualified.

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

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

691 (e) Before assuming office, each judge shall take an oath, given by the mayor, that the judge
 692 will honestly and faithfully discharge the duties of the office to the best of that person's
 693 ability and without fear, favor, or partiality. The oath shall be entered upon the minutes of
 694 the city council.

695 **SECTION 4.12.**
 696 Convening.

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

698 **SECTION 4.13.**
 699 Jurisdiction; powers.

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

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

704 (c) The municipal court may fix punishment for each offense within its jurisdiction not
 705 exceeding a fine of \$1,000.00, imprisonment for 180 days, or such fine and imprisonment;
 706 in addition to the foregoing, the municipal court may impose alternative sentencing as now
 707 or hereafter provided by law.

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

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

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

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

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

733 **SECTION 4.14.**

734 **Certiorari.**

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

739 **SECTION 4.15.**

740 Rules for court.

741 The judge shall have authority to make reasonable rules and regulations necessary and proper
 742 to secure the efficient and successful administration of the municipal court; provided,
 743 however, that the city council may reject any rules and regulations adopted by the judge.
 744 Any rules and regulations made or adopted by the judge shall be filed with the city clerk,
 745 shall be available for public inspection and, upon request, shall be furnished to all defendants
 746 in municipal court proceedings at least 48 hours prior to such proceedings.

747 **ARTICLE V**748 **ELECTIONS AND REMOVAL**749 **SECTION 5.10.**

750 Applicability of general law.

751 All primaries and elections shall be held and conducted in accordance with Chapter 2 of Title
 752 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended.

753 **SECTION 5.11.**

754 Election of the city council and mayor.

755 The mayor and councilmembers serving on the effective date of this charter shall continue
 756 to serve for the remainder of their terms and until their successors are duly elected and
 757 qualified. At the municipal election preceding the expiration of such terms, and every four
 758 years thereafter, an election shall be held to elect a mayor and four councilmembers from the
 759 city at large for terms of four years. Terms shall begin on January 1 following the election.

760 **SECTION 5.12.**

761 Nonpartisan elections.

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

764 **SECTION 5.13.**

765 Election of mayor by majority.

766 (a) Each citizen lawfully entitled to vote shall be entitled to cast one vote for mayor.

767 (b) The person receiving a majority of the votes cast for mayor shall be elected mayor. In
 768 the event no candidate receives a majority of the votes cast, a run-off election shall be held
 769 in accordance with Code Section 21-2-285.1 of the O.C.G.A.

770 **SECTION 5.14.**

771 Election of city council by plurality.

772 (a) Each citizen lawfully entitled to vote shall be entitled to vote for up to four candidates
 773 for city council during an election. Votes cannot be combined and no citizen can cast more
 774 than one vote for any single candidate.

775 (b) The four candidates receiving the most votes cast for city council shall be elected to the
 776 city council.

777 **SECTION 5.15.**

778 Special elections; vacancies.

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

786 **SECTION 5.16.**

787 Other provisions.

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

791 **SECTION 5.17.**

792 Removal of mayor and councilmembers.

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

796 (b) Removal of the mayor or councilmember pursuant to subsection (a) of this section shall
797 be accomplished by:

798 (1) A hearing at which an impartial panel shall render a decision. When the mayor or
799 a councilmember is sought to be removed by the action of the city council, such mayor
800 or councilmember shall be entitled to a written notice specifying the ground or grounds
801 for removal and to a public hearing which shall be held not less than ten days after the
802 service of such written notice. The city council shall provide by ordinance for the manner
803 in which such hearings shall be held. Any mayor or councilmember sought to be
804 removed from office as provided in this section shall have the right of appeal from the
805 decision of the impartial panel to the Superior Court of Washington County. Such appeal
806 shall be governed by the same rules as govern appeals to the superior court from the
807 probate court; or

808 (2) An order of the Superior Court of Washington County following a hearing on a
809 complaint seeking such removal of the mayor or any councilmember brought by any
810 resident of the City of Davisboro.

811 **ARTICLE VI**
812 **FINANCE**
813 **SECTION 6.10.**
814 **Property tax.**

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

821 **SECTION 6.11.**
822 **Millage rate; due dates; payment methods.**

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

827 **SECTION 6.12.**

828 Occupation and business taxes.

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

833 **SECTION 6.13.**

834 Regulatory fees; permits.

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

840 **SECTION 6.14.**

841 Franchises.

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

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

858 **SECTION 6.15.**

859 Service charges.

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

865 **SECTION 6.16.**

866 Special assessments.

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

872 **SECTION 6.17.**

873 Construction; other taxes and fees.

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

877 **SECTION 6.18.**

878 Collection of delinquent taxes and fees.

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

886 **SECTION 6.19.**

887 General obligation bonds.

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

892 **SECTION 6.20.**

893 Revenue bonds.

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

897 **SECTION 6.21.**

898 Short-term loans.

899 The city may obtain short-term loans and must repay such loans not later than June 30 of
900 each year, unless otherwise provided by law.

901 **SECTION 6.22.**

902 Lease-purchase contracts.

903 The city may enter into multi year lease, purchase, or lease-purchase contracts for the
904 acquisition of goods, materials, real and personal property, services, and supplies so long as
905 the contract terminates without further obligation on the part of the municipality at the close
906 of the calendar year in which it was executed and at the close of each succeeding calendar
907 year for which it may be renewed. Contracts must be executed in accordance with the
908 requirements of Code Section 36-60-13 of the O.C.G.A. or such other applicable laws as are
909 or may hereafter be enacted.

910 **SECTION 6.23.**

911 Fiscal year.

912 The city council shall set the fiscal year by ordinance. This fiscal year shall constitute the
913 budget year and the year for financial accounting and reporting of each and every office,

914 department, agency, and activity of the city government unless otherwise provided by state
915 or federal law.

916 **SECTION 6.24.**

917 Preparation of budgets.

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

922 **SECTION 6.25.**

923 Submission of operating budget to city council.

924 On or before a date fixed by the city council but not later than 30 days prior to the beginning
925 of each fiscal year, the city manager shall submit to the city council a proposed operating
926 budget for the ensuing fiscal year. The budget shall be accompanied by a message from the
927 city manager containing a statement of the general fiscal policies of the city, the important
928 features of the budget, explanations of major changes recommended for the next fiscal year,
929 a general summary of the budget, and such other pertinent comments and information. The
930 operating budget and the capital budget hereinafter provided for, the budget message, and
931 all supporting documents shall be filed in the office of the city clerk and shall be open to
932 public inspection.

933 **SECTION 6.26.**

934 Action by city council on budget.

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

940 (b) The city council shall adopt by ordinance the final operating budget for the ensuing fiscal
941 year not later than June 30 of each year. If the city council fails to adopt the budget by this
942 date, the amounts appropriated for operation for the current fiscal year shall be deemed
943 adopted for the ensuing fiscal year on a month-to-month basis, with all items prorated
944 accordingly until such time as the city council adopts a budget for the ensuing fiscal year.

945 Adoption of the budget shall take the form of an appropriations ordinance setting out the
946 estimated revenues in detail by sources and making appropriations according to fund and by
947 organization unit, purpose, or activity as set out in the budget preparation ordinance adopted
948 pursuant to Section 6.24 of this charter.

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

953 **SECTION 6.27.**

954 Tax levies.

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

961 **SECTION 6.28.**

962 Changes in appropriations.

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

967 **SECTION 6.29.**

968 Capital budget.

969 (a) On or before the date fixed by the city council but no later than 30 days prior to the
970 beginning of each fiscal year, the city manager shall submit to the city council a proposed
971 capital improvements plan with a recommended capital budget containing the means of
972 financing the improvements proposed for the ensuing fiscal year. The city council shall have
973 power to accept, with or without amendments, or reject the proposed plan and proposed
974 budget. The city council shall not authorize an expenditure for the construction of any
975 building, structure, work, or improvement, unless the appropriations for such project are

976 included in the capital budget, except to meet a public emergency as provided in Section 2.25
977 of this charter.

978 (b) The city council shall adopt by ordinance the final capital budget for the ensuing fiscal
979 year not later than June 30 of each year. No appropriation provided for in a prior capital
980 budget shall lapse until the purpose for which the appropriation was made shall have been
981 accomplished or abandoned; provided, however, that the city manager may submit
982 amendments to the capital budget at any time during the fiscal year, accompanied by
983 recommendations. Any such amendments to the capital budget shall become effective only
984 upon adoption by ordinance.

985 **SECTION 6.30.**

986 Independent audit.

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

992 **SECTION 6.31.**

993 Contracting procedures.

994 No contract with the city shall be binding on the city unless it is in writing and it is made or
995 authorized by the city council and such approval is entered in the city council minute book
996 pursuant to Section 2.20 of this charter.

997 **SECTION 6.32.**

998 Centralized purchasing.

999 The city council shall prescribe by ordinance procedures for a system of centralized
1000 purchasing for the city.

1001 **SECTION 6.33.**

1002 Sale and lease of city property.

1003 (a) The city council may sell and convey or lease any real or personal property owned or
1004 held by the city for governmental or other purposes as now or hereafter provided by law.

1005 (b) The city council may quitclaim any rights it may have in property not needed for public
 1006 purposes upon report by the city manager and adoption of a resolution, both finding that the
 1007 property is not needed for public or other purposes and that the interest of the city has no
 1008 readily ascertainable monetary value.

1009 (c) Whenever in opening, extending, or widening any street, avenue, alley, or public place
 1010 of the city, a small parcel or tract of land is cut off or separated by such work from a larger
 1011 tract or boundary of land owned by the city, the city council may authorize the city manager
 1012 to sell and convey such cut off or separated parcel or tract of land to an abutting or adjoining
 1013 property owner or owners where such sale and conveyance facilitates the enjoyment of the
 1014 highest and best use of the abutting owner's property. Included in the sale contract shall be
 1015 a provision for the rights-of-way of such street, avenue, alley, or public place. Each abutting
 1016 property owner shall be notified of the availability of the property and given the opportunity
 1017 to purchase such property under such terms and conditions as provided by the city council.
 1018 All deeds and conveyances heretofore and hereafter so executed and delivered shall convey
 1019 all title and interest the city has in such property, notwithstanding the fact that no public sale
 1020 after advertisement was or is hereafter made.

1021 (d) No lease or contract for sale of any interest in real or personal property owned or held
 1022 by the city for governmental or other purposes shall be binding on the city unless it is in
 1023 writing and is authorized by the city council with such approval entered in the city council
 1024 minute book.

1025 ARTICLE VII

1026 GENERAL PROVISIONS

1027 SECTION 7.10.

1028 Bonds for officials.

1029 The officers and employees of this city, both elected and appointed, shall execute such surety
 1030 or fidelity bonds in such amounts and upon such terms and conditions as the city council
 1031 shall from time to time require by ordinance or as may be provided by law.

1032 SECTION 7.11.

1033 Existing ordinances, resolutions, rules, and regulations.

1034 All ordinances, resolutions, rules, and regulations now in force in the city and not
 1035 inconsistent with this charter are hereby declared valid and of full effect and force until
 1036 amended or repealed by the city council.

1037 **SECTION 7.12.**

1038 Pending matters.

1039 Except as specifically provided otherwise by this charter, all rights, claims, actions, orders,
1040 contracts, and legal or administrative proceedings shall continue, and any such ongoing work
1041 or cases shall be completed by such city agencies, personnel, or offices as may be provided
1042 by the city council.

1043 **SECTION 7.13.**

1044 Construction.

1045 (a) Section captions in this charter are informative only and are not to be considered as a part
1046 thereof.

1047 (b) The word "shall" is mandatory and the word "may" is permissive.

1048 (c) The singular shall include the plural, the masculine shall include the feminine, and vice
1049 versa.

1050 **SECTION 7.14.**

1051 Specific repealer.

1052 An Act to create and establish a new charter for the town of Davisboro, in Washington
1053 County, Georgia, approved August 21, 1916 (Ga. L. 1916, p. 659), and all amendatory Acts
1054 thereto, are repealed.

1055 **SECTION 7.15.**

1056 General repealer.

1057 All laws and parts of laws in conflict with this Act are repealed.