

House Bill 648 (AS PASSED HOUSE AND SENATE)

By: Representative Scoggins of the 14th

A BILL TO BE ENTITLED
AN ACT

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

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

51
52**SECTION 1.13.**

Examples of powers.

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

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

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

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

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

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

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

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

- 123 (s) Municipal property protection. To provide for the preservation and protection of
124 property and equipment of the city, and the administration and use of same by the public; and
125 to prescribe penalties and punishment for violations thereof.
- 126 (t) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose of
127 public utilities, including, but not limited to, a system of waterworks, sewers and drains,
128 sewage disposal, stormwater management, gas works, electric light plants, cable television
129 and other telecommunications, transportation facilities, public airports, and any other public
130 utility; and to fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties,
131 and to provide for the withdrawal of service for refusal or failure to pay the same.
- 132 (u) Nuisance. To define a nuisance and provide for its abatement whether on public or
133 private property.
- 134 (v) Penalties. To provide penalties for violation of any ordinances adopted pursuant to the
135 authority of this charter and the laws of the State of Georgia.
- 136 (w) Planning and zoning. To provide comprehensive city planning for development by
137 zoning; and to provide subdivision regulation and the like as the city council deems
138 necessary and reasonable to insure a safe, healthy, and aesthetically pleasing community.
- 139 (x) Police and fire protection. To exercise the power of arrest through duly appointed police
140 officers, and to establish, operate, or contract for a police and a firefighting agency.
- 141 (y) Public hazards: removal. To provide for the destruction and removal of any building or
142 other structure which is or may become dangerous or detrimental to the public.
- 143 (z) Public improvements. To provide for the acquisition, construction, building, operation,
144 and maintenance of public ways, parks and playgrounds, recreational facilities, cemeteries,
145 markets and market houses, public buildings, libraries, public housing, airports, hospitals,
146 terminals, docks, parking facilities, or charitable, cultural, educational, recreational,
147 conservation, sport, curative, corrective, detentional, penal, and medical institutions,
148 agencies, and facilities; and to provide any other public improvements, inside or outside the
149 corporate limits of the city; to regulate the use of public improvements; and for such
150 purposes, property may be acquired by condemnation under Title 22 of the O.C.G.A., or such
151 other applicable laws as are or may hereafter be enacted.
- 152 (aa) Public peace. To provide for the prevention and punishment of loitering, disorderly
153 conduct, drunkenness, riots, and public disturbances.
- 154 (bb) Public transportation. To organize and operate such public transportation systems as
155 are deemed beneficial.
- 156 (cc) Public utilities and services. To grant franchises or make contracts for, or impose taxes
157 on public utilities and public service companies; and to prescribe the rates, fares, regulations,
158 and standards and conditions of service applicable to the service to be provided by the

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

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

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

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

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

215 **SECTION 1.14.**

216 Exercise of powers.

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

221 **ARTICLE II**
 222 **GOVERNMENT STRUCTURE**
 223 **LEGISLATIVE BRANCH**

224 A. Creation of offices.

225 **SECTION 2.10.**

226 City council creation; number; election.

227 The legislative authority of the government of this city, except as otherwise specifically
 228 provided in this charter, shall be vested in a city council to be composed of four

259 D. Compensation and expenses.

260 SECTION 2.13.

261 Compensation and expenses.

262 The councilmembers shall receive compensation and expenses for their services as provided
263 by ordinance.

264 E. Prohibitions.

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

271 (c) Conflict of interest - No elected official, appointed officer, or employee of the city or any
272 agency or political entity to which this charter applies shall knowingly:

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

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

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

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

326 (i) Penalties for violation -

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

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

333 F. Inquiries and investigations.

334 **SECTION 2.15.**

335 Inquiries and investigations.

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

342 G. General power and authority.

343 **SECTION 2.16.**

344 General power and authority of the city council.

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

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

384

SECTION 2.19.

385

Regular and special meetings.

386 (a) The city council shall hold regular meetings on the first Monday of each month at 7pm
 387 at City Hall. Should the first Monday fall on a holiday, then the meeting shall be held on the
 388 next business day. Such times and places may be modified by ordinance.

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

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

402

SECTION 2.20.

403

Rules of procedure.

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

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

410

SECTION 2.21.

411

Quorum; voting.

412 (a) Three councilmembers shall constitute a quorum and shall be authorized to transact
 413 business of the city council. Voting on the adoption of ordinances shall be by voice vote and
 414 the vote shall be recorded in the journal, but any member of the city council shall have the
 415 right to request a roll call vote and such vote shall be recorded in the journal. Except as

447 emergency ordinance, but such ordinance may not levy taxes; grant, renew, or extend a
448 franchise; regulate the rate charged by any public utility for its services; or authorize the
449 borrowing of money except for loans to be repaid within 30 days. An emergency ordinance
450 shall be introduced in the form prescribed for ordinances generally, except that it shall be
451 plainly designated as an emergency ordinance and shall contain, after the enacting clause,
452 a declaration stating that an emergency exists, and describing the emergency in clear and
453 specific terms. An emergency ordinance may be adopted, with or without amendment, or
454 rejected at the meeting at which it is introduced, but the affirmative vote of at least three
455 councilmembers shall be required for adoption. It shall become effective upon adoption or
456 at such later time as it may specify. Every emergency ordinance shall automatically stand
457 repealed 30 days following the date upon which it was adopted, but this shall not prevent
458 reenactment of the ordinance in the manner specified in this section if the emergency still
459 exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance
460 in the same manner specified in this section for adoption of emergency ordinances.
461 (b) Such meetings shall be open to the public to the extent required by law and notice to the
462 public of emergency meetings shall be made as fully as is reasonably possible in accordance
463 with Code Section 50-14-1 of the O.C.G.A., or such other applicable laws as are or may
464 hereafter be enacted.

465 **SECTION 2.25.**

466 Codes of technical regulations.

467 (a) The city council may adopt any standard code of technical regulations by reference
468 thereto in an adopting ordinance. The procedure and requirements governing such adopting
469 ordinance shall be as prescribed for ordinances generally except that: (1) the requirements
470 of subsection (b) of Section 2.22 of this charter for distribution and filing of copies of the
471 ordinance shall be construed to include copies of any code of technical regulations, as well
472 as the adopting ordinance; and (2) a copy of each adopted code of technical regulations, as
473 well as the adopting ordinance, shall be authenticated and recorded by the city clerk pursuant
474 to Section 2.26 of this charter.
475 (b) Copies of any adopted code of technical regulations shall be made available by the city
476 clerk for inspection by the public.

509

SECTION 2.28.

510

Chief executive officer.

511 The mayor and a manager hired by the city council shall be the executive of the city. The
 512 executive of the city is responsible for the duties as listed in Section 2.29 of this charter. The
 513 city council shall confer upon one or more of these officers all of the executive and
 514 administrative powers and duties granted to the city under the Constitution and laws of the
 515 State of Georgia, and all the executive and administrative powers contained in this charter.
 516 The city council may amend the division of duties between these officers at any time by
 517 ordinance.

518

SECTION 2.29.

519

Powers and duties of executive.

520 The executive responsibilities of the city shall include and the mayor or city manager shall:
 521 (1) See that all laws and ordinances of the city are faithfully executed;
 522 (2) Recommend all officers and department heads to the city council for hire and
 523 termination;
 524 (3) Hire and supervise employees of the city, except as otherwise provided in this
 525 charter. The mayor may authorize any administrative officer to exercise these powers
 526 with respect to subordinates in that officer's department, office, or agency;
 527 (4) Exercise supervision over all executive and administrative work of the city and
 528 provide for the coordination of administrative activities;
 529 (5) Prepare and submit to the city council a recommended operating budget and capital
 530 budget;
 531 (6) Submit to the city council at least once a year a statement covering the financial
 532 conditions of the city, and from time to time, such other information as the city council
 533 may request;
 534 (7) Recommend to the city council such measures relative to the affairs of the city,
 535 improvement of the government, and promotion of the welfare of its inhabitants as the
 536 mayor may deem expedient;
 537 (8) Call special meetings of the city council as provided for in subsection (b) of
 538 Section 2.19 of this charter;
 539 (9) Approve or disapprove ordinances as provided in Section 2.32 of this charter;
 540 (10) Provide for an annual audit of all accounts of the city;
 541 (11) Require any department or agency of the city to submit written reports whenever
 542 the mayor deems it expedient; and

574 law, and the part or parts disapproved shall not become law unless subsequently passed by
 575 the city council over the mayor's veto as provided herein. The reduced part or parts shall be
 576 presented to city council as though disapproved and shall not become law unless overridden
 577 by the council as provided in subsection (c) of this section.

578 **ARTICLE III**
 579 **ADMINISTRATIVE AFFAIRS**
 580 **SECTION 3.10.**
 581 **Administrative and service departments.**

582 (a) Except as otherwise provided in this charter, the city council, by ordinance, shall
 583 prescribe the functions or duties, and establish, abolish, alter, consolidate, or leave vacant all
 584 nonelective offices, positions of employment, departments, and agencies of the city, as
 585 necessary for the proper administration of the affairs and government of this city.
 586 (b) Except as otherwise provided by this charter or by law, the directors of departments and
 587 other appointed officers of the city shall be appointed solely on the basis of their respective
 588 administrative and professional qualifications.
 589 (c) All appointive officers and directors of departments shall receive such compensation as
 590 prescribed by ordinance or resolution.
 591 (d) There shall be a director of each department or agency who shall be its principal officer.
 592 Each director shall be responsible for the administration and direction of the affairs and
 593 operations of that director's department or agency.
 594 (e) All appointive officers and directors shall be nominated by the mayor with confirmation
 595 of appointment by the city council. All appointive officers and directors shall be employees
 596 at-will and subject to removal or suspension at any time by the city council unless otherwise
 597 provided by law or ordinance.

598 **SECTION 3.11.**
 599 **Boards, commissions, and authorities.**

600 (a) The city council shall create by ordinance such boards, commissions, and authorities to
 601 fulfill any investigative, quasi-judicial, or quasi-legislative function the city council deems
 602 necessary, and shall by ordinance establish the composition, period of existence, duties, and
 603 powers thereof.
 604 (b) All members of boards, commissions, and authorities of the city shall be appointed by
 605 the city council for such terms of office and in such manner as shall be provided by

640 an independent contractor. A law firm, rather than an individual, may be designated as the
641 city attorney.

642 **SECTION 3.13.**

643 City clerk.

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

648 **SECTION 3.14.**

649 City accountant.

650 The city council shall appoint a city accountant who shall not be a councilmember. The city
651 accountant shall be custodian of accounting books; and perform such other duties as may be
652 required by the city.

653 **SECTION 3.15.**

654 Position classification and pay plans.

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

661 **SECTION 3.16.**

662 Personnel policies.

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

695 (c) The municipal court may fix punishment for offenses within its jurisdiction not
696 exceeding a fine of \$1,000.00, or imprisonment for 180 days, or both such fine and
697 imprisonment, or may fix punishment by fine, imprisonment, or alternative sentencing as
698 now or hereafter provided by law. The fine schedule may be revised by the council by
699 ordinance.

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

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

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

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

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

725

SECTION 4.14.

726

Certiorari.

727 The right of certiorari from the decision and judgment of the municipal court shall exist in
728 all criminal cases and ordinance violation cases, and such certiorari shall be obtained under

758 **SECTION 5.13.**
759 Election by plurality.

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

761 **SECTION 5.14.**
762 Special elections; vacancies.

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

770 **SECTION 5.15.**
771 Other provisions.

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

775 **SECTION 5.16.**
776 Removal of officers.

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

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

782 (1) Following a hearing at which an impartial panel shall render a decision. In the event
783 an elected officer is sought to be removed by the action of the city council, such officer
784 shall be entitled to a written notice specifying the ground or grounds for removal and to
785 a public hearing which shall be held not less than ten days after the service of such
786 written notice. The city council shall provide by ordinance for the manner in which such
787 hearings shall be held. Any elected officer sought to be removed from office as herein

815

SECTION 6.13.

816

Regulatory fees; permits.

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

822

SECTION 6.14.

823

Franchises.

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

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

840

SECTION 6.15.

841

Service charges.

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

872 **SECTION 6.20.**

873 Revenue bonds.

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

877 **SECTION 6.21.**

878 Short-term loans.

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

881 **SECTION 6.22.**

882 Lease-purchase contracts.

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

890 **SECTION 6.23.**

891 Fiscal year.

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

896 **SECTION 6.24.**

897 Preparation of budgets.

898 The city council shall provide an ordinance on the procedures and requirements for the
899 preparation and execution of an annual operating budget, a capital improvement plan, and

933

SECTION 6.27.

934

Tax levies.

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

941

SECTION 6.28.

942

Changes in appropriations.

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

947

SECTION 6.29.

948

Capital budget.

949 (a) On or before the date fixed by the city council but no later than 30 days prior to the
 950 beginning of each fiscal year, the mayor shall submit to the city council a proposed capital
 951 improvements plan with a recommended capital budget containing the means of financing
 952 the improvements proposed for the ensuing fiscal year. The city council shall have power
 953 to accept, with or without amendments, or reject the proposed plan and proposed budget.
 954 The city council shall not authorize an expenditure for the construction of any building,
 955 structure, work, or improvement, unless the appropriations for such project are included in
 956 the capital budget, except to meet a public emergency as provided in Section 2.24 of this
 957 charter.

958 (b) The city council shall adopt by ordinance the final capital budget for the ensuing fiscal
 959 year not later than the 15th day of December of each year. No appropriation provided for in
 960 a prior capital budget shall lapse until the purpose for which the appropriation was made
 961 shall have been accomplished or abandoned; provided, however, that the mayor may submit
 962 amendments to the capital budget at any time during the fiscal year, accompanied by
 963 recommendations. Any such amendments to the capital budget shall become effective only
 964 upon adoption by ordinance.

995 and convey said cut-off or separated parcel or tract of land to an abutting or adjoining
 996 property owner or owners where such sale and conveyance facilitates the enjoyment of the
 997 highest and best use of the abutting owner's property. Included in the sales contract shall be
 998 a provision for the rights-of-way of such street, avenue, alley, or public place. Each abutting
 999 property owner shall be notified of the availability of the property and given the opportunity
 1000 to purchase such property under such terms and conditions as set out by ordinance. All deeds
 1001 and conveyances heretofore and hereafter so executed and delivered shall convey all title and
 1002 interest the city has in such property, notwithstanding the fact that no public sale after
 1003 advertisement was or is hereafter made.

1004 **ARTICLE VII**
 1005 **GENERAL PROVISIONS**
 1006 **SECTION 7.10.**
 1007 **Bonds for officials.**

1008 The officers and employees of this city, both elective and appointive, shall execute such
 1009 surety or fidelity bonds in such amounts and upon such terms and conditions as the city
 1010 council shall from time to time require by ordinance or as may be provided by law.

1011 **SECTION 7.11.**
 1012 **Prior ordinances.**

1013 All ordinances, resolutions, rules, and regulations now in force in the city not inconsistent
 1014 with this charter are hereby declared valid and of full effect and force until amended or
 1015 repealed by the city council.

1016 **SECTION 7.12.**
 1017 **Existing personnel and officers.**

1018 Except as specifically provided otherwise by this charter, all personnel and officers of the
 1019 city and their rights, privileges, and powers shall continue beyond the time this charter takes
 1020 effect for a period of 90 days before or during which the existing city council shall pass a
 1021 transition ordinance detailing the changes in personnel and appointive officers required or
 1022 desired and arranging such titles, rights, privileges, and powers as may be required or desired
 1023 to allow a reasonable transition.

1050

SECTION 7.17.

1051

General repealer.

1052 All laws and parts of laws in conflict with this Act are repealed.