

House Bill 1473

By: Representative Stinson of the 150th

A BILL TO BE ENTITLED

AN ACT

1 To provide a new charter for the City of Fort Valley; to provide for incorporation,
2 boundaries, and powers of the city; to provide for the exercise of powers and limitations on
3 powers; to provide for a governing authority of such city and the powers, duties, authority,
4 prohibitions, election, terms, removal from office, method of filling vacancies, compensation,
5 expenses, and qualifications; to provide for conflict of interest and holding other offices; to
6 provide for organization and meeting procedures; to provide for a mayor pro tempore; to
7 provide for inquiries and investigations; to provide for ordinances; to provide for codes; to
8 provide for the office of city manager and certain duties and powers relative to the office; to
9 provide for delineation of legislative, executive, and administrative roles; to provide for the
10 powers and duties of the mayor; to provide for administrative responsibilities; to provide for
11 department heads; to provide for boards, commissions, and authorities; to provide for a city
12 attorney, city clerk, finance officer, marshal, and other personnel; to provide for the
13 establishment of a municipal court and the judge or judges thereof; to provide for practices
14 and procedures; to provide for taxation, permits, and fees; to provide for franchises, service
15 charges, and assessments; to provide for bonded and other indebtedness; to provide for
16 accounting and budgeting; to provide for capital improvements; to provide for contracting
17 and purchasing; to provide for sale of city property; to provide for the continuation of the
18 Fort Valley Utility Commission; to provide definitions; to provide for the election and

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19 appointment of utility commissioners; to provide for compensation of the utility commission;
20 to provide the powers of the commission; to provide for the setting and collection of utility
21 rates and fees; to provide for the use of the revenues of the commission; to provide for
22 disposition of parts of the utility system; to provide for utility franchises; to authorize the
23 utility commission to issue revenue bonds; to provide for bonds for officials; to provide for
24 pending matters; to provide for rules and regulations; to provide for definitions and
25 construction; to provide for eminent domain; to repeal specific Acts; to provide for related
26 matters; to repeal conflicting laws; and for other purposes.

27 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

28 **ARTICLE I.**
29 **INCORPORATION AND POWERS**

30 **SECTION 1.10.**
31 **Incorporation.**

32 The City of Fort Valley in Peach County is reincorporated by the enactment of this charter
33 and is constituted and declared a municipality and body politic and corporate under the name
34 of the "City of Fort Valley." References in the charter to "the city" or "this city" refer to the
35 City of Fort Valley. The city shall have perpetual existence.

36 **SECTION 1.11.**
37 **Corporate boundaries.**

38 (a) The boundaries of this city shall be those existing on the effective date of the adoption
39 of this charter with such alterations as may be made from time to time by local law or in

40 the manner provided by general state law. The boundaries of this city at all times shall be
41 shown on a map, a written description, or any combination thereof, to be retained
42 permanently in the office of the city clerk and to be designated, as the case may be:
43 "Official Map or Description of the Corporate Limits of the City of Fort Valley, Georgia."
44 Photographic, typed, or other copies of such map or description certified by the mayor shall
45 be admitted as evidence in all courts and shall have the same force and effect as the original
46 map or description.

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

50 **SECTION 1.12.**

51 Municipal powers.

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

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

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

- 65 (2) Appropriations and expenditures. To make appropriations for the support of the
66 government of the city; to authorize the expenditure of money for any purposes
67 authorized by this charter and for any purpose for which a municipality is authorized by
68 the laws of the State of Georgia; and to provide for the payment of expenses of this city;
- 69 (3) Building regulations. To regulate and to license the erection and construction of
70 buildings and all other structures not inconsistent with general law; to adopt building,
71 housing, plumbing, electrical, gas, and heating and air-conditioning codes; and to regulate
72 all housing and building trades except as otherwise prohibited by general law;
- 73 (4) Business regulation and taxation. To levy and to provide for the collection of license
74 fees and taxes on privileges, occupations, trades, and professions; to license and regulate
75 the same; to provide for the manner and method of payment of such licenses and taxes;
76 to provide for the due dates therefor and to provide for reasonable penalties and interest
77 in the event of failure to pay the same; and to revoke such licenses after due process for
78 the failure to pay any city taxes or fees;
- 79 (5) Condemnation. To exercise the power of eminent domain to condemn property,
80 inside or outside the corporate limits of the city, for present or future use and for any
81 lawful purpose deemed necessary by the governing authority, utilizing procedures
82 enumerated in Title 22 of the O.C.G.A. or such other applicable laws as are or may
83 hereafter be enacted;
- 84 (6) Contracts. To enter into contracts and agreements with other governments and
85 entities and with private persons, firms, and corporations;
- 86 (7) Emergencies. To establish procedures for determining and proclaiming that an
87 emergency situation exists inside or outside the city and to make and carry out all
88 reasonable provisions deemed necessary to deal with or meet such an emergency for the
89 protection, safety, health, or well-being of the citizens of the city;
- 90 (8) Environmental protection. To protect the natural resources, environment, and vital
91 areas of the state through the preservation and improvement of air quality, the restoration

92 and maintenance of water resources, the control of erosion and sedimentation, the
93 management of solid and hazardous waste, and other necessary actions for the protection
94 of the environment or to comply with mandates enacted by the State of Georgia or any
95 other governmental agency or authority;

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

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

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

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

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

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

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

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

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

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

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

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

- 145 (21) Nuisances. To define a nuisance and provide for its abatement whether on public
146 or private property;
- 147 (22) Penalties. To provide penalties for violation of any ordinances adopted pursuant to
148 the authority of this charter and the laws of the State of Georgia;
- 149 (23) Planning and zoning. To provide comprehensive city planning for development by
150 zoning and to provide subdivision regulation and the like as the city council deems
151 necessary and reasonable to ensure a safe, healthy, and esthetically pleasing community;
- 152 (24) Police and fire protection. To exercise the power of arrest through duly appointed
153 police officers and to establish, operate, or contract for police and a firefighting agency;
- 154 (25) Public hazards; removal. To provide for the destruction and removal of any
155 building or other structure which is or may become dangerous or detrimental to the
156 public;
- 157 (26) Public improvements. To provide for the acquisition, construction, building,
158 operation, and maintenance of public ways, parks, playgrounds, recreational facilities,
159 golf courses, amphitheaters, cemeteries, markets and market houses, public buildings,
160 libraries, public housing, airports, hospitals, terminals, docks, and parking facilities or
161 charitable, cultural, educational, recreational, conservation, sport, curative, corrective,
162 detentional, penal, and medical institutions, agencies and facilities; to provide for other
163 public improvements inside or outside the corporate limits of the city; to regulate the use
164 of public improvements; and, for such purposes, property may be acquired by
165 condemnation under Title 22 of the O.C.G.A. or such other applicable laws as are or may
166 hereafter be enacted;
- 167 (27) Public peace. To provide for the prevention and punishment of drunkenness, riots,
168 and public disturbances;
- 169 (28) Public transportation. To organize and operate or contract for such public
170 transportation systems as are deemed beneficial or necessary;

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

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

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

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

198 (33) Sewer fees. To levy a fee, charge, or sewer tax as necessary to assure the acquiring,
199 construction, equipping, operating, maintaining, and extending of a sewage disposal plant
200 and sewerage system; to levy on those to whom sewers and sewerage systems are made
201 available a sewer service fee, charge, or tax for the availability or use of the sewers,
202 except that no fee or charge for sewers shall be assessed against any abutting real estate
203 which cannot be served by such sewers; to provide for the manner and method of
204 collecting such service charge; and to impose and collect a sewer connection fee or fees
205 to those connected with the system;

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

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

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

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

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

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

229 (40) Urban redevelopment. To organize and operate an urban redevelopment program;
230 and

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

242 **ARTICLE II.**

243 **GOVERNMENT STRUCTURE, ELECTIONS, AND REMOVAL**

244 **SECTION 2.10.**

245 City council creation; composition; number; election.

246 (a) The governing authority of the government of this city, except as otherwise specifically
247 provided in this charter, shall be vested in a city council to be composed of a mayor and
248 six councilmembers. Each councilmember shall be elected to one of six posts designated

249 as Posts 1, 2, 3, 4, 5, and 6. The city council may also be known as the "mayor and
250 council."

251 (b) The mayor and councilmembers shall serve for terms of four years and until their
252 respective successors are elected and qualified. No person shall be eligible to serve as
253 mayor or councilmember unless he or she shall have been a resident of this city for 12
254 months immediately preceding his or her qualification for election or appointment for the
255 office of mayor or councilmembers; each such person shall continue to reside within the
256 city during said period of service and shall be registered and qualified to vote in municipal
257 elections of this city. Each councilmember elected from a ward shall continue to reside
258 within such ward during said period of service. No person's name shall be listed as a
259 candidate on the ballot for election for either mayor or councilmember unless and until
260 such person has filed a written notice with the municipal election superintendent of the city
261 that he or she desires his or her name to be placed on said ballot as a candidate either for
262 mayor or councilmember. No person shall be eligible for the office of mayor or
263 councilmember unless such person has filed said notice and qualified for election within
264 the time provided for in Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election
265 Code."

266 (c) The office of mayor or councilmember shall be declared vacant upon the mayor or a
267 councilmember qualifying, in a general primary or general election, or special primary or
268 special election, for another state, county, or municipal elective office or qualifying for the
269 House of Representatives or the Senate of the United States if the term of the office for
270 which such official is qualifying for begins more than 30 days prior to the expiration of
271 such official's present term of office. The vacancy created in any such office shall be filled
272 as provided by this charter.

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SECTION 2.11.

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Elections.

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

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(b) All elections shall be held and conducted in accordance with Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code." Except as otherwise provided by this charter, the city council shall, by ordinance, prescribe such rules and regulations it deems appropriate to fulfill any options and duties under Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code."

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(c)(1) There shall be a municipal general election biennially in odd-numbered years on the Tuesday next following the first Monday in November.

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(2) The first elections under this charter for the mayor and councilmembers for Posts 1, 3, and 5 of the city council shall be held on the municipal general election held in 2025.

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(3) The first elections under this charter for councilmembers for Posts 2, 4, and 6 of the city council shall be held on the municipal general election held in 2027.

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(d) The mayor and councilmembers in office on the effective date of this charter and any person selected to fill a vacancy in such office shall serve until the regular expiration of the term of office to which they were elected and until their successors are elected and qualified. Successors to such mayor and councilmembers shall be elected at the municipal general election on the Tuesday next following the first Monday in November. All future successors to such mayor and councilmembers whose terms of office are to expire shall be elected at the time of the municipal general election immediately preceding the expiration of such terms and shall serve for terms of office of four years each and until their respective

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299 successors are elected and qualified. Successors to such mayor and councilmembers shall
300 take office on the first day of January immediately following their election.

301 (e)(1) The mayor and councilmembers from Post 3 and 4 shall be elected by the city at
302 large.

303 (2) For the purpose of electing councilmembers from Post 1, 2, 5, and 6, the City of Fort
304 Valley shall be divided into two wards, also known as districts. The Post 1 and Post 2
305 councilmembers shall be residents of and elected by the voters of the East Ward. The
306 Post 5 and Post 6 councilmembers shall be residents of and elected by the voters of the
307 West Ward. East Ward and West Ward as they exist immediately prior to the effective
308 date of this charter shall continue to exist in such form until revised as provided by law.

309 **SECTION 2.12.**

310 Vacancies in office.

311 (a) The office of mayor or councilmember shall become vacant upon the incumbent's
312 death, incapacity, resignation, forfeiture of office, or removal from office in any manner
313 authorized by this charter or the general laws of the State of Georgia.

314 (b) Upon the suspension from office of the mayor or councilmember in any manner
315 authorized by the general laws of the State of Georgia, the city council or those remaining
316 shall appoint a successor for the duration of the suspension. If the suspension becomes
317 permanent, then the office shall become vacant and shall be filled as provided in
318 subsections (c) and (d) of this section.

319 (c)(1) In the event that the office of councilmember shall become vacant for any cause
320 whatsoever, and the unexpired term shall exceed one year and ten months, then said
321 vacancy shall be filled by a special election to be held concurrent with the next regular
322 municipal general elections of the city. Provided however, that in the event such special
323 election will occur more than 60 days after the occupancy of the vacancy, then within 45

324 days of the occurrence of the vacancy, the remaining councilmembers and the mayor
325 shall appoint a qualified individual to serve as a temporary councilmember until a person
326 can be elected to serve out the remainder of the unexpired term.

327 (2) In the event that the office of councilmember shall become vacant for any cause
328 whatsoever, and the unexpired term does not exceed one year and ten months, then the
329 remaining councilmembers and the mayor shall appoint a qualified individual as a
330 councilmember to serve out the remainder of the unexpired term.

331 (d)(1) In the event that the office of mayor shall become vacant for any cause
332 whatsoever, and the unexpired term shall exceed one year and ten months, then said
333 vacancy shall be filled by a special election to be held concurrently with the next regular
334 municipal general elections of the city. Provided however, that in the event such special
335 election will occur more than 60 days after the occupancy of the vacancy, then within 45
336 days of the occurrence of the vacancy, the remaining councilmembers shall appoint a
337 qualified individual to serve as a temporary mayor until a person can be elected to serve
338 out the remainder of the unexpired term.

339 (2) In the event that the office of mayor shall become vacant for any cause whatsoever,
340 and the unexpired does not exceed one year and ten months, then the remaining
341 councilmembers shall appoint a qualified individual as mayor to serve out the remainder
342 of the unexpired term.

343 (e) The provisions of subsections (c) and (d) of this section are mandatory and not
344 discretionary as to the duties provided for the mayor and council and may be enforced by
345 a court of appropriate jurisdiction by a writ of mandamus.

346 **SECTION 2.13.**

347 Nonpartisan elections.

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

350 **SECTION 2.14.**

351 Election by majority.

352 City elections shall be by majority vote, which shall mean the winning candidate must
353 receive at minimum 50 percent of the votes cast, plus one vote.

354 **SECTION 2.15.**

355 Compensation and expenses.

356 The mayor and councilmembers shall receive compensation and expenses for their services
357 as provided by ordinance and in accordance with Chapter 35 of Title 36 of the O.C.G.A.

358 **SECTION 2.16.**

359 Prohibitions.

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

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

- 366 (2) Engage in or accept private employment or render services for private interests when
367 such employment or service is incompatible with the proper discharge of his or her
368 official duties or would tend to impair the independence of his or her judgment or action
369 in the performance of his or her official duties;
- 370 (3) Disclose confidential information concerning the property, government, or affairs of
371 the governmental body by which he or she is engaged without proper legal authorization
372 or use such information to advance the financial or other private interest of himself or
373 herself or others;
- 374 (4) Accept any valuable gift, whether in the form of service, loan, object, or promise
375 from any person, firm, or corporation which to his or her knowledge is interested, directly
376 or indirectly, in any manner whatsoever, in business dealings with the governmental body
377 by which he or she is engaged; provided, however, that an elected official who is a
378 candidate for public office may accept campaign contributions and services in connection
379 with any such campaign;
- 380 (5) Represent other private interests in any action or proceeding against this city or any
381 portion of its government; or
- 382 (6) Vote or otherwise participate in the negotiation or in the making of any contract with
383 any business or entity in which he or she has a financial interest.
- 384 (b) Any elected official, appointed officer, or employee who has any private financial
385 interest, directly or indirectly, in any contract or matter pending before or within any
386 department of the city shall disclose such private interest to the city council. The mayor
387 or any councilmember who has a private financial interest in any matter pending before the
388 city council shall disclose such private interest and such disclosure shall be entered on the
389 records of the city council, and he or she shall disqualify himself or herself from
390 participating in any decision or vote relating thereto. Any elected official, appointed
391 officer, or employee of any agency or political entity to which this charter applies who
392 shall have any private financial interest, directly or indirectly, in any contract or matter

393 pending before or within such agency or entity shall disclose such private interest to the
394 governing body of such agency or entity.

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

399 (d) Any violation of this section which occurs with the knowledge, express or implied, of
400 a party to a contract or sale shall render said contract or sale voidable at the option of the
401 city council.

402 (e) Except as authorized by law, no member of the council shall hold any other elective
403 city office or other city employment during the term for which he or she was elected.
404 Except as authorized by law, no employee of the city or any agency or political entity to
405 which this charter applies shall hold any other elective city office or other city employment
406 during the term of such employment. The provisions of this subsection shall not apply to
407 any person holding employment on the effective date of this charter.

408 (f) No person who is an immediate family member sitting councilmember or mayor shall
409 be eligible to serve as an employee of the city. As used in this subsection, the term
410 "immediate family member" means a spouse, child, sibling, or parent or the spouse of a
411 child, sibling, or parent of a serving mayor or councilmember. This subsection shall apply
412 only to persons beginning their employment with the city after the effective date of this
413 charter and shall not apply to any persons employed by the city on the day before the
414 effective date of this charter who then maintain their employment with the city.

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SECTION 2.17.
Removal of officers.

417 (a) The mayor, a councilmember, or other appointed officers provided for in this charter
418 may be removed for any one or more of the following causes:

- 419 (1) Misfeasances, or malfeasance in office;
420 (2) Upon indictment or presentation of charges for any felony, regardless of whether
421 such charge relates to the performance of the activities of office;
422 (3) Upon conviction for any misdemeanor involving moral turpitude;
423 (4) Failure at any time to possess any qualifications of office as provided by this charter;
424 (5) Abandonment of office or neglect to perform the duties thereof. This shall include,
425 but shall not be limited to, willful failure to attend more than three city council meetings
426 in succession without prior written notice of the absence that shall also include grounds
427 for absence. This does not apply to absences approved by council or excused by
428 operation of law; or
429 (6) Failure for any other cause to perform the duties of office as required by this charter
430 or by state law.

431 (b) Removal of any officer pursuant to subsection (a) of this section shall be accomplished
432 by a vote of all remaining councilmembers after an investigative hearing. In the event an
433 elected officer is sought to be removed by the action of the city council, such officer shall
434 be entitled to a written notice specifying the ground or grounds for removal and to a public
435 hearing which shall be held no sooner than ten days after service of such written notice.
436 Any elected officer sought to be removed from office as provided in this section shall have
437 the right to call and cross-examine witnesses and to put up a defense at such public hearing.
438 Additionally, any elected officer sought to be removed from office as provided in this
439 section shall have the right to appeal the decision of the city council to the Superior Court

440 of Peach County. Such appeal shall be governed by the same rules that govern appeals to
441 the superior court from the probate court.

442 **ARTICLE III.**
443 ORGANIZATION OF GOVERNMENT, GENERAL AUTHORITY,
444 AND ORDINANCES

445 **SECTION 3.10.**
446 General power and authority.

447 Except as otherwise provided by this charter, the mayor and council shall be vested with all
448 the powers of government of this city as provided by Article I of this charter.

449 **SECTION 3.11.**
450 Organization.

451 (a) The mayor and council shall hold an organizational meeting at the first regular meeting
452 in January following an election. The meeting shall be called to order by the city clerk.
453 The oath of office shall be administered to the newly elected members as follows: "I do
454 solemnly swear (or affirm) that I will support the Constitution of the United States and the
455 laws of the State of Georgia; I am qualified to hold the office of (mayor) (councilmember)
456 of the City of Fort Valley according to the Constitution and laws of the State of Georgia;
457 I am not the holder of any office of trust under the government of the United States, any
458 other state, or any foreign state which I am prohibited from holding by the laws of the State
459 of Georgia; I am not the holder of any unaccounted for public money due this state or any
460 political subdivision or authority thereof; and that I will well and truly perform the duties

461 of (mayor) (councilmember) of the City of Fort Valley to the best of my skill and ability,
462 without favor or affection."

463 (b) The city council shall elect from its membership a mayor pro tempore by majority vote
464 for a term of two years. During any disability or absence of the mayor, the mayor pro
465 tempore shall preside at all meetings of the city council and shall assume the duties and
466 powers of the mayor. Any such disability or absence shall be declared by a majority vote
467 of the city council. The city council shall elect by majority vote a presiding officer from
468 its number for any period in which the mayor pro tempore is disabled, absent, or acting as
469 mayor. Such absence or disability shall be declared by majority vote of the city council,
470 in accordance with Section 2.12 of this charter. In the event of a vacancy in the office of
471 mayor pro tempore, the city council shall elect from its membership a new mayor pro
472 tempore to serve out the remainder of the unexpired term.

473 **SECTION 3.12.**

474 Inquiries and investigations.

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

480 **SECTION 3.13.**

481 Meetings.

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

484 (b) Special meetings of the city council may be held on call of the mayor or no fewer than
485 three councilmembers. Notice of such special meetings shall be served on all other
486 members personally, or by telephone personally, at least 24 hours in advance of the
487 meeting. Such notice to councilmembers shall not be required if the mayor and all
488 councilmembers are present when the special meeting is called. Such notice of any special
489 meeting may be waived by a councilmember in writing before or after such a meeting and
490 attendance at the meeting shall also constitute a waiver of notice on any business transacted
491 in such councilmember's presence. Only the business stated in the call may be transacted
492 at the special meeting.

493 (c) All meetings of the city council shall be public to the extent required by law, and notice
494 to the public of special meetings shall be given as required by law.

495 (d) In the event that neither the mayor nor the mayor pro tempore is present at a meeting
496 of the city council, those councilmembers present shall select a presiding officer for such
497 meeting from among those councilmembers present.

498 SECTION 3.14.

499 Procedures.

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

503 (b) All committees and committee chairpersons and officers of the city council shall be
504 appointed by the mayor and shall serve at the pleasure of the mayor. The mayor shall have
505 the power to appoint new members or designate new chairpersons and officers to any
506 committee at any time, with or without cause; all of said members and chairpersons serving
507 solely at the pleasure of the mayor.

508 **SECTION 3.15.**

509 **Voting.**

510 (a) Except as otherwise provided in subsection (c) of this section, four councilmembers
511 or three councilmembers and mayor shall constitute a quorum and shall be authorized to
512 transact the business of the city council. Voting on the adoption of ordinances shall be by
513 voice vote and the vote shall be recorded in the journal, but any member of the city council
514 shall have the right to request a roll-call vote and such vote shall be recorded in the journal.

515 (b) Except as provided in this charter, the mayor shall only vote in the event of a tie vote
516 among the councilmembers present during such vote, provided that the mayor is not
517 disqualified as outlined in this charter.

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

522 **SECTION 3.16.**

523 **Ordinances.**

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

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

532 for emergency ordinances provided for in Section 3.18 of this charter. Upon introduction
533 of any ordinance, the clerk shall, as soon as possible, distribute a copy to the mayor and to
534 each councilmember and shall file a reasonable number of copies in the office of the clerk
535 and at such other public places as the city council may designate.

536 **SECTION 3.17.**

537 Effect of ordinances.

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

539 **SECTION 3.18.**

540 Emergencies.

541 (a) To meet a public emergency affecting life, health, property, or public peace, the city
542 council may convene on call of the mayor or at least four councilmembers and may
543 promptly adopt an emergency ordinance, but such ordinance shall not levy taxes; grant,
544 renew, or extend a franchise; regulate the rate charged by any public utility for its services;
545 or authorize the borrowing of money except for loans to be repaid within 30 days. An
546 emergency ordinance shall be introduced in the form prescribed for ordinances generally,
547 except that it shall be plainly designated as an emergency ordinance and shall contain, after
548 the enacting clause, a declaration stating that an emergency exists and describing the
549 emergency in clear and specific terms. An emergency ordinance may be adopted, with or
550 without amendment, or rejected at the meeting at which it is introduced, but the affirmative
551 vote of at least three councilmembers shall be required for adoption. It shall become
552 effective upon adoption or at such later time as it may specify. Every emergency ordinance
553 shall automatically stand repealed 30 days following the date upon which it was adopted;
554 such automatic appeal shall not prevent reenactment of the ordinance in the manner

555 specified in this section if the emergency continues to exist. An emergency ordinance may
556 also be repealed by adoption of a repealing ordinance in the same manner specified in this
557 section for adoption of emergency ordinances.

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

562 SECTION 3.19.

563 Codes.

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

567 (1) The requirements of subsection (b) of Section 3.16 of this charter for filing and
568 distribution of copies of the ordinance shall be construed to include copies of any
569 standard code of technical regulations, as well as the adopting ordinance; and

570 (2) A copy of each adopted standard code of technical regulations, as well as the
571 adopting ordinance, shall be authenticated and recorded by the clerk pursuant to
572 Section 3.20 of this charter, or, in the alternative, the clerk may, with the approval of
573 council, make arrangements for reproduction and distribution of such technical
574 regulations by electronic or other means.

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

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SECTION 3.20.

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Codification of ordinances.

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

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(b) The city council shall provide for the preparation of a general codification of all the ordinances of the city having the force and effect of law. The general codification shall be adopted by the city council by ordinance and shall be published promptly together with all amendments thereto and may contain such standard codes of technical regulations and other rules and regulations as the city council may specify, which may be incorporated into the city code by reference thereto. This compilation shall be known and may be cited officially as "Code of Ordinances, City of Fort Valley, Georgia." Copies of the code shall be furnished to all officers, departments, and agencies of the city.

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(c) The city council shall cause each ordinance and each amendment to this charter to be printed promptly following its adoption, and the printed ordinances and charter amendments shall be made available for purchase by the public at reasonable prices to be fixed by the city council. Following publication of the first code under this charter and at all times thereafter, the ordinances and charter amendments shall be printed in substantially the same style as the code then in effect and shall be suitable in form for incorporation within the code. The city council shall make such further arrangements as deemed desirable for reproduction and distribution of any such adopted technical regulations or any changes in or additions to standard codes of technical regulations and other rules and regulations included in the code, specifically, but not limited to, arrangements for electronic or internet access and distribution.

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SECTION 3.21.

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City manager; appointment; qualifications; compensation.

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(a) The mayor and council shall appoint a city manager, also known as the manager, for a term to be defined by the mayor and council and shall fix his or her compensation and define the powers and duties of said office. The city manager must devote all of his or her working time and attention to the efficient administration of all of the affairs of the city within the jurisdiction of the manager.

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(b) The city manager shall be the chief administrative officer and the head of the administrative branch of the city government. The city manager shall be chosen by the mayor and council solely on the basis of his or her executive and administrative qualifications with special reference to actual experience in, or knowledge of, accepted practice in respect to the duties of the office as hereinafter outlined. At the time of appointment the manager need not be a resident of the city or state. No person elected to the office of mayor or councilmember shall, subsequent to such election, be eligible for appointment as city manager until one year has elapsed following the expiration of the term for which he or she was elected.

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(c) The mayor and council may remove the city manager from office in accordance with the following procedures:

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(1) The mayor and council shall adopt by affirmative vote of a majority of all its members a preliminary resolution which shall state the reasons for removal and may suspend the city manager from duty for a period not to exceed 45 days. A copy of such resolution shall be delivered promptly to the city manager. Such resolution shall be drafted by the city attorney at the request of the mayor or any one or more members of the city council.

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(2) Within five days after a copy of such resolution is delivered to the city manager, the city manager may file with the mayor and council a written request for a public hearing.

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625 Such hearing shall be held within 30 days after the request is filed. The city manager may
626 file with the mayor and council a written reply no later than five days before the hearing.

627 (3) If the city manager has not requested a public hearing within the time specified in
628 paragraph (2) of this subsection, the mayor and council may adopt a final resolution for
629 removal, which may be made effective immediately, by an affirmative vote of a majority
630 of all its members. If the city manager has requested a public hearing, the mayor and
631 council may adopt a final resolution for removal, which may be made effective
632 immediately, by an affirmative vote of a majority of all its members at any time after the
633 public hearing.

634 (4) The city manager may continue to receive a salary until the effective date of a final
635 resolution of removal.

636 (d) The mayor and council may designate a person or persons to perform the functions and
637 duties of the city manager during any absence, disability, or suspension of the city
638 manager. Vacancies in the office of city manager shall be filled by the mayor and council
639 as early as practicable, and, until such vacancy is filled, the mayor and council shall have
640 full powers to make a temporary appointment or to perform the functions and duties of
641 such office.

642 (e) The city manager shall have the following powers and duties:

643 (1) To supervise the administration of the affairs of the city and to see that the
644 ordinances, resolutions, and regulations of the mayor and council and the laws of the state
645 are faithfully executed and enforced;

646 (2) To recommend to the mayor and council for employment all employees of the city
647 except of municipal court judges and the city attorney;

648 (3) To terminate the employment of any municipal employee except department heads,
649 judges of the municipal court, and the city attorney, subject to the right of such employee
650 to appeal in the manner provided in any personnel policies adopted by the mayor and
651 council;

- 652 (4) To exercise supervision and control of all departments and all divisions created in
653 this charter, or that may hereafter be created by the mayor and council, except as
654 otherwise provided in this charter or by ordinance;
- 655 (5) To attend all meetings of the mayor and council with a right to take part in the
656 discussions, but having no vote. The city manager shall be entitled to notice of all called
657 meetings;
- 658 (6) To supervise the performance of all contracts made by any person for work done for
659 the city. To supervise the purchasing agent on the acquisition of materials and supplies
660 for the city under such rules and regulations as provided by the mayor and council;
- 661 (7) To act as budget officer and submit to the mayor and council at the beginning of each
662 fiscal year a budget of all proposed expenditures including capital expenditures for the
663 ensuing year, showing, in as much detail as practicable, the reasons for such estimated
664 expenditures;
- 665 (8) To keep the mayor and council fully advised, at all times, as to the financial condition
666 and needs of the city;
- 667 (9) To make such reports as the mayor and council may require concerning the
668 operations of city departments, offices, and agencies subject to his or her direction and
669 supervision; and
- 670 (10) To perform such other duties as may be prescribed by ordinance or resolution of the
671 mayor and council.

672 **SECTION 3.22.**

673 **Role delineation.**

674 Based upon the firm belief that the proper, efficient, and effective administration and
675 operation of the city's council-manager form of government will be fostered by a clear
676 definition of the roles and responsibilities of the city council, mayor, and city manager, this

677 section states the following principles, which are intended to be fully consistent with this
678 article:

679 (1) The full and complete legislative, executive, and policy making authority of the city
680 resides in the part-time city council, and the full-time city manager shall take no action
681 which impinges upon or interferes with the city council's policy making role. Other than
682 providing information relevant and germane to the mayor and council's legislative
683 deliberations, the city manager shall strive to remain a neutral party in such legislative
684 deliberations. To ensure the actuality and appearance of neutrality, neither the city
685 manager nor any department heads shall participate in any political activity on behalf of
686 the mayor, any councilmember, or any candidate for such offices, nor shall the city
687 manager or any department head make any political contribution to the mayor, any
688 councilmember, or any candidate for such offices. The mayor and councilmembers shall
689 not solicit or accept any campaign contributions from any city employee;

690 (2) The city manager is the full-time chief administrative officer of the city, and, as such,
691 all department heads, except the city attorney who is appointed by and reports to the
692 mayor and council, report to the city manager. The mayor and council shall observe the
693 management authority of the city manager;

694 (3) Except as otherwise provided in this charter, the mayor and councilmembers shall not
695 in any manner dictate the appointment or removal of any city administrative officers or
696 employees whom the city manager or any of his or her subordinates are empowered to
697 appoint. The city manager shall have the authority to provide, at levels he or she deems
698 necessary and appropriate, administrative support staff for the mayor and
699 councilmembers, and any such administrative support staff shall be subject to the
700 authority and direction of the city manager and not the mayor or any councilmember;

701 (4) Except for the purpose of conducting an investigation or inquiry authorized by the
702 city council pursuant to Section 3.12 of this charter, the mayor and councilmembers shall
703 deal with city officers and employees who are subject to the direction and supervision of

704 the city manager solely through the city manager, and neither the mayor nor any
705 councilmembers shall give orders to any such officers or employees either publicly or
706 privately;

707 (5) The mayor and city council shall not give directives to any city officers or
708 employees, other than the city manager or city attorney, regarding any matters including,
709 but not limited to, constituent complaints and complaints regarding the services,
710 operation, or administration of any department or function of city government. Although
711 the mayor and city council shall not be prohibited from communicating with city officers
712 or employees with constituent complaints or concerns, the city manager must be copied
713 on all such communications;

714 (6) The mayor and councilmembers, unless acting pursuant to a duly authorized
715 investigation or inquiry, shall not discuss in open session the performance of or
716 complaints against any city officer or employee during a city council meeting. This
717 provision is not intended to prevent the mayor or city council from discussing, in general
718 terms, the performance of or any issue relating to any department or function of city
719 government;

720 (7) It shall be prohibited for the mayor or any councilmember to sit in on personnel and
721 management meetings between the city manager and city employees unless such
722 participation is consented to by the city manager and approved by the city council;

723 (8) The mayor shall have no management authority or responsibility with respect to the
724 operations and administration of city government; and

725 (9) The mayor and council, as elected officials, shall possess fundamental oversight
726 duties and responsibilities with respect to all operations and administration of city
727 government, and the city manager shall be responsible and duty bound to facilitate the
728 mayor and city council's oversight function. Once the city council has passed the
729 operating and capital budgets of the city, it shall be the responsibility of the city manager
730 to administer such budgets and to keep the mayor and city council fully informed as to

731 the city's progress against such budgets. The city manager shall provide monthly
732 financial updates on the budgets with year-to-date information, and such updates shall
733 contain all material information necessary for the mayor and city council to evaluate the
734 financial performance and condition of the city. However, once the city council has
735 appropriated funds in the budget and encumbered such funds through subsequent
736 legislative action, the city manager shall have the authority to administer such budget
737 including contract administration and account payables as part of the management
738 function. Any expenditure of city funds directly by the mayor and individual
739 councilmembers, whether by purchasing card or other means, shall be subject to the
740 approval of the city manager as his or her duty to administer the city's budget, and the city
741 manager shall have the authority to have such expenditures forensically audited.

742 **SECTION 3.23.**

743 Powers and duties of mayor.

744 The mayor shall:

- 745 (1) Serve as the ceremonial head of the city;
- 746 (2) Preside at meetings of the city council and conduct other such meetings as may be
747 necessary;
- 748 (3) Vote as provided for in this charter on tied matters before the city council;
- 749 (4) Call special meetings of the city council as provided for in subsection (b) of
750 Section 3.13 of this charter;
- 751 (5) Recommend to the city council such measures relative to the affairs of the city,
752 improvement of the government, and promotion of the welfare of its inhabitants as the
753 mayor deems expedient;
- 754 (6) Appoint and be an ex officio member of all standing committees and special
755 committees of the city council;

- 756 (7) Sign any contract, obligation, or other matter entered into and authorized by
757 ordinance or resolution of the city council properly passed in accordance with the
758 provisions of state law and this charter;
- 759 (8) Be and serve as an ex officio member of all committees, boards, agencies, or political
760 entities to which this charter applies; and
- 761 (9) Perform such other duties as may be required by law, this charter, or ordinance.

762 **ARTICLE IV.**

763 **ADMINISTRATIVE AFFAIRS**

764 **SECTION 4.10.**

765 **Department heads.**

- 766 (a) Except as otherwise provided in this charter, the mayor and council by ordinance shall
767 prescribe the functions or duties and establish, abolish, or alter all nonelective offices,
768 positions of employment, departments, and agencies of the city as necessary for the proper
769 administration of the affairs and government of this city.
- 770 (b) Except as otherwise provided by this charter or by law, the directors of departments
771 and other appointed officers of the city shall be appointed solely on the basis of their
772 respective administrative and professional qualifications.
- 773 (c) Except otherwise provided in this charter, the mayor and council shall appoint and
774 remove, based upon the advice of the city manager, department heads of the city.

775 **SECTION 4.11.**776 **Boards.**

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

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

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

787 (d) Except as otherwise provided by charter or by law, no member of any city board,
788 commission, or authority shall hold any elective office in the city nor shall any such
789 member be a city employee during the tenure of such service.

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

793 (f) No member of a board, commission, or authority shall assume office until he or she has
794 executed and filed with the clerk of the city an oath obligating himself or herself to perform
795 faithfully and impartially the duties of his or her office, such oath to be prescribed by
796 ordinance and administered by the mayor.

797 (g) Any member of a board, commission, or authority may be removed from office for
798 cause by a vote of a majority of the members of the city council.

799 (h) Except as otherwise provided by this charter or by law, at least one member of each
800 board, commission, or authority of the city, as selected by the mayor with the advice and

801 consent of council, shall serve as chairperson of such board, commission, or authority,
802 which service shall be at the pleasure of the mayor.

803 **SECTION 4.12.**

804 City attorney.

805 (a) The mayor and council shall appoint a city attorney who shall be a member of the State
806 Bar of Georgia and shall have actively practiced law for at least five years. The city
807 attorney shall serve at the pleasure of the mayor and council. The city attorney shall be
808 responsible for representing and defending the city in all litigation in which the city is a
809 party; may be the prosecuting officer in the municipal court; shall advise the city council,
810 mayor, city manager, and other officers and employees of the city concerning legal aspects
811 of the city's affairs; and shall perform such duties as may be required of him or her by
812 virtue of his or her position as city attorney. The city council shall provide for the
813 compensation of the city attorney.

814 (b) The city attorney shall be removed or suspended from duty only by majority vote of
815 the mayor and council.

816 **SECTION 4.13.**

817 City clerk.

818 The mayor and council shall appoint a city clerk who shall not be a councilmember. For the
819 purposes of this charter, the city clerk shall be considered a department head. The city clerk
820 shall be custodian of the official city seal, maintain city council records required by this
821 charter, and perform such other duties as may be required by the city council or the city
822 manager. The city council shall provide for the compensation of the city clerk. Before

823 assuming office, the city clerk shall take an oath, given by the mayor, as provided in
824 Section 3.11 of this charter.

825 **SECTION 4.14.**

826 Finance officer.

827 The mayor and council may appoint a finance officer to collect all taxes, licenses, fees, and
828 other moneys belonging to the city subject to the provisions of this charter and the ordinances
829 of the city and to enforce all laws of Georgia relating to the collection of delinquent taxes and
830 sale or foreclosure for nonpayment of taxes to the city. The city manager may serve as the
831 finance officer. In the event that the city manager does not serve as the finance officer, the
832 finance officer shall be considered a department head under this charter. The finance officer
833 shall also be responsible for the general duties of a treasurer and fiscal officer, and may also
834 be known as the city's treasurer.

835 **SECTION 4.15.**

836 City marshal.

837 A marshal for the city shall be appointed by the city manager based upon the
838 recommendation of the chief of the city's police department. The marshal shall serve under
839 and be subject to the direction and control of the police chief. The marshal shall perform all
840 duties assigned to him or her by ordinance or the police chief.

841 **SECTION 4.16.**

842 Rules and regulations.

843 The city council shall adopt rules and regulations consistent with this charter concerning:

- 844 (1) The method of employee selection and probationary periods of employment;
845 (2) The administration of a position classification and pay plan, methods of promotion
846 and applications of service ratings thereto, and transfer of employees within the
847 classification plan;
848 (3) Hours of work, vacation, sick leave, and other leaves of absence; overtime pay; and
849 the order and manner in which layoffs shall be affected;
850 (4) Such dismissal hearings as due process may require; and
851 (5) Such other personnel notices as may be necessary to provide for adequate and
852 systematic handling of personnel affairs.

853 **ARTICLE V.**
854 **JUDICIAL BRANCH**

855 **SECTION 5.10.**
856 **Municipal court.**

857 There shall be a court to be known as the Municipal Court of the City of Fort Valley.

858 **SECTION 5.11.**
859 **Judges.**

860 (a) The municipal court shall be presided over by a chief judge and such part-time,
861 full-time, or stand-by judges as shall be provided by ordinance. The method of selection
862 and terms of such judges shall be provided by Chapter 32 of Title 36 of the O.C.G.A. or
863 ordinance.

864 (b) No person shall be qualified or eligible to serve as a judge on the municipal court
865 unless he or she shall be a member of the State Bar of Georgia. All judges shall be
866 appointed by the mayor with the approval of a majority of the city council.

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

868 (d) Judges may be removed as provided by general law.

869 (e) Before assuming office, each judge shall take an oath, given by the mayor, as provided
870 in Section 3.11 of this charter. The oath shall be entered upon the minutes of the city
871 council journal required in Section 3.14 of this charter.

872 **SECTION 5.12.**

873 Convening of court.

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

875 **SECTION 5.13.**

876 Powers.

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

879 (b) The municipal court shall have the authority to punish those in its presence for
880 contempt, provided that such punishment shall not exceed a fine of \$200.00 or ten days in
881 jail, or both.

882 (c) The municipal court may fix punishment for offenses within its jurisdiction not
883 exceeding a fine of \$1,000.00 or imprisonment for not more than six months, or both such
884 fine and imprisonment, or may fix punishment by fine, imprisonment, or alternative
885 sentencing as now or hereafter provided by law.

886 (d) The municipal court shall have the authority to establish a schedule of fees to defray
887 the cost of operation and shall be entitled to reimbursement of the actual cost of meals,
888 transportation, and caretaking of prisoners bound over to superior courts for violation of
889 state law.

890 (e) The municipal court shall have the authority to establish bail and recognizances to
891 ensure the presence of those charged with violations before said court and shall have
892 discretionary authority to accept cash or personal or real property as surety bond for the
893 appearance of persons charged with violations. Whenever any person shall give bail for
894 his or her appearance and shall fail to appear at the time fixed for trial, his or her surety
895 bond shall be forfeited by the judge presiding at such time and an execution shall be issued
896 thereon by serving the defendant and his or her sureties with a rule nisi at least ten days
897 before a hearing on the rule nisi.

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

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

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

906 (i) Each judge of the municipal court shall be authorized to issue warrants for the arrest
907 of persons charged with offenses against any ordinance of the city, and each judge of the
908 municipal court shall have the same authority as a magistrate of the state to issue warrants
909 for offenses against state laws committed within the city.

910 (j) The municipal court is specifically vested with all the jurisdiction and powers
911 throughout the geographic area of this city granted by law to municipal courts and

912 particularly by such laws as authorize the abatement of nuisances and prosecution of traffic
913 violations.

914 **SECTION 5.14.**

915 Appeals.

916 The orders, verdicts, judgments, and sentences of the municipal court shall be subject to
917 appellate review by the Superior Court of Peach County in accordance with state law.

918 **SECTION 5.15.**

919 Rules.

920 With the approval of the city council, the chief judge shall have full power and authority to
921 make reasonable rules and regulations necessary and proper to secure the efficient and
922 successful administration of the municipal court; provided, however, that the city council
923 may adopt in part or in total the rules and regulations applicable to superior courts. The rules
924 and regulations made or adopted shall be filed with the court clerk, shall be available for
925 public inspection, and, upon request, shall be furnished to the public for the reasonable cost
926 of copying and printing the same.

927 **ARTICLE VI.**
928 **FINANCE**

929 **SECTION 6.10.**
930 **Property tax.**

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

937 **SECTION 6.11.**
938 **Millage.**

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

943 **SECTION 6.12.**
944 **Occupation taxes and business license fees.**

945 The city council by ordinance shall have the power to levy such occupation or business taxes
946 as are not denied by law. Such taxes may be levied on both individuals and corporations that
947 transact business in this city or that practice or offer to practice any profession or calling

948 within the city to the extent such persons have a constitutionally sufficient nexus to this city
949 to be so taxed. The city council may classify businesses, occupations, professions, or
950 callings for the purpose of such taxation in any way which may be lawful and, if unpaid, may
951 compel the payment of such taxes as provided in Section 6.18 of this charter.

952 **SECTION 6.13.**

953 Licenses.

954 The city council by ordinance shall have the power to require any individual or corporation
955 that transacts business in this city or that practices or offers to practice any profession or
956 calling within the city to obtain a license or permit for such activity from the city and pay a
957 reasonable fee for such license or permit where such activities are not now regulated by
958 general law in such a way as to preclude city regulations. Such fees may reflect the total cost
959 to the city of regulating the activity and, if unpaid, shall be collected as provided in
960 Section 6.18 of this charter. The city council by ordinance may establish reasonable
961 requirements for obtaining or keeping such licenses as the public health, safety, and welfare
962 may necessitate.

963 **SECTION 6.14.**

964 Franchises.

965 (a) Except as provided for in Article 7 of this Act, the city council shall have the power to
966 grant franchises for the use of this city's streets and alleys for the purposes of railroads,
967 street railways, telephone companies, electric companies, electric membership
968 corporations, cable television companies and other telecommunications companies, gas
969 companies, transportation companies, and other similar organizations. The city council
970 shall determine the duration, terms, whether the same shall be exclusive or nonexclusive,
971 and the consideration for such franchises; provided, however, that no franchises shall be
972 granted for a period in excess of 25 years and no franchise shall be granted unless the city
973 receives just and adequate compensation therefor. The city council shall provide for the
974 registration of all franchises with the city clerk in a registration book or electronic registry
975 kept for that purpose. The city council may provide by ordinance for the registration
976 within a reasonable time of all franchises previously granted.

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

982 **SECTION 6.15.**

983 Service fees.

984 The city council by ordinance shall have the power to assess and collect fees, charges, and
985 tolls for sewers, sanitary and health services, or any other services provided or made

986 available inside or outside the corporate limits of the city for the total cost to the city of
987 providing or making available such services. If unpaid, such charges shall be collected as
988 provided in Section 6.18 of this charter. No landowner shall be assessed any fee, charge, or
989 toll for any service which does not benefit him or her or his or her property directly, and
990 provided that any ordinance making any such assessment shall require at least two readings
991 at two regular meetings prior to passage and shall further require that between said first and
992 second readings, a notice of such proposed assessment shall be published one time by the
993 clerk in the official organ of Peach County, said publication to appear not less than eight days
994 before the final passage of said ordinance. Said notice shall state that such ordinance has
995 been introduced before the council and shall include a general description of the
996 improvement, its location, and estimated cost and shall further state that the actual cost or
997 whatever part thereof as the ordinance provides will be assessed against the affected real
998 estate and the owners thereof and that any person wishing to be heard on the matter may
999 appear at the next regular meeting of the council, stating the specific date of such meeting.
1000 The council may, in its discretion, permit the payment of any such fee, charge, or toll in
1001 installments.

1002 **SECTION 6.16.**

1003 Special assessments.

1004 The city council by ordinance shall have the power to assess, charge, and collect the costs
1005 of constructing, reconstructing, widening, or improving any public way, street, sidewalk,
1006 curbing, gutters, sewers, or other utility mains and appurtenances from the abutting property
1007 owners under such terms and conditions as are reasonable. If unpaid, such charges shall be
1008 collected as provided in Section 6.18 of this charter. No landowner shall be assessed any fee,
1009 charge, or toll for any service which does not benefit him or her or his or her property
1010 directly, and provided that any ordinance making any such assessment shall require at least

1011 two readings at two regular meetings prior to passage and shall further require that between
1012 said first and second readings, a notice of such proposed assessment shall be published one
1013 time by the clerk in the official organ of Peach County, said publication to appear not less
1014 than eight days before the final passage of said ordinance. Said notice shall state that such
1015 ordinance has been introduced before the council and shall include a general description of
1016 the improvement, its location, and estimated cost and shall further state that the actual cost
1017 or whatever part thereof as the ordinance provides will be assessed against the affected real
1018 estate and the owners thereof and that any person wishing to be heard on the matter may
1019 appear at the next regular meeting of the council, stating the specific date of such meeting.
1020 The council may, in its discretion, permit the payment of any such fee, charge, or toll in
1021 installments.

1022 **SECTION 6.17.**

1023 Other taxes.

1024 This city shall be empowered to levy any other tax allowed now or hereafter by law, and the
1025 specific mention of any right, power, or authority in this article shall not be construed as
1026 limiting in any way the general powers of this city to govern its local affairs.

1027 **SECTION 6.18.**

1028 Collection of delinquent taxes.

1029 The city council by ordinance may provide generally for the collection of delinquent taxes,
1030 fees, or other revenue due the city under Sections 6.10 through 6.17 of this charter by
1031 whatever reasonable means as are not precluded by law. This shall include providing for the
1032 dates when the taxes or fees are due, late penalties or interest, issuance and execution of
1033 fi. fas., creation and priority of liens, making delinquent taxes and fees personal debts of the

1034 persons required to pay the taxes or fees imposed, revoking city licenses for failure to pay
1035 any city taxes or fees, and providing for the assignment or transfer of tax executions.

1036 **SECTION 6.19.**

1037 Borrowing.

1038 The city council shall have the power to issue bonds for the purpose of raising revenue to
1039 carry out any project, program, or venture authorized under this charter or the laws of the
1040 State of Georgia. Such bonding authority shall be exercised in accordance with the laws
1041 governing bond issuance by municipalities in effect at the time said issue is undertaken.

1042 **SECTION 6.20.**

1043 Revenue bonds.

1044 Revenue bonds may be issued by the city council as state law now or hereafter provides.
1045 Such bonds are to be paid out of any revenue produced by the project, program, or venture
1046 for which they were issued.

1047 **SECTION 6.21.**

1048 Short-term loans and lease purchase contracts.

1049 (a) The city may obtain short-term loans and must repay such loans not later than one year
1050 from the date of such obligations, unless otherwise provided by law.

1051 (b) The city may enter into multi-year lease, purchase, or lease purchase contracts for the
1052 acquisition of goods, materials, real and personal property, services, and supplies, provided
1053 the contract terminates without further obligation on the part of the municipality at the

1054 close of the calendar year in which it was executed and at the close of each succeeding
1055 calendar year for which it may be renewed. Contracts must be executed in accordance with
1056 the requirements of Code Section 36-60-13 of the O.C.G.A. or other such applicable laws
1057 as are, or may hereafter, be enacted.

1058 **SECTION 6.22.**

1059 Fiscal year.

1060 The city council shall set the fiscal year by ordinance. This fiscal year shall constitute the
1061 budget year and the year for financial accounting and reporting of each and every office,
1062 department, agency, and activity of the city government.

1063 **SECTION 6.23.**

1064 Budget ordinance.

1065 The city council shall provide an ordinance on the procedures and requirements for the
1066 preparation and execution of an annual operating budget, a capital improvements program,
1067 and a capital improvements budget, including requirements as to the scope, content, and form
1068 of such budgets and programs. The city council shall comply with the provisions of
1069 Chapter 81 of Title 36 of the O.C.G.A.

1070 **SECTION 6.24.**

1071 Operating budget.

1072 On or before a date fixed by the city council but not later than 60 days prior to the beginning
1073 of each fiscal year, the city manager shall submit to the city council a proposed operating
1074 budget for the ensuing fiscal year. The budget shall be accompanied by a message from the

1075 city manager containing a statement of the general fiscal policies of the city, the important
1076 features of the budget, explanations of major changes recommended for the next fiscal year,
1077 a general summary of the budget, and such other comments and information as he or she may
1078 deem pertinent. The operating budget, the capital improvements budget, the budget message,
1079 and all supporting documents shall be filed in the office of the city clerk and shall be open
1080 to public inspection.

1081 **SECTION 6.25.**

1082 Adoption.

1083 (a) The mayor and council may amend the operating budget proposed by the city manager,
1084 except that the budget as finally amended and adopted must provide for all expenditures
1085 required by state law or by other provisions of this charter and for all debt service
1086 requirements for the ensuing fiscal year. The total appropriations from any fund shall not
1087 exceed the estimated fund balance, reserves, and revenues.

1088 (b) After the conducting of a budget hearing, the city council shall adopt the final
1089 operating budget for the ensuing fiscal year not later than the end of the current fiscal year.
1090 If the city council fails to adopt the budget by said date, the amounts appropriated for
1091 operation for the then-current fiscal year shall be deemed adopted for the ensuing fiscal
1092 year on a month-to-month basis, with all items prorated accordingly, until such time as the
1093 city council adopts a budget for the ensuing fiscal year. Adoption of the budget shall take
1094 the form of an appropriations ordinance setting out the estimated revenues in detail by
1095 sources and making appropriations according to fund and by organizational unit, purpose,
1096 or activity as set out in the budget preparation ordinance adopted pursuant to Section 6.23
1097 of this charter.

1098 (c) The amount set out in the adopted operating budget for each organizational unit shall
1099 constitute the annual appropriation for such, and no expenditure shall be made or

1100 encumbrance created in excess of the otherwise unencumbered balance of the
1101 appropriations or allotments thereof to which it is chargeable.

1102 **SECTION 6.26.**

1103 Levy of taxes.

1104 The city council shall levy by ordinance such taxes as are necessary to fund the adopted
1105 operating budget. The taxes and tax rates set by such ordinance shall be such that reasonable
1106 estimates of revenues from such levy shall at least be sufficient, together with other
1107 anticipated revenues, fund balances, and applicable reserves, to equal the total amount
1108 appropriated for each of the several funds set forth in the annual operating budget for
1109 defraying the expense of the general government of this city.

1110 **SECTION 6.27.**

1111 Changes in budget.

1112 The city council by majority vote may make changes in the appropriations contained in the
1113 current operating budget at any regular meeting or special or emergency meeting called for
1114 such purposes.

1115 **SECTION 6.28.**

1116 Capital improvements.

1117 (a) On or before the date fixed by the city council, but not later than 60 days prior to the
1118 beginning of each fiscal year, the city manager shall submit to the city council a proposed
1119 capital improvements budget with his or her recommendations as to the means of financing
1120 the improvements proposed for the ensuing year. The city council shall have the power to

1121 accept, with or without amendments, or reject the proposed program and proposed means
1122 of financing. The city council shall not authorize an expenditure for the construction of
1123 any building, structure, work, or improvement, unless the appropriations for such project
1124 are included in the capital improvements budget, except to meet a public emergency as
1125 provided in Section 3.18 of this charter.

1126 (b) After the conducting of a public hearing, the city council shall adopt by ordinance the
1127 final capital improvements budget for the ensuing fiscal year not later than the end of the
1128 current fiscal year. No appropriations provided for in a prior capital improvements budget
1129 shall lapse until the purpose for which the appropriations were made shall have been
1130 accomplished or abandoned; provided, however, the mayor may submit amendments to the
1131 capital improvements budget at any time during the fiscal year, accompanied by his or her
1132 recommendations. Any such amendments to the capital improvements budget shall
1133 become effective only upon adoption by majority vote of the city council.

1134 **SECTION 6.29.**

1135 Audits.

1136 There shall be an annual independent audit of all city accounts, funds, and financial
1137 transactions by a certified public accountant selected by the city council. The audit shall be
1138 conducted according to generally accepted accounting principles. Any audit of any funds by
1139 the state or federal government may be accepted as satisfying the requirements of this
1140 charter. Copies of all audit reports shall be available at printing costs to the public.

1141 **SECTION 6.30.**

1142 Procurement and property management.

1143 No contract with the city shall be binding on the city unless:

- 1144 (1) It is in writing;
 1145 (2) It is reviewed by the city attorney; and
 1146 (3) It is made or authorized by the city council and such approval is entered in the city
 1147 council journal of proceedings pursuant to Section 3.14 of this charter.

1148 **SECTION 6.31.**

1149 Purchasing.

1150 The city council shall by ordinance prescribe procedures for a system of centralized
 1151 purchasing for the city.

1152 **SECTION 6.32.**

1153 Sale of property.

- 1154 (a) The city council may sell and convey any real or personal property owned or held by
 1155 the city for governmental or other purposes as now or hereafter provided by law.
 1156 (b) The city council may quitclaim any rights it may have in property not needed for public
 1157 purposes upon request by the city manager and adoption of a resolution, both finding that
 1158 the property is not needed for public or other purposes and that the interest of the city has
 1159 no readily ascertainable monetary value.
 1160 (c) Whenever in opening, extending, or widening any street, avenue, alley, or public place
 1161 of the city a small parcel or tract of land is cut off or separated by such work from a larger
 1162 tract or boundary of land owned by the city, the city council may authorize the mayor to
 1163 execute and deliver in the name of the city a deed conveying said cut-off or separated
 1164 parcel or tract of land to an abutting or adjoining property owner or owners in exchange for
 1165 rights of way of said street, avenue, alley, or public place and such other consideration as
 1166 may be required by law when such exchange is deemed to be in the best interest of this

1167 city. All deeds and conveyances heretofore and hereafter so executed and delivered shall
1168 convey all title and interest the city has in such property, notwithstanding the fact that no
1169 public sale after advertisement was or is hereafter made.

1170 **ARTICLE VII.**

1171 **UTILITY COMMISSION**

1172 **SECTION 7.10.**

1173 **Definitions.**

1174 As used in this article, the term:

- 1175 (1) "City" shall mean the City of Fort Valley, Georgia;
- 1176 (2) "Commission" shall mean the Utility Commission for the City of Fort Valley; and
- 1177 (3) "Utilities" or "utility system" shall mean the water, electricity, gas, cable television
1178 operations, sewer system, and other utilities operated by the commission.

1179 **SECTION 7.11.**

1180 **Continuation of existing commission.**

1181 (a) The Utility Commission for the City of Fort Valley, previously created under the
1182 provisions of an Act providing a new charter for the City of Fort Valley, approved
1183 August 22, 1907 (Ga. L. 1907, p. 651), as amended, shall continue as constituted under this
1184 article. The commission shall continue to be recognized as a body corporate, and shall
1185 continue to be subject to all contracts and obligations previously entered into by the city
1186 or the commission pertaining to rights, duties, and obligations of the city or commission
1187 relating to the creation, building, operation, and supply of water, electricity, gas, cable
1188 television operations, sewer system, and other utilities. The commission shall continue to

1189 be an instrumentality of the city, with all the powers incident to or convenient or necessary
1190 to discharge its duties, including those provided for by an Act approved December 18,
1191 1953 (Ga. L. 1953, p. 2817), as amended, particularly by an Act approved April 4, 1991
1192 (Ga. L. 1991, p. 3701) and shall be a continuation of the utility commission provided for
1193 by such Acts as amended.

1194 (b) The commission shall have the right to sue and be sued and power to make all
1195 contracts and obligations necessary or convenient to discharge the duties that devolve upon
1196 it. All contracts and agreements between the city or the commission and any authorities,
1197 carriers, or providers, including without limitation contracts, agreements, or directions
1198 relating to the Municipal Electric Authority of Georgia created by Article 3 of Chapter 3
1199 of Title 46 of the O.C.G.A., in effect on the effective date of this Act shall be unaffected
1200 by the terms hereof.

1201 **SECTION 7.12.**

1202 Commission membership, election, appointment, vacancies.

1203 (a) The commission shall consist of four members to be elected and three members to be
1204 appointed as hereinafter provided and with powers and duties hereinafter specified. The
1205 mayor of the city shall be an ex officio member of the commission and shall only vote in
1206 the event of a tie.

1207 (b)(1) Those elected utility commissioners in office on the effective date of this Act shall
1208 serve out the terms of office to which they were elected, and the election of their
1209 successors shall be as provided for by said Act. The term of office of the utility
1210 commissioners elected thereafter shall be four years, beginning on January 1 of the year
1211 following the year of their election and expiring on December 31 of the year of the
1212 election of their successors and upon the qualification of those successors.

1213 (2) The four elected utility commissioners shall be elected to numbered posts designated
1214 as Posts 1, 2, 3, and 4. Each person seeking election as utility commissioner shall
1215 designate, at the time of qualifying for election to that office, the post to which that
1216 person seeks election.

1217 (3) A person elected as utility commissioner to Post 1 shall have been a resident of the
1218 East Ward, as described in the charter of the city, for at least six months immediately
1219 prior to such person's election, shall continue to reside in that ward during that person's
1220 term of office, and shall have received a majority of the votes cast in only the East Ward.

1221 (4) A person elected as utility commissioner to Post 2 shall have been a resident of the
1222 West Ward, as described in the charter of the city, for at least six months immediately
1223 prior to such person's election, shall continue to reside in that ward during that person's
1224 term of office, and shall have received a majority of the votes cast in only the West Ward.

1225 (5) A person elected as utility commissioner to Post 3 or Post 4 shall have resided in the
1226 city for at least 12 months prior to such election and shall have received a majority of the
1227 votes cast in the city at large.

1228 (6) No person shall hold the office of elected utility commissioner of the city if that
1229 person is ineligible for such office pursuant to Code Section 45-2-1 of the O.C.G.A., or
1230 any other general law.

1231 (c)(1) Those appointed utility commissioners in office on the effective date of this Act
1232 shall serve out the terms of office to which they were appointed, and the appointment of
1233 their successors shall be as provided for by said Act. Such members shall be appointed
1234 as follows:

1235 (A) The Board of Commissioners of Peach County shall appoint two members of the
1236 commission who reside in Peach County and outside the corporate limits of the city.

1237 (B) The Board of Commissioners of Crawford County shall appoint one member of the
1238 commission who resides in Crawford County.

1239 (2) The members appointed pursuant to subparagraphs (A) and (B) of paragraph (1) of
1240 this subsection shall be customers of the utility system and shall serve four-year terms of
1241 office.

1242 (d) In the event a vacancy occurs among the elected membership of the commission, for
1243 whatever reason, the remaining members of the commission shall:

1244 (1) If the vacancy occurs within the first two years of the member's term, appoint a
1245 qualified resident of the city to fill the vacancy until a special election can be conducted.
1246 The city council shall call, within 30 days of the vacancy, a special election to fill the
1247 vacancy for the remainder of the unexpired term. Such election shall be held on the date
1248 of the next regular municipal election of the city and shall be conducted in all respects in
1249 accordance with the provisions of this charter relating to general elections; or

1250 (2) If the vacancy occurs within the last two years of the member's term, appoint,
1251 within 30 days of the vacancy, a qualified resident of the city to fill the vacancy for the
1252 remainder of the unexpired term.

1253 (e) In the event a vacancy occurs among the appointed membership of the commission, for
1254 whatever reason, the appropriate appointing authority shall appoint a qualified customer
1255 of the utility system to fill the vacancy for the remainder of the unexpired term.

1256 **SECTION 7.13.**

1257 Compensation.

1258 (a) The commission shall fix the compensation of its members by resolution. A resolution
1259 fixing or changing such compensation may be repealed in the manner provided in
1260 subsection (b) of this section.

1261 (b)(1) The mayor of the city shall call for a referendum on the question of whether a
1262 compensation resolution adopted pursuant to subsection (a) of this section shall be

1263 repealed if a petition is filed with the mayor containing thereon at least 15 percent of the
1264 signatures of the registered electors of said city requesting such election.

1265 (2) The mayor and council shall determine the validity of such petition within 30 days
1266 after its filing. In the event the petition is found to be valid, it shall be the duty of the
1267 mayor to issue the call for an election to coincide with the next city election. Said
1268 election shall be governed by the provisions of Chapter 2 of Title 21 of the O.C.G.A., the
1269 "Georgia Election Code." The mayor shall cause a notice of the date and purpose of said
1270 election to be published in the official organ of said city or of Peach County at least 15
1271 days prior to said election. Such notice shall contain a statement of the compensation
1272 received by such members immediately prior to the adoption of said resolution and the
1273 present compensation being received by such members pursuant to the provisions of said
1274 ordinance.

1275 (3) If more than one-half of the votes cast on such question in the election provided for
1276 in paragraph (2) of this subsection are for approval of the compensation resolution, such
1277 resolution shall continue of full force and effect; otherwise, it shall be repealed, and said
1278 members shall thereafter receive the compensation they were receiving immediately prior
1279 to the adoption of said resolution.

1280 **SECTION 7.14.**

1281 Powers of the commission.

1282 (a) The commission shall have the power and authority to extend its utility system beyond
1283 the limits of the city under applicable service delivery agreements as entered into by the
1284 appropriate recognized party into such places and to such distances as the commission may
1285 determine by proper resolution, and to serve customers on said utility system so extended
1286 at such rates as may be fixed by the commission. The commission shall have the right,
1287 power, and authority to build and erect plants and other facilities beyond the corporate

1288 limits of the city for the operation of utilities, in such manner and under such terms and
1289 conditions as the commission may determine, not in violation of the Constitution or laws
1290 of this state. The commission shall take the proceeds of any bonds sold for the purpose of
1291 erecting utility systems and build and erect such systems to the best advantage of its
1292 customers and the city, and to this end, if it thinks best and proper, may purchase and
1293 acquire any property now owned and operated by any other company, entity, or person.
1294 Nothing in this Act shall be construed to expand the commission's power and authority
1295 with respect to the utility system beyond the limits imposed by applicable general law.

1296 (b) The commission is hereby expressly authorized to purchase or sell real or personal
1297 property at public or private sale in its own name and under such terms and conditions and
1298 for whatever consideration the commission deems necessary. The commission is further
1299 authorized to trade, exchange, lease, rent, and otherwise contract in its own name
1300 concerning any real or personal property that the city may now or hereafter own or have
1301 an interest in and which forms a part of the commission's utility system, provided that the
1302 commission satisfies any indebtedness thereon. All proceeds from any such sale shall be
1303 used solely for the benefit of the utility system, provided that the commission has satisfied
1304 any indebtedness thereon or purchased the same, as applicable, from commission proceeds.
1305 All such property acquired after July 1, 2019, shall be the property of the commission, but
1306 the commission shall have the right and responsibility to manage and operate any real or
1307 personal property that the city may now or hereafter own or have an interest in and which
1308 forms a part of the commission's utility system; provided, however, that nothing in this
1309 paragraph shall impair obligations or covenants entered into in respect of such property or
1310 revenues prior to the date of its enactment; and provided, further, that the terms of existing
1311 agreements permitting additional and future obligations to be issued or refinanced by the
1312 repledging of such property or revenues shall be unaffected by the terms of this Act.

1313 (c) The commission may compel lot owners within the city to connect with sewers and
1314 may purchase or condemn any property within or without the city that may be necessary

1315 for the utility system. Any such condemnation shall be done in cooperation with the city,
1316 and in case it shall become necessary to condemn any property under this section, or for
1317 any other public works, the proceedings shall be the same as provided for by this charter,
1318 shall utilize the city's power to condemn if necessary, and the city may assist the
1319 commission in any such condemnation proceedings, as necessary. The commission shall
1320 have power to enforce compliance therewith by suitable penalties as may be necessary for
1321 the protection of the utility system and for securing the purity and healthfulness of the
1322 water supply, and shall have full power and authority to abate, or cause to be abated, and
1323 remove through its proper officers anything that may hinder, retard, or impair the
1324 usefulness of any utilities under its jurisdiction. The commission shall have full power and
1325 authority to make rules and regulations respecting the introduction of utilities into or upon
1326 any premises, and from time to time regulate the use thereof in such manner as the
1327 commission shall seem necessary and proper, and the officials representing the commission
1328 and in its service are hereby authorized and empowered to enter at all reasonable hours any
1329 dwelling or other place where any or all said utilities are taken and used, and where
1330 unnecessary waste thereof is known or suspected, and examine and enquire into the cause
1331 thereof. They shall have full power to examine all surface pipes, stopcocks, or other
1332 apparatus or appliance connected with any such utilities for the purpose of ascertaining
1333 whether the same are of the character and fixed and used in the manner directed in permits
1334 issued therefor; and if any person refuses to permit such examination, or opposes or
1335 obstructs such officer in the performance of said duties, the person so offending shall be
1336 liable to such penalty as the commission may provide; and the utility connection, any or
1337 all of them, when necessary to meet the exigencies of the case, may be shut off until the
1338 required examination is made and such alterations and repairs are completed as may be
1339 necessary and directed by the commission.

1340 (d) The commission is authorized to lay or construct gas mains and gas distribution
1341 systems both within and without the corporate limits of the city under applicable service

1342 delivery agreements, and to issue gas revenue-anticipation certificates for such purpose in
1343 accordance with law, and any certificates heretofore issued by the city or commission for
1344 such purpose are hereby ratified and affirmed. The city, acting by and through the
1345 commission, shall have the right, power, and authority to exercise police powers over the
1346 entire gas system and shall have the right, power, and authority to make rules and
1347 regulations governing the operation, maintenance, extensions, and connections with any
1348 gas main within or without the corporate limits of the city and shall have the right, power,
1349 and authority to require all users of gas who connect with the gas mains within or without
1350 the corporate limits of the city to install proper meters and make connections in accordance
1351 with the rules and regulations provided therefor and shall further have the right, power, and
1352 authority to refuse to sell or furnish gas to any person, firm, corporation, or municipal
1353 corporation who fails or refuses to comply with such rules and regulations. Nothing
1354 contained herein shall be construed as granting to any person, firm, or private or municipal
1355 corporation the right to require said commission to furnish gas and the commission shall
1356 not be so required to do, if, in its discretion, the same is not deemed desirable or feasible.

1357 **SECTION 7.15.**

1358 Utility rents, fees, dues, and rates.

1359 (a) The commission shall have full power and authority to fix the price and regulate the
1360 terms covering the payment of same on all utility rents, fees, dues, or rates within the utility
1361 systems operated by it. In the event that any of said utilities are not operated by
1362 commission, then and in that event, the commission shall have the right to regulate the
1363 charges and to formulate rules and regulations for the installation and use of same and
1364 exercise general supervision over the business thus carried on, and should any person, firm,
1365 or corporation refuse to comply with the lawful directives of the commission, then and in
1366 that event, said person, firm, or corporation shall be punished as for a misdemeanor in

1367 accordance with the city charter for each and every offense. All contracts and agreements
1368 between the city or the commission and any authorities, carriers, or providers, including
1369 without limitation contracts, agreements, or directions relating to the Municipal Electric
1370 Authority of Georgia, in effect on the effective date of this Act shall be unaffected by the
1371 terms hereof.

1372 (b) The commission and the city shall have power and authority to enforce by execution
1373 the collection of any amount due or to become due to it for utility rents, fees, dues, or rates.
1374 Such execution shall be issued by the commission against the person, corporation, or firm
1375 by whom any such debt may be due, which execution may be levied by the marshal on the
1376 property of the owner against whom such execution shall issue, and the same sold as
1377 provided for municipal sales for taxes.

1378 **SECTION 7.16.**

1379 Use of commission revenues.

1380 (a) The commission is vested with the right and authority to set aside revenues realized
1381 from utility rents, fees, dues, or rates to be used, from time to time, for the construction,
1382 maintenance, and repair of any or all facilities which the commission may consider
1383 necessary or proper for the manufacture, sale, production, resale, and distribution of such
1384 utilities. Said funds may be invested or deposited as provided by law, pending the use of
1385 said funds as aforesaid. All contracts and agreements between the city or the commission
1386 and any authorities, carriers, or providers, including without limitation contracts,
1387 agreements, or directions relating to the Municipal Electric Authority of Georgia, in effect
1388 on the effective date of this Act shall be unaffected by the terms hereof. Nothing in this
1389 Act shall impair or otherwise interfere with the commission's rights to existing utility
1390 funds, including those funds held at or by the Municipal Electric Authority of Georgia.

1391 (b) The city, with the approval of the commission, may use, expend, or invest revenue
1392 derived from the operation of utilities under the commission for any cause or purpose in
1393 promotion of the common welfare of the city or its citizens, and for such other purpose or
1394 purposes as the city and the commission may determine. Before any funds are used as
1395 aforesaid for promoting the common welfare of citizens of the city, the city and the
1396 commission, by proper ordinance or resolution of each body, shall agree to such use and
1397 the amount to be so used in each instance from the utility rates collected by the
1398 commission.

1399 (c)(1) Notwithstanding the foregoing provisions of this section, the commission shall
1400 annually pay to the city, in lieu of franchise fees, the greater of \$1.25 million or 6.0
1401 percent of all revenue collected for charges for services for the year, to be paid in 12
1402 monthly installments of \$104,165.00 on or before the fifteenth day of each month, with
1403 a final payment due, if required, within 90 days of the completion of the commission's
1404 comprehensive annual financial report for the subject year.

1405 (2) The payment provided for in paragraph (1) of this subsection shall be known as a
1406 payment in lieu of franchise fees. The city may use such payment in lieu of franchise
1407 fees funds, once received from the commission, for any lawful purpose without the
1408 further consent of the commission.

1409 (d) All contracts and agreements between the city or the commission and any authorities,
1410 carriers, or providers, including without limitation contracts, agreements, or directions
1411 relating to the Municipal Electric Authority of Georgia, in effect on the effective date of
1412 this Act shall be unaffected by the terms hereof.

SECTION 7.17.

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Disposition of system parts, granting franchises or other privileges.

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Neither the city nor the commission may, except as otherwise provided for in this article, sell,

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lease, or otherwise dispose of any part of the utility system, or grant any franchise, privilege,

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or right to sell or distribute utilities or electric current to any user of such current in quantities

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of less than 100 horsepower, or grant any franchise to pump, store, or distribute water within

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or without the limits of the city unless and until not less than 75 percent of the qualified

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voters of the city vote in favor of such sale, lease, or other disposition of said facilities at an

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election called for that purpose by the mayor and city council of the city. A notice of such

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election shall be published in the official organ of Peach County once a week for four weeks

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next preceding the election date, stating the time and place of the election and the purpose

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for which held.

SECTION 7.18.

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Revenue bonds.

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The commission may issue revenue bonds as now or hereafter provided by law, payable out

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of the revenue produced by the project, program, or venture for the purpose of which such

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bonds were issued.

ARTICLE VIII.**GENERAL PROVISIONS****SECTION 8.10.****Bonds for officials.**

- 1434 (a) The officers and employees of this city, both elected and appointed, shall execute such
1435 surety or fidelity bonds in such amounts and upon such terms and conditions as the city
1436 council shall from time to time require by ordinance or as may be provided by law.
1437 Nothing in this section shall be construed to require council to impose any such bond
1438 conditions upon any city employee. Which city employees shall be bonded and in what
1439 amounts shall be determined by city council, who shall provide for the same by ordinance.
- 1440 (b) Unless otherwise provided in Article 7, members and employees of the utility
1441 commission shall not be considered officers or employees of the city for the purposes of
1442 this section.

SECTION 8.11.**Rules and regulations.**

- 1445 All ordinances, resolutions, rules, and regulations now in force in the city not inconsistent
1446 with this charter are declared valid and of full effect and force until amended or repealed by
1447 the city council.

SECTION 8.12.

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Charter language on other general matters.

1450 Except as specifically provided otherwise by this charter, all rights, claims, actions, orders,
1451 contracts, and legal or administrative proceedings shall continue and any such ongoing work
1452 or cases shall be completed by such city agencies, personnel, or offices as may be provided
1453 by the city council.

SECTION 8.13.

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Definitions and construction.

- 1456 (a) Section captions in this charter are informative only and shall not be considered as a
1457 part thereof.
- 1458 (b) The word "shall" is mandatory and the word "may" is permissive.
- 1459 (c) The singular shall include the plural, the masculine shall include the feminine, and vice
1460 versa.

SECTION 8.14.

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Specific repealer.

- 1463 (a) An Act providing a new charter for the City of Fort Valley, approved August 22, 1907
1464 (Ga. L. 1907, p. 651), as amended, is repealed in its entirety and all amendatory Acts
1465 thereto are likewise repealed in their entirety.
- 1466 (b) An Act to establish a municipal court in and for the city of Fort Valley, Georgia,
1467 approved August 12, 1914 (Ga. L. 1914, p. 869), as amended, is repealed in its entirety and
1468 all amendatory Acts thereto are likewise repealed in their entirety.

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SECTION 8.15.

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General repealer.

1471 All laws and parts of laws in conflict with this Act are repealed.