

House Bill 697 (AS PASSED HOUSE AND SENATE)

By: Representative Pruett of the 149<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend an Act to provide a new charter for the City of Alamo, approved May 18, 2007  
2 (Ga. L. 2007, p. 3964), so as to provide for incorporation, boundaries, and powers of the city;  
3 to provide for general powers and limitations on powers; to provide for a governing authority  
4 of such city and the powers, duties, authority, election, terms, method of filling vacancies,  
5 compensation, expenses, qualifications, and prohibitions relative to members of such  
6 governing authority; to provide for inquiries and investigations; to provide for organization  
7 and procedures; to provide for ordinances; to provide for codes; to provide for the office of  
8 mayor and certain duties and powers relative to the office of mayor; to provide for  
9 administrative responsibilities; to provide for boards, commissions, and authorities; to  
10 provide for a city manager, a city attorney, a city clerk, and other personnel; to provide for  
11 a municipal court and the judge or judges thereof; to provide for practices and procedures;  
12 to provide for ethics and disclosures; to provide for taxation, licenses, and fees; to provide  
13 for franchises, service charges, and assessments; to provide for bonded and other  
14 indebtedness; to provide for accounting and budgeting; to provide for purchases; to provide  
15 for bonds for officials; to provide for other matters relative to the foregoing; to provide an  
16 effective date; to provide for related matters; to repeal conflicting laws; and for other  
17 purposes.

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

19 SECTION 1.

20 An Act to provide a new charter for the City of Alamo, approved May 18, 2007 (Ga. L. 2007,  
21 p. 3964), is amended by striking from Article I through the end and inserting in lieu thereof  
22 the following:

23 "ARTICLE I  
 24 INCORPORATION AND POWERS  
 25 SECTION 1.01.  
 26 Name.

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

30 SECTION 1.02.  
 31 Corporate boundaries.

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

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

43 SECTION 1.03.  
 44 Powers and construction.

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

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

53 (1) Animal regulations. To regulate and license or to prohibit the keeping or running  
 54 at-large of animals and fowl, and to provide for the impoundment of same if in violation

55 of any ordinance or lawful order; to provide for the disposition by sale, gift, or humane  
56 destruction of animals and fowl when not redeemed as provided by ordinance; and to  
57 provide punishment for violation of any ordinance enacted hereunder;

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

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

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

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

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

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

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

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

90 (10) Garbage fees. To levy, fix, assess, and collect a garbage, refuse, and trash collection  
91 and disposal and other sanitary service charge, tax, or fee for such services as may be

92 necessary in the operation of the city from all individuals, firms, and corporations  
93 residing in the city or doing business therein and benefiting from such services; to enforce  
94 the payment of such charges, taxes, or fees; and to provide for the manner and method  
95 of collecting such service charges;

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

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

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

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

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

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

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

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

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

127 (20) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose  
128 of public utilities, including, but not limited to, a system of waterworks, sewers and

129 drains, sewage disposal, gas works, electric light plants, cable television and other  
130 telecommunications, transportation facilities, public airports, and any other public utility;  
131 and to fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties for  
132 such utilities and to provide for the withdrawal of service for refusal or failure to pay the  
133 same;

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

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

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

141 (24) Police and fire protection. To exercise the power of arrest through duly appointed  
142 police officers, and to establish, operate, or contract for a police and a fire-fighting  
143 agency, including, but not limited to, a volunteer fire-fighting agency.

144 (25) Public hazards; removal. To provide for the destruction and removal of any  
145 building or other structure which is unfit for human habitation or commercial, industrial,  
146 or business occupancy or use or which is or may become dangerous or detrimental to the  
147 public health, safety, and welfare.

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

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

159 (28) Public transportation. To organize and operate such public transportation systems  
160 as are deemed beneficial;

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

- 166 (30) Regulation of roadside areas. To prohibit or regulate and control the erection,  
167 removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any  
168 and all other structures or obstructions upon or adjacent to the rights of way of streets and  
169 roads or within view thereof, within or abutting the corporate limits of the city; and to  
170 prescribe penalties and punishment for violation of such ordinances;
- 171 (31) Retirement. To provide and maintain a retirement plan for officers and employees  
172 of the city;
- 173 (32) Roadways. To lay out, open, extend, widen, narrow, establish or change the grade  
174 of, abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise  
175 improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and  
176 walkways within the corporate limits of the city; to grant franchises and rights of way  
177 throughout the streets and roads, and over bridges and viaducts for the use of public  
178 utilities; and to require real estate owners to repair and maintain in a safe condition the  
179 sidewalks adjoining their lots or lands to curb or street, and to impose penalties for failure  
180 to do so;
- 181 (33) Sewer fees. To levy a fee, charge, or sewer tax as necessary to assure the acquiring,  
182 constructing, equipping, operating, maintaining, and extending of a sewage disposal plant  
183 and sewage system, and to levy on real estate owners to whom sewers and sewerage  
184 systems are made available a sewer service fee, charge, or sewer tax for the availability  
185 or use of the sewers; to provide for the manner and method of collecting such service  
186 charges and for enforcing payment of the same; and to charge, impose, and collect a  
187 sewer connection fee or fees to those connected with the system;
- 188 (34) Solid waste disposal. To provide for the collection and disposal of garbage, rubbish,  
189 and refuse, and to levy a fee, charge, or tax for such services; to regulate the collection  
190 and disposal of garbage, rubbish, and refuse by others; and to provide for the separate  
191 collection of glass, tin, aluminum, cardboard, paper, and other recyclable materials, and  
192 to provide for the sale of such items;
- 193 (35) Special areas of public regulation. To regulate or prohibit junk dealers, pawn shops,  
194 the manufacture, sale, or transportation of intoxicating liquors, and the use of firearms;  
195 to regulate the transportation, storage, and use of combustible, explosive, and  
196 inflammable materials, the use of lighting and heating equipment, and any other business  
197 or situation which may be dangerous to persons or property; to regulate and control the  
198 conduct of peddlers and itinerant traders, theatrical performances, exhibitions, and shows  
199 of any kind, by taxation or otherwise; and to license, tax, regulate, or prohibit  
200 professional fortune telling, palmistry, adult bookstores, and massage parlors;
- 201 (36) Special assessments. To levy and provide for the collection of special assessments  
202 to cover the costs for any public improvements;

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

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

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

211 (40) Urban redevelopment. To organize and operate an urban redevelopment program;  
 212 and

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

224 SECTION 1.04.

225 Exercise of powers.

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

230 ARTICLE II

231 GOVERNMENTAL STRUCTURE

232 SECTION 2.01.

233 City council creation; number; election.

234 The legislative authority of the government of this city, except as otherwise specifically  
 235 provided in this charter, shall be vested in a city council to be composed of a mayor and

236 six councilmembers. The city council established shall in all respects be a successor to and  
 237 continuation of the governing authority under prior law. The mayor and councilmembers  
 238 shall be elected in the manner provided by general law and this charter.

239 SECTION 2.02.

240 Mayor or city council terms and qualifications for office.

241 The mayor and members of the city council shall be elected by the voters of the city at  
 242 large and shall serve a term of four years and until their respective successors are elected  
 243 and qualified. No person shall be eligible to serve as mayor or councilmember unless that  
 244 person shall have been a resident of the city for 12 months prior to the date of election of  
 245 the mayor or member of the council and be registered and qualified to vote in municipal  
 246 elections of this city. Each shall continue to reside in the city during that person's period  
 247 of service and be registered and qualified to vote in municipal elections of this city. No  
 248 person shall be eligible to qualify as a candidate for the office of mayor or councilmember  
 249 while holding any other elective public office nor while a candidate for nomination or  
 250 election to any other public office. No person shall be eligible to qualify as a candidate for  
 251 the office of mayor or councilmember while indebted to the city for delinquent property  
 252 taxes, water, sewer, or garbage collection fees, fines, or any other delinquent indebtedness  
 253 of any kind. After election to the office of mayor or council, any officer indebted to the  
 254 city for property taxes, water, sewer, or garbage collection fees, fines, or any other  
 255 indebtedness of any kind which is six months past due shall be disqualified to serve; and  
 256 the office may, in the discretion of the remaining members of the council, be declared  
 257 vacant, and the vacancy filled as provided in Section 2.03 of this charter.

258 SECTION 2.03.

259 Vacancy; filling of vacancies.

260 (a) The office of mayor or councilmember shall become vacant upon the incumbent's death  
 261 or resignation or the occurrence of any event specified by the Constitution of the State of  
 262 Georgia, Title 45 of the O.C.G.A., or such other applicable laws as are or may hereafter be  
 263 enacted.  
 264 (b) Should the mayor or any member of council fail or refuse to perform the duties of his  
 265 or her office for a period of three consecutive months, or should any officer-elect refuse to  
 266 qualify, the office may be, in the discretion of the remaining members of the council,  
 267 declared vacant, and the vacancy filled as provided in subsection (c) of this section. Failure



268 to perform duties of an office shall include, but not be limited to, the failure to attend  
269 council meetings, both regular and special, for three months in succession.

270 (c) A vacancy in the office of mayor or councilmember shall be filled for the remainder  
271 of the unexpired term, if any, by appointment by the council if less than 12 months remain  
272 in the unexpired term, otherwise by an election, as provided for in Section 5.05 of this  
273 charter and in accordance with Titles 21 and 45 of the O.C.G.A., or other such laws as are  
274 or may hereafter be enacted.

275 SECTION 2.04.

276 Compensation and expenses.

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

279 SECTION 2.05.

280 Holding other office; voting when financially interested.

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

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

285 (c) Neither the mayor nor any member of the city council shall vote upon, sign, preside  
286 during discussions of, or veto any ordinance, resolution, contract, or other matter in which  
287 that person is financially interested. "Financially interested" shall mean that the interested  
288 person will directly or indirectly receive a personal financial benefit, accruing to such  
289 person individually or to any corporation, company, or entity in which the person has an  
290 interest as sole owner, partner, shareholder, or other ownership interest or in which the  
291 person is an officer or director, and which does not provide a similar financial benefit to  
292 the general population of the city or to a substantial segment of the general population. An  
293 ownership interest as partner, shareholder, or other similar interest shall not disqualify the  
294 interested person unless it exceeds 1 percent of the total ownership of the partnership,  
295 corporation, company, or other entity.

296 (d) Neither the mayor nor any member of the city council shall vote upon, sign, preside  
297 during discussions of, or veto any ordinance, resolution, contract, or other matter in which  
298 that person's family member is financially interested or which directly involves that  
299 person's family member in connection with any zoning, condemnation, license, permit,  
300 fines, penalties, claims, petitions, appeals, or other matters in which the family member is

301 subject to some action by the city or is seeking some private remedy from the city which  
302 does not directly involve the general population of the city or a substantial segment of the  
303 general population. The mayor or councilmember whose family member is interested in  
304 any action as provided in this section shall disclose the nature and extent of any such  
305 relationship and interest to the city council and refrain from voting on such action,  
306 engaging in council discussions thereof, presiding during discussions thereof, or otherwise  
307 seeking to influence the outcome of such action. "Family member" shall mean the spouse,  
308 parent, brother, sister, child, grandparent, grandchild, uncle, aunt, nephew, niece, first  
309 cousin, or second cousin, whether by blood or by marriage.

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

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

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

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

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

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

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

335 (f) Any elected official, appointed officer, or employee who shall have any financial  
336 interest, directly or indirectly, in any contract or matter pending before or within any  
337 department of the city shall disclose such interest to the city council. The mayor or any

338 councilmember who has a financial interest in any matter pending before the city council  
 339 shall disclose such interest and such disclosure shall be entered on the records of the city  
 340 council, and that official shall disqualify himself or herself from participating in any  
 341 decision or vote relating thereto. Any elected official, appointed officer, or employee of  
 342 any agency or political entity to which this charter applies who shall have any financial  
 343 interest, directly or indirectly, in any contract or matter pending before or within such  
 344 entity shall disclose such interest to the governing body of such agency or entity.

345 (g) No elected official, appointed officer, or employee of the city or any agency or entity  
 346 to which this charter applies shall use property owned by such governmental entity for  
 347 personal benefit or profit but shall use such property only in their capacity as an officer or  
 348 employee of the city.

349 (h) Any violation of this section which occurs with the knowledge, express or implied, of  
 350 a party to a contract or sale shall render said contract or sale voidable at the option of the  
 351 city council.

352 (i) Except where specifically authorized by law, neither the mayor nor any councilmember  
 353 shall hold any other elective or appointive office in the city or otherwise be employed by  
 354 said government or any agency thereof during the term for which that official was elected.

355 (j) No employee of the city shall continue in such employment upon election to any public  
 356 office in this city or any other public office which is inconsistent, incompatible, or in  
 357 conflict with the duties of the city employee. Such determination shall be made by the city  
 358 council either immediately upon election or at any time such conflict may arise.

359 (k)(1) Any city officer or employee who knowingly conceals such financial interest or  
 360 knowingly violates any of the requirements of this section shall be guilty of malfeasance  
 361 in office or position and shall be subject to forfeiture of that person's office or position.

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

## 366 SECTION 2.06.

### 367 Inquiries and investigations.

368 Following the adoption of an authorizing resolution, the city council may make inquiries  
 369 and investigations into the affairs of the city and conduct of any department, office, or  
 370 agency thereof and for this purpose may subpoena witnesses, administer oaths, take  
 371 testimony, and require the production of evidence. Any person who fails or refuses to obey

372 a lawful order issued in the exercise of these powers by the city council shall be punished  
373 as provided by ordinance.

374 SECTION 2.07.

375 General power and authority of the city council.

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

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

385 SECTION 2.08.

386 Eminent domain.

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

395 SECTION 2.09.

396 Organizational meetings.

397 The city council shall hold an organizational meeting at the first regular meeting following  
398 each municipal general election. The meeting shall be called to order by the city clerk or,  
399 in the absence of a city clerk, by the mayor or mayor elect and the oath of office shall be  
400 administered to the newly elected members by a judicial officer or notary public authorized  
401 to administer oaths. The oath shall be as follows:

402 I do solemnly (swear) (affirm) that I will faithfully perform the duties of (mayor)  
403 (councilmember) of this city and that I will support and defend the charter thereof as  
404 well as the constitution and laws of the State of Georgia and the United States of  
405 America. I am not the holder of any unaccounted for public money due this state or any  
406 political subdivision or authority thereof. I am not the holder of any office of trust  
407 under the government of the United States, any other state, or any foreign state which  
408 I by the laws of the State of Georgia am prohibited from holding. I am otherwise  
409 qualified to hold said office according to the Constitution and laws of Georgia. I have  
410 been a resident of the City of Alamo for the time required by the Constitution and laws  
411 of this state and by the municipal charter to qualify for this office. I will perform the  
412 duties of my office in the best interest of the City of Alamo to the best of my ability  
413 without fear, favor, affection, reward, or expectation thereof.'

414 SECTION 2.10.

415 Regular and special meetings.

- 416 (a) The city council shall hold regular meetings at such times and places as shall be  
417 prescribed by ordinance.
- 418 (b) Special meetings of the city council may be held on call of the mayor or two members  
419 of the city council. Notice of such special meetings shall be served on all other members  
420 personally, or by telephone personally, at least 48 hours in advance of the meeting. Such  
421 notice to councilmembers shall not be required if the mayor and all councilmembers are  
422 present when the special meeting is called. Such notice of any special meeting may be  
423 waived by a councilmember in writing before or after such a meeting, and attendance at the  
424 meeting shall also constitute a waiver of notice on any business transacted in such  
425 councilmember's presence except where the councilmember attends a meeting for the  
426 express purpose of objecting to the transaction of any business because the meeting is not  
427 lawfully called or convened. Only the business stated in the call may be transacted at the  
428 special meeting unless the councilmembers present at such meeting (other than the mayor)  
429 unanimously agree to consider other matters.
- 430 (c) All meetings of the city council shall be public to the extent required by law and notice  
431 to the public of special meetings shall be made fully as is reasonably possible as provided  
432 by Chapter 14 of Title 50 of the O.C.G.A., or other such applicable laws as are or may  
433 hereafter be enacted.

434 SECTION 2.11.

435 Rules of procedure.

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

439 (b) All committees and committee chairpersons and officers of the city council shall be  
440 appointed by the council and shall serve at the pleasure of the council. The council shall  
441 have the power to appoint new members to any committee at any time.

442 SECTION 2.12.

443 Quorum; voting.

444 The mayor or the mayor pro tempore and four councilmembers shall constitute a quorum  
445 and shall be authorized to transact business of the city council. Voting on the adoption of  
446 ordinances shall be by voice vote and the vote shall be recorded in the journal or minutes,  
447 but the presiding officer or any member of the city council shall have the right to request  
448 a roll-call vote and such vote shall be recorded in the journal or minutes. Except as  
449 otherwise provided in this charter, so long as a quorum is present, the affirmative vote of  
450 a majority of those councilmembers present and voting shall be required for the adoption  
451 of any ordinance, resolution, or motion. An abstention shall not be counted as a vote,  
452 either for or against adoption. The mayor shall have the right to vote so as to decide the  
453 question in the event of a tie vote, but not otherwise. The mayor pro tempore, while acting  
454 as such in the mayor's absence, shall have the right to vote so as to decide the question in  
455 the event of a tie vote, but not otherwise.

456 SECTION 2.13.

457 Ordinance form; procedures.

458 (a) Every proposed ordinance shall be introduced in writing. No ordinance shall contain  
459 a subject which is not expressed in its title. The enacting clause shall be 'It is hereby  
460 ordained by the governing authority of the City of Alamo' and every ordinance shall so  
461 begin.

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

466 for emergency ordinances provided in Section 2.15 of this charter. Upon introduction of  
467 any ordinance, the clerk shall within five working days distribute a copy to the mayor and  
468 to each councilmember and shall file a reasonable number of copies in the office of the  
469 clerk and at such other public places as the city council may designate.

470 SECTION 2.14.

471 Action requiring an ordinance.

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

474 SECTION 2.15.

475 Emergencies.

476 (a) To meet a public emergency affecting life, health, property, or public peace, the city  
477 council may convene on call of the mayor or two councilmembers and promptly adopt an  
478 emergency ordinance, but such ordinance may not levy taxes; grant, renew, or extend a  
479 franchise; regulate the rate charged by any public utility for its services; or authorize the  
480 borrowing of money except for loans to be repaid within 30 days. An emergency  
481 ordinance shall be introduced in the form prescribed for ordinances generally, except that  
482 it shall be plainly designated as an emergency ordinance and shall contain, after the  
483 enacting clause, a declaration stating that an emergency exists, and describing the  
484 emergency in clear and specific terms. An emergency ordinance may be adopted, with or  
485 without amendment, or rejected at the meeting at which it is introduced, but the affirmative  
486 vote of a majority of those councilmembers present and voting shall be required for  
487 adoption as provided in Section 2.12 of this charter. The mayor and mayor pro tempore  
488 shall have the right to vote as provided in Section 2.12 of this charter. The emergency  
489 ordinance shall become effective upon adoption or at such later time as it may specify.  
490 Every emergency ordinance shall automatically stand repealed 30 days following the date  
491 upon which it was adopted, but this shall not prevent reenactment of the ordinance in the  
492 manner specified in this section if the emergency still exists. An emergency ordinance may  
493 also be repealed by adoption of a repealing ordinance in the same manner specified in this  
494 section for adoption of emergency ordinances.

495 (b) Such meetings shall be open to the public to the extent required by law and notice to  
496 the public of emergency meetings shall be made as fully as reasonably possible in  
497 accordance with Chapter 14 of Title 50 of the O.C.G.A. or such other applicable laws as  
498 are or may hereafter be enacted.

499

## SECTION 2.16.

500

Codes of technical regulations.

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

504 (1) The requirements of subsection (b) of Section 2.13 of this charter for distribution and  
505 filing of copies of the ordinance shall be construed to include the adopting ordinance but  
506 shall only require that the code of technical regulations be made available for review in  
507 the office of the city clerk; and

508 (2) A copy of each adopted code of technical regulations, as well as the adopting  
509 ordinance, shall be authenticated and recorded by the clerk pursuant to Section 2.17 of  
510 this charter.

511 (b) Any adopted code of technical regulations shall be made available by the clerk for  
512 inspection by the public.

513

## SECTION 2.17.

514

Signing; authenticating; recording; codification; printing.

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

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

525 (c) The city council shall cause each ordinance and each amendment to this charter to be  
526 printed promptly following its adoption, and the printed ordinances and charter  
527 amendments shall be made available for purchase by the public at reasonable prices to be  
528 fixed by the city council. Following publication of the first code under this charter and at  
529 all times thereafter, the ordinances and charter amendments shall be printed in substantially  
530 the same style as the code currently in effect and shall be printed for incorporation therein.  
531 The city council shall make such further arrangements as deemed desirable with respect



532 to reproduction and distribution of any current changes in or additions to codes of technical  
533 regulations and other rules and regulations included in the code.

534 SECTION 2.18.

535 Election of mayor; forfeiture; compensation.

536 The mayor shall be elected and serve for a term of four years and until a successor is  
537 elected and qualified. The mayor shall be a qualified elector of this city and shall have  
538 been a resident of the city 12 months preceding the election. The mayor shall continue to  
539 reside in this city during the period of service. The mayor shall forfeit the office on the  
540 same grounds and under the same procedure as for councilmembers. The compensation  
541 of the mayor shall be established in the same manner as for councilmembers.

542 SECTION 2.19.

543 Powers and duties of mayor.

544 The mayor shall:

- 545 (1) Preside at all meetings of the city council;  
546 (2) Be the head of the city for the purpose of service of process and for ceremonial  
547 purposes, and be an official spokesperson for the city and an advocate of policy;  
548 (3) Have power to administer oaths and to take affidavits;  
549 (4) Sign as a matter of course on behalf of the city all written and approved contracts,  
550 ordinances, and other instruments executed by the city which by law are required to be  
551 in writing;  
552 (5) Vote so as to decide the question in the event of a tie vote, but not otherwise;  
553 (6) Assist the city manager to prepare and submit to the city council a recommended  
554 annual operating budget and recommended capital budget; and  
555 (7) Fulfill such other executive and administrative duties as the city council shall by  
556 ordinance establish.

557 SECTION 2.20.

558 Mayor pro tempore; selection; duties.

559 By a majority vote, the city council shall elect a councilmember to serve as mayor pro  
560 tempore each year who shall serve at the pleasure of city council. Except when presiding  
561 at a meeting or acting as mayor, the mayor pro tempore shall continue to vote and  
562 otherwise participate as a councilmember. Upon the mayor's physical or mental disability,  
563 disqualification, suspension from office, or absence for any cause, the mayor pro tempore

564 shall preside at all meetings of the city council and shall assume the duties and powers of  
 565 the mayor. During the mayor's physical or mental disability, disqualification, suspension  
 566 from office, or absence for any cause, the mayor pro tempore shall be clothed with all the  
 567 rights, powers, and privileges of the mayor and shall perform the duties of the office of the  
 568 mayor so long as such absence, disqualification, suspension, or disability shall continue.  
 569 The mayor pro tempore shall sign all contracts and ordinances in which the mayor has a  
 570 disqualifying financial interest as provided in Section 2.05 of this charter. When acting as  
 571 mayor, the mayor pro tempore shall continue to have only one vote as a member of the  
 572 council. The city council by a majority vote shall elect a new presiding officer from among  
 573 its members for any period in which the mayor pro tempore is disabled, disqualified, or  
 574 absent. Any such absence or disability of the mayor or mayor pro tempore shall be  
 575 declared by majority vote of all councilmembers.

### 576 ARTICLE III

#### 577 ADMINISTRATIVE AFFAIRS

##### 578 SECTION 3.01.

##### 579 Administrative and service departments.

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

599 discipline, suspension, and termination of officers, department heads, and employees, and  
600 the filing of grievances and appeals by such personnel.

601 SECTION 3.02.

602 Boards, commissions, and authorities.

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

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

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

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

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

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

622 (g) All board members serve at will and may be removed at any time by a majority vote  
623 of the city council as provided in Section 2.12 of this charter, unless otherwise provided  
624 by law.

625 (h) Except as otherwise provided by this charter or by law, each board, commission, or  
626 authority of the city shall elect one of its members as chairperson and one member as vice  
627 chairperson and may elect as its secretary one of its own members or may appoint as  
628 secretary an employee of the city. Each board, commission, or authority of the city  
629 government may establish such bylaws, rules, and regulations, not inconsistent with this  
630 charter, ordinances of the city, or law, as it deems appropriate and necessary for the  
631 fulfillment of its duties or the conduct of its affairs. Copies of such bylaws, rules, and  
632 regulations shall be filed with the clerk of the city.

633 SECTION 3.03.

634 City attorney.

635 The city council shall appoint each year a city attorney, together with such assistant city  
 636 attorneys as may be authorized, and shall provide for the payment of such attorney or  
 637 attorneys for services rendered to the city. The city attorney shall be responsible for  
 638 providing for the representation and defense of the city in all litigation in which the city is  
 639 a party; may be the prosecuting officer in the municipal court; shall attend the meetings of  
 640 the council as directed; shall advise the city council, mayor, and other officers and  
 641 employees of the city concerning legal aspects of the city's affairs; and shall perform such  
 642 other duties as may be required by virtue of the person's position as city attorney.

643 SECTION 3.04.

644 City clerk.

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

648 If the position of city manager is vacant, the city council shall be authorized to appoint the  
 649 city clerk as temporary city manager for such time period as city council shall determine.

650 SECTION 3.05.

651 Employees at will.

652 All employees serve at will and may be removed from office at any time unless otherwise  
 653 provided by ordinance.

654 SECTION 3.06.

655 City manager.

656 (a) The city council, in its sole discretion, may name a city manager to administer the  
 657 day-to-day operations of the city, subject to direction from the city council. The city  
 658 manager shall be selected on the basis of his or her executive and administrative  
 659 qualifications and need not be a resident of the City of Alamo. The mayor and city council  
 660 members of the City of Alamo shall be ineligible to serve as city manager during their  
 661 respective terms of office.

662 (b) The city manager shall be appointed for an indefinite term, and the manager may be  
 663 removed at any time by a majority vote of the city council with or without cause. The city  
 664 council shall fix the city manager's compensation.

665 (c) The city manager may also be the clerk, treasurer and recorder, or any one or more of  
 666 such officers as may be authorized by city council.

667 (d) Before any city manager shall be qualified, he or she shall give a surety bond payable  
 668 to the city in such amount as city council shall deem appropriate to secure and indemnify  
 669 the city by reason of his or her default, misfeasance, or nonfeasance in the performance of  
 670 his or her duties, and shall be required to take the same oath as provided for  
 671 councilmembers.

672 SECTION 3.07.

673 Acting city manager.

674 By letter filed with the city clerk, the city manager may designate, subject to approval of  
 675 the city council, a qualified city administrative officer to exercise the powers and perform  
 676 the duties of city manager during the city manager's temporary absence. During such  
 677 absence, the city council may revoke such designation at any time and appoint another  
 678 officer of the city to serve until the city manager shall return.

679 SECTION 3.06.

680 Powers and duties of the city manager.

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

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

691 (2) Direct and supervise the administration of all departments, offices, and agencies of  
 692 the city, except as otherwise provided by this charter, by law or by ordinances or policies  
 693 approved by city council;

- 694 (3) Attend all city council meetings except for closed meetings held for the purposes of  
 695 deliberating on the appointment, discipline, or removal of the city manager and have the  
 696 right to take part in discussion but not vote;
- 697 (4) See that all laws, provisions of this charter, and acts of the city council, subject to  
 698 enforcement by the city manager or by officers subject to the city manager's direction and  
 699 supervision, are faithfully executed;
- 700 (5) Prepare and submit to the city council a recommended annual operating budget and  
 701 recommended capital budget;
- 702 (6) Submit to the city council and make available to the public a complete report on the  
 703 finances and administrative activities of the city as of the end of each fiscal year;
- 704 (7) Make such other reports as the city council may require concerning the operations  
 705 of city departments, offices, and agencies subject to the city manager's direction and  
 706 supervision;
- 707 (8) Keep the city council fully advised as to the financial condition and future needs of  
 708 the city, and make such recommendations to the city council concerning the affairs of the  
 709 city as the city manager deems desirable; and
- 710 (9) Perform other such duties as are specified in this charter or as may be required by the  
 711 city council.

712 SECTION 3.07.

713 Council interference with administration.

714 Except for the purpose of inquiries and investigations under Section 2.06 of this charter,  
 715 the city council or its members shall deal with city officers and employees who are subject  
 716 to the direction and supervision of the city manager solely through the city manager, and  
 717 neither the city council nor its members shall give orders to any such officer or employee,  
 718 either publicly or privately.

719 ARTICLE IV

720 JUDICIAL BRANCH

721 SECTION 4.01.

722 Creation; name.

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

## 724 SECTION 4.02.

725 Chief judge; associate judge.

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

728 (b) No person shall be qualified or eligible to serve as a judge on the municipal court  
729 unless that person shall be licensed to practice law in the State of Georgia and an active  
730 member in good standing of the State Bar of Georgia and shall possess all other  
731 qualifications required by law.

732 (c) All judges shall be appointed by the city council and shall receive such compensation  
733 as fixed by ordinance of the city council.

734 (d) Judges shall serve a minimum term of one year and until a successor is appointed  
735 unless earlier removed as provided by law.

736 (e) Before assuming office, each judge shall take an oath, given by the mayor or mayor pro  
737 tempore, that the judge will honestly and faithfully discharge the duties of the office to the  
738 best of that person's ability and without fear, favor, or partiality. The oath shall be entered  
739 upon the minutes of the city council journal required in Section 2.11 of this charter.

## 740 SECTION 4.03.

741 Convening

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

## 743 SECTION 4.04.

744 Jurisdiction; powers.

745 (a) The municipal court shall have the power to enforce ordinances of the city and, to the  
746 extent permitted by the Constitution and the general laws of the State of Georgia, to  
747 enforce the laws of this state; to try and punish violations of this charter, all city  
748 ordinances, and such other violations as provided by law; and to hear and determine all  
749 other matters committed to such court by ordinance or by law.

750 (b) The municipal court shall have authority to punish those in its presence for contempt,  
751 provided that such punishment shall not exceed a fine of \$200.00 or ten days in jail, or both  
752 such fine and incarceration, for each separate offense.

753 (c) The municipal court may fix punishment for offenses within its jurisdiction not  
754 exceeding a fine of \$1,000.00 or imprisonment for more than six months, or both such fine

755 and imprisonment, or may fix punishment by fine, imprisonment, or alternative sentencing  
756 as now or hereafter provided by law.

757 (d) The municipal court shall have authority to establish a schedule of fees to defray the  
758 cost of operation of such court and to reimburse the city for the cost of prisoners' meals,  
759 transportation, medical costs, confinement, and other expenses of taking care of prisoners,  
760 including, but not limited to, those bound over to superior courts for violations of state law.

761 (e) The municipal court shall have authority to establish bail and recognizance to ensure  
762 the presence of those charged with violations before such court and shall have discretionary  
763 authority to accept cash or personal or real property as surety for the appearance of persons  
764 charged with violations. Whenever any person shall give bail for that person's appearance  
765 and shall fail to appear at the time fixed for trial, the bond shall be forfeited in the  
766 following manner:

767 (1) Any person charged with a violation of an ordinance or other offense against the  
768 municipality who gives a cash bond for his or her personal appearance in court at a  
769 designated time and place and who fails to appear at said time and place shall forfeit the  
770 cash bond upon the call of the case for trial. It shall not be necessary for the municipality  
771 to take any further action to forfeit the cash bond. Forfeiture of a cash bond shall not be  
772 a bar to a subsequent prosecution of the accused for the violation; and

773 (2) In all other cases, whenever any person shall give bail for that person's appearance  
774 and shall fail to appear at the time fixed for trial, the bond shall be forfeited by the judge  
775 presiding at such time, and an execution issued thereon in accordance with the procedures  
776 set forth in Article 3 of Chapter 6 of Title 17 of the O.C.G.A., as now or hereafter  
777 amended.

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

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

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



788 SECTION 4.05.

789 Certiorari.

790 The right of certiorari from the decision and judgment of the municipal court shall exist in  
791 all criminal cases and ordinance violation cases, and such certiorari shall be obtained under  
792 the sanction of a judge of the Superior Court of Wheeler County under the laws of the State  
793 of Georgia regulating the granting and issuance of writs of certiorari.

794 SECTION 4.06.

795 Rules of court.

796 With the approval of the city council, the judge shall have full power and authority to make  
797 reasonable rules and regulations necessary and proper to ensure the efficient and successful  
798 administration of the municipal court; provided, however, that the city council may adopt  
799 in part or in toto the rules and regulations applicable to municipal courts. The rules and  
800 regulations made or adopted shall be filed with the city clerk, shall be available for public  
801 inspection, and, upon request, a copy shall be furnished to all defendants in municipal court  
802 proceedings at least 48 hours prior to said proceedings.

803 ARTICLE V

804 ELECTIONS AND REMOVAL

805 SECTION 5.01.

806 Applicability of general law.

807 Voters shall be registered and all elections shall be held and conducted in accordance with  
808 Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter  
809 amended.

810 SECTION 5.02.

811 Election of the mayor and city council.

812 (a) On the Tuesday next following the first Monday in November, 2019, an election shall  
813 be held for the election of the mayor and those three councilmembers whose terms will  
814 expire at the end of 2019. At such election, the candidate for mayor receiving the highest  
815 number of votes shall be elected by plurality vote. At such election, the three candidates  
816 for council receiving the highest number of votes shall be elected by plurality vote. The

817 mayor and councilmembers elected at such election shall serve terms of four years as  
818 provided in Section 2.02 of this charter.

819 (b) On the Tuesday next following the first Monday in November 2021, an election shall  
820 be held for the election of those three councilmembers whose terms will expire at the end  
821 of 2021. At such election, the three candidates for council receiving the highest number  
822 of votes shall be elected by plurality vote. The councilmembers elected at such election  
823 shall serve terms of four years as provided in Section 2.02 of this charter.

824 (c) Thereafter, a municipal general election shall be held biennially in odd-numbered years  
825 on the Tuesday next following the first Monday in November of each such year for the  
826 purpose of electing candidates for mayor and councilmembers, or councilmembers only,  
827 whose terms will expire at the end of such year.

828 (d) The term of office of each candidate so elected shall begin on January 1 next following  
829 the November election.

830 SECTION 5.03.

831 Nonpartisan elections.

832 Elections for city offices shall be nonpartisan. Political parties shall not conduct primaries  
833 for city offices and all names of candidates for city offices shall be listed without party  
834 designations.

835 SECTION 5.04.

836 Election by plurality.

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

838 SECTION 5.05.

839 Special elections; vacancies.

840 In the event that the office of mayor or councilmember shall become vacant as provided  
841 in Section 2.03 of this charter, the city council or those remaining shall order a special  
842 election to fill the balance of the unexpired term of such official; provided, however, that,  
843 if such vacancy occurs within 12 months of the expiration of the term of that office, the city  
844 council or those remaining shall appoint a successor for the remainder of the term. In all  
845 other respects, the special election shall be held and conducted in accordance with  
846 Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter  
847 amended.

848 SECTION 5.06.

849 Other provisions.

850 Except as otherwise provided in this charter, the city council shall, by ordinance, prescribe  
851 such rules and regulations as it deems appropriate to fulfill any duties and any discretionary  
852 or optional provisions under Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia Election  
853 Code'.

854 SECTION 5.07.

855 Removal of officers.

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

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

861 (1) Following a hearing at which an impartial panel, selected by the mayor and the  
862 council, shall render a decision. In the event an elected officer is sought to be removed  
863 by the action of the city council, such officer shall be entitled to a written notice  
864 specifying the ground or grounds for removal and to a public hearing which shall be held  
865 not less than ten days after the service of such written notice. The city council shall  
866 provide by ordinance for the manner of selecting the impartial panel and the manner in  
867 which such hearings shall be held. Any elected officer sought to be removed from office  
868 as provided in this section shall have the right of appeal from the decision of the city  
869 council to the Superior Court of Wheeler County. Such appeal shall be governed by the  
870 same rules as govern appeals to the superior court from the probate court; or

871 (2) By writ of quo warranto, recall petition, or such other means as may be prescribed  
872 by general law.

873 ARTICLE VI

874 FINANCE

875 SECTION 6.01.

876 Property tax.

877 The city council may assess, levy, and collect an ad valorem tax on all real and personal  
878 property within the corporate limits of the city that is subject to such taxation by the state  
879 and county. This tax is for the purpose of raising revenues to defray the costs of operating

880 the city government, of providing governmental services, for the repayment of principal  
881 and interest on general obligations, and for any other public purpose as determined by the  
882 city council at its discretion.

883 SECTION 6.02.

884 Millage rate; due dates; payment methods.

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

889 SECTION 6.03.

890 Occupation and business taxes.

891 The city council by ordinance shall have the power to levy such occupation or business  
892 taxes as are not denied by law. The city council may classify businesses, occupations, or  
893 professions for the purpose of such taxation in any way which may be lawful and may  
894 compel the payment of such taxes as provided in Section 6.09 of this charter.

895 SECTION 6.04.

896 Regulatory fees; permits.

897 The city council by ordinance shall have the power to require businesses or practitioners  
898 doing business within this city to obtain a permit for such activity from the city and pay a  
899 reasonable regulatory fee for such permit as provided in general law or otherwise fixed by  
900 council. Such fees shall reflect the total cost to the city of regulating the activity and, if  
901 unpaid, shall be collected as provided in Section 6.09 of this charter.

902 SECTION 6.05.

903 Franchises.

904 (a) The city council shall have the power to grant franchises for the use of this city's streets  
905 and alleys for the purposes of railroads, street railways, telephone companies, electric  
906 companies, electric membership corporations, cable television and other  
907 telecommunications companies, gas companies, transportation companies, and other  
908 similar organizations. The city council shall determine the duration, terms, whether the

909 same shall be exclusive or nonexclusive, and the consideration for such franchises;  
 910 provided, however, that no franchise shall be granted for a period in excess of 35 years, and  
 911 no franchise shall be granted unless the city receives just and adequate compensation  
 912 therefor. The city council may provide for the registration of all franchises with the city  
 913 clerk in a registration book kept by the clerk. The city council may provide by ordinance  
 914 for the registration within a reasonable time of all franchises previously granted.

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

920 SECTION 6.06.

921 Service charges.

922 The city council by ordinance shall have the power to assess and collect fees, charges, and  
 923 tolls for sewers, sanitary and health services, garbage and refuse collection, or any other  
 924 services provided or made available within and outside the corporate limits of the city for  
 925 the total cost to the city of providing, maintaining, or making available such services. If  
 926 unpaid, such charges shall be collected as provided in Section 6.09 of this charter.

927 SECTION 6.07.

928 Special assessments.

929 The city council by ordinance shall have the power to assess and collect the cost of  
 930 constructing, reconstructing, widening, or improving any public way, street, sidewalk,  
 931 curbing, gutters, sewers, or other utility mains and appurtenances from the abutting  
 932 property owners under such terms and conditions as are reasonable. If unpaid, such  
 933 charges shall be collected as provided in Section 6.09 of this charter.

934 SECTION 6.08.

935 Construction; other taxes and fees.

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

## 939 SECTION 6.09.

## 940 Collection of delinquent taxes and fees.

941 The city council, by ordinance, may provide generally for the collection of delinquent  
942 taxes, fees, or other revenue due the city under Sections 6.01 through 6.08 of this charter  
943 by whatever reasonable means as are not precluded by law. This shall include providing  
944 for the dates when the taxes or fees are due; late penalties or interest; issuance and  
945 execution of fi.fa.'s; creation and priority of liens; making delinquent taxes and fees  
946 personal debts of the persons required to pay the taxes or fees imposed; revoking city  
947 permits for failure to pay any city taxes or fees; and providing for the assignment or  
948 transfer of tax executions.

## 949 SECTION 6.10.

## 950 General obligation bonds.

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

## 955 SECTION 6.11.

## 956 Revenue bonds.

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

## 960 SECTION 6.12.

## 961 Short term loans.

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

## 964 SECTION 6.13.

## 965 Lease-purchase contracts.

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

## 973 SECTION 6.14.

## 974 Fiscal year.

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

## 978 SECTION 6.15.

## 979 Preparation of budgets.

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

## 984 SECTION 6.16.

## 985 Submission of operating budget to city council.

986 On or before a date fixed by the city council but not later than 60 days prior to the  
987 beginning of each fiscal year, the mayor and city manager shall submit to the city council  
988 a proposed operating budget for the ensuing fiscal year. The budget shall be accompanied  
989 by a message from the mayor or city manager, or both, containing a statement of the  
990 general fiscal policies of the city, the important features of the budget, explanations of  
991 major changes recommended for the next fiscal year, a general summary of the budget, and  
992 such other pertinent comments and information as the mayor and city manager deem  
993 appropriate. The operating budget and the capital budget provided for in Section 6.19 of

994 this charter, the budget message, and all supporting documents shall be filed in the office  
995 of the city clerk and shall be open to public inspection.

996 SECTION 6.17.

997 Action by city council on budget.

998 (a) The city council may amend the operating budget proposed by the mayor and city  
999 manager; except, that the budget as finally amended and adopted shall provide for all  
1000 expenditures required by state law or by other provisions of this charter and for all debt  
1001 service requirements for the ensuing fiscal year, and the total appropriations from any fund  
1002 shall not exceed the estimated fund balance, reserves, and revenues.

1003 (b) The city council by ordinance shall adopt the final operating budget for the ensuing  
1004 fiscal year not later than the last day of the current fiscal year. If the city council fails to  
1005 adopt the budget by this date, the amounts appropriated for operation for the current fiscal  
1006 year shall be deemed adopted for the ensuing year on a month-to-month basis, with all  
1007 items prorated accordingly until such time as the city council adopts a budget for the  
1008 ensuing fiscal year. Adoption of the budget shall take the form of an appropriations  
1009 ordinance setting out the estimated revenues in detail by sources and making appropriations  
1010 according to fund and by organizational unit, purpose, or activity as set out in the budget  
1011 preparation ordinance adopted pursuant to Section 6.15 of this charter.

1012 (c) The city council shall levy by ordinance such taxes as are necessary. The taxes and tax  
1013 rates set by such ordinance shall be such that reasonable estimates of revenues from such  
1014 levy shall at least be sufficient, together with other anticipated revenues, fund balances and  
1015 applicable reserves, to equal the total amount appropriated for each of the several funds set  
1016 forth in the annual operating budget for defraying the expenses of the general government  
1017 of this city.

1018 SECTION 6.18.

1019 Changes in appropriations.

1020 The city council by ordinance may make changes in the appropriations contained in the  
1021 current operating budget at any regular meeting or special or emergency meeting called for  
1022 such purpose.



## 1023 SECTION 6.19.

## 1024 Capital budget.

1025 (a) On or before the date fixed by the city council but no later than 60 days prior to the  
 1026 beginning of each fiscal year, the mayor and city manager shall submit to the city council  
 1027 a proposed capital improvements plan with a recommended capital budget containing the  
 1028 means of financing the improvements proposed for the ensuing fiscal year. The city  
 1029 council shall have the power to accept, with or without amendments, or reject the proposed  
 1030 plan and proposed budget. The city council shall not authorize an expenditure for the  
 1031 construction of any building, structure, work, or improvement, unless the appropriations  
 1032 for such project are included in the capital budget, except to meet a public emergency as  
 1033 provided in Section 2.15 of this charter.

1034 (b) The city council shall adopt by ordinance the final capital budget for the ensuing fiscal  
 1035 year not later than the last day of the current fiscal year. No appropriation provided for in  
 1036 a prior capital budget shall lapse until the purpose for which the appropriation was made  
 1037 shall have been accomplished or abandoned; provided, however, that the mayor and city  
 1038 manager may submit amendments to the capital budget at any time during the fiscal year,  
 1039 accompanied by recommendations. Any such amendments to the capital budget shall  
 1040 become effective only upon adoption by ordinance.

## 1041 SECTION 6.20.

## 1042 Independent audit.

1043 There shall be an annual independent audit of all the city accounts, funds, and financial  
 1044 transactions by a certified public accountant selected by the city council. The audit shall  
 1045 be conducted according to generally accepted auditing principles. Any audit of any funds  
 1046 by the state or federal governments may be accepted as satisfying the requirements of this  
 1047 charter. Copies of annual audit reports shall be available at printing costs to the public.

## 1048 SECTION 6.21.

## 1049 Contracting procedures.

1050 No contract with the city shall be binding on the city unless:

- 1051 (1) It is in writing;
- 1052 (2) It is made or authorized by the city council and such approval is entered in the city  
 1053 council journal of proceedings pursuant to Section 2.12 of this charter; and
- 1054 (3) It is signed by the mayor or the mayor pro tempore.

1055 SECTION 6.22.

1056 Sale and lease of city property.

1057 (a) The city council may sell and convey or lease any real or personal property owned or  
1058 held by the city for governmental or other purposes as now or hereafter provided by law.

1059 (b) The city council may quitclaim any rights it may have in property not needed for public  
1060 purposes upon report by the mayor or city manager and adoption of a resolution, both  
1061 finding that the property is not needed for public or other purposes and that the interest of  
1062 the city has no readily ascertainable monetary value.

1063 (c) Whenever in opening, extending, or widening any street, avenue, alley, or public place  
1064 of the city, a small parcel or tract of land is cut-off or separated by such work from a larger  
1065 tract or boundary of land owned by the city, the city council may authorize the mayor or  
1066 city manager to sell and convey such cut-off or separated parcel or tract of land to an  
1067 abutting or adjoining property owner or owners where such sale and conveyance facilitates  
1068 the enjoyment of the highest and best use of the abutting owner's property. Included in the  
1069 sales contract shall be a provision for the rights of way of such street, avenue, alley, or  
1070 public place. Each abutting property owner shall be notified of the availability of the  
1071 property and given the opportunity to purchase such property under such terms and  
1072 conditions as set out by ordinance. All deeds and conveyances heretofore and hereafter so  
1073 executed and delivered shall convey all title and interest the city has in such property,  
1074 notwithstanding the fact that no public sale after advertisement was or is hereafter made.

1075 ARTICLE VII

1076 GENERAL PROVISIONS

1077 SECTION 7.01.

1078 Bonds for officials.

1079 The officers and employees of the city, both elected and appointed, shall execute such  
1080 surety and fidelity bonds in such amounts and upon such terms and conditions as the city  
1081 council shall from time to time require by ordinance or as may be provided by law.

1082 SECTION 7.02.

1083 Existing ordinances, resolutions, rules, and regulations.

1084 Existing ordinances, resolutions, rules, and regulations of this city not in conflict with this  
1085 charter shall continue in force, unless repealed or amended, for two years from the effective  
1086 date of this charter. During such two-year period, the city council shall review all such

1087 provisions and shall readopt, repeal, or amend each, so that a codification as provided by  
 1088 subsection (b) of Section 2.17 of this charter is accomplished.

1089 SECTION 7.03.

1090 Existing personnel and officers.

1091 Except as specifically provided otherwise by this charter, all personnel and officers of the  
 1092 city and their rights, privileges, and powers shall continue beyond the time this charter  
 1093 takes effect for a period of 90 days before or during which the existing city council shall  
 1094 pass a transition ordinance detailing the changes in personnel and appointed officers  
 1095 required or desired and arranging such titles, rights, privileges, and powers as may be  
 1096 necessary or desired to allow a reasonable transition.

1097 SECTION 7.04.

1098 Pending matters.

1099 Except as specifically provided otherwise by this charter, all rights, claims, actions, orders,  
 1100 contracts, and legal or administrative proceedings shall continue and any such ongoing  
 1101 work or cases shall be completed by such city agencies, personnel, or offices as may be  
 1102 provided by the city council.

1103 SECTION 7.05.

1104 Construction.

1105 (a) Section captions in this charter are informative only and are not to be considered as a  
 1106 part thereof.

1107 (b) The word "shall" is mandatory and the word "may" is permissive.

1108 (c) The singular shall include the plural, the masculine shall include the feminine, and vice  
 1109 versa.

1110 SECTION 7.06.

1111 Severability.

1112 If any article, section, subsection, paragraph, sentence, or part thereof of this charter shall  
 1113 be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not  
 1114 affect or impair other parts of this charter unless it clearly appears that such other parts are  
 1115 wholly and necessarily dependent upon the part held to be invalid or unconstitutional, it

1116 being the legislative intent in enacting this charter that each article, section, subsection,  
1117 paragraph, sentence, or part thereof be enacted separately and independent of each other.”

1118 **SECTION 2.**

1119 This Act shall become effective on July 1, 2019.

1120 **SECTION 3.**

1121 All laws and parts of laws in conflict with this Act are repealed.