

House Bill 466 (AS PASSED HOUSE AND SENATE)

By: Representatives Rogers of the 10th and Gasaway of the 28th

A BILL TO BE ENTITLED
AN ACT

1 To provide for a new charter for the City of Cornelia; to provide for incorporation, corporate
2 boundaries, municipal powers, and exercise of powers; to provide for a government structure
3 of such city including creation, number, and election of the city commission; to provide for
4 commissioners' terms and qualifications for office; to provide procedures for elections,
5 vacancies in office, filling of vacancies, and nonpartisan elections; to provide for election by
6 majority; to provide for compensation and expenses; to provide rules regarding conflicts of
7 interest and the holding of other offices; to provide for inquiries and investigations; to
8 provide general powers and authority of the city commission; to provide for eminent domain;
9 to provide for organizational meetings; to provide for regular and special meetings; to
10 provide for rules of procedure; to provide for quorum and voting; to provide for ordinance
11 form and procedures; to provide for action requiring an ordinance; to provide for
12 emergencies; to provide for codes of technical regulation; to provide for ordinance book,
13 codification of ordinances, and availability of laws; to provide for a city manager and
14 appointment and qualifications; to provide for an acting city manager; to provide for the
15 powers and duties of the city manager; to prohibit commission interference with
16 administration; to provide for authority of the city manager in public emergencies; to provide
17 compensation for the city manager; to provide for the election of the mayor; to provide for
18 a mayor pro tempore; to provide for the powers and duties of the mayor; to define the
19 position of mayor pro tempore; to provide for the administrative affairs of the city; to create
20 boards, commissions, and authorities of the city; to provide for a city clerk; to provide for a
21 city attorney; to provide for rules and regulations through an employee handbook; to provide
22 for personnel policies; to provide for a judicial branch including a municipal court and judges
23 of that court; to provide for the convening of court; to establish certiorari; to provide for rules
24 of the municipal court; to provide for the finance of the city; to provide for property taxes;
25 to provide for a millage rate; to provide for occupation taxes and regulatory fees; to provide
26 for licenses and permits; to provide for franchises; to provide for service fees; to provide for
27 roads; to provide for other taxes; to provide for the collection of delinquent taxes; to provide
28 for borrowing; to provide for revenue bonds; to provide for loans; to provide for accounting

29 and budgeting; to provide for a budget ordinance; to provide for an operating budget; to
 30 provide for adoption of the budget; to provide for the levy of taxes; to provide for changes
 31 in the budget; to provide for capital improvements; to provide for audits; to provide for
 32 procurement and property management; to provide for purchasing; to provide for sale of
 33 property; to provide for deposits; to provide for bonds for officials; to provide for the validity
 34 of existing ordinances, resolutions, rules, and regulations of the city; to provide for charter
 35 language on other general matters; to provide for definitions and construction; to provide for
 36 specific repealer; to provide an effective date; to provide a general repealer; and for other
 37 purposes.

38 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

39 ARTICLE I
 40 INCORPORATION AND POWERS

41 SECTION 1.10.

42 Incorporation.

43 The City of Cornelia in Habersham County, Georgia, is reincorporated by the enactment of
 44 this charter and is constituted and declared a body politic and corporate under the name of
 45 'City of Cornelia.' References in this charter to 'the city' or 'this city' refer to the City of
 46 Cornelia, Georgia. This city shall have perpetual existence.

47 SECTION 1.11.

48 Corporate boundaries.

49 (a) The boundaries of this city shall be those existing on the effective date of the adoption
 50 of this charter including all former annexations by legislative Act and ordinance, with such
 51 alterations as may be made from time to time by local law or in any other manner provided
 52 by general state law. The boundaries of this city at all times shall be shown on a map, a
 53 written description, or any combination thereof, to be retained permanently in the office of
 54 the city clerk, to be designated as the 'Official Map (or Description) of the Corporate Limits
 55 of the City of Cornelia, Georgia.' Photographic, typed, or other copies of such map or
 56 description, certified by the city clerk, shall be admitted as evidence in all courts and shall
 57 have the same force and effect as the original map or description.

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

SECTION 1.12.

Municipal powers.

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

(b) The powers of the city shall be construed liberally in favor of the city. The specific mention or failure to mention particular powers shall not be construed as limiting in any way the powers of the city. Such powers shall include, but are not limited to, the following, and also include the power to provide punishment for violation of ordinances enacted under this subsection:

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

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

(3) Appropriations and expenditures. To make appropriations for the support of the government of the city; to authorize the expenditure of money for any purposes authorized by this charter and for any purpose for which a municipality is authorized by the laws of the State of Georgia; and to provide for the payment of expenses of this city. Such appropriations and expenditures shall not exceed the annual income and other money of the city after paying interest on bonds and providing a sinking fund for the final payment on the principal of such bonds;

(4) Building regulations. To regulate and to license the erection and construction of buildings and all other structures as provided by law and this charter, and to regulate all housing and building trades except as prohibited by general law;

(5) Business regulation and taxation. To regulate, license, levy, and provide for the collection of regulatory fees, occupation taxes, and license fees and taxes on privileges, occupations, trades, and professions as provided by this charter or by general state law;

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

- 96 (7) Contracts. To enter into contracts and agreements with other governments and/or
97 entities and with private persons, firms, and corporations;
- 98 (8) Emergencies. To establish procedures for determining and proclaiming that an
99 emergency situation exists inside or outside the city, and to make and carry out all
100 reasonable provisions deemed necessary to deal with or meet such an emergency for the
101 protection, safety, health, or well-being of the inhabitants of the city;
- 102 (9) Fire regulations. To fix and establish fire limits and from time to time extend,
103 enlarge, or restrict such limits; to prescribe fire safety regulations, not inconsistent with
104 general law, relating to both fire prevention and detection and to fire fighting; and to
105 prescribe penalties and punishment for violations thereof;
- 106 (10) Garbage collection and disposal. To provide for the collection and disposal of
107 garbage, rubbish, and refuse and to regulate the collection and disposal of garbage,
108 rubbish, and refuse by others; to levy, fix, assess, and collect a garbage, rubbish, refuse
109 collection and disposal, and other sanitary service charge, tax, or fee for such services as
110 may be necessary in the operation of the city from all individuals, firms, and corporations
111 residing in or doing business within the city and benefiting from such services; to enforce
112 the payment of such charges, taxes, or fees; and to provide for the manner and method
113 of collecting such service charges, taxes, or fees;
- 114 (11) General health, safety, and welfare. To define, regulate, or prohibit any act,
115 practice, conduct, or use of property which is detrimental to the health, sanitation,
116 cleanliness, welfare, or safety of the inhabitants of the city and to provide for the
117 enforcement of such standards;
- 118 (12) Gifts. To accept or refuse gifts, donations, bequests, or grants from any source for
119 any purpose related to the powers and duties of the city and the general welfare of its
120 inhabitants on such terms and conditions as the donor or grantor may impose;
- 121 (13) Health and sanitation. To prescribe standards of health and sanitation within the
122 city and to provide for the enforcement of such standards;
- 123 (14) Jail sentences. To provide that persons given jail sentences in the municipal court
124 may work out such sentences in any public works or on the streets, roads, drains, and
125 other public property in the city; to provide for the commitment of such persons to any
126 jail; to provide for the use of pretrial diversion and any alternative sentencing allowed by
127 law; and to provide for the commitment of such persons to any county correctional
128 institutions or county jail or county detention center by agreement with the appropriate
129 county officials;
- 130 (15) Motor vehicles. To regulate the operation of motor vehicles and exercise control
131 over all traffic, including parking upon or across the streets, roads, alleys, and walkways

132 of the city in accordance with general state law and any duly authorized ordinance of the
133 city;

134 (16) Municipal agencies and delegation of power. To create, alter, or abolish
135 departments, boards, offices, commissions, and other agencies of the city and to confer
136 upon such agencies the necessary and appropriate authority for carrying out all the
137 powers conferred upon or delegated to them, including, but not limited to, a municipal
138 planning board and board of adjustment;

139 (17) Municipal debts. To appropriate and borrow money for the payment of debts of the
140 city and to issue bonds for the purpose of raising revenue to carry out any project,
141 program, or venture authorized by this charter or the laws of the State of Georgia. The
142 city commission shall set aside annually a sum sufficient as a sinking fund to retire any
143 bonded indebtedness of the city as it becomes due;

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

147 (19) Municipal property protection. To provide for the preservation and protection of
148 property and equipment of the city and the administration and use of such property and
149 equipment by the public;

150 (20) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, or otherwise
151 dispose of public utilities, including, but not limited to, a system of waterworks, sewers
152 and drains, waste-water and sewage treatment and disposal, gas works, electric plants,
153 transportation facilities, public airports, telecommunications systems, and any other
154 public utility; to fix the taxes, charges, rates, fares, fees, assessments, regulations, and
155 penalties therefor; to provide for the withdrawal of service for failure to pay the same; to
156 authorize the extension of water, sewerage, electrical distribution systems, and other
157 utility services, and all necessary appurtenances by which such utilities are distributed,
158 inside and outside the corporate limits of the city; and to provide utility services to
159 persons, firms, and corporations inside and outside the corporate limits of the city. The
160 city commission may fix a higher rate for public utility services furnished by the city to
161 any person, firm, or corporation residing or located outside the corporate limits of the
162 city. All fire hydrants connected to city water mains and used by any person, firm, or
163 corporation outside the corporate limits of the city shall be paid for at a rate to be
164 prescribed by the city commission;

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

167 (22) Penalties. To provide penalties for violations of any ordinances adopted pursuant
168 to the authority of this charter and the laws of the State of Georgia. Such penalties shall

169 not exceed the maximum as provided by state law or as provided in the respective
170 ordinance, if applicable;

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

174 (24) Fire, police protection, and code enforcement. To exercise the power of arrest
175 through duly appointed police officers; to establish, operate, or contract for a police
176 agency; to establish, operate, or contract for a fire-fighting agency; to establish, operate,
177 or contract for a city marshal, if necessary, to enforce the code of ordinances of the city;

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

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

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

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

194 (29) Public utilities and services. To make contracts for public utilities and public
195 services and to prescribe the rates, fares, regulations, and the standards and conditions of
196 service applicable to the service to be provided by the contractor, insofar as not in conflict
197 with valid regulations of the state Public Service Commission;

198 (30) Regulation of roadside areas. To prohibit or regulate and control the erection,
199 removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any
200 and all other structures or obstructions upon or adjacent to the rights of way of streets and
201 roads or within view thereof, inside or abutting the corporate limits of the city;

202 (31) Retirement. To allow, provide, and maintain a retirement plan and other employee
203 benefit plans and programs for officers and employees of the city when deemed
204 necessary;

205 (32) Roadways. To lay out, open, extend, widen, narrow, establish, change the grade of,
206 abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise
207 improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and
208 walkways within the corporate limits of the city; and to negotiate and execute leases over,
209 through, under, or across any city property or the right of way of any street, road, alley,
210 or walkway or portion thereof within the corporate limits of the city for bridges,
211 passageways, or any other purpose or use between buildings on opposite sides of the
212 street and for other bridges, overpasses, and underpasses for private use at such location,
213 and to charge a rental therefor in such manner as may be provided by ordinance; to
214 authorize and control the construction of bridges, overpasses, and underpasses within the
215 corporate limits of the city; and to grant franchises and rights of way as provided in this
216 charter or by law;

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

223 (34) Special areas of public regulation. To license, tax, regulate, prohibit, or control by
224 taxing or otherwise: junk dealers; pawnshops, including title pawn businesses;
225 Internet/sweepstakes cafes; the sale, manufacture, or transportation of alcoholic
226 beverages and/or intoxicating liquors; the use and sale of firearms; the transportation,
227 storage, and use of combustible, explosive, and inflammable materials; the use of lighting
228 and heating equipment; any business or situation which may be dangerous to persons or
229 property; the conduct of peddlers and itinerant traders; theatrical performances,
230 exhibitions, and shows of any kind; professional fortunetelling; palmistry; adult
231 entertainment, adult bookstores, and adult movie houses; massage parlors; and tattoo
232 parlors;

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

235 (36) Taxation of property. To levy and provide for the assessment, valuation,
236 revaluation, and collection of taxes on all property subject to taxation;

237 (37) Taxes generally. To levy and collect such other taxes as may be allowed now or in
238 the future by law;

239 (38) Taxicabs. To regulate and license vehicles operated for hire in the city; to limit the
240 number of such vehicles; to require the operators thereof to be licensed; to require public

241 liability insurance on such vehicles in the amounts to be prescribed by ordinance, and to
 242 regulate the parking of such vehicles;

243 (39) Urban redevelopment. To organize and operate an urban redevelopment program;
 244 and

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

256 **SECTION 1.13.**

257 Exercise of powers.

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

262 **ARTICLE II**

263 **GOVERNMENT STRUCTURE**

264 **SECTION 2.10.**

265 City commission creation; number; election.

266 The legislative authority of the government of this city, except as otherwise specifically
 267 provided in this charter, shall be vested in a city commission to be composed of a mayor and
 268 four commissioners. The city commission established shall in all respects be a successor to
 269 and continuation of the governing authority under prior law. The city commission shall be
 270 elected in the manner provided by general law and this charter. One commissioner shall be
 271 elected from each of the four wards of the city by the voters residing in that ward. The
 272 mayor shall be elected by the qualified voters of the city at large as provided in Section 2.36
 273 of this charter. The mayor and commissioners shall exercise their powers in such manner as

274 prescribed by this charter and the Constitution and applicable general laws of the State of
 275 Georgia, or if not prescribed, in such manner as prescribed by the duly established ordinances
 276 of the City of Cornelia.

277 **SECTION 2.11.**

278 Commissioners' terms and qualifications for office.

279 (a) The four commissioners shall serve for terms of four years and until their respective
 280 successors are elected and qualified. No person shall be eligible to serve as a commissioner
 281 unless he or she has been a resident of the city for at least 12 months preceding his or her
 282 election. Each commissioner shall be a resident of the ward which he or she represents.
 283 Each commissioner shall continue to reside within the city in the ward in which he or she
 284 represents during his or her period of service and shall be registered and qualified to vote in
 285 municipal elections of this city. No person's name shall be listed as a candidate on the ballot
 286 for election to the office of commissioner unless such person shall file a written notice with
 287 the city clerk, within the time required by law, that he or she desires his or her name to be
 288 placed on the ballot.

289 (b) No person shall be eligible to serve as a commissioner representing a ward unless that
 290 person has been a resident of the ward such person seeks to represent for a continuous period
 291 of at least six months immediately prior to the date of the election for commissioner.

292 (c) No person shall be eligible to serve as a commissioner who shall have been convicted
 293 of a crime involving moral turpitude, unless such person has received a full pardon and has
 294 had all rights of citizenship restored.

295 **SECTION 2.12.**

296 Elections.

297 (a) For the purpose of electing commissioners of the city commission, the territory
 298 comprising the City of Cornelia shall be subdivided into four parts or wards, to be known as
 299 Ward One, Ward Two, Ward Three, and Ward Four. One commissioner shall be elected
 300 from each ward. Each ward shall consist of certain census blocks located within the City of
 301 Cornelia identified in the latest United States decennial census redistricting data, in a manner
 302 consistent with state and federal law. The four wards shall in all respects be successors to
 303 and continuations of Wards One, Two, Three, and Four as established under prior law until
 304 otherwise modified under applicable state or federal law.

305 (b) The members of the city commission shall be designated as: Mayor; Commissioner,
 306 Ward One; Commissioner, Ward Two; Commissioner, Ward Three; and Commissioner,

307 Ward Four. A candidate for any position as a commissioner shall at the time of qualifying
308 designate by ward number the position that such candidate is seeking.

309 (c) No candidate shall be elected for the office of mayor or commissioner unless such
310 candidate receives a majority of the votes cast in the election. If no candidate receives a
311 majority of the votes cast, a run-off election shall be held between the two candidates
312 receiving the highest number of votes. The run-off election shall be held as provided by law.

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

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

320 (f) The mayor and commission members who are in office on the effective date of this Act
321 shall serve until the expiration of the term of office to which they were elected and until their
322 successors are elected and qualified.

323 (g) Successors to the mayor and commission members whose terms of office are to expire
324 shall be elected at the regular municipal election in November immediately prior to such
325 expiration of terms, and shall take office on January 1 immediately following such election
326 for terms of office of four years each and until their respective successors are elected and
327 qualified.

328 **SECTION 2.13.**

329 Vacancy; filling of vacancies.

330 (a) The office of commissioner shall become vacant upon the incumbent's death, resignation,
331 forfeiture of office, or occurrence of any event specified by the Constitution of the State of
332 Georgia, Title 45 of the Official Code of Georgia Annotated, or such other applicable laws
333 as are or may hereafter be enacted.

334 (b) If less than 12 months remains in the unexpired term, a vacancy in the office of
335 commissioner shall be filled for the remainder of the unexpired term by appointment by vote
336 of the majority of the remaining members of the city commission. If such vacancy occurs
337 12 months or more prior to the expiration of the term of that office, it shall be filled for the
338 remainder of the unexpired term by a special election in accordance with Titles 21 and 45 of
339 the Official Code of Georgia Annotated or such other laws as are or may hereafter be
340 enacted. If a special election is required to fill a vacancy in the office of commissioner for
341 an unexpired term, the vacant position shall be filled for the period between the occurrence

342 of the vacancy and the completion of the special election by appointment by vote of the
343 majority of the remaining members of the city commission.

344 (c) This provision shall also apply to a temporary vacancy created by the suspension from
345 office of a commissioner.

346 **SECTION 2.14.**

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 2.15.**

351 Election by majority.

352 The candidate receiving a majority of the votes cast for any city office shall be elected.

353 **SECTION 2.16.**

354 Compensation and expenses.

355 The mayor and commissioners shall receive compensation and expenses for their services
356 as provided by ordinance and in accordance with general state law.

357 **SECTION 2.17.**

358 Conflicts of interest; holding other offices.

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

361 (b) Conflict of Interest — No elected official, appointed officer, or employee of the city or
362 any agency or political entity to which this charter applies shall knowingly:

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

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

371 (3) Disclose confidential information concerning the property, government, or affairs of
372 the governmental body by which he or she is engaged without proper legal authorization
373 or use such information to advance the financial or other private interest of himself or
374 herself or others;

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

381 (5) Represent private interests other than his or her own in any action or proceeding
382 against this city or against any portion of its government; or

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

385 (c) Disclosure — Any elected official, appointed officer, or employee who has any private
386 financial interest, directly or indirectly, in any contract or matter pending before or within
387 any department or other agency of the city shall disclose such private interest to the city
388 commission. Any commission member who has a private interest in any matter pending
389 before the city commission shall disclose such private interest, and such disclosure shall be
390 entered on the records of the city commission. Such mayor or commissioner shall disqualify
391 himself or herself from participating in any decision or vote relating to such private interest.
392 Any elected official, appointed officer, or employee of any agency or political entity to which
393 this charter applies who shall have any private financial interest, directly or indirectly, in any
394 contract or matter pending before or within such entity shall disclose such private interest to
395 the governing body of such agency or entity.

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

401 (e) Contracts voidable and rescindable — Any violation of this section which occurs with
402 the knowledge, express or implied, of a party to a contract or sale shall render such contract
403 or sale voidable at the option of the city commission.

404 (f) Ineligibility of Elected Official — Except as authorized by law, neither the mayor nor
405 any commissioner shall hold any other elective or appointive office in the city or otherwise
406 be employed by such government or any agency thereof during the term for which that
407 official was elected. No former mayor and no former commissioner shall hold any

408 appointive office in the city until one year after the expiration of the term for which that
409 official was elected.

410 (g) Political activities of certain officers — No appointive officer of the city shall continue
411 in such employment upon qualifying as a candidate for nomination or election to any public
412 office.

413 (h) Penalties for violation — Any city officer who knowingly conceals such financial
414 interest or knowingly violates any of the requirements of this section shall be guilty of
415 malfeasance in office or position and shall be deemed to have forfeited that person's office
416 or position. Any officer of the city who shall forfeit an office or position as described herein
417 shall be ineligible for appointment or election to or employment in a position in the city
418 government for a period of three years thereafter.

419 **SECTION 2.18.**

420 Inquiries and investigations.

421 Following the adoption of an authorizing resolution, the city commission may make inquiries
422 and investigations into the affairs of the city and the conduct of any department, office, or
423 agency thereof, and for this purpose may subpoena witnesses, administer oaths, take
424 testimony, and may require the production of evidence pursuant to subpoena. Any person
425 who fails or refuses to obey a lawful order issued in the exercise of these powers by the city
426 commission shall be punished as provided by ordinance.

427

428 **SECTION 2.19.**

429 General power and authority of the city commission.

430 (a) Except as otherwise provided by this charter, the city commission shall be vested with
431 all the powers of government of this city.

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

439 **SECTION 2.20.**

440 Eminent domain.

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

449 **SECTION 2.21.**

450 Organizational meetings.

451 The city commission shall hold an organizational meeting at the first regular meeting in
 452 January following an election. The meeting shall be called to order by the mayor or city
 453 clerk and the oath of office shall be administered to the newly elected members by a judicial
 454 officer authorized to administer oaths and shall be as follows:

455 'I do solemnly (swear or affirm) that I will faithfully perform the duties of (mayor)
 456 (commissioner) of the City of Cornelia, and that I will support and defend the charter
 457 thereof as well as the Constitution and laws of the State of Georgia and of the United
 458 States of America. I am not the holder of any unaccounted for public money due this
 459 state or any political subdivision or authority thereof. I am not the holder of any office
 460 of trust under the government of the United States, any other state, or any foreign state
 461 which I by the laws of the State of Georgia am prohibited from holding. I am otherwise
 462 qualified to hold such office according to the Constitution and laws of Georgia. I have
 463 been a resident of [my ward and] the City of Cornelia for the time required by the
 464 Constitution and laws of this state and by the municipal charter. I will perform the duties
 465 of my office in the best interest of the City of Cornelia to the best of my ability without
 466 fear, favor, affection, reward, or expectation thereof, and in all things pertaining to my
 467 office, I will be governed by my conviction to the public good, so help me God.'

468

SECTION 2.22.

469

Regular and special meetings.

470 (a) The city commission shall hold regular meetings at such times and places as shall be
471 prescribed by ordinance.

472 (b) Special meetings of the city commission may be held on call of the mayor or three
473 members of the city commission. Notice of such special meetings shall be served on all
474 other members personally, or by telephone personally, at least 48 hours in advance of the
475 meeting. Such notice to city commissioners shall not be required if the mayor and all
476 commissioners are present when the special meeting is called. Such notice may be waived
477 by the mayor or by a commissioner in writing before or after such a meeting, and attendance
478 at the meeting shall also constitute a waiver of notice on any business transacted in such
479 mayor or commissioner's presence. Only the business stated in the call may be transacted
480 at the special meeting.

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

485

SECTION 2.23.

486

Rules of procedure.

487 (a) The city commission shall adopt its rules of procedure and order of business consistent
488 with the provisions of this charter and shall provide for keeping minutes of its proceedings,
489 which shall be a public record.

490 (b) All committees and committee chairs and officers of the city commission shall be
491 appointed by majority vote of the commissioners and shall serve at the pleasure of the city
492 commission.

493

SECTION 2.24.

494

Quorum; voting.

495 (a) Any four members of the city commission, including the mayor or mayor pro tempore,
496 shall constitute a quorum and shall be authorized to transact the business of the city
497 commission. Voting on the adoption of ordinances or resolutions shall be by voice vote and
498 the vote shall be recorded in the minutes, but any member of the commission shall have the
499 right to request a roll call vote and such vote shall be recorded in the minutes. Except as

500 otherwise provided in this charter, the affirmative vote of three commissioners, or in the case
 501 of a tie, two commissioners and the mayor, or in the absence of the mayor, two
 502 commissioners and the mayor pro tempore shall be required for the adoption of any
 503 ordinance.

504 (b) No member of the city commission shall abstain from voting on any matter properly
 505 brought before the city commission for official action except when such mayor or
 506 commissioner has a conflict of interest which is disclosed in writing prior to or at the meeting
 507 and made a part of the minutes. Any member of the city commission present and eligible to
 508 vote on a matter and refusing to do so for any reason other than a properly disclosed and
 509 recorded conflict of interest shall be deemed to have acquiesced or concurred with the
 510 members of the majority who did vote on the question involved.

511 **SECTION 2.25.**

512 Ordinance form; procedures.

513 (a) Every proposed ordinance should be introduced in writing and in the form required for
 514 final adoption, subject to such changes as may be made and voted on by the city commission
 515 prior to or at the time of its adoption, and after being presented for consideration at any
 516 meeting of the city commission, shall be posted in full in an area designated for such
 517 purposes that is open to the public during the hours the office of the city clerk is open, and
 518 shall not come up for passage until ten days after such posting. No ordinance shall contain
 519 a subject which is not expressed in its title. The enacting clause shall be 'it is hereby
 520 ordained by the governing authority of the City of Cornelia' and every ordinance shall so
 521 begin.

522 (b) An ordinance may be introduced by any commissioner and be read at a regular or special
 523 meeting of the city commission. Ordinances shall be considered and adopted or rejected by
 524 the city commission in accordance with the rules that it shall establish; provided, however,
 525 an ordinance shall not be adopted the same day it is introduced, except for emergency
 526 ordinances as provided in Section 2.27 of this charter. Upon introduction of any ordinance,
 527 the clerk shall as soon as possible distribute a copy to the mayor and each commissioner and
 528 shall post a copy for public viewing at such place as may be designated for such purposes.

529 **SECTION 2.26.**

530 Action requiring an ordinance.

531 Acts of the city commission which have the force and effect of law shall be enacted by
 532 ordinance.

533 **SECTION 2.27.**

534 Emergencies.

535 To meet a public emergency affecting life, health, property, or public peace, the city
 536 commission may convene on the call of the mayor or two commissioners and may
 537 promptly adopt an emergency ordinance, but such ordinance shall not levy taxes; grant,
 538 renew, or extend a franchise; regulate the rates charged by any public utility for its
 539 services; or authorize the borrowing of money, except for loans to be repaid within 30 days.
 540 An emergency ordinance shall be introduced in the form prescribed for ordinances
 541 generally, except that it shall be plainly designated as an emergency ordinance and shall
 542 contain, after the enacting clause, a declaration stating that an emergency exists and
 543 describing the emergency in clear and specific terms. An emergency ordinance may be
 544 adopted, with or without amendment, or rejected at the meeting at which it is introduced,
 545 but the affirmative vote of at least two commission members shall be required for adoption.
 546 It shall become effective upon adoption or at such later time as it may specify. Every
 547 emergency ordinance shall automatically stand repealed 30 days following the date upon
 548 which it was adopted, but this shall not prevent reenactment of the ordinance in the manner
 549 specified in this section if the emergency continues to exist. An emergency ordinance may
 550 also be repealed by adoption of a repealing ordinance in the same manner specified in this
 551 section for adoption of emergency ordinances.

552 **SECTION 2.28.**

553 Codes of technical regulation.

- 554 (a) As may be consistent with law, the city commission may adopt building, housing,
 555 property maintenance, plumbing, electrical, gas, mechanical, or fire codes or any other
 556 standard codes of technical regulations by reference thereto in an adopting ordinance. The
 557 procedure and requirements governing such adopting ordinance shall be as prescribed for
 558 ordinances generally except that:
- 559 (1) The requirements of subsection (b) of Section 2.25 of this charter for distribution and
 560 filing of copies of the ordinance shall be construed to include copies of any code of
 561 technical regulations, as well as the adopting ordinance; and
 - 562 (2) A copy of each adopted code of technical regulations, as well as the adopting
 563 ordinance, shall be authenticated and recorded by the city clerk pursuant to Section 2.29
 564 of this charter.
- 565 (b) Copies of any adopted code of technical regulations shall be made available by the city
 566 clerk for distribution or for purchase at a reasonable price.

567 **SECTION 2.29.**

568 Ordinance book; codification of ordinances; availability of laws.

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

571 (b) The city commission shall provide for the preparation of a codification of ordinances of
572 the city as required by law.

573 (c) The city commission shall cause each ordinance and each amendment to this charter to
574 be printed following its adoption, and the printed ordinances and charter amendments shall
575 be made available for purchase by the public at reasonable prices. The ordinances shall be
576 printed in substantially the same style as the codification then in effect and shall be suitable
577 in form for incorporation within the codification. The city commission shall make such
578 further arrangements as deemed desirable for reproduction and distribution of any changes
579 in or additions to codes of technical regulations and other rules and regulations included or
580 adopted by reference in the codification.

581 **SECTION 2.30.**

582 City manager; appointment; qualifications.

583 By the majority vote, the city commission shall appoint a city manager for an indefinite term
584 or a term prescribed by the city commission. The manager shall be appointed solely on the
585 basis of his or her executive and administrative qualifications, with special reference to actual
586 experience in or knowledge of accepted practice in respect to the duties of his or her office.
587 The appointee need not be a resident of the city. No member of the city commission shall
588 receive such appointment while in office, nor within one year after the expiration of such
589 member's term.

590 **SECTION 2.31.**

591 Acting city manager.

592 By letter filed with the city clerk, the city manager shall designate, subject to the approval
593 of the city commission, a qualified city administrative officer to exercise the powers and
594 perform the duties of the city manager during his or her temporary absence or disability.
595 During such absence or disability, the city commission may revoke such designation at any
596 time and appoint another officer of the city to serve until the manager shall return or his or
597 her disability shall cease.

598

SECTION 2.32.

599

Powers and duties of the city manager.

600 The city manager shall be the chief administrative officer of the city. He or she shall be
601 responsible to the city commission for the administration of all city affairs placed in his or
602 her charge by or under this charter. He or she shall have the following powers and duties:

603 (1) He or she shall appoint, and when he or she deems it necessary for the good of the
604 city, suspend or remove all city employees and administrative officers, except as
605 otherwise provided by law, this charter, or personnel ordinances adopted pursuant to this
606 charter;

607 (2) He or she shall direct and supervise the administration of all departments, offices, and
608 agencies of the city, except as otherwise provided by this charter or by law;

609 (3) He or she shall attend all city commission meetings and shall have the right to take
610 part in the discussion, but he or she may not vote. The city manager shall be entitled to
611 notice of all regular and special meetings of the city commission;

612 (4) He or she shall see that all laws, provisions of this charter, and acts of the city
613 commission subject to enforcement by him or her, or by officers subject to his or her
614 direction and supervision, are faithfully executed;

615 (5) He or she shall prepare and submit the annual operating budget and capital budget
616 to the city commission, together with a message describing the important features, and
617 be responsible for its administration after adoption;

618 (6) He or she shall submit to the city commission and make available to the public a
619 complete report on the finances and administrative activities of the city as of the end of
620 each fiscal year;

621 (7) He or she shall make such other reports as the city commission may require
622 concerning the operations of city departments, offices, and agencies subject to his or her
623 direction and supervision;

624 (8) Except as may otherwise be provided by law or this charter, he or she shall establish
625 powers and duties of, and shall recommend to the city commission a standard schedule
626 of pay for, each appointive office and position in the city service, including minimum,
627 intermediate, and maximum rates of pay;

628 (9) He or she shall recommend to the city commission, from time to time, adoption of
629 such measures as may be deemed necessary or expedient for the health, safety, or welfare
630 of the inhabitants of the city or for the improvement of administrative services;

631 (10) He or she may consolidate or combine offices, positions, departments, or units
632 under his or her jurisdiction with the approval of the city commission; the city manager
633 may be the head of one or more departments;

634 (11) He or she shall investigate the affairs of the city or any department or division
 635 thereof. He or she shall investigate all complaints in relation to matters concerning the
 636 administration of the government of the city and in regard to service maintained by the
 637 public utilities in the city and shall see that all franchises, permits, and privileges granted
 638 by the city are faithfully observed;

639 (12) He or she shall keep the city commission fully advised as to the financial condition
 640 and future needs of the city and shall make such recommendations to the city commission
 641 concerning the affairs of the city as he or she deems desirable; and

642 (13) He or she shall perform such other duties as are specified in this charter or as may
 643 be required by the city commission.

644 **SECTION 2.33.**

645 Commission interference with administration.

646 Neither the city commission nor any of its members shall direct or request any person's
 647 appointment to or removal from office by the city manager or any of the manager's
 648 subordinates, nor in any manner take part in the appointment or removal of officers and
 649 employees in the administrative services of the city. Except for the purpose of inquiries and
 650 investigations under Section 2.18 of this charter, the city commission or its members shall
 651 deal with city officers and employees who are subject to the direction and supervision of the
 652 city manager solely through the city manager, and neither the city commission nor its
 653 members shall give orders to any such officer or employee, either publicly or privately.

654 **SECTION 2.34.**

655 Emergencies.

656 In case of an accident, disaster, or other circumstance creating a public emergency, the city
 657 manager may award contracts and make purchases for the purpose of meeting such
 658 emergency, but he or she shall file promptly with the city commission a certificate showing
 659 such emergency and the necessity for such action, together with an itemized account of all
 660 expenditures.

661 **SECTION 2.35.**

662 Compensation.

663 The city manager shall receive such compensation as prescribed by the city commission.

664 **SECTION 2.36.**

665 Election of mayor.

666 At a regular election of the city the voters of the city shall elect a mayor at large for a term
 667 of four years and until a successor is elected and qualified. The mayor shall be a qualified
 668 elector of this city and shall have been a resident of the city for 12 months prior to the
 669 election. The mayor shall continue to reside in this city during the period of service. No
 670 person shall be eligible to serve as mayor who shall have been convicted of a crime involving
 671 moral turpitude unless such person has received a full pardon and has had all rights of
 672 citizenship restored. The mayor shall forfeit the office on the same grounds and under the
 673 same procedure as for commissioners. The compensation of the mayor shall be established
 674 in the same manner as for commissioners.

675 **SECTION 2.37.**

676 Mayor pro tempore.

677 The city commission shall elect one commissioner from among its members who shall act
 678 as mayor pro tempore during the absence or disability of the mayor, but shall only vote once
 679 on matters before the city commission. If a vacancy occurs, the mayor pro tempore shall
 680 become mayor for the remainder of the unexpired term, or until a special election is
 681 completed pursuant to subsection (b) of Section 2.13 of this charter.

682 **SECTION 2.38.**

683 Powers and duties of mayor.

684 The mayor shall:

- 685 (1) Be the titular head of the municipal government;
- 686 (2) Preside at all meetings of the city commission;
- 687 (3) Be the head of the city for the purpose of service of process and for ceremonial
 688 purposes, and be the official spokesperson for the city and the chief advocate of policy;
- 689 (4) Have the power to administer oaths and to take affidavits;
- 690 (5) Have a vote upon any question before the city commission only when the vote is
 691 evenly divided; and
- 692 (6) Sign as a matter of course on behalf of the city all written and approved contracts,
 693 ordinances, and other instruments executed by the city which by law are required to be
 694 in writing.

695

SECTION 2.39.

696

Position of mayor pro tempore.

697 During the absence or physical or mental disability of the mayor for any cause, the mayor
 698 pro tempore, or in the mayor pro tempore's absence or disability for any reason, any one of
 699 the commissioners chosen by a majority vote of the city commission shall be clothed with
 700 all rights and privileges of the mayor and shall perform the duties of the office of mayor so
 701 long as such absence or disability shall continue. Any such absence or disability shall be
 702 declared by majority vote of all commissioners. The mayor pro tempore or selected
 703 commissioner shall sign all contracts and ordinances in which the mayor has a disqualifying
 704 financial interest as provided in Section 2.17 of this charter. When acting as mayor, the
 705 mayor pro tempore shall continue to have only one vote as a member of the city commission.

706

ARTICLE III

707

ADMINISTRATIVE AFFAIRS

708

SECTION 3.10.

709

Boards, commissions, and authorities.

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

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

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

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

724 (e) No member of a board, commission, or authority shall assume office until he or she has
 725 executed and filed with the city clerk an oath obligating himself or herself to perform
 726 faithfully and impartially the duties of his or her office, such oath to be prescribed by
 727 ordinance and administered by the chairperson of the city commission.

728 (f) All members of a board, commission, or authority shall serve at will, and any such
729 members may be removed from office by a majority vote of the city commission.

730 (g) Except as otherwise provided by this charter or by law, each board, commission, or
731 authority of the city shall elect one of its members as chairperson and one member as vice
732 chairperson, and may elect as its secretary one of its members or may appoint as secretary
733 an employee of the city. Each board, commission, or authority of the city government may
734 establish such bylaws, rules, and regulations not inconsistent with this charter, the ordinances
735 of the city, or law as it deems appropriate and necessary for the fulfillment of its duties or the
736 conduct of its affairs. Copies of such bylaws, rules, and regulations shall be filed with the
737 city clerk.

738 (h) All boards, commissions, and authorities previously established and duly appointed by
739 the city commission prior to the effective date of this charter are hereby continued under this
740 charter and shall remain in full force and effect subsequent to the enactment of this charter.
741 Any such board, commission, or authority, so continued, shall continue to have the powers,
742 duties, rights, obligations, and liabilities that exist on the effective date of this charter and
743 shall be subject to all laws, subject to the provisions of this charter, that are not in conflict
744 therewith.

745 **SECTION 3.11.**

746 City clerk.

747 The city commission shall appoint a city clerk who shall not be a commission member. The
748 city clerk shall be custodian of the official city seal and city records; maintain city
749 commission records required by this charter; and perform such other duties as may be
750 required by the city commission.

751 **SECTION 3.12.**

752 City attorney.

753 The city commission, with the recommendation of the city manager, shall appoint a city
754 attorney, together with such assistant city attorneys as may be authorized, and shall provide
755 for the payment of such attorney or attorneys for services rendered to the city. The city
756 attorney shall be responsible for providing for the representation and defense of the city in
757 all litigation in which the city is a party; may be the prosecuting officer in the municipal
758 court; shall attend the meetings of the council as directed; shall advise the city commission,
759 mayor, and other officers and employees of the city concerning legal aspects of the city's
760 affairs; and shall perform such other duties as may be required by virtue of the person's

761 position as city attorney. The city attorney is not an officer or public official of the city and
 762 does not take an oath of office. The city attorney shall at all times be an independent
 763 contractor.

764 **SECTION 3.13.**

765 Rules and regulations.

766 The city commission, through the adoption of an employee handbook, shall adopt rules and
 767 regulations consistent with this charter concerning:

- 768 (1) The method of employee selection and probationary periods of employment;
 769 (2) The administration of a position classification and pay plan, methods of promotion
 770 and applications of service ratings thereto, and transfer of employees within the
 771 classification plan;
 772 (3) Hours of work, vacation, sick leave and other leaves of absence, overtime pay, and
 773 the order and manner in which layoffs shall be effected;
 774 (4) Such dismissal hearings as due process may require; and
 775 (5) Such other personnel notices as may be necessary to provide for adequate and
 776 systematic handling of personnel matters.

777 **SECTION 3.14.**

778 Personnel policies.

779 (a) All employees are at-will and may be removed from office at any time unless otherwise
 780 provided by ordinance;

781 (b) Personnel policies, handbooks, and ordinances previously established by the city
 782 commission prior to enactment of this charter shall continue in full force and effect
 783 subsequent to the enactment of this charter until otherwise modified by the city commission
 784 pursuant to applicable law.

785 **ARTICLE IV**

786 **JUDICIAL BRANCH**

787 **SECTION 4.10.**

788 Municipal court.

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

790

SECTION 4.11.

791

Judges.

792 (a) The municipal court shall be presided over by a chief judge and such part-time, full-time,
793 or standby judges as shall be provided by the city commission.

794 (b) The chief judge shall be appointed by the city commission for a term of two years.

795 (c) No person shall be qualified or eligible to serve as a judge on the municipal court unless
796 he or she shall have attained the age of 25 years and shall have been a member of the State
797 Bar of Georgia for a minimum of three years. All judges shall be appointed by the city
798 commission.

799 (d) The compensation of the judge or judges shall be fixed by the city commission.

800 (e) The judge or judges may be removed for cause by a majority vote of the city
801 commission.

802 (f) Before assuming office, each judge shall take an oath, administered by the chairperson
803 of the city commission, that he or she shall honestly and faithfully discharge the duties of his
804 or her office to the best of his or her ability and without fear, favor, or partiality. The oath
805 shall be entered upon the journal of the city commission.

806 (g) Whenever no judge of the city can be in attendance in the municipal court for any reason,
807 a person having the qualifications of a judge of the municipal court may be appointed to
808 preside in the court, and his or her acts therein shall be as binding as those of a regular judge
809 of the court.

810

SECTION 4.12.

811

Convening of court.

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

814 (b) The municipal court shall have the authority to punish those in its presence for contempt,
815 provided that such punishment shall not exceed the maximum penalty imposed by state law.

816 (c) The municipal court may fix punishment for offenses within its jurisdiction not
817 exceeding the maximum fine and imprisonment as provided by state law.

818 (d) The municipal court shall have the authority to establish a schedule of fees to defray the
819 costs of operation and shall be entitled to reimbursement of the actual cost of meals,
820 transportation, and caretaking of prisoners bound over to superior or state courts for violation
821 of state law.

822 (e) The municipal court shall have authority to establish bail and recognizances to ensure
823 the presence of those charged with violations before the court and shall have discretionary

824 authority to accept cash or personal or real property as a surety bond for the appearance of
 825 persons charged with violations. Whenever any person gives bail for his or her appearance
 826 and fails to appear at the time fixed for trial, his or her bond shall be forfeited by the judge
 827 presiding at such time and an execution shall be issued thereon by serving the defendant and
 828 his or her sureties with a rule nisi at least two days before a hearing on the rule nisi.

829 (f) The municipal court shall have the same authority as superior courts to compel the
 830 production of evidence; to enforce obedience to its orders, judgments, and sentences; and to
 831 administer such oaths as are necessary.

832 (g) The municipal court shall have the authority to bind prisoners over to the appropriate
 833 court when it appears by probable cause that any statute has been violated.

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

837 (i) The judge or judges of the municipal court shall be authorized to issue warrants for the
 838 arrest of persons charged with offenses against any ordinance of the city, and each judge of
 839 the municipal court shall have the same authority as a magistrate of the state to issue warrants
 840 for offenses against state laws committed within the city.

841 (j) The municipal court is specifically vested with all the jurisdiction and powers throughout
 842 the geographic area of this city granted by law to municipal courts and particularly by such
 843 laws as authorize the abatement of nuisances and the prosecution of traffic violations.

844 **SECTION 4.13.**

845 Certiorari.

846 The right of certiorari from the decision and judgment of the municipal court shall exist in
 847 all criminal cases and ordinance violation cases, and such certiorari shall be obtained under
 848 the sanction of a judge of the Superior Court of Habersham County under the laws of the
 849 State of Georgia regulating the granting and issuance of writs of certiorari.

850 **SECTION 4.14.**

851 Rules.

852 With the approval of the city commission, the judge or judges shall have full power and
 853 authority to make reasonable rules and regulations necessary and proper to secure the
 854 efficient and successful administration of the municipal court; provided, however, that the
 855 city commission may adopt in part or in toto the rules and regulations applicable to municipal
 856 courts. The rule and regulations made or adopted shall be filed with the city clerk, shall be

857 available for public inspection, and upon request, shall be furnished to all defendants in
858 municipal court proceedings at least 48 hours prior to such proceedings.

859 **ARTICLE V**
860 **FINANCE**
861 **SECTION 5.10.**
862 **Property tax.**

863 The city commission may assess, levy, and collect an ad valorem tax on all taxable real and
864 personal property within the corporate limits of the city. This tax is for the purpose of raising
865 revenues to defray the costs of operating the city government, of providing governmental
866 services, for the repayment of principal and interest on general obligations, and for any other
867 public purpose as determined by the city commission in its discretion.

868 **SECTION 5.11.**
869 **Millage.**

870 (a) The city commission by ordinance shall establish a millage rate for the city property tax,
871 a due date, and the time period within which these taxes must be paid.
872 (b) The millage rate levied pursuant to this article shall not exceed 20 mills, except that such
873 limitation shall not apply with respect to any ad valorem tax levied for the purpose of
874 payment of any general obligation debt of the city.
875 (c) The city commission by ordinance may provide for the payment of these taxes by
876 installments or in one lump sum, as well as authorize the voluntary payment of taxes prior
877 to the time when due.

878 **SECTION 5.12.**
879 **Occupation taxes and regulatory fees.**

880 The city commission by ordinance shall have the power to levy and to provide for the
881 collection of such occupation taxes and regulatory fees as are not denied by law on
882 privileges, occupations, trades, professions, and any other lawful subjects thereof and may
883 regulate the same. Such taxes and fees may be levied on individuals, firms, corporations, and
884 other entities that transact business in the city of that practice or offer to practice any
885 profession or calling within the city to the extent that they have, in accordance with law, a
886 sufficient nexus to the city. The city commission shall provide for the manner and method
887 of payment of such taxes and fees. The city commission may classify businesses,

888 occupations, professions, or callings for the purpose of such taxes and fees in any way which
889 may be lawful, and may compel the payment of such taxes and fees as provided in Section
890 5.18 of this charter.

891 **SECTION 5.13.**

892 Licenses and permits.

893 The city commission, by ordinance, shall have the power to require any individual, firm,
894 corporation, or other entity that transacts business in the city or that practices or offers to
895 practice any profession or calling within the city to obtain a license or permit for such
896 activity from the city and to pay a reasonable fee for such license or permit where such
897 activities are not exclusively regulated by general law. The city may also regulate such
898 activities and shall provide for the manner and method of payment of such fees. Fees under
899 this section, if unpaid, shall be collected as provided in Section 5.18 of this charter. The
900 commission, by ordinance, may establish reasonable requirements for obtaining or keeping
901 such licenses as the public health, safety, and welfare necessitate. The city commission may
902 revoke any such license or permit after due process for failure to pay any city taxes or fees
903 or for other cause determined by the city commission.

904 **SECTION 5.14.**

905 Franchises.

906 The city commission shall have the power to grant franchises and rights of way for the use
907 of the city's streets, roads, alleys, bridges, and viaducts for the purposes of railroads, street
908 railways, electric companies, gas companies, transportation companies, telecommunications
909 companies, other public utilities and organizations, and for private use. The city commission
910 shall determine the duration and terms of franchises, whether they shall be exclusive or
911 nonexclusive, and the consideration for such franchises; provided, however, that no franchise
912 shall be granted for a longer period than may be specified by the Constitution and general
913 laws of this state and no franchise shall be granted unless the city receives just and adequate
914 compensation therefor. The city commission shall provide for the registration of all
915 franchises with the city clerk in a registration book kept by him or her. The city commission
916 may provide by ordinance for the registration within a reasonable time of all franchises
917 previously granted.

918 **SECTION 5.15.**

919 Service fees.

920 The city commission, by ordinance, shall have the power to assess and collect fees,
 921 charges, and tolls for sewers, sanitary and health services, or any other services provided
 922 or made available inside or outside the corporate limits of the city for the total cost to the
 923 city of providing or making available such services. If unpaid, such charges shall be
 924 collected as provided in Section 5.18 of this charter.

925 **SECTION 5.16.**

926 Roads.

927 The city commission by ordinance shall have the power to assess, charge, and collect the
 928 costs of constructing, reconstructing, widening, or improving any public way, street,
 929 sidewalk, curbing, gutters, sewers, or other utility mains and appurtenances from the abutting
 930 property owners under such terms and conditions as are reasonable. If unpaid, such charges
 931 shall be collected as provided in Section 5.18 of this charter.

932 **SECTION 5.17.**

933 Other taxes.

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

937 **SECTION 5.18.**

938 Collection of delinquent taxes.

939 The city commission by ordinance may provide generally for the collection of delinquent
 940 taxes, fees, or other revenue due the city under Sections 5.10 through 5.17 of this charter by
 941 whatever reasonable means as are not precluded by law. Such means shall include, but shall
 942 not be limited to, providing for the dates when the taxes are due, late penalties or interest,
 943 issuance and execution of writs of fieri facias (fi. fas.), creation and priority of liens, making
 944 delinquent taxes and fees personal debts of the persons required to pay the taxes or fees
 945 imposed, and providing for the assignment or transfer of tax executions.

946 **SECTION 5.19.**

947 Borrowing.

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

952 **SECTION 5.20.**

953 Revenue bonds.

954 Revenue bonds may be issued by the city commission as state law now or hereafter provides.
955 Such bonds shall be paid out of any revenue produced by the project, program, or venture for
956 which they are issued.

957 **SECTION 5.21.**

958 Loans.

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

961 **SECTION 5.22.**

962 Accounting and budgeting.

963 The city commission shall set the fiscal year by ordinance. This fiscal year shall constitute
964 the budget year and the year for financial accounting and reporting of every office,
965 department, agency, and activity of the city government.

966 **SECTION 5.23.**

967 Budget ordinance.

968 The city commission shall by ordinance provide the procedures and requirements for the
969 preparation and execution of an annual operating budget, a capital improvement program,
970 and a capital budget, including requirements as to the scope, content, and form of such
971 budgets and program.

972 **SECTION 5.24.**

973 Operating budget.

974 The city manager shall submit to the city commission a proposed operating budget for each
975 ensuing fiscal year. The budget shall be accompanied by a message from the city manager
976 containing a statement of the general fiscal policies of the city, the important features of the
977 budget, explanations of major changes recommended for the next fiscal year, a general
978 summary of the budget, and such other comments and information as he or she may deem
979 pertinent. The operating budget, the capital improvements program, the capital budget, the
980 budget message, and all supporting documents shall be filed in the office of the city clerk and
981 shall be open to public inspection.

982 **SECTION 5.25.**

983 Adoption of budget.

984 (a) The city commission may amend the operating budget proposed by the city manager,
985 except that the budget as finally amended and adopted must provide for all expenditures
986 required by state law or by this charter and for all debt service requirements for the ensuing
987 fiscal year. The total appropriations from any fund shall not exceed the estimated fund
988 balance, reserves, and revenues.

989 (b) After the conducting of a budget hearing, the city commission shall adopt the final
990 operating budget for the ensuing fiscal year not later than the beginning of each fiscal year.
991 If the city commission fails to adopt the budget by such date, the dollar amounts appropriated
992 for operation for the preceding fiscal year shall be deemed adopted for the ensuing fiscal year
993 on a month-to-month basis, with all items prorated accordingly, until such time as the city
994 commission adopts a budget for the ensuing fiscal year. Adoption of the budget shall take
995 the form of an appropriations ordinance setting out the estimated revenues in detail by
996 sources and making appropriations according to fund and by organization unit, purpose, or
997 activity as set out in the budget preparation ordinance adopted pursuant to Section 5.23 of
998 this charter.

999 (c) The amount set out in the adopted operating budget for each organizational unit shall
1000 constitute the annual appropriation for such unit, and no expenditure shall be made or
1001 encumbrance created in excess of the otherwise unencumbered balance of the appropriations
1002 or allotments thereof to which it is chargeable.

1003 **SECTION 5.26.**

1004 Levy of taxes.

1005 Following adoption of the operating budget, the city commission shall levy by a majority
 1006 vote of the city commission such taxes as are necessary. The taxes and tax rates shall be
 1007 such that reasonable estimates of revenues from such levy shall at least be sufficient, together
 1008 with other anticipated revenues, fund balances, and applicable reserves, to equal the total
 1009 amount appropriated for each of the several funds set forth in the annual operating budget
 1010 for defraying the expense of the general government of the city.

1011 **SECTION 5.27.**

1012 Changes in budget.

1013 The city commission, by majority vote, may make changes in the appropriations contained
 1014 in the current operating budget at any regular meeting or at any special meeting called for
 1015 such purposes.

1016 **SECTION 5.28.**

1017 Capital improvements.

1018 No appropriations provided for in a prior capital improvements program and capital budget
 1019 shall lapse until the purpose for which the appropriations were made shall have been
 1020 accomplished or abandoned; however, the city manager may submit amendments to the
 1021 capital improvements program and the capital budget at any time during the fiscal year,
 1022 accompanied by his or her recommendations. Any such amendments to the capital
 1023 improvements program and the capital budget shall become effective only upon adoption by
 1024 majority vote of the city commission.

1025 **SECTION 5.29.**

1026 Audits.

1027 There shall be an annual independent audit of all city accounts, funds, and financial
 1028 transactions by a certified public accountant selected by the city commission. The audit shall
 1029 be conducted according to generally accepted accounting principles. Any audit of any funds
 1030 by the state or federal government may be accepted as satisfying the requirements of this
 1031 section. Copies of all audit reports shall be available at printing cost to the public.

1032 **SECTION 5.30.**

1033 Procurement and property management.

1034 No contract with the city shall be binding on the city unless:

1035 (1) It is in writing;

1036 (2) It is drawn by or submitted to and reviewed by the city attorney and, as a matter of
1037 course, signed by him or her to indicate such drafting or review; and

1038 (3) It is made or approved by the city commission and such approval is entered in the
1039 city commission minutes pursuant to Section 2.23 of this charter.

1040 **SECTION 5.31.**

1041 Purchasing.

1042 The city commission shall prescribe procedures for a system of centralized purchasing for
1043 the city.

1044 **SECTION 5.32.**

1045 Sale of property.

1046 (a) The city commission may sell and convey any real, personal, or mixed property owned
1047 or held by the city for governmental or other purposes as now or hereafter provided by law.

1048 (b) The city commission may quitclaim any rights it may have in property not needed for
1049 public purposes upon request by the city manager and adoption of a resolution finding that
1050 the property is not needed for public or other purposes and that the interest of the city has no
1051 readily ascertainable monetary value.

1052 (c) Whenever in opening, extending or widening any street, avenue, alley, or other public
1053 place of the city a small parcel or tract of land is cut off or separated by such work from a
1054 larger tract or boundary of land owned by the city, the city commission may authorize the
1055 city manager to execute and deliver in the name of the city a deed conveying such cutoff or
1056 separated parcel or tract of land to an abutting or adjoining property owner or owners in
1057 exchange for rights of way of such street, avenue, alley, or other public place when such
1058 exchange is deemed to be in the best interest of the city. All deeds and conveyances
1059 heretofore or hereafter so executed and delivered shall convey all title and interest that the
1060 city has in such property, notwithstanding the fact that no public sale after advertisements
1061 was or is hereafter made.

1062 **SECTION 5.33.**

1063 Deposits.

1064 The city shall select some chartered bank or banks or other chartered depository financial
1065 institution or institutions as a city depository or depositories, in which shall be deposited all
1066 city funds that are not otherwise lawfully invested.

1067 **ARTICLE VI**

1068 **GENERAL PROVISIONS**

1069 **SECTION 6.10.**

1070 Bonds for officials.

1071 The officers and employees of the city, both elected and appointed, shall execute such surety
1072 or fidelity bonds in such amounts and upon such terms and conditions as the city commission
1073 shall from time to time require by ordinance or as may be provided by law.

1074 **SECTION 6.11.**

1075 Ordinances, resolutions, rules, and regulations.

1076 All ordinances, resolutions, rules, and regulations in force in the city on the effective date of
1077 this charter and not inconsistent with this charter are declared valid and of full effect and
1078 force until amended or repealed by the city commission.

1079 **SECTION 6.12.**

1080 Charter language on other general matters.

1081 Except as specifically provided otherwise by this charter, all rights, claims, actions, orders,
1082 contracts, and legal or administrative proceedings shall continue, and any such ongoing work
1083 or cases shall be completed by such agencies, personnel, officers, or offices as may be
1084 provided by the city commission.

1085 **SECTION 6.13.**

1086 Definitions and construction.

1087 (a) Section captions in this charter are informative only and shall not be considered as a part
1088 thereof.

1089 (b) The word 'shall' is mandatory and the word 'may' is permissive.

1090 (c) The singular shall include the plural, and the masculine shall include the feminine, and
1091 vice versa.

1092 **SECTION 6.14.**

1093 Specific repealer.

1094 An Act incorporating the City of Cornelia, approved October 22, 1887 (Ga. L. p. 571), as
1095 amended, and the several Acts amendatory thereof are repealed. This repeal shall have no
1096 effect on the Act providing for homestead exemption, approved April 9, 1999 (Ga. L. p.
1097 3904), which shall remain in effect.

1098 **SECTION 6.15.**

1099 Effective date.

1100 This Act shall become effective upon its approval by the Governor or upon its becoming law
1101 without such approval.

1102 **SECTION 6.16.**

1103 General repealer.

1104 All laws and parts of laws in conflict with this Act are repealed.