

House Bill 553 (AS PASSED HOUSE AND SENATE)

By: Representatives Dickey of the 140th, Peake of the 141st, and Holmes of the 129th

A BILL TO BE ENTITLED
AN ACT

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

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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ARTICLE I
INCORPORATION AND POWERS
SECTION 1.10.
Incorporation.

29 This Act shall constitute the whole charter of the City of Forsyth, repealing and replacing the
30 charter provided by an Act of the General Assembly approved March 23, 1977 (Ga. L. 1977,
31 p. 3980), as amended. The City of Forsyth, Georgia, in the County of Monroe and the
32 inhabitants thereof, are hereby constituted and declared a body politic and corporate under
33 the same name and style of City of Forsyth, Georgia, and shall continue to be vested with all
34 of the property and rights of property which now belong to the city, and by that name shall
35 have perpetual succession. References in this charter to "the city" refer to the City of
36 Forsyth. The city shall have perpetual existence. The legal situs of the city shall be Monroe
37 County.

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SECTION 1.11.
City property.

40 Title to any property, real or personal, within or without the corporate limits of said city,
41 heretofore acquired by the City of Forsyth, with or without proper charter authority, is vested
42 in the City of Forsyth created by this Act, the acquisition thereof being ratified and made
43 lawful. The City of Forsyth, created by this Act, is authorized and empowered to purchase,
44 hold, rent, lease, and receive by gift or otherwise, and to enjoy, possess and retain,
45 temporarily or permanently, any property, real or personal, of any kind whatsoever, either
46 within or without the corporate limits of said city, for corporate purposes.

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SECTION 1.12.
Corporate boundaries.

49 (a) The boundaries of this city shall be those existing on the effective date of this charter
50 with such alterations as may be made from time to time by local law or the manner provided
51 by general state law. The boundaries of this city at all times shall be shown on a map, a
52 written description, or any combination thereof, to be retained permanently in the office of
53 the city clerk and to be designated, as the case may be: "the official map or description of the
54 corporate limits of the City of Forsyth, Georgia." Photographic, typed, or other copies of
55 such map or description certified by the city clerk shall be admitted as evidence in all courts
56 and shall have the same force and effect as the original map or description.

57 (b) The city council may provide for the redrawing of any such map by ordinance to reflect
 58 lawful changes in the corporate boundaries. A redrawn map shall supersede, for all purposes,
 59 the earlier map or maps which it is designated to replace but such earlier maps shall be
 60 retained in the office of the city clerk.

61 **SECTION 1.13.**

62 Powers and construction.

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

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

70 **SECTION 1.14.**

71 Examples of powers.

72 The powers of this city shall include, but not be limited to, the following powers:

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

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

82 (3) Building regulation. To regulate and to license the erection and construction of
 83 buildings and all other structures; to adopt building, housing, plumbing, fire safety,
 84 electrical, gas, and heating and air conditioning codes; and to regulate all housing and
 85 building trades;

86 (4) Business regulation and taxation. To levy and to provide for the collection of
 87 regulatory fees and taxes on privileges, occupations, trades, and professions as authorized
 88 by Title 48 of the Official Code of Georgia Annotated, or other such applicable laws as
 89 are or may hereafter be enacted; to permit and regulate the same; to provide for the

90 manner and method of payment of such regulatory fees and taxes; and to revoke such
91 permits after due process for failure to pay any city taxes or fees;

92 (5) Condemnation. To condemn property, inside or outside the corporate limits of the
93 city, for present or future use and for any corporate purpose deemed necessary by the
94 governing authority, utilizing procedures enumerated in Title 22 of the Official Code of
95 Georgia Annotated, or such other applicable laws as are or may hereafter be enacted;

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

98 (7) Emergencies. To establish procedures for determining and proclaiming that an
99 emergency situation exists within or without 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 citizens of the city;

102 (8) Environmental protection. To protect and preserve the natural resources,
103 environment and vital areas of the city, the region, and the state through the preservation
104 and improvement of air quality, the restoration and maintenance of water resources, the
105 control of erosion and sedimentation, the management of stormwater and establishment
106 of a stormwater utility, the management of solid and hazardous waste, and other
107 necessary actions for the protection of the environment;

108 (9) Fire regulations. To fix and establish fire limits and from time to time extend,
109 enlarge or restrict the same; to prescribe fire safety regulations consistent with general
110 law, relating to fire prevention and detection and firefighting; and to prescribe penalties
111 and punishment for violations thereof;

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

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

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

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

- 127 (14) Jail sentences. To provide that persons given jail sentences in the city's court may
128 work out such sentences in any public works or on the streets, roads, drains, and other
129 public property in the city, to provide for commitment of such persons to any jail, to
130 provide for the use of pretrial diversion and any alternative sentencing allowed by law,
131 or to provide for commitment of such persons to any county work camp or county jail by
132 agreement with the appropriate county officials;
- 133 (15) Motor vehicles. To regulate the operation of motor vehicles and exercise control
134 over all traffic, including parking upon or across the streets, roads, alleys and walkways
135 of the city;
- 136 (16) Municipal agencies and delegation of power. To create, alter or abolish
137 departments, boards, offices, commissions and agencies of the city, and to confer upon
138 such agencies the necessary and appropriate authority for carrying out all of the powers
139 conferred upon or delegated to the same;
- 140 (17) Municipal debts. To appropriate and borrow money for the payment of debts of the
141 city and to issue bonds for the purpose of raising revenue to carry out any project,
142 program or venture authorized by this charter or the laws of the State of Georgia;
- 143 (18) Municipal property ownership. To acquire, dispose of, lease, and hold in trust or
144 otherwise any real, personal or mixed property, in fee simple or lesser interest, inside or
145 outside the property limits of the city;
- 146 (19) Municipal property protection. To provide for the preservation and protection of
147 property and equipment of the city, and the administration and use of the same by the
148 public; and to prescribe penalties and punishment for violations thereof;
- 149 (20) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose
150 of public utilities, including but not limited to a system of waterworks, sewers and drains,
151 sewage disposal, stormwater management, gas works, electric light plants, cable
152 television and other telecommunications, transportation facilities, public airports, and any
153 other public utility; and to fix the taxes, charges, rates, fares, fees, assessments,
154 regulations, and penalties, and to provide for the withdrawal of service for refusal or
155 failure to pay the same;
- 156 (21) Nuisance. To define a nuisance and provide for its abatement whether on public or
157 private property;
- 158 (22) Penalties. To provide penalties for violation of any ordinances adopted pursuant to
159 the authority of this charter and the laws of the State of Georgia;
- 160 (23) Planning and zoning. To provide comprehensive city planning for development by
161 zoning; and to provide subdivision regulation and the like as the city council deems
162 necessary and reasonable to insure a safe, healthy, and aesthetically pleasing community;

- 163 (24) Police and fire protection. To exercise the power of arrest through duly appointed
164 police officers, and to establish, operate, or contract for a police and firefighting agency;
- 165 (25) Public hazards removal. To provide for the destruction and removal of any building
166 or other structure, which is or may become dangerous or detrimental to the public;
- 167 (26) Public improvements. To provide for the acquisition, construction, building,
168 operation, and maintenance of public ways, parks and playgrounds, recreational facilities,
169 cemeteries, markets and market houses, public buildings, libraries, public housing,
170 airports, hospitals, terminals, docks, parking facilities, or charitable, cultural, educational,
171 recreational, conservation, sport, curative, corrective, detention, penal and medical
172 institutions, agencies and facilities; and to provide any other public improvements inside
173 or outside the corporate limits of the city; to regulate the use of public improvements; and
174 for such purposes, property may be acquired by condemnation under Title 22 of the
175 Official Code of Georgia Annotated, or such other applicable laws as are or may hereafter
176 be enacted;
- 177 (27) Public peace. To provide for the prevention and punishment of loitering, disorderly
178 conduct, drunkenness, riots, and public disturbances;
- 179 (28) Public transportation. To organize and operate such public transportation systems
180 as are deemed beneficial;
- 181 (29) Public utilities and services. To grant franchises or to make contracts for, or impose
182 taxes on public utilities and public service companies; and to prescribe the rates, fares,
183 regulations and standards, and conditions of service applicable to the service to be
184 provided by the franchise grantee or contractor, insofar as not in conflict with valid
185 regulations of the Public Service Commission;
- 186 (30) Regulation and roadside areas. To prohibit or regulate and control the erection,
187 removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any
188 and all structures or obstructions upon or adjacent to the rights-of-way of streets and
189 roads, or within view thereof, within or abutting the corporate limits of the city; and to
190 prescribe penalties and punishment for violation of such ordinances;
- 191 (31) Retirement. To provide and maintain a retirement plan and other employee benefit
192 plans and programs for officers and employees of the city;
- 193 (32) Roadways. To lay out, open, extend, widen, narrow, establish or change the grade
194 of, abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise
195 improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and
196 walkways within the corporate limits of the city; and to grant franchises and
197 rights-of-way throughout the streets and roads, and over the bridges and viaducts for the
198 use of public utilities;

199 (33) Sewer fees. To levy a fee, charge, or sewer tax as necessary to assure the acquiring,
200 constructing, equipping, operating, maintaining, and extending of a sewage disposal plant
201 and sewerage system, and to levy on those to whom sewers and sewerage systems are
202 made available a sewer service fee, charge, or sewer tax for the availability or use of the
203 sewers; to provide for the manner and method of collecting such service charges and for
204 enforcing payment of the same; and to charge, impose, and collect a sewer connection fee
205 or fees to those connected with the system;

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

210 (35) Special areas of public regulation. To regulate or prohibit junk dealers; to regulate
211 the manufacture and sale of intoxicating liquors; to regulate the transportation, storage,
212 and use of combustible, explosive, and inflammable materials, the use of lighting and
213 heating equipment, and any other business or situation which may be dangerous to
214 persons or property; to regulate and control the conduct of peddlers and itinerant traders,
215 theatrical performances, exhibitions, and shows of any kind, by taxation or otherwise; to
216 license and tax professional fortunetelling, palmistry, and massage parlors; to restrict
217 adult bookstores and entertainment to certain areas; to regulate and license vehicles
218 operated for hire in the city; to limit the number of vehicles operated for hire; to require
219 the operators of vehicles operated for hire to be licensed; to require public liability
220 insurance on vehicles operated for hire in the amounts to be prescribed by ordinance; and
221 to regulate the parking of vehicles operated for hire;

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

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

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

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

229 (40) Other powers. To exercise and enjoy all other powers, functions, rights, privileges,
230 and immunities necessary or desirable to promote or protect the safety, health, peace,
231 security, good order, comfort, convenience, or general welfare of the city and its
232 inhabitants; and to exercise all implied powers necessary or desirable to carry into
233 execution all powers granted in this charter as fully and completely as if such powers
234 were fully stated herein; and to exercise all powers, now or in the future, authorized to
235 be exercised by other municipal governments under other laws of the State of Georgia;

236 and no listing of particular powers in this charter shall be held to be exclusive of others,
 237 nor restrictive of general words and phrases granting powers, but shall be held to be in
 238 addition to such powers unless expressly prohibited to municipalities under the
 239 Constitution or applicable laws of the State of Georgia.

240 **SECTION 1.15.**

241 Exercise of powers.

242 All powers, functions, right, privileges, and immunities of the city, its officers, agencies, or
 243 employees shall be carried into execution as provided by this charter. If this charter makes
 244 no provision, such shall be carried into execution as provided by ordinance or as provided
 245 by pertinent laws of the State of Georgia.

246 **ARTICLE II**

247 **GOVERNMENT STRUCTURE, ELECTIONS, AND REMOVAL**

248 **SECTION 2.10.**

249 City council creation, number, election.

250 The legislative authority of the government of this city, except as otherwise specifically
 251 provided in this charter, shall be vested in a city council composed of a mayor and six
 252 council members. The city council established shall in all respects be a successor to and
 253 continuation of the governing authority under prior law. The mayor and council members
 254 shall be elected in the manner provided for by general law and this charter.

255 **SECTION 2.11.**

256 City council terms and qualifications for office.

257 The mayor and each council member shall serve for terms of four years and until their
 258 respective successors are elected and qualified. There shall be no limits on the number of
 259 terms a mayor or council member is eligible to serve. No person shall be eligible to serve
 260 as mayor or a council member unless that person shall be at least 21 years of age and has
 261 been a resident of the city for 12 months prior to the date of election for such position. Each
 262 elected official shall continue to reside in the city during that official's period of service and
 263 be registered and qualified to vote in municipal elections of the city.

264

SECTION 2.12.

265

Vacancy; filling of vacancies.

266 (a) Vacancies. The office of mayor and each council member shall become vacant upon the
 267 incumbent's death, resignation, forfeiture of office, or occurrence of any event specified by
 268 the Constitution of the State of Georgia, Title 45 of the Official Code of Georgia Annotated,
 269 or such other applicable laws as are or may hereafter be enacted.

270 (b) Forfeiture of office. The mayor or any council member shall forfeit his office if he or
 271 she:

272 (1) Lacks at any time during his or her term of office any qualifications of the office as
 273 prescribed by this charter or the laws of the State of Georgia;

274 (2) Willfully and knowingly violates any express prohibition of this charter; or

275 (3) Is convicted of a crime involving moral turpitude.

276 (c) Filling of vacancies. A vacancy in the office of mayor or any council member shall be
 277 filled for the remainder of the unexpired term, if any, by appointment by a majority vote of
 278 the remaining city council if less than 12 months remain in the unexpired term. If such
 279 vacancy occurs 12 months or more prior to the expiration of the term of that office, it shall
 280 be filled for the remainder of the unexpired term by a special election, as provided for in
 281 Section 5.14 of this charter and in accordance with Titles 21 and 45 of the Official Code of
 282 Georgia Annotated, or other such laws as are or may hereafter be enacted.

283

SECTION 2.13.

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Compensation and expenses.

285 The mayor and each council member shall receive as compensation for their services and
 286 reasonable and necessary expenses such amounts as may be established by ordinance either
 287 heretofore or hereafter provided; however, any change in compensation for the mayor and
 288 any council member shall not take place prior to the start of the calendar year following the
 289 date on which the change was made.

290

SECTION 2.14.

291

Conflicts of interest; holding other offices.

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

294 (b) Conflicts of interest. No elected official, appointed officer, or employee of the city or
295 any agency or political entity to which this charter applies shall knowingly:

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

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

304 (3) Disclose confidential information, including information obtained at meetings which
305 are closed pursuant to Chapter 14 of Title 50 of the Official Code of Georgia Annotated,
306 concerning the property, government, or affairs of the governmental body by which that
307 person is engaged without proper legal authorization; or use such information to advance
308 the financial or other private interest of that person or others;

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

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

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

319 (c) Disclosure. Any elected official, appointed officer, or employee who shall have any
320 financial interest, directly or indirectly, in any contract or matter pending before or within
321 any department of the city shall disclose such interest to the city council. The mayor or any
322 council members who have a financial interest in any matter pending before the city council
323 shall disclose such interest and such disclosure shall be entered on the records of the city
324 council, and that official shall disqualify himself or herself from participating in any decision
325 or vote relating thereto. Any elected official, appointed officer, or employee of any agency
326 or political entity to which this charter applies who shall have any financial interest, directly
327 or indirectly, in any contract or matter pending before or within such entity shall disclose
328 such interest to the governing body of such agency or entity.

329 (d) Use of public property. No elected official, appointed officer, or employee of the city or
330 any agency or entity to which this charter applies shall use property owned by such

331 governmental entity for personal benefit or profit, but shall use such property only in their
332 capacity as an officer or employee of the city.

333 (e) Contracts voidable and rescindable. Any violation of this section which occurs with the
334 knowledge, express or implied, of a party to a contract or sale shall render said contract or
335 sale voidable at the option of the city council.

336 (f) Ineligibility of elected official. Except where authorized by law, neither the mayor nor
337 any council members shall hold any other elective or appointive office in the city or
338 otherwise be employed by said government or any agency thereof during the term for which
339 that official was elected. No former mayor and no former council member shall hold any
340 appointive office in the city until one year after the expiration of the term for which that
341 official was elected. This section shall not be construed as to prohibit the mayor or any
342 council member from being appointed to represent the City of Forsyth on any board or
343 authority upon which the City of Forsyth is entitled to representation under the bylaws of
344 said authority.

345 (g) Political activities of certain officers and employees. No appointed officer of the city
346 shall continue in such employment upon qualifying as a candidate for nomination or election
347 to any public office. No employee of the city shall continue in such employment upon
348 qualifying for an election to any public office in this city or any other public office which is
349 inconsistent, incompatible or in conflict with the duties of the city employee. Such
350 determination shall be made by the city council either immediately upon qualification for an
351 election or at any time such conflict may arise.

352 (h) Penalties for violation.

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

356 (2) Any officer or employee of the city who shall forfeit an office or position, as
357 described in paragraph (1) above, shall be ineligible for appointment or election to or
358 employment in a position in the city government for a period of three years thereafter.

359 **SECTION 2.15.**

360 **Inquiries and investigations.**

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

365 issued in the exercise of these powers by the city council shall be punished as provided by
366 ordinance.

367 **SECTION 2.16.**

368 General power and authority of the city council.

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

371 (b) In addition to all other powers conferred upon it by the law, the city council shall have
372 the authority to adopt and provide for the execution of such ordinances, resolutions, rules,
373 and regulations, consistent with this charter and the Constitution and the laws of the State of
374 Georgia, which it shall deem necessary, expedient, or helpful for the peace, good order,
375 protection of life and property, health, welfare, sanitation, comfort, convenience, prosperity,
376 or well-being of the inhabitants of the City of Forsyth and may enforce such ordinances by
377 imposing penalties for violation thereof.

378 **SECTION 2.17.**

379 Eminent domain.

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

388 **SECTION 2.18.**

389 Organizational meetings.

390 The city council shall meet for organization on the first Tuesday of each January. The
391 meeting shall be called to order by the city clerk and the oath of office shall be administered
392 to the newly elected members as follows:

393 "I do solemnly swear that I will faithfully perform the duties of (mayor)(council members)
394 of this city and that I will support and defend the charter thereof as well as the Constitution
395 and laws of the State of Georgia and of the United States of America. I am not the holder

396 of any unaccounted for public money due this state or any political subdivision or authority
 397 thereof. I am not the holder of any office of trust under the government of the United
 398 States, any other state, or any foreign state which I, by the laws of the State of Georgia, am
 399 prohibited from holding. I am otherwise qualified to hold said office according to the
 400 Constitution and laws of Georgia. I have been a resident of the City of Forsyth for the time
 401 required by the Constitution and laws of this state and by the municipal charter. I will at
 402 all times act ethically and professionally when in the conduct of city business, and I will
 403 not become delinquent in any financial or personal obligations to the City of Forsyth. I will
 404 perform the duties of my office in the best interest of the City of Forsyth and to the best of
 405 my ability without fear, favor, affecting, reward, or expectation thereof."

406 **SECTION 2.19.**

407 Regular and special meetings.

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

410 (b) Special meetings of the city council may be held on call of the mayor or by four council
 411 members. Notice of such special meetings shall be served on all other members personally,
 412 by telephone, or shall be left at their residence at least 48 hours in advance of the meeting.
 413 Such notice shall not be required if the mayor and all council members are present when the
 414 special meeting is called. Notice of any special meeting may be waived in writing before or
 415 after such a meeting, and attendance at the meeting shall also constitute a waiver of notice
 416 of any special meeting. Only the business stated in the notice shall be transacted at the
 417 special meeting except by unanimous consent of all members of the city council. With such
 418 consent, any business that may be transacted at a regular meeting may be conducted at the
 419 special meeting.

420 (c) All meetings of the city council shall be public to the extent required by law and notice
 421 to the public of special meetings shall be made fully as is reasonably possible as provided by
 422 Code Section 50-14-1 of the Official Code of Georgia Annotated, or other such applicable
 423 laws as are or may hereafter be enacted.

424 **SECTION 2.20.**

425 Rules of procedure.

426 (a) The city council shall adopt its rules or procedures and order of business consistent with
 427 the provisions of this charter and shall provide for keeping a journal of its proceedings, which
 428 shall be a public record.

429 (b) The mayor shall have the power to appoint ad hoc advisory committees as is deemed
 430 necessary. All ad hoc committee members and committee chairs shall be appointed by the
 431 mayor and shall serve at the pleasure of the mayor.

432 (c) The city council shall have the power to appoint the city's representative to any board,
 433 council, or committee upon which the City of Forsyth is entitled to membership.

434 **SECTION 2.21.**

435 Quorum; voting.

436 (a) Four council members, not including the mayor, shall constitute a quorum and shall be
 437 authorized to transact business of the city council. Voting on the adoption of ordinances
 438 shall be by voice vote and the vote shall be recorded in the journal, but any member of the
 439 city council shall have the right to request a roll call vote and such vote shall be recorded in
 440 the journal. Except as otherwise provided in this charter, the affirmative vote of four council
 441 members shall be required for the adoption of any ordinance, resolution, or motion. The
 442 mayor shall vote only in the case of a tie or in the case where his or her vote would provide
 443 the fourth affirmative vote required for approval of a matter.

444 (b) An abstention noted on the record shall be counted as a negative vote.

445 **SECTION 2.22.**

446 Action requiring an ordinance; definition.

447 An ordinance shall be defined as any act of the city council which shall have the force and
 448 effect of law. All such acts shall be enacted by ordinance and not by resolution. An
 449 ordinance shall be adopted in accordance with the requirements in Section 2.23.

450 **SECTION 2.23.**

451 Ordinance form; procedures.

452 (a) Every proposed ordinance, as defined by Section 2.22, shall be introduced in writing and
 453 in the form required for final adoption. No ordinance shall contain a subject which is not
 454 expressed in its title. Every ordinance shall begin with the enacting clause as follows: "It is
 455 hereby ordained by the governing authority of the City of Forsyth."

456 (b) Following the first reading of any proposed ordinance, except emergency ordinances, the
 457 city clerk shall distribute a copy to the mayor and to each of the council members, shall file
 458 a reasonable number of copies in the office of the city clerk, and shall provide for publication
 459 of a notice of proposed ordinance in a local newspaper for two consecutive weeks. The

460 notice shall describe the ordinance in brief and general terms and state that it is available for
461 public inspection at the office of the city clerk.

462 (c) Proposed ordinances, except emergency ordinances, shall be given a second reading at
463 the next meeting of the city council, following the second publication of the notice of a
464 proposed ordinance in the local newspaper and, after such reading, all persons interested
465 shall be given an opportunity to be heard. A vote of the city council may be taken at that
466 time and the proposed ordinance adopted.

467 (d) The city council may then pass such ordinance with or without amendment, except that
468 if the city council makes a substantive amendment, the ordinance shall not pass until a notice
469 of amendment has been published twice in a local newspaper.

470 (e) Every ordinance adopted by the city council shall be presented promptly to the mayor.

471 (f) The mayor, within ten calendar days of receipt of an ordinance, shall return it to the clerk
472 with or without his approval, or with his disapproval. If the ordinance has been approved by
473 the mayor, it shall become law upon its return to the clerk; if the ordinance is neither
474 approved nor disapproved, it shall become law at 12:00 Noon on the eleventh calendar day
475 after its adoption; if the ordinance is disapproved, the mayor shall submit to the city council,
476 through the clerk, a written statement of his reasons for his veto. The clerk shall record upon
477 the ordinance the date of its delivery to and receipt from the mayor.

478 (g) Any ordinance vetoed by the mayor shall be presented by the clerk to the city council at
479 its next regular meeting. Should the city council then or at its next regular meeting adopt the
480 ordinance by an affirmative vote of five members, it shall become law. If such action is not
481 taken by the city council, the ordinance shall not become law.

482 **SECTION 2.24.**

483 **Emergencies.**

484 (a) To meet a public emergency affecting life, health, property or public peace, the city
485 council may convene on call of the mayor or of four council members and promptly adopt
486 an emergency ordinance, but such ordinance may not levy taxes; grant, renew or extend a
487 franchise; regulate the rate charged by any public utility for its services; or authorize the
488 borrowing of money, except for loans to be repaid within 30 days. An emergency ordinance
489 shall be introduced in the form prescribed for ordinances generally, except that it shall be
490 plainly designated as an emergency ordinance and shall contain, after the enacting clause,
491 a declaration stating that an emergency exists and describing the emergency in clear and
492 specific terms. An emergency ordinance may be adopted, with or without amendment, or
493 rejected at the meeting at which it is introduced, but the affirmative vote of at least three
494 council members shall be required for adoption. It shall become effective upon adoption or

495 at such later time as it may specify. Every emergency ordinance shall automatically stand
 496 repealed 30 days following the date upon which it was adopted, but this shall not prevent
 497 reenactment of the ordinance in the manner specified in this section if the emergency still
 498 exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance
 499 in the same manner specified in this section for adoption of emergency ordinances.

500 (b) Such meetings shall be open to the public to the extent required by law and notice to the
 501 public of emergency meetings shall be made as fully as is reasonably possible in accordance
 502 with Code Section 50-14-1 of the Official Code of Georgia Annotated, or such other
 503 applicable laws as are or may hereafter be enacted.

504 **SECTION 2.25.**

505 Codes of technical regulations.

506 (a) The city council may adopt any standard code of technical regulations by reference
 507 thereto in an adopting ordinance. The procedure and requirements governing such adopting
 508 ordinance shall be as prescribed for ordinances in general except that: (1) the requirements
 509 of Section 2.23(b) for distribution and filing of copies of the ordinance shall be construed to
 510 include copies of any code of technical regulations, as well as the adopting ordinance; and (2)
 511 a copy of each adopted code of technical regulations, as well as the adopting ordinance, shall
 512 be authenticated and recorded by the city clerk pursuant to Section 2.26.

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

515 **SECTION 2.26.**

516 Signing, authenticating, recording codification, printing.

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

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

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

536 **SECTION 2.27.**

537 Election of mayor; forfeiture; compensation.

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

544 **SECTION 2.28.**

545 Chief executive officer.

546 The city manager shall be the chief executive officer of the city.

547 **SECTION 2.29.**

548 Powers and duties of mayor.

549 As the chief elected official of the city, the mayor shall:

- 550 (1) Preside at all meetings of the city council;
 551 (2) Be the head of the city for the purpose of service of process and for ceremonial
 552 purposes, and be the official spokesperson of the city and the chief advocate of policy;
 553 (3) Have the power to administer oaths and to take affidavits;
 554 (4) Sign as a matter of course on behalf of the city all written and approved contracts,
 555 ordinances, and other instruments executed by the city;

556 (5) Recommend to the city council such measures relative to the affairs of the city,
 557 improvement of the government, and promotion of the welfare of its inhabitants as the
 558 mayor may deem expedient;

559 (6) Call for special meetings of the city council as provided in Section 2.19(b);

560 (7) Approve or disapprove ordinances as provided in Section 2.23 of this charter;

561 (8) Disapprove or reduce any item or items in the budget. The approved or reduced parts
 562 of any budget shall become effective, and the part or parts disapproved shall not become
 563 effective unless subsequently passed by the affirmative vote of five council members.

564 (9) Require any department or agency of the city to submit written reports whenever the
 565 mayor deems it expedient; and

566 (10) Perform such other duties as may be required by law, this charter, or by ordinance.

567 **SECTION 2.30.**

568 Submission of ordinances to the mayor; veto power.

569 The mayor shall have veto power as prescribed in Section 2.23 in this charter.

570 **SECTION 2.31.**

571 Mayor pro tempore; selections; duties.

572 By a majority vote, the city council shall elect a council member to serve as mayor pro
 573 tempore. The mayor pro tempore shall preside at all meetings of the city council and shall
 574 assume the duties and powers of the mayor upon the mayor's physical or mental disability,
 575 suspension from office or absence. The city council, by a majority vote, shall elect a new
 576 presiding officer from among its members for any period in which the mayor pro tempore
 577 is disabled, absent, or acting as the mayor. Any such absence or disability shall be declared
 578 by a majority vote of all council members. When serving as a mayor, the mayor pro tempore
 579 shall vote only in the case of a tie or in the case where his or her vote would provide the
 580 fourth affirmative vote required for approval of a matter.

581 **SECTION 2.32.**

582 City manager; appointment.

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

586 **SECTION 2.33.**

587 City manager; removal.

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

590 **SECTION 2.34.**

591 Acting city manager.

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

598 **SECTION 2.35.**

599 Powers and duties of the city manager.

600 The city manager shall be the chief executive officer of the city. The manager shall be
601 responsible to the city council for the administration of all city affairs placed in the manager's
602 charge by or under this charter. As the chief executive officer, the manager shall:

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

609 (2) Direct and supervise the administration of all departments, offices, and agencies of
610 the city, except as otherwise prescribed in this charter;

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

614 (4) See that all laws, provisions of this charter, and acts of the city council, subject to
615 enforcement by the manager or by officers subject to the manager's direction and
616 supervision, are fully executed;

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

- 618 (6) Submit to the city council and make available to the public a complete report on the
 619 finances and administrative activities of the city as of the end of each fiscal year;
 620 (7) Make such reports as the city council may require concerning the operations of city
 621 departments, offices, and agencies subject to the managers direct supervision;
 622 (8) Keep the city council fully advised as to the financial condition and future needs of
 623 the city, and make such recommendations to the city council concerning the affairs of the
 624 city as the manager deems desirable; and
 625 (9) Perform other such duties as are specified in this charter or as may be required by the
 626 city council.

627 **SECTION 2.36.**

628 Council interference with administration.

629 Except for the purposes of inquiries and investigations, the city council or its members shall
 630 deal with city officers and employees who are subject to the direction and supervision of the
 631 city manager solely through the city manager, and the city council shall not give orders to
 632 any such officer or employee, either publicly or privately.

633 **ARTICLE III**

634 **ADMINISTRATIVE AFFAIRS**

635 **SECTION 3.10.**

636 Administrative and service departments.

- 637 (a) Except as otherwise provided in this charter, the city council shall prescribe the functions
 638 or duties of and establish, abolish, alter, consolidate, or leave vacant all nonelective offices,
 639 positions of employment, departments, and agencies of the city, as necessary for the proper
 640 administration of the affairs and government of this city.
 641 (b) There may be a director of each department or agency who shall be its principal officer.
 642 Each director shall, subject to the direction and supervision of the city manager, be
 643 responsible for the administration and direction of the affairs and operations of that director's
 644 department or agency.
 645 (c) The city clerk and all directors of departments shall receive such compensation as
 646 prescribed by ordinance or resolution, at the recommendation of the city manager.
 647 (d) The city clerk, department directors, and all city employees are employed at-will and are
 648 subject to removal or suspension at any time at the discretion of the city manager.

649

SECTION 3.11.

650

Boards, commissions, and authorities.

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

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

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

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

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

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

670 (g) All board members serve at-will and may be removed at any time by a vote of three
671 members of the city council unless otherwise provided by law.

672 (h) Except as otherwise provided by this charter or by law, each board, commission, or
673 authority of the city shall elect one of its members as chair and one member as vice-chair,
674 and may elect as its secretary one of its own members or may appoint as secretary an
675 employee of the city. Each board, commission, or authority of the city government may
676 establish such bylaws, rules and regulations, not inconsistent with this charter, ordinances
677 of the city, or law, as it deems appropriate and necessary for the fulfillment of its duties or
678 the conduct of its affairs. Copies of such bylaws, rules, and regulations shall be filed with
679 the clerk of the city.

680 **SECTION 3.12.**

681 City attorney.

682 The city council shall appoint a city attorney, together with such assistant city attorneys as
 683 may be authorized, and shall provide for the payment of such attorney or attorneys for
 684 services rendered to the city. The city attorney shall be responsible for providing for the
 685 representation and defense of the city in all litigation in which the city is a party; may be the
 686 prosecuting officer in the municipal court; shall attend the meetings of the council as
 687 directed; shall advise the city council, mayor, and other officers and employees of the city
 688 concerning legal aspects of the city's affairs; and shall perform such other duties as may be
 689 required by virtue of the person's position as city attorney. The city attorney is not a public
 690 official of the city and does not take an oath of office. The city attorney shall at all times be
 691 an independent contractor. A law firm, rather than an individual, may be designated as the
 692 city attorney.

693 **SECTION 3.13.**

694 Custodian of records.

695 The city council shall designate annually, at its organization meeting, a custodian of records
 696 who shall not be a council member, but may be the city clerk or another regular employee
 697 of the city. This individual shall be custodian of the official city seal and city records, and
 698 shall maintain city council records required by this charter.

699 **SECTION 3.14.**

700 Position classification and pay plans.

701 The city manager shall be responsible for the preparation of a position classification and pay
 702 plan which shall be submitted to the mayor and city council for approval. Such plan may
 703 apply to all employees of the city and any of its agencies, departments, boards, commissions
 704 or authorities. When a pay plan has been adopted, the city council shall not increase or
 705 decrease the salary range applicable to any position except by amendment of such pay plan.

706 **SECTION 3.15.**

707 Personnel policies.

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

710 ARTICLE IV
 711 JUDICIAL BRANCH
 712 **SECTION 4.10.**
 713 Creation, name.

714 There shall be a court to be known as the Municipal Court of the City of Forsyth.

715 **SECTION 4.11.**
 716 Chief judge, associate judges.

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

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

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

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

726 (e) Before assuming office, each judge shall take an oath, given by the mayor, that the judge
 727 will honestly and faithfully discharge the duties of the office to the best of that person's
 728 ability and without fear, favor or partiality. The oath shall be entered upon the minutes of
 729 the city council journal required in Section 2.20.

730 **SECTION 4.12.**
 731 Convening.

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

733 **SECTION 4.13.**
 734 Jurisdiction, powers.

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

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

739 (c) The municipal court may fix punishment for offenses within its jurisdiction not
 740 exceeding a fine of \$1,000.00 or imprisonment for 180 days or both such fine and
 741 imprisonment or may fix punishment by fine, imprisonment or alternative sentencing as now
 742 or hereafter provided by law.

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

746 (e) The municipal court shall have authority to establish bail and recognizance to ensure the
 747 presence of those charged with violations before said court, and shall have discretionary
 748 authority to accept cash or personal or real property as surety for the appearance of persons
 749 charged with violations. Whenever any person shall give bail for that person's appearance
 750 and shall fail to appear at that time fixed for trial, the bond shall be forfeited by the judge
 751 presiding at such time, and an execution issued thereon by serving the defendant and the
 752 defendant's sureties with a rule nisi, at least two days before a hearing on the rule nisi. In the
 753 event that cash or property is accepted in lieu of bond for security for the appearance of a
 754 defendant at trial, and if such defendant fails to appear at the time and place fixed for trial,
 755 the cash so deposited shall be on order of the judge declared forfeited to the city, or the
 756 property so deposited shall have a lien against it for the value forfeited which lien shall be
 757 enforceable in the same manner and to the same extent as a lien for city property taxes.

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

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

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

768 **SECTION 4.14.**

769 **Certiorari.**

770 The right of certiorari from the decision and judgment of the municipal court shall exist in
 771 all criminal cases and ordinance violation cases, and such certiorari shall be obtained under
 772 the sanction of a judge of the Superior Court of Monroe County under the laws of the State
 773 of Georgia regulating the granting and issuance of writs of certiorari.

774 **SECTION 4.15.**

775 Rules for court.

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

783 **ARTICLE V**784 **ELECTIONS**785 **SECTION 5.10.**

786 Applicability of general law.

787 All primaries and elections shall be held and conducted in accordance with the Georgia
 788 Election Code, Chapter 2 of Title 21 of the Official Code of Georgia Annotated, as now or
 789 hereafter amended.

790 **SECTION 5.11.**

791 Election of the city council and mayor.

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

794 (b) Each council position shall be designated as a post for the purposes of conducting
 795 elections. There shall be elected the mayor and three city council members posts at one
 796 election and at every other regular election thereafter. The remaining council posts shall be
 797 filled at the election alternating with the first election so that a continuing body is created.
 798 Terms shall be for four years.

799 **SECTION 5.12.**

800 Nonpartisan elections.

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

803 **SECTION 5.13.**

804 Election by majority.

805 The person receiving a majority (50 percent plus one) of the votes cast for any city office
806 shall be elected. If no person receives a majority, the two candidates receiving the most
807 votes will advance to a runoff election, to be held in a manner consistent with the Georgia
808 Election Code, Chapter 2 of Title 21 of the Official Code of Georgia Annotated.

809 **SECTION 5.14.**

810 Special elections, vacancies.

811 In the event that the office of mayor or council member shall become vacant as provided in
812 Section 2.12 of this charter, the city council or those remaining shall order a special election
813 to fill the balance of the unexpired term of such official; provided, however, that if such
814 vacancy occurs within 12 months of the expiration of the term of that office, the city council
815 or those remaining shall appoint a successor for the remainder of the term. In all other
816 respects, the special election shall be held and conducted in accordance with the Georgia
817 Election Code, Chapter 2 of Title 21 of the Official Code of Georgia Annotated, as now or
818 hereafter amended.

819 **SECTION 5.15.**

820 Other provisions.

821 Except as otherwise provided by this charter, the city council shall, by ordinance, prescribe
822 such rules and regulations it deems appropriate to fulfill any options and duties under the
823 Georgia Election Code, Chapter 2 of Title 21 of the Official Code of Georgia Annotated.

824 **SECTION 5.16.**

825 Removal of officers.

826 (a) The mayor, council members, and other appointed officers provided for in this charter
827 shall be removed from office for any one or more of the causes provided in Title 45 of the
828 Official Code of Georgia Annotated, or such other applicable laws as are or may hereafter
829 be enacted.

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

832 (1) Following a hearing at which an impartial panel shall render a decision. In the event
 833 an elected officer is sought to be removed by the action of the city council, such officer
 834 shall be entitled to a written notice specifying the ground or grounds for removal and to
 835 a public hearing which shall be held not less than ten days after the service of such
 836 written notice. The city council shall provide by ordinance for the manner in which such
 837 hearings shall be held. Any elected officer sought to be removed from office as herein
 838 provided shall have the right of appeal from the decision of the city council to the
 839 Superior Court of Monroe County. Such appeal shall be governed by the same rules as
 840 govern appeals to the superior court from the probate court.

841 (2) By an order of the Superior Court of Monroe County following a hearing on a
 842 complaint seeking such removal brought by any resident of the City of Forsyth.

843 **ARTICLE VI**

844 **FINANCE**

845 **SECTION 6.10.**

846 Ad valorem (property) tax.

847 The city council may assess, levy and collect an ad valorem tax on all real and personal
 848 property within the corporate limits of the city that is subject to such taxation by the state and
 849 county. This tax is for the purpose of raising revenues to defray the costs of operating the
 850 city government, of providing governmental services, for the repayment of principal and
 851 interest on general obligations, and for any other public purpose as determined by the city
 852 council in its discretion. All property subject to taxation for state or county purposes,
 853 assessed as of January 1 in each year, shall be subject to the ad valorem tax levied by the City
 854 of Forsyth. The city council by ordinance shall elect to use the county assessment for the
 855 year in which the city taxes are to be levied and shall request the county to furnish
 856 appropriate information for such purpose.

857 **SECTION 6.11.**

858 Millage rate, due dates, payment methods.

859 The city council, by resolution, shall annually establish a millage rate for the city property
 860 tax, a due date, and the time period within which these taxes must be paid. The city council,
 861 by said resolution, may also provide for the payment of these taxes by installments or in one
 862 lump sum, as well as authorize the voluntary payment of taxes prior to the time when due.

863

SECTION 6.12.

864

Occupation and business taxes.

865 The city council by ordinance shall have the power to levy such corporation or business taxes
866 as are not denied by law. The city council may classify businesses, occupations or
867 professions for the purpose of such taxation in any way which may be lawful and may
868 compel the payment of such taxes as provided in Section 6.17.

869

SECTION 6.13.

870

Regulatory fees, permits.

871 The city council by ordinance shall have the power to require businesses or practitioners
872 doing business within this city to obtain a permit for such activity from the city and pay a
873 reasonable regulatory fee for such permit as provided by general law. Such fees shall reflect
874 the total cost to the city of regulating the activity, and if unpaid, shall be collected as
875 provided in Section 6.17.

876

SECTION 6.14.

877

Franchises.

878 (a) The city council shall have the power to grant franchises for the use of this city's streets
879 and alleys for the purposes of railroads, street railways, telephone companies, electric
880 companies, electric membership corporations, cable television and other telecommunications
881 companies, gas companies, transportation companies, and other similar organizations. The
882 city council shall determine the duration, terms, whether the same shall be exclusive or
883 nonexclusive, and the consideration for such franchises; provided, however, that no franchise
884 shall be granted for a period in excess of 35 years and no franchise shall be granted unless
885 the city receives just and adequate compensation therefor. The city council shall provide for
886 the registration of all franchises with the city clerk in a registration book kept by the clerk.
887 The city council may provide by ordinance for the registration within a reasonable time of
888 all franchises previously granted.

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

894 **SECTION 6.15.**

895 Service charges.

896 The city council by ordinance shall have the power to assess and collect fees, charges,
897 assessments, and tolls for sewers, sanitary and health services, or any other services provided
898 or made available within and without the corporate limits of the city. If unpaid, such charges
899 shall be collected as provided in Section 6.17.

900 **SECTION 6.16.**

901 Construction, other taxes and fees.

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

905 **SECTION 6.17.**

906 Collection of delinquent taxes and fees.

907 The city council, by ordinance, may provide generally for the collection of delinquent taxes,
908 fees, or other revenue due the city under Sections 6.10 through 6.16 by whatever reasonable
909 means as are not precluded by law. This shall include providing for the dates when the taxes
910 or fees are due; late penalties or interest; issuance and execution of fi.fas.; creation and
911 priority of liens; making delinquent taxes and fees personal debts of the persons required to
912 pay the taxes or fees imposed; revoking city permits for failure to pay any city taxes or fees;
913 and providing for the assignment or transfer of tax executions.

914 **SECTION 6.18.**

915 General obligation bonds.

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

920 **SECTION 6.19.**

921 Revenue bonds.

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

925 **SECTION 6.20.**

926 Short-term loans.

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

929 **SECTION 6.21.**

930 Lease-purchase contracts.

931 The city may enter into multi-year lease, purchase or lease-purchase contracts for the
932 acquisition of goods, materials, real and personal property, services, and supplies provided
933 the contract terminates without further obligation on the part of the municipality at the close
934 of the calendar year in which it was executed and at the close of each succeeding calendar
935 year for which it may be renewed. Contracts must be executed in accordance with the
936 requirements of Code Section 36-60-13 of the Official Code of Georgia Annotated, or other
937 such applicable laws as are or may hereafter be enacted.

938 **SECTION 6.22.**

939 Fiscal year.

940 The City of Forsyth's fiscal year shall run from January 1 to December 31. This fiscal year
941 shall constitute the budget year and the year for financial accounting and reporting of each
942 and every office, department, agency and activity of the city government unless otherwise
943 provided by state or federal law.

944 **SECTION 6.23.**

945 Preparation of budgets.

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

948 a capital budget, including requirements as to the scope, content and form of such budgets
949 and plans.

950 **SECTION 6.24.**

951 Submission of operating budget to city council.

952 On or before a date fixed by the city council but not later than 30 days prior to the beginning
953 of each fiscal year, the city manager shall submit to the city council a proposed operating
954 budget for the ensuing fiscal year. The budget shall be accompanied by a message from the
955 city manager containing a statement of the general fiscal policies of the city, the important
956 features of the budget, explanations of all changes recommended for the next fiscal year, a
957 general summary of the budget, and such other pertinent comments and information. The
958 operating budget and the capital budget hereinafter provided for, the budget message, and
959 all supporting documents shall be filed in the office of the city clerk and shall be open to
960 public inspection.

961 **SECTION 6.25.**

962 Action by city council on budget.

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

968 (b) The city council by resolution shall adopt the final operating budget by a time each fiscal
969 year as enumerated in the budget preparation ordinance. If the city council fails to adopt the
970 budget by this date, the amounts appropriated for operation for the current fiscal year shall
971 be deemed adopted by the ensuing fiscal year on a month-to-month basis, with all items
972 prorated accordingly until such time as the city council adopts a budget for the ensuing fiscal
973 year. Adoption of the budget shall take the form of an appropriations resolution setting out
974 the estimated revenues in detail by sources and making appropriations according to fund and
975 by organizational unit, purpose, or activity as set out in the budget preparation ordinance
976 adopted pursuant to Section 6.23.

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

981 **SECTION 6.26.**

982 Tax levies.

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

989 **SECTION 6.27.**

990 Changes in appropriations.

991 The city council by resolution may make changes in the appropriations contained in the
 992 current operating budget, at any regular meeting, special or emergency meeting called for
 993 such purpose, but any additional appropriations may be made only from an existing
 994 unexpended surplus.

995 **SECTION 6.28.**

996 Capital budget.

997 (a) On or before the date fixed by the city council but no later than 30 days prior to the
 998 beginning of each fiscal year, the city manager shall submit to the city council a proposed
 999 capital improvements plan with a recommended capital budget containing the means of
 1000 financing the improvements proposed for the ensuing fiscal year. The city council shall have
 1001 power to accept, with or without amendments, or reject the proposed plan and proposed
 1002 budget. The city council shall not authorize an expenditure for the construction of any
 1003 building, structure, work or improvement, unless the appropriations for such project are
 1004 included in the capital budget, except to meet a public emergency as provided in Section
 1005 2.24.

1006 (b) The city council shall adopt by resolution the final capital budget for the ensuing fiscal
 1007 year not later than a time set by city council by ordinance. No appropriations provided for
 1008 in a prior capital budget shall lapse until the purpose for which the appropriation was made
 1009 shall have been accomplished or abandoned; provided, however, that the city council may
 1010 submit amendments to the capital budget at any time during the fiscal year, accompanied by
 1011 recommendations. Any such amendments to the capital budget shall become effective only
 1012 upon adoption by resolution of the city council.

1013 **SECTION 6.29.**

1014 Independent audit.

1015 There shall be an annual independent audit of all city accounts, funds and financial
 1016 transactions by a certified public accountant selected by the city council. The audit shall be
 1017 conducted according to generally accepted auditing principles. Any audit of any funds by
 1018 the state or federal governments may be accepted as satisfying the requirements of this
 1019 charter. Copies of annual audit reports shall be made available to the public at the cost of
 1020 printing such reports.

1021 **SECTION 6.30.**

1022 Contracting procedures.

1023 No contract with the city shall be binding on the city unless:

1024 (1) It is in writing;

1025 (2) It is drawn by or submitted to and reviewed by the city attorney, and as a matter of
 1026 course, is signed by the city attorney to indicate such drafting or review; and

1027 (3) It is made or authorized by the city council and such approval is entered in the city
 1028 council journal of proceedings pursuant to Section 2.20.

1029 **SECTION 6.31.**

1030 Centralized purchasing.

1031 The city council shall by ordinance prescribe procedures for a system of centralized
 1032 purchasing for the city.

1033 **SECTION 6.32.**

1034 Sale and lease of city property.

1035 (a) The city council may sell and convey, or lease any real or personal property owned or
 1036 held by the city for governmental or other purposes as now or hereafter provided by law.

1037 (b) The city council may quitclaim any rights it may have in property not needed for public
 1038 purposes upon report by the city council and adoption of a resolution, both finding that the
 1039 property is not needed for public or other purposes and that the interest of the city has no
 1040 readily ascertainable monetary value.

1041 (c) Whenever in opening, extending or widening any street, avenue, alley, or public place
 1042 of the city, a small parcel or tract of land is cut off or separated by such work from a larger

1043 tract or boundary of land owned by the city, the city council may authorize the mayor to sell
 1044 and convey said cut-off or separated parcel or tract of land to an abutting or adjoining
 1045 property owner or owners where such sale and conveyance facilitates the enjoyment of the
 1046 highest and best use of the abutting owner's property. Included in the sales contract shall be
 1047 a provision for the rights-of-way of said street, avenue, alley or public place. Each abutting
 1048 property owner shall be notified of the availability of the property and given the opportunity
 1049 to purchase said property under such terms and conditions as set out by ordinance. All deeds
 1050 and conveyances heretofore and hereafter so executed and delivered shall convey all title and
 1051 interest the city has in such property, notwithstanding the fact that no public sale after
 1052 advertisement was or is hereafter made.

1053 **ARTICLE VII**

1054 **GENERAL PROVISIONS**

1055 **SECTION 7.10.**

1056 Bonds for officials.

1057 The officers and employees of this city, both elected and appointed, shall execute such surety
 1058 or fidelity bonds in such amounts and upon such terms and conditions as the city council
 1059 shall from time to time require by ordinance or as may be provided by law.

1060 **SECTION 7.11.**

1061 Prior ordinances.

1062 All ordinances, resolutions, rules and regulations now in force in the city not inconsistent
 1063 with this charter are hereby declared valid and of full effect and force until amended or
 1064 repealed by the city council.

1065 **SECTION 7.12.**

1066 Existing personnel and officers.

1067 Except as specifically provided otherwise by this charter, all personnel and officers of the
 1068 city and their rights, privileges and powers shall continue beyond the time this charter takes
 1069 effect.

SECTION 7.13.

Pending matters.

1072 Except as specifically provided otherwise by this charter, all rights, claims, actions, orders,
1073 contracts and legal or administrative proceedings shall continue and any such ongoing work
1074 or cases shall be completed by such city agencies, personnel, or offices as may be provided
1075 by the city council.

SECTION 7.14.

Construction.

1078 (a) Section captions in this charter are informative only and are not to be considered as part
1079 thereof.

1080 (b) The word "shall" is mandatory, and the word "may" is permissive.

1081 (c) The singular shall include the plural, the masculine shall include the feminine, and vice
1082 versa.

SECTION 7.15.

Severability.

1085 If any article, section, subsection, paragraph, sentence, or part thereof of this charter shall be
1086 held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect
1087 or impair other parts of this charter unless it clearly appears that such other parts are wholly
1088 and necessarily dependent upon the part held to be invalid or unconstitutional, it being the
1089 legislative intent in enacting this charter that each article, section, subsection, paragraph,
1090 sentence or part thereof be enacted separately and independent of each other.

SECTION 7.16.

Effective date.

1093 This Act shall become effective upon its approval by the Governor or upon its becoming law
1094 without such approval.

1095 **SECTION 7.17.**

1096 Specific repealer.

1097 An Act approved March 23, 1977 (Ga. L. 1977, p. 3980), and all amendatory Acts thereto,
1098 are hereby repealed.

1099 **SECTION 7.18.**

1100 General repealer.

1101 All laws and parts of laws in conflict with this Act are repealed.