

House Bill 1175 (AS PASSED HOUSE AND SENATE)

By: Representative Hitchens of the 161st

A BILL TO BE ENTITLED
AN ACT

1 To provide a new charter for the City of Port Wentworth; to provide for incorporation,
2 boundaries, and powers of the city; to provide for general powers and limitations on powers;
3 to provide for a governing authority of such city and the powers, duties, authority, election,
4 terms, removal from office, method of filling vacancies, compensation, expenses, and
5 qualifications of members of such governing authority; to provide for oaths of office; to
6 provide for regular and special meetings; to provide for procedures related to meetings; to
7 provide for ordinances; to provide for codes; to provide for emergencies; to provide for
8 signing, authentication, and codification of ordinances; to provide for the office, powers,
9 duties, and removal of the city manager; to provide for the office of mayor and certain duties
10 and powers relative to the office of mayor; to provide for a mayor pro tem; to provide for
11 ethical responsibilities and prohibitions; to provide for inquiries and investigations; to
12 provide for administrative responsibilities; to provide for boards, commissions, and
13 authorities; to provide for a city attorney, city clerk, and other personnel; to provide for the
14 establishment of a municipal court and the judge or judges thereof; to provide for practices
15 and procedures; to provide for prosecuting attorneys and clerks of court for the municipal
16 court; to provide for city council districts and boundaries thereof; to provide for procedures
17 for municipal elections; to provide for taxation, permits, and fees; to provide for franchises,
18 service charges, and assessments; to provide for bonded and other indebtedness; to provide
19 for accounting and budgeting; to provide for contracting and purchasing; to provide for
20 bonds for officials; to provide for eminent domain; to provide for definitions and
21 construction; to provide for severability; to provide for related matters; to repeal a specific
22 Act; to repeal conflicting laws; and for other purposes.

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

54 **SECTION 1.13.**

55 Express powers.

56 Unless otherwise preempted by federal or state law, the corporate powers of the city may
57 include, but are not limited to, the following:

58 (1) General health, safety, and welfare. To define, regulate, limit, or prohibit any act,
59 practice, conduct or use of property which is detrimental to the health, sanitation,
60 cleanliness, welfare, and safety of the residents, inhabitants, property owners, and
61 business owners in the city, and to provide for the enforcement of such standards;

62 (2) The city, may sue and be sued, contract and be contracted with, plead and be
63 impleaded, have and use a common seal, make and enact, through its mayor and city
64 council, such ordinances, rules, regulations, and resolutions for the transaction of its
65 business and for the welfare and proper government of the city as the mayor and city
66 council deem best, and which shall be consistent with the laws of the State of Georgia
67 and the United States of America;

68 (3) The city council may, and in like manner, use, manage and improve, and dispose of
69 any property now owned or hereafter acquired by the city;

70 (4) Property taxes. To levy and to provide for the assessment, valuation of property,
71 revaluation of property, and collection of taxes on all property subject to taxation;

72 (5) Other taxes. To levy and collect such other taxes as may be allowed now or in the
73 future by state law;

74 (6) Special assessments. To levy, assess, and provide for the collection of special
75 assessments to cover the costs and future maintenance for any public improvements;

76 (7) Contracts. The city shall have the power to enter into contracts, agreements, licenses,
77 and memoranda of understanding or similar intergovernmental agreements with other
78 governmental entities and with private persons, firms, limited liability companies,
79 corporations, and other legal entities;

80 (8) Business regulation, taxation and fees. To levy and to provide for the collection of
81 license fees, other fees, and taxes on businesses, types of businesses, privileges,
82 occupations, trades, and professions as authorized by the O.C.G.A., as amended; to
83 license and regulate the same; to provide for the manner and method of payment of such
84 licenses, fees, and taxes; and to revoke such licenses after due process if the business
85 becomes a nuisance, is dangerous, is hazardous, is injurious to the health or morals of the
86 inhabitants of the city and for failure to abide by any federal, state, or local business
87 regulations and/or to pay any city taxes or fees;

- 88 (9) Alcoholic beverages. The city shall have the power by ordinance to license and
89 regulate alcoholic beverages within its territory in accordance with the general laws of
90 the State of Georgia, as amended;
- 91 (10) Appropriations and expenditures. To make appropriations for the support of the
92 government of the city, to authorize the expenditure of money for any purpose authorized
93 by this charter and for any purpose for which a municipality is authorized by the laws of
94 the State of Georgia, as amended, and to provide for the payment of expenses of the city;
- 95 (11) Municipal debts. To appropriate and borrow money for the payment of debts of the
96 city and to issue bonds for the purpose of raising revenue to carry out any project,
97 program, or venture authorized by this charter or the laws of the State of Georgia, as
98 amended;
- 99 (12) Municipal property ownership. To acquire, dispose of, convey, transfer, lease, rent,
100 and hold in trust or otherwise any real, personal, or mixed property, in fee simple or
101 lesser interest, inside or outside the property limits of the city;
- 102 (13) Municipal property protection. To provide for the preservation and protection of
103 property and equipment of the city and the administration and use of same by the public,
104 and to prescribe penalties and punishment for violations thereof;
- 105 (14) City, departments, and delegation of power. To create, alter, or abolish
106 departments, boards, offices, commissions, and agencies of the city, and to confer upon
107 such departments the necessary and appropriate authority for carrying out all the powers
108 conferred upon or delegated to same;
- 109 (15) Gifts. To accept or refuse gifts, donations, transfers, conveyances, bequests, or
110 grants from any source for any purpose related to the powers and duties of the city and
111 the general welfare of its citizens, on such terms and conditions as the donor or grantor
112 may impose;
- 113 (16) Police and fire protection. To exercise the power of arrest through duly appointed
114 police officers and to organize and operate a firefighting department;
- 115 (17) Emergencies. To establish procedures for determining and proclaiming that an
116 emergency situation exists within or without the city, and to make and carry out all
117 reasonable provisions deemed necessary to address and meet such an emergency for the
118 protection, safety, health, or well-being of the citizens, inhabitants, property owners, and
119 members of the business community of the city;
- 120 (18) Retirement and pensions. To provide and maintain a system of pensions, retirement
121 and other employee benefit plans and programs for members of the governing authority,
122 officers and employees of the city as provided by the O.C.G.A. and regulations, as
123 amended;

124 (19) Condemnation. To condemn property, inside or outside the corporate limits of the
125 city, for present or future use, and for any corporate purpose deemed necessary by the
126 governing authority, utilizing procedures enumerated in the O.C.G.A., or under other
127 applicable public acts and regulations, as amended;

128 (20) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose
129 of public utilities, including, but not limited to, a system of waterworks, sewers and
130 drains, sewage disposal, storm water management, gas works, electric light plants, cable
131 television, Internet, digital telecommunication, other telecommunication utilities,
132 mobility utility, perishable goods utility, health utility, media utility, transportation
133 facilities, public airports, and any other public utility as may be developed and approved
134 in the future; to fix the taxes, charges, rates, fares, fees, and assessments on any public
135 utility; and to provide for regulations, penalties, and withdrawal of service for refusal or
136 failure to pay same, and the manner in which such remedies shall be enforced by the city;

137 (21) Public utilities and services. To grant franchises or make contracts for, or impose
138 taxes on public utilities and public service companies; and to prescribe the rates, fares,
139 regulations, and standards and conditions of service applicable to the service to be
140 provided by the franchise grantee or contractor, insofar as not in conflict with valid
141 regulations by the Public Service Commission;

142 (22) Roadways. To lay out, open, extend, widen, narrow, establish or change the grade
143 of, abandon, or close, construct, pave, curb, gutter, adorn with shade trees, otherwise
144 improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and
145 walkways within the corporate limits of the city; and to grant franchises and
146 rights-of-way throughout the streets and roads, and over the bridges and viaducts, for the
147 use of public utilities; and to require real estate property owners to keep the sidewalks
148 adjoining their lots or lands clear and unobstructed, and to impose penalties for failure
149 to do so;

150 (23) Public improvements. To provide for the acquisition, construction, building,
151 operation, and maintenance of public ways, parks, playgrounds, recreational facilities,
152 cemeteries, markets and market houses, public buildings, libraries, public housing,
153 airports, terminals, docks, boat ramps and other marine facilities, parking facilities, or
154 charitable, cultural, educational, recreational, conservation, sport, curative, corrective,
155 detention, penal institutions, agencies, and facilities; to provide for in-patient and
156 out-patient hospitals, ambulatory surgical centers, birth centers, blood banks, clinics and
157 medical offices, dialysis centers, hospice facilities, imaging and radiology facilities,
158 mental health and addiction treatment centers, nursing homes and skilled nursing
159 facilities, orthopedic and rehabilitation facilities, urgent care and other medical facilities
160 of any kind or nature; and to provide any other public improvements inside or outside the

161 corporate limits of the city; to regulate the use of public improvements; and for such
162 purposes property may be acquired by condemnation under the O.C.G.A., or other
163 applicable public acts and regulations as are or may be enacted or amended in the future;

164 (24) Building regulation. To regulate, permit, and/or license the erection and
165 construction of buildings and all other structures; to adopt building, housing, plumbing,
166 electrical, gas and heating and air conditioning, and other necessary codes and to regulate
167 all housing, building, and building and construction trades;

168 (25) Planning and zoning. To provide such comprehensive city planning for
169 development by zoning, subdivision regulation and the like as the city council deems
170 necessary and reasonable to ensure a safe, healthy, and aesthetically pleasing community;

171 (26) Public peace. To provide for the prevention and punishment of loitering, disorderly
172 conduct drunkenness, riots, and public disturbances;

173 (27) Special areas of public regulation. To regulate or prohibit in a manner consistent
174 with general law, junk dealers, pawnshops, the manufacture, sale or transportation of
175 intoxicating liquors, the use and sale of firearms; to regulate the transportation, storage,
176 and use of combustible, explosive, and inflammable materials, the use of lighting and
177 heating equipment, and any other business or situation which may be dangerous to
178 persons or property; to regulate and control the conduct of peddlers, and itinerant trades,
179 theatrical performances, exhibitions, parades, and shows of any kind whatever, by
180 taxation or otherwise; and to license, tax, regulate, or prohibit professional
181 fortune-telling, palmistry, adult bookstores, massage parlors, and adult establishments
182 where nudity may be exhibited;

183 (28) Motor vehicles and public parking. To regulate the operation of motor vehicles and
184 public parking and to exercise control over all traffic, upon or across the highways,
185 streets, roads, alleys, and walkways of the city;

186 (29) Regulation of 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 other 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 (30) Health and sanitation. To prescribe standards of health and sanitation, and to
192 provide for the enforcement of such standards;

193 (31) Environmental protection: To protect and preserve the natural resources,
194 environment, and vital areas of the city, the region, and the state through the preservation
195 and improvement of air quality, restoration and maintenance of water resources, the
196 control of erosion and sedimentation, the management of storm water and establishment
197 of a storm water utility, the management of solid and hazardous waste, and other

198 necessary actions for the protection of the environment; in a manner not inconsistent with
199 the general laws of the State of Georgia, to regulate the emission of smoke, chemical and
200 other noxious fumes, vehicle exhaust and other air pollutants which are admitted into the
201 air space of the city; and to regulate and control any and all chemical, trash, unclean,
202 impure, or corrupt material which may be exposed to the water flowing in, around,
203 through, or into the aquifer beneath the city, and any stream or river in or adjacent to the
204 city;

205 (32) Fire regulations. To fix and establish fire limits, and from time to time to extend,
206 enlarge, or restrict same; to prescribe fire safety regulations not inconsistent with general
207 law, relating to both fire prevention and detection and to firefighting; and to prescribe
208 penalties and punishment for violations thereof;

209 (33) Public hazards and nuisances: Abatement and removal. A nuisance shall be defined
210 and abated as provided by O.C.G.A. § 41-1-1 et seq., as amended; the city may provide
211 for the condemnation, destruction, abatement, and removal of dwellings, buildings, or
212 structures within the city which are unfit for human habitation or commercial, industrial,
213 or business uses and not in compliance with applicable codes, structures which are vacant
214 and being used in connection with the commission of drug crimes, or which constitute
215 an endangerment to the public health or safety as a result of unsanitary or unsafe
216 conditions;

217 (34) Solid waste disposal. To provide for the collection and disposal of garbage, rubbish,
218 trash, and refuse and to regulate the collection and disposal of garbage, rubbish, trash, and
219 refuse by residents, property owners, businesses, and others; and to provide for the
220 separate collection of glass, tin, aluminum, cardboard, paper, and other recyclable
221 materials, and to provide for the disposal of such items;

222 (35) Garbage fees. To levy, fix, assess, and collect a garbage, refuse, and trash collection
223 and disposal and other sanitary service charge, tax, or fee for such services as may be
224 necessary in the operation of the city from all individuals, property owners, businesses,
225 firms, limited liability companies, corporations, and other legal entities, incorporated in
226 or outside the State of Georgia or residing in or doing business in the city or benefiting
227 from such services; to enforce the payment of such charges, taxes, or fees; and to provide
228 for the manner and method of collecting such service charges;

229 (36) Water and sewer fees. To levy, fix, assess, and collect a fee, charge, or tax as
230 necessary to assure the acquisition, construction, equipping, operating, maintaining, and
231 extension of a water filtration and distribution system or sewage disposal plant and
232 sewerage system; to levy on the users of water or sewers and the sewerage system a water
233 or sewer service charge fee or tax for the use of the water or sewer systems; and to
234 provide for the manner and method of collecting such service charges; and for enforcing

235 payment of same; to charge, impose, and collect a water or sewer connection fee or fees;
236 and to charge the same from time to time such fees to be levied on the users connecting
237 with the water or sewerage systems;

238 (37) Jail sentences. To provide that persons given jail sentences in the city's municipal
239 court may work out such sentence in any public works or on the streets, roads, drains, and
240 squares in the city; or to provide for commitment of such persons to any jail, to provide
241 for the use of pretrial diversion and any alternative sentencing allowed by law, or to
242 provide for commitment of such persons to any county work camp or county jail by
243 agreement with the appropriate county officials;

244 (38) Animal regulations. To regulate and license, or prohibit the keeping or running at
245 large of, any type or kind of animals and fowl, and to provide for the impoundment of
246 same if in violation of any ordinance or lawful order; also to provide for their disposition
247 by sale, gift, or humane destruction when not redeemed as provided by ordinance; and
248 to provide punishment for violation of ordinances enacted hereunder;

249 (39) Taxicabs or other vehicles for hire. To regulate and license vehicles operated for
250 hire in the city; to limit the number of such vehicles; to require the operators thereof to
251 be licensed; to require public liability insurance on such vehicles in the amounts to be
252 prescribed by ordinance; and to regulate the parking of such vehicles;

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

254 (41) Public transportation. To organize and operate such public transportation systems
255 as are deemed beneficial;

256 (42) Penalties. To provide penalties for violations of any ordinance adopted pursuant to
257 the authority of this charter and the laws of the State of Georgia;

258 (43) Other powers. To exercise and enjoy other powers, functions, rights, privileges, and
259 immunities necessary or desirable to promote or protect the safety, health, peace, security,
260 good order, comfort, convenience, or general welfare of the city and its inhabitants; and
261 to exercise all implied powers necessary to carry into execution all powers granted in this
262 charter as fully and completely as if such powers were fully stated herein; and to exercise
263 all powers now or in the future authorized to be exercised by municipal corporations
264 under other laws of the State of Georgia. No listing of particular powers in this charter
265 shall be held to be exclusive of others, nor restrictive of general words and phrases
266 granting powers, but shall be held to be in addition to such powers, unless expressly
267 prohibited to municipalities under the Constitution or laws of the State of Georgia.

268 **SECTION 1.14.**

269 Exercise of powers.

270 All powers, functions, rights, privileges, and immunities of the city, its officers, departments,
271 agencies, or employees shall be carried into execution as provided by this charter. If this
272 charter makes no provision, such powers shall be carried into execution as provided by the
273 general laws of the State of Georgia or, in such an absence, the ordinances of the city.

274 **ARTICLE II**
275 **GOVERNMENT STRUCTURE**

276 **SECTION 2.10.**

277 City council creation; composition; number; election.

278 The legislative authority of the government of the city, except as otherwise specifically
279 provided in this charter or by operation of Georgia law, shall be vested in a city council to
280 be composed of a mayor plus six councilmembers (hereinafter referred to as "city council"
281 or "mayor and city council"). The mayor and councilmembers shall be elected in the manner
282 provided by Articles II and V of this charter and the general laws of the State of Georgia.

283 **SECTION 2.11.**

284 General power and authority of the city council.

285 (a) Except as otherwise provided by this charter, the city council shall be vested with all the
286 powers of a municipal government as provided by the Constitution and the general laws of
287 the State of Georgia and this charter.

288 (b) In addition to all of the powers conferred upon it by law, the city council shall have the
289 residual authority to adopt and provide for the execution of such ordinances, resolutions,
290 rules, and regulations, not inconsistent with this charter, the Constitutions and laws of the
291 State of Georgia and the United States, which it shall deem necessary, expedient, or helpful
292 for the peace, good order, protection of life and property, health, welfare, sanitation, comfort,
293 convenience, prosperity, or well-being of the inhabitants of the city and may enforce such
294 ordinances by imposing penalties for violations thereof.

295 **SECTION 2.12.**

296 Oath of office.

297 The mayor, each councilmember, and each appointed officer of the city, before entering upon
 298 the duties of office, shall take and subscribe the following oath, in substantially the following
 299 form:

300 "I do solemnly swear (or affirm) that I will faithfully perform the duties of (state your
 301 office) of the City of Port Wentworth and that I will support and defend the charter thereof
 302 as well as the Constitutions and laws of the State of Georgia and the United States of
 303 America.

304 I am not the holder of any unaccounted for public money due to the State of Georgia or any
 305 political subdivision thereof.

306 I am not the holder of any office of trust under the government of the United States,
 307 another state, or any foreign state which I, by the laws of the State of Georgia, am
 308 prohibited from holding.

309 I am qualified to hold this office according to the Constitution and laws of the State of
 310 Georgia. I have been a resident of my district and the City of Port Wentworth for the time
 311 required by the Constitution, the laws of the state and by the city's charter.

312 I will perform the duties of my office to the best of my ability without fear, favor, affection,
 313 reward, or expectation thereof."

314 **SECTION 2.13.**

315 Regular and special meetings.

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

318 (b) Special meetings. Special meetings of the city council may be held on call of the mayor
 319 only, except in the case of emergencies as outlined in Section 2.19 of this charter. Notice of
 320 special meetings shall be served on all other councilmembers personally, by telephone, by
 321 electronic mail, or by other reasonable means at least 24 hours in advance of the special
 322 meeting. Such notice to councilmembers shall not be required if the mayor and all
 323 councilmembers are present when the special meeting is called. Such notice of any special
 324 meeting may be waived by a councilmember in writing before or after such a meeting, and
 325 attendance at the special meeting shall also constitute a waiver of notice on any business
 326 transacted in such councilmember's presence. Only the business stated in the mayor's call
 327 for special meeting may be transacted at any called special meeting.

328 (c) Open meetings. All meetings of the city council at which any official action is to be
329 taken shall be open to the public to the extent required by Chapter 14 of Title 50 of the
330 O.C.G.A.; and notice of such meetings, whether regular or special, shall be made fully and
331 in accordance with Georgia law, notwithstanding the waivers allowed for councilmembers
332 set forth in subsection (b) of this section.

333 **SECTION 2.14.**

334 Rules of procedure.

335 At the first city council meeting in January for each general municipal election, the city
336 council shall consider and approve procedural and parliamentary rules for all official
337 meetings to be conducted by city council for the next two-year term.

338 **SECTION 2.15.**

339 Minutes of official meetings.

340 The city clerk or appropriate designee shall keep a detailed record and minutes of the city
341 council's official proceedings, which shall be the official public record.

342 **SECTION 2.16.**

343 Quorum; voting; absences.

344 (a) Four councilmembers, including the mayor, shall constitute a voting quorum and the
345 quorum shall be authorized to transact official business of the city council. Voting on the
346 adoption of ordinances, resolutions, and motions shall be taken by voice vote and the ayes
347 and nays shall be recorded in the minutes, but any single member of the city council shall
348 have the right to request a roll call vote. The affirmative vote of a majority of those
349 councilmembers present at an official meeting shall be required for the adoption of any
350 ordinance, resolution, or motion, except as otherwise may be allowed in this charter.

351 (b) Absences by councilmembers. Except in emergency situations where advance notice
352 that a councilmember cannot attend an official meeting, councilmembers shall be required
353 to send written notice, electronically or otherwise, to the mayor and council, city clerk and
354 city manager that the councilmember will be unable to attend an official meeting, including
355 a general reason for the absence. The city clerk shall make the absent councilmember's
356 written notice a part of the official minutes of the official meeting.

357 (c) No member of the city council shall abstain from voting on any matter properly brought
358 before the city council for official action except when such councilmember has a conflict of

359 interest which is disclosed as soon as a conflict becomes known, prior to or at the meeting
 360 and shall be made a part of the minutes in accordance with this article. Any member of the
 361 city council present and eligible to vote on a matter and refusing to do so, for any reason
 362 other than a properly disclosed and recorded conflict of interest, shall be deemed to have
 363 acquiesced in or concurred with the members of the majority who did vote on the question
 364 involved and that member's vote shall be recorded in the minutes as a vote with the majority
 365 who did vote.

366 **SECTION 2.17.**

367 Ordinance form; procedure.

368 (a) Every proposed ordinance shall be introduced in writing and in the form required for
 369 final adoption. No ordinance shall contain a subject which is not expressed in its title. The
 370 enacting clause shall be "The Mayor and Council of the City of Port Wentworth hereby
 371 ordain. . ." and every ordinance shall so begin.

372 (b) An ordinance may be introduced by any councilmember and read at a regular or special
 373 meeting of the city council. Ordinances shall be considered, amended, adopted, or rejected
 374 by the city council in accordance with the rules which it shall establish in Section 2.14 of this
 375 charter. An ordinance shall not be adopted the same day it is introduced but shall require two
 376 readings before a vote may be taken, except for emergency ordinances provided for in
 377 Section 2.19 of this charter. Upon introduction of any ordinance, the city clerk shall, as soon
 378 as possible, distribute a copy to the mayor and to each councilmember and shall file a
 379 reasonable number of copies in the office of the city clerk, on the city's website, and at such
 380 other public places as the city council may designate.

381 **SECTION 2.18.**

382 Actions requiring an ordinance.

383 (a) In addition to other acts required by general state law or by specific provisions of this
 384 charter to be done by ordinance, official acts of the city council which have the force and
 385 effect of law shall be done by legislative ordinance which prescribe general, uniform, and
 386 permanent rules of conduct relating to the corporate affairs of the city. All ordinances shall
 387 be submitted, approved, or disapproved, as herein provided. A duly enacted ordinance may
 388 only be amended or repealed by separate ordinance, following the same rules as an ordinance
 389 is enacted. All other actions of the city shall be by resolution which shall deal with matters
 390 of a special or temporary character or being an expression of opinion or policy concerning
 391 some particular item of business coming before city council.

392 (b) The advertising of any city council action or ordinance shall be accomplished by
393 publishing the notice of the proposed action in a newspaper of general circulation within the
394 city; and the notice shall be given in writing setting forth the date, time, and place of the
395 public hearing. The newspaper having general circulation within the city may be designated,
396 changed, or redesignated from time to time by separate ordinance.

397 (c) In addition to advertising in a newspaper of general circulation, the city clerk shall cause
398 to be placed every proposed legislative ordinance or action on the city's website for public
399 review and at such other public places as the city council may designate.

400 **SECTION 2.19.**

401 **Emergencies and emergency ordinances.**

402 (a) To meet a public emergency affecting life, health, property, or public peace, the city
403 council may convene on call of the mayor alone, or four councilmembers, and promptly
404 adopt an emergency ordinance, but such ordinance may not levy taxes, grant, renew or
405 extend a franchise, regulate the rate charged by any public utility for its services, or authorize
406 the borrowing of money, except for loans to be repaid by the city within 30 days. An
407 emergency ordinance shall be introduced in the form prescribed for ordinances generally,
408 except that it shall be plainly designated as an emergency ordinance and shall contain, after
409 the enacting clause, a declaration stating that an emergency exists and describing the
410 emergency in clear and specific terms. An emergency ordinance may be adopted with or
411 without amendment or rejected at the meeting at which it is introduced, but the affirmative
412 vote of at least three councilmembers shall be required for adoption. It shall become
413 effective upon adoption or at such later time as the emergency ordinance may specify. Every
414 emergency ordinance shall automatically stand repealed 30 days following the date upon
415 which it was adopted, but this shall not prevent reenactment of an emergency ordinance in
416 the manner specified in this section if the stated emergency still exists. An emergency
417 ordinance may also be repealed by adoption of a repealing ordinance in the same manner
418 specified in this section for adoption of emergency ordinances.

419 (b) Emergency meetings shall be open to the public to the extent required by law and notice
420 to the public of emergency meetings shall be made as fully as is reasonably possible in
421 accordance with this charter and Chapter 14 of Title 50 of the O.C.G.A.

422

SECTION 2.20.

423

Codes of technical regulations.

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

427 (1) The requirements of subsection (b) of Section 2.21 of this charter for distribution and
 428 filing of copies of the ordinance shall be construed to include copies of any code of
 429 technical regulations, as well as the adopting ordinance; and

430 (2) A copy of each adopted code of technical regulations, as well as the adopting
 431 ordinance, shall be authenticated and recorded by the city clerk pursuant to Section 2.21
 432 of this charter.

433 (b) Copies of all adopted code of technical regulations shall be made available by the city
 434 clerk for public review, for purchase at a reasonable price or reference provided to members
 435 of the public where an adopted technical code may be purchased online or elsewhere.

436

SECTION 2.21.

437

Clerk's signing; authenticating; recording; codification; printing.

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

440 (b) The city council shall provide for the preparation and printing of a general codification
 441 of all of the ordinances of the city having the force and effect of law. The general
 442 codification shall be adopted by the city council by ordinance and shall be published
 443 promptly, together with all amendments thereto and such codes of technical regulations and
 444 other rules and regulations as the city council may approve. This compilation shall be known
 445 and cited officially as "The Code of the City of Port Wentworth, Georgia." Copies of the
 446 code shall be furnished to all officers, departments, and agencies of the city, and be made
 447 available for purchase by the public at a reasonable price by the city council or reference
 448 provided to the public where the code may be purchased or found.

449 (c) The city council shall cause each ordinance and each amendment to this charter to be
 450 printed promptly following its adoption, and the printed ordinances and charter amendments
 451 shall be made available for purchase by the public at reasonable prices to be fixed by the city
 452 council or reference provided to members of the public where the ordinances and charter
 453 amendments may be purchased or found. Following publication of the code under this
 454 charter and at all times thereafter, the ordinances and charter amendments shall be printed
 455 in substantially the same style as the code then currently in effect, and shall be suitable in

456 form for incorporation therein. The city council shall make such further arrangements as
 457 deemed desirable with respect to reproduction and distribution of any current changes in or
 458 additions to codes of technical regulations and other rules and regulations included in the
 459 code.

460 **SECTION 2.22.**

461 City manager.

462 The city council shall appoint a city manager, also known as the manager, for an indefinite
 463 term and shall fix the city manager's compensation by written agreement including the terms
 464 and conditions of the city manager's employment. The city manager shall be appointed
 465 solely on the basis of executive and administrative qualifications and in accordance with any
 466 approved city personnel policies.

467 **SECTION 2.23.**

468 Powers and duties of the city manager.

469 The city manager shall be the chief executive officer and administrator of the city. The city
 470 manager shall be responsible to the city council for the administration of all city affairs
 471 placed in the city manager's charge by this charter. As the chief executive and administrative
 472 officer, the city manager shall:

- 473 (1) When the city manager deems it necessary for the good of the city, appoint, suspend,
 474 or remove any city employee, administrative officers, and department heads the city
 475 manager is authorized to appoint, except as otherwise provided by law, this charter or
 476 personnel ordinances adopted pursuant to this charter. The city manager may authorize
 477 any administrative officer or department head who is subject to the city manager's
 478 direction and supervision to exercise these powers with respect to subordinates in that
 479 officer's department, office, or agency;
- 480 (2) Direct and supervise the administration of all departments, offices, and agencies of
 481 the city, except as otherwise provided by this charter or by law;
- 482 (3) Attend all city council meetings except for closed meetings held for purposes of
 483 deliberating on the appointment, discipline, or removal of the city manager and shall have
 484 the right to take part in discussions, but not vote;
- 485 (4) See that all laws, provisions of this charter, and acts of the city council subject to
 486 enforcement by the city manager or by officers subject to the city manager's direction and
 487 supervision, are faithfully executed;

- 488 (5) Prepare and submit the annual operating budget and capital budget to the city
489 council;
- 490 (6) Submit to the city council and make available to the public a complete report on the
491 finances and administrative activities of the city as of the end of each fiscal year;
- 492 (7) Make such other reports as the city council may require concerning the operations
493 of city departments, offices, and agencies subject to the city manager's direction and
494 supervision;
- 495 (8) Keep the city council fully advised as to the financial condition and future needs of
496 the city, and make such recommendations to the city council concerning the affairs of the
497 city as the city manager deems desirable and necessary; and
- 498 (9) Perform other such duties as specified in the charter or as may be required by the city
499 council.

500 **SECTION 2.24.**

501 Removal of city manager.

- 502 (a) The city council may remove the city manager from office, for cause, in accordance with
503 the following due process procedures:
- 504 (1) The city council shall adopt by affirmative vote of a majority of all of its members
505 a preliminary resolution which must state the reasons for removal for cause and may
506 suspend the city manager from duty for a period not to exceed 45 days. A copy of the
507 resolution shall be delivered promptly to the city manager;
- 508 (2) Within five days after a copy of the resolution is delivered to the city manager, the
509 manager may file with the city council a written request for a public hearing. This
510 hearing shall be held within 30 days after the request is filed. The city manager may file
511 with the city council a written reply not later than five days before the hearing;
- 512 (3) If the city manager has not requested a public hearing within the time specified in
513 paragraph (2) of this subsection, the city council may adopt a final resolution for removal,
514 which may be made effective immediately, by an affirmative vote of a majority of its
515 members;
- 516 (4) If the city manager has requested a public hearing, the city council may present
517 witnesses and evidence and the city manager may present witnesses and evidence in his
518 or her defense. At any time after the public hearing, the city council shall consider a final
519 resolution for removal. The vote shall be by affirmative vote of a super-majority of five
520 councilmembers. If the city council vote is to remove the city manager, such resolution
521 may be effective immediately or at such other date the city council shall prescribe; and

522 (5) At the city council's discretion, the city manager may continue to receive a salary
523 until the effective date of a final resolution of removal is adopted by council.

524 (b) Except as to removal for cause, any written agreement between the parties shall control
525 the rights, duties, and responsibilities as to removal of the city manager.

526 **SECTION 2.25.**

527 Acting city manager.

528 By letter filed with the city clerk, the city manager shall designate, subject to approval of the
529 city council, a qualified city administrative officer, to exercise the powers and perform the
530 duties of city manager during the manager's temporary absence or physical or mental
531 disability. During such absence or disability, the city council may revoke such designated
532 administrative officer at any time and appoint another administrative officer to serve until
533 the city manager shall return or the city manager's disability shall cease.

534 **SECTION 2.26.**

535 Involvement and interference with city administration.

536 The city council shall deal with city officers and employees who are subject to the direction
537 and supervision of the city manager solely through the city manager, and neither the city
538 council nor its members shall give orders or directions involving city business to any officer
539 or employee, either publicly, privately, directly, or indirectly.

540 **SECTION 2.27.**

541 Election of mayor.

542 At every other regular municipal election under Article V of this charter, the voters of the
543 city shall elect a mayor, at large, for a term of four years.

544 **SECTION 2.28.**

545 Powers and duties of mayor.

546 The mayor shall:

547 (1) Preside at all meetings of the city council; see that all meetings are conducted in a
548 parliamentary manner; and preserve order and decorum in such meetings;

549 (2) See that all laws, ordinances, rules, regulations, and resolutions of the city council
550 are faithfully executed and enforced by the city manager;

- 551 (3) See that all funds of the city are properly accounted for and that all revenues are
 552 properly collected by the city manager;
- 553 (4) Inform the city council from time to time of the general condition of the city and its
 554 affairs;
- 555 (5) Be the chief advocate of city policy and recommend such measures or policies to city
 556 council as he or she deems necessary or expedient for the health, safety, and welfare of
 557 the city and its inhabitants;
- 558 (6) Vote, if necessary, to make a quorum at any meeting; and vote, if necessary, in the
 559 case of a tie vote by councilmembers;
- 560 (7) Be an ex officio member of all committees and boards approved by city council;
- 561 (8) Be the head of the city for the purpose of service of legal process and for ceremonial
 562 purposes, and be the official spokesperson for the city;
- 563 (9) Be authorized to call special and emergency meetings of city council as he or she
 564 deems necessary and expedient;
- 565 (10) Have the power to administer oaths and take affidavits;
- 566 (11) Execute, sign, and bind the city on all written and approved contracts, ordinances,
 567 resolutions, and other legal instruments executed by the city which are, by law, required
 568 to be in writing; and
- 569 (12) To do such acts and things as may be proper and necessary in the proper conduct
 570 of the affairs of the city and as may be authorized by this charter, ordinances, or the
 571 general laws of the State of Georgia.

572 **SECTION 2.29.**

573 Position of mayor pro tem.

- 574 (a) By a majority vote of city council, with a nominated councilmember having no vote, the
 575 city council shall elect a councilmember to serve as mayor pro tem for a two-year term. The
 576 mayor pro tem shall be elected at the first city council meeting of a new city council term in
 577 January of each even year, beginning in 2022. In the event city council does not elect a
 578 mayor pro tem in January of the new term, the city council shall attempt to elect a mayor pro
 579 tem in February and March at any regular or specially called meeting. If the city council
 580 does not elect a mayor pro tem by April 1 of the new term, the mayor shall appoint the most
 581 recently elected at-large councilmember to serve as mayor pro tem for the new two-year term
 582 of city council.
- 583 (b) During a scheduled or unscheduled absence, the physical or mental disability of the
 584 mayor for any cause, the mayor pro tem, or in the mayor pro tem's absence or disability for
 585 any reason, any one of the councilmembers chosen by a majority vote of the city council,

586 shall be granted with all the rights and privileges of the mayor and shall perform the duties
 587 of the office of the mayor as mayor pro tem for so long as the mayor's absence or disability
 588 shall continue. Any such absence or disability of the mayor or mayor pro tem shall be
 589 declared by majority vote of all remaining councilmembers.

590 (c) The mayor pro tem or selected councilmember shall sign all contracts and ordinances in
 591 which the mayor has a disqualifying financial or other conflict of interest as provided in
 592 Section 2.35 of this charter.

593 (d) When acting as mayor, the mayor pro tem shall have one vote as a councilmember and
 594 shall not have a second vote as mayor or otherwise.

595 **SECTION 2.30.**

596 City council terms and qualification for office.

597 (a) The mayor and councilmembers shall serve terms of four years and shall be elected as
 598 provided for in Article V of this charter.

599 (b) No person shall be eligible to serve as mayor unless that person shall have been a
 600 full-time resident of the city for at least two consecutive years prior to the date of election,
 601 shall have attained the age of 25 years prior to the date of election, shall be a full-time
 602 resident in the city during the mayor's full term of office, and shall be registered to vote and
 603 legally qualified to run as a candidate in a municipal election of the city.

604 (c) No person shall be eligible to serve as a councilmember unless that person shall have
 605 been a full-time resident of the city for at least six months prior to the date of election, shall
 606 have attained the age of 21 years prior to the date of election, shall be a full-time resident in
 607 the city during the councilmember's full term of office, and shall be registered to vote and
 608 legally qualified to run as a candidate in a municipal election of the city.

609 **SECTION 2.31.**

610 Procedure for mayor and councilmembers seeking other elected offices.

611 The office of any city elected official shall be declared vacant and the official shall resign
 612 from his or her office upon such elected official qualifying, in a general or special election,
 613 for another federal, state, county, or municipal elective office. The vacancy created in any
 614 such office shall be filled as provided by the Georgia Constitution, general laws of the state,
 615 this charter, or ordinance.

616

SECTION 2.32.

617

Vacancy; filling of vacancies.

618 (a) Vacancies. The office of mayor or councilmember shall become vacant upon the
619 incumbent's death, resignation, forfeiture of office, or occurrence of any event specified by
620 the Georgia Constitution or state law.

621 (b) Filling of vacancies. A vacancy in the office of councilmember shall be filled for the
622 remainder of the unexpired term of the councilmember by appointment by a majority vote
623 of city council of those members remaining, if less than 24 months remains in the
624 councilmember's unexpired term. If a vacancy occurs 24 months or more prior to the
625 expiration of the term of the vacant councilmember's office, the city council shall call for a
626 special election to fill the remainder of the unexpired term, as provided for in this charter and
627 in accordance with state law.

628 (c) If the office of mayor shall become vacant at any time during his or her term of office,
629 the mayor pro tem shall serve the remainder of the unexpired term, and the mayor pro tem's
630 position as councilmember shall be filled by appointment by the city council in accordance
631 with subsection (b) of this section.

632 (d) The provisions of this section shall also apply to a temporary vacancy created by the
633 suspension from office of the mayor or any councilmember.

634

SECTION 2.33.

635

Compensation and expenses.

636 (a) The mayor and councilmembers shall receive compensation for their service in such
637 amounts as may be approved by city council by ordinance.

638 (b) The mayor and councilmembers shall be reimbursed for their actual and necessary
639 expenses incurred in the performance of their official duties.

640

SECTION 2.34.

641

Authority to create voting districts.

642 The city is hereby authorized and empowered to divide, subdivide or re-divide the real
643 properties or lands within the corporate limits of the city into voting districts, and to define
644 the boundaries of each voting district within the limits of the city, and to name or number or
645 letter said voting districts. In so doing, the city shall comply with the Constitutions and laws
646 of the United States and the State of Georgia, including but not limited to applicable
647 regulations of the United States of America. Subject to the limitations of state or federal law,

648 the city is authorized to reapportion voting districts following publication of the United
649 States decennial census.

650 **SECTION 2.35.**

651 Ethical responsibilities and prohibitions.

652 (a) Elected and appointed officers of the city are trustees and servants of the residents of the
653 city and shall act in a fiduciary capacity for the benefit of the city and its residents.

654 (b) Conflicts of interest. No elected official, appointed officer, or employee of the city, its
655 departments, boards, agencies, or political entities to which this charter applies shall
656 knowingly:

657 (1) Engage in any business or transaction or have a financial or other personal interest,
658 direct or indirect, which is incompatible with the proper discharge of that person's official
659 duties or which would tend to impair the independence of the person's judgment or action
660 in the performance of his or her official duties;

661 (2) Engage in or accept private employment or render services for private interests when
662 such employment or service is incompatible with the proper discharge of that person's
663 official duties or would tend to impair the independence of the person's judgment or
664 action in the performance of his or her official duties;

665 (3) Disclose, intentionally or with reckless disregard, any confidential information,
666 including information obtained at meetings which are closed pursuant to Chapter 14 of
667 Title 50 of the O.C.G.A. concerning the property, government, city employees'
668 confidential or privileged information, or other affairs of the city without proper legal
669 authorization; or use such information to advance the financial or other private interests
670 of himself, herself, his or her family, or others;

671 (4) Accept any valuable gift or other thing of value from any one source in an amount
672 of \$100.00 or more, in the aggregate, in any calendar year, whether in the form of a
673 service, food, loan, property, thing, or promise, from any person, firm, limited liability
674 company, corporation, or other legal entity which, to his or her knowledge, is or will be
675 interested, directly or indirectly, in any manner whatsoever in business dealings with the
676 city; provided, however, that an elected official who is a candidate for public office may
677 accept campaign contributions in connection with his or her election campaign in
678 accordance with Georgia law, and which are disclosed under the campaign finance rules
679 set forth by law and regulation;

680 (5) Represent other persons', business' or entities' private interests or claims in any action
681 or proceeding against the city or any portion of its government; provided, however, that

682 it shall not be a conflict of interest for a councilmember or appointed official to pursue
683 any personal legal claim in any action or proceeding against the city;

684 (6) Vote or otherwise participate in the negotiation of or making of any contract with any
685 person, business, limited liability company, corporation, or other legal entity in which he
686 or she has a financial interest;

687 (7) Use of public property. No elected official, appointed officer, or employee of the city
688 shall use property owned by the city for personal benefit, convenience, or profit but shall
689 use such property only in their capacity as an officer or employee of the city, except in
690 accordance with policies prescribed by city council;

691 (8) Ineligibility of elected officials. Except where authorized by law, neither the mayor
692 nor any councilmember shall hold any other elected or appointed office in the city or
693 otherwise be employed by the city during the term for which that official was elected or
694 appointed. No former mayor or councilmember shall hold any appointed office in the
695 city until one year after the expiration of the term for which the incumbent official was
696 elected or after his or her seat is vacated;

697 (9) Political activities of certain officers, employees, and board members:

698 (A) No appointed officer, employee, or appointed board member of the city shall
699 continue in such employment or appointment upon qualifying as a candidate for
700 nomination or election to any public office for the city, regardless whether such
701 employment or appointment is inconsistent, incompatible or in conflict with the duties
702 of the city employee or board member; and/or

703 (B) No appointed officer or employee or board member of the city shall continue in
704 such employment or appointment upon qualifying for or election to any public office
705 or appointment to another public office of another municipality, county, or other
706 governing authority which is inconsistent, incompatible, or in conflict with the duties
707 of the city employee, officer, or board member. Such determination shall be made by
708 the city manager at any time such potential or actual conflict of interest arises. Any
709 dispute as to whether the city employee, officer, or board member's anticipated
710 responsibilities for the other government office are inconsistent, incompatible or in
711 conflict with their duties for the city shall be resolved by city council.

712 (c) Disclosure.

713 (1) Any appointed officer, board member, or employee of the city who has any conflict
714 of interest as defined in this article or other private financial or other interest, directly or
715 indirectly, in any contract, business, or matter pending or contemplated with the city or
716 contemplated to be before city council shall disclose such conflict or private interest to
717 the city manager for his or her consideration and appropriate action.

718 (2) Any councilmember who has any conflict of interest as defined in this article or other
719 private financial or other interest, directly or indirectly, in any contract, business, or
720 matter pending or contemplated with the city or contemplated to be before the city
721 council shall disclose such conflict or private interest to the city manager, mayor, and city
722 council. Such conflict or other private financial or other interest shall be disclosed, but
723 the councilmember shall be required to identify the conflict of interest in a general
724 manner only. The disclosing party shall not be required to reveal privileged business or
725 otherwise confidential information held by the disclosing party which underlies the
726 conflict. The disclosure of the conflict of interest shall be entered on the records of the
727 city council. The councilmember having any conflict of interest shall disqualify himself
728 or herself from participating in any discussion, decision, or vote related to the matter for
729 which he or she is conflicted and shall leave the rostrum while the conflicted matter or
730 issue is being considered by city council.

731 (d) Complaints of ethical violations.

732 (1) All complaints against city officials, employees, or appointees for alleged violations
733 of this article shall be filed with the city clerk.

734 (2) All complaints shall be signed under oath with the city clerk, who shall note the date
735 and time of its filing on the document face. A complaint shall be legibly written and shall
736 clearly and concisely set forth the charges and specific paragraph subsections alleged to
737 have been violated.

738 (3) Upon receipt of a proper complaint being filed, the city clerk shall serve the city
739 official, also known as the respondent, within seven calendar days. Service upon the
740 respondent may be made by personal service, by certified mail, return receipt requested,
741 or by statutory overnight delivery with evidence of receipt by the respondent. At the
742 same time, the city clerk shall transmit a certified copy of the complaint to the mayor, all
743 members of city council, the city attorney, and the senior municipal court judge.

744 (4) Upon service of a complaint, a respondent may, but is not required to, file a written
745 answer or response to the allegations alleged in a complaint. If a respondent elects to file
746 a written answer or response, such answer or response shall be filed within ten business
747 days after the respondent is served.

748 (5) To discourage the filing of ethics complaints solely for political purposes during an
749 election year cycle, a complaint under this article made against or by a person seeking
750 election or re-election as a candidate for office which is filed between the qualifying date
751 for municipal office and the date of certification of the election results may, after
752 consulting with the city attorney, be held by the city clerk and not processed until after
753 the election results for that election cycle have been certified. If the city clerk elects to
754 hold any complaint during this period, he or she shall notify the mayor and city council

755 in writing that a complaint has been filed and that, after consulting with the city attorney,
756 the city clerk is invoking this section to hold, not process, and not serve the complaint
757 until the official election results have been certified for that election year cycle. If the
758 city clerk determines, after consulting with the city attorney, that a complaint should not
759 be held, the city clerk will process the complaint as required in this article.

760 (e) Municipal court jurisdiction of complaints.

761 (1) The Municipal Court of the City of Port Wentworth shall hear and issue final
762 decisions on all proper complaints filed under this section. The municipal court may
763 establish such rules, processes, and procedures as it deems necessary to investigate,
764 conduct hearings, and issue a final decision on complaints. The municipal court shall
765 have subpoena authority to compel testimony, may request assistance of city staff, or may
766 engage outside investigators as may be appropriate, at city expense, to aid the court in the
767 investigation and adjudication of a complaint under this section.

768 (2) If a municipal court judge assigned to hear a complaint under this article determines
769 that he or she has an actual or potential conflict of interest or determines for other reasons
770 that he or she should recuse himself or herself from hearing the complaint, the assigned
771 municipal court judge shall enter an order of recusal and reassign the matter to another
772 judge or judge pro tem who will hear the complaint and issue a final decision.

773 (3) Upon receipt of a complaint in proper form, the municipal court judge shall initially
774 review the complaint to determine whether the complaint is unjustified, frivolous,
775 patently unfounded, or fails to state facts sufficient on its face to invoke the jurisdiction
776 of the municipal court under this section.

777 (4) If the municipal court determines upon initial review that a complaint is unjustified,
778 frivolous, patently unfounded, or fails to state facts sufficient on its face to invoke the
779 jurisdiction of the municipal court, the court shall dismiss the complaint by written order.
780 A dismissal upon initial review shall be considered a final decision for appeal purposes
781 and shall not deprive a complainant of his or her right to take action or seek other
782 remedies as such complainant might otherwise have under this section, at law or in
783 equity.

784 (5) If the municipal court judge does not dismiss a complaint upon initial review, the
785 municipal court shall conduct a hearing in accordance with any process and procedure
786 the court may establish by order or otherwise. Such hearings shall be held by the court
787 within 60 calendar days after a proper complaint is filed but in no event shall a hearing
788 be held within ten business days of a respondent being served under this section.

789 (6) A complainant shall have the burden of proof to prove the allegations asserted in his
790 or her complaint by a preponderance of the evidence. The respondent shall also have the

- 791 right, but no obligation, to present evidence in his or her defense or in mitigation.
 792 Further, the parties may be heard either personally or through counsel.
- 793 (7) At any hearing, the parties may examine and cross-examine witnesses and shall have
 794 subpoena authority to compel the production of witnesses, documents, or other evidence
 795 from any party or third party upon prior submission to and subject to approval of all
 796 subpoenas by the municipal court judge. This provision shall not preclude a party from
 797 filing a motion to quash any subpoenas the municipal court may approve.
- 798 (8) The municipal court may take sworn testimony and may receive documentary or
 799 other evidence in accordance with the rules of evidence or procedure adopted pursuant
 800 to this section.
- 801 (9) The municipal court shall:
- 802 (A) Within 30 days after the conclusion of a hearing, in written findings of fact and
 803 conclusions based thereon, issue a final decision concerning the propriety of the
 804 conduct of the official or employee named in a complaint; and
- 805 (B) The court's final decision shall recommend to the mayor and city council either that:
- 806 (i) All or portions of the complaint be dismissed for any reason and analysis set forth
 807 in the final decision; or
- 808 (ii) The court finds that one or more enumerated violations of this section occurred
 809 and that the final decision is referred to the mayor and city council for consideration,
 810 deliberation, and vote upon penalty, if any. The municipal court is not required to,
 811 but may, recommend a penalty to city council for its consideration. The municipal
 812 court judge's final decision shall be served upon all parties, the city clerk, and the city
 813 attorney. The city clerk, upon receipt of a final decision, shall forward the final
 814 decision to the mayor and city council for consideration, deliberation, and voting
 815 action at public meeting.
- 816 (10) The intent of this section is to provide the municipal court the maximum flexibility
 817 to establish due process and procedure to conduct any investigation and hearing required
 818 and shall not be construed to limit the municipal court's authority in any way to reach a
 819 just adjudication of any complaint filed under this section. It is also the intent of this
 820 article that, except as to the 30 day time to appeal to the superior court specified in
 821 subsection (g) of this section, the time deadlines set forth in this section shall be
 822 guidelines only and shall not be construed to be jurisdictional in any manner so as to
 823 invalidate by lapse of time a valid complaint, answer, or response or to in any way affect
 824 the jurisdiction of the municipal court itself or the mayor and city council to act upon any
 825 complaint or final decision of the municipal court.
- 826 (f) Penalties.

827 (1) Upon receipt of a final decision by the municipal court, the mayor and city council
 828 may place the final decision upon the agenda of the next regularly scheduled meeting of
 829 the city council for discussion, consideration, deliberation, and vote for penalties the
 830 mayor and city council may levy upon the party, if any;

831 (2) Any person found by municipal court final decision to have violated any provision
 832 of this section shall be subject, after majority vote of the mayor and city council, to:

833 (A) Public reprimand or censure by the mayor and city council;

834 (B) Issuance of a formal request for resignation by the mayor and council; or

835 (C) No penalty.

836 Nothing in this section shall preclude an official from being removed under the removal
 837 provisions set forth in Article V of this charter.

838 (3) Contracts voidable and rescindable. Any violation of this article which occurs with
 839 the knowledge, express or implied, of another party to a contract, sale, or business
 840 relationship with the city shall render said contract, sale or business relationship with the
 841 city voidable as to that party, at the option of the city council.

842 (g) Right to appeal.

843 (1) A complainant or respondent adversely affected by a final decision or resulting
 844 penalty action under this section may seek judicial review of such final decision or
 845 resulting city council penalty action as provided herein.

846 (2) A petition seeking judicial review of a final decision may be commenced by filing
 847 an application for a writ of certiorari in the Superior Court of Chatham County within 30
 848 days after a final decision is rendered. The 30 day right to appeal shall be a subject
 849 matter jurisdiction limitation time to appeal, and failure of any affected party to file an
 850 application for writ of certiorari within that time period shall deprive the superior court
 851 of jurisdiction to hear any appeal.

852 (3) The filing of an appeal and application for judicial review shall act as a supersedeas
 853 writ and stay any penalty or action imposed by the city council until further order of the
 854 Superior Court of Chatham County.

855 **SECTION 2.36.**

856 **Inquiries and investigations.**

857 The city council may make inquiries and investigations into the affairs of the city and the
 858 conduct of any department, office, employee, agency, chamber, board, or board member
 859 thereof, and for this purpose may use the city police department to assist with any
 860 investigation and may subpoena witnesses and documents. The city council shall obtain the
 861 advice and counsel of the city attorney as to the method, manner, and procedure of any

862 inquiry and investigation, to assist in the preparation of subpoenas, discovery requests, and
863 other documents to aid in any inquiry or investigation. Additionally, the mayor may
864 administer oaths and the city council may take testimony of any witness. Any person under
865 investigation who fails or refuses to obey a lawful order issued in the exercise of these
866 powers by the city council may be removed from their position.

867 **ARTICLE III**
868 **ADMINISTRATIVE AFFAIRS**

869 **SECTION 3.10.**
870 **Administrative and service departments.**

871 (a) Except as otherwise provided in this charter and general state law, the city council, by
872 ordinance, shall prescribe the functions or duties and establish, abolish, or alter all
873 nonelective offices, positions of employment, departments and agencies of the city, as
874 necessary for the proper administration of the affairs and government of the city.

875 (b) Except as otherwise provided by this charter or general state law, the directors or heads
876 of departments and other appointed officers of the city shall be appointed solely on the basis
877 of their respective administrative and professional qualifications.

878 (c) All appointive officers and directors of departments shall receive such compensation as
879 prescribed by ordinance or resolution.

880 (d) There shall be a director or head of each department or agency who shall be its principal
881 officer. Each director or department head shall, subject to the direction and supervision of
882 the city manager, be responsible for the administration and direction of the affairs and
883 operations of that director's department or agency.

884 (e) All appointed officers, directors, and department heads under the supervision of the city
885 manager shall be nominated by the city manager and appointment confirmed by the city
886 council. Recommendations may be made to the city manager from the mayor or any
887 individual councilmember, residents, or members of the public. All appointed officers,
888 directors, and department heads shall be employees "at will" and subject to removal or
889 suspension at any time by the city manager, with approval by the city council, unless
890 otherwise provided by law, ordinance, or approved human resource policy.

891

SECTION 3.11.

892

Boards, commissions, and agencies.

893 (a) The city council shall create by ordinance such boards, commissions, and agencies to
 894 fulfill any investigative, quasi-judicial, or quasi-legislative function the city council deems
 895 necessary, and shall, by ordinance, establish the composition, period of existence, duties, and
 896 powers thereof.

897 (b) All members of boards, commissions, and agencies of the city shall be appointed by the
 898 city council for such terms of office and in such manner as shall be provided by ordinance,
 899 except where other appointing authority, term of office, or manner of appointment is
 900 prescribed by this charter or general state law.

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

903 (d) No member of any board, commission, or agency shall hold any elective office in the
 904 city.

905 (e) Any vacancy on a board, commission, or agency of the city shall be filled for the
 906 unexpired term in the manner prescribed herein for original appointment, except as otherwise
 907 provided by this charter or general state law.

908 (f) No member of a board, commission, or agency shall assume office until he or she has
 909 executed and filed with the city clerk an oath obligating him or her to faithfully and
 910 impartially perform the duties of the office, such oath to be prescribed by ordinance and
 911 administered by the mayor.

912 (g) Any member of a board, commission, or agency may be removed from office, for cause,
 913 by a majority vote of the city council.

914 (h) Except as otherwise provided by the charter or by general state law, each board,
 915 commission, or agency of the city shall elect one of its members as chairperson and one
 916 member as vice chairperson and may elect as its secretary one of its own members or may
 917 appoint as secretary an employee of the city. The mayor and city council may, by resolution
 918 or ordinance, establish such bylaws, rules, and regulations not inconsistent with this charter
 919 or general state law, governing the conduct of affairs of each board, commission, or agency
 920 of the city.

921

SECTION 3.12.

922

City attorney.

923 (a) The city council shall appoint a city attorney, together with such assistant city attorneys
 924 as may be necessary, and shall provide for the payment of such attorney or attorneys for

925 services rendered to the city. The city attorney shall be responsible for representing and
926 defending the city in all anticipated or pending litigation in which the city is a party; shall
927 attend the meetings of the city council as directed; shall be allowed to participate in
928 discussions but not vote; shall advise the city council, mayor, and other officers, and
929 employees of the city concerning legal aspects of the city's affairs; shall be a special
930 prosecuting attorney to prosecute offenses arising out of violations of zoning ordinances,
931 subdivision regulations, similar land use regulations, or other ordinance violations; and shall
932 perform such other duties as may be required of him or her by virtue of his or her position
933 as city attorney or as required by the city council or the city manager.

934 **SECTION 3.13.**

935 City clerk.

936 The city council may appoint a city clerk who shall not be a councilmember. The city clerk
937 shall be the custodian of the official city seal; maintain official city records, city council
938 records, and minutes; and perform such other duties as may be required by the city council
939 and city manager.

940 **SECTION 3.14.**

941 Tax collector.

942 The city council may appoint a tax collector to collect all taxes, licenses, fees, and other
943 moneys belonging to the city, subject to the provisions of this charter and the ordinances of
944 the city, and the tax collector shall diligently comply with and enforce all general laws of
945 Georgia relating to the collection, sale, or foreclosure of taxes by the city.

946 **SECTION 3.15.**

947 City accountant.

948 The city manager may nominate, subject to approval of the city council, a city accountant or
949 accounting firm to perform the duties of an accountant.

950 **SECTION 3.16.**

951 Personnel policies.

952 As recommended and proposed by the city manager, the city council may adopt rules and
953 regulations consistent with this charter concerning:

- 954 (1) The method of employee selection and probationary periods of employment;
 955 (2) The administration of a position classification and pay plan, methods of promotion
 956 and application of service ratings thereto, and transfer of employees within a
 957 classification plan;
 958 (3) Hours of work, vacation, sick leave, and other leaves of absence, overtime pay, and
 959 the order and manner in which layoff shall be effected;
 960 (4) Such dismissal hearings as due process may require; and
 961 (5) Such other personnel policies as may be necessary to provide for the legal and proper
 962 handling of personnel affairs.

963 **ARTICLE IV**
 964 **JUDICIAL BRANCH**

965 **SECTION 4.10.**
 966 **Creation; name.**

967 There shall be a city court established to be known as the Municipal Court of the City of Port
 968 Wentworth which shall have all powers enumerated in Chapter 32 of Title 36 of the O.C.G.A.
 969 and this charter.

970 **SECTION 4.11.**
 971 **Judge.**

- 972 (a) The municipal court shall be presided over by a judge. The method of selection,
 973 qualifications, and term of such judge shall be established by general state law.
 974 (b) The compensation of the judge shall be payable in such manner as may be established
 975 or changed by ordinance.
 976 (c) The judge may be removed as provided by general state law.
 977 (d) Before entering on duties of his or her office, each judge shall take the oath substantially
 978 in the form set forth in Section 2.12 of this charter. The oath shall be entered upon the
 979 minutes of the city council.

980 **SECTION 4.12.**
 981 **Convening court.**

982 Unless otherwise provided by ordinance, the municipal court judge shall convene at regular
 983 intervals and at such times as is necessary to secure the efficient and proper administration

984 of justice. The municipal court judge may also designate, set, and convene court, without
985 city council prior approval, at special times, dates, and places to secure the efficient and
986 proper administration of justice.

987 **SECTION 4.13.**

988 Jurisdiction; powers.

989 (a) The municipal court shall try and punish violations of city ordinances and such other
990 offenses as prescribed by general state law.

991 (b) The municipal court shall have authority to punish those in its presence for contempt,
992 provided that such punishment shall not exceed \$300.00 or 30 days in jail, or both, for any
993 one single act of contempt.

994 (c) The municipal court may fix punishment for offenses within its jurisdiction not
995 exceeding a fine of \$1,000.00 or imprisonment for 30 days in jail, or both, or may fix
996 punishment by fine, imprisonment, or alternative sentencing as now or hereafter provided by
997 law, including the right to punish by forced labor on the city streets, sidewalks, squares, or
998 other public works for a period not exceeding 120 days. The municipal court may, in
999 addition, fix punishment for offenses committed under general state law not exceeding those
1000 limits established by general state law.

1001 (d) The municipal court shall have authority to establish bond, bail, and recognizances to
1002 ensure the presence of those charged with violations before said court and shall have
1003 discretionary authority to accept cash, personal property, or real property as surety for the
1004 appearance of persons charged with violations. Whenever any person shall give bail for his
1005 or her appearance and shall fail to appear at the time fixed for trial, his or her bond shall be
1006 forfeited through procedures established by general state law. In the event that cash or
1007 property is accepted in lieu of bond for security for the appearance of a defendant at trial, and
1008 if such defendant fails to appear at the time and place fixed for trial, the cash so deposited
1009 shall be, on order of the judge, declared forfeited to the city or the property so deposited shall
1010 have a lien against it for the value forfeited, which lien shall be enforceable in the manner
1011 provided and to the same extent as a lien for city property taxes.

1012 (e) The municipal court shall have the authority to sit as a committing court, and to bind
1013 prisoners over to the appropriate court when it appears by probable cause that a state law has
1014 been violated.

1015 (f) The municipal court shall have the same authority as superior courts to compel the
1016 production of evidence in the possession of any party; to enforce obedience to its orders,
1017 judgments, and sentences; and to administer such oaths as are necessary.

1018 (g) The municipal court may compel the presence of all parties necessary to a proper
1019 disposal of each case or matter authorized by this charter and by general state law by the
1020 issuance of summonses, subpoenas, and warrants which may be served as executed by any
1021 officer as authorized by this charter or by general state law.

1022 (h) The municipal court is specifically vested with all the jurisdiction and powers throughout
1023 the entire area of the city granted by general state laws to mayors, recorders courts, and
1024 police courts, and particularly by such laws as authorize the abatement of nuisances and
1025 prosecution of traffic violations.

1026 **SECTION 4.14.**

1027 Appeal of municipal court decisions.

1028 The right of appeal of any case, matter, or bond as may be required to secure the costs on
1029 appeal to the Superior Court of Chatham County from the municipal court shall lie in the
1030 same manner and under the same procedure as generally prescribed for appeals to the
1031 superior court as set forth in Chapter 3 of Title 5 of the O.C.G.A.

1032 **SECTION 4.15.**

1033 Local rules of court.

1034 With the approval of the city council, the judge shall have full power and authority to make
1035 reasonable local rules and regulations necessary and proper to secure the efficient and
1036 successful administration of the municipal court; provided, however, that the city council
1037 may adopt, in part or in full, the rules and regulations applicable to the municipal court. The
1038 rules and regulations made or adopted shall be filed with the city clerk and municipal court
1039 clerk, shall be available for public inspection, and, upon request, a copy shall be furnished
1040 to all defendants in municipal court proceedings at least 48 hours prior to scheduled
1041 proceedings.

1042 **SECTION 4.16.**

1043 Absence of judge.

1044 (a) Subject to subsection (b) of this section, in the event that the judge is absent, recuses
1045 himself or herself, or is otherwise unavailable for court, a substitute judge pro tempore shall
1046 be selected by the municipal court judge, subject to the approval of the city council who shall
1047 ensure that only judges pro tem are selected who meet the qualifications prescribed in this
1048 charter for appointed part-time, full-time, or stand-by judges.

1049 (b) In addition to the judge provided for in Section 4.11 of this charter, the municipal court
 1050 may be presided over by such part-time, full-time, or stand-by judges pro tempore. All
 1051 judges pro tempore shall possess all qualifications required by law and this charter. Judges
 1052 shall not be required to be a resident of the city. All judges pro tem shall be selected by the
 1053 municipal court judge and shall serve until a successor is appointed and qualified.
 1054 Compensation of the judges pro tempore shall be fixed by ordinance. Judges pro tempore
 1055 shall serve at will and may be removed from office at any time by the judge of the municipal
 1056 court or the city council as provided by general law. Before assuming office, each judge pro
 1057 tempore shall take an oath substantially in the form required by subsection (d) of
 1058 Section 4.11 of this charter and the oath shall be entered upon the minutes of the city council.

1059 **SECTION 4.17.**

1060 Vacancy; filling of vacancies.

1061 (a) Vacancy. The office of judge shall become vacant upon the incumbent's death,
 1062 resignation, forfeiture of office, or removal from office in any manner authorized by this
 1063 charter or the general laws of the State of Georgia.

1064 (b) Filling of vacancy. A vacancy in the office of municipal judge shall be filled for the
 1065 remainder of his or her unexpired term, if any, or as provided by ordinance.

1066 **SECTION 4.18.**

1067 Prosecuting attorney and assistant prosecuting attorneys.

1068 (a) The municipal court shall have a prosecuting attorney and other assistant prosecuting
 1069 attorneys as needed who shall be nominated by the chief of police and approved by the city
 1070 manager who shall ensure that only prosecuting attorneys are selected who meet the
 1071 qualifications prescribed in this article.

1072 (b) The term of office for prosecuting attorney and assistant prosecuting attorneys shall be
 1073 provided by ordinance and subject to good behavior and at the discretion of the city manager.

1074 (c) The qualifications for the office of prosecuting attorney and assistant prosecuting
 1075 attorneys shall be as follows:

1076 (1) Be a member in good standing of the State Bar of Georgia with a minimum of five
 1077 years' practice as an attorney;

1078 (2) Not be required to be a resident of the City of Port Wentworth; and

1079 (3) Practice law in the Eastern, Ogeechee, or Atlantic Judicial Circuit.

1080 (d) The prosecuting attorney and assistant prosecuting attorneys of the municipal court shall
 1081 receive compensation for services in an amount and in a manner as approved by city council
 1082 ordinance or annual budget item.

1083 (e) Before entering on the duties of office, the prosecuting attorney and assistant prosecuting
 1084 attorneys shall take an oath that they will honestly and faithfully discharge the duties of said
 1085 office to the best of their skill, knowledge, and ability without fear, favor, or partiality to any
 1086 party. The oath shall be entered upon the minutes of the municipal court and city council
 1087 minutes and is substantially in the form as required in subsection (d) of Section 4.11 of this
 1088 charter.

1089 **SECTION 4.19.**

1090 Duties.

1091 It shall be the duty of the prosecuting attorney and assistant prosecuting attorneys to
 1092 investigate, prepare, prosecute, or otherwise dispose of all violations of state criminal statutes
 1093 or city ordinances as may be properly brought before the municipal court. In addition, any
 1094 appeals taken by persons aggrieved with municipal court decisions shall be defended by the
 1095 prosecuting attorney, assistant prosecuting attorneys, or the city attorney acting as special
 1096 assistant, as authorized by Section 3.12 of this charter.

1097 **SECTION 4.20.**

1098 Absence of prosecuting attorney.

1099 In the prosecuting attorney's absence or disability, an assistant prosecuting attorney shall act
 1100 as prosecuting attorney. If there is no assistant prosecuting attorney, then the chief of police,
 1101 with the approval of the city manager, who shall ensure that only prosecuting attorneys are
 1102 selected who meet the qualifications prescribed in this article.

1103 **SECTION 4.21.**

1104 Vacancy; filling of vacancies; office of prosecuting attorney.

1105 (a) The office of prosecuting attorney shall become vacant upon the incumbent's death,
 1106 resignation, forfeiture of office, or removal from office in any manner authorized by this
 1107 charter or the general laws of the State of Georgia.

1108 (b) A vacancy in the office of prosecuting attorney shall be filled for the remainder of the
 1109 term, if any, as provided in this article.

SECTION 4.22.

1110

1111

Chief municipal court clerk.

1112 (a) The municipal court shall have a chief clerk of the municipal court and one or more
1113 deputy clerks.

1114 (b) The chief clerk of the municipal court and deputy clerks shall be nominated by the chief
1115 of police, with the approval of the city manager.

1116 (c) The term of office for the chief clerk of the municipal court and deputy clerks shall be
1117 according to their good behavior and at the discretion of the chief of police and the city
1118 manager.

1119 (d) The compensation of the chief clerk of the municipal court and deputy clerks shall be
1120 established by ordinance or annual budget item.

SECTION 4.23.

1121

1122

Duties of chief municipal court clerk.

1123 (a) The chief clerk of the municipal court shall be the custodian of the official court records,
1124 establish and manage case calendars and dockets, collect fines imposed by the municipal
1125 court, transmit records of all cases bound over or appealed to the state or superior courts of
1126 Chatham County from the municipal court, and perform such other duties as may be
1127 provided by ordinance or city policy.

1128 (b) The chief clerk of the municipal court shall be a city employee. The chief clerk of the
1129 municipal court shall provide administrative services to the municipal court, act as liaison
1130 to the police department, supervise all other court personnel on municipal court business, and
1131 perform such other duties as may be required or prescribed by ordinance or city policy.

SECTION 4.24.

1132

1133

Vacancies; filling of vacancies; office of chief clerk of the municipal court.

1134 (a) The office of chief clerk of the municipal court shall become vacant upon the chief
1135 clerk's death, resignation, forfeiture of office, or removal from office in any manner
1136 authorized by this charter or the general laws of the State of Georgia.

1137 (b) A vacancy in the office of chief clerk of the municipal court shall be filled as provided
1138 in this article, by ordinance or city policy.

1168 (b) The Election Districts shall be shown on an Official Election District Map, a copy of
 1169 which shall be kept at city hall, shown on the city's website and at such other places as the
 1170 city council may designate.

1171 (c) The Official Election District Map in effect on the effective date of this charter shall
 1172 continue in full force an effect until updated or amended as provided herein or by state law.

1173 **SECTION 5.14.**

1174 Definitions.

1175 (a) The terms "district," "tract," "block," and "VTD" shall mean and describe the same
 1176 geographical boundaries as provided in the report of the Bureau of the Census for the United
 1177 States decennial census of 2000 for the State of Georgia.

1178 (b) The term "precinct" is synonymous with the term "voting precinct," and means a
 1179 geographical area designated by Article 7 of Chapter 2 of Title 21 of the O.C.G.A., within
 1180 which all electors vote at one polling place.

1181 (c) Precinct names and designations following VTD designations are included for
 1182 convenience only; and in the event the description of any election district contains a conflict
 1183 between the geographical boundaries of any VTD and the boundaries of the following named
 1184 precinct, the geographical boundary of the VTD as shown on the census maps for the United
 1185 States decennial census of 2000 for the State of Georgia shall control.

1186 (d) Any part of the City of Port Wentworth which is not included in any election district
 1187 described in this subsection or the Official Map shall be included within that election district
 1188 contiguous to such part which contains the least population according to the United States
 1189 decennial census of 2000 for the State of Georgia.

1190 (e) Any part of the City of Port Wentworth which is described in this subsection as being
 1191 included in a particular election district shall nevertheless not be included within such
 1192 election district if such part is not contiguous to such election district. Such noncontiguous
 1193 part shall instead be included within that election district contiguous to such part which
 1194 contains the least population according to the United States decennial census of 2000 for the
 1195 State of Georgia.

1196 (f) Only the electorate of each of the four individual election districts shall be entitled to vote
 1197 in the election for the councilmember to be elected from the district up for election. The
 1198 electorate of all four of the election districts shall be entitled to vote in the election for the
 1199 mayor and "at large" councilmember position up for election.

1200 (g) The election district boundaries of the city may be reapportioned following the
 1201 publication of each official federal decennial census of the population of the city, if required
 1202 by general law. Such reapportionment shall be accomplished by the adoption of an

1203 amendment to this charter. The reapportionment of election districts shall comply with the
1204 following specifications:

1205 (1) Each election district shall be formed of contiguous territory, and its boundary lines
1206 shall be the centerlines of streets or other well-defined boundaries as utilized by the
1207 United States Bureau of the Census; and

1208 (2) Such election districts shall be as nearly equal in population as practicable.

1209 (h) Any reapportionment of election districts shall apply to the officials of the city elected
1210 at the next municipal general election following such reapportionment; provided, however,
1211 that any reapportionment ordinance shall not apply to any regular election or special election
1212 held within three months of the effective date of the amendment.

1213 **SECTION 5.15.**

1214 Voters; voter registration.

1215 The city council shall provide for the city clerk or such other person as may be designated
1216 by city council to be the voter registrar who shall maintain suitable books or records for the
1217 permanent registration of voters in city elections. Every person, upon registering to vote,
1218 shall take the following oath:

1219 "I do hereby solemnly swear that I am 18 years of age or more, that I will have been a
1220 resident of the City of Port Wentworth for six months on or before the date of the next city
1221 election, and that I am qualified to vote for members of the General Assembly."

1222 The voter registrar of the city is hereby given the authority to administer the above oath to
1223 persons registering to vote. No person registering shall be required to again register as a
1224 qualified voter of the city as long as he or she remains a resident thereof and does not
1225 otherwise become disqualified. Whenever an election is to be held for the city, the voter
1226 registrar shall close the voter registration records 30 days before any upcoming city election
1227 and only those voters who have properly and timely registered shall be allowed to vote in a
1228 city election. It shall be the duty of the voter registrar to make a list of the voters qualified
1229 for each election; to certify said list of qualified voters; and to provide the list of qualified
1230 voters to those institutions, boards, commissions, or other government entities authorized and
1231 required by law to receive the information. The city council is hereby authorized to provide
1232 additional rules and regulations by ordinance regarding the registration of voters for the city.

1233 **SECTION 5.16.**

1234 Other provisions.

1235 Except as otherwise provided by this charter, the city council shall, by ordinance, prescribe
 1236 such rules and regulations it deems appropriate to fulfill any obligations and duties to
 1237 conduct municipal elections under general state law, as amended.

1238 **SECTION 5.17.**

1239 Nonpartisan elections.

1240 Political parties shall not conduct primaries for elected city offices, and all names of
 1241 candidates for city offices shall be listed without party labels on the official ballot.

1242 **SECTION 5.18.**

1243 Election by plurality.

1244 The person receiving a plurality of the votes cast for any elected city office shall be elected.

1245 **SECTION 5.19.**

1246 Grounds for removal of elected officials.

1247 The mayor and councilmembers may be removed from office for any one or more of the
 1248 causes provided in Title 45 of the O.C.G.A., or such other applicable laws as are or may
 1249 hereafter be enacted.

1250 **SECTION 5.20.**

1251 Procedure for removal of elected officials.

1252 Removal of an elected official may be accomplished by recall election, by an order of the
 1253 Superior Court of Chatham County, or by such other method as may be prescribed by the
 1254 laws of the State of Georgia, as amended.

1255 ARTICLE VI

1256 FINANCE

1257 **SECTION 6.10.**

1258 Property tax.

1259 The city council may assess, levy, and collect an ad valorem tax on all real and personal
 1260 property within the corporate limits of the city that is subject to such taxation by the state and
 1261 Chatham County. This tax is for the purpose of raising revenues to defray the costs of
 1262 operating the city government; providing governmental services; for the repayment of
 1263 principal and interest on general obligations; and for any other public purpose as determined
 1264 by the city council in its discretion.

1265 **SECTION 6.11.**

1266 Millage rate; due dates; payment methods.

1267 The city council, by ordinance, shall establish a millage rate for the city property tax, a due
 1268 date, and in what length of time these taxes must be paid. The city council, by ordinance,
 1269 may provide for the payment of these taxes by installments or in one lump sum, as well as
 1270 authorize the voluntary payment of taxes prior to the time when due.

1271 **SECTION 6.12.**

1272 Occupation and business taxes.

1273 The city council, by ordinance, shall have the power to levy such occupation or business
 1274 taxes as are authorized by state law. Such taxes may be levied on individuals, corporations,
 1275 limited liability companies, or other legal entities who transact business in the city or who
 1276 practice or offer to practice any profession or calling therein, to the extent such persons have
 1277 a constitutionally sufficient nexus to the city to be so taxed. The city council may classify
 1278 businesses, occupations, professions, or callings for the purpose of such taxation in any way
 1279 which may be lawful and compel the payment of such taxes as provided in Section 6.18 of
 1280 this charter.

SECTION 6.13.

1281

1282

Licenses, permits, and fees.

1283 The city council, by ordinance, shall have the power to require any individuals, corporations,
 1284 limited liability companies, or other legal entities who transact business in the city or who
 1285 practice or offer to practice any profession or calling therein to obtain a license or permit for
 1286 such activity from the city and pay a reasonable fee for such license or permit where such
 1287 activities are not now regulated by general state law in such a way as to preclude city
 1288 regulation. Such fees may reflect the total cost to the city of regulating the activity and, if
 1289 unpaid, shall be collected as provided in Section 6.18 of this charter. The city council, by
 1290 ordinance, may establish reasonable requirements for obtaining or keeping such licenses as
 1291 the public health, safety, and welfare necessitates.

SECTION 6.14.

1292

1293

Franchises.

1294 The city council shall have the power to grant franchises for the use of the city's streets and
 1295 other property for the purpose of railroads, street railways, telephone and cellular telephone
 1296 companies, electric companies, cable television companies, internet companies, gas
 1297 companies, transportation companies, and other similar organizations. The city council shall
 1298 determine the duration, provisions, terms, whether the same shall be exclusive or
 1299 nonexclusive, and the consideration for such franchises; provided, however, that no franchise
 1300 shall be granted for a period in excess of 35 years, and no franchise shall be granted unless
 1301 the city receives just and adequate compensation therefor. The city council shall provide for
 1302 the registration of all franchises with the city clerk in a registration book to be kept by the
 1303 city clerk. The city council may provide, by ordinance, for the registration within a
 1304 reasonable time of all franchises previously granted.

SECTION 6.15.

1305

1306

Service charges.

1307 The city council, by ordinance, shall have the power to assess and collect fees, charges, and
 1308 tolls for sewer, sanitary, health services, or any other services rendered within and without
 1309 the corporate limits of the city, for the total cost to the city of providing such services. If
 1310 unpaid, such charges shall be collected as provided in Section 6.18 of this charter.

1311 **SECTION 6.16.**

1312 Special assessments.

1313 The city council, by ordinance, shall have the power to assess and collect the cost of
 1314 constructing, reconstructing, widening, or improving any public way, street, sidewalk,
 1315 curbing, gutters, sewers, or other utility mains and appurtenances from the abutting property
 1316 owners under such terms and conditions as are reasonable. If unpaid, such charges shall be
 1317 collected as provided in Section 6.18 of this charter.

1318 **SECTION 6.17.**

1319 Construction; other taxes and fees.

1320 The city shall be empowered to levy any other tax, assessment or fee allowed now or
 1321 hereafter authorized by state law, and the specific mention of any right, power, or authority
 1322 in this article shall not be construed as limiting in any way the general powers of the city to
 1323 govern its local affairs.

1324 **SECTION 6.18.**

1325 Collection of delinquent taxes and fees.

1326 The city council, by ordinance, shall provide generally for the collection of delinquent taxes,
 1327 fees, assessments, debts, or other revenue due the city under this charter by whatever
 1328 reasonable means as are not precluded by general state law. This shall include providing for
 1329 the dates when the taxes or fees are due; late penalties or interest; issuance and execution of
 1330 fi. fas; creation and priority of liens; making delinquent taxes and fees the personal debts of
 1331 the persons required to pay the taxes or fees imposed; revoking city licenses for failure to pay
 1332 any city taxes, assessments or fees, allowing exceptions for hardship; and providing for the
 1333 assignment or transfer of tax executions.

1334 **SECTION 6.19.**

1335 General obligation bonds.

1336 The city council shall have the power to issue bonds for the purpose of raising revenue to
 1337 carry out any project, program, or venture authorized under this charter or the general laws
 1338 of the state. Such bonding authority shall be exercised in accordance with the laws
 1339 governing bond issuances by municipalities in effect at the time said issue is undertaken.

1340 **SECTION 6.20.**

1341 Revenue bonds.

1342 Revenue bonds may be issued by the city council as state law now or hereafter provides.
1343 Such bonds shall be paid out of any revenue produced by the project, program, or venture for
1344 which they are issued.

1345 **SECTION 6.21.**

1346 Short-term promissory notes.

1347 The city may obtain and must repay any short-term loans within one year of the date a
1348 promissory note is made, or as is otherwise provided by general state law, as amended.

1349 **SECTION 6.22.**

1350 Fiscal year.

1351 The city council shall set the fiscal year by ordinance. The fiscal year shall constitute the
1352 budget year and the year for financial accounting and reporting of each and every office,
1353 department, agency, and activity of the city government, unless otherwise provided by
1354 general state or federal law.

1355 **SECTION 6.23.**

1356 Preparation of budgets.

1357 The city council shall provide an ordinance on the procedures and requirements for the city
1358 manager's preparation and presentation of the annual operating and capital improvement
1359 budgets to the city council, including requirements as to the scope, content, and form of such
1360 budget and the process for approval by the city council.

1361 **SECTION 6.24.**

1362 Action by city council on budget.

1363 (a) The city council may amend the operating and capital improvement budget; except, that
1364 the budget, as finally amended and adopted, must provide for all expenditures required by
1365 state law or by other provisions of this charter and for all debt service requirements for the
1366 ensuing fiscal year, and the total appropriations from any fund shall not exceed the estimated
1367 fund balance, reserves, and revenues.

1368 (b) The city council, by ordinance, shall adopt the final operating budget for the ensuing
1369 fiscal year not later than 15 days prior to the beginning of such fiscal year. If the city council
1370 fails to adopt the budget by this date, the amounts appropriated for operation for the current
1371 fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis,
1372 with all items prorated accordingly until such time as the city council adopts a budget for the
1373 ensuing fiscal year. Such adoption shall take the form of an appropriations ordinance setting
1374 out the estimated revenues in detail by sources and making appropriations according to fund
1375 and by organizational unit, purpose, or activity as set out in the budget preparation under
1376 Section 6.23 of this charter.

1377 (c) The amount set out in the adopted operating budget for each organizational city division,
1378 department, or unit shall constitute the annual appropriation for such, and no expenditure
1379 shall be made or encumbrance created in excess of the otherwise unencumbered balance of
1380 the appropriations or allotment thereof to which it is chargeable. The operating and capital
1381 improvements budget, the budget message, and all supporting documents shall be filed in the
1382 office of the city clerk and shall be open to public inspection.

1383 **SECTION 6.25.**

1384 Tax levies.

1385 As the next order of business following adoption of the operating budget, the city council
1386 shall levy, by ordinance, such taxes as are necessary. The taxes and tax rates set by such
1387 ordinance shall be such that reasonable estimates of revenues from such levy shall at least
1388 be sufficient, together with other anticipated revenues, fund balances, and applicable
1389 reserves, to equal the total amount appropriated for each of the several funds set forth in the
1390 annual operating budget for defraying the expenses of the general government of the city.

1391 **SECTION 6.26.**

1392 Changes in appropriations.

1393 The city council, by ordinance, may make changes in the appropriations contained in the
1394 current operating budget, at any regular meeting, special meeting, or emergency meeting
1395 called for such purpose, but any additional appropriations may be made only from an existing
1396 unappropriated surplus in the fund to which it applies or on a revised estimate of revenue.

1397 **SECTION 6.27.**

1398 Independent audit.

1399 There shall be an annual independent audit of all city accounts, funds, and financial
 1400 transactions by a certified public accountant nominated by the city manager and approved
 1401 by the city council. The audit shall be conducted according to generally accepted accounting
 1402 principles. Any audit of any funds by the state or federal government may be accepted as
 1403 satisfying the requirements of this charter. Copies of all audit reports shall be available at
 1404 printing cost to the public.

1405 **SECTION 6.28.**

1406 Contracting procedures.

1407 The city council may, by ordinance, establish contracting procedures; provided, however,
 1408 that no contract with the city shall be binding on the city unless:

1409 (1) It is in writing;

1410 (2) It is drawn by or submitted to and reviewed by the city attorney and, as a matter of
 1411 course, is signed by the city attorney to indicate approval as to form and substance;

1412 (3) It is reviewed as to substance by the city manager or the director of the department
 1413 most affected by the contract, signed by the city manager or such director to indicate
 1414 approval as to substance, and signed by the mayor; and

1415 (4) If a contract involves the expenditure of more than \$25,000.00, the contract must be
 1416 approved by city council, and such approval shall be entered in the city council minutes.

1417 **SECTION 6.29.**

1418 Centralized purchasing and contractual payments.

1419 (a) The city council may, by ordinance, prescribe procedures for a system of centralized
 1420 purchasing for the city, including comprehensive bidding procedures for the purchase of
 1421 assets and the award of contracts; provided, however, that unless otherwise authorized by
 1422 law, purchases or contracts involving the expenditure of more than \$25,000.00 shall be
 1423 awarded by competitive sealed bid or proposal and shall be approved by city council. If a
 1424 contract involves the expenditure of \$25,000.00 or less, the city manager may or may
 1425 approve and enter into any contract, provided all city manager approved contracts are made
 1426 to be part of the public record.

1427 (b) If a contract has been approved by the city council, the city manager may make all
 1428 payments, periodic or otherwise, pursuant to an approved contract without subsequent city

1429 council approval of such payment. If, however, there are change orders or other substantive
 1430 changes to a contract which were not approved by city council, all such change orders or
 1431 substantive contract changes shall be approved by city council before payment, periodic or
 1432 otherwise, may be made.

1433 **SECTION 6.30.**

1434 Sale of city property.

1435 The city council may sell and convey any real or personal property owned or held by the city
 1436 for governmental or other purposes as provided by general state law.

1437 **SECTION 6.31.**

1438 Insurance.

1439 The city shall maintain sufficient casualty and liability insurance coverage on all property
 1440 owned or operated by city personnel to adequately indemnify the city on claims of loss by
 1441 injured or aggrieved parties. The amounts of insurance coverage shall be set from time to
 1442 time by the city council by ordinance or city policy, as the need arises.

1443 **ARTICLE VII**

1444 **GENERAL PROVISIONS**

1445 **SECTION 7.10.**

1446 Eminent domain.

1447 The city council is hereby empowered to acquire, construct, operate, and maintain public
 1448 ways, parks, public grounds, cemeteries, markets, market houses, public buildings, libraries,
 1449 sewers, drains, sewage treatment, water works, electrical systems, gas systems, airports,
 1450 hospitals, and charitable, educational, recreational, sport, curative, corrective, detention
 1451 facilities, penal and medical institutions, agencies and facilities, and any other public
 1452 improvements inside or outside the city, and to regulate the use thereof, and for such
 1453 purposes, property may be taken under Title 22 and Title 32 of the O.C.G.A. or other
 1454 applicable provisions of state law.

1455 **SECTION 7.11.**

1456 Official bonds.

1457 The officers and employees of the city, both elective and appointive, shall execute such
1458 official bonds in such amounts and upon such terms and conditions as the city council shall
1459 from time to time require, by ordinance, or as may be provided by state law.

1460 **SECTION 7.12.**

1461 Prior ordinances.

1462 All ordinances, bylaws, rules, and regulations now in force in the city not inconsistent with
1463 this charter are hereby declared valid and of full effect and force until amended or repealed
1464 by the city council.

1465 **SECTION 7.13.**

1466 Pending matters.

1467 Except as specifically provided otherwise by this charter, all rights, claims, actions, orders,
1468 contracts, and legal or administrative proceedings shall continue, and any such ongoing work
1469 or cases shall be dealt with by such city agencies, departments, personnel, or offices as may
1470 be provided by the city council.

1471 **SECTION 7.14.**

1472 Penalties.

1473 The violation of any provisions of this charter for which a penalty is not specifically provided
1474 for herein shall be punishable by a fine of not more than \$1,000.00 or by imprisonment not
1475 to exceed 120 days, or both, or a sentence upon conviction to labor in a city work gang or on
1476 the streets, sidewalks, squares, or other public works for a period not exceeding 120 days.

1477 **SECTION 7.15.**

1478 Construction.

1479 (a) Section captions in this charter are informative only and are not to be considered as a part
1480 thereof.

1481 (b) The word "shall" is intended to be mandatory, and the word "may" is permissive.

1482 (c) The singular shall include the plural, and the masculine shall include the feminine, and
1483 vice versa.

1484 **SECTION 7.16.**

1485 Severability.

1486 If any article, section, subsection, paragraph, sentence, or part thereof of this charter shall be
1487 held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect
1488 or impair the remaining parts of this charter, unless it clearly appears that such other parts
1489 are wholly and necessarily dependent upon the part held to be invalid or unconstitutional, it
1490 being the legislative intent in enacting this charter that each article, section, subsection,
1491 paragraph, sentence, or part thereof be enacted separately and independent of each other.

1492 **SECTION 7.17.**

1493 Specific repealer.

1494 An Act incorporating the City of Port Wentworth, approved February 6, 1957 (Ga. L. 1957,
1495 p. 2003), is hereby repealed in its entirety, and all amendatory acts thereto are likewise
1496 repealed in their entirety.

1497 **SECTION 7.18.**

1498 General repealer.

1499 All laws and parts of laws in conflict with this Act are hereby repealed.