

House Bill 1248 (PASSED HOUSE AND SENATE)

By: Representative Williams of the 148th

A BILL TO BE ENTITLED
AN ACT

1 To provide a new charter for the City of Cordele; to provide for incorporation, boundaries,
2 and powers of the city; to provide for general powers and limitations on powers; to provide
3 for a city commission and the powers, duties, authority, election, terms, removal from office,
4 method of filling vacancies, compensation, expenses, and qualifications of members of such
5 commission; to provide for conflict of interest and holding other offices; to provide for
6 inquiries and investigations; to provide for eminent domain; to provide for organization and
7 procedures; to provide for regular and special meetings; to provide for rules of procedure,
8 quorum, and voting by commission; to provide for ordinances; to provide for emergencies;
9 to provide for codes of technical regulations; to provide for signing, recording,
10 authentication, codification, and printing of ordinances; to provide for the office of city
11 manager and certain duties and powers thereto; to provide for administrative responsibilities;
12 to provide for the office of chairperson of the city commission and certain duties and powers
13 thereto; to provide for a vice chairperson of the city commission; to provide for approval or
14 veto of ordinances and resolutions; to provide for administrative departments; to provide for
15 boards, commissions, and authorities; to provide for a city attorney and city clerk; to provide
16 for personnel classification, policies, and pay plans; to provide for the establishment of a
17 municipal court and the judge or judges thereof; to provide for jurisdiction, powers, appeals
18 from the municipal court; to provide for practices and procedures; to provide for court fees;
19 to provide for procedures for municipal elections; to provide for taxation, permits, and fees;
20 to provide for franchises, service charges, and assessments; to provide for collection of
21 delinquent taxes and fees; to provide for bonded and other indebtedness; to provide for
22 multiyear contracts; to provide for accounting and budgeting; to provide a millage rate cap;
23 to provide for contracting and purchasing; to provide for bonds for officials; to provide for
24 prior ordinances, existing personnel, and pending matters; to provide for definitions and
25 construction; to provide for severability; to provide for related matters; to repeal a specific
26 Act; to repeal conflicting laws; and for other purposes.

27 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

H. B. 1248

57 **SECTION 1.13.**

58 Examples of powers.

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

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

66 (2) Appropriations and Expenditures. To make appropriations for the support of the
67 government of the city; to authorize the expenditure of money for any purposes
68 authorized by this charter and for any purpose for which a municipality is authorized by
69 the laws of the State of Georgia; and to provide for the payment of expenses of the city.

70 (3) Building Regulation. To regulate and to license the erection and construction of
71 buildings and all other structures; to adopt building, housing, plumbing, fire safety,
72 electrical, gas, and heating and air conditioning codes; and to regulate all housing, and
73 building trades.

74 (4) Business Regulation and Taxation. To levy and to provide for the collection of
75 regulatory fees and taxes on privileges, occupations, trades, and professions as authorized
76 by Title 48 of the O.C.G.A., or other such applicable laws as are or may hereafter be
77 enacted; to permit and regulate the same; to provide for the manner and method of
78 payment of such regulatory fees and taxes; and to revoke such permits after due process
79 for failure to pay any city taxes or fees.

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

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

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

90 (8) Environmental Protection. To protect and preserve the natural resources,
91 environment, and vital areas of the city, the region, and the state through the preservation
92 and improvement of air quality, the restoration and maintenance of water resources, the

93 control of erosion and sedimentation, the management of storm water and establishment
94 of a storm-water utility, the management of solid and hazardous waste, and other
95 necessary actions for the protection of the environment.

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

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

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

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

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

115 (14) Jail Sentences. To provide that persons given jail sentences in the municipal court
116 may work out such sentences in any public works or on the streets, roads, drains, and
117 other public property in the city; to provide for commitment of such persons to any jail;
118 to provide for the use of pretrial diversion and any alternative sentencing allowed by law;
119 or to provide for commitment of such persons to any county work camp or county jail by
120 agreement with the appropriate county officials.

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

124 (16) Municipal Agencies and Delegation of Power. To create, alter, or abolish
125 departments, boards, offices, commissions, and agencies of the city, and to confer upon
126 such agencies the necessary and appropriate authority for carrying out all the powers
127 conferred upon or delegated to the same.

- 128 (17) Municipal Debts. To appropriate and borrow money for the payment of debts of the
129 city and to issue bonds for the purpose of raising revenue to carry out any project,
130 program, or venture authorized by this charter and the laws of the State of Georgia.
- 131 (18) Municipal Property Ownership. To acquire, dispose of, lease, and hold in trust or
132 otherwise, any real, personal, or mixed property, in fee simple or lesser interest, inside
133 or outside the property limits of the city.
- 134 (19) Municipal Property Protection. To provide for the preservation and protection of
135 property and equipment of the city and the administration and use of same by the public;
136 and to prescribe penalties and punishment for violations thereof.
- 137 (20) Municipal Utilities. To acquire, lease, construct, operate, maintain, sell, and dispose
138 of public utilities, including, but not limited to, a system of waterworks, sewers and
139 drains, sewage disposal, storm-water management, gas works, electric light plants, cable
140 television, and other telecommunications, transportation facilities, public airports, and
141 any other public utility; and to fix the taxes, charges, rates, fares, fees, assessments,
142 regulations and penalties, and to provide for the withdrawal of service for refusal or
143 failure to pay the same.
- 144 (21) Nuisance. To define a nuisance and provide for its abatement whether on public or
145 private property.
- 146 (22) Penalties. To provide penalties for violation of any ordinances adopted pursuant to
147 the authority of this charter and the laws of the State of Georgia.
- 148 (23) Planning and Zoning. To provide comprehensive city planning for development by
149 zoning; and to provide subdivision regulations and the like as the city commission deems
150 necessary and reasonable to insure a safe, healthy, and aesthetically pleasing community.
- 151 (24) Police and Fire Protection. To exercise the power of arrest through duly appointed
152 police officers, and to establish, operate, or contract for a police and a fire fighting
153 agency.
- 154 (25) Public Hazards Removal. To provide for the destruction and removal of any
155 building or other structure which is or may become dangerous or detrimental to the
156 public.
- 157 (26) Public Improvements. To provide for the acquisition, construction, building,
158 operation, and maintenance of public ways, parks and playgrounds, recreational facilities,
159 cemeteries, markets and market houses, public buildings, libraries, public housing,
160 airports, hospitals, terminals, docks, parking facilities, or charitable, cultural, educational,
161 recreational, conservation, sport, curative, corrective, detentional, penal and medical
162 institutions, agencies, and facilities; and to provide any other public improvements, inside
163 or outside the corporate limits of the City; to regulate the use of public improvements; for

164 such purposes, property may be acquired by condemnation under Title 22 of the
165 O.C.G.A., or such other applicable laws as are or may hereafter be enacted.

166 (27) Public Peace. To provide for the prevention and punishment of loitering, disorderly
167 conduct, drunkenness, riots, and public disturbances.

168 (28) Public Transportation. To organize and operate such public transportation systems
169 as are deemed beneficial.

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

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

180 (31) Retirement. To provide and maintain a retirement plan and other employee benefit
181 plans and programs for officers and employees of the city.

182 (32) Roadways. To lay out, open, extend, widen, narrow, establish, or change the grade
183 of, abandon or close, construct, pave, curb, gutter, adorn with shade trees or otherwise
184 improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and
185 walkways within the corporate limits of the city; and to grant franchises and
186 rights-of-way throughout the streets and roads, and over the bridges and viaducts for the
187 use of public utilities; and to require real estate owners to repair and maintain in a safe
188 condition the sidewalks adjoining their lots or lands, and to impose penalties for failure
189 to do so.

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

197 (34) Solid Waste Disposal. To provide for the collection and disposal of garbage,
198 rubbish, and refuse, and to regulate the collection and disposal of garbage, rubbish, and
199 refuse by others; and to provide for the separate collection of glass, tin, aluminum,
200 cardboard, paper, and other recyclable materials, and to provide for the sale of such items.

201 (35) Special Areas of Public Regulation. To regulate or prohibit junk dealers; pawn
 202 shops; the manufacture, sale, or transportation of intoxicating liquors; and the use and
 203 sale of firearms; to regulate the transportation, storage, and use of combustible, explosive,
 204 and inflammable materials; the use of lighting and hearing equipment; and any other
 205 business or situation which the city may deem to be dangerous to persons or property; to
 206 regulate and control the conduct of peddlers and itinerant traders; theatrical performances,
 207 exhibitions, and shows of any kind, by taxation or otherwise; and to license, tax, regulate,
 208 or prohibit professional fortune-telling, palmistry, adult bookstores, and massage parlors.

209 (36) Special Assessments. To levy and provide for the collection of special assessments
 210 to cover the costs for any public improvements.

211 (37) Taxes, Ad Valorem. To levy and provide for the assessment, valuation, revaluation,
 212 and collection of taxes on all property subject to taxation.

213 (38) Taxes, Other. To levy and collect such other taxes as may be allowed now or in the
 214 future by law.

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

219 (40) Urban Redevelopment. To organize and operate an urban redevelopment program.

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

231 **SECTION 1.14.**

232 Exercise of powers.

233 All powers, functions, rights, privileges, and immunities of the city, its officers, agencies, or
 234 employees shall be carried into execution as provided by this charter. If this charter makes

235 no provision, such shall be carried into execution as provided by ordinance or as provided
 236 by pertinent laws of the State of Georgia.

237 **ARTICLE II**
 238 **GOVERNMENT STRUCTURE**

239 **SECTION 2.10.**

240 City commission creation; number; election.

241 The legislative authority of the government of the city, except as otherwise specifically
 242 provided in this charter, shall be vested in a city commission to be composed of a chairperson
 243 and four commission members. The city commission established shall in all respects be a
 244 successor to and continuation of the governing authority under prior law. The chairperson
 245 and commission members shall be elected in the manner provided by general law and this
 246 charter.

247 **SECTION 2.11.**

248 City commission terms and qualifications for office.

249 (a) The chairperson and members of the city commission shall be registered and qualified
 250 to vote in municipal elections in the city and shall serve for terms of four years and until their
 251 respective successors are elected and qualified.

252 (b) No person shall be eligible to serve as chairperson unless that person shall have been a
 253 resident of the city for 12 months prior to the date of election. The chairperson shall continue
 254 to reside therein during his or her period of service.

255 (c) No person shall be eligible to serve as commission member representing a commission
 256 district unless that person has been a resident of the district such person seeks to represent
 257 for a continuous period of at least 12 months immediately prior to the date of the election for
 258 commission member. Any elected commission member shall continue to reside in his or her
 259 respective district during that person's period of service.

260 **SECTION 2.12.**

261 Vacancy; filling of vacancies.

262 (a) The office of chairperson or commission member shall become vacant upon the
 263 incumbent's death, resignation, forfeiture of office, or occurrence of any event specified by
 264 the Constitution of the State of Georgia, Title 45 of the O.C.G.A., or such other applicable
 265 laws as are or may hereafter be enacted.

266 (b) A vacancy in the office of chairperson or commissioner shall be filled for the remaining
267 of the unexpired term, if any, by appointment of the remaining commission members if less
268 than six months remains in the unexpired term, otherwise by an election, as provided in
269 Section 5.14 of this charter and in accordance with Titles 21 and 45 of the O.C.G.A. or other
270 such laws as are hereinafter enacted.

271 **SECTION 2.13.**

272 Compensation and expenses.

273 The chairperson and commission members shall receive compensation and expenses for their
274 services as provided by ordinance.

275 **SECTION 2.14.**

276 Conflicts of interest.

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

279 (b) Neither the chairperson nor any member of the city commission shall vote upon, sign,
280 or veto any ordinance, resolution, contract, or other matter in which that person is financially
281 interested.

282 (c) The chairperson and city commission shall adopt by ordinance a code of ethics governing
283 the conduct of city officials and provide penalties for violation of such ordinance.

284 **SECTION 2.15.**

285 Inquiries and investigations.

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

292 **SECTION 2.16.**

293 General power and authority of the city commission.

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

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

303 **SECTION 2.17.**

304 Eminent domain.

305 The city commission is hereby empowered to acquire, construct, operate, and maintain public
306 ways, parks, public grounds, cemeteries, markets, market houses, public buildings, libraries,
307 sewers, drains, sewage treatment, waterworks, electrical systems, gas systems, airports,
308 hospitals, and charitable, educational, recreational, sport, curative, corrective, detention,
309 penal and medical institutions, agencies and facilities, and any other public improvements
310 inside or outside the city, and to regulate the use thereof; and for such purposes, property
311 may be condemned under procedures established under general law applicable now or as
312 provided in the future.

313 **SECTION 2.18.**

314 Organizational meetings.

315 The city commission shall hold an organizational meeting on the first Tuesday of January
316 following each municipal election. The meeting shall be called to order by the city clerk and
317 the oath of office shall be administered to the newly elected members by a judicial officer
318 authorized to administer oaths and shall, to the extent that it comports with federal and state
319 law, be as follows:

320 "I do solemnly swear or affirm that I will properly perform the duties of the office of
321 _____ of this City and that I will support and defend the charter thereof as well as
322 the constitution and laws of the State of Georgia and of the United States of America. I am
323 not the holder of any unaccounted for public money due this state or any political

324 subdivision or authority thereof. I am not the holder of any office of trust under the
 325 government of the United States, any other state, or any foreign state which I am by the
 326 laws of the State of Georgia prohibited from holding. I am otherwise qualified to hold said
 327 office according to the Constitution and laws of Georgia. I have been a resident [of my
 328 district and] the City of Cordele for the time required by the Constitution and laws of this
 329 state and by the municipal charter. I will perform the duties of my office in the best interest
 330 of the City of Cordele to the best of my ability without fear, favor, affection, reward, or
 331 expectation thereof."

332 **SECTION 2.19.**

333 Regular and special meetings.

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

336 (b) Special meetings of the city commission may be held on call of the chairperson or shall
 337 be held when requested in writing of three members of the city commission. Notice of such
 338 special meetings shall be served on all other members personally, or by telephone personally,
 339 at least 24 hours in advance of the meeting except in the case of an emergency. Such notice
 340 to commission members shall not be required if the chairperson and all commission members
 341 are present when the special meeting is called. Such notice of any special meeting may be
 342 waived by a commission member in writing before or after such a meeting, and attendance
 343 at the meeting shall also constitute a waiver of notice on any business transacted in such
 344 commission member's presence. Only the business stated in the call may be transacted at the
 345 special meeting.

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

350 **SECTION 2.20.**

351 Rules of procedure.

352 The city commission shall adopt its rules of procedure and order of business consistent with
 353 the provisions of this charter and shall provide for keeping a journal of its proceedings, which
 354 shall be a public record.

355 **SECTION 2.21.**

356 Quorum; voting.

357 The chairperson or vice chairperson and two commission members shall constitute a quorum
358 and shall be authorized to transact business of the city commission. The chairperson shall
359 be entitled to vote only in case of a tie or when the vote is necessary for a majority for or
360 against any matter. A majority of the votes cast shall determine all questions except as
361 otherwise provided in this Charter. Voting on the adoption of ordinances, resolutions, or
362 motions shall be by voice vote and the vote shall be recorded in the journal, but any member
363 of the city commission shall have the right to request a roll call vote and such vote shall be
364 recorded in the journal. Except as otherwise provided in this charter, the affirmative vote of
365 three commission members or two commission members and the chairperson shall be
366 required for the adoption of any ordinance, resolution, or motion.

367 **SECTION 2.22.**

368 Ordinance form; procedures.

369 (a) Every proposed ordinance should be introduced in writing and in the form required for
370 final adoption. No ordinance shall contain a subject which is not expressed in its title. The
371 enacting clause shall be "It is hereby ordained by the governing authority of the City of
372 Cordele," and every ordinance shall so begin.

373 (b) An ordinance may be introduced by a commission member and be read at a regular or
374 special meeting of the city commission. Ordinances shall be considered and adopted or
375 rejected by the city commission in accordance with the rules which it shall establish. All
376 ordinances shall have two separate readings. No ordinance shall be adopted on the same day
377 it is introduced. Emergency ordinances, as provided in Section 2.24, may be adopted on the
378 same day that they are introduced without dispensing with the second reading. Upon
379 introduction of any ordinance, the city clerk shall as soon as possible distribute a copy to the
380 chairperson and to each commission member and shall file a reasonable number of copies
381 in the office of the city clerk and at such other public places as the city commission may
382 designate.

383 (c) The chairperson may veto any ordinance adopted by the commission. The city clerk
384 shall return any vetoed ordinance to the commission together with reasons for the veto.
385 Within seven days after the vetoed ordinance has been returned to the commission, the
386 commission may pass the ordinance by an affirmative vote of at least three commissioners
387 and the ordinance shall become effective.

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SECTION 2.23.

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Action requiring an ordinance.

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Acts of the city commission which have the force and effect of law shall be enacted by

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ordinance.

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SECTION 2.24.

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Emergencies.

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(a) To meet a public emergency affecting life, health, property, or public peace, the city

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commission may convene on call of the chairperson or three commission members and

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promptly adopt an emergency ordinance, but such ordinance may not levy taxes; grant,

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renew, or extend a franchise; regulate the rate charged by any public utility for its services;

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or authorize the borrowing of money except for loans to be repaid within 30 days. An

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emergency ordinance shall be introduced in the form prescribed for ordinances generally,

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except that it shall be plainly designated as an emergency ordinance and shall contain, after

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the enacting clause, a declaration stating that an emergency exists, and describing the

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emergency in clear and specific terms. An emergency ordinance may be adopted, with or

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without amendment, or rejected at the meeting at which it is introduced, but the affirmative

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vote of at least three commission members shall be required for adoption. It shall become

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effective upon adoption or at such later time as it may specify. Every emergency ordinance

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shall automatically stand repealed 30 days following the date upon which it was adopted, but

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this shall not prevent re-enactment of the ordinance in the manner specified in this section

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if the emergency still exists. An emergency ordinance may also be repealed by adoption of

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a repealing ordinance in the same manner specified in this section for adoption of emergency

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ordinances.

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(b) Such meetings shall be open to the public to the extent required by law and notice to the

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public of emergency meetings shall be made as fully as is reasonably possible in accordance

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with Section 50-14-1 of the O.C.G.A., or such other applicable laws as are or may hereafter

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be enacted.

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SECTION 2.25.

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Codes of technical regulations.

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(a) The city commission may adopt any standard code of technical regulations by reference

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thereto in an adopting ordinance. The procedures and requirements governing such adopting

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ordinance shall be as prescribed for ordinances generally except that:

420 (1) The requirements of Section 2.22(b) for distribution and filing of copies of the
 421 ordinance shall be construed to include copies of any code of technical regulations, as
 422 well as the adopting ordinance; and

423 (2) A copy of each adopted code of technical regulations, as well as the adopting
 424 ordinance, shall be authenticated and recorded by the clerk pursuant to Section 2.26.

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

427 **SECTION 2.26.**

428 Signing; authenticating; recording; codification; printing.

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

431 (b) The city commission shall provide for the preparation of a general codification of all the
 432 ordinances of the city having the force and effect of law. The general codification shall be
 433 adopted by the city commission by ordinance and shall be published promptly, together with
 434 all amendments thereto and such codes of technical regulations and other rules and
 435 regulations as the city commission may specify. This compilation shall be known and cited
 436 officially as "The Code of the City of Cordele, Georgia." Copies of the code shall be
 437 furnished to all officers, departments, and agencies of the city and made available for
 438 purchase by the public at a reasonable price as fixed by the city commission.

439 (c) The city commission shall cause each ordinance and each amendment to this charter to
 440 be printed promptly following its adoption; and the printed ordinances and charter
 441 amendments shall be made available for purchase by the public at reasonable prices to be
 442 fixed by the city commission. Following publication of the first code under this charter and
 443 at all times thereafter, the ordinances and charter amendments shall be printed in
 444 substantially the same style as the code currently in effect and shall be suitable in form for
 445 incorporation therein. The city commission shall make such further arrangements as deemed
 446 desirable with reproduction and distribution of any current changes in or additions to codes
 447 of technical regulations and other rules and regulations included in the code.

448 **SECTION 2.27.**

449 City manager; appointment; qualifications; compensation.

450 The city commission shall appoint a city manager, also known as the manager, for an
 451 indefinite term and shall fix the manager's compensation. The manager shall be appointed
 452 solely on the basis of executive and administrative qualifications. The commission may enter

453 into a contract with the city manager. The term of the city manager's contract shall not
 454 exceed three years. The city manager shall be an at-will employee and may be terminated
 455 as provided in his or her contract.

456 **SECTION 2.28.**

457 Acting city manager.

458 By letter filed with the city clerk, the manager shall designate, subject to approval of the city
 459 commission, a qualified city administrative officer to exercise the powers and perform the
 460 duties of manager during the manager's temporary absence or physical or mental disability.
 461 During such absence or disability, the city commission may revoke such designation at any
 462 time and appoint another officer of the city to serve until the manager shall return or the
 463 manager's disability shall cease.

464 **SECTION 2.29.**

465 Powers and duties of the city manager.

466 The city manager shall be the chief executive and administrative officer of the city. The
 467 manager shall be responsible to the city commission for the administration of all city affairs
 468 placed in the manager's charge by or under this charter. As the chief executive and
 469 administrative officer, the manager shall:

- 470 (1) Appoint and, when the manager deems it necessary for the good of the city, suspend
 471 or remove all city employees and administrative officers the manager appoints, except
 472 as otherwise provided by law or personnel ordinances adopted pursuant to this charter.
 473 The manager may authorize any administrative officer who is subject to the manager's
 474 direction and supervision to exercise these powers with respect to subordinates in that
 475 officer's department, office, or agency;
- 476 (2) Direct and supervise the administration of all departments, offices, and agencies of
 477 the city, except as otherwise provided by this charter or by law;
- 478 (3) Attend all city commission meetings except for closed meetings held for the purposes
 479 of deliberating on the appointment, discipline, or removal of the city manager and have
 480 the right to take part in discussion but not vote;
- 481 (4) See that all laws, provisions of this charter, and acts of the city commission, subject
 482 to enforcement by the manager or by officers subject to the manager's direction and
 483 supervision, are faithfully executed;
- 484 (5) Prepare and submit the annual operating budget and capital budget to the city
 485 commission;

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

496 **SECTION 2.30.**

497 Commission interference with administration.

498 Except for the purpose of inquiries and investigations under Section 2.15, the city
 499 commission or its members shall deal with city officers and employees who are subject to
 500 the direction and supervision of the manager solely through the manager, and neither the city
 501 commission nor its members shall give orders to any such officer or employee, either
 502 publicly or privately.

503 **SECTION 2.31.**

504 Powers and duties of chairperson.

505 The chairperson shall:

- 506 (1) Preside at all meetings of the city commission;
 507 (2) Be the head of the city for the purpose of service of process and for ceremonial
 508 purposes, and be the official spokesperson for the city and the chief advocate of policy;
 509 (3) Have the power to administer oaths and to take affidavits;
 510 (4) Sign, as a matter of course, on behalf of the city all written and approved contracts,
 511 ordinances, and other instruments executed by the city which, by law, are required to be
 512 in writing;
 513 (5) Vote on matters before the city commission only in the case of a tie or when the vote
 514 is necessary for a majority for or against any matter.
 515 (6) Veto any ordinance in accordance with the procedures provided in Section 2.22(c)
 516 of this Charter.
 517 (7) Fulfill such other executive and administrative duties as the city commission shall by
 518 ordinance establish.

519 **SECTION 2.32.**

520 Vice chairperson; selection duties.

521 At the first meeting in January of each year, the city commission shall elect a commission
 522 member to serve as vice chairperson. In the chairperson's absence, the vice chairperson shall
 523 preside at meeting of the city commission and shall assume the duties and powers of the
 524 chairperson upon the chairperson's physical or mental disability, provided that the vice
 525 chairperson shall vote as a member of the city commission at all times when serving, as
 526 herein provided.

527 **ARTICLE III**528 **ADMINISTRATIVE AFFAIRS**529 **SECTION 3.10.**

530 Administrative and service departments.

531 (a) Except as otherwise provided in this charter, the city commission by ordinance shall
 532 prescribe the functions of duties and establish, abolish, alter, consolidate, or leave vacant all
 533 nonelective offices, positions of employment, departments, and agencies of the city as
 534 necessary for the proper administration of the affairs and government of this city.

535 (b) Except as otherwise provided by this charter or by law, the directors of departments and
 536 other appointed officers of the city shall be appointed solely on the basis of their respective
 537 administrative and professional qualifications.

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

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

544 **SECTION 3.11.**

545 Boards, commissions, and authorities.

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

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

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

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

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

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

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

567 (h) Except as otherwise provided by this charter or by law, each board, commission, or
568 authority of the city shall elect one of its members as chair and one member as vice-chair,
569 and may elect as its secretary one of its own members or may appoint as secretary an
570 employee of the city. Each board, commission, or authority of the city government may
571 establish such bylaws, rules, and regulations, not inconsistent with this charter, or ordinances
572 of the city, or law, as it deems appropriate and necessary for the fulfillment of its duties or
573 the conduct of its affairs. Copies of such bylaws, rules, and regulations shall be filed with
574 the city clerk.

575 **SECTION 3.12.**

576 City attorney.

577 The city commission shall appoint a city attorney, together with such assistant city attorneys
578 as may be authorized, and shall provide for the payment of such attorney or attorneys for
579 services rendered to the city. The city attorney shall be responsible for providing for the
580 representation and defense of the city in all litigation in which the city is a party; may be the
581 prosecuting officer in the municipal court; shall attend the meetings of the commission as
582 directed; shall advise the city commission, chairperson, and other officers and employees of
583 the city concerning legal aspects of the city's affairs; and shall perform such other duties as
584 may be required by virtue of the person's position as city attorney.

585 **SECTION 3.13.**

586 City clerk.

587 The city manager shall appoint a city clerk who shall not be a commission member. The city
 588 clerk shall be custodian of the official city seal and city records; maintain city commission
 589 records required by this charter; and perform such other duties as may be required by the city
 590 commission.

591 **SECTION 3.14.**

592 Position classification and pay plans.

593 The city manager shall be responsible for the preparation of a position classification and pay
 594 plan which shall be submitted to the city commission for approval. Such plan may apply to
 595 all employees of the city and any of its agencies, departments, boards, commissions, or
 596 authorities. When a pay plan has been adopted, the city commission shall not increase or
 597 decrease the salary range applicable to any position except by amendment of such pay plan.
 598 For purposes of this section, all elected and appointed city officials are not city employees.

599 **SECTION 3.15.**

600 Personnel policies.

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

603

604 **ARTICLE IV**
 605 **JUDICIAL BRANCH**

606 **SECTION 4.10.**

607 Creation; name.

608 There shall be a court to be known as the Municipal Court of the City of Cordele.

609 **SECTION 4.11.**

610 Chief judge; associate judge.

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

613 (b) No person shall be qualified or eligible to serve as a judge on the municipal court unless
 614 that person shall have attained the age of 21 years and possess all qualifications required by
 615 law. All judges shall be appointed by the city commission to a term as provided by law and
 616 shall serve until a successor is appointed and qualified.

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

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

619 (e) Before assuming office, each judge shall take an oath, given by the chairperson, that the
 620 judge will honestly and faithfully discharge the duties of the office to the best of that person's
 621 ability and without fear, favor, or partiality. The oath shall be entered upon the minutes of
 622 the city commission journal required in Section 2.20.

623 **SECTION 4.12.**

624 Convening.

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

626 **SECTION 4.13.**

627 Jurisdiction; powers.

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

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

632 (c) The municipal court may fix punishment for offenses within its jurisdiction, not
 633 exceeding a fine of \$1,000 or imprisonment for 180 days, or both, or other such fines and
 634 imprisonment, or the court may fix punishment by fine, imprisonment, or alternative
 635 sentencing as now or hereafter provided by law.

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

639 (e) The municipal court shall have authority to establish bail and recognizance to ensure the
 640 presence of those charged with violations before said court and shall have discretionary
 641 authority to accept cash or personal or real property as surety for the appearance of persons
 642 charged with violations. Whenever any person shall give bail for that person's appearance
 643 and shall fail to appear at the time fixed for trial, the bond shall be forfeited by the judge
 644 presiding at such time, and an execution issued thereon by serving the defendant and the
 645 defendant's sureties with a rule nisi, at least two days before a hearing on the rule nisi. In the

646 event that cash or property is accepted in lieu of bond for security for the appearance of a
647 defendant at trial, and if such defendant fails to appear at the time and place fixed for trial,
648 the cash so deposited shall be on order of the judge declared forfeited to the city, or the
649 property so deposited shall have a lien against it for the value forfeited which lien shall be
650 enforceable in the same manner and to the same extent as a lien for city property taxes.

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

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

657 (h) Each judge of the municipal court shall be authorized to issue warrants for the arrest of
658 persons charged with offenses against any ordinance of the city; and each judge of the
659 municipal court shall have the same authority as a magistrate of the state to issue warrants
660 for offenses against state laws committed within the city.

661 **SECTION 4.14.**

662 Certiorari.

663 Unless otherwise provided by law, the right of certiorari from the decision and judgment of
664 the municipal court shall exist in all criminal cases and ordinance violation cases, and such
665 certiorari shall be obtained under the sanction of a judge of the Superior Court of Crisp
666 County under the laws of the State of Georgia regulating the granting and issuance of writs
667 of certiorari.

668 **SECTION 4.15.**

669 Rules for court.

670 With the approval of the city commission, the judge shall have full power and authority to
671 make reasonable rules and regulations necessary and proper to secure the efficient and
672 successful administration of the municipal court; provided, however, that the city
673 commission may adopt in part or in total the rules and regulations applicable to municipal
674 courts. The rules and regulations made or adopted shall be filed with the city clerk, shall be
675 available for public inspection, and, upon request, a copy shall be furnished to all defendants
676 in municipal court proceedings at least 48 hours prior to said proceedings.

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SECTION 4.16.

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Indigent defense and prosecutor.

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The chairperson and commission shall have the power to provide for a system of defense for indigent persons charged in the municipal court with violations of ordinances and/or state laws, and for the prosecution of such cases by a prosecutor, and to provide for and require the expense of same to be prorated over all criminal cases disposed of by the court and all bond forfeitures in said cases, to be imposed by the municipal court judge and collected in all criminal cases and in bond forfeitures in such cases as costs in addition to fines, penalties, and all other costs.

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SECTION 4.17.

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Funding the acquisition, maintenance, and replacement of

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supplies and equipment for the municipal court.

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The chairperson and commission shall have the power to provide that the costs of the acquisition, maintenance, and replacement of supplies and equipment required in the operation of the municipal court shall be funded by adding the expense thereof to all fines imposed by the municipal court judge and collected in all criminal cases and to all bond forfeitures in such cases as costs, in addition to fines, penalties, and all other costs.

695

ARTICLE V

696

ELECTIONS AND REMOVAL

697

SECTION 5.10.

698

Applicability of general law.

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All primaries and elections shall be held and conducted in accordance with Title 21, Chapter 2 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended.

701

SECTION 5.11.

702

Election of the city commission and chairperson.

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(a) On Tuesday next following the first Monday in November 2021, successors to the chairperson and commission members from Ward 2 and Ward 3 shall be elected to four year terms or until their respective successors are elected and qualified.

706 (b) On Tuesday next following the first Monday in November 2023, successor commission
 707 members from Ward 1 and Ward 4 shall be elected to four year terms or until their respective
 708 successors are elected and qualified.

709 (c) As provided in Section 2.18 of this charter, the chairperson and members of the
 710 commission shall take the oath of office and shall begin their terms at the organizational
 711 meeting to be held the first Tuesday of January following the election.

712 (d) Elected officials of the city serving on the effective date of this Charter shall serve out
 713 the terms they were elected to.

714 **SECTION 5.12.**

715 Non-partisan elections.

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

718 **SECTION 5.13.**

719 Election by majority.

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

721 **SECTION 5.14.**

722 Special elections; vacancies.

723 In the event that the office of chairperson or commission member becomes vacant as
 724 provided in Section 2.12 of this charter, the commission or those remaining shall appoint a
 725 successor for the remainder of the term if less than six months remain in the term. If more
 726 than six months remains in the term, there shall be a special election held and conducted in
 727 accordance with the Georgia Election Code.

728 **SECTION 5.15.**

729 Other provisions.

730 Except as otherwise provided by this charter, the city commission shall by ordinance
 731 prescribe such rules and regulations it deems appropriate to fulfill any options and duties
 732 under the Georgia Election Code.

733

SECTION 5.16.

734

Removal of officers.

735 (a) The chairperson, commission members, or other appointed officers provided for in this
 736 charter shall be removed from office for any one or more of the causes provided in Title 45
 737 of the O.C.G.A., or such other applicable laws as are or may hereafter be enacted.

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

740 (1) By vote of three members of the commission or by the chairperson and two members
 741 of the commission after an investigative hearing. In the event an elected officer is sought
 742 to be removed by the action of the city commission, such officer shall be entitled to a
 743 written notice specifying the ground or grounds for removal and to a public hearing
 744 which shall be held not less than ten days after the service of such written notice. The
 745 city commission shall provide by ordinance for the manner in which such hearings shall
 746 be held. Any elected officer sought to be removed from office as herein provided shall
 747 have the right of appeal from the decision of the city commission to the Superior Court
 748 of Crisp County. Such appeal shall be governed by the same rules governing appeals to
 749 the superior court from the probate court.

750 (2) By an order of the Superior Court of Crisp County following a hearing on a
 751 complaint seeking such removal brought by any resident of the city.

752

ARTICLE VI

753

FINANCE

754

SECTION 6.10.

755

Property tax.

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

762 **SECTION 6.11.**

763 Millage rate; due dates; payment methods.

764 The city commission by ordinance shall establish a millage rate for the city property tax, a
 765 due date, and the time period within which these taxes must be paid. The city commission
 766 by ordinance may provide for the payment of these taxes by two installments or in one lump
 767 sum, as well as authorize the voluntary payment of taxes prior to the time when due.

768 **SECTION 6.12.**

769 Occupation and business taxes.

770 The city commission by ordinance shall have the power to levy such occupation or business
 771 taxes as are not denied by law. The city commission may classify businesses, occupations,
 772 or professions for the purpose of such taxation in any way which may be lawful and may
 773 compel the payment of such taxes as provided in Section 6.18.

774 **SECTION 6.13.**

775 Regulatory fees; permits.

776 The city commission by ordinance shall have the power to require businesses or practitioners
 777 doing business within this city to obtain a permit for such activity from the city and pay a
 778 reasonable regulatory fee for such permit as provided by general law. Such fees shall reflect
 779 the total cost to the city for regulating the activity, and if unpaid, shall be collected as
 780 provided in Section 6.18.

781 **SECTION 6.14.**

782 Franchises.

783 (a) The city commission shall have the power to grant franchises for the use of this city's
 784 streets and alleys for the purposes of railroads, street railways, telephone companies, electric
 785 companies, electric membership corporations, cable television, and other telecommunications
 786 companies, gas companies, transportation companies, and other similar organizations. The
 787 city commission shall determine the duration, terms, whether the same shall be exclusive or
 788 nonexclusive, and the consideration for such franchises; provided, however, no franchise
 789 shall be granted for a period in excess of 35 years and no franchise shall be granted unless
 790 the city receives just and adequate compensation therefor. The city commission shall provide
 791 for the registration of all franchises with the city clerk in a registration book kept by the

792 clerk. The city commission may provide by ordinance for the registration within a
793 reasonable time of all franchises previously granted.

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

799 **SECTION 6.15.**

800 Service charges.

801 The city commission by ordinance shall have the power to assess and collect fees, charges,
802 and tolls for sewers, sanitary and health services, or any other services provided or made
803 available within and without the corporate limits of the city. If unpaid, such charges shall
804 be collected as provided in Section 6.18.

805 **SECTION 6.16.**

806 Special assessments.

807 The city commission by ordinance shall have the power to assess and collect the cost of
808 constructing, reconstructing, widening, or improving any public way, street, sidewalk,
809 curbing, gutters, sewers, or other utility mains and appurtenances from the abutting property
810 owners. If unpaid, such charges shall be collected as provided in Section 6.18.

811 **SECTION 6.17.**

812 Construction; other taxes and fees.

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

816 **SECTION 6.18.**

817 Collection of delinquent taxes and fees.

818 (a) The city commission shall have power and authority to levy and collect a tax annually,
819 for general purposes, of not more than 20 mills upon each dollar of assessed valuation, upon
820 all and every species of property, both real and personal, within the limits of the city, and to

821 enforce the collection of same by execution, levy, and sale as the city commission shall
822 provide.

823 (b) The city commission shall have power and authority to provide by ordinance when such
824 taxes of said city shall be due, in what length of time said taxes shall be paid, when
825 executions shall issue against defaulters, and to fix a penalty for the nonpayment of taxes
826 when due.

827 (c) The city commission shall have the power and authority to provide by ordinance for the
828 collection from delinquent tax payers, in addition to all other sums, of the costs of collection
829 and the costs of levy preparation and execution procedures and to add such sums to the
830 amounts due on tax executions. The costs of levy preparation and execution procedures shall
831 include, but without limitation, the cost of title searches, name and address verifications,
832 legal fees, and all other levy and enforcement costs of every kind.

833 (d) The city commission shall have the power and authority to provide by ordinance for the
834 employment by the city manager of agencies to assist in the collection of delinquent taxes
835 and in tax execution, levy preparation, and enforcement procedures; to provide for the
836 payment of the costs of such agencies by the delinquent tax payer; and to provide for the
837 costs of such agencies to be added to the amounts due on tax executions.

838

SECTION 6.19.

839

Executions for taxes, licenses, other demands.

840 (a) Executions for any and all taxes or licenses, or demands of any sort due the city or its
841 corporate authorities by any person, firm or corporation, or against any property subject
842 thereto, shall be issued by the city clerk, be signed by him or her, in the name of the
843 chairperson, and be directed to the chief of police of said city and his or her deputies and all
844 and singular the sheriffs, deputy sheriffs, and constables of this state, commanding them that
845 of any property belonging to the defendant against whom said execution is issued, or of
846 certain property described in the execution, they make by levy and sale the amount due on
847 the execution with all costs.

848 (b) Except as otherwise provided by this charter, and especially by Section 6.18 as amended
849 by ordinance, all executions issued by the city clerk for taxes, license fees, special
850 assessments, fines, or forfeitures due the city shall be governed by the laws governing
851 executions for state and county taxes, and shall be subject to all presumptions of law and fact
852 which apply to executions for state and county taxes.

853 (c) Laws, rules, presumptions governing deeds. All deeds executed under levy of executions
854 in favor of the city for taxes, licenses, special assessments, fines, or forfeitures, shall be
855 governed by the laws and rules of evidence which apply to deeds executed by the sheriffs

856 under levy of executions for state and county taxes and shall be subject to all presumptions
857 of law and fact which apply to deeds executed by sheriffs under levy of executions for state
858 and county taxes.

859 **SECTION 6.20.**

860 General obligation bonds.

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

865 **SECTION 6.21.**

866 Revenue bonds.

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

870 **SECTION 6.22.**

871 Short-term loans.

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

874 **SECTION 6.23.**

875 Lease-purchase contracts.

876 The City may enter into multiyear lease, purchase, or lease-purchase contracts for the
877 acquisition of goods, materials, real and personal property, services, and supplies, provided
878 that the contract terminates without further obligation on the part of the municipality at the
879 close of the calendar year in which it was executed and at the close of each succeeding
880 calendar year for which it may be renewed. Contracts must be executed in accordance with
881 the requirements of Code Section 36-60-13 of the O.C.G.A., or other such applicable laws
882 as are or may hereafter be enacted.

883 **SECTION 6.24.**

884 Fiscal year.

885 The city commission shall set the fiscal year by ordinance. This fiscal year shall constitute
886 the budget year and the year for financial accounting the reporting of each and every office,
887 department, agency, and activity of the city government unless otherwise provided by state
888 or federal law.

889 **SECTION 6.25.**

890 Preparation of budgets.

891 The city commission shall provide an ordinance on the procedures and requirements for the
892 preparation and execution of an annual operating budget, a capital improvement plan, and
893 a capital budget, including requirements as to the scope, content, and form of such budgets
894 and plans.

895 **SECTION 6.26.**

896 Submission of operating budget to city commission.

897 On or before a date fixed by the city commission, but not later than 60 days prior to the
898 beginning of each fiscal year, the city manager shall submit to the city commission a
899 proposed operating budget for the ensuing fiscal year. The budget shall be accompanied by
900 a message from the city manager containing a statement of the general fiscal policies of the
901 city, the important features of the budget, explanations of major changes recommended for
902 the next fiscal year, a general summary of the budget, and such other comments and
903 information as are pertinent. The operating budget and the capital budget hereinafter
904 provided for, the budget message, and all supporting documents shall be filed in the office
905 of the city clerk and shall be open to public inspection.

906 **SECTION 6.27.**

907 Action by city commission on budget.

908 (a) The city commission may amend the operating budget proposed by the chairperson,
909 except that the budget as finally amended and adopted must provide for all expenditures
910 required by state law or by other provisions of this charter and for all debt service
911 requirements for the ensuing fiscal year, and the total appropriations from any fund shall not
912 exceed the estimated fund balance, reserves, and revenues.

913 (b) The city commission by ordinance shall adopt the final operating budget for the ensuing
 914 fiscal year not later than the first day of the ensuing fiscal year. If the city commission fails
 915 to adopt the budget by this date, the amounts appropriated for operation for the current fiscal
 916 year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all
 917 items prorated accordingly until such time as the city commission adopts a budget for the
 918 ensuing fiscal year. Adoption of the budget shall take the form of an appropriations
 919 ordinance, setting out the estimated revenues in detail by sources and making appropriations
 920 according to fund and by organizational unit, purpose, or activity as set out in the budget
 921 preparation ordinance adopted pursuant to Section 6.25.

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

926 **SECTION 6.28.**

927 Tax levies.

928 The city commission shall levy by ordinance such taxes as are necessary. The taxes and tax
 929 rates set by such ordinance shall be such that reasonable estimates of revenues from such
 930 levy shall at least be sufficient, together with other anticipated revenues, fund balances, and
 931 applicable reserves, to equal the total amount appropriated for each of the several funds set
 932 forth in the annual operating budget for defraying the expenses of the general government
 933 of this city.

934 **SECTION 6.29.**

935 Changes in appropriations.

936 The city commission by ordinance may make changes in the appropriations contained in the
 937 current operating budget, at any regular, special, or emergency meeting called for such
 938 purpose, but any additional appropriations may be made only from an existing unexpended
 939 surplus.

940 **SECTION 6.30.**

941 Capital budget.

942 (a) On or before the date fixed by the city commission but no later than 60 days prior to the
 943 beginning of each fiscal year, the city manager shall submit to the city commission a

944 proposed capital improvements plan with a recommended capital budget containing the
 945 means of financing the improvements proposed for the ensuing fiscal year. The city
 946 commission shall have power to accept, with or without amendments, or reject the proposed
 947 plan and proposed budget. The city commission shall not authorize an expenditure for the
 948 construction of any building, structure, work, or improvement, unless the appropriations for
 949 such project are included in the capital budget, except to meet a public emergency as
 950 provided in Section 2.24.

951 **SECTION 6.31.**

952 Independent audit.

953 There shall be an annual independent audit of all city accounts, funds, and financial
 954 transactions by a certified public accountant selected by the city commission. The audit shall
 955 be conducted according to generally accepted auditing principles. Any audit of any funds
 956 by the state or federal governments may be accepted as satisfying the requirements of this
 957 charter. Copies of annual audit reports shall be available to the public for the cost of
 958 printing..

959 **SECTION 6.32.**

960 Contracting procedures.

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

- 962 (1) It is in writing;
- 963 (2) It is drawn by or submitted and reviewed by the city attorney, and as a matter of
 964 course, is signed by the city attorney to indicate such drafting or review; and
- 965 (3) It is made or authorized by the city commission, and such approval is entered in the
 966 city commission journal of proceedings pursuant to Section 2.20.

967 **SECTION 6.33.**

968 Centralized purchasing.

969 The city commission by ordinance shall prescribe procedures for a system of centralized
 970 purchasing for the city.

971 **SECTION 6.34.**

972 Sale and lease of city property.

973 The city commission may sell, convey, or lease any real or personal property, owned or held
974 by the city, for governmental or other purposes as now or hereafter provided by law.

975 **ARTICLE VII**

976 **GENERAL PROVISIONS**

977 **SECTION 7.10.**

978 Bonds for officials.

979 The officers and employees of this city, both elective and appointive, shall execute such
980 surety or fidelity bonds in such amounts and upon such terms and conditions as the city
981 commission shall from time to time require by ordinance or as may be provided by law.

982 **SECTION 7.11.**

983 Prior ordinances.

984 All ordinances, resolutions, rules, and regulations now in force in the city and not
985 inconsistent with this charter are hereby declared valid and of full effect and force until
986 amended or repealed by the city commission.

987 **SECTION 7.12.**

988 Existing personnel and officers.

989 Except as specifically provided otherwise by this charter, all personnel and officers of the
990 city and their rights, privileges, and powers shall continue beyond the time this charter takes
991 effect for a period of 180 days before or during which the existing city commission shall pass
992 a transition ordinance detailing the changes in personnel and appointive officers required or
993 desired and arranging such titles, rights, privileges, and powers as may be required or desired
994 to allow a reasonable transition.

995 **SECTION 7.13.**

996 Pending matters.

997 Except as specifically provided otherwise by this charter, all rights, claims, actions, orders,
998 contracts, and legal or administrative proceedings shall continue, and any such ongoing work

999 or cases shall be completed by such city agencies, personnel, or offices as may be provided
1000 by the city commission.

1001 **SECTION 7.14.**

1002 Construction.

1003 (a) Section captions in this charter are informative only and are not to be considered as a part
1004 thereof.

1005 (b) The word "shall" is mandatory, and the word "may" is permissive.

1006 (c) The singular shall include the plural, and the masculine shall include the feminine, and
1007 vice versa.

1008 **SECTION 7.15.**

1009 Severability.

1010 If any article, section, subsection, paragraph, sentence, or part thereof of this charter shall be
1011 held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect
1012 or impair other parts of this charter unless it clearly appears that such other parts are wholly
1013 and necessarily dependent upon the part held to be invalid or unconstitutional, it being the
1014 legislative intent in enacting this charter that each article, section, subsection, paragraph,
1015 sentence, or part thereof be enacted separately and independent of each other.

1016 **SECTION 7.16.**

1017 Specific repealer.

1018 An Act to reincorporate the City of Cordele in the County of Crisp, State of Georgia,
1019 approved April 28, 1969, (Ga. L. 1969, p.3806), is hereby repealed in its entirety, and all
1020 amendatory acts thereto are likewise repealed in their entirety.

1021 **SECTION 7.17.**

1022 General repealer

1023 All other laws and parts of laws in conflict with this Charter are hereby repealed.