

Senate Bill 517

By: Senator Lucas of the 26th

AS PASSED

A BILL TO BE ENTITLED
AN ACT

1 To provide a new charter for the City of Jeffersonville; 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 conflict of interest and
6 holding other offices; to provide for inquiries and investigations; to provide for eminent
7 domain; to provide for organization and procedures; to provide for regular and special
8 meetings; to provide for ordinances; to provide for codes; to provide for emergencies; to
9 provide for signing, authentication, and codification of ordinances; to provide for the office
10 of mayor and certain duties and powers relative to the office of mayor; to provide for a
11 mayor pro tempore; to provide for approval or veto of ordinances and resolutions; to provide
12 for administrative responsibilities; to provide for boards, commissions, and authorities; to
13 provide for a city attorney, city clerk, and other personnel; to provide for the establishment
14 of a municipal court and the judge or judges thereof; to provide for practices and procedures;
15 to provide for city council districts; to provide for procedures for municipal elections; to
16 provide for taxation, permits, and fees; to provide for franchises, service charges, and
17 assessments; to provide for bonded and other indebtedness; to provide for accounting and
18 budgeting; to provide for contracting and purchasing; to provide for bonds for officials; to
19 provide for definitions and construction; to provide for severability; to provide for related
20 matters; to repeal a specific Act; to repeal conflicting laws; and for other purposes.

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

22 ARTICLE I

23 INCORPORATION AND POWERS

24 SECTION 1.10.

25 Reincorporation name.

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

30 SECTION 1.11.

31 Corporate boundaries.

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

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

43 SECTION 1.12.

44 Powers and construction.

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

49 (b) The powers of the city shall be construed liberally in the favor of the city. The specific
 50 mention or failure to mention particular powers shall not be construed as limiting in any way
 51 the powers of the city.

SECTION 1.13.

Examples of powers.

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

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

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

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

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

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

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

82 (h) Environmental protection. To protect and preserve the natural resources, environment,
83 and vital areas of the city, the region, and the state through the preservation and improvement
84 of air quality, the restoration and maintenance of water resources, the control of erosion and
85 sedimentation, the management of storm water and establishment of a storm-water utility,
86 the management of solid and hazardous waste, and other necessary actions for the protection
87 of the environment.

- 88 (i) Fire regulations. To fix and establish fire limits and from time to time to extend, enlarge,
89 or restrict the same; to prescribe fire safety regulations not inconsistent with general law,
90 relating to both fire prevention and detection and to firefighting; and to prescribe penalties
91 and punishment for violations thereof.
- 92 (j) Garbage fees. To levy, fix, assess, and collect a garbage, refuse and trash collection and
93 disposal, and other sanitary service charge, tax, or fee for such services as may be necessary
94 in the operation of the city from all individuals, firms, and corporations residing in or doing
95 business therein benefiting from such services; to enforce the payment of such charges, taxes,
96 or fees; and to provide for the manner and method of collecting such service charges.
- 97 (k) General health, safety, and welfare. To define, regulate, and prohibit any act, practice,
98 conduct, or use of property which is detrimental to the health, sanitation, cleanliness, welfare,
99 and safety of the inhabitants of the city, and to provide for the enforcement of such standards.
- 100 (l) Gifts. To accept or refuse gifts, donations, bequests, or grants from any source for any
101 purpose related to powers and duties of the city and the general welfare of its citizens, on
102 such terms and conditions as the donor or grantor may impose.
- 103 (m) Health and sanitation. To prescribe standards of health and sanitation and to provide
104 for the enforcement of such standards.
- 105 (n) Jail sentences. To provide that persons given jail sentences in the city's court may work
106 out such sentences in any public works or on the streets, roads, drains, and other public
107 property in the city; to provide for commitment of such persons to any jail; to provide for the
108 use of pretrial diversion and any alternative sentencing allowed by law; or to provide for
109 commitment of such persons to any county work camp or county jail by agreement with the
110 appropriate county officials.
- 111 (o) Motor vehicles. To regulate the operation of motor vehicles and exercise control over
112 all traffic, including parking upon or across the streets, roads, alleys, and walkways of the
113 city.
- 114 (p) Municipal agencies and delegation of power. To create, alter, or abolish departments,
115 boards, offices, commissions, and agencies of the city, and to confer upon such agencies the
116 necessary and appropriate authority for carrying out all of the powers conferred upon or
117 delegated to the same.
- 118 (q) Municipal debts. To appropriate and borrow money for the payment of debts of the city
119 and to issue bonds for the purpose of raising revenue to carry out any project, program, or
120 venture authorized by this charter or the laws of the State of Georgia.
- 121 (r) Municipal property ownership. To acquire, dispose of, lease, and hold in trust or
122 otherwise any real, personal, or mixed property, in fee simple or lesser interest, inside or
123 outside the property limits of the city.

- 124 (s) Municipal property protection. To provide for the preservation and protection of
125 property and equipment of the city and the administration and use of the same by the public
126 and to prescribe penalties and punishment for violations thereof.
- 127 (t) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose of
128 public utilities, including but not limited to a system of waterworks, sewers and drains,
129 sewage disposal, storm-water management, gas works, electric light plants, cable television
130 and other telecommunications, transportation facilities, public airports, and any other public
131 utility; to fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties; and
132 to provide for the withdrawal of service for refusal or failure to pay the same.
- 133 (u) Nuisance. To define a nuisance and provide for its abatement whether on public or
134 private property.
- 135 (v) Penalties. To provide penalties for violation of any ordinances adopted pursuant to the
136 authority of this charter and the laws of the State of Georgia.
- 137 (w) Planning and zoning. To provide comprehensive city planning for development by
138 zoning and to provide subdivision regulation and the like as the city council deems necessary
139 and reasonable to ensure a safe, healthy, and aesthetically pleasing community.
- 140 (x) Police and fire protection. To exercise the power of arrest through duly appointed police
141 officers and to establish, operate, or contract for a police and fire-fighting agency.
- 142 (y) Public hazards: removal. To provide for the destruction and removal of any building or
143 other structure which is or may become dangerous or detrimental to the public.
- 144 (z) Public improvements. To provide for the acquisition, construction, building, operation,
145 and maintenance of public ways; parks and playgrounds; recreational facilities; cemeteries;
146 markets and market houses; public buildings; libraries; public housing; airports; hospitals;
147 terminals; docks; parking facilities; or charitable, cultural, educational, recreational
148 conservation, sport, curative, corrective, detention, penal, and medical institutions, agencies,
149 and facilities; to provide any other public improvements inside or outside the corporate limits
150 of the city; and to regulate the use of public improvements. For such purposes, property may
151 be acquired by condemnation under Title 22 of the O.C.G.A., or such other applicable laws
152 as are or may hereafter be enacted.
- 153 (aa) Public peace. To provide for the prevention and punishment of loitering, disorderly
154 conduct, drunkenness, riots, and public disturbances.
- 155 (bb) Public transportation. To organize and operate such public transportation systems as
156 are deemed beneficial.
- 157 (cc) Public utilities and services. To grant franchises or to make contracts for, or impose
158 taxes on, public utilities and public service companies; and to prescribe the rates, fares,
159 regulations, and standards and conditions of service applicable to the service to be provided

160 by the franchise grantee or contractor, insofar as not in conflict with valid regulations of the
161 Public Service Commission.

162 (dd) Regulation and roadside areas. To prohibit or regulate and control the erection,
163 removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any and
164 all structures or obstructions upon or adjacent to the rights-of-way of streets and roads or
165 within view thereof, within or abutting the corporate limits of the city; and to prescribe
166 penalties and punishment for violation of such ordinances.

167 (ee) Retirement. To provide and maintain a retirement plan and other employee benefit
168 plans and programs for officers and employees of the city.

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

176 (gg) Sewer fees. To levy a fee, charge, or sewer tax as necessary to assure the acquiring,
177 constructing, equipping, operating, maintaining, and extending of a sewage disposal plant
178 and sewerage system, and to levy on those to whom sewers and sewerage systems are made
179 available a sewer service fee, charge, or sewer tax for the availability or use of the sewers;
180 to provide for the manner and method of collecting such service charges and for enforcing
181 payment of the same; and to charge, impose, and collect a sewer connection fee or fees to
182 those connected with the system.

183 (hh) Solid waste disposal. To provide for the collection and disposal of garbage, rubbish,
184 and refuse; to regulate the collection and disposal of garbage, rubbish, and refuse by others;
185 to provide for the separate collection of recyclable materials; and to provide for the sale of
186 such items.

187 (ii) Special areas of public regulation. To regulate or prohibit junk dealers and the
188 manufacture and sale of intoxicating liquors; to regulate the transportation, storage, and use
189 of combustible, explosive, and inflammable materials, the use of lighting and heating
190 equipment, and any other business or situation which may be dangerous to persons or
191 property; to regulate and control the conduct of peddlers and itinerant traders, theatrical
192 performances, exhibitions, and shows of any kind, by taxation or otherwise; to license and
193 tax professional fortunetelling, palmistry, and massage parlors; and to restrict adult
194 bookstores to certain areas.

195 (jj) Special assessments. To levy and provide for the collection of special assessments to
196 cover the costs of any public improvements.

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

199 (ll) Taxes: other. To levy and collect such other taxes as may be allowed now or in the
 200 future by law.

201 (mm) Taxicabs. To regulate and license vehicles operated for hire in the city; to limit the
 202 number of such vehicles; to require the operators thereof to be licensed; to require public
 203 liability insurance on such vehicles in the amounts to be prescribed by ordinance; and to
 204 regulate the parking of such vehicles.

205 (nn) Urban redevelopment. To organize and operate an urban redevelopment program.

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

216 **SECTION 1.14.**

217 Exercise of powers.

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

222 **ARTICLE II**

223 **GOVERNMENT STRUCTURE**

224 **SECTION 2.10.**

225 City council creation; number; election.

226 The governing authority of the government of the city, except as otherwise specifically
 227 provided in this charter, shall be vested in a city council to be composed of seven
 228 councilmembers. The city council established shall in all respects be a successor to and

229 continuation of the governing authority under prior law. The councilmembers shall be
 230 elected in the manner provided by general law and this charter.

231 **SECTION 2.11.**

232 Mayor and city council terms and qualifications for office.

233 The mayor and members of the city council shall serve for terms of four years and until their
 234 respective successors are elected and qualified. No person shall be eligible to serve as mayor
 235 or councilmember unless that person shall have been a resident of the city for a continuous
 236 period of at least 12 months immediately prior to the date of election of mayor or members
 237 of the city council; each shall continue to reside therein during that member's period of
 238 service and be registered and qualified to vote in municipal elections of the city. In addition
 239 to the foregoing requirements, no person shall be eligible to serve as a councilmember
 240 representing a council district unless that person has been a resident of the district such
 241 person seeks to represent for a continuous period of at least six months immediately prior to
 242 the date of the election for councilmember and continues to reside in such district during that
 243 person's period of service.

244 **SECTION 2.12.**

245 Vacancies; filling of vacancies.

246 (a) The office of mayor or councilmember shall become vacant upon the incumbent's death,
 247 resignation, or forfeiture of office or upon the occurrence of any event specified by the
 248 Constitution of the State of Georgia, Title 45 of the O.C.G.A., or such other applicable laws
 249 as are or may hereafter be enacted.

250 (b) A vacancy in the office of mayor or councilmember shall be filled for the remainder of
 251 the unexpired term, if any, by appointment by the city council or those members remaining
 252 if less than 12 months remains in the unexpired term. If such vacancy occurs 12 months or
 253 more prior to the expiration of the term of that office, it shall be filled for the remainder of
 254 the unexpired term by a special election, as provided for in Section 5.14 of this charter and
 255 in accordance with Titles 21 and 45 of the O.C.G.A., or other such laws as are or may
 256 hereafter be enacted.

257 (c) This section shall also apply to a temporary vacancy created by the suspension from
 258 office of the mayor or any councilmember.

259

SECTION 2.13.

260

Compensation and expenses.

261 The councilmembers shall receive compensation and expenses for their services as provided

262 by ordinance.

263

SECTION 2.14.

264

Conflicts of interest; holding other offices.

265 (a) Elected and appointed officers of the city are trustees and servants of the residents of the

266 city and shall act in a fiduciary capacity for the benefit of such residents.

267 (b) No elected official, appointed officer, or employee of the city or any agency or political

268 entity to which this charter applies shall knowingly:

269 (1) Engage in any business or transaction, or have a financial or other personal interest,

270 direct or indirect, which is incompatible with the proper discharge of that person's official

271 duties or which would tend to impair the independence of the official's judgment or action

272 in the performance of those official duties;

273 (2) Engage in or accept private employment, or render services for private interests

274 when such employment or service is incompatible with the proper discharge of that

275 person's official duties or would tend to impair the independence of the official's

276 judgment or action in the performance of those official duties;

277 (3) Disclose confidential information, including information obtained at meetings which

278 are closed pursuant to Chapter 14 of Title 50 of the O.C.G.A., concerning the property,

279 government, or affairs of the governmental body which the official is engaged without

280 proper legal authorization or to use such information to advance the financial or other

281 private interest of the official or others;

282 (4) Accept any valuable gift, whether in the form of service, loan, thing, or promise,

283 from any person, firm, or corporation which to the official's knowledge is interested,

284 directly or indirectly, in any manner whatsoever, in business dealings with the

285 governmental body by which the official is engaged; provided, however, that an elected

286 official who is a candidate for public office may accept campaign contributions and

287 services in connection with any such campaign;

288 (5) Represent other private interests in any action or proceeding against the city or any

289 portion of its government; or

290 (6) Vote or otherwise participate in the negotiation or in the making of any contract with

291 any business or entity in which the official has a financial interest.

292 (c) Any elected official, appointed officer, or employee who shall have any financial
293 interest, direct or indirect, in any contract or matter pending before or within any department
294 of the city shall disclose such interest to the city council. The mayor or any councilmember
295 who has a financial interest in any matter pending before the city council shall disclose such
296 interest, such disclosure shall be entered on the records of the city council, and that official
297 shall disqualify himself or herself from participating in any decision or vote relating thereto.
298 Any elected official, appointed officer, or employee of any agency or political entity to which
299 this charter applies who shall have any financial interest, directly or indirectly, in any
300 contract or matter pending before or within such entity shall disclose such interest to the
301 governing body of such agency or entity.

302 (d) No elected official, appointed officer, or employee of the city or any agency or entity to
303 which this charter applies shall use property owned by such governmental entity for personal
304 benefit or profit but shall use such property only in his or her capacity as an official, officer,
305 or employee of the city.

306 (e) Any violation of this section which occurs with the knowledge, express or implied, of
307 a party to a contract or sale shall render said contract or sale voidable at the option of the city
308 council.

309 (f) Except where authorized by law, neither the mayor nor any councilmember shall hold
310 any other elective or appointive office in the city or otherwise be employed by said
311 government or any agency thereof during the term for which that official was elected. No
312 former mayor or councilmember shall hold any appointive office in the city until one year
313 after the expiration of the term for which that official was elected.

314 (g) No appointed officer of the city shall continue in such employment upon qualifying as
315 a candidate for nomination or election to any public office. No employee of the city shall
316 continue in such employment upon qualifying for or election to any public office in the city
317 or any other public office which is inconsistent, incompatible, or in conflict with the duties
318 of the city employee. Such determination shall be made by the mayor and city council either
319 immediately upon election or at any time such conflict may arise.

320 (h)(1) Any city officer or employee who knowingly violates any of the requirements of
321 this section shall be guilty of malfeasance in office or position and shall be deemed to
322 have forfeited that person's office or position.

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

327

SECTION 2.15.

328

Inquiries and investigations.

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

335

SECTION 2.16.

336

General power and authority of the city council.

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

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

346

SECTION 2.17.

347

Eminent domain.

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

356

SECTION 2.18.

357

Organizational meetings.

358 The city council shall hold an organizational meeting as prescribed by ordinance. The
 359 meeting shall be called to order by the mayor-elect or city clerk, and the oath of office shall
 360 be administered to the newly elected members by a judicial officer authorized to administer
 361 oaths and shall, to the extent that it comports with federal and state law, be as follows:

362 "I do solemnly swear that I will faithfully perform the duties of (mayor) (councilmember)
 363 of this city and that I will support and defend the charter thereof as well as the Constitution
 364 and laws of the State of Georgia and of the United States of America. I am not the holder
 365 of any unaccounted for public money due this state or any political subdivision or authority
 366 thereof. I am not the holder of any office of trust under the government of the United
 367 States, any other state, or any foreign state which I by the laws of the State of Georgia am
 368 prohibited from holding. I am otherwise qualified to hold said office according to the
 369 Constitution and laws of Georgia. I have been a resident of the City of Jeffersonville for
 370 the time required by the Constitution and laws of this state and by the municipal charter.
 371 I will perform the duties of my office in the best interest of the City of Jeffersonville to the
 372 best of my ability without fear, favor, affecting, reward, or expectation thereof."

373

SECTION 2.19.

374

Regular and special meetings.

375 (a) The city council shall hold regular meetings at such time and places as shall be
 376 prescribed by ordinance.

377 (b) Special meetings of the city council may be held on call by the mayor or any
 378 councilmember. Notice of such special meetings shall be served on all other members
 379 personally, or by telephone personally, at least 48 hours in advance of the meeting. Such
 380 notice to councilmembers shall not be required if the mayor and all councilmembers are
 381 present when the special meeting is called. Such notice of any special meeting may be
 382 waived by a councilmember in writing before or after such a meeting, and attendance at the
 383 meeting shall also constitute a waiver of notice on any business transacted in such
 384 councilmember's presence. Only the business stated in the call may be transacted at the
 385 special meeting.

386 (c) All meetings of the city council shall be public to the extent required by law, and notice
 387 to the public of special meetings shall be made fully as is reasonably possible as provided by
 388 Chapter 14 of Title 50 of the O.C.G.A., or other such applicable laws as are or may hereafter
 389 be enacted.

390 **SECTION 2.20.**

391 Rules of procedure.

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

395 (b) All committees and committee chairs and officers of the city council shall be appointed
396 by the mayor and shall serve at the pleasure of the mayor. The mayor shall have the power
397 to appoint new members to any committee at any time.

398 **SECTION 2.21.**

399 Quorum; voting.

400 (a) Four councilmembers, not inclusive of the mayor, shall constitute a quorum and shall be
401 authorized to transact business of the city council. Voting on the adoption of ordinances
402 shall be by voice vote, and the vote shall be recorded in the journal; but any member of the
403 city council shall have the right to request a roll call vote, and such vote shall be recorded in
404 the journal. Except as otherwise provided in this charter, the affirmative vote of four
405 councilmembers shall be required for the adoption of any ordinance, resolution, or motion.

406 (b) No member of the city council shall abstain from voting on any matter properly brought
407 before the city council for official action except when such councilmember has a conflict of
408 interest which is disclosed in writing prior to or at the meeting and made a part of the
409 minutes. Any councilmember present and eligible to vote on a matter and refusing to do so
410 for any reason other than a properly disclosed and recorded conflict of interest shall be
411 deemed to have acquiesced or concurred with the members of the majority who did vote on
412 the question involved.

413 (c) The mayor shall vote only in the case of tie or in the case where his or her vote will
414 provide the fourth affirmative vote required for approval of a matter. The mayor may not
415 cast a fourth affirmative vote when four votes have already been cast in opposition.

416 **SECTION 2.22.**

417 Action requiring an ordinance.

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

419

SECTION 2.23.

420

Emergencies.

421 (a) To meet a public emergency affecting life, health, property, or public peace, the city
 422 council may convene on call of the mayor or four councilmembers and promptly adopt an
 423 emergency ordinance, but such ordinance shall not levy taxes; grant, renew, or extend a
 424 franchise; regulate the rate charged by any public utility for its services; or authorize the
 425 borrowing of money except for loans to be repaid within 30 days. An emergency ordinance
 426 shall be introduced in the form prescribed for ordinances generally, except that it shall be
 427 plainly designated as an emergency ordinance and shall contain, after the enacting clause,
 428 a declaration stating that an emergency exists, and describing the emergency in clear and
 429 specific terms. An emergency ordinance may be adopted, with or without amendment, or
 430 rejected at the meeting at which it is introduced, but the affirmative vote of at least four
 431 councilmembers shall be required for adoption. It shall become effective upon adoption or
 432 at such later time as it may specify. Every emergency ordinance shall automatically stand
 433 repealed 30 days following the date upon which it was adopted, but this shall not prevent
 434 reenactment of the ordinance in the manner specified in this section if the emergency still
 435 exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance
 436 in the same manner specified in this section for adoption of emergency ordinances.

437 (b) Such meetings shall be open to the public to the extent required by law, and notice to the
 438 public of emergency meetings shall be made as fully as is reasonably possible in accordance
 439 with Code Section 50-14-1 of the O.C.G.A., or such other applicable laws as are or may
 440 hereafter be enacted.

441

SECTION 2.24.

442

Codes of technical regulations.

443 (a) The city council may adopt any standard code of technical regulations by reference
 444 thereto in an adopting ordinance. The procedure and requirements governing such adopting
 445 ordinance shall be as prescribed for ordinances general excepting that:

446 (1) The requirements of Section 2.25(b) of this charter for distribution and filing of copies
 447 of the ordinance shall be construed to include copies of any code of technical regulations,
 448 as well as the adopting ordinance; and

449 (2) A copy of each adopted code of technical regulations, as well as the adopting
 450 ordinance, shall be authenticated and recorded by the city clerk pursuant to Section 2.25
 451 of this charter.

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

454 **SECTION 2.25.**

455 Signing; authenticating; recording; codification; printing.

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

458 (b) The city council shall provide for the preparation of a general codification of all the
459 ordinances of the city having the force and effect of law. The general codification shall be
460 adopted by the city council by ordinance and shall be published promptly, together with all
461 amendments thereto and such codes or technical regulations and other rules and regulations
462 as the city council may specify. This compilation shall be known and cited officially as "The
463 Code of the City of Jeffersonville, Georgia." Copies of the code shall be furnished to all
464 officers, departments, and agencies of the city, and made available for purchase by the public
465 at a reasonable price as fixed by the city council.

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

475 **SECTION 2.26.**

476 Mayor and mayor pro tempore.

477 (a) At each regular election, the voters of the city shall elect a mayor at-large for a term of
478 four years. The mayor shall be a qualified elector of the city and shall have been a resident
479 of the city for a continuous period of at least 12 months immediately prior to the election.
480 The mayor shall continue to reside in the city during the period of service. The mayor shall
481 forfeit the office on the same grounds and under the same procedure as for councilmembers.
482 The compensation of the mayor shall be established in the same manner as for
483 councilmembers.

484 (b) The city council shall elect from among its members a mayor pro tempore who shall act
 485 as a mayor during the absence or disability of the mayor, and if a vacancy occurs, shall
 486 become mayor for the remainder of the expired term.

487 **SECTION 2.27.**

488 Powers and duties of mayor.

489 The mayor shall be the chief executive officer of the city, and he or she shall:

- 490 (1) See that all laws and ordinances of the city are faithfully executed;
- 491 (2) Appoint and remove all department heads with confirmation by city council, and
 492 solely appoint and remove all other employees of the city, notwithstanding a formal
 493 appeal process that may be adopted, except as otherwise provided in this charter;
- 494 (3) Exercise supervision over all executive and administrative work of the city and
 495 provide for the coordination of administrative activities;
- 496 (4) Preside at all meetings of the city council;
- 497 (5) Prepare and submit to the city council a recommended operating budget and capital
 498 budget;
- 499 (6) Submit to the city council at least once a year a statement covering the financial
 500 conditions of the city, and from time to time, such other information as the city council
 501 may request;
- 502 (7) Recommend to the city council such measures relative to the affairs of the city,
 503 improvement of the government, and promotion of the welfare of its inhabitants as the
 504 mayor may deem expedient;
- 505 (8) Call special meetings of the city council as provided for in Section 2.19(b) of this
 506 charter;
- 507 (9) Approve or disapprove by veto ordinances and resolutions of the city council as
 508 provided in Section 2.28 of this charter;
- 509 (10) Execute on behalf of the city all written and approved contracts, ordinances, and
 510 other instruments executed by the city which, by law, are required to be in writing;
- 511 (11) Provide for an annual audit of all accounts of the city;
- 512 (12) Require any department or agency of the city to submit written reports whenever
 513 the mayor deems it expedient; and
- 514 (13) Perform such other duties as may be required by law, this charter, or ordinance.

515

SECTION 2.28.

516

Submission of ordinances and resolutions to the mayor; veto power.

517 (a) Every ordinance or resolution adopted by the city council shall be presented promptly
518 by the city clerk to the mayor.

519 (b) The mayor, within ten calendar days of receipt of an ordinance or resolution, shall return
520 it to the city clerk with or without the mayor's approval, or with the mayor's disapproval. If
521 the ordinance or resolution has been approved by the mayor, it shall become law upon its
522 return to the city clerk; if the ordinance or resolution is neither approved nor disapproved,
523 it shall become law at 12:00 Noon on the tenth calendar day after its adoption; or if the
524 ordinance or resolution is disapproved, the mayor shall submit to the city council through the
525 city clerk a written statement of reasons for the veto. The city clerk shall record upon the
526 ordinance or resolution the date of its delivery to and receipt by the mayor.

527 (c) Ordinances or resolutions vetoed by the mayor shall be presented by the city clerk to the
528 city council at its next meeting. If the city council then or at its next meeting thereafter
529 adopts the ordinance or resolution by an affirmative vote of five members, it shall become
530 law.

531 (d) The mayor may disapprove or reduce any item or items of appropriation in any ordinance
532 or resolution. The approved part or parts of any ordinance or resolutions making
533 appropriations shall become law, and the part or parts disapproved shall not become law
534 unless subsequently passed by the city council over the mayor's veto as provided herein. The
535 reduced part or parts shall be presented to city council as though disapproved and shall not
536 become law unless overridden by the council as provided in subsection (c) of this section.

537

SECTION 2.29.

538

Position of mayor pro tempore.

539 During the absence or physical or mental disability of the mayor for any cause, the mayor
540 pro tempore, or in the event the mayor pro tempore's absence or disability for any reason, any
541 one of the councilmembers chosen by a majority vote of the city council, shall be clothed
542 with all the rights and privileges of the mayor and shall perform the duties of the office of
543 the mayor so long as such absence or disability shall continue. Any such absence or
544 disability shall be declared by majority vote of all councilmembers. The mayor pro tempore
545 or selected councilmember shall sign all contracts and ordinances in which the mayor has a
546 disqualifying financial interest as provided in Section 2.14 of this charter. When acting as
547 mayor, the mayor pro tempore shall continue to have only one vote as a member of the city
548 council.

549

ARTICLE III

550

ADMINISTRATIVE AFFAIRS

551

SECTION 3.10.

552

Administrative and service departments.

553 (a) Except as otherwise provided in this charter, the city council, by ordinance, shall
 554 prescribe the functions or duties, and establish, abolish, alter, consolidate, or leave vacant all
 555 nonelected offices, positions of employment, departments, and agencies of the city, as
 556 necessary for the proper administration of the affairs and government of the city.

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

560 (c) All appointed officers and directors of departments shall receive such compensation as
 561 prescribed by ordinance or resolution.

562 (d) There may be a director of each department or agency who shall be its principal officer.
 563 Each director shall be subject to the direction and supervision of the appointing authority and
 564 be responsible for the administration and direction of the affairs and operations of that
 565 director's department or agency.

566 (e) All appointed officers and directors under the supervision of the appointing authority
 567 shall be nominated by the mayor with confirmation of appointment by the city council. All
 568 appointive officers and directors shall be employees at-will and subject to removal or
 569 suspension at any time by the appointing authority unless otherwise provided by law or
 570 ordinance.

571

SECTION 3.11.

572

Boards, commissions, and authorities.

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

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

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

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

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

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

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

594 (h) Except as otherwise provided by this charter or by law, each board, commission, or
595 authority of the city shall elect one of its members as chair and one member as vice chair,
596 and may elect as its secretary one of its own members or may appoint as secretary an
597 employee of the city. Each board, commission, or authority of the city may establish such
598 bylaws, rules, and regulations, not inconsistent with this charter, ordinances of the city, or
599 law, as it deems appropriate and necessary for the fulfillment of its duties or the conduct of
600 its affairs. Copies of such bylaws, rules, and regulations shall be filed with the city clerk.

601 **SECTION 3.12.**

602 City attorney.

603 (a) The city council shall appoint a city attorney, together with such assistant city attorneys
604 as may be authorized, and shall provide for the payment of such attorney or attorneys for
605 services rendered to the city. The city attorney shall be responsible for providing for the
606 representation and defense of the city in all litigation in which the city is a party; may be the
607 prosecuting officer in the municipal court; shall attend the meetings of the city council as
608 directed; shall advise the city council, mayor, and other officers and employees of the city
609 concerning legal aspects of the city's affairs; and shall perform such other duties as may be
610 required by virtue of the person's position as city attorney.

611 (b) The city attorney is not a public official of the city and does not take an oath of office.
612 The city attorney shall at all times be an independent contractor. A law firm, rather than an
613 individual, may be designated as the city attorney.

614 **SECTION 3.13.**

615 City clerk.

616 The city council shall appoint a city clerk who shall not be a councilmember. The city clerk
 617 shall be custodian of the official city seal and city records; maintain city council records
 618 required by this charter; act as the treasurer of the city; and perform such other duties as may
 619 be required by the city council.

620 **SECTION 3.14.**

621 Personnel policies.

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

624 **ARTICLE IV**
 625 **JUDICIAL BRANCH**

626 **SECTION 4.10.**

627 Creation; name.

628 There shall be a court to be known as the Municipal Court of the City of Jeffersonville.

629 **SECTION 4.11.**

630 Chief judge; associate judge.

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

633 (b) No person shall be qualified or eligible to serve as a judge on the municipal court unless
 634 that person shall be a member of the State Bar of Georgia, and shall possess all qualifications
 635 required by law. All judges shall be appointed for a term, as provided by general law, by the
 636 city council and shall serve until a successor is appointed and qualified.

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

638 (d) Judges may be removed at any time as provided by law.

639 (e) Before assuming office, each judge shall take an oath, given by the mayor, that the judge
 640 will honestly and faithfully discharge the duties of the office to the best of that person's
 641 ability and without fear, favor, or partiality. The oath shall be entered upon the minutes of
 642 the city council journal required in Section 2.21 of this charter.

643 **SECTION 4.12.**

644 Convening.

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

646 **SECTION 4.13.**

647 Jurisdiction; powers.

648 (a) The municipal court shall have jurisdiction and authority to try and punish violations of
649 this charter, all city ordinances, and such other violations as provided by law.650 (b) The municipal court shall have authority to punish those in its presence for contempt,
651 provided that such punishment shall not exceed a fine of \$200.00 or imprisonment for ten
652 days.653 (c) The municipal court may fix punishment for offenses within its jurisdiction not
654 exceeding a fine of \$1,000.00 or imprisonment for 180 days or both such fine and
655 imprisonment or may fix punishment by fine, imprisonment, or alternative sentencing as
656 now, or hereafter provided by law.657 (d) The municipal court shall have authority to establish a schedule of fees to defray the cost
658 of operation and shall be entitled to reimbursement of the cost of meals, transportation, and
659 caretaking of prisoners bound over to superior court for violations of state law.660 (e) The municipal court shall have authority to establish bail and recognizance to ensure the
661 presence of those charged with violations before said court and shall have discretionary
662 authority to accept cash or personal or real property as surety for the appearance of persons
663 charged with violations. Whenever any person shall give bail for that person's appearance
664 and shall fail to appear at that time fixed for trial, the bond shall be forfeited by the judge
665 presiding at such time, and an execution issued thereon by serving the defendant and the
666 defendant's sureties with a rule nisi at least two days before a hearing on the rule nisi. In the
667 event that cash or property is accepted in lieu of bond for security for the appearance of a
668 defendant at trial, and if such defendant fails to appear at the time and place fixed for trial,
669 the cash so deposited shall be on order of the judge declared forfeited to the city, and the
670 property so deposited shall have a lien against it for the value forfeited which lien shall be
671 enforceable in the same manner and to the same extent as a lien for city property taxes.672 (f) The municipal court shall have the same authority as superior courts to compel the
673 production of evidence in the possession of any party; to enforce obedience to its orders,
674 judgments, and sentences; and to administer such oaths as are necessary.

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

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

682 **SECTION 4.14.**

683 Certiorari.

684 The right of certiorari from the decision and judgment of the municipal court shall exist in
 685 all criminal cases and ordinance violation cases, and such certiorari shall be obtained under
 686 the sanction of a judge of the Superior Court of Twiggs County under the laws of the State
 687 of Georgia regulating the granting and issuance of writs of certiorari.

688 **SECTION 4.15.**

689 Rules for court.

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

697 **ARTICLE V**

698 **ELECTIONS AND REMOVAL**

699 **SECTION 5.10.**

700 Applicability of general law.

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

703 **SECTION 5.11.**

704 Voting districts and election of the city council and mayor.

705 (a) There shall be a municipal general election every four years on the Tuesday next
706 following the first Monday in November.

707 (b) At each municipal general election, there shall be elected a mayor and seven city
708 councilmembers for terms of four years.

709 (c) The mayor shall be elected at-large by the qualified electors residing within the city.

710 (d) The seven city councilmembers shall be elected as follows:

711 (1) Four councilmembers shall be elected from the qualified electors residing within
712 Voting District 1. Each councilmember elected pursuant to this paragraph must be a
713 resident of such district. The four qualified candidates with the highest vote totals shall be
714 elected; and

715 (2) Three councilmembers shall be elected from the qualified electors residing within
716 Voting District 2. Each councilmember elected pursuant to this paragraph must be a
717 resident of such district. The three qualified candidates with the highest vote totals shall
718 be elected.

719 (e) Each qualified elector may only vote once for each candidate.

720 (f) For the purpose of electing members of the city council, the City of Jeffersonville will
721 be divided into two Voting Districts. The Voting Districts that are in effect on the effective
722 date of this charter shall continue in full force and effect until updated or amended as
723 provided herein or by state law.

724 **SECTION 5.12.**

725 Nonpartisan elections.

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

728 **SECTION 5.13.**

729 Election by plurality, majority, or minimum percentage.

730 The person or persons receiving the plurality of the votes cast for any city office shall be
731 elected.

732 **SECTION 5.14.**

733 Special elections; vacancies.

734 In the event that the office of mayor or councilmember shall become vacant as provided in
 735 Section 2.12 of this charter, the city council or those remaining shall order a special election
 736 to fill the balance of the unexpired term of such official; provided, however, that if such
 737 vacancy occurs within 12 months of the expiration of the term of that office, the city council
 738 or those remaining shall appoint a successor for the remainder of the term. In all other
 739 respects, the special election shall be held and conducted in accordance with the "Georgia
 740 Election Code," as now or hereafter amended.

741 **SECTION 5.15.**

742 Other provisions.

743 Except as otherwise provided by this charter, the city council shall, by ordinance, prescribe
 744 such rules and regulations it deems appropriate to fulfill any options and duties under the
 745 "Georgia Election Code."

746 **ARTICLE VI**747 **FINANCE**748 **SECTION 6.10.**

749 Property tax.

750 The city council may assess, levy, and collect an ad valorem tax on all real and personal
 751 property within the corporate limits of the city that is subject to such taxation by the state and
 752 Twiggs County. This tax is for the purpose of raising revenues to defray the costs of
 753 operating the city government, of providing governmental services, for the repayment of
 754 principal and interest on general obligations, and for any other public purpose as determined
 755 by the city council in its discretion.

756 **SECTION 6.11.**

757 Millage rate; due dates; payment methods.

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

762

SECTION 6.12.

763

Occupation and business taxes.

764 The city council by ordinance shall have the power to levy such corporation or business taxes
765 as are authorized by law. The city council may classify businesses, occupations, or
766 professions for the purpose of such taxation in any way which may be lawful and may
767 compel the payment of such taxes as provided in Section 6.18 of this charter.

768

SECTION 6.13.

769

Regulatory fees; permits.

770 The city council by ordinance shall have the power to require businesses or practitioners
771 doing business within the city to obtain a permit for such activity from the city and pay a
772 reasonable regulatory fee for such permit as provided by general law. Such fees shall reflect
773 the total cost to the city of regulating the activity and, if unpaid, shall be collected as
774 provided in Section 6.18 of this charter.

775

SECTION 6.14.

776

Franchises.

777 (a) The city council shall have the power to grant franchises for the use of the city's streets
778 and alleys for the purposes of railroads, street railways, telephone companies, electric
779 companies, electric membership corporations, cable television, and other telecommunications
780 companies, gas companies, transportation companies, and similar organizations. The city
781 council shall determine the duration, the terms, whether the same shall be exclusive or
782 nonexclusive, and the consideration for such franchises; provided, however, that no franchise
783 shall be granted for a period in excess of 35 years and no franchise shall be granted unless
784 the city receives just and adequate compensation therefor. The city council shall provide for
785 the registration of all franchises to the city clerk in a registration book kept by said clerk. The
786 city council may provide by ordinance for the registration within a reasonable time of all
787 franchises previously granted.

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

793 **SECTION 6.15.**

794 Service charges.

795 The city council by ordinance shall have the power to assess and collect fees, charges,
 796 assessments, and tolls for sewer, sanitary, and health services or for any other services
 797 provided or made available within and without the corporate limits of the city. If unpaid,
 798 such charges shall be collected as provided in Section 6.18 of this charter.

799 **SECTION 6.16.**

800 Special assessments.

801 The city council by ordinance shall have the power to assess and collect fees for the cost of
 802 constructing, reconstructing, widening, or improving any public ways, streets, sidewalks,
 803 curbing, gutters, sewers, or other utility mains and appurtenances from the abutting property
 804 owners. If unpaid, such charges shall be collected as provided in Section 6.18 of this charter.

805 **SECTION 6.17.**

806 Construction; other taxes and fees.

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

810 **SECTION 6.18.**

811 Collection of delinquent taxes and fees.

812 The city council, by ordinance, may provide generally for the collection of delinquent taxes,
 813 fees, or other revenue due the city under Sections 6.10 through 6.17 of this charter by
 814 whatever reasonable means as are not precluded by law. This shall include providing for the
 815 dates when the taxes or fees are due; late penalties or interest; issuance and execution of
 816 fi.fas; creation and priority of liens; making delinquent taxes and fees personal debts of the
 817 persons required to pay the taxes or fees imposed; revoking city permits for failure to pay any
 818 city taxes or fees; and providing for the assignment or transfer of tax executions.

819 **SECTION 6.19.**

820 General obligation bonds.

821

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

826 **SECTION 6.20.**

827 Revenue bonds.

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

831 **SECTION 6.21.**

832 Short-term loans.

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

835 **SECTION 6.22.**

836 Lease-purchase contracts.

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

844 **SECTION 6.23.**

845 Fiscal year.

846 The city council shall set the fiscal year by ordinance. This fiscal year shall constitute the
 847 budget year and the year for financial accounting and reporting of each and every office,

848 department, agency, and activity of the city government unless otherwise provided by state
849 or federal law.

850 **SECTION 6.24.**

851 Preparation of budgets.

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

856 **SECTION 6.25.**

857 Submission of operating budget to city council.

858 On or before a date fixed by the city council, but in no event later than 30 days prior to the
859 beginning of each fiscal year, the mayor shall submit to the city council a proposed operating
860 budget for the ensuing fiscal year. The budget shall be accompanied by a message from the
861 mayor containing a statement of the general fiscal policies of the city, the important features
862 of the budget, explanations of major changes recommended for the next fiscal year, a general
863 summary of the budget, and such other pertinent comments and information. The operating
864 budget and the capital budget hereinafter provided for, the budget message, and all
865 supporting documents shall be filed in the office of the city clerk and shall be open to public
866 inspection.

867 **SECTION 6.26.**

868 Action by city council on budget.

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

874 (b) The city council by ordinance shall adopt the final operating budget by a time each fiscal
875 year as enumerated in said ordinance. If the city council fails to adopt the budget by this
876 date, the amounts appropriated for operation for the current fiscal year shall be deemed
877 adopted by the ensuing fiscal year on a month-to-month basis, with all items prorated
878 accordingly until such time as the city council adopts a budget for the ensuing fiscal year.

879 Adoption of the budget shall take the form of an appropriations ordinance setting out the
 880 estimated revenues in detail by sources and making appropriations according to fund and by
 881 organizational unit, purpose, or activity as set out in the budget preparation ordinance
 882 adopted pursuant to Section 6.24 of this charter.

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

887 **SECTION 6.27.**

888 Tax levies.

889 The city council shall levy by ordinance such taxes as are necessary. The taxes and tax rates
 890 set by such ordinance shall be such that reasonable estimates of revenues from such levy
 891 shall at least be sufficient, together with other anticipated revenues, fund balances, and
 892 applicable reserves, to equal the total amount appropriated for each of the several funds set
 893 forth in the annual operating budget for defraying the expenses of the general government
 894 of the city.

895 **SECTION 6.28.**

896 Changes in appropriations.

897 The city council by ordinance may make changes in the appropriations contained in the
 898 current operating budget at any regular, special, or emergency meeting called for such
 899 purpose, but any additional appropriations may be made only from an existing unexpended
 900 surplus.

901 **SECTION 6.29.**

902 Capital budget.

903 (a) On or before the date fixed by the city council, but in no event later than 30 days prior
 904 to the beginning of each fiscal year, the mayor shall submit to the city council a proposed
 905 capital improvements plan with a recommended capital budget containing the means of
 906 financing the improvements proposed for the ensuing fiscal year. The city council shall have
 907 power to accept, with or without amendments, or reject the proposed plan and proposed
 908 budget. The city council shall not authorize an expenditure for the construction of any

909 building, structure, work, or improvement, unless the appropriations for such project are
 910 included in the capital budget, except to meet a public emergency as provided in Section 2.23
 911 of this charter.

912 (b) The city council shall adopt by ordinance the final capital budget for the ensuing fiscal
 913 year not later than a time set by city council by ordinance. No appropriations provided for
 914 in a prior capital budget shall lapse until the purpose for which the appropriation was made
 915 shall have been accomplished or abandoned; provided, however, that the city council may
 916 submit amendments to the capital budget at any time during the fiscal year, accompanied by
 917 recommendations. Any such amendments to the capital budget shall become effective only
 918 upon adoption by ordinance.

919 **SECTION 6.30.**

920 Independent audit.

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

926 **SECTION 6.31.**

927 Contracting procedures.

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

- 929 (1) Is in writing and executed by the mayor;
- 930 (2) Is drawn by or submitted to and reviewed by the city attorney, and as a matter of
 931 course, is signed by the city attorney to indicate such drafting or review; and
- 932 (3) Is made or authorized by the city council and such approval is entered in the city
 933 council journal of proceedings pursuant to Section 2.21 of this charter.

934 **SECTION 6.32.**

935 Centralized purchasing.

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

938 **SECTION 6.33.**

939 Sale and lease of city property.

940 The city council may sell and convey or lease any real or personal property owned or held
941 by the city for governmental or other purposes as now or hereafter provided by law.

942 **ARTICLE VII**

943 **GENERAL PROVISIONS**

944 **SECTION 7.10.**

945 Bonds for officials.

946 The officers and employees of the city, both elective and appointive, shall execute such
947 surety or fidelity bonds in such amounts and upon such terms and conditions as the city
948 council shall from time to time require by ordinance or as may be provided by law.

949 **SECTION 7.11.**

950 Prior ordinances.

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

954 **SECTION 7.12.**

955 Existing personnel and officers.

956

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

960 **SECTION 7.13.**

961 Pending matters.

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

966 **SECTION 7.14.**

967 Construction.

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

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

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

973 **SECTION 7.15.**

974 Severability.

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

981 **SECTION 7.16.**

982 Specific repealer.

983 An Act to provide a new charter for the City of Jeffersonville, approved April 10, 2014 (Ga.
984 L. 2014, p. 3791), is hereby repealed in its entirety, and all amendatory acts thereof are
985 likewise repealed in their entirety.

986 **SECTION 7.17.**

987 General repealer.

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