

House Bill 225 (AS PASSED HOUSE AND SENATE)

By: Representative Prince of the 127th

A BILL TO BE ENTITLED
AN ACT

1 To provide a new charter for the City of Wrens; to provide for incorporation, boundaries, and
2 powers of the city; to provide for the exercise of powers and limitations on powers; to
3 provide for a governing authority of such city and the powers, duties, authority, prohibitions,
4 election, terms, removal from office, method of filling vacancies, compensation, expenses,
5 and qualifications; to provide for conflict of interest and holding other offices; to provide for
6 inquiries and investigations; to provide for organization and meeting procedures; to provide
7 for ordinances; to provide for eminent domain; to provide for codes; to provide for the office
8 of mayor and certain duties and powers relative to the office of mayor; to provide for a veto;
9 to provide for a mayor pro tempore; to provide for a city manager; to provide for
10 administrative responsibilities; to provide for boards, commissions, and authorities; to
11 provide for a city attorney, city clerk, and other personnel; to provide for a comprehensive
12 land use plan; to provide for the establishment of a municipal court and the judge or judges
13 thereof; to provide for practices and procedures; to provide for taxation, permits, and fees;
14 to provide for franchises, service charges, and assessments; to provide for bonded and other
15 indebtedness; to provide for accounting and budgeting; to provide for contracting and
16 purchasing; to provide for sale of city property; to provide for bonds for officials; to provide
17 for pending matters; to provide for definitions and construction; to provide for severability;

H. B. 225

- 1 -

18 to provide for related matters; to repeal a specific Act; to repeal conflicting laws; and for
19 other purposes.

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

21 ARTICLE I
22 INCORPORATION AND POWERS

23 SECTION 1.10.
24 Incorporation.

25 This city and the inhabitants thereof are reincorporated by the enactment of this charter and
26 are hereby constituted and declared a municipality and a body politic and corporate under the
27 name and style City of Wrens, Georgia, and by that name shall have perpetual succession.

28 SECTION 1.11.
29 Corporate boundaries.

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

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

41 SECTION 1.12.

42 Powers.

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

47 SECTION 1.13.

48 Examples of powers and construction.

49 (a) The powers of the city shall include, but are not limited to, the power:

50 (1) Animal Regulations. To regulate and license or to prohibit the keeping or running
51 at-large of animals and fowl, and to provide for the impoundment of same if in violation
52 of any ordinance or lawful order; to provide for the disposition by sale, gift, or humane
53 destruction of animals and fowl when not redeemed as provided by ordinance; and to
54 provide punishment for violation of ordinances enacted under this charter;

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

59 (3) Building Regulation. To regulate and to license the erection and construction of
60 buildings and all other structures; to adopt building, housing, plumbing, fire safety,

61 electrical, gas, and heating and air conditioning codes; and to regulate all housing, and
62 building trades;

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

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

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

75 (7) Emergencies. To establish procedures for determining and proclaiming that an
76 emergency situation exists within or outside the city, and to make and carry out all
77 reasonable provisions deemed necessary to deal with or meet such an emergency for the
78 protection, safety, health, or well-being of the citizens of the city;

79 (8) Environmental Protection. To protect and preserve the natural resources,
80 environment, and vital areas of the state through the preservation and improvement of air
81 quality, the restoration and maintenance of water resources, the control of erosion and
82 sedimentation, the management of stormwater and establishment of a stormwater utility,
83 the management of solid and hazardous waste, and other necessary actions for the
84 protection of the environment;

85 (9) Fire Regulations. To fix and establish fire limits and from time to time to extend,
86 enlarge, or restrict the same; to prescribe fire safety regulations not inconsistent with

87 general law, relating to both fire prevention and detection and to fire fighting; and to
88 prescribe penalties and punishment for violations thereof;

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

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

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

102 (13) Health and Sanitation. To prescribe standards of health and sanitation and to
103 provide for the enforcement of such standards;

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

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

- 113 (16) Municipal Agencies and Delegation of Power. To create, alter, or abolish
114 departments, boards, offices, commissions, and agencies of the city, and to confer upon
115 such agencies the necessary and appropriate authority for carrying out all the powers
116 conferred upon or delegated to the same;
- 117 (17) Municipal Debts. To appropriate and borrow money for the payment of debts of the
118 city and to issue bonds for the purpose of raising revenue to carry out any project,
119 program, or venture authorized by this charter or the laws of the State of Georgia;
- 120 (18) Municipal Property Ownership. To acquire, dispose of, lease, and hold in trust or
121 otherwise, any real, personal, or mixed property, in fee simple or lesser interest, inside
122 or outside the property limits of the city;
- 123 (19) Municipal Property Protection. To provide for the preservation and protection of
124 property and equipment of the city, and the administration and use of same by the public;
125 and to prescribe penalties and punishment for violations thereof;
- 126 (20) Municipal Utilities. To acquire, lease, construct, operate, maintain, sell, and dispose
127 of public utilities, including but not limited to a system of waterworks, sewers and drains,
128 sewage disposal, stormwater management, gas works, electric light plants, cable
129 television and other telecommunications, transportation facilities, public airports, and any
130 other public utility; and to fix the taxes, charges, rates, fares, fees, assessments,
131 regulations, and penalties, and to provide for the withdrawal of service for refusal or
132 failure to pay the same;
- 133 (21) Nuisance. To define a nuisance and provide for its abatement whether on public or
134 private property;
- 135 (22) Penalties. To provide penalties for violation of any ordinances adopted pursuant to
136 the authority of this charter and the laws of the State of Georgia;
- 137 (23) 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
139 necessary and reasonable to insure a safe, healthy, and aesthetically pleasing community;

140 (24) Police and Fire Protection. To exercise the power of arrest through duly appointed
141 police officers, and to establish, operate, or contract for a police and a firefighting
142 agency;

143 (25) Public Hazards: Removal. To provide for the destruction and removal of any
144 building or other structure which is or may become dangerous or detrimental to the
145 public;

146 (26) Public Improvements. To provide for the acquisition, construction, building,
147 operation, and maintenance of public ways, parks and playgrounds, public grounds,
148 recreational facilities, cemeteries, markets and market houses, public buildings, libraries,
149 sewers, drains, sewage treatment, waterworks, electrical systems, gas systems, other
150 public utilities, public housing, airports, hospitals, terminals, docks, parking facilities, and
151 charitable, cultural, educational, recreational, conservation, sport, curative, corrective,
152 detentional, penal and medical institutions, agencies and facilities; and to provide any
153 other public improvements, inside or outside the corporate limits of the city; to regulate
154 the use of public improvements; and for such purposes, property may be acquired by
155 condemnation under Title 22 of the O.C.G.A., or such other applicable laws as are or may
156 hereafter be enacted;

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

159 (28) Public Transportation. To organize and operate such public transportation systems
160 as are deemed beneficial;

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

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

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

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

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

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

193 (35) Special Areas of Public Regulation. To regulate or prohibit junk dealers and the
194 manufacture and sale of intoxicating liquors; to regulate the transportation, storage, and
195 use of combustible, explosive, and inflammable materials, the use of lighting and heating
196 equipment, and any other business or situation which may be dangerous to persons or
197 property; to regulate and control the conduct of peddlers and itinerant traders, theatrical
198 performances, exhibitions, and shows of any kind, by taxation or otherwise; and to
199 license, tax, regulate, or prohibit professional fortunetelling, palmistry, and massage
200 parlors; and to restrict adult bookstores to certain areas;

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

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

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

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

211 (40) Urban Redevelopment. To organize and operate an urban redevelopment program;
212 and

213 (41) Other Powers. To exercise and enjoy all other powers, functions, rights, privileges,
214 and immunities necessary or desirable to promote or protect the safety, health, peace,
215 security, good order, comfort, convenience, or general welfare of the city and its
216 inhabitants; and to exercise all implied powers necessary or desirable to carry into
217 execution all powers granted in this charter as fully and completely as if such powers
218 were fully stated in this charter; and to exercise all powers now or in the future authorized
219 to be exercised by other municipal governments under other laws of the State of Georgia;

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

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

227 SECTION 1.14.

228 Exercise of powers.

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

233 ARTICLE II

234 GOVERNMENT STRUCTURE

235 SECTION 2.10.

236 City council creation; number; election.

237 The legislative authority of the government of this city, except as otherwise specifically
238 provided in this charter, shall be vested in a city council to be composed of a mayor and five
239 councilmembers. Councilmembers shall be elected at large by the voters of the city in
240 accordance with the provisions of Article V of this charter. The mayor shall be elected as
241 provided in Section 2.32 of this charter. The city council established shall in all respects be

242 successor to and continuation of the governing authority under prior law. The mayor and
243 councilmembers shall be elected in the manner provided by general law and this charter. The
244 mayor and city council in office on the effective date of this charter shall serve out the terms
245 to which they were elected.

246 SECTION 2.11.

247 City councilmembers; terms and qualifications for office.

248 The members of the city council shall serve for terms of four years and until their respective
249 successors are elected and qualified. No person shall be eligible to serve as a councilmember
250 unless that person shall have been a resident of the city for 12 months prior to the date of
251 election of members of the council; each shall continue to reside therein during that member's
252 period of service and to be registered and qualified to vote in municipal elections of this city.

253 SECTION 2.12.

254 Vacancy; filling of vacancies; suspensions.

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

259 (b) Filling of Vacancies - A vacancy in the office of mayor or councilmember shall be
260 filled for the remainder of the unexpired term, if any, by appointment by the city council
261 or those members remaining if less than 14 months remains in the unexpired term. If such
262 vacancy occurs 14 months or more prior to the expiration of the term of that office, it shall
263 be filled for the remainder of the unexpired term by a special election, as provided for in
264 Section 5.14 of this charter.

265 (c) This provision shall also apply to a temporary vacancy created by the suspension from
266 office of the mayor or any councilmember.

267 SECTION 2.13.
268 Compensation and expenses.

269 The mayor and councilmembers shall receive compensation and expenses for their services
270 as provided by ordinance.

271 SECTION 2.14.
272 Conflicts of interest; holding other offices.

273 (a) Fiduciary Capacity - Elected and appointed officers of the city are trustees and servants
274 of the residents of the city and shall act in a fiduciary capacity for the benefit of such
275 residents.

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

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

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

286 (3) Disclose confidential information, including information obtained at meetings which
287 are closed pursuant to Chapter 14 of Title 50 of the O.C.G.A., concerning the property,

288 government, or affairs of the governmental body by which that person is engaged without
289 proper legal authorization; or use such information to advance the financial or other
290 private interest of that person or others;

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

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

299 (6) Vote or otherwise participate in the negotiation or in the making of any contract with
300 any business or entity in which that person has a financial interest.

301 (c) Disclosure - Any elected official, appointed officer, or employee who shall have any
302 financial interest, directly or indirectly, in any contract or matter pending before or within
303 any department of the city shall disclose such interest to the city council. The mayor or any
304 councilmember who has a financial interest in any matter pending before the city council
305 shall disclose such interest and such disclosure shall be entered on the records of the city
306 council, and that person shall disqualify himself or herself from participating in any
307 decision or vote relating thereto. Any elected official, appointed officer, or employee of
308 any agency or political entity to which this charter applies who shall have any financial
309 interest, directly or indirectly, in any contract or matter pending before or within such
310 entity shall disclose such interest to the governing body of such agency or entity.

311 (d) Use of Public Property - No elected official, appointed officer, or employee of the city
312 or any agency or entity to which this charter applies shall use property owned by such
313 governmental entity for personal benefit, convenience, or profit except in accordance with
314 policies promulgated by the city council or the governing body of such agency or entity.

315 (e) Contracts Voidable and Rescindable - Any violation of this section which occurs with
316 the knowledge, express or implied, of a party to a contract or sale shall render said contract
317 or sale voidable at the option of the city council.

318 (f) Ineligibility of Elected Official - Except where authorized by law, neither the mayor
319 nor any councilmember shall hold any other elective or compensated appointive office in
320 the city or otherwise be employed by said government or any agency thereof during the
321 term for which that person was elected. No former councilmember and no former mayor
322 shall hold any compensated appointive office in the city until two years after the expiration
323 of the term for which that official was elected.

324 (g) Political Activities of Certain Officers and Employees - No appointed officer of the
325 city shall continue in such employment upon qualifying as a candidate for nomination or
326 election to any public office. No employee of the city shall continue in such employment
327 upon qualifying for any public office in this city or upon qualifying for any other public
328 office which is inconsistent, incompatible or in conflict with the duties of the city
329 employee. Such determination shall be made by the mayor and council either immediately
330 upon qualifying or at any time such conflict may arise.

331 (h) Penalties for Violation.

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

335 (2) Any officer or employee of the city who shall forfeit that person's office or position
336 as described in paragraph (1) of this subsection shall be ineligible for appointment or
337 election to or employment in a position in the city government for a period of five years
338 thereafter.

339 SECTION 2.15.
340 Inquiries and investigations.

341 Following the affirmative vote of the city council authorizing such action, the city council
342 may make inquiries and investigations into the affairs of the city and the conduct of any
343 department, office, or agency thereof, and for this purpose may subpoena witnesses,
344 administer oaths, take testimony, and require the production of evidence. Any person who
345 fails or refuses to obey a lawful order issued in the exercise of these powers by the city
346 council shall be punished as provided by ordinance.

347 SECTION 2.16.
348 General power and authority of the city council.

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

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

358 SECTION 2.17.

359 Eminent domain.

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

368 SECTION 2.18.

369 Organizational meetings.

370 The city council shall hold an organizational meeting on the first Tuesday in January. The
371 meeting shall be called to order by the mayor and the oath of office shall be administered to
372 the newly elected members by an officer authorized to administer oaths and shall, to the
373 extent that it comports with federal and state law, be as follows:

374 "I do solemnly (swear) (affirm) that I will faithfully perform the duties of (mayor)
375 (councilmember) of this city and that I will support and defend the charter thereof as well
376 as the Constitution and laws of the State of Georgia and of the United States of America.
377 I am not the holder of any unaccounted for public money due this state or any political
378 subdivision or authority thereof. I am not the holder of any office of trust under the
379 government of the United States, any other state, or any foreign state which I by the laws
380 of the State of Georgia am prohibited from holding. I am otherwise qualified to hold said
381 office according to the Constitution and laws of Georgia. I have been a resident of the City

382 of Wrens for the time required by the Constitution and laws of this state and by the
383 municipal charter. I will perform the duties of my office in the best interest of the City of
384 Wrens to the best of my ability without fear, favor, affection, reward, or expectation
385 thereof."

386 SECTION 2.19.

387 Regular and special meetings.

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

390 (b) Special meetings of the city council may be held on call of the mayor or any two
391 members of the city council. Notice of such special meetings shall be served on all other
392 members personally, or by telephone personally, at least 48 hours in advance of the
393 meeting. Such notice to councilmembers shall not be required if the mayor and all
394 councilmembers are present when the special meeting is called. Such notice of any special
395 meeting may be waived by a councilmember in writing before or after such a meeting, and
396 attendance at the meeting shall also constitute a waiver of notice on any business transacted
397 in such councilmember's presence. Only the business stated in the call may be transacted
398 at the special meeting, except by unanimous consent of all members of the council.

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

403 SECTION 2.20.

404 Rules of procedure; committees.

405 (a) The city council shall adopt its rules of procedure and order of business consistent with
406 the provisions of this charter and shall provide for keeping a minute book of its
407 proceedings, which shall be a public record.

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

411 SECTION 2.21.

412 Quorum; voting.

413 (a) Three councilmembers shall constitute a quorum and shall be authorized to transact
414 business of the city council. Voting on the adoption of ordinances shall be by voice vote
415 and the vote shall be recorded in the minutes, but any member of the city council shall have
416 the right to request a roll call vote and such vote shall be recorded in the minutes. Except
417 as otherwise provided in this charter, the affirmative vote of three councilmembers shall
418 be required for the adoption of any ordinance, resolution, or motion.

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

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SECTION 2.22.

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Ordinance form; procedures.

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

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(b) An ordinance may be introduced by the mayor or by any councilmember and be read at a regular or special meeting of the city council. Ordinances shall be considered and adopted or rejected by the city council in accordance with the rules which it shall establish; provided, however, that an ordinance shall not be adopted the same day it is introduced, except for emergency ordinances provided in Section 2.24 of this charter. Upon introduction of any ordinance, the city manager shall as soon as possible distribute a copy to the mayor and to each councilmember and shall file a reasonable number of copies in the office of the clerk and at such other public places as the city council may designate.

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SECTION 2.23.

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Action requiring an ordinance.

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Acts of the city council which have the force and effect of law shall be enacted by 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 council may convene on call of the mayor or any two councilmembers and promptly adopt an emergency ordinance, but such ordinance may not levy taxes; grant, renew, or extend

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448 a franchise; regulate the rate charged by any public utility for its services; or authorize the
449 borrowing of money except for loans to be repaid within 30 days. An emergency
450 ordinance shall be introduced in the form prescribed for ordinances generally, except that
451 it shall be plainly designated as an emergency ordinance and shall contain, after the
452 enacting clause, a declaration stating that an emergency exists, and describing the
453 emergency in clear and specific terms. An emergency ordinance may be adopted, with or
454 without amendment, or rejected at the meeting at which it is introduced, but the affirmative
455 vote of at least four councilmembers shall be required for adoption. It shall become
456 effective upon adoption or at such later time as it may specify. Every emergency ordinance
457 shall automatically stand repealed 30 days following the date upon which it was adopted,
458 but this shall not prevent reenactment of the ordinance in the manner specified in this
459 section if the emergency still exists. An emergency ordinance may also be repealed by
460 adoption of a repealing ordinance in the same manner specified in this section for adoption
461 of emergency ordinances.

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

466 SECTION 2.25.

467 Codes of technical regulations.

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

471 (1) The requirements of Section 2.22(b) of this charter for distribution and filing of
472 copies of the ordinance shall be construed to include copies of any code of technical
473 regulations, as well as the adopting ordinance; and

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

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

479 SECTION 2.26.

480 Signing; authenticating; recording; codification; printing.

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

483 (b) The city council shall provide for the preparation of a general codification of all the
484 ordinances of the city having the force and effect of law. The general codification shall be
485 adopted by the city council by ordinance and shall be published promptly, together with
486 all amendments thereto and such codes of technical regulations and other rules and
487 regulations as the city council may specify. This codification shall be known and cited
488 officially as "The Code of the City of Wrens, Georgia." Copies of the code of ordinances
489 shall be furnished to all officers, departments, and agencies of the city, and made available
490 for purchase by the public at a reasonable price as fixed by the city council.

491 (c) The city council shall cause each ordinance and each amendment to this charter to be
492 printed promptly following its adoption, and the printed ordinances and charter
493 amendments shall be made available for purchase by the public at reasonable prices to be
494 fixed by the city council. Following publication of the first code under this charter and at
495 all times thereafter, the ordinances and charter amendments shall be printed in substantially

496 the same style as the code currently in effect and shall be suitable in form for incorporation
497 therein. The city council shall make such further arrangements as deemed desirable with
498 reproduction and distribution of any current changes in or additions to codes of technical
499 regulations and other rules and regulations included in the code.

500 SECTION 2.27.

501 City manager; appointment; qualifications; compensation.

502 The city council shall appoint a city manager, also known as "the manager," for an indefinite
503 term and shall fix the manager's compensation. The city manager shall be appointed solely
504 on the basis of that person's executive and administrative qualifications.

505 SECTION 2.28.

506 Removal of city manager.

507 (a) The city council may remove the manager from office in accordance with the following
508 procedures:

509 (1) The city council shall adopt by affirmative vote of a majority of all its members a
510 preliminary resolution which must state the reasons for removal and may suspend the
511 manager from duty for a period not to exceed 45 days. A copy of the resolution shall be
512 delivered promptly to the manager;

513 (2) Within five days after a copy of the resolution is delivered to the manager, the
514 manager may file with the city council a written request for a public hearing. This
515 hearing shall be held within 30 days after the request is filed. The manager may file with
516 the council a written reply not later than five days before the hearing; and

517 (3) If the manager has not requested a public hearing within the time specified in
518 paragraph (2) of this subsection, the city council may adopt a final resolution for removal,

519 which may be made effective immediately, by an affirmative vote of a majority of all its
520 members. If the manager has requested a public hearing, the city council may adopt a
521 final resolution for removal, which may be made effective immediately, by an affirmative
522 vote of a majority of all its members at any time after the public hearing.

523 (b) The manager may continue to receive a salary until the effective date of a final
524 resolution of removal.

525 SECTION 2.29.

526 Acting city manager.

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

533 SECTION 2.30.

534 Powers and duties of the city manager.

535 The city manager shall be the chief administrative officer of the city. The city manager shall
536 be responsible to the city council for the administration of all city affairs placed in the city
537 manager's charge by or under this charter. As the chief administrative officer, the city
538 manager shall:

539 (1) Appoint and, when the city manager deems it necessary for the good of the city,
540 suspend or remove all city employees and administrative officers the city manager
541 appoints, except as otherwise provided by law or personnel ordinances adopted pursuant

542 to this charter. The city manager may authorize any department director or administrative
543 officer who is subject to the city manager's direction and supervision to exercise these
544 powers with respect to subordinates in that officer's department, office, or agency;

545 (2) Direct and supervise the administration of all departments, offices, and agencies of
546 the city, except as otherwise provided by this charter or by law;

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

550 (4) See that all laws, provisions of this charter, and acts of the city council, subject to
551 enforcement by the city manager or by officers subject to the city manager's direction and
552 supervision, are faithfully executed;

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

555 (6) Submit to the city council and make available to the public a complete report on the
556 finances and administrative activities of the city as of the end of each fiscal year;

557 (7) Make such other reports as the city council may require concerning the operations
558 of city departments, offices, and agencies subject to the city manager's direction and
559 supervision;

560 (8) Keep the city council fully advised as to the financial condition and future needs of
561 the city, and make such recommendations to the city council concerning the affairs of the
562 city as the city manager deems desirable; and

563 (9) Perform other such duties as are specified in this charter or as may be required by the
564 mayor and city council.

565 SECTION 2.31.

566 Council interference with administration.

567 Except for the purpose of inquiries and investigations under Section 2.15 of this charter, the
568 city council or its members shall deal with city officers and employees who are subject to the
569 direction and supervision of the city manager solely through the city manager, and neither
570 the city council nor its members shall give orders to any such officer or employee, either
571 publicly or privately. The city council shall act in all matters as a body and no member shall
572 seek individually to influence the official acts of the city manager or any other officer or
573 employee of the city, or direct or request the appointment of any person to, or his or her
574 removal from, any office or position of employment, or to interfere in any way with the
575 performance of the duties by the city manager or other officers or employees.

576 SECTION 2.32.

577 Election of mayor; forfeiture.

578 The mayor shall be elected at large by the voters of the city and serve for a term of four years
579 and until a successor is elected and qualified. The mayor shall be a qualified elector of this
580 city and shall have been a resident of the city for 12 months prior to the date of election. The
581 mayor shall continue to reside in this city during the period of service. The mayor shall
582 forfeit the office on the same grounds and under the same procedure as for councilmembers.

583 SECTION 2.33.

584 Mayor pro tem.

585 The city council at the first regular meeting after the newly elected councilmembers have
586 taken office following each election shall elect a councilmember to serve as mayor pro tem.

587 The mayor pro tem shall be elected by a majority vote of the city council. The mayor pro
588 tem shall serve for a term of two years. The mayor pro tem shall assume the duties and
589 powers of the mayor during the mayor's physical or mental disability, suspension from office,
590 or absence. Any such disability of the mayor shall be declared by a majority vote of the city
591 council. The mayor pro tem shall sign all contracts and ordinances in which the mayor has
592 a disqualifying financial interest as provided in Section 2.14 of this charter. When acting as
593 mayor, the mayor pro tem shall be entitled to vote as a member of the council.

594 SECTION 2.34.

595 Powers and duties of mayor.

596 The mayor shall:

- 597 (1) Preside at all meetings of the city council;
- 598 (2) Exercise supervision over all administrative work of the city;
- 599 (3) Be the head of the city for the purpose of service of process and for ceremonial
600 purposes, and be the official spokesperson for the city and the chief advocate of policy;
- 601 (4) Have the power to administer oaths and to take affidavits;
- 602 (5) Sign as a matter of course on behalf of the city all written and approved contracts,
603 ordinances, resolutions, and other instruments executed by the city which by law are
604 required to be in writing;
- 605 (6) Vote on matters before the city council only in the case of a tie vote between
606 councilmembers;
- 607 (7) Approve or disapprove resolutions and ordinances as provided in Section 2.35 of this
608 charter; and
- 609 (8) Perform such other duties as may be required by law, this charter, or by ordinance.

610 SECTION 2.35.

611 Submission of ordinances to the mayor; veto power.

612 (a) Every resolution or ordinance adopted by the city council shall be presented by the city
613 manager to the mayor within 96 hours after the adjournment of any council meeting.

614 (b) The mayor, within seven calendar days of receipt of a resolution or ordinance, shall
615 return it to the city manager with or without the mayor's approval, or with his or her veto.

616 If the resolution or ordinance has been approved by the mayor, it shall become law upon
617 its return to the city manager; if the resolution or ordinance is neither approved nor
618 disapproved, it shall become law at 12:00 noon on the twelfth calendar day after its
619 adoption by the city council; if the resolution or ordinance is vetoed, the mayor shall
620 submit to the city council through the city manager a written statement explaining the
621 reasons for the veto. The city manager shall record upon the resolution or ordinance the
622 date of its delivery to and receipt from the mayor.

623 (c) Resolutions or ordinances vetoed by the mayor shall be presented by the city manager
624 to the city council at its next meeting. If the city council then or at its next meeting adopts
625 the resolution or ordinance over the veto by an affirmative vote of four of its members, it
626 shall become law.

627 (d) The mayor may disapprove or reduce any item or items of appropriation in any
628 resolution or ordinance, except appropriations for auditing or investigating the office of
629 mayor. The approved part or parts of any resolution or ordinance making appropriations
630 shall become law, and the part or parts disapproved shall not become law unless
631 subsequently passed by the city council over the mayor's veto as provided herein. The
632 reduced part or parts shall be presented to the city council as though disapproved and shall
633 not become law unless overridden by the city council as provided in subsection (c) of this
634 section.

635 (e) The mayor shall not have the power to veto any emergency ordinance.

636

ARTICLE III

637

ADMINISTRATIVE AFFAIRS

638

SECTION 3.10.

639

Administrative and service departments.

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

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

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

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

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(e) All directors of departments shall be subject to removal or suspension at any time by the city manager in the manner provided by the city's personnel policy and procedure manual.

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SECTION 3.11.

Boards, commissions, and authorities.

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

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

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

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

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

(f) No member of a board, commission, or authority shall assume office until that person has executed and filed with the clerk of the city an oath obligating himself or herself to faithfully and impartially perform the duties of that member's office.

(g) All members of boards, commissions, or authorities serve at-will and may be removed at any time by a majority vote of the city council unless otherwise provided by law.

(h) Except as otherwise provided by this charter or by law, each board, commission, or authority of the city shall elect one of its members as chair and one member as vice-chair, and may elect as its secretary one of its own members or may appoint as secretary an employee of the city. Each board, commission, or authority of the city government may

682 establish such bylaws, rules, and regulations, not inconsistent with this charter, ordinances
683 of the city, or law, as it deems appropriate and necessary for the fulfillment of its duties or
684 the conduct of its affairs. Copies of such bylaws, rules, and regulations shall be filed with
685 the clerk of the city.

686 SECTION 3.12.

687 City attorney.

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

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

699 SECTION 3.13.

700 City clerk.

701 The city council shall appoint a city clerk who shall not be the mayor or a councilmember.
702 The city clerk shall be custodian of the official city seal and city records; maintain city
703 council records required by this charter; attend meetings of the city council and keep minutes
704 of its proceedings at such meetings; and perform such other duties as may be required by the
705 city council. With the approval of the city council, the city manager may serve as the city
706 clerk.

707 SECTION 3.14.

708 Position classification and pay plan.

709 The city manager shall be responsible for the preparation of a position classification and pay
710 plan which shall be submitted to the city council for approval. Such plan may apply to all
711 employees of the city and any of its agencies, departments, boards, commissions, or
712 authorities. When a pay plan has been adopted, the city council shall not increase or decrease
713 the salary range applicable to any position except by amendment of such pay plan. For
714 purposes of this section, all elected city officials are not city employees.

715 SECTION 3.15.

716 Personnel policies.

717 The city council shall adopt by ordinance a personnel policy and procedure manual. All
718 employees shall be governed by the city's personnel policy and procedure manual.

719 ARTICLE IV
720 JUDICIAL BRANCH

721 SECTION 4.10.
722 Creation; name.

723 There shall be a court to be known as the Municipal Court of the City of Wrens.

724 SECTION 4.11.
725 Chief judge; associate judge.

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

728 (b) No person shall be qualified or eligible to serve as a judge of the municipal court
729 unless that person shall have attained the age of 25 years, shall be a member of the State
730 Bar of Georgia, and shall possess all qualifications required by law. All judges shall be
731 appointed by the city council and shall serve until a successor is appointed and qualified.

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

733 (d) Judges serve as provided in Code Section 36-32-2 of the O.C.G.A. and may be
734 removed from office in accordance with Code Section 36-32-2.1 of the O.C.G.A., or other
735 such applicable laws as are or may hereafter be enacted.

736 (e) Before assuming office, each judge shall take an oath, given by the mayor, that the
737 judge will honestly and faithfully discharge the duties of the office to the best of that
738 person's ability and without fear, favor, or partiality. The oath shall be entered upon the
739 minutes of the city council.

740 SECTION 4.12.

741 Convening.

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

743 SECTION 4.13.

744 Jurisdiction; powers.

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

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

749 (c) The municipal court may fix punishment for offenses within its jurisdiction not
750 exceeding a fine of \$1,000.00 or imprisonment for 12 months or both such fine and
751 imprisonment or may fix punishment by fine, imprisonment, or alternative sentencing as
752 now or hereafter provided by law.

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

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

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

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

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

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

779 SECTION 4.14.

780 Certiorari.

781 The right of certiorari from the decision and judgment of the municipal court shall exist in
782 all criminal cases and ordinance violation cases, and such certiorari shall be obtained under
783 the sanction of a judge of the Superior Court of Jefferson County under the laws of the State
784 of Georgia regulating the granting and issuance of writs of certiorari.

785 SECTION 4.15.

786 Rules for court.

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

794 ARTICLE V
795 ELECTIONS AND REMOVAL

796 SECTION 5.10.
797 Applicability of general law.

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

800 SECTION 5.11.
801 Election of the city council and mayor.

802 (a) There shall be a municipal general election biennially in the odd years on the Tuesday
803 next following the first Monday in November.

804 (b) There shall be elected the mayor and two councilmembers at one election and at every
805 other election thereafter. The remaining city council seats shall be filled at the election

806 alternating with the first election so that a continuing body is created. Terms shall be for
807 four years.

808 SECTION 5.12.
809 Nonpartisan elections.

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

812 SECTION 5.13.
813 Election by plurality.

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

815 SECTION 5.14.
816 Special elections; vacancies.

817 In the event that the office of mayor or councilmember shall become vacant as provided in
818 Section 2.12 of this charter, the city council or those remaining shall order a special election
819 to fill the balance of the unexpired term of such official; provided, however, that if such
820 vacancy occurs within 14 months of the expiration of the term of that office, the city council
821 or those remaining shall appoint a successor for the remainder of the term. In all other
822 respects, the special election shall be held and conducted in accordance with Chapter 2 of
823 Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended.

824 SECTION 5.15.
825 Other provisions.

826 Except as otherwise provided by this charter, the city council shall, by ordinance, prescribe
827 such rules and regulations as it deems appropriate to fulfill any options and duties under
828 Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code."

829 SECTION 5.16.
830 Removal of officers.

831 (a) The mayor, councilmembers, or other appointed officers provided for in this charter
832 shall be removed from office for any one or more of the causes provided in Title 45 of the
833 O.C.G.A., or such other applicable laws as are or may hereafter be enacted.

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

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

845 (2) By an order of the Superior Court of Jefferson County following a hearing on a
846 complaint seeking such removal brought by any resident of the City of Wrens.

847 ARTICLE VI
848 FINANCE

849 SECTION 6.10.
850 Property tax.

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

857 SECTION 6.11.
858 Millage rate; due dates; payment methods.

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

863 SECTION 6.12.
864 Occupation and business taxes.

865 The city council by ordinance shall have the power to levy such occupation or business taxes
866 as are not denied by law. The city council may classify businesses, occupations, or

867 professions for the purpose of such taxation in any way which may be lawful and may
868 compel the payment of such taxes as provided in Section 6.18 of this charter.

869 SECTION 6.13.

870 Regulatory fees; permits.

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

876 SECTION 6.14.

877 Franchises.

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

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

894 SECTION 6.15.

895 Service charges.

896 The city council by ordinance shall have the power to assess and collect fees, charges, and
897 tolls for sewers, sanitary and health services, or any other services provided or made
898 available within and outside the corporate limits of the city for the total cost to the city of
899 providing or making available such services. If unpaid, such charges shall be collected as
900 provided in Section 6.18 of this charter.

901 SECTION 6.16.

902 Special assessments.

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

908 SECTION 6.17.

909 Construction; other taxes and fees.

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

913 SECTION 6.18.

914 Collection of delinquent taxes and fees.

915 The city council, by ordinance, may provide generally for the collection of delinquent taxes,
916 fees, or other revenue due the city under Sections 6.10 through 6.17 of this charter by
917 whatever reasonable means as are not precluded by law. This shall include providing for the
918 dates when the taxes or fees are due; late penalties or interest; issuance and execution of
919 fi.fa.'s; creation and priority of liens; making delinquent taxes and fees personal debts of the
920 persons required to pay the taxes or fees imposed; revoking city permits for failure to pay any
921 city taxes or fees; and providing for the assignment or transfer of tax executions.

922 SECTION 6.19.

923 General obligation bonds.

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

928 SECTION 6.20.

929 Revenue bonds.

930 Revenue bonds may be issued by the city council as state law now or hereafter provides.

931 Such bonds are to be paid out of any revenue produced by the project, program, or venture

932 for which they were issued.

933 SECTION 6.21.

934 Short-term loans.

935 The city may obtain short-term loans and must repay such loans not later than December 31

936 of each year, unless otherwise provided by law.

937 SECTION 6.22.

938 Lease-purchase contracts.

939 The city may enter into multiyear lease, purchase, or lease-purchase contracts for the

940 acquisition of goods, materials, real and personal property, services, and supplies provided

941 the contract terminates without further obligation on the part of the municipality at the close

942 of the calendar year in which it was executed and at the close of each succeeding calendar

943 year for which it may be renewed. Contracts must be executed in accordance with the

944 requirements of Code Section 36-60-13 of the O.C.G.A., or other such applicable laws as are

945 or may hereafter be enacted.

946 SECTION 6.23.

947 Fiscal year.

948 The city council shall set the fiscal year by ordinance. This fiscal year shall constitute the
949 budget year and the year for financial accounting and reporting of each and every office,
950 department, agency, and activity of the city government unless otherwise provided by state
951 or federal law.

952 SECTION 6.24.

953 Preparation of budgets.

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

958 SECTION 6.25.

959 Operating budget.

960 On or before a date fixed by the city council but not later than 30 days prior to the beginning
961 of each fiscal year, the city manager shall submit to the city council a proposed operating
962 budget for the ensuing fiscal year. The budget shall be accompanied by a message from the
963 city manager containing a statement of the general fiscal policies of the city, the important
964 features of the budget, explanations of major changes recommended for the next fiscal year,
965 a general summary of the budget, and such other pertinent comments and information. The
966 operating budget and the capital budget hereinafter provided for, the budget message, and

967 all supporting documents shall be filed in the office of the city clerk and shall be open to
968 public inspection.

969 SECTION 6.26.

970 Action by city council on budget.

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

976 (b) The city council by ordinance shall adopt the final operating budget for the ensuing
977 fiscal year not later than December 31 of each year. If the city council fails to adopt the
978 budget by this date, the amounts appropriated for operation for the current fiscal year shall
979 be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items
980 prorated accordingly until such time as the city council adopts a budget for the ensuing
981 fiscal year. Adoption of the budget shall take the form of an appropriations ordinance
982 setting out the estimated revenues in detail by sources and making appropriations according
983 to fund and by organizational unit, purpose, or activity as set out in the budget preparation
984 ordinance adopted pursuant to Section 6.24 of this charter.

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

989 SECTION 6.27.

990 Tax levies.

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

997 SECTION 6.28.

998 Changes in appropriations.

999 The city council by ordinance may make changes in the appropriations contained in the
1000 current operating budget, at any regular meeting, special, or emergency meeting called for
1001 such purpose, but any additional appropriations may be made only from an existing
1002 unexpended surplus.

1003 SECTION 6.29.

1004 Capital budget.

1005 (a) On or before the date fixed by the city council but no later than thirty days prior to the
1006 beginning of each fiscal year, the city manager shall submit to the city council a proposed
1007 capital improvements plan with a recommended capital budget containing the means of
1008 financing the improvements proposed for the ensuing fiscal year. The city council shall
1009 have power to accept, with or without amendments, or reject the proposed plan and
1010 proposed budget. The city council shall not authorize an expenditure for the construction
1011 of any building, structure, work, or improvement, unless the appropriations for such project
1012 are included in the capital budget, except to meet a public emergency as provided in
1013 Section 2.24 of this charter.

1014 (b) The city council shall adopt by ordinance the final capital budget for the ensuing fiscal
1015 year not later than December 31 of each year. No appropriation provided for in a prior
1016 capital budget shall lapse until the purpose for which the appropriation was made shall
1017 have been accomplished or abandoned; provided, however, that the city manager may
1018 submit amendments to the capital budget at any time during the fiscal year, accompanied
1019 by recommendations. Any such amendments to the capital budget shall become effective
1020 only upon adoption by ordinance.

1021 SECTION 6.30.

1022 Independent audit.

1023 There shall be an annual independent audit of all city accounts, funds, and financial
1024 transactions by a certified public accountant selected by the city council. The audit shall be
1025 conducted according to generally accepted auditing principles. Any audit of funds by the

1026 state or federal governments may be accepted as satisfying the requirements of this charter.
1027 Copies of annual audit reports shall be available at printing costs to the public.

1028 SECTION 6.31.
1029 Contracting procedures.

1030 No contract with the city shall be binding on the city unless it is in writing and it is made or
1031 authorized by the city council and such approval is entered in the city council minute book
1032 pursuant to Section 2.21 of this charter.

1033 SECTION 6.32.
1034 Centralized purchasing.

1035 The city council shall by ordinance prescribe procedures for a system of centralized
1036 purchasing for the city.

1037 SECTION 6.33.
1038 Sale and lease of city property.

1039 (a) The city council may sell and convey, or lease any real or personal property owned or
1040 held by the city for governmental or other purposes as now or hereafter provided by law.
1041 (b) The city council may quitclaim any rights it may have in property not needed for public
1042 purposes upon report by the city manager and adoption of a resolution, both finding that
1043 the property is not needed for public or other purposes and that the interest of the city has
1044 no readily ascertainable monetary value.
1045 (c) Whenever in opening, extending, or widening any street, avenue, alley, or public place
1046 of the city, a small parcel or tract of land is cut-off or separated by such work from a larger

1047 tract or boundary of land owned by the city, the city council may authorize the city
1048 manager to sell and convey said cut-off or separated parcel or tract of land to an abutting
1049 or adjoining property owner or owners where such sale and conveyance facilitates the
1050 enjoyment of the highest and best use of the abutting owner's property. Included in the
1051 sales contract shall be a provision for the rights-of-way of said street, avenue, alley, or
1052 public place. Each abutting property owner shall be notified of the availability of the
1053 property and given the opportunity to purchase said property under such terms and
1054 conditions as provided by the city council. All deeds and conveyances heretofore and
1055 hereafter so executed and delivered shall convey all title and interest the city has in such
1056 property, notwithstanding the fact that no public sale after advertisement was or is hereafter
1057 made.

1058 ARTICLE VII

1059 GENERAL PROVISIONS

1060 SECTION 7.10.

1061 Bonds for officials.

1062 The officers and employees of this city, both elected and appointed, shall execute such surety
1063 or fidelity bonds in such amounts and upon such terms and conditions as the city council
1064 shall from time to time require by ordinance or as may be provided by law.

1065 SECTION 7.11.

1066 Existing ordinances, resolutions, rules, and regulations.

1067 All ordinances, resolutions, rules, and regulations now in force in the city not inconsistent
1068 with this charter are hereby declared valid and of full effect and force until amended or
1069 repealed by the city council.

1070 SECTION 7.12.

1071 Pending matters.

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

1076 SECTION 7.13.

1077 Construction.

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

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

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

1083 SECTION 7.14.

1084 Severability.

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

1091 SECTION 7.15.

1092 Specific repealer.

1093 An Act incorporating the City of Wrens in the County of Jefferson, approved
1094 December 17, 1901 (Ga. L. 1901, p. 722), is hereby repealed in its entirety and all
1095 amendatory acts thereto are likewise repealed in their entirety.

1096 SECTION 7.16.

1097 General repealer.

1098 All other laws and parts of laws in conflict with this Act are hereby repealed.