

House Bill 1469 (AS PASSED HOUSE AND SENATE)

By: Representative Benton of the 31st

A BILL TO BE ENTITLED

AN ACT

1 To amend an Act providing a new charter for the City of Jefferson, approved April 13, 2001
2 (Ga. L. 2001, p. 3940), as amended, so as to fully replace the current charter; to provide for
3 incorporation, boundaries, and powers of the city; to provide for a governing authority of
4 such city and the powers, duties, authority, election, districts, terms, method of filling
5 vacancies, compensation, qualifications, prohibitions, and removal from office relative to
6 members of such governing authority; to provide for inquiries and investigations; to provide
7 for organization and procedures; to provide for ordinances and codes; to provide for the
8 office of mayor and certain duties and powers relative to the office of mayor; to provide for
9 administrative responsibilities; to provide for a city manager and certain duties and powers
10 relative thereto; to provide for boards, commissions, and authorities; to provide for a city
11 attorney, a city clerk, a city treasurer, and other personnel; to provide for rules and
12 regulations; to provide for a municipal court and the judge or judges thereof; to provide for
13 practices and procedures; to provide for taxation and fees; to provide for franchises, service
14 charges, and assessments; to provide for bonded and other indebtedness; to provide for
15 accounting and budgeting; to provide for purchases; to provide for the sale of property; to
16 provide for bonds for officials; to provide for eminent domain; to provide for other matters
17 relative to the foregoing; to provide for severability; to repeal conflicting laws; and for other
18 purposes.

H. B. 1469

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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

20 **SECTION 1.**

21 An Act providing a new charter for the City of Jefferson, approved April 13, 2001 (Ga. L.
22 2001, p. 3940), as amended, is amended by revising Articles I through VII as follows:

23 "ARTICLE I.

24 INCORPORATION AND POWERS

25 SECTION 1.10.

26 Name.

27 The city and the inhabitants thereof are incorporated by the enactment of this charter and are
28 constituted and declared a body public and corporate under the name and style of City of
29 Jefferson, Georgia, and by that name shall have perpetual 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 this 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 the city
36 clerk and to be designated, as the case may be: "Official Map or Description of the Corporate
37 Limits of the City of Jefferson, Georgia." Photographic, typed, or other copies of such map
38 or description certified by the mayor shall be admitted as evidence in all courts and shall
39 have the same force and effect as the original map or description.

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

43 SECTION 1.12.

44 Municipal powers.

45 (a) The city shall have all powers possible for a city to have under the present or future
46 Constitution and laws of the State of Georgia 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 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 this city. Said powers shall include, but are not limited to, the following:

52 (1) Air and water pollution. To regulate the emission of smoke or other exhaust which
53 pollutes the air and to prevent the pollution of natural streams which flow within the
54 corporate limits of the city and to establish regulations to prohibit noise pollution;

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

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

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

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

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

78 (7) Contracts. To enter into contracts and agreements with other governments and
79 entities and with private persons, firms, and corporations;

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

84 (9) Environmental protection. To protect and preserve the natural resources,
85 environment, and vital areas of the state through the preservation and improvement of air
86 quality, the restoration and maintenance of water resources, the control of erosion and
87 sedimentation, the management of stormwater and establishment of a stormwater utility,
88 the management of solid and hazardous waste, and other necessary actions for the
89 protection of the environment;

- 90 (10) Fire regulations. To fix and establish fire limits and from time to time extend,
91 enlarge, or restrict the same; to prescribe fire safety regulations, not inconsistent with
92 general law relating to both fire prevention and detection and to firefighting, and to
93 prescribe penalties and punishment for violations thereof;
- 94 (11) Garbage fees. To levy, fix, assess, and collect a garbage, refuse, and trash collection
95 and disposal and other sanitary service charge, tax, or fee for such services as may be
96 necessary in the operation of the city from all individuals, firms, and corporations
97 residing in or doing business therein benefiting from such services; to enforce the
98 payment of such charges, taxes, or fees; and to provide for the manner and method of
99 collecting such service charges;
- 100 (12) General health, safety, and welfare. To define, regulate, and prohibit any act,
101 practice, conduct, or use of property which is detrimental to the health, sanitation,
102 cleanliness, welfare, and safety of the inhabitants of the city and to provide for the
103 enforcement of such standards;
- 104 (13) Gifts. To accept or refuse gifts, donations, bequests, or grants from any source for
105 any purpose related to the powers and duties of the city and the general welfare of its
106 citizens, on such terms and conditions as the donor or grantor may impose;
- 107 (14) Health and sanitation. To prescribe standards of health and sanitation and to
108 provide for the enforcement of such standards;
- 109 (15) Jail sentences. To provide that persons given jail sentences in the municipal court
110 may work out such sentences in any public works or on the streets, roads, drains, and
111 other public property in the city; to provide for the commitment of such persons to any
112 jail; or to provide for the commitment of such persons to any county work camp or
113 county jail by agreement with the appropriate county officials;
- 114 (16) Motor vehicles. To regulate the operation of motor vehicles and exercise control
115 over all traffic, including parking, upon or across the streets, roads, alleys, and walkways
116 of the city;

117 (17) Municipal agencies and delegation of power. To create, alter, or abolish
118 departments, boards, offices, commissions, and agencies of the city and to confer upon
119 such agencies the necessary and appropriate authority for carrying out all the powers
120 conferred upon or delegated to the same;

121 (18) Municipal debts. To appropriate and borrow money for the payment of debts of the
122 city and to issue bonds for the purpose of raising revenue to carry out any project,
123 program, or venture authorized by this charter or the laws of the State of Georgia;

124 (19) Municipal property ownership. To acquire, dispose of, and hold in trust or
125 otherwise any real, personal, or mixed property, in fee simple or lesser interest, inside or
126 outside the property limits of the city;

127 (20) Municipal property protection. To provide for the preservation and protection of
128 property and equipment of the city and the administration and use of [the] same by the
129 public, and to prescribe penalties and punishment for violations thereof;

130 (21) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose
131 of public utilities, including, but not limited to, a system of waterworks, sewers, and
132 drains, sewage disposal, stormwater management, gas works, electric plants, cable
133 television and other telecommunications, transportation facilities, public airports, and any
134 other public utility; and to fix the taxes, charges, rates, fares, fees, assessments,
135 regulations, and penalties, and to provide for the withdrawal of service for refusal or
136 failure to pay the same; and to install and operate any of its utilities inside and outside its
137 corporate limits in Jackson County, Georgia; and to install and operate any of its utilities
138 in adjoining counties pursuant to existing and future franchise agreements or utility
139 supply contracts;

140 (22) Nuisances. To define a nuisance and provide for its abatement whether on public
141 or private property;

142 (23) Penalties. To provide penalties for violation of any ordinances adopted pursuant to
143 the authority of this charter and the laws of the State of Georgia;

- 144 (24) Planning and zoning. To provide comprehensive city planning for development by
145 zoning and to provide subdivision regulation and the like as the city council deems
146 necessary and reasonable to ensure a safe, healthy, and aesthetically pleasing community;
- 147 (25) Police and fire protection. To exercise the power of arrest through duly appointed
148 police officers and to establish, operate, or contract for a police and firefighting agency;
- 149 (26) Public hazards; removal. To provide for the destruction and removal of any
150 building or other structure which is or may become dangerous or detrimental to the
151 public;
- 152 (27) Public improvements. To provide for the acquisition, construction, building,
153 operation, and maintenance of public ways, parks, playgrounds, recreational facilities,
154 cemeteries, markets and market houses, public buildings, libraries, public housing,
155 airports, hospitals, terminals, docks, parking facilities, or charitable, cultural, educational,
156 recreational, conservation, sport, curative, corrective, detentional, penal, and medical
157 institutions, agencies, and facilities; to provide any other public improvements inside or
158 outside the corporate limits of the city; to regulate the use of public improvements; and,
159 for such purposes, property may be acquired by condemnation under Title 22 of the
160 O.C.G.A. or such other applicable laws as are or may hereafter be enacted;
- 161 (28) Public peace. To provide for the prevention and punishment of loitering, disorderly
162 conduct, drunkenness, riots, and public disturbances;
- 163 (29) Public transportation. To organize and operate or contract for such public
164 transportation systems as are deemed beneficial;
- 165 (30) Public utilities and services. To grant franchises or make contracts or impose taxes
166 on public utilities and public services and to prescribe the rates, fares, regulations, and
167 the standards and conditions of service applicable to the service to be provided by the
168 franchise grantee or contractor, insofar as not in conflict with valid regulations of the
169 public service commission, and to own and operate its own franchise for the delivery of
170 such services including cable television and related services;

- 171 (31) Regulation of roadside areas. To prohibit or regulate and control the erection,
172 removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any
173 and all other structures or obstructions upon or adjacent to the rights-of-way of streets and
174 roads within view thereof, inside or abutting the corporate limits of the city and to
175 prescribe penalties and punishment for violation of such ordinances;
- 176 (32) Retirement. To provide and maintain a retirement plan for officers and employees
177 of the city;
- 178 (33) Roadways. To lay out, open, extend, widen, narrow, establish, or change the grade
179 of, abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise
180 improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and
181 walkways within the corporate limits of the city; to grant franchises and rights-of-way
182 throughout the streets and roads and over the bridges and viaducts for the use of public
183 utilities; and to require real estate owners to repair and maintain in a safe condition the
184 sidewalks adjoining their lots or lands and to impose penalties for failure to do so;
- 185 (34) Sewer fees. To levy a fee, charge, or sewer tax as necessary to assure the acquiring,
186 constructing, equipping, operating, maintaining, and extending of a sewage disposal plant
187 and sewerage system; to levy on those to whom sewers and sewerage systems are made
188 available a sewer service fee, charge, or tax for the availability or use of the sewers; to
189 provide for the manner and method of collecting such service charges and for enforcing
190 payment of the same; and to charge, impose, and collect a sewer connection fee or fees
191 to those connected with the system;
- 192 (35) Solid waste disposal. To provide for the collection and disposal of garbage, rubbish,
193 and refuse and to regulate the collection and disposal of garbage, rubbish, and refuse by
194 others; and to provide for the separate collection of glass, tin, aluminum, cardboard,
195 paper, and other recyclable materials and provide for the sale of such items;
- 196 (36) Special areas of public regulation. To regulate or prohibit junk dealers, pawnshops,
197 the manufacture, sale, or transportation of intoxicating liquors, and the use and sale of

198 firearms, to regulate the transportation, storage, and use of combustible, explosive, and
199 inflammable materials, the use of lighting and heating equipment, and any other business
200 or situation which may be dangerous to persons or property; to regulate and control the
201 conduct of peddlers and itinerant traders, theatrical performances, exhibitions, and shows
202 of any kind, by taxing or otherwise; and to license, tax, regulate, or prohibit professional
203 fortune telling, palmistry, adult bookstores, and massage parlors;

204 (37) Special assessments. To levy and provide for the collection of special assessments
205 to cover the costs of any public improvement;

206 (38) Taxes: ad valorem. To levy and provide for the assessment, valuation, revaluation,
207 and collection of taxes on all property subject to taxation;

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

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

214 (41) Water fee. To levy a fee, charge, or water tax as necessary to assure the acquiring,
215 constructing, equipping, operating, maintaining, and extending of a water plant; to levy
216 on those to whom water systems are made available a water service fee, charge, or tax for
217 the availability or use of the water; to provide for the manner and method of collecting
218 such service charge and for enforcing payment of the same; and to charge, impose, and
219 collect a water connection fee or fees to those connected with the system;

220 (42) Urban redevelopment. To organize and operate an urban redevelopment program;
221 and

222 (43) Other powers. To exercise and enjoy all other powers, functions, rights, privileges,
223 and immunities necessary or desirable to promote or protect the safety, health, peace,
224 security, good order, comfort, convenience, or general welfare of the city and its

225 inhabitants; to exercise all implied powers necessary to carry into execution all powers
226 granted in this charter as fully and completely as if such powers were fully stated in this
227 charter, and to exercise all powers now or in the future authorized to be exercised by
228 other municipal governments under other laws of the State of Georgia; and no listing of
229 particular powers in this charter shall be held to be exclusive of others, nor restrictive of
230 general words and phrases granting powers, but shall be held to be in addition to such
231 powers unless expressly prohibited to municipalities under the Constitution or applicable
232 laws of the State of Georgia.

233 SECTION 1.13.

234 Exercise of powers.

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

239 ARTICLE II.

240 GOVERNMENT STRUCTURE, ELECTIONS, AND REMOVAL

241 SECTION 2.10.

242 City council creation; composition; number; election.

243 (a) The legislative authority of the government of this city, except as otherwise specifically
244 provided in this charter, shall be vested in a city council to be composed of a mayor and five
245 councilmembers. The city council established shall in all respects be a successor to and
246 continuation of the governing authority under prior law. The mayor and councilmembers

247 shall be elected in the manner provided by this charter. All elected officers shall commence
248 service on January 1 following their respective elections.

249 (b) Those members of the city council who are serving as such on the effective date of this
250 charter and any person selected to fill a vacancy in any such office shall continue to serve as
251 such members until the regular expiration of their respective terms of office and upon the
252 election and qualification of their respective successors. On and after the effective date of
253 this charter, the city council of Jefferson shall consist of five members, all of whom shall be
254 elected from council districts described in subsection (c) of this section except for the mayor
255 who is elected at large.

256 (c) For purposes of electing members of the city council other than the mayor, the City of
257 Jefferson is divided into five council districts. One member of the city council shall be
258 elected from each such district. The five council districts shall be and correspond to those
259 five numbered districts described in Appendix A attached to and made a part of this charter
260 and further identified as "User: City of Jefferson Plan Name: CityJeffersonCCSB-2022 Plan
261 Type: Local".

262 (d)(1) For the purposes of such plan:

263 (A) The term 'VTD' shall mean and describe the same geographical boundaries as
264 provided in the report of the Bureau of the Census for the United States decennial
265 census of 2020 for the State of Georgia. The separate numeric designations in a district
266 description which are underneath a VTD heading shall mean and describe individual
267 Blocks within a VTD as provided in the report of the Bureau of the Census for the
268 United States decennial census of 2020 for the State of Georgia; and

269 (B) Except as otherwise provided in the description of any district, whenever the
270 description of any district refers to a named city, it shall mean the geographical
271 boundaries of that city as shown on the census maps for the United States decennial
272 census of 2020 for the State of Georgia.

273 (2) Any part of the City of Jefferson which is not included in any district described in
274 subsection (c) of this section shall be included within that district contiguous to such part
275 which contains the least population according to the United States decennial census
276 of 2020 for the State of Georgia.

277 (3) Any part of City of Jefferson which is described in subsection (c) of this section as
278 being included in a particular district shall nevertheless not be included within such
279 district if such part is not contiguous to such district. Such noncontiguous part shall
280 instead be included within that district contiguous to such part which contains the least
281 population according to the United States decennial census of 2020 for the State of
282 Georgia.

283 (e) Council Districts 1, 2, 3, 4, and 5, as they exist immediately prior to the effective date
284 of this charter, shall continue to be designated as Council Districts 1, 2, 3, 4, and 5,
285 respectively, but as newly described under this charter, and on and after the effective date of
286 this charter, such members of the board serving from those former council districts shall be
287 deemed to be serving from and representing their respective districts as newly described
288 under this charter.

289 SECTION 2.11.

290 City council terms and qualifications for office.

291 (a) The members of the city council shall serve for terms of four years and until their
292 respective successors are elected and qualified. No person shall be eligible to serve as mayor
293 or councilmember unless he or she shall have been a resident of the city for 12 months
294 immediately prior to the date of the election of mayor or members of the city council; and
295 each shall continue to reside therein during his or her period of service and be registered and
296 qualified to vote in municipal elections of the city.

297 (b) Candidates for Council Districts 1, 2, 3, 4, and 5 must at the time of qualification and
298 during their term of service reside within the respective council district which each seeks to
299 represent.

300 (c) The mayor may reside anywhere within the City of Jefferson, but must continue to reside
301 within the City of Jefferson during that person's term, or that office shall become vacant.

302 SECTION 2.12.

303 Vacancies in office.

304 (a) The office of mayor or councilmember shall become vacant upon the incumbent's death,
305 resignation, or forfeiture of office, or the occurrence of any event specified by the
306 Constitution and laws of the State of Georgia, Title 45 of the O.C.G.A., or such other
307 applicable laws as are or may hereafter be enacted, or the failure of any councilmember to
308 continue to reside within that member's respective council district or the mayor's failure to
309 reside in the City of Jefferson.

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

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

319 SECTION 2.13.

320 Compensation and expenses.

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

323 SECTION 2.14.

324 Holding other office; voting when personally interested.

325 (a) Except as authorized by law, the mayor or any councilmember shall not hold any other
326 city office or city employment during the term for which he or she was elected or during the
327 period when he or she is seeking office following qualification.

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

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

333 (d) Neither the mayor nor any member of the city council shall vote upon or sign any
334 ordinance, resolution, contract, or other matter in which he or she is personally interested.

335 SECTION 2.15.

336 Inquiries and investigations.

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

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

343 SECTION 2.16.

344 General power and authority.

345 (a) Except as otherwise provided by this charter, the city council shall be vested with all the
346 powers of government of this city.

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

354 SECTION 2.17.

355 Eminent domain.

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

364 SECTION 2.18.
365 Organization.

366 The city council shall hold an organizational meeting during the last week of December
367 following each municipal election. The meeting shall be called to order by the sitting mayor,
368 or in the absence of a sitting mayor, the mayor pro tempore, or in the absence of both, the
369 city clerk. The oath of office shall be administered to the newly elected members by a
370 judicial officer authorized to administer oaths and shall, to the extent that it comports with
371 federal and state law, be as follows:

372 "I do solemnly (swear) (affirm) that I will faithfully perform the duties of (mayor)
373 (councilmember) of this city and that I will support and defend the charter thereof as well
374 as the Constitution and laws of the State of Georgia and of the United States of America."

375 SECTION 2.19.
376 Meetings.

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

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

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

391 SECTION 2.20.

392 Procedures.

393 (a) The city council shall adopt its rules of procedure and order of business consistent with
394 the provisions of this charter and shall provide for keeping a journal of its proceedings which
395 shall be a public record. The rules of procedure adopted shall not expand or restrict any
396 powers assigned to the mayor and councilmembers by this charter.

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

400 SECTION 2.21.

401 Voting.

402 Four councilmembers, including the mayor, shall constitute a quorum and shall be authorized
403 to transact the business of the city council. Voting on the adoption of ordinances shall be by
404 voice vote and the vote shall be recorded in the journal, but any member of the city council
405 shall have the right to request a roll call vote and such vote shall be recorded in the journal.
406 Except as otherwise provided in this charter, the affirmative vote of a majority of
407 councilmembers, excluding the mayor unless otherwise provided for by this charter, present
408 at an official meeting shall be required for adoption of any ordinance, resolution, or motion.
409 An abstention shall be counted as an affirmative vote.

410 SECTION 2.22.
411 Ordinances.

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

416 (b) An ordinance may be introduced by any councilmember and be read at a regular or
417 special meeting of the city council. Ordinances shall be considered and adopted or rejected
418 by the city council in accordance with the rules which it shall establish. Upon introduction
419 of any ordinance, the city clerk shall, as soon as possible, distribute a copy to the mayor and
420 to each councilmember and shall file a reasonable number of copies in the office of the city
421 clerk and at such other public places as the city council may designate.

422 SECTION 2.23.
423 Effect of ordinances.

424 Acts of the city council which have the force and effect of law shall be enacted by ordinance.
425 All other matters of business shall be considered in the form of a resolution.

426 SECTION 2.24.
427 Emergency.

428 (a) To meet a public emergency affecting life, health, property, or public peace, the city
429 council may convene on call of the mayor or three councilmembers and promptly adopt an
430 emergency ordinance, but such ordinance may not levy taxes; grant, renew, or extend a
431 franchise; regulate the rate charged by any public utility for its services; or authorize the

432 borrowing of money except for loans to be repaid within 30 days. An emergency ordinance
433 shall be introduced in the form prescribed for ordinances generally, except that it shall be
434 plainly designated as an emergency ordinance and shall contain, after the enacting clause,
435 a declaration stating that an emergency exists and a description of the emergency in clear and
436 specific terms. An emergency ordinance may be adopted, with or without amendment, or
437 rejected at the meeting at which it is introduced, but the affirmative vote of at least three
438 councilmembers shall be required for adoption. It shall become effective upon adoption or
439 at such later time as it may specify. Every emergency ordinance shall automatically stand
440 repealed 30 days following the date upon which it was adopted, but this shall not prevent
441 reenactment of the ordinance in the manner specified in this section if the emergency still
442 exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance
443 in the same manner specified in this section for adoption of emergency ordinances.

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

448 SECTION 2.25.

449 Codes of technical regulations.

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

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

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

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

461 SECTION 2.26.

462 Signing; authenticating; recording; codification; printing.

463 (a) The city clerk shall authenticate by signature and record in full in a properly indexed
464 book kept for that purpose all ordinances adopted by the city council.

465 (b) The city shall provide for the preparation of a general codification of all the ordinances
466 of the city having the force and effect of law. The general codification shall be adopted by
467 the city council by ordinance and shall be published promptly together with all amendments
468 thereto and shall contain such codes of technical regulations and other rules and regulations
469 as the city council may specify. This compilation shall be known and cited officially as "The
470 Code of the City of Jefferson, Georgia." Copies of the code shall be furnished to all officers,
471 departments, and agencies of the city and shall be made available for purchase by the public
472 at a reasonable price as fixed by the city council.

473 (c) The city council shall cause each ordinance and each amendment to this charter to be
474 printed promptly following its adoption, and the printed ordinances and charter amendments
475 shall be made available for purchase by the public at reasonable prices to be fixed by the city
476 council. Following publication of the first code under this charter and at all times thereafter,
477 the ordinances and charter amendments shall be printed in substantially the same style as the
478 code then in effect and shall be suitable in form for incorporation within the code. The city
479 council shall make such further arrangements as deemed desirable with reproduction and

480 distribution of any changes in or additions to the code of technical regulations and other rules
481 and regulations included in the code.

482 SECTION 2.27.

483 City manager; appointment; qualifications; compensation.

484 The city council shall appoint a city manager for an indefinite term and shall fix the
485 manager's compensation. The city manager shall be appointed solely on the basis of his or
486 her executive and administrative qualifications.

487 SECTION 2.28.

488 Suspension or removal of city manager.

489 (a) The city council may remove the city manager, also known as "the manager," from office
490 in accordance with the following procedures:

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

495 (2) Within five days after a copy of the resolution is delivered to the manager, he or she
496 may file with the city council a written request for a public hearing. This hearing shall
497 be held within 30 days after the request is filed. The manager may file with the city
498 council a written reply not later than five days before the hearing;

499 (3) If the manager has not requested a public hearing within the time specified in
500 paragraph (2) of this subsection, the city council may adopt a final resolution for removal,
501 which may be made effective immediately, by an affirmative vote of a majority of all its
502 members. If the city manager has requested a public hearing, the city council may adopt

503 a final resolution for removal, which may be made effective immediately, by an
504 affirmative vote of a majority of all its members at any time after the public hearing.

505 (b) The manager shall continue to receive his or her salary until the effective date of a final
506 resolution of removal.

507 (c) The mayor and council may for disciplinary purposes suspend the city manager with or
508 without pay for a period of up to 30 days by affirmative vote of a majority of all its members.

509 (d) The mayor and council may designate a person or persons to perform the functions and
510 duties of the city manager during his or her absence, disability, or suspension. Vacancies in
511 the office of city manager shall be filled by the mayor and council as early as practicable,
512 and, until such vacancy is filled, the mayor and council shall have full powers to make a
513 temporary appointment of a qualified person to perform the functions and duties of this
514 office.

515 SECTION 2.29.

516 Acting city manager.

517 By letter filed with the city clerk, the manager shall designate, subject to approval of the city
518 council, a qualified city administrative officer to exercise the powers and perform the duties
519 of manager during his or her temporary absence or disability. During such absence or
520 disability, the city council may revoke such designation at any time and appoint another
521 officer of the city to serve until the manager shall return or the manager's disability shall
522 cease.

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SECTION 2.30.

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Powers and duties of the city manager.

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The city manager shall be the chief executive and administrative officer of the city. The city manager shall be responsible to the city council for the administration of all city affairs placed in his or her charge by or under this charter. The city manager shall have the following powers and duties:

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(1) The city manager shall have the power to appoint, and when the city manager deems it necessary for the good of the city, suspend or remove all city employees and administrative officers the city manager appoints, and all other employees of the city, except the city attorney, city judge, and members of the boards and commissions, who shall be appointed by the mayor and council. In suspending and removing employees, the city manager shall have authority to do so without consent of the mayor and council but must keep the mayor and council advised of any actions deemed necessary. The city manager may authorize any administrative officer who is subject to his or her direction and supervision to exercise these powers with respect to subordinates in that officer's department, office, or agency;

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(2) The city manager shall direct and supervise the administration of all departments, offices, and agencies of the city, except as otherwise provided by this charter or by law;

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

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(4) The city manager shall see that all laws, provisions of this charter, and ordinances of the city council, subject to enforcement by the city manager or by officers subject to the city manager's direction and supervision, are faithfully executed;

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(5) The city manager shall prepare and submit the annual operating budget and capital budget to the city council;

549 (6) The city manager shall submit to the city council and make available to the public a
550 complete report on the finances and administrative activities of the city as of the end of
551 each fiscal year;

552 (7) The city manager shall make such other reports as the city council may require
553 concerning the operation of city departments, offices, and agencies subject to the
554 manager's direction and supervision;

555 (8) The city manager shall keep the city council fully advised as to the financial
556 condition and future needs of the city and make such recommendations to the city council
557 concerning the affairs of the city as he or she deems desirable;

558 (9) The city manager shall perform other such duties as are specified in this charter or
559 as may be required by the city council; and

560 (10) The city manager shall supervise the performance of all contracts made by any
561 person for work done for the City of Jefferson and be the purchasing agent of materials
562 and supplies for the city under such rules and regulations as may be imposed by the
563 mayor and council.

564 SECTION 2.31.

565 Council interference with administration.

566 Except for the purpose of inquiries and investigations under Section 2.15 of this charter, or
567 other inquiries and investigations initiated by action of the mayor and council, the city
568 council or its members shall deal with city officers and employees who are subject to the
569 direction and supervision of the manager solely through the manager, and neither the city
570 council nor its members shall give orders to any such officer or employee, either publicly or
571 privately.

572 SECTION 2.32.

573 Election of mayor; forfeiture; compensation.

574 The mayor shall be elected and serve for a term of four years, or until his or her successor
575 is elected and qualified. The mayor shall be a qualified elector of this city and shall have
576 been a resident of the city for at least 12 months immediately preceding his or her election.
577 her or she shall continue to reside in this city during the period of his or her service. The
578 mayor shall forfeit his or her office on the same grounds and under the same procedure as
579 for councilmembers. The compensation of the mayor shall be established in the same
580 manner as for councilmembers. The mayor shall be elected by the vote of the electors within
581 all five districts.

582 SECTION 2.33.

583 Mayor pro tempore.

584 During the absence or physical or mental disability of the mayor for any cause, the mayor
585 pro tempore, or in the mayor pro tempore's absence or disability for any reason, any one of
586 the councilmembers chosen by a majority vote of the city council shall be clothed with all
587 the rights and privileges of the mayor and shall perform the duties of the office of the mayor
588 so long as such absence or disability shall continue. Any such absence or disability shall be
589 declared by majority vote of all councilmembers. When acting as mayor, the mayor pro
590 tempore shall continue to have only one vote as a member of the council.

591 SECTION 2.34.
592 Powers and duties of mayor.

593 The mayor shall:

- 594 (1) Preside at all meetings of the city council;
595 (2) Be the head of the city for the purpose of service of process and for ceremonial
596 purposes and be the official spokesperson for the city and the chief advocate of policy;
597 (3) Have the power to administer oaths and to make affidavits;
598 (4) Sign as a matter of course on behalf of the city all written and approved contracts,
599 ordinances, and other instruments executed by the city which by law are required to be
600 in writing;
601 (5) Vote on matters before the city council only in event of a tie and be counted toward
602 a quorum as any other councilmember;
603 (6) Fulfill such other duties as the city council shall by ordinance establish; and
604 (7) Represent the city in ceremonial intergovernmental relations.

605 ARTICLE III.
606 ORGANIZATION OF GOVERNMENT, GENERAL AUTHORITY,
607 AND ORDINANCES

608 SECTION 3.10.
609 Department heads.

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

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

617 (c) All appointed officers and directors of departments shall receive such compensation as
618 prescribed by ordinance.

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

623 (e) All appointed officers and directors under the supervision of the city manager shall be
624 nominated by the city manager with confirmation of appointment by the city council. All
625 appointed officers and directors shall be employees at will and subject to removal or
626 suspension at any time by the city manager unless otherwise provided by law or ordinance.

627 SECTION 3.11.

628 Boards, commissions, and authorities.

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

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

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

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

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

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

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

650 (h) Except as otherwise provided by this charter or by law, each board, commission, or
651 authority of the city shall elect one of its members as chair and one member as vice-chair,
652 and may elect as its secretary one of its own members or may appoint as secretary an
653 employee of the city. Each board, commission, or authority of the city government may
654 establish such bylaws, rules, and regulations, not inconsistent with this charter, ordinances
655 of the city, or law, as it deems appropriate and necessary for the fulfillment of his or her
656 duties or the conduct of its affairs. Copies of such bylaws, rules, and regulations shall be
657 filed with the city clerk.

658 SECTION 3.12.

659 City attorney.

660 The city council shall appoint a city attorney, together with such assistant city attorneys as
661 may be authorized, and shall provide for the payment of such attorney or attorneys for
662 services rendered to the city. The city attorney shall be responsible for representing and
663 defense of the city in all litigation in which the city is a party, may be the prosecuting officer

664 in the municipal court; shall attend the meetings of the council as directed, shall advise the
665 city council, mayor, and other officers and employees of the city concerning legal aspects of
666 the city's affairs, and shall perform such other duties as may be required of him or her by
667 virtue of his or her position as city attorney.

668 The city attorney is not a public official of the city and does not take an oath of office. The
669 city attorney shall at all times be an independent contractor. A law firm, rather than an
670 individual, may be designated as the city attorney.

671 SECTION 3.13.

672 City clerk.

673 The city manager shall appoint a city clerk who shall not be a councilmember. The city clerk
674 shall be custodian of the official city seal and city records, maintain city council records
675 required by this charter, and perform such other duties as may be required by the city
676 manager. The office of city clerk may be a part-time or full-time position.

677 SECTION 3.14.

678 City accountant.

679 The city council shall appoint a certified public accountant to perform the duties of an
680 independent auditor and to make an annual audit of all financial books and records of the city
681 which shall be filed with the city.

682 SECTION 3.15.

683 Position classification and pay plan.

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

690 SECTION 3.16.

691 Personnel policies.

692 All employees serve at will and may be removed from office at any time unless otherwise
693 provided by ordinance. The city council shall adopt rules and regulations consistent with this
694 charter concerning:

- 695 (1) The method of employee selection and probationary periods of employment;
- 696 (2) The administration of the position classification and pay plan, methods of promotion
697 and applicable of service ratings thereto, and transfer of employees within the
698 classification plan;
- 699 (3) Hours of work, vacation, sick leave, and other leaves of absence, overtime pay, and
700 the order and manner in which layoffs shall be effected;
- 701 (4) Such dismissal hearings as due process may require; and
- 702 (5) Such other personnel notices as may be necessary to provide for adequate and
703 systematic handling of personnel affairs.

704 Such personnel policies shall be recommended, directed, and administered by the city
705 manager as personnel director of all employees of the city.

706 ARTICLE IV.
707 JUDICIAL BRANCH

708 SECTION 4.10.
709 Municipal court.

710 There shall be a court to be known as the Municipal Court of the City of Jefferson.

711 SECTION 4.11.
712 Judges.

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

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

719 (c) Compensation of the judge or judges shall be fixed by ordinance.

720 (d) Judges serve as provided in Code Section 36-32-2 of the O.C.G.A. and may be removed
721 from office in accordance with Code Section 36-32-2.1 of the O.C.G.A., or other such
722 applicable laws as are or may hereafter be enacted. Subject to Code Section 36-32-2 of the
723 O.C.G.A., et seq., or other such applicable laws as are or may hereafter be enacted, judges
724 serve at will and may be removed from office at any time by the city council unless
725 otherwise provided by ordinance.

726 (e) Before assuming office, each judge shall take an oath, given by the mayor or other
727 officer authorized to administer oaths, that the judge will honestly and faithfully discharge
728 the duties of the office to the best of that person's ability and without fear, favor, or partiality.

729 The oath shall be entered upon the minutes of the city council journal required in
730 Section 2.20 of this charter.

731 SECTION 4.12.
732 Convening of court.

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

734 SECTION 4.13.
735 Jurisdiction; powers.

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

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

740 (c) The maximum punishment for offenses committed under state law shall be those limits
741 as established by general law.

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

745 (e) The municipal court shall have authority to establish bail and recognizances to ensure
746 the presence of those charged with violations before said court and shall have discretionary
747 authority to accept cash or personal or real property as surety bond for the appearance of
748 persons charged with violations. Whenever any person shall give bail for that person's
749 appearance and shall fail to appear at the time fixed for trial, that person's bond shall be
750 forfeited through procedures established by general law by the presiding judge. In the event
751 that cash or property is accepted in lieu of bond for security for the appearance of a defendant

752 at trial, and if such defendant fails to appear at the time and place fixed for trial, the cash so
753 deposited shall be on order of the judge declared forfeited to the city, or the property so
754 deposited shall have a lien against it for the value forfeited which lien shall be enforceable
755 in the same manner and to the same extent as a lien for city property taxes.

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

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

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

766 (i) The municipal court is specifically vested with all the jurisdiction and powers throughout
767 the geographic area of this city granted by law to municipal courts and particularly by such
768 laws as authorize the abatement of nuisance and prosecution of traffic violations as set out
769 in Title 40 of the O.C.G.A., including Uniform Rules of the Road.

770 (j) The judge of the municipal court shall be authorized, to the extent the city attorney
771 declines to act as prosecuting attorney, to appoint on behalf of the city a prosecuting attorney
772 for the municipal court. Said attorney shall be compensated by the city. Said judge shall
773 also be authorized to employ a court reporter for each of the court proceedings over which
774 he or she presides with said court reporter being compensated by the city.

775 SECTION 4.14.

776 Certiorari.

777 The right of certiorari from the decision and judgment of the municipal court shall exist in
778 all criminal cases and ordinance violation cases, and such certiorari shall be obtained under
779 the sanction of a judge of the Superior Court of Jackson County under the Constitution and
780 laws of the State of Georgia regulating the granting and issuance of writs of certiorari.

781 SECTION 4.15.

782 Rules for court.

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

790 ARTICLE V.

791 ELECTIONS

792 SECTION 5.10.

793 Applicability of general law.

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

796 SECTION 5.11.

797 Election of the city council and mayor.

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

800 (b) There shall be elected the mayor and councilmembers from Council Districts 2 and 4 at
801 one election and at every other election thereafter. The remaining city council seats for
802 Council Districts 1, 3, and 5 shall be filled at the election alternating with the first election
803 so that a continuing body is created.

804 SECTION 5.12.

805 Nonpartisan elections.

806 Political parties shall not conduct primaries for city offices and all names of candidates for
807 city offices shall be listed without party labels.

808 SECTION 5.13.

809 Election by majority.

810 The candidate receiving a majority of the votes cast for any city office shall be elected. If
811 no one receives a majority of votes cast, a run off election must be held between the two
812 candidates that received the highest vote count as provided in Georgia law.

813 SECTION 5.14.

814 Special elections; vacancies.

815 In the event that the office of mayor or councilmember shall become vacant for any cause
 816 whatsoever, the city council or those remaining shall order a special election to fill the
 817 balance of the unexpired term of such official; provided, however, if such vacancy occurs
 818 within 12 months of the expiration of the term of that office, the city council or those
 819 members remaining shall appoint a successor for the remainder of the term. In all other
 820 respects, the special election shall be held and conducted in accordance with Chapter 2 of
 821 Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended.

822 SECTION 5.15.

823 Other provisions.

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

828 SECTION 5.16.

829 Removal of officers.

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

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

- 835 (1) Following a hearing at which an impartial panel shall render a decision. In the event
836 an elected officer is sought to be removed by the action of the city council, such officer
837 shall be entitled to a written notice specifying the ground or grounds for removal and to a
838 public hearing which shall be held not less than ten days after the service of such written
839 notice. The city council shall provide by ordinance for the manner in which such hearings
840 shall be held. Any elected officer sought to be removed from office as provided in this
841 charter shall have the right of appeal from the decision of the city council to the Superior
842 Court of Jackson County. Such appeal shall be governed by the same rules as govern
843 appeals to the superior court from the probate court;
- 844 (2) By an order of the Superior Court of Jackson County following a hearing on a
845 complaint seeking such removal brought by any resident of the City of Jefferson;
- 846 (3) By recall, only of elected officials, pursuant to Georgia law; and
- 847 (4) Pursuant to the terms of general law.

848 ARTICLE VI.
849 FINANCE

850 SECTION 6.10.
851 Property tax.

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

858 SECTION 6.11.

859 Millage rate.

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

864 SECTION 6.12.

865 Occupation and business taxes.

866 The city council by ordinance shall have the power to levy such occupation or business taxes
867 as are not denied by law. The city council may classify businesses, occupations, or
868 professions for the purpose of such taxation in any way which may be lawful and may
869 compel the payment of such taxes as provided in Section 6.18 of this charter.

870 SECTION 6.13.

871 Regulatory fees; permits.

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

877 SECTION 6.14.

878 Franchises.

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

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

895 SECTION 6.15.

896 Service charges.

897 The city council by ordinance shall have the power to assess and collect fees, charges,
898 assessments, and tolls for sewers, sanitary and health services, water or water services, or any
899 other services provided or made available inside or outside the corporate limits of the city.
900 If unpaid, such charges shall be collected as 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 costs 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 Other taxes.

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

913 SECTION 6.18.
914 Collection of delinquent taxes.

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.fas., 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. The City
922 of Jefferson shall have the power to file its tax fi.fas. in the Superior Court, State Court, or

923 Magistrate Court of Jackson County and to utilize processes of garnishment to collect these
924 taxes.

925 SECTION 6.19.

926 Borrowing.

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

931 SECTION 6.20.

932 Revenue bonds.

933 Revenue bonds may be issued by the city council as provided by state law. Such bonds are
934 to be paid out of any revenue produced by the project, program, or venture for which they
935 were issued.

936 SECTION 6.21.

937 Short-term loans.

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

940 SECTION 6.22.

941 Lease-purchase contracts.

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

949 SECTION 6.23.

950 Fiscal year.

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

955 SECTION 6.24.

956 Preparation of budgets.

957 The city council shall provide an ordinance on the procedures and requirements for the
958 preparation and execution of an annual operating budget, a capital improvement program,
959 and a capital budget, including requirements as to the scope, content, and form of such
960 budgets and programs.

961 SECTION 6.25.

962 Submission of operating budget to city council.

963 On or before a date fixed by the city council but not later than October 1 of each year, the
964 city manager shall submit to the city council a proposed operating budget for the ensuing
965 fiscal year. The budget shall be accompanied by a message from the city manager containing
966 a statement of the general fiscal policies of the city, the important features of the budget,
967 explanations of major changes recommended for the next fiscal year, a general summary of
968 the budget, and such other comments and information as may be deemed pertinent. The
969 operating budget, the capital budget hereinafter provided for, the budget message, and all
970 supporting documents shall be filed in the office of the city clerk and shall be open to public
971 inspection.

972 SECTION 6.26.

973 Action by city council on budget.

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

979 (b) The city council shall adopt the final operating budget for the ensuing fiscal year not
980 later than November 1 of each year. If the city council fails to adopt the budget by said date,
981 the amounts appropriated for operation for the then current fiscal year shall be deemed
982 adopted for the ensuing fiscal year on a month-to-month basis, with all items prorated
983 accordingly, until such time as the city council adopts a budget for the ensuing fiscal year.
984 Adoption of the budget shall take the form of an appropriations ordinance setting out the

985 estimated revenues in detail by sources and by organizational unit, purpose, or activity as set
 986 out in the budget preparation ordinance adopted pursuant to Section 6.24 of this charter.

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

991 SECTION 6.27.

992 Tax levies.

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

999 SECTION 6.28.

1000 Changes in appropriations.

1001 The city council by ordinance may make changes in the appropriations contained in the
 1002 current operating budget at any regular meeting or special or emergency meeting called for
 1003 such purposes, but any additional appropriations may be made only from an existing
 1004 unexpended surplus.

1005 SECTION 6.29.

1006 Capital budget.

1007 (a) On or before the date fixed by the city council, but not later than October 1, the city
 1008 manager shall submit to the city council a proposed capital improvements budget with his
 1009 or her recommendations as to the means of financing the improvements proposed for the
 1010 ensuing year. The city council shall have the power to accept, with or without amendments,
 1011 or reject the proposed program and proposed budget. The city council shall not authorize an
 1012 expenditure for the construction of any building, structure, work, or improvement, unless the
 1013 appropriations for such project are included in the capital budget except to meet a public
 1014 emergency as provided in Section 2.24.

1015 (b) The city council shall adopt by ordinance the final capital improvements budget for the
 1016 ensuing fiscal year not later than January 1 of each year. No appropriations provided for in
 1017 a prior capital improvements budget shall lapse until the purpose for which the
 1018 appropriations were made have been accomplished or abandoned; provided, however, the
 1019 city manager may submit amendments to the capital improvements budget at any time during
 1020 the fiscal year accompanied by his or her recommendations. Any such amendments to the
 1021 capital improvements budget shall become effective only upon adoption by ordinance.

1022 SECTION 6.30.

1023 Independent audit.

1024 There shall be an annual independent audit of all city accounts, funds, and financial
 1025 transactions by a certified public accountant selected by the city council. The audit shall be
 1026 conducted according to generally accepted accounting principles. Any audit of any funds by
 1027 the state or federal government may be accepted as satisfying the requirements of this
 1028 charter. Copies of all audit reports shall be available at printing costs to the public.

SECTION 6.31.

1029

1030

Contracting procedures.

1031 No contract with the city shall be binding on the city unless:

1032 (1) It is in writing;

1033 (2) It is drawn by or submitted and reviewed by the city attorney and, as a matter of
1034 course, is signed by the city attorney to indicate such drafting or review; and1035 (3) It is made or authorized by the city council and such approval is entered in the city
1036 council journal of proceedings pursuant to Section 2.20.

SECTION 6.32.

1037

1038

Centralized purchasing.

1039 The city council shall by ordinance prescribe procedures for a system of centralized
1040 purchasing for the city.

SECTION 6.33.

1041

1042

Sale and lease of city property.

1043 (a) The city council may sell and convey, or lease any real or personal property owned or
1044 held by the city for governmental or other purposes as now or hereafter provided by law.1045 (b) The city council may quitclaim any rights it may have in property not needed for public
1046 purposes upon request by the mayor and adoption of a resolution, both finding that the
1047 property is not needed for public or other purposes and that the interest of the city has no
1048 readily ascertainable monetary value.1049 (c) Whenever in opening, extending, or widening any street, avenue, alley, or public place
1050 of the city a small parcel or tract of land is cut off or separated by such work from a larger

1051 tract or boundary of land owned by the city, the city council may authorize the mayor sell
1052 and convey said cut-off or separated parcel or tract of land to an abutting or adjoining
1053 property owner or owners. All deeds and conveyances heretofore and hereafter so executed
1054 and delivered shall convey all title and interest the city has in such property, notwithstanding
1055 the fact that no public sale after advertisement was or is hereafter made.

1056 ARTICLE VII.

1057 GENERAL PROVISIONS

1058 SECTION 7.10.

1059 Bonds for officials.

1060 The officers and employees of the city, both elected and appointed, shall execute such surety
1061 or fidelity bonds in such amounts and upon such terms and conditions as the city council
1062 shall from time to time require by ordinance or as may be provided by law.

1063 SECTION 7.11.

1064 Prior ordinances.

1065 All ordinances, resolutions, rules, and regulations now in force in the city not inconsistent
1066 with this charter are hereby declared valid and of full effect and force until amended or
1067 repealed by the city council.

SECTION 7.12.

1068

1069

Existing personnel and officers.

1070 Except as specifically provided otherwise by this charter, all personnel and officers of the
1071 city and their rights, privileges, and powers shall continue beyond the time this charter takes
1072 effect for a period of 365 days, before or during which the existing city council shall pass a
1073 transition ordinance detailing the changes in personnel and appointive officers required or
1074 desired and arranging such titles, rights, privileges, and powers as may be required or desired
1075 to allow a reasonable transition.

SECTION 7.13.

1076

1077

Pending matters.

1078 Except as specifically provided otherwise by this charter, all rights, claims, actions, orders,
1079 contracts, and legal or administrative proceedings shall continue and any such ongoing work
1080 or cases shall be completed by such city agencies, personnel, or offices as may be provided
1081 by the city council.

SECTION 7.14.

1082

1083

Construction.

1084 (a) Section captions in this charter are informative only and are not to be considered as a part
1085 thereof.

1086 (b) The word "shall" is mandatory and the word "may" is permissive.

1087 (c) The singular shall include the plural, the masculine shall include the feminine, and vice
1088 versa.

SECTION 7.15.**Severability.**

1091 In the event any action, subsection, sentence, clause, or phrase of this charter shall be
1092 declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect
1093 the other sections, subsections, sentences, clauses, or phrases of this charter, which shall
1094 remain of full force and effect as if the section, subsection, sentence, clause, or phrase so
1095 declared or adjudged invalid or unconstitutional were not originally a part hereof. The
1096 General Assembly declares that it would have passed the remaining parts of this charter if
1097 it had known that such part or parts hereof would be declared or adjudged invalid or
1098 unconstitutional. If any article, section, subsection, paragraph, sentence, or part thereof of
1099 this charter shall be held to be invalid or unconstitutional, such invalidity or
1100 unconstitutionality shall not affect or impair other parts of this charter unless it clearly
1101 appears that such other parts are wholly and necessarily dependent upon the part held to be
1102 invalid or unconstitutional, it being the legislative intent in enacting this charter that each
1103 article, section, subsection, paragraph, sentence, or part thereof be enacted separately and
1104 independent of each other."

SECTION 2.

1105
1106 All laws and parts of laws in conflict with this Act are repealed.

1107

APPENDIX A

1108 User: City of Jefferson

1109 Plan Name: CityJeffersonCCSB-2022

1110 Plan Type: Local

1111 District 001

1112 County Jackson GA

1113 VTD Central Jackson

1114 Block 010104:

1115 1054 1055 1057 1058 1059 2051 2052 2061 2063

1116 Block 010105:

1117 1000 1001 1002 1003

1118 Block 010200:

1119 3038 3045 3051 3052 3053 3054 3055 3056 3057 3058 3061

1120 Block 010601:

1121 1004 1006

1122 Block 010704:

1123 1030 1037 1038 2012 2013 2017 2018 2019 2020 2021 2023 2025

1124 2039 2040 2043

1125 Block 010705:

1126 2010 3001 3004 3005 3006 3007 3008 3010 3015 3016 3017 3018

1127 3019 3020 3021 3022 3025 3028 3029 3030 3031 3032 3033 3034

1128 Block 010706:

1129 3000 3001 3006 3007 3008 3013 3015 3016 3017 3026 3027 3028

1130 3029 3030 3031 3032 3033 3034 3035 3036 3037 3038

1131 District 002
 1132 County Jackson GA
 1133 VTD Central Jackson
 1134 Block 010601:
 1135 1000 1002 1003 1005 1007 1008 1011 1012 1013 1015 1016 1018
 1136 1019 2021 2035 2037 3012
 1137 Block 010704:
 1138 1019 1023 1024 1026 1027 1028 1029 1031 1032 1033 1034
 1139 Block 010706:
 1140 2012 2036 2038 2039 2040 2041
 1141 VTD North Jackson
 1142 Block 010701:
 1143 1025 1026 1028 1029 1030 2038 2039 2049 2050

 1144 District 003
 1145 County Jackson GA
 1146 VTD Central Jackson
 1147 Block 010705:
 1148 2000 2001 2002 2003 2004 2005 2011
 1149 Block 010706:
 1150 1017 1018 2000 2001 2002 2003 2004 2005 2006 2007 2008 2009
 1151 2010 2014 2015 2016 2017 2018 2019 2020 2021 2022 2024 2025
 1152 2026 2027 2032 2034 2037 2045 2046 2050 3002 3003 3004 3005
 1153 3009 3010 3011 3012 3014 3021 3023 3024 3025 3039 3040 3041

 1154 District 004
 1155 County Jackson GA

1156 VTD Central Jackson
 1157 Block 010703:
 1158 1002 1003 1004 1012
 1159 Block 010705:
 1160 1008 1012 1013 2006 2012
 1161 Block 010706:
 1162 1000 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011 1012
 1163 1015 1029 1030 2029 2030 3018 3022 3042

 1164 District 005
 1165 County Jackson GA
 1166 VTD Central Jackson
 1167 Block 010200:
 1168 3035 3059
 1169 Block 010701:
 1170 2040
 1171 Block 010704:
 1172 1010 1012 1016 1017 1020 1021 1022 1025 1035 1036 2001 2002
 1173 2003 2004 2006 2007 2010 2026 2027 2028 2029 2030 2031 2033
 1174 2036 2037
 1175 VTD North Jackson
 1176 Block 010200:
 1177 3019 3020 3022 3028 3029 3036 3037
 1178 Block 010701:
 1179 2011 2026 2029 2030 2033 2035 2036 2041 2042 2043 2044 2046
 1180 2047 2048
 1181 Block 010704:

1182 1005 1007 1014 2000 2005 2038