

House Bill 1401 (AS PASSED HOUSE AND SENATE)

By: Representative Greene of the 154th

A BILL TO BE ENTITLED
AN ACT

1 To provide a new charter for the City of Blakely; to provide for incorporation, boundaries,
2 and 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 elections, 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
9 mayor pro tempore; to provide for a city manager, and powers and duties thereof; to provide
10 for acting city managers; to prohibit council interference with administration; to provide for
11 administrative responsibilities; to provide for boards, commissions, and authorities; to
12 provide for a city attorney, city clerk, and other personnel; to provide for the establishment
13 of a municipal court and the judge or judges thereof; to provide for practices and procedures;
14 to provide for indigent defense and prosecutor; to provide for taxation, permits, and fees; to
15 provide for franchises, service charges, and assessments; to provide for bonded and other
16 indebtedness; to provide for accounting and budgeting; to provide for contracting and
17 purchasing; to provide for sale of city property; to provide for bonds for officials; to provide
18 for pending matters; to provide for definitions and construction; to provide for severability;

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19 to provide for related matters; to repeal specific Acts; to repeal conflicting laws; and for other
20 purposes.

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

22 ARTICLE I
23 INCORPORATION AND POWERS

24 Section 1.10.

25 Name.

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

29 Section 1.11.

30 Corporate boundaries.

31 (a) The boundaries of this city shall be those existing on the effective date of the adoption
32 of this charter with such alterations as may be made from time to time in the manner
33 provided by law. The boundaries of this city at all times shall be shown on a map to be
34 retained permanently in the City of Blakely City Hall and to be designated: "City of Blakely,
35 Georgia". Photographic, typed, or other copy of such map or description certified by the City
36 of Blakely shall be admitted as evidence in all courts and shall have the same force and effect
37 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 purposes
40 the entire map or maps which it is designated to replace.

41 Section 1.12.

42 Powers and construction.

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

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

50 Section 1.13.

51 Specific powers.

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

57 (b) Appropriations and expenditures. To make appropriations for the support of the
58 government of the city; to authorize the expenditure of money for any purposes authorized
59 by this charter, or for municipalities by the laws of the State of Georgia; and to provide for
60 the payment of expenses of the city.

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

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

70 (e) Condemnation. To condemn property inside or outside the corporate limits of the city
71 for present or future use and for any corporate purpose deemed necessary by the governing
72 authority, utilizing procedures provided by the O.C.G.A. as the same shall exist from time
73 to time.

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

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

80 (h) Environmental protection. To protect and preserve the natural resources, environment,
81 and vital areas of the city through the preservation and improvement of air quality, the
82 restoration and maintenance of water resources, the control of erosion and sedimentation, the
83 management of solid and hazardous waste, and other necessary actions for the protection of
84 the environment.

85 (i) Fire regulations. To fix and establish fire limits and from time to time to extend, enlarge,
86 or restrict the same; to prescribe fire safety regulations not inconsistent with general law,
87 relating to fire prevention and detection and to fire fighting; and to prescribe penalties and
88 punishment for violations thereof.

89 (j) Garbage fees. To levy, fix, assess, and collect a garbage, refuse, and trash collection and
90 disposal, and other sanitary service charge, tax, or fee for such services as may be necessary

91 in the operation of the city from all individuals, firms, and corporations residing in or doing
92 business therein benefitting from such services or to whom such services are available; to
93 enforce the payment of such charges, taxes, or fees; and to provide for the manner and
94 method of collecting such service charges.

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

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

101 (m) Health and sanitation. To prescribe standards of health and sanitation and to provide
102 for the enforcement of such standards.

103 (n) Jail sentences. To provide that persons given jail sentences in the city's court may work
104 out such sentences in any public works or on the streets, roads, drains, and other public
105 property in the city, to provide for commitment of such persons to any jail, or to provide for
106 commitment of such persons to any county work camp or county jail by agreement with the
107 appropriate county officials.

108 (o) Motor vehicles. To regulate the operation of motor vehicles and exercise control over
109 all traffic, including parking upon or across the streets, roads, alleys, and walkways of the
110 city.

111 (p) Municipal agencies and delegation of power. To create, alter, or abolish departments,
112 boards, offices, commissions, and agencies of the city, and to confer upon such agencies the
113 necessary and appropriate authority for carrying out all the powers conferred upon or
114 delegated to the same.

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

- 118 (r) Municipal property ownership. To acquire, dispose of, lease, option, and hold in trust
119 or otherwise, any real, personal, or mixed property, in fee simple or lesser interest, inside or
120 outside the property limits of the city.
- 121 (s) Municipal property protection. To provide for the preservation and protection of
122 property and equipment of the city and the administration and use of same by the public; and
123 to prescribe penalties and punishment for violations thereof.
- 124 (t) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose of
125 public utilities, including, but not limited to, a system of waterworks, sewers and drains,
126 sewage disposal, gas works, electric light plants, cable television, and other
127 telecommunications, transportation facilities, public airports, and any other public utility; and
128 to fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties, and to
129 provide for the withdrawal of service for refusal or failure to pay the same.
- 130 (u) Nuisance. To define a nuisance and provide for its abatement whether on public or
131 private property.
- 132 (v) Penalties. To provide penalties for violation of any ordinances adopted pursuant to the
133 authority of this charter and the laws of the State of Georgia.
- 134 (w) Planning and zoning. To provide comprehensive city planning for development by
135 zoning; and to provide subdivision regulation and the like as the city council deems
136 necessary and reasonable to insure a safe, healthy, and aesthetically pleasing community.
- 137 (x) Police and fire protection. To exercise the power of arrest through duly appointed
138 policemen and to establish, operate, or contract for a police and a fire fighting agency.
- 139 (y) Public hazards: removal. To provide for the destruction and removal of any building or
140 other structure which is or may become dangerous or detrimental to the public.
- 141 (z) Public improvements. To provide for the acquisition, construction, building, operation,
142 and maintenance of public ways, parks and playgrounds, recreational facilities, cemeteries,
143 markets and market houses, public buildings, libraries, public housing, airports, hospitals,
144 terminals, docks, parking facilities, or charitable, cultural, educational, recreational,

145 conservation, sport, curative, corrective, detentional, penal and medical institutions, agencies,
146 and facilities; and to provide any other public improvements, inside or outside the corporate
147 limits of the city; to regulate the use of public improvements; and for such purposes, property
148 may be acquired by condemnation under procedures provided by the O.C.G.A. as the same
149 shall exist from time to time.

150 (aa) Public peace. To provide for the prevention and punishment of drunkenness, riots, and
151 public disturbances.

152 (bb) Public transportation. To organize and operate such public transportation systems as
153 are deemed beneficial.

154 (cc) Public utilities and services. To grant franchises or make contracts for, or impose taxes
155 on public utilities and public service companies; and to prescribe the rates, fares, regulations
156 and standards, and conditions of service applicable to the service to be provided by the
157 franchise grantee or contractor, insofar as not in conflict with valid regulations of the public
158 service commission.

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

164 (ee) Retirement. To provide and maintain a retirement plan for officers and employees of
165 the city.

166 (ff) Roadways. To lay out, open, extend, widen, narrow, establish, or change the grade of,
167 abandon or close, construct, pave, curb, gutter, provide drainage for, adorn with shade trees,
168 or otherwise improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys,
169 and walkways within the corporate limits of the city; and to grant franchises and rights of
170 way throughout the streets and roads, and over the bridges and viaducts for the use of public

171 utilities; and to require real estate owners to repair and maintain in a safe condition the
172 sidewalks adjoining their lots or lands, and to impose penalties for failure to do so.

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

180 (hh) Solid waste disposal. To provide for the collection and disposal of garbage, rubbish,
181 and refuse, and to regulate the collection and disposal of garbage, rubbish, and refuse by
182 others; and to provide for the separate collection of glass, tin, aluminum, cardboard, paper,
183 and other recyclable materials, and to provide for the same of such items.

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

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

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

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

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

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

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

213 Section 1.14.

214 Exercise of powers.

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

219 ARTICLE II
220 GOVERNMENT STRUCTURE

221 Section 2.10.
222 City council creation; number; election.

223 The legislative authority of the government of this city, except as otherwise specifically
224 provided in this charter, shall be vested in a city council to be composed of a mayor and four
225 councilmembers. The city council established shall in all respects be a successor to and
226 continuation of the governing authority under prior law. The mayor and councilmembers
227 shall be elected in the manner provided by general law and this charter.

228 Section 2.11.
229 City council terms and qualifications for office.

230 (a) The mayor and members of the city council shall serve for terms of four years and until
231 their respective successors are elected and qualified. No person shall be eligible to serve as
232 mayor or councilmember unless that person shall have been a resident of the city for one year
233 prior to the date of election of the mayor or councilmember.

234 (b) The mayor may reside anywhere within the city and must receive a majority of the votes
235 cast for such office in the entire city. The mayor must continue to reside within the city
236 during his or her term of office, or the office shall thereupon become vacant.

237 (c) In order to be elected as a member of the board from a council district, a person must
238 reside in that council district at the time such person is elected and must receive a majority
239 of the votes cast for that office in that district only, and not at large. Only electors who are
240 residents of a council district may vote for a councilmember from that district. At the time
241 of qualifying for election as a councilmember from a council district, each candidate for such

242 office shall specify the council district for which that person is a candidate. A person elected
243 as a councilmember from a council district must continue to reside in that district during that
244 person's term of office or that office shall thereupon become vacant.

245 Section 2.12.

246 Vacancy; filling of vacancies.

247 (a) The office of mayor or councilmember shall become vacant upon the occurrence of any
248 event specified by the Constitution of the State of Georgia, Title 45 of the O.C.G.A., or such
249 other applicable laws as are or may hereafter be enacted. Provided, however, the office of
250 mayor or councilmember shall become vacant upon the unexcused absence of the holder of
251 the office from four consecutive regularly scheduled meetings of the city council. Excused
252 absences shall be granted by a majority vote of the remaining city councilmembers and the
253 mayor as provided in Section 2.21 and shall be entered upon the minutes of the council
254 meeting.

255 (b) A vacancy in the office of mayor or councilmember shall be filled for the remainder of
256 the unexpired terms, if any, by appointment by the remaining councilmembers if less than
257 six months remain in the unexpired term, otherwise by an election, as provided for in
258 Section 5.14 of this charter and in accordance with Titles 21 and 45 of the O.C.G.A., or other
259 such laws as are or may hereafter be enacted.

260 Section 2.13.

261 Compensation and expenses.

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

264 Section 2.14.

265 Conflict of interest.

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

268 (b) Neither the mayor nor any member of the city council shall vote upon, sign, or veto any
269 ordinance, resolution, contract, or other matter in which that person is financially interested.

270 Section 2.15.

271 Inquiries and investigations.

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

278 Section 2.16.

279 General power and authority of the city council.

280 Except as otherwise provided by law or this charter, the city council shall be vested with all
281 the powers of government of this city.

282 Section 2.17.
283 Eminent domain.

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

292 Section 2.18.
293 Organizational meetings.

294 The city council shall hold an organizational meeting on the first meeting in January
295 following the regular election, as provided in Section 5.11. The meeting shall be called to
296 order by the city clerk, and the oath of office shall be administered to the newly elected
297 members as follows:

298 "I _____ do solemnly swear or affirm that I will properly perform the duties of the
299 office of _____ in and for the City of Blakely, to the best of my knowledge, skill,
300 and ability; that I am not the holder of any unaccounted for public money due to the State
301 of Georgia or any political subdivision or authority thereto; that I am not the holder of any
302 office of trust under the government of the United States, any other state, or any foreign
303 state, which I am by the laws of the State of Georgia prohibited from holding; that I am
304 qualified to hold the office which I am about to enter according to the Constitution and
305 laws of Georgia; that I will support the Constitution of the United States and the State of

306 Georgia; that I have been a resident of the City of Blakely from which elected and the City
307 of Blakely for the time required by the Constitution and laws of the State of Georgia and
308 the Charter of the City of Blakely, so help me God."

309 Section 2.19.

310 Regular and special meetings.

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

313 (b) Special meetings of the city council may be held on call of the mayor or two members
314 of the city council. Notice of such special meetings shall be served on all other members
315 personally, or by telephone personally, at least 24 hours in advance of the meeting. Such
316 notice to councilmembers shall not be required if the mayor and all councilmembers are
317 present when the special meeting is called. Such notice of any special meeting may be
318 waived by a councilmember in writing before or after such a meeting, and attendance at the
319 meeting shall also constitute a waiver of notice on any business transacted in such
320 councilmember's presence. Only the business stated in the call may be transacted at the
321 special meeting. Upon the unanimous consent of all members present, any business which
322 may be transacted at a regular meeting may be conducted at the special meeting.

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

327 Section 2.20.
328 Rules of procedure.

329 (a) The city council shall adopt its rules of procedure and order of business consistent with
330 the provisions of this charter and shall provide for keeping a journal of its proceedings, which
331 shall be a public record.

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

335 Section 2.21.
336 Quorum; voting.

337 Three councilmembers other than the mayor or the mayor and two councilmembers shall
338 constitute a quorum and shall be authorized to transact business of the city council. Voting
339 on the adoption of ordinances shall be by voice vote, and the vote shall be recorded in the
340 journal; but any member of the city council shall have the right to request a roll call vote, and
341 such vote shall be recorded in the journal. Except as otherwise provided in this charter, the
342 affirmative vote of three councilmembers or two councilmembers and the mayor shall be
343 required for the adoption of any ordinance, resolution, or motion. The mayor shall vote only
344 in the event of a tie or when an affirmative or negative vote by the mayor constitutes a
345 majority of three votes. An abstention shall not be counted as either an affirmative or
346 negative vote.

347 Section 2.22.
348 Ordinance form; procedures.

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

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

361 Section 2.23.
362 Action requiring an ordinance.

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

364 Section 2.24.
365 Emergencies.

366 (a) To meet a public emergency affecting life, health, property, or public peace, the city
367 council may convene on call of the mayor or three councilmembers and promptly adopt an
368 emergency ordinance, but such ordinance may not levy taxes; grant, renew, or extend a

369 franchise; regulate the rate charged by any public utility for its services; or authorize the
370 borrowing of money except for loans to be repaid within 30 days. An emergency ordinance
371 shall be introduced in the form prescribed for ordinances generally, except that it shall be
372 plainly designated as an emergency ordinance and shall contain, after the enacting clause,
373 a declaration stating that an emergency exists, and describing the emergency in clear and
374 specific terms. An emergency ordinance may be adopted, with or without amendment, or
375 rejected at the meeting at which it is introduced, but the affirmative vote of at least three
376 councilmembers shall be required for adoption. It shall become effective upon adoption or
377 at such later time as it may specify. Every emergency ordinance shall automatically stand
378 repealed 30 days following the date upon which it was adopted, but this shall not prevent
379 reenactment of the ordinance in the manner specified in this section if the emergency still
380 exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance
381 in the same manner specified in this section for adoption of emergency ordinances.

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

386 Section 2.25.

387 Codes of technical regulations.

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

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

- 394 (2) A copy of each adopted code of technical regulations as well as the adopting ordinance,
395 shall be authenticated and recorded by the city clerk pursuant to Section 2.26.
396 (b) Copies of any adopted code of technical regulations shall be made available by the clerk
397 for inspection by the public.

398 Section 2.26.

399 Signing; authenticating; recording; codification; printing.

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

402 (b) The city council shall provide for the preparation of a general codification of all the
403 ordinances of the city having the force and effect of law. The general codification shall be
404 adopted by the city council by ordinance and shall be published promptly, together with all
405 amendments thereto and such codes of technical regulations and other rules and regulations
406 as the city council may specify. This compilation shall be known and cited officially as "The
407 Code of the City of Blakely, Georgia." Copies of the code shall be furnished to all officers,
408 departments, and agencies of the city and made available for purchase by the public at a
409 reasonable price as fixed by the city council.

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

419 Section 2.27.

420 Election of mayor; forfeiture; compensation.

421 The mayor shall be elected and serve for a term of four years and until a successor is elected
422 and qualified. The mayor shall be a qualified elector of this city and shall have been a
423 resident of the city for 12 months preceding the date of the election. The mayor shall
424 continue to reside in this city during the period of service. The mayor shall forfeit the office
425 on the same grounds and under the same procedure as for councilmembers. The
426 compensation of the mayor shall be established in the same manner as for councilmembers.

427 Section 2.28.

428 Powers and duties of mayor.

429 As the chief executive of this city, the mayor shall:

430 (1) Preside at all meetings of the city council;

431 (2) Be the head of the city for the purpose of service of process and for ceremonial
432 purposes, and be the official spokesperson for the city and the chief advocate of policy;

433 (3) Have the power to administer oaths and to take affidavits; and

434 (4) Sign, as a matter of course on behalf of the city, all written and approved contracts,
435 ordinances, and other instruments executed by the city which by law are required to be in
436 writing.

437 Section 2.29.

438 Mayor pro tempore; selection; duties.

439 At the first meeting in January of each year, by a majority vote, the city council shall elect
440 a councilmember to serve as mayor pro tempore. In the mayor's absence, the mayor pro

441 tempore shall preside at meetings of the city council and shall assume the duties and powers
442 of the mayor upon the mayor's physical or mental disability, provided that the mayor pro
443 tempore shall vote as a member of the council at all times when serving as herein provided.

444 Section 2.30.

445 City manager; appointment; qualifications; compensation.

446 The mayor and city council shall appoint a city manager for an indefinite term and shall fix
447 the city manager's compensation; provided, however, no city manager shall be appointed by
448 less than the affirmative vote of four councilmembers or by the mayor and three
449 councilmembers. The city manager shall be appointed solely on the basis of executive and
450 administrative qualifications.

451 Section 2.31.

452 Removal of city manager.

453 The city manager is employed at will and may be summarily removed from office at any time
454 by the mayor and city council; provided, however, the city manager may only be removed
455 by a majority vote of four councilmembers or by the mayor and three councilmembers.

456 Section 2.32.

457 Acting city manager.

458 By letter filed with the city clerk, the city manager may designate, subject to approval of the
459 mayor and city council, a qualified city administrative officer to exercise the powers and
460 perform the duties of manager during the city manger's temporary absence or physical or
461 mental disability. During such absence or disability, the mayor and city council may revoke

462 such designation at any time and appoint another officer of the city to serve until the city
463 manager shall return or until the city manager's disability shall cease.

464 Section 2.33.

465 Powers and duties of city manager.

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

470 (1) Recommend for the approval of the city council the hiring of all employees holding the
471 position of department head for the various departments so designated by the city council;

472 (2) Appoint, suspend, or remove all city employees and administrative officers, other than
473 department heads, except as otherwise provided by this charter. The city manager may
474 authorize any administrative officer who is subject to the city manager's direction and
475 supervision to exercise these powers with respect to subordinates in that officer's
476 department, office, or agency;

477 (3) Suspend or otherwise discipline all employees holding the position of department head;
478 provided, however, any disciplinary action of a department head may be appealed to the
479 mayor and city council. The city manager's action may be vacated, upheld, or otherwise
480 amended by a majority vote of four members of the city council or by the mayor and three
481 members of the city council;

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

484 (5) Attend all city council meetings, except for closed meetings held for the purposes of
485 deliberating on the appointment, discipline, or removal of the city manager or held for the

- 486 purpose of receiving legal advice regarding the city manager, and have the right to take part
487 in discussion, but the city manager may not vote;
- 488 (6) See that all laws, provisions of this charter, and acts of the city council, subject to
489 enforcement by the city manager or by officers subject to the city manager's direction and
490 supervision, are faithfully executed;
- 491 (7) Prepare and submit to the city council a recommended operating budget and
492 recommended capital budget;
- 493 (8) Submit to the city council and make available to the public, at least annually, a
494 statement covering the financial condition of the city and a report on the administrative
495 activities of the city as of the end of each fiscal year;
- 496 (9) Make such other reports as the city council may require concerning the operations of
497 the city departments, offices, and agencies subject to the city manager's direction and
498 supervision;
- 499 (10) Keep the city council advised as to the financial condition and future needs of the
500 city, and make such recommendations to the city council concerning the affairs of the city
501 as the city manager deems desirable; and
- 502 (11) Perform other such duties as are specified in this charter or as may be required by the
503 city council.

504 Section 2.34.

505 Council's interference with administration.

506 Except for the purpose of inquiries and investigations under Section 2.15 of this charter, the
507 city council or its members shall deal with city officers and employees who are subject to the
508 direction and supervision of the city manager solely through the city manager, and neither
509 the city council nor its members shall give orders to any such officer or employee, either
510 publicly or privately.

511 ARTICLE III
512 ADMINISTRATIVE AFFAIRS

513 Section 3.10.
514 Administrative and service departments.

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

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

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

524 (d) All appointive officers, directors, and department heads under the supervision of the city
525 manager shall be nominated by the city manager with confirmation of appointment by the
526 city council. All appointive officers, directors, and department heads shall be employees at
527 will and subject to removal or suspension at any time by the city manager unless otherwise
528 provided by law or ordinance.

529 Section 3.11.
530 Boards, commissions, and authorities.

531 (a) The city council shall create by ordinance such boards, commissions, and authorities to
532 fulfill any investigative, quasi-judicial, or quasi-legislative function the city council deems

533 necessary and shall be ordinance establish the composition, period of existence, duties, and
534 powers thereof.

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

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

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

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

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

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

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

559 Section 3.12.

560 City attorney.

561 The city council shall appoint a city attorney, together with such assistant city attorneys as
562 may be authorized, and shall provide for the payment of such attorney or attorneys for
563 services rendered to the city. The city attorney shall be responsible for providing for the
564 representation and defense of the city in all litigation in which the city is a party; may be the
565 prosecuting officer in the municipal court; shall attend the meetings of the council as
566 directed; shall advise the city council, mayor, and other officers and employees of the city
567 concerning legal aspects of the city's affairs; and shall perform such other duties as may be
568 required by virtue of the person's position as city attorney.

569 Section 3.13.

570 City clerk.

571 The city council shall appoint a city clerk who shall not be a councilmember. The city clerk
572 shall be custodian of the official city seal and city records; maintain city council records
573 required by this charter; and perform such other duties as may be required by the city
574 council.

575 Section 3.14.

576 Personnel policies.

577 All employees serve at will and may be removed from office at any time unless otherwise
578 provided by ordinance.

579 ARTICLE IV
580 JUDICIAL BRANCH

581 Section 4.10.
582 Municipal court creation.

583 There shall be a court to be known as the Municipal Court of the City of Blakely.

584 Section 4.11.
585 Chief judge; associate judge.

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

588 (b) No person shall be qualified or eligible to serve as a judge on the municipal court unless
589 that person shall have attained the age of 21 years and shall possess all qualifications
590 required by law. All judges shall be appointed by the city council and shall serve until a
591 successor is appointed and qualified.

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

593 (d) Judges shall serve a term and may be removed as provided by general law.

594 (e) Before assuming office, each judge shall take an oath, given by the mayor, that the judge
595 will honestly and faithfully discharge the duties of the office to the best of that person's
596 ability and without fear, favor, or partiality. The oath shall be entered upon the minutes of
597 the city council journal required in Section 2.20.

598 Section 4.12.
599 Convening.

600 The municipal court shall be convened at such times as designated by ordinance or at such
601 times as deemed necessary to keep current the dockets thereof.

602 Section 4.13.
603 Jurisdiction; powers.

604 (a) The municipal court shall try and punish violations of this charter, all city ordinance, and
605 such other violations as provided by law.

606 (b) The municipal court shall have authority to punish those in its presence for contempt,
607 provided that such punishment shall not exceed \$500.00 or ten days in jail.

608 (c) The municipal court may fix punishment for offenses within its jurisdiction not
609 exceeding a fine of \$1,000.00 or imprisonment for 180 days, or other such fine and
610 imprisonment, or may fix punishment by fine, imprisonment, or alternative sentencing as
611 now or hereafter provided by law.

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

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

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

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

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

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

637 Section 4.14.

638 Appeal.

639 Any person aggrieved by a decision of the municipal court shall have the right to appeal as
640 provided by law to the Superior Court of Early County.

641 Section 4.15.

642 Rules for court.

643 With the approval of the city council, the judge of the municipal court shall have full power
644 and authority to make reasonable rules and regulations necessary and proper to secure the

645 efficient and successful administration of the municipal court; provided, however, that the
646 city council may adopt in part or in toto the rules and regulations applicable to municipal
647 courts. The rules and regulations made or adopted shall be filed with the city clerk, shall be
648 available for public inspection, and, upon request, a copy shall be furnished to all defendants
649 in municipal court proceedings at least 48 hours prior to said proceedings.

650 Section 4.16.

651 Indigent defense and prosecutor.

652 The mayor and council shall have the power to provide for a system of defense for indigent
653 persons charged in the municipal court of the City of Blakely with violations of ordinances
654 or state laws, and for the prosecution of such cases by a prosecutor, and to provide for and
655 require the expense of same to be prorated over all criminal cases disposed of by the court,
656 and all bond forfeitures in said cases, to be imposed by the municipal court judge and
657 collected in all criminal cases and in bond forfeitures in such cases as costs in addition to
658 fines, penalties, and all other costs.

659 Section 4.17.

660 Technology fee.

661 The clerk of the municipal court shall be entitled to charge and collect a technology fee as
662 a surcharge to each criminal and quasi-criminal fine paid. The technology fee shall be set
663 by resolution of the mayor and city council from time to time. Such fee shall be used
664 exclusively to provide for the technological needs of the court. All funds collected pursuant
665 to this provision shall be maintained in a segregated account by the clerk of the court,
666 separate from other funds of the city, and shall be expended only for authorized purposes

667 upon order of the judge of the municipal court upon consultation with the clerk and the chief
668 of police.

669 ARTICLE V
670 ELECTIONS AND REMOVAL

671 Section 5.10.
672 Applicability of general law.

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

675 Section 5.11.
676 Regular elections; time for holding.

677 (a) On the Tuesday next following the first Monday in November, 2025, successors to the
678 District 1 Post 1 and District 2 Post 1 councilmembers whose terms expire on
679 December 31, 2025, shall be elected for a term of office expiring on December 31, 2029, and
680 until their respective successors are elected and qualified.

681 (b) On the Tuesday next following the first Monday in November, 2027, successors to the
682 mayor, District 1 Post 2 and District 2 Post 2 councilmembers whose terms expire on
683 December 31, 2027, shall be elected for a term of office expiring on December 31, 2031, and
684 until their respective successors are elected and qualified.

685 (c) Thereafter, the general municipal election for the election of the mayor and
686 councilmembers shall be conducted on the Tuesday next following the first Monday in
687 November in each odd-numbered year. Successors shall be elected to those offices the terms
688 of which will expire on December 31 of such year. All persons elected to such office shall

689 take office on January 1 immediately following the date of the municipal general election and
690 shall have terms of office of four years and until their respective successors are elected and
691 qualified.

692 Section 5.12.
693 Nonpartisan elections.

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

696 Section 5.13.
697 Election by majority.

698 The person receiving a majority of the votes cast in the city election for the office of mayor
699 shall be elected. The person receiving a majority of the votes cast in the city election for
700 each of the city council positions shall be elected to the respective post.

701 Section 5.14.
702 Special elections; vacancies.

703 In the event that the office of mayor or councilmember shall become vacant as provided in
704 Section 2.12 of this charter, the city council or those remaining shall appoint a successor for
705 the remainder of the term.

706 Section 5.15.
707 Other provisions.

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

712 Section 5.16.
713 Removal of officers.

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

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

719 (1) Following a hearing at which an impartial panel shall render a decision. In the event
720 an elected officer is sought to be removed by the action of the city council, such officer
721 shall be entitled to a written notice specifying the ground or grounds for removal and to a
722 public hearing which shall be held not less than ten days after the service of such written
723 notice. The city council shall provide by ordinance for the manner in which such hearings
724 shall be held. Any elected officer sought to be removed from office as herein provided
725 shall have the right of appeal from the decision of the city council to the Superior Court of
726 Early County. Such appeal shall be governed by the same rules as govern appeals to the
727 superior court from the probate court.

728 (2) By an order of the Superior Court of Early County following a hearing on a complaint
729 seeking such removal brought by any resident of the City of Blakely.

730 ARTICLE VI

731 FINANCE

732 Section 6.10.

733 Property tax.

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

740 Section 6.11.

741 Millage rate; due dates; payment methods.

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

746 Section 6.12.

747 Occupation and business taxes.

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

750 professions for the purpose of such taxation in any way which may be lawful and may
751 compel the payment of such taxes as provided in Section 6.18.

752 Section 6.13.

753 Regulatory fees; permits.

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

759 Section 6.14.

760 Franchises.

761 (a) The city council shall have the power to grant franchises for the use of this city's streets
762 and alleys for the purposes of railroads, street railways, telephone companies, electric
763 companies, electric membership corporations, cable television, and other telecommunications
764 companies, gas companies, transportation companies, and other similar organizations. The
765 city council shall determine the duration, terms, whether the same shall be exclusive or
766 nonexclusive, and the consideration for such franchises; provided, however, no franchise
767 shall be granted for a period in excess of 35 years, and no franchise shall be granted unless
768 the city receives just and adequate compensation therefor. The city council shall provide for
769 the registration of all franchises with the city clerk in a registration book kept by said clerk.
770 The city council may provide by ordinance for the registration within a reasonable time of
771 all franchises previously granted.

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

777 Section 6.15.

778 Service charges.

779 The city council, by ordinance, shall have the power to assess and collect fees, charges, and
780 tolls for sewers, sanitary and health services, or any other services provided or made
781 available within and without the corporate limits of the city for the total cost to the city of
782 providing or making available such services. If unpaid, such charges shall be collected as
783 provided in Section 6.18.

784 Section 6.16.

785 Special assessments.

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

791 Section 6.17.

792 Construction; other taxes and fees.

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

796 Section 6.18.

797 Collection of delinquent taxes and fees.

798 The city council, by ordinance, may provide generally for the collection of delinquent taxes,
799 fees, or other revenue due the city under Sections 6.10 through 6.17 by whatever reasonable
800 means as are not precluded by law. This shall include providing for the dates when the taxes
801 or fees are due; later penalties or interest; issuance and execution of fi.fa.'s; creation and
802 priority of liens; making delinquent taxes and fees the personal debts of the persons required
803 to pay the taxes or fees imposed; revoking city permits for failure to pay any city taxes or
804 fees; and providing for the assignment or transfer or tax executions.

805 Section 6.19.

806 General obligation bonds.

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

811 Section 6.20.

812 Revenue bonds.

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

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

815 for which they were issued.

816 Section 6.21.

817 Short-term loans.

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

819 of each year, unless otherwise provided by law.

820 Section 6.22.

821 Lease-purchase contracts.

822 The city may enter into multi-year lease, purchase or lease-purchase contracts for the

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

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

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

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

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

828 or may hereafter be enacted.

829 Section 6.23.

830 Fiscal year.

831 The city council shall set the fiscal year by ordinance. This fiscal year shall constitute the
832 budget year and the year for financial accounting and the reporting of each and every office,
833 department, agency, and activity of the city government.

834 Section 6.24.

835 Preparation of budgets.

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

840 Section 6.25.

841 Submission of operating budget to city council.

842 On or before a date fixed by the city council, but not later than 60 days prior to the beginning
843 of each fiscal year, the city manager shall submit to the city council a proposed operating
844 budget for the ensuing fiscal year. The budget shall be accompanied by a message from the
845 city manager containing a statement of the general fiscal policies of the city, the important
846 features of the budget, explanations of major changes recommended for the next fiscal year,
847 a general summary of the budget, and such other pertinent comments and information. The
848 operating budget and the capital budget hereinafter provided for, the budget message, and
849 all supporting documents shall be filed in the office of the city clerk and shall be open to
850 public inspection.

851 Section 6.26.

852 Action by city council on budget.

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

858 (b) The city council, by ordinance, shall adopt the final operating budget for the ensuing
859 fiscal year not later than July 1 of each year. If the city council fails to adopt the budget by
860 this date, the amounts appropriated for operation for the current fiscal year shall be deemed
861 adopted for the ensuing fiscal year on a month-to-month basis, with all items prorated
862 accordingly until such time as the city council adopts a budget for the ensuing fiscal year.
863 Adoption of the budget shall take the form of an appropriations ordinance setting out the
864 estimated revenues in detail by sources and making appropriations according to fund and by
865 organizational unit, purpose, or activity as set out in the budget preparation ordinance
866 adopted pursuant to Section 6.24.

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

871 Section 6.27.

872 Tax levies.

873 The city council shall levy by ordinance such taxes as are necessary. The taxes and tax rates
874 set by such ordinance shall be such that reasonable estimates of revenues from such levy

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

900 Section 6.31.

901 Centralized purchasing.

902 The city council, by ordinance, shall prescribe procedures for a system of centralized
903 purchasing for the city.

904 Section 6.32.

905 Sale and lease of city property.

906 (a) The city council may sell and convey or lease any real or personal property owned or
907 held by the city for governmental or other purposes as now or hereafter provided by law.

908 (b) The city council may quitclaim any rights it may have in property not needed for public
909 purposes upon report by the mayor and adoption of a resolution, both finding that the
910 property is not needed for public or other purposes and that the interest of the city has no
911 readily ascertainable monetary value.

912 (c) Whenever in opening, extending, or widening any street, avenue, alley, or public place
913 of the city a small parcel or tract of land is cut off or separated by such work from a larger
914 tract or boundary of land owned by the city, the city council may authorize the mayor to sell
915 and convey said cut off or separated parcel or tract of land to an abutting or adjoining
916 property owner or owners where such sale and conveyance facilitates the enjoyment of the
917 highest and best use of the abutting owner's property. Included in the sales contract shall be
918 a provision for the rights of way of said street, avenue, alley, or public place. Each abutting

936 Section 7.12.
937 Existing personnel and officers.

938 Except as specifically provided otherwise by this charter, all personnel and officers of the
939 city and their rights, privileges, and powers shall continue beyond the time this charter takes
940 effect for a period of 180 days before or during which the existing city council shall pass a
941 transition ordinance detailing the changes in personnel and appointive officers required or
942 desired and arranging such titles, rights, privileges, and powers as may be required or desired
943 to allow a reasonable transition.

944 Section 7.13.
945 Pending matters.

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

950 Section 7.14.
951 Construction.

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

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

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

957 Section 7.15.

958 Severability.

959 If any article, section, subsection, paragraph, sentence, or part thereof of this charter shall be
960 held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect
961 nor impair other parts of this charter unless it clearly appears that such other parts are wholly
962 and necessarily dependent upon the part held to be invalid or unconstitutional, it being the
963 legislative intent in enacting this charter that each article, section, subsection, paragraph,
964 sentence, or part thereof be enacted separately and independent of each other.

965 Section 7.16.

966 Specific repealer.

967 An Act providing for a new charter for the City of Blakely, approved May 3, 2016 (Ga.
968 L. 2016, p. 3970), is hereby repealed in its entirety; and all amendatory acts thereto are
969 likewise repealed in their entirety.

970 Section 7.17.

971 General repealer.

972 All other laws and parts of laws in conflict with this charter are hereby repealed.