

House Bill 1451 (AS PASSED HOUSE AND SENATE)

By: Representative Franklin of the 160<sup>th</sup>

A BILL TO BE ENTITLED

AN ACT

1 To provide a new charter for the City of Brooklet; 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; to provide for administrative  
10 responsibilities; to provide for boards, commissions, and authorities; to provide for a city  
11 attorney, city clerk, and other personnel; to provide for the establishment of a municipal court  
12 and the judge or judges thereof; to provide for practices and procedures; to provide for  
13 taxation, permits, and fees; to provide for franchises, service charges, and assessments; to  
14 provide for bonded and other indebtedness; to provide for accounting and budgeting; to  
15 provide for contracting and purchasing; to provide for sale of city property; to provide for  
16 bonds for officials; to provide for pending matters; to provide for definitions and  
17 construction; to provide for severability; to provide for related matters; to repeal specific  
18 Acts; to repeal conflicting laws; and for other purposes.

H. B. 1451

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19 ARTICLE I  
20 INCORPORATION AND POWERS

21 SECTION 1.10.

22 Name.

23 The city and the inhabitants thereof are reincorporated by the enactment of this charter and  
24 are hereby constituted and declared a body politic and corporate under the name and style  
25 the City of Brooklet, Georgia, and by that name shall have perpetual succession.

26 SECTION 1.11.

27 Corporate boundaries.

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

37 (b) The mayor and city council may provide for the redrawing of any such map by ordinance  
38 to reflect lawful changes in the corporate boundaries or changes in zoning classifications.  
39 All such modifications shall be noted on such map by the zoning administrator. A redrawn  
40 map shall supersede for all purposes 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 the city shall be construed liberally in favor 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 Examples of 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 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 and for any purpose for which a municipality is authorized by the laws of the  
60 State of Georgia; and to provide for 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, fire safety, electrical, gas, and  
63 heating and 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 enumerated in Title 22 of the O.C.G.A., or such other  
73 applicable laws as are or may hereafter be enacted.

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, the region, and the state through the preservation and improvement  
82 of air quality, the restoration and maintenance of water resources, the control of erosion and  
83 sedimentation, the management of stormwater and establishment of a stormwater utility, the  
84 management of solid and hazardous waste, and other necessary actions for the protection of  
85 the environment.

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

90 (j) Garbage fees. To levy, fix, assess, and collect a garbage, refuse and trash collection and  
91 disposal, and other sanitary service charge, tax, or fee for such services as may be necessary  
92 in the operation of the city from all individuals, firms, and corporations residing in or doing  
93 business therein benefiting from such services; to enforce the payment of such charges, taxes  
94 or fees; and to provide for the manner and 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, and  
97 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 municipal court may  
104 work 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, to provide for the  
106 use of pretrial diversion and any alternative sentencing allowed by law, or to provide for  
107 commitment of such persons to any county work camp or county jail by agreement with the  
108 appropriate county officials.

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

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

- 116 (q) Municipal debts. To appropriate and borrow money for the payment of debts of the city  
117 and to issue bonds for the purpose of raising revenue to carry out any project, program or  
118 venture authorized by this charter or the laws of the State of Georgia.
- 119 (r) Municipal property ownership. To acquire, dispose of, lease, and hold in trust or  
120 otherwise, any real, personal, or mixed property, in fee simple or lesser interest, inside or  
121 outside the property limits of the city.
- 122 (s) Municipal property protection. To provide for the preservation and protection of  
123 property and equipment of the city, and the administration and use of same by the public; and  
124 to prescribe penalties and punishment for violations thereof.
- 125 (t) Municipal utilities. To acquire, lease, construct, operate, maintain, sell and dispose of  
126 public utilities, including, but not limited to, a system of waterworks, sewers and drains,  
127 sewage disposal, stormwater management, gas works, electric light plants, cable television  
128 and other telecommunications, transportation facilities, public airports, and any other public  
129 utility; and to fix the taxes, charges, rates, fares, fees, assessments, regulations and penalties,  
130 and to provide for the withdrawal of service for refusal or failure to pay the same.
- 131 (u) Nuisance. To define a nuisance and provide for its abatement whether on public or  
132 private property.
- 133 (v) Penalties. To provide penalties for violation of any ordinances adopted pursuant to the  
134 authority of this charter and the laws of the State of Georgia.
- 135 (w) Planning and zoning. To provide comprehensive city planning for development by  
136 zoning; and to provide subdivision regulation and the like as the mayor and city council  
137 deem necessary and reasonable to insure a safe, healthy, and aesthetically pleasing  
138 community.
- 139 (x) Police and fire protection. To exercise the power of arrest through duly appointed police  
140 officers, and to establish, operate, or contract for a police and a firefighting agency.
- 141 (y) Public hazards: removal. To provide for the destruction and removal of any building  
142 or other structure which is or may become dangerous or detrimental to the public.

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

152 (aa) Public peace. To provide for the prevention and punishment of loitering, disorderly  
153 conduct, drunkenness, riots, and public disturbances.

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

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

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

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

168 (ff) Roadways. To lay out, open, extend, widen, narrow, establish or change the grade of,  
169 abandon or close, construct, pave, curb, gutter, adorn with share trees, or otherwise improve,

170 maintain, repair, clean, prevent erosion of, and light the roads, alleys, and walkways within  
171 the corporate limits of the city; and to grant franchises and rights of way throughout the  
172 streets and roads, and over the bridges and viaducts for the use of public utilities; and to  
173 require real estate owners to repair and maintain in a safe condition the sidewalks adjoining  
174 their lots or lands, and to impose penalties for failure to do so.

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

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

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

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

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

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

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

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

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

215 (pp) Advertising and promotion of city. To advertise and promote the advantages of the  
216 city, and to encourage and promote tourism and positive exposure for the city, in such  
217 manner that shall be determined by the mayor and council of the city, including, but not  
218 limited to, the promotion and sponsorship of festivals and parades within the city, and to  
219 appropriate funds for such purposes.

## 220 SECTION 1.14.

## 221 Exercise of powers.

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

## 226 ARTICLE II

## 227 GOVERNMENT STRUCTURE

## 228 SECTION 2.10.

## 229 Mayor and city council creation; number; election.

230 The municipal government of the City of Brooklet shall consist of the mayor and five  
231 councilmembers who are constituted a body corporate under the name and style of the  
232 "Mayor and City Council of Brooklet", and by such name they shall have perpetual  
233 succession.

## 234 SECTION 2.11.

## 235 Terms and qualifications for office.

236 (a) The mayor and councilmembers shall serve for terms of four years and until their  
237 respective successors are duly elected and qualified. No person shall be eligible to serve as  
238 councilmember unless he or she has been a resident of the city for 12 months immediately  
239 preceding the election. The mayor and each member of the city council shall continue to

240 reside within the city during his or her entire term of office and shall be registered and  
241 qualified to vote in the municipal elections of the city.

242 (b) Persons qualifying for the office of councilmember must have attained the age of 18  
243 years.

244 (c) Persons qualifying for the office of mayor must have attained the age of 18 years and  
245 must have been a resident of the City of Brooklet for at least 12 months.

246 SECTION 2.12.

247 Designation of council posts.

248 (a) In order to provide for the staggered election of councilmembers, the city council is  
249 hereby divided into five councilmember posts: The position presently occupied by  
250 Councilman Hubert Keith Roughton is hereby designated councilmember Post No. 1. The  
251 position presently occupied by Councilman Bradley Anderson is hereby designated  
252 councilmember Post No. 2. The position presently occupied by Councilman Rebecca Kelly  
253 is hereby designated councilmember Post No. 3. The position presently occupied by  
254 Councilman James Harrison is hereby designated councilmember Post No. 4. The position  
255 presently occupied by Councilman Johnathan Graham is hereby designated councilmember  
256 Post No. 5.

257 (b) Elections shall be held in the year 2025 and thereafter every four years for the mayor and  
258 the councilmembers for Posts 1 and 2, such individuals to be elected for four-year terms of  
259 office. Elections shall be held in the year 2027 and thereafter every four years for  
260 councilmembers for Posts 3, 4, and 5, such individuals to be elected for four-year terms of  
261 office.

262 SECTION 2.13.

263 Oath of office.

264 The oath of office to be administered to newly elected members of council and the mayor  
265 shall be as follows:

266 "I do solemnly swear or affirm that:

267 I will faithfully execute the office of \_\_\_\_\_ of the City of Brooklet,  
268 and to the best of my ability support and defend the Constitution of the United States, the  
269 Constitution of Georgia, and the charter, ordinances, and regulations of the City of  
270 Brooklet.

271 I am not the holder of any unaccounted for public money due this state or any political  
272 subdivision or authority thereof;

273 I am not the holder of any office of trust under the government of the United States, any  
274 other state, or any foreign state which by the laws of the State of Georgia I am prohibited  
275 from holding;

276 I am otherwise qualified to hold said office according to the Constitution and laws of  
277 Georgia;

278 I have been a resident of the City of Brooklet for the time required by the Constitution and  
279 the laws of this state;

280 I will perform the duties of my office in the best interest of the City of Brooklet and to the  
281 best of my ability without fear, favor, affection, reward or expectation thereof."

## 282 SECTION 2.14.

283 Vacancy declared in office of mayor and council if officer  
284 changes residency to one outside city.

285 The mayor and each member of the city council shall reside within the corporate limits of the  
286 city during their terms of office. If any officer changes residency to one outside of the city,  
287 such office shall be declared vacant.

## 288 SECTION 2.15.

289 Filling vacancy in office of mayor, member of council.

290 (a) In case of a vacancy in the office of mayor or councilmember caused by death,  
291 resignation, failure to elect, or removal of residency, or for any other reason, the city will  
292 hold an election to elect a mayor or councilmember for the unexpired term, in accordance  
293 with Title 21, Chapter 2, of the O.C.G.A., the "Georgia Election Code."

294 (b) The mayor and councilmembers elected as provided in this section shall take the oath of  
295 office prescribed in Section 2.13 before entering upon the duties of office.

## 296 SECTION 2.16.

297 Mayor pro tempore; selection, function, duties.

298 The city council shall, at its first meeting after election and qualification, elect one of its  
299 members as mayor pro tempore, who shall, in the absence or disqualification of the mayor,  
300 be the presiding officer of the city council, shall be allowed to vote on all questions, and  
301 shall, in the absence or disqualification of the mayor, exercise all the functions of the office  
302 of mayor; and all the duties, powers, rights, and privileges conferred by this charter upon the  
303 mayor.

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SECTION 2.17.

Meetings, minutes, proceedings of council.

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(a) The city council shall be presided over at its meetings by the mayor or, in his or her absence, by the mayor pro tempore. Three councilmembers shall constitute a quorum and shall be authorized to transact the business of the council. In the event vacancies in office result in less than a quorum of councilmembers holding office, then the remaining councilmembers in office shall constitute a quorum and shall be authorized to transact the business of the mayor and city council. A vote of a majority of the remaining councilmembers shall be required for the adoption of any ordinance, resolution, or motion. The mayor and city council shall cause to be kept in a well-bound book an accurate record of all its proceedings, by-laws, acts, orders, ordinances, and resolutions, which book shall be fully indexed and open to the public. The mayor and city council shall hold monthly, semi-monthly, or weekly sessions as it may determine, and the mayor, mayor pro tempore, or three councilmembers may cause to be held such other and additional meetings as emergencies may, in their discretion, require.

(b) The mayor and city council shall have power and authority to enact such ordinances from time to time as it may deem necessary to enforce the provisions of this charter. Voting on the adoption of ordinances shall be taken by a voice vote and shall be recorded in the official minutes, but any councilmember shall have the right to request a roll-call vote. The affirmative vote of a majority of the members present shall be required for the adoption of any ordinance, resolution, or motion, except as otherwise provided in this charter.

(c) The mayor and city council shall hold regular meetings at such times and places as prescribed by ordinance. Unless otherwise modified by ordinance, the regularly scheduled monthly meeting of the mayor and city council shall be at 7:00 P.M. on the third Thursday of each month. Regular monthly meetings may be rescheduled in the event of conflicts or other circumstances.

330 (d) Special meetings of the mayor and city council may be held on call of the mayor or a  
331 majority of councilmembers. Notice of such special meetings shall be served on all other  
332 members personally, or by telephone personally, at least 48 hours in advance of the meeting.  
333 Such notice to councilmembers shall not be required of the mayor and all councilmembers  
334 who are present when the special meeting is called. Such notice of any special meeting may  
335 be waived by a councilmember or mayor in writing before or after such a meeting, and  
336 attendance at the meeting shall also constitute a waiver of notice on any business transacted  
337 in such councilmember's or mayor's presence. Only the business stated in the call may be  
338 transacted at the special meeting.

339 (e) All meetings of the mayor and city council shall be public to the extent required by law  
340 and notice to the public of special meetings shall be made fully as is reasonably possible 24  
341 hours prior to such meetings.

342 (f) Executive sessions of the mayor and city council may be held for the purpose of  
343 conducting business excepted from public access requirements as authorized in Chapter 14  
344 of Title 50 of the O.C.G.A., presently in effect, or as may hereafter be amended. Where a  
345 meeting of the mayor and city council is devoted in part to matters within the authorized  
346 exceptions to public access requirements, any portion of the meeting not subject to any such  
347 exceptions shall be open to the public. No executive session shall be held except pursuant  
348 to a majority affirmative vote of the mayor and city council taken in a public meeting. The  
349 minutes of the public meeting shall reflect the names of the mayor and city councilmembers  
350 present, those voting for the executive session and the specific reasons for the executive  
351 session. Minutes of the executive session may be maintained by the city clerk upon a  
352 majority vote of the mayor and city council. Any such minutes shall be maintained in a  
353 confidential file and shall not be subject to disclosure, except that disclosures of such  
354 portions of minutes identifying real estate to be acquired by the mayor and city council may  
355 only be delayed until such time as the acquisition of the real estate has been completed,  
356 terminated, or abandoned or court proceedings have been initiated.

357 (g) All councilmembers except the mayor shall have one vote each. As noted in  
358 Section 2.18, the mayor shall have one vote if and only if there is a tie in the votes of the  
359 other councilmembers.

360 (h) It shall be optional for the mayor and city council to have posted any measure, ordinance,  
361 or resolution at such place in the city as it may direct, for the information of the public, or  
362 it may have the same published in any newspaper of the city, but failure to so post or publish  
363 any ordinance, measure, or resolution shall in no wise operate to render same void.

364 SECTION 2.18.

365 Mayor.

366 (a) The mayor is responsible for the orderly conduct of the meetings. In order to fulfill this  
367 duty, the mayor must enforce the rules of procedure that are adopted by the mayor and city  
368 council. The mayor shall be impartial and conduct the meetings in a fair manner. The mayor  
369 may not introduce motions or second a motion except that the mayor may introduce or  
370 second a motion to go into executive session.

371 (b) The mayor shall not vote except in the case of a tie vote among the councilmembers, the  
372 mayor may then vote to break the tie. The mayor shall propose appointments to various  
373 boards, authorities, councils, and committees, which appointments must be subsequently  
374 ratified by majority of the city council, all subject to statutes of general application.

375 (c) The mayor shall:

376 (1) Preside at all meetings of the mayor and city council;

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

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

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

383 SECTION 2.19.

384 Compensation and expenses.

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

387 SECTION 2.20.

388 Conflicts of interest; holding other offices; nepotism.

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

391 (b) No elected official, appointed officer, or employee of the city or any agency or political  
392 entity to which this charter applies shall knowingly:

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

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

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

403 government, or affairs of the governmental body by which the official is engaged without  
404 proper legal authorization; or use such information to advance the financial or other private  
405 interest of the official or others;

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

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

414 (6) Vote or otherwise participate in the negotiation or in the making of any contract with  
415 any business or entity in which the official has a financial interest.

416 (c) Any elected official, appointed officer, or employee who shall have any financial  
417 interest, directly or indirectly, in any contract or matter pending before or within any  
418 department of the city shall disclose such interest to the mayor and city council. The mayor  
419 or any councilmember who has a financial interest in any matter pending before the mayor  
420 and city council shall disclose such interest and such disclosure shall be entered on the  
421 records of the mayor and city council, and that official shall disqualify himself or herself  
422 from participating in any decision or vote relating thereto. Any elected official, appointed  
423 officer, or employee of any agency or political entity to which this charter applies who shall  
424 have any financial interest, directly or indirectly, in any contract or matter pending before or  
425 within such entity shall disclose such interest to the governing body of such agency or entity.

426 (d) No elected official, appointed officer, or employee of the city or any agency or entity to  
427 which this charter applies shall use property owned by such governmental entity for personal  
428 benefit or profit but shall use such property only in their capacity as an officer or employee  
429 of the city.

430 (e) Any violation of this section which occurs with the knowledge, express or implied, of  
431 a party to a contract or sale shall render said contract or sale voidable at the option of the  
432 mayor and city council.

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

438 (g) No appointive officer of the city shall continue in such employment upon qualifying as  
439 a candidate for nomination or election to any public office. No employee of the city shall  
440 continue in such employment upon qualifying for or election to any public office in this city  
441 or any other public office which is inconsistent, incompatible or in conflict with the duties  
442 of the city employee. Such determination shall be made by the council either immediately  
443 upon election or at any time such conflict may arise.

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

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

450 (i) No immediate family member of the mayor and city council shall be employed by the  
451 city during the term for which the mayor or councilmember has been elected.

452 SECTION 2.21.  
453 Inquiries and investigations.

454 The mayor and city council may make inquiries and investigations into the affairs of the city  
455 and the conduct of any department, office or agency thereof, and for this purpose may  
456 subpoena witnesses, administer oaths, take testimony, and require the production of  
457 evidence. Any person who fails or refuses to obey a lawful order issued in the exercise of  
458 these powers by the mayor and city council shall be punished as provided by this charter or  
459 ordinance.

460 SECTION 2.22.  
461 Rules of procedure.

462 (a) In order for the mayor and city council to take any official action on any subject, a  
463 councilmember must propose a main motion. A proposed main motion will not be  
464 recognized by the mayor until another councilmember agrees to second the motion. This  
465 section does not require the councilmember seconding the motion to support the motion. A  
466 councilmember may withdraw a main motion that he or she has made at the time before the  
467 council has voted on the motion.

468 (b) After the main motion is recognized by the mayor, the mayor and city council shall  
469 debate the motion. The debate shall be managed by the mayor in a manner that is fair to all  
470 members. During the course of the debate, councilmembers may introduce subsidiary  
471 motions that propose that the mayor and city council take a particular action on a motion, i.e.,  
472 to postpone indefinitely, amend, refer to committee, and postpone to a time certain.  
473 Subsidiary motions require a second before they can be voted on or debated. Motions to  
474 recess and adjourn require a second.

475 (c) Voting on motions shall take place in accordance with the following provisions:

- 476 (1) If debate has been completed and no other councilmember wishes to speak, the mayor  
477 can call for the vote. If there are no objections, then the mayor can proceed with the vote;  
478 or  
479 (2) If the mayor calls for the vote and there is an objection, a councilmember may move  
480 to vote immediately, "move the previous question." If this motion is seconded and  
481 approved by a two-thirds' vote, debate will stop. The mayor will then read the proposed  
482 motion to the council and ask for the votes of the councilmembers.

483 SECTION 2.23.

484 Ordinance form; procedures.

- 485 (a) All ordinances passed subsequent to the current city code which amend, repeal or in any  
486 way affect the current city code must be numbered in accordance with the numbering system  
487 of the current city code and printed for inclusion herein. In the case of repealed chapters,  
488 sections and subsections or any part thereof, by subsequent ordinances, such repealed  
489 portions may be excluded from the city code by omission from reprinted pages affected  
490 thereby. The subsequent ordinances as numbered and printed are omitted, in the case of  
491 repeal, shall be prima facie evidence of such subsequent ordinances until such time that the  
492 current city code and subsequent ordinances numbered or omitted are re-adopted as new code  
493 by the mayor and city council.
- 494 (b) Amendments to any of the provisions of the city code may be made by amending such  
495 provision by specific reference to the section number of the code in the following language:  
496 "Section \_\_\_\_\_ of the Code of Ordinances, City of Brooklet, Georgia, is hereby amended  
497 to read as follows ..." The new section shall then be set out in full as desired.
- 498 (c) If a new section not heretofore existing in the city code is to be added, the following  
499 language may be used: "The Code of Ordinances, City of Brooklet, Georgia is hereby

500 amended by adding Section (or Article or Chapter) to be numbered \_\_\_\_\_, which  
501 Section reads as follows ..." The new section may then be set out in full as desired.

502 (d) All sections, articles, chapters or provisions desired to be repealed should be specifically  
503 repealed by section, article or chapter number, as the case may be.

504 (e) An ordinance may be introduced by any councilmember and be read at a regular or  
505 special meeting of the mayor and city council. Ordinances shall be considered and adopted  
506 or rejected by the mayor and city council in accordance with the rules which it shall  
507 establish; provided, however, an ordinance shall not be adopted the same day it is introduced,  
508 except for emergency ordinances provided in Section 2.25. Upon introduction of any  
509 ordinance, the city clerk shall as soon as possible distribute a copy to the mayor and to each  
510 councilmember and shall file a reasonable number of copies in the office of the clerk at such  
511 other public places as the mayor and city council may designate.

512 SECTION 2.24.

513 Action requiring an ordinance.

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

516 SECTION 2.25.

517 Emergencies.

518 To meet a public emergency affecting life, health, property or public peace, the mayor and  
519 city council may convene on call of the mayor or three councilmembers and promptly adopt  
520 an emergency ordinance, but such ordinance may not levy taxes; grant, renew or extend a  
521 franchise; regulate the rate charged by any public utility for its services; or authorize the  
522 borrowing of money except for loans to be repaid within 30 days. An emergency ordinance

523 shall be introduced in the form prescribed for ordinances generally, except that it shall be  
524 plainly designated as an emergency ordinance and shall contain, after the enacting clause,  
525 a declaration stating that an emergency exists, and describing the emergency in clear and  
526 specific terms. An emergency ordinance may be adopted, with or without amendment, or  
527 rejected at the meeting at which it is introduced, but the affirmative vote of at least  
528 three councilmembers shall be required for adoption. It shall become effective upon  
529 adoption or at such later time as it may specify. Every emergency ordinance shall  
530 automatically stand repealed 30 days following the date upon which it was adopted, but this  
531 shall not prevent reenactment of the ordinance in the manner specified in this section if the  
532 emergency still exists. An emergency ordinance may also be repealed by adoption of a  
533 repealing ordinance in the same manner specified in this section for adoption of emergency  
534 ordinances.

535 SECTION 2.26.

536 Code of technical regulations.

- 537 (a) The mayor and city council may adopt any standard code of technical regulations by  
538 reference thereto in an adopting ordinance. The procedure and requirements governing such  
539 adopting ordinance shall be as prescribed for ordinances generally except that:
- 540 (1) The requirements of Section 2.23 for distribution and filing of copies of the ordinance  
541 shall be construed to include copies of any code of technical regulations, as well as the  
542 adopting ordinance; and
- 543 (2) A copy of each adopted code of technical regulations, as well as the adopting  
544 ordinance, shall be authenticated and recorded by the city clerk pursuant to Section 2.27.
- 545 (b) Copies of any adopted code of technical regulations shall be made available by the city  
546 clerk for distribution or for purchase at a reasonable price.

## 547 SECTION 2.27.

548 Signing; authenticating; recording; codification; printing.

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

551 (b) The mayor and city council shall provide for the preparation of a general codification of  
552 all the ordinances of the city having the force and effect of law. The general codification  
553 shall be adopted by the mayor and city council by ordinance and shall be published promptly,  
554 together with all amendments thereto and such codes of technical regulations and other rules  
555 and regulations as the mayor and city council may specify. This compilation shall be known  
556 and cited officially as the "The Code of the City of Brooklet, Georgia." Copies of the city  
557 code shall be furnished to all officers, departments and agencies of the city, and may be made  
558 available for purchase by the public at a reasonable price as fixed by the mayor and city  
559 council.

## 560 SECTION 2.28.

561 General power and authority.

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

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

571 SECTION 2.29.

572 Eminent domain.

573 The mayor and city council are hereby empowered to acquire, construct, operate and  
574 maintain public ways, parks, public grounds, cemeteries, markets, market houses, public  
575 buildings, libraries, sewers, drains, sewage treatment, waterworks, electrical systems, gas  
576 systems, airports, hospitals, and charitable, educational, recreational, sport, curative,  
577 corrective, detentional, penal, and medical institutions, agencies and facilities, and any other  
578 public improvements inside or outside the city, and to regulate the use thereof, and for such  
579 purposes, property may be condemned under procedures established under general law  
580 applicable now or as provided in the future.

581 SECTION 2.30.

582 City manager; appointment; qualifications; compensation.

583 The mayor and city council shall appoint a city manager, also know as "the manager," for an  
584 indefinite term and shall fix the manager's compensation. The manager shall be appointed  
585 solely on the basis of executive and administrative qualifications.

586 SECTION 2.31.

587 Removal of city manager.

588 (a) The mayor and city council may remove the manager from office in accordance with the  
589 following procedures:

590 (1) The mayor and city council shall adopt by affirmative vote of a majority of all its  
591 members a preliminary resolution which must state the reasons for removal and may

592 suspend the manager from duty for a period not to exceed 45 days. A copy of the  
593 resolution shall be delivered promptly to the manager;

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

598 (3) If the manager has not requested a public hearing within the time specified in  
599 paragraph (2) of this subsection, the mayor and city council may adopt a final resolution  
600 for removal, which may be made effective immediately, by an affirmative vote of a  
601 majority of all its members. If the manager has requested a public hearing, the mayor and  
602 city council may adopt a final resolution for removal, which may be made effective  
603 immediately, by an affirmative vote of a majority of all its members at any time after the  
604 public hearing.

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

607 SECTION 2.32.

608 Acting city manager.

609 By letter filed with the city clerk, the manager shall designate, subject to approval of the  
610 mayor and city council, a qualified city administrative officer to exercise the powers and  
611 perform the duties of manager during the manager's temporary absence or physical or mental  
612 disability. During such absence or disability, the mayor and city council may revoke such  
613 designation at any time and appoint another officer of the city to serve until the manager shall  
614 return or the manager's disability shall cease.

## 615 SECTION 2.33.

## 616 Powers and duties of the city manager.

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

621 (1) Appoint and, when the manager deems it necessary for the good of the city, suspend  
622 or remove all city employees and administrative officers the manager appoints, except as  
623 otherwise provided by law or personnel ordinances adopted pursuant to this charter. The  
624 manager may authorize any administrative officer who is subject to the manager's direction  
625 and supervision to exercise these powers with respect to subordinates in that officer's  
626 department, office or agency;

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

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

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

635 (5) Prepare and submit the annual operating budget and capital budget to the mayor and  
636 city council;

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

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

643 (8) Keep the mayor and city council fully advised as to the financial condition and future  
644 needs of the city, and make such recommendations to the mayor and city council  
645 concerning the affairs of the city as the manager deems desirable; and

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

648 SECTION 2.34.

649 Council interference with administration.

650 Except for the purpose of inquiries and investigations under Section 2.21, the mayor and city  
651 council or its members shall deal with city officers and employees who are subject to the  
652 direction and supervision of the manager solely through the manager, and neither the mayor  
653 and city council nor its members shall give orders to any such officer or employee, either  
654 publicly or privately.

655 ARTICLE III

656 ADMINISTRATIVE AFFAIRS

657 SECTION 3.10.

658 Administrative and service departments.

659 (a) Except as otherwise provided in this charter, the mayor and city council, by ordinance,  
660 shall prescribe the functions or duties, and establish, abolish, alter, consolidate or leave

661 vacant all nonelective offices, positions of employment, departments and agencies of the city,  
662 as necessary for the proper administration of the affairs and government of this city.

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

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

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

672 (e) All appointive officers and directors under the supervision of the city manager shall be  
673 nominated by the city manager with confirmation of appointment by the mayor and city  
674 council. All appointive officers and directors shall be employees at will and subject to  
675 removal or suspension at any time by the city manager unless otherwise provided by law or  
676 ordinance.

677 SECTION 3.11.

678 Boards, commissions and authorities.

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

683 (b) All members of boards, commissions and authorities of the city shall be appointed by the  
684 mayor and city council for such terms of office and in such manner as shall be provided by

685 ordinance, except where other appointing authority, terms of office, or manner of  
686 appointment is prescribed by this charter or by law.

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

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

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

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

699 (g) All board members serve at will and may be removed at any time by a vote of three  
700 councilmembers unless otherwise provided by law.

701 (h) Except as otherwise provided by this charter or by law, each board, commission or  
702 authority of the city shall elect one of its members as chairperson and one member as vice  
703 chairperson, and may elect as its secretary one of its own members or may appoint as  
704 secretary an employee of the city. Each board, commission or authority of the city  
705 government may establish such bylaws, rules and regulations, not inconsistent with this  
706 charter, ordinances of the city, or law, as it deems appropriate and necessary for the  
707 fulfillment of its duties or the conduct of its affairs. Copies of such bylaws, rules and  
708 regulations shall be filed with the city clerk.

709 SECTION 3.12.

710 City attorney.

711 The mayor and city council shall appoint a city attorney, together with such assistant city  
712 attorneys as may be authorized, and shall provide for the payment of such attorney or  
713 attorneys for services rendered to the city. The city attorney shall be responsible for  
714 providing for the representation and defense of the city in all litigation in which the city is  
715 a party; may be the prosecuting officer in the municipal court; shall attend the meetings of  
716 the mayor and city council as directed; shall advise the mayor and city council and other  
717 officers and employees of the city concerning legal aspects of the city's affairs; and shall  
718 perform such other duties as may be required by virtue of the person's position as city  
719 attorney. The city attorney is not a public official of the city and does not take an oath of  
720 office. The city attorney shall at all times be an independent contractor. A law firm, rather  
721 than an individual, may be designated as the city attorney.

722 SECTION 3.13.

723 City clerk.

724 The city manager shall appoint a city clerk who shall not be a councilmember. The city clerk  
725 shall be custodian of the official city seal and city records; maintain city council records  
726 required by this charter; and perform such other duties as may be required by the mayor and  
727 city council.

728 SECTION 3.14.

729 Position classification and pay plans.

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

737 SECTION 3.15.

738 At will employer; advisory rules.

739 (a) The City of Brooklet is an at will employer pursuant to Georgia law. Employees may  
740 be terminated at any time with or without cause or advance notice by the city manager. Any  
741 rules, regulations or ordinances adopted or practiced with respect to due process and  
742 discipline are advisory in nature, and shall not create contractual obligations on the part of  
743 employees or the city, and shall not alter the at will employment relationship.

744 (b) The mayor and city council are authorized to enact advisory policies and provisions  
745 regarding procedures for discipline and due process with respect to city personnel, provided  
746 that such policies and procedures shall be advisory only, and shall not alter the at will  
747 employment relationship as provided for in this charter.

748 ARTICLE IV  
749 JUDICIAL BRANCH

750 SECTION 4.10.  
751 Creation; name.

752 There shall be a court to be known as the Municipal Court of the City of Brooklet.

753 SECTION 4.11.  
754 Judge of the municipal court of the city of Brooklet.

755 (a) The municipal court shall be presided over by the judge of the City of Brooklet. The  
756 judge shall be appointed by the mayor and city council. The judge shall serve a term and  
757 may be removed as provided for by general law.

758 (b) No person shall be qualified or eligible to serve as a judge on the municipal court unless  
759 he or she shall have attained the age of 21 years and shall be a member of the State Bar of  
760 Georgia.

761 (c) Before assuming office, the judge shall take an oath, given by the mayor, that he or she  
762 will honestly and faithfully discharge the duties of his or her office to the best of his or her  
763 ability and without fear, favor or partiality.

764 SECTION 4.12.  
765 Convening.

766 The municipal court shall be convened at regular intervals as determined by the mayor and  
767 city council.

768 SECTION 4.13.  
769 Jurisdiction, powers.

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

772 (b) The municipal court shall have authority to punish those in its presence for contempt,  
773 provided that such punishment shall not be in excess of \$200.00 or ten days in jail.

774 (c) The municipal court may fix punishment for offenses within its jurisdiction not  
775 exceeding a fine of \$1,000.00, or imprisonment for six months, or both such fine and  
776 imprisonment, or may fix punishment by fine, imprisonment or alternative sentencing as  
777 now, or hereafter provided by law.

778 (d) The municipal court shall have authority to establish bail and recognizances to ensure  
779 the presence of those charged with violations before said court, and shall have discretionary  
780 authority to accept cash or personal or real property as surety for the appearance of persons  
781 charged with violations. Whenever any person shall give bail for that person's appearance  
782 and shall fail to appear at the time fixed for trial, the bond shall be forfeited by the judge  
783 presiding at such time, and an execution issued thereon by serving the defendant the  
784 defendant's sureties with a rule nisi, at least two days before a hearing on the rule nisi. In the  
785 event that cash or property is accepted in lieu of bond for security for the appearance of a  
786 defendant at trial, and if such defendant fails to appear at the time and place fixed for trial,  
787 the cash so deposited shall be on order of the judge declared forfeited to the city, or the  
788 property so deposited shall have a lien against it for the value forfeited which lien shall be  
789 enforceable in the same manner and to the same extent as a lien for city property taxes.

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

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

796 (g) The judge of the municipal court shall be authorized to issue warrants for the arrest of  
797 persons charged with offenses against any ordinance of the city, and each judge of the  
798 municipal court shall have the same authority as a magistrate of the state to issue warrants  
799 for offenses against state laws committed within the city;

800 (h) The municipal court shall have authority to establish a schedule of fees to defray the cost  
801 of operation, and shall be entitled to reimbursement of the cost of meals, transportation, and  
802 caretaking of prisoners bound over to superior courts for violations of state law;

803 (i) The municipal court judge of the city is authorized to issue warrants for the arrest of all  
804 persons charged, upon affidavits made before the judge, with having committed within the  
805 limits of the City of Brooklet, offenses against any ordinance of the city or penal law of the  
806 state, and to take examination of such persons, and the same to discharge or commit to the  
807 county jail or let to bail, according to law, to answer such charge before the court having  
808 jurisdiction, all of which warrants shall be addressed to "the Chief of Police of Brooklet,  
809 Georgia, or any lawful policeman thereof, and to all and singular the sheriffs, deputy sheriffs,  
810 and constables of this state," and any one of the officers shall have the same authority to  
811 execute the warrants as the sheriffs of this state have to execute criminal warrants.

812 SECTION 4.14.

813 Appeal.

814 The right of appeal from the decision and judgment of the municipal court shall exist in all  
815 criminal cases and ordinance violation cases, and such appeal shall be had pursuant to  
816 general law to the Superior Court of Bulloch County.

817 SECTION 4.15.

818 Rules of court.

819 With the approval of the mayor and city council, the judge shall have full power and  
820 authority to make reasonable rules and regulations necessary and proper to secure the  
821 efficient and successful administration of the municipal court; provided, however, that the  
822 mayor and city council may adopt in part or in toto the rules and regulations applicable to  
823 superior courts.

824 ARTICLE V

825 ELECTIONS AND REMOVAL

826 SECTION 5.10.

827 Applicability of general law.

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

830 SECTION 5.11.

831 Nonpartisan elections.

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

834 SECTION 5.12.

835 Election by plurality.

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

837 SECTION 5.13.

838 Other provisions.

839 Except as otherwise provided by this charter, the mayor and city council shall, by ordinance,  
840 prescribe such rules and regulations it deems appropriate to fulfill any options and duties  
841 under the Georgia Election Code.

842 SECTION 5.14.

843 Removal of officers.

844 (a) The mayor, councilmembers, or other appointed officers provided for in this charter shall  
845 be removed from office for any one or more of the following causes:

846 (1) Incompetence, misfeasance, or malfeasance in office;

847 (2) Conviction of a crime involving moral turpitude;

848 (3) Failure at any time to possess any of the qualifications of office as provided by this  
849 charter or by law;

850 (4) Knowingly violating any express prohibition of this charter;

851 (5) Abandonment of office or neglect to perform the duties thereof; or

852 (6) Failure for any other cause to perform the duties of office as required by this charter  
853 or by state law.

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

- 856 (1) By the vote of three councilmembers after an investigative hearing. In the event an  
857 elected officer is sought to be removed by the action of the mayor and city council, such  
858 officer shall be entitled to a written notice specifying the ground or grounds for removal  
859 and to a public hearing which shall be held not less than ten days after the service of such  
860 written notice. Any elected officer sought to be removed from office as herein provided  
861 shall have the right of appeal from the decision of the mayor and city council to the  
862 Superior Court of Bulloch County. Such appeal shall be governed by the same rules as  
863 govern appeals to the superior court from the probate court; or
- 864 (2) By an order of the Superior Court of Bulloch County, Georgia, following a hearing on  
865 a complaint seeking such removal brought by any resident of the City of Brooklet.

866 ARTICLE VI

867 FINANCE

868 SECTION 6.10.

869 Property tax.

870 The mayor and city council may assess, levy and collect an ad valorem tax on all real and  
871 personal property within the corporate limits of the city that is subject to such taxation by the  
872 state and county. This tax is for the purpose of raising revenues to defray the costs of  
873 operating the city government, of providing governmental services, for the repayment of  
874 principal and interest on general obligations, and for any other public purpose as determined  
875 by the mayor and city council in their discretion.

876 SECTION 6.11.

877 Millage rate; due dates; payment methods.

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

882 SECTION 6.12.

883 Occupation and business taxes.

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

888 SECTION 6.13.

889 Regulatory fees; permits.

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

895 SECTION 6.14.

896 Franchises.

897 (a) The mayor and city council shall have the power to grant franchises for the use of this  
898 city's streets and alleys for the purposes of railroads, street railways, telephone companies,  
899 electric companies, electric membership corporations, cable television and other  
900 telecommunications companies, gas companies, transportation companies and other similar  
901 organizations. The mayor and city council shall determine the duration, terms, whether the  
902 same shall be exclusive or nonexclusive, and the consideration for such franchises; provided,  
903 however, no franchise shall be granted for a period in excess of 35 years and no franchise  
904 shall be granted unless the city receives just and adequate compensation therefor. The mayor  
905 and city council shall provide for the registration of all franchises with the city clerk in a  
906 registration book kept by such clerk. The mayor and city council may provide by ordinance  
907 for the registration within a reasonable time of all franchises previously granted.

908 (b) If no franchise agreement is in effect, the mayor and city council have the authority to  
909 impose a tax on gross receipts for the use of this city's streets and alleys for the purposes of  
910 railroads, street railways, telephone companies, electric companies, electric membership  
911 corporations, cable television and other telecommunications companies, gas companies,  
912 transportation companies and other similar organizations.

913 SECTION 6.15.

914 Service charges.

915 The mayor and city council by ordinance shall have the power to assess and collect fees,  
916 charges, assessments, and tolls for sewers, sanitary and health services, or any other services  
917 provided or made available within and without the corporate limits of the city. If unpaid,  
918 such charges shall be collected as provided in Section 6.18.

919 SECTION 6.16.

920 Special assessments.

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

925 SECTION 6.17.

926 Construction; other taxes and fees.

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

930 SECTION 6.18.

931 Collection of delinquent taxes and fees.

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

939 SECTION 6.19.  
940 General obligation bonds.

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

945 SECTION 6.20.  
946 Revenue bonds.

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

950 SECTION 6.21.  
951 Short-term loans.

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

954 SECTION 6.22.  
955 Lease-purchase contracts.

956 The city may enter into multi-year lease, purchase or lease-purchase contracts for the  
957 acquisition of goods, materials, real and personal property, services, and supplies provided  
958 the contract terminates without further obligation on the part of the municipality at the close

959 of the calendar year in which it was executed and at the close of each succeeding calendar  
960 year for which it may be renewed. Contracts must be executed in accordance with the  
961 requirements of Section 36-60-13 of the O.C.G.A., or other such applicable laws as are or  
962 may hereafter be enacted.

963 SECTION 6.23.

964 Fiscal year.

965 The mayor and city council shall set the fiscal year by ordinance. This fiscal year shall  
966 constitute the budget year and the year for financial accounting and reporting of each and  
967 every office, department, agency and activity of the city government unless otherwise  
968 provided by state or federal law.

969 SECTION 6.24.

970 Preparation of budgets.

971 The mayor and city council may provide an ordinance on the procedures and requirements  
972 for the preparation and execution of an annual operating budget, a capital improvement plan  
973 and a capital budget, including requirements as to the scope, content and form of such  
974 budgets and plans.

975 SECTION 6.25.

976 Submission of operating budget to city council.

977 On or before a date fixed by the mayor and city council but not later than 60 days prior to the  
978 beginning of each fiscal year, the city manager shall submit to the mayor and city council a  
979 proposed operating budget for the ensuing fiscal year. The budget shall be accompanied by

980 a message from the city manager containing a statement of the general fiscal policies of the  
981 city, the important features of the budget, explanations of major changes recommended for  
982 the next fiscal year, a general summary of the budget, and such other pertinent comments and  
983 information. The operating budget and the capital budget hereinafter provided for, the  
984 budget message, and all supporting documents shall be filed in the office of the city clerk and  
985 shall be open to public inspection.

986 SECTION 6.26.

987 Action by city council on budget.

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

993 (b) The mayor and city council shall adopt the final operating budget for the ensuing fiscal  
994 year not later than the third Thursday of June each year. If the mayor and city council fail  
995 to adopt the budget by this date, the amounts appropriated for operation for the current fiscal  
996 year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all  
997 items prorated accordingly until such time as the mayor and city council adopt a budget for  
998 the ensuing fiscal year.

999 (c) The amount set out in the adopted operating budget for each organizational unit shall  
1000 constitute the annual appropriation for such, and no expenditure shall be made or  
1001 encumbrance created in excess of the otherwise unencumbered balance of the appropriations  
1002 or allotment thereof, to which it is chargeable.

1003 SECTION 6.27.

1004 Tax levies.

1005 The mayor and city council shall levy by ordinance such taxes as are necessary. The taxes  
1006 and tax rates set by such ordinances shall be such that reasonable estimates or revenues from  
1007 such levy shall at least be sufficient, together with other anticipated revenues, fund balances  
1008 and applicable reserves, to equal the total amount appropriated for each of the several funds  
1009 set forth in the annual operating budget for defraying the expenses of the general government  
1010 of this city.

1011 SECTION 6.28.

1012 Changes in appropriations.

1013 The mayor and city council by ordinance may make changes in the appropriations contained  
1014 in the current operating budget, at any regular meeting, special or emergency meeting called  
1015 for such purpose, but any additional appropriations may be made only from an existing  
1016 unexpended surplus.

1017 SECTION 6.29.

1018 Capital budget.

1019 (a) On or before the date fixed by the mayor and city council but no later than 60 days prior  
1020 to the beginning of each fiscal year, the city manager shall submit to the mayor and city  
1021 council a proposed capital improvements plan with a recommended capital budget containing  
1022 the means of financing the improvements proposed for the ensuing fiscal year. The mayor  
1023 and city council shall have power to accept, with or without amendments, or reject the  
1024 proposed plan and proposed budget. The mayor and city council shall not authorize an

1025 expenditure for the construction of any building, structure, work or improvement, unless the  
1026 appropriations for such project are included in the capital budget, except to meet a public  
1027 emergency as provided in Section 2.25.

1028 (b) The mayor and city council shall adopt the final capital budget for the ensuing fiscal year  
1029 not later than the third Thursday of June each year. No appropriation provided for in a prior  
1030 capital budget shall lapse until the purpose for which the appropriation was made shall have  
1031 been accomplished or abandoned; provided, however, the city manager may submit  
1032 amendments to the capital budget at any time during the fiscal year, accompanied by  
1033 recommendations. Any such amendments to the capital budget shall become effective only  
1034 upon adoption.

1035 SECTION 6.30.

1036 Independent audit.

1037 There shall be an annual independent audit of all city accounts, funds and financial  
1038 transactions by a certified public accountant selected by the mayor and city council. The  
1039 audit shall be conducted according to generally accepted auditing principles. Any audit of  
1040 any funds by the state or federal governments may be accepted as satisfying the requirements  
1041 of this charter. Copies of annual audit reports shall be available at printing costs to the  
1042 public.

1043 SECTION 6.31.

1044 Contracting procedures.

1045 No contract with the city shall be binding on the city unless:

1046 (1) It is in writing; and

1047 (2) It is made or authorized by the mayor and city council and such approval is entered in  
1048 the official minutes of the city council meeting.

1049 SECTION 6.32.

1050 Centralized purchasing.

1051 The mayor and city council shall by ordinance prescribe procedures for a system of  
1052 centralized purchasing for the city.

1053 SECTION 6.33.

1054 Sale and lease of city property.

1055 (a) The mayor and city council may sell and convey, or lease any real or personal property  
1056 owned or held by the city for governmental or other purposes as now or hereafter provided  
1057 by law.

1058 (b) The mayor and city council may quitclaim any rights it may have in property not needed  
1059 for public purposes upon report by the city manager and adoption of a resolution, both  
1060 finding that the property is not needed for public or other purposes and that the interest of the  
1061 city has no readily ascertainable monetary value.

1062 (c) Whenever in opening, extending or widening any street, avenue, alley or public place of  
1063 the city, a small parcel or tract of land is cut off or separated by such work from a larger tract  
1064 or boundary of land owned by the city, the mayor and city council may authorize the city  
1065 manager to sell and convey said cut off or separated parcel or tract of land to an abutting or  
1066 adjoining property owner or owners where such sale and conveyance facilitates the  
1067 enjoyment of the highest and best use of the abutting owner's property. Included in the sales  
1068 contract shall be a provision for the rights of way of said street, avenue, alley or public place.  
1069 Each abutting property owner shall be notified of the availability of the property and given



## SECTION 7.12.

1087

1088

Existing personnel and officers.

1089 Except as specifically provided otherwise by this charter, all personnel and officers of the  
1090 city and their rights, privileges and powers shall continue beyond the time this charter takes  
1091 effect as if the personnel and officers were appointed, hired, or elected under this charter.

## SECTION 7.13.

1092

1093

Pending matters.

1094 Except as specifically provided otherwise by this charter, all rights, claims, actions, orders,  
1095 contracts, and legal or administrative proceedings shall continue and any such ongoing work  
1096 or cases shall be completed by such city agencies, personnel, or offices as may be provided  
1097 by the mayor and city council.

## SECTION 7.14.

1098

1099

Construction.

1100 (a) Section captions in this charter are informative only and are not to be considered as a part  
1101 thereof.

1102 (b) The word "shall" is mandatory and the word "may" is permissive.

1103 (c) The singular shall include the plural, the masculine shall include the feminine, and vice  
1104 versa.

1105 SECTION 7.15.

1106 Severability.

1107 If any article, section, subsection, paragraph, sentence, or part thereof of this charter shall be  
1108 held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect  
1109 or impair other parts of this charter unless it clearly appears that such other parts are wholly  
1110 and necessarily dependent upon the part held to be invalid or unconstitutional, it being the  
1111 legislative intent in enacting this charter that each article, section, subsection, paragraph,  
1112 sentence, or part thereof be enacted separately and independent of each other.

1113 SECTION 7.16.

1114 Specific repealer.

1115 An Act incorporating the City of Brooklet in the County of Bulloch, approved May 17, 2004  
1116 (Ga. Laws 2004, p. 3989), is hereby repealed in its entirety and all amendatory acts thereto  
1117 are likewise repealed in their entirety.

1118 SECTION 7.17.

1119 General repealer.

1120 All other laws and parts of laws in conflict with this Act are repealed.