

House Bill 1246 (AS PASSED HOUSE AND SENATE)

By: Representative Anderson of the 10th

A BILL TO BE ENTITLED

AN ACT

1 To provide a new charter for the City of Clayton; to provide for reincorporation, boundaries,
2 and powers of the city; to provide for the examples of powers; to provide for the governing
3 structure of such city and the powers, duties, authority, elections, terms, removal from office,
4 method of filling vacancies, compensation, and prohibitions of the city council; to provide
5 for eminent domain; to provide for meetings, rules of procedure, quorums, and voting; to
6 provide for ordinances; to provide for emergency ordinances; to provide for codes of
7 technical regulation; to provide for authentication, recording, and codification of ordinances;
8 to provide for the office and certain powers and duties of the city manager and acting city
9 manager; to prohibit council interference with administration; to provide for the office of
10 mayor and certain duties and powers relative to the office of mayor; to provide for the
11 submission of ordinances to the mayor and a mayoral veto; to provide for a mayor pro tem;
12 to provide for administrative responsibilities; to provide for boards, commissions and
13 authorities; to provide for a city attorney, city clerk, and other personnel; to provide for the
14 establishment of a municipal court and the judge or judges thereof; to provide for practices
15 and procedures; to provide for taxation, permits, and fees; to provide for franchises, utility
16 service chargers, and other chargers; to provide for service charges and assessments; to
17 provide for bonded and other indebtedness; to provide for accounting and budgeting; to
18 provide for contracting and purchasing; to provide for sale of city property; to provide for

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19 bonds for officers; to provide for prior ordinances, current employees, and pending matters;
20 to provide for penalties; to provide for definitions and construction; to provide for charter
21 reviews; to provide for severability; to provide for related matters; to repeal specific Acts;
22 to repeal conflicting laws; and for other purposes.

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

24 **ARTICLE I**
25 **INCORPORATION AND POWERS**

26 **SECTION 1.10.**
27 **Reincorporation.**

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

31 **SECTION 1.11.**
32 **Corporate boundaries.**

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

39 such map or description certified by the city clerk shall be admitted as evidence in all courts
40 and shall have the same force and effect as with the original map or description.

41 (b) All future alterations of said map or description, as directed by the council to reflect
42 lawful changes in the corporate boundaries, shall be signed by the mayor and city clerk. A
43 redrawn map or description shall supercede, for all purposes, the entire map or maps and
44 description or descriptions which it is designated to replace.

45 **SECTION 1.12.**

46 General powers and construction.

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

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

54 **SECTION 1.13.**

55 Examples of powers.

56 The corporate powers of the city shall include, but not be limited to, the following:

57 (1) Animal regulations - to regulate and license or to prohibit the keeping or running at
58 large of animals and fowl;

59 (2) Appropriations and expenditures - to make appropriations for the support of the
60 government of the city; to authorize the expenditure of money for any purposes

61 authorized by this charter and for any purpose for which a municipality is authorized by
62 the laws of the State of Georgia; and to provide for the payment of expenses of the city;

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

67 (4) Business regulation taxation - to levy and to provide for the collection of regulatory
68 fees and taxes on privileges, occupations, trades and professions as authorized by Title
69 48 of the Official Code of Georgia Annotated, or other such applicable laws as are or may
70 hereafter be enacted; to permit and regulate the same; to provide for the manner and
71 method of payment of such regulatory fees and taxes; and to revoke such permits after
72 due process for failure to pay any city taxes or fees;

73 (5) Condemnation - to condemn property, inside or outside the corporate limits of the
74 city, for present or future use and for any corporate purpose deemed necessary by the
75 governing authority, utilizing procedures enumerated in Title 22 of the Official Code of
76 Georgia Annotated, or such other applicable laws as are or may hereafter be enacted;

77 (6) Contracts - to enter into agreements and contracts with other governmental entities
78 and private persons or firms and corporations;

79 (7) Emergencies - to establish procedures for determining or proclaiming that an
80 emergency situation exists within the city and carrying out all reasonable provisions
81 deemed necessary to deal with such an emergency for the protection, safety, health and
82 well-being of the citizens of the city;

83 (8) Environmental protection - to protect and preserve the natural resources, environment
84 and vital areas of the city, the region, and the state through the preservation and
85 improvement of air quality, the restoration and maintenance of water resources, the
86 control of erosion and sedimentation, the management of stormwater and establishment

87 of a stormwater utility, the management of solid and hazardous waste, and other
88 necessary actions for the protection of the environment;

89 (9) Fire regulations - to fix and establish fire limits and from time to time to extend,
90 enlarge, or restrict the same and to describe fire safety regulations not inconsistent with
91 Georgia law, relating to both fire prevention and firefighting, and to prescribe penalties
92 and punishments for violations thereof;

93 (10) Garbage fees - to levy, fix, assess, and collect a garbage, refuse and trash collection
94 and disposal, and other sanitary service charge, tax, or fee for such services as may be
95 necessary in the operation of the city from all individuals, firms, and corporations
96 residing in or doing business therein benefitting from such services; to enforce the
97 payment of such charges, taxes or fees; and to provide for the manner and method of
98 collecting such service charges;

99 (11) General health, safety and welfare - to define, regulate and prohibit any act,
100 practice, conduct or use of property which is detrimental to the health, sanitation,
101 cleanliness, welfare, and safety of the inhabitants of the city; and to provide for the
102 enforcement of such standards;

103 (12) Gifts - to accept or refuse gifts, donations, bequests, or grants from any source for
104 any purposes related to the powers and duties of the city and the general welfare of its
105 citizens on such terms and conditions as a donor or grantor may impose;

106 (13) Health and sanitation - to prescribe standards of health and sanitation and to
107 provide for the enforcement of such standards;

108 (14) Jail sentences - to provide that persons given jail sentences in the city's court may
109 work out such sentences in any public works or on the streets, roads, drains and other
110 public property in the city, to provide for commitment of such persons to any jail, to
111 provide for the use of pretrial diversion and any alternative sentencing allowed by law,
112 or to provide for commitment of such persons to any county work camp or county jail by
113 agreement with the appropriate county officials;

- 114 (15) Motor vehicles - to regulate operation of motor vehicles and exercise control over
115 all traffic including parking upon and across streets, roads, alleys, and walkways of the
116 city;
- 117 (16) Municipal agencies and delegation of power - to create, alter or abolish departments,
118 boards, offices, commissions, and agencies of the city and to confer upon such agencies
119 the necessary and appropriate authority to carry out all powers conferred upon or
120 delegated to the same;
- 121 (17) Municipal debts - to appropriate and borrow money for the payment of the debts of
122 the city, and to issue bonds for the purpose of raising revenue to carry out a new project,
123 program, or adventure authorized by this charter or the laws of the State of Georgia; and
124 to obtain and to apply for grants for the purpose of this paragraph;
- 125 (18) Municipal property ownership - to acquire, dispose of, lease, or hold in trust or
126 otherwise any real, personal, or mixed property, in fee simple or lesser interest inside or
127 outside the limits of the city;
- 128 (19) Municipal property protection - to provide for the preservation and protection of
129 property and equipment of the city, and the administration and use of same by the public;
130 and to prescribe penalties and punishment for violations thereof;
- 131 (20) Municipal utilities - to acquire, lease, construct, operate, maintain, sell and dispose
132 of public utilities, including but, not limited to, a system of waterworks, sewers and
133 drains, sewage disposal, stormwater management, gas works, electric light plants, cable
134 television and other telecommunications, transportation facilities, public airports, and any
135 other public utility; and to fix the taxes, charges, rates, fares, fees, assessments,
136 regulations and penalties; and to provide for the withdrawal of service for refusal or
137 failure to pay the same;
- 138 (21) Nuisance - to define a nuisance and to provide for its abatement whether it is on
139 public or private property;

- 140 (22) Penalties - to provide penalties for violation of any ordinance adopted pursuant to
141 the authority of this charter and the laws of the State of Georgia;
- 142 (23) Planning and zoning - to provide comprehensive city planning for any development
143 by zoning and to provide subdivision regulation and the like as the city council deems
144 necessary and reasonable to ensure a safe, healthy, and aesthetically pleasing community;
- 145 (24) Police and fire protection - to exercise the power of arrest through duly appointed
146 police officers and to establish, operate, or contract for a police and a firefighting agency;
- 147 (25) Public hazards - to provide for the destruction and removal of any building or other
148 structure which is or may become dangerous or detrimental to the public;
- 149 (26) Public improvements - to provide for the acquisition, construction, building,
150 operation and maintenance of public ways, parks and playgrounds, recreational facilities,
151 cemeteries, markets and market houses, public buildings, libraries, public housing,
152 airports, hospitals, terminals, docks, parking facilities, or charitable, cultural, educational,
153 recreational, conservation, sport, curative, corrective, detentional, penal and medical
154 institutions, agencies and facilities; and to provide any other public improvements, inside
155 or outside the corporate limits of the city; to regulate the use of public improvements; and
156 for such purposes, property may be acquired by condemnation under Title 22 of the
157 Official Code of Georgia Annotated, or such other applicable laws as are or may hereafter
158 be enacted;
- 159 (27) Public peace - to provide for the prevention and punishment of loitering, disorderly
160 conduct, drunkenness, riots, and public disturbances;
- 161 (28) Public transportation - to organize and operate such public transportation systems
162 as are deemed beneficial;
- 163 (29) Public utilities and services - to grant franchises or make contracts for, or impose
164 taxes on public utilities and public service companies; and to prescribe the rates, fares,
165 regulations and standards and conditions of service applicable to the service to be

166 provided by the franchise grantee or contractor, insofar as not in conflict with valid
167 regulations of the Public Service Commission;

168 (30) Regulation of roadside areas - to prohibit or regulate and control the erection,
169 removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any
170 and all of the structures or obstructions upon or adjacent to the rights of way of the streets
171 and roads within the city and to prescribe penalties and punishment for violation of such
172 ordinances;

173 (31) Retirement - to provide and maintain a retirement plan or other employee benefit
174 plans and programs for officers and employees of the city;

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

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

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

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

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

203 (37) Taxes - to levy and provide for the assessment, valuation, revaluation, and
204 collection of taxes on all property subject to taxation and to levy and collect such other
205 taxes as may be allowed now or in the future by law;

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

210 (39) Urban redevelopment - to organize and operate an urban redevelopment program;
211 and

212 (40) Other powers - to exercise and enjoy all other powers, functions, rights, privileges
213 and immunities necessary or desirable to promote or protect the safety, health, peace,
214 security, good order, comfort, convenience, or general welfare of the city and its
215 inhabitants; and to exercise all implied powers necessary or desirable to carry into
216 execution all powers granted in this charter as fully and completely as if such powers
217 were fully stated herein; and to exercise all powers now or in the future authorized to be
218 exercised by other municipal governments under other laws of the State of Georgia; and
219 no listing of particular powers in this charter shall be held to be exclusive of others, nor

220 restrictive of general words and phrases granting powers, but shall be held to be in
221 addition to such powers unless expressly prohibited to municipalities under the
222 Constitution or applicable laws of the State of Georgia.

223 **SECTION 1.14.**

224 Exercise of powers.

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

230 **ARTICLE II**

231 **GOVERNMENT STRUCTURE**

232 **SECTION 2.10.**

233 Form of Government.

234 The City of Clayton shall operate under the council manager form of government. The
235 general duties of the council shall be to set policy; the general duties of the manager shall be
236 to carry out those policies.

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SECTION 2.11.

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Terms and qualifications for office.

239 The mayor and members of the city council shall serve four-year terms of office and until
240 their respective successors are elected and qualified. No person shall be eligible to serve as
241 mayor or councilmember unless that person shall have been a resident of the city for 12
242 months prior to the date of election of mayor or councilmembers. The Mayor and each
243 councilmember shall continue to reside therein during that member's period of service and
244 to be registered and qualified to vote in municipal elections of this city and meet the
245 qualification standards required for members of the Georgia House of Representatives as are
246 now or may in the future be prescribed by the Georgia Constitution.

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SECTION 2.12.

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Vacancy; filling of vacancies.

249 (a) The office of mayor or councilmember shall become vacant upon the incumbent's death,
250 resignation, ceasing to be a resident of the city, forfeiture of office or removal from office
251 in any manner authorized by this charter or the laws of the State of Georgia.

252 (b) The mayor or any councilmember shall forfeit their office if he or she:

253 (1) Lacks at any time during the term of office any qualifications of the office as
254 prescribed by this charter or the laws of the State of Georgia;

255 (2) Willfully and knowingly violates any express prohibition of this charter; or

256 (3) Is convicted of a crime involving moral turpitude.

257 (c) A vacancy in the office of mayor or councilmember shall be filled for the remainder of
258 the unexpired term, if any, by appointment by the city council or those members remaining
259 if less than 12 months remain in the unexpired term. If such vacancy occurs 12 months or
260 more prior to the expiration of the term of that office, the vacancy shall be filled for the

261 remainder of the unexpired term by a special election, as provided for in Section 5.12 of this
262 charter and in accordance with Titles 21 and 45 of the Official Code of Georgia Annotated,
263 or other such laws as are or may hereafter be enacted.

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

266 **SECTION 2.13.**

267 Compensation; expenses.

268 The mayor and councilmembers shall receive a compensation for their services an amount
269 prescribed by ordinance passed by the council in conformity with the laws of the State of
270 Georgia. The mayor and councilmembers shall be entitled to receive their actual and
271 necessary expenses incurred in the performance of their duties of office.

272 **SECTION 2.14.**

273 Prohibitions.

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

276 (b) Except as authorized by law, no member of the council shall hold any other elective
277 municipal office or municipal employment in the City of Clayton during the term for which
278 he or she was elected.

279 (c) Neither the mayor nor any councilmember shall vote upon, sign or veto any ordinance,
280 resolution, contract or other matter in which he or she is personally interested.

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SECTION 2.15.

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General power and authority of the city council.

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(a) Except as otherwise provided by law or by this charter, the city council shall be vested with all the powers of government of the City of Clayton provided in Article I of this charter.

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(b) In addition to all other powers conferred on it by law, the city council shall have the authority to adopt and provide for the execution of such ordinances, resolutions, rules and

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regulations, not inconsistent with this charter, the Constitution and the laws of the State of Georgia, which it shall deem necessary, expedient or helpful for the peace, good order,

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protection of life and property, health and welfare, sanitation, comfort, convenience, prosperity or well-being of the inhabitants of the City of Clayton and may enforce such

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ordinances, resolutions, rules and regulations by imposing penalties for violation thereof.

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(c) The city council may, by ordinance create, change, alter, abolish, or consolidate offices, agencies and departments of the city and may assign additional functions to any of the

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offices, agencies and departments expressly provided for by this charter.

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SECTION 2.16.

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Eminent domain.

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The city council is hereby empowered to acquire, construct, operate and maintain public ways, parks, public grounds, cemeteries, markets, market houses, public buildings, libraries,

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sewers, drains, sewage treatment, waterworks, electrical systems, gas systems, airports, hospitals, and charitable, educational, recreational, sport, curative, corrective, detentional,

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penal and medical institutions, agencies and facilities, and any other public improvements inside or outside the city, and to regulate the use thereof, and for such purposes, property

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may be condemned under procedures established under general law applicable now or as provided in the future.

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305 **SECTION 2.17.**

306 Meetings.

307 (a) The city council shall hold regularly scheduled meetings at such times and places as shall
308 be prescribed by ordinance.

309 (b) Special meetings of the city council may be held on call of the mayor or three members
310 of the city council. Notice of such special meetings shall be served on all other members
311 personally, or by telephone personally, at least 24 hours in advance of the meeting. Such
312 notice to councilmembers shall not be required if the mayor and all councilmembers are
313 present when the special meeting is called. Such notice of any special meeting may be
314 waived by a councilmember in writing before or after such a meeting, and attendance at the
315 meeting shall also constitute a waiver of notice on any business transacted in such
316 councilmembers presence. Only the business stated in the call may be transacted at the
317 special meeting.

318 (c) All meetings of the city council shall be public to the extent required by law and notice
319 to the public of where such special meetings shall be held shall be made fully as is
320 reasonably possible and provided by O.C.G.A. § 50-14-1 or such other applicable laws as are
321 or may be hereafter enacted.

322 **SECTION 2.18.**

323 Rules of procedure.

324 The city council shall adopt its rules of procedure such as Robert's Rules of Order and order
325 of business consistent with the provisions of this charter and shall provide for the keeping
326 of a journal of its proceedings, which shall be a public record.

327 **SECTION 2.19.**

328 Quorum; voting.

329 (a) The mayor or mayor pro tem and three councilmembers shall constitute a quorum and
330 shall be authorized to transact business of the city council. Voting on the adoption of
331 ordinances shall be by voice vote and the vote shall be recorded in the journal, but any
332 member of the city council shall have the right to request a roll call vote and such vote shall
333 be recorded in the journal. Except as otherwise provided in this charter, the affirmative vote
334 of three councilmembers shall be required for the adoption of any ordinance, resolution, or
335 motion.

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

343 **SECTION 2.20.**

344 Enactment of ordinances.

345 (a) Except as herein provided, every official action of the city council which is to become
346 law shall be by ordinance. Each proposed ordinance shall be introduced in writing and in the
347 form required for final adoption. No ordinance shall contain a subject which is not expressed
348 in its title. The enacting clause shall be: "Be it ordained by the city council of Clayton..."
349 Any ordinance which repeals or amends an existing ordinance shall set forth the ordinance
350 sections or subsections to be repealed or amended.

351 (b) An ordinance may be introduced by any city councilmember and read at a regular or
352 special meeting of the city council. Ordinances shall be considered and adopted or rejected
353 by the city council in accordance with the rules which it shall establish. Every ordinance
354 which becomes law shall be signed by the mayor.

355 **SECTION 2.21.**

356 Action requiring an ordinance.

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

358 **SECTION 2.22.**

359 Emergencies.

360 (a) To meet a public emergency affecting life, health, property or public peace, the city
361 council may convene on call of the mayor or two councilmembers and promptly adopt an
362 emergency ordinance, but such ordinance may not levy taxes; grant, renew or extend a
363 franchise; regulate the rate charged by any public utility for its services; or authorize the
364 borrowing of money except for loans to be repaid within 30 days. An emergency ordinance
365 shall be introduced in the form prescribed for ordinances generally, except that it shall be
366 plainly designated as an emergency ordinance and shall contain, after the enacting clause,
367 a declaration stating that an emergency exists, and describing the emergency in clear and
368 specific terms. An emergency ordinance may be adopted, with or without amendment, or
369 rejected at the meeting at which it is introduced, but the affirmative vote of at least the
370 majority of councilmembers shall be required for adoption. It shall become effective upon
371 adoption or at such later time as it may specify. Every emergency ordinance shall
372 automatically stand repealed 30 days following the date upon which it was adopted, but this
373 shall not prevent reenactment of the ordinance in the manner specified in this section if the

374 emergency still exists. An emergency ordinance may also be repealed by adoption of a
375 repealing ordinance in the same manner specified in this section for adoption of emergency
376 ordinances.

377 (b) Such meetings shall be open to the public to the extent required by law and notice to the
378 public of emergency meetings shall be made as fully as is reasonably possible in accordance
379 with Code Section 50-14-1 of the Official Code of Georgia Annotated, or such other
380 applicable laws as are or may hereafter be enacted.

381 **SECTION 2.23.**

382 Code of technical regulation.

383 (a) The city council may adopt any standard code of technical regulations by reference
384 thereto in an adopting ordinance. The procedure and requirements governing such adopting
385 ordinance shall be as prescribed for ordinances generally except that a copy of each adopted
386 code of technical regulations, as well as the adopting ordinance, shall be authenticated and
387 recorded by the clerk pursuant to Section 2.21 of this charter.

388 (b) Copies of any adopted code of technical regulations shall be made available by the clerk
389 for distribution or for purchase at a reasonable price.

390 **SECTION 2.24.**

391 Authentication, recording and codification of ordinances.

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

394 (b) The city council may provide for the preparation of a general codification of all
395 ordinances of the city having the force and effect of law. The general codification may be
396 adopted by the council by ordinance, and if so adopted, shall be known as "The Code of the

397 City of Clayton, Georgia." All ordinances enacted subsequent to the adoption of the code
398 shall be incorporated therein.

399 **SECTION 2.25.**

400 City manager; appointment; qualifications; compensation.

401 The city council shall appoint a city manager, also known as "the manager," for an indefinite
402 term and shall fix the manager's compensation. The manager shall be appointed solely on
403 the basis of executive and administrative qualifications. He or she need not be a resident of
404 the city or state at the time of his or her appointment.

405 **SECTION 2.26.**

406 Removal of city manager.

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

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

413 (2) Within five days after a copy of the resolution is delivered to the manager, the manager
414 may file with the city council a written request for a public hearing. This hearing shall be
415 held within 30 days after the request is filed. The manager may file with the council a
416 written reply not later than five days before the hearing. At the hearing, the manager shall
417 have the right to be represented by counsel, to present evidence, and to cross-examine any
418 witnesses against him or her; and

419 (3) If the manager has not requested a public hearing within the time specified in
420 paragraph (2) of this section, the city council may adopt a final resolution for removal,
421 which may be made effective immediately, by an affirmative vote of a majority of all its
422 members. If the manager has requested a public hearing, the city council may adopt a final
423 resolution for removal, which may be made effective immediately, by an affirmative vote
424 of a majority of all its members at any time after the public hearing.

425 (b) The city manager may be removed from office with cause. If removed without cause,
426 he or she shall be entitled to receive his or her regular salary for a period of 30 days from the
427 effective date of the final resolution of removal.

428 (c) The city manager shall give 30 days written notice of resignation or forfeit accumulated
429 vacation payout.

430 **SECTION 2.27.**

431 Acting city manager.

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

438 **SECTION 2.28.**

439 Powers and duties of the city manager.

440 The city manager shall be the chief operating officer of the city. The manager shall be
441 responsible to the mayor and city council for the administration of all city affairs placed in

442 the manager's charge by or under this charter. As the chief administrative officer, the
443 manager shall:

- 444 (1) Attend all meetings of the city council;
- 445 (2) Draw and sign vouchers upon depositories, and keep, or cause to be kept, a true and
446 accurate account of same. Such vouchers shall be counter signed by two authorized
447 signatories;
- 448 (3) Be responsible for the signature and issuance of all licenses issued by the city; issuance
449 of receipts for all moneys paid to the city; and deposit of said moneys in the proper
450 depositories on the first banking day after receipt;
- 451 (4) Provide administrative services as required by the mayor and the council;
- 452 (5) Except as provided for in this charter, appoint and suspend or remove any employee
453 of the city. The city manager may authorize any administrative officer who is subject to
454 his or her direction and supervision to exercise these powers with respect to subordinates
455 in that officer's department, office, or agency within the guidelines of stated personnel
456 policies and procedures;
- 457 (6) Direct and supervise the administration of all departments, offices, and agencies of the
458 city, except as otherwise provided by this charter or by law;
- 459 (7) See that all laws, provisions of this charter, and acts of the council are faithfully
460 executed;
- 461 (8) Is the budget officer for the city;
- 462 (9) Prepare and submit annually a balanced budget, budget message, and capital program
463 if requested to the council;
- 464 (10) Keep the council fully advised as to the financial condition and future needs of the
465 city and make such recommendations to the Council concerning the affairs of the city;
- 466 (11) Sign contracts on behalf of the city to the extent authorized by the council; and
467 (12) Perform other such duties as are specified in this charter or as may be directed by the
468 council.

469

SECTION 2.29.

470

Council interference with administration.

471

472

473

474

The mayor and city council or its members shall deal with city employees and employees who are subject to the direction and supervision of the manager solely through the manager, and neither the mayor or city council nor its members shall give orders to any such officer or employee, either publicly or privately.

475

SECTION 2.30.

476

Powers and duties of mayor.

477

478

479

480

The mayor shall be the chief executive officer of the City of Clayton. He or she shall possess all of the executive and administrative powers granted to the city under the Constitution and laws of the State of Georgia, and all the executive and administrative powers contained in this charter. The mayor shall:

481

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

482

(2) Vote as a member of the council only at such times as are necessarily to break a tie or deadlock of the city council;

483

484

(3) Be the official head of the city for the service of process and for ceremonial purposes;

485

(4) Have power to administer oaths and to take affidavits;

486

(5) Sign all written contracts entered into by the council on behalf of the city and all other contracts and instruments executed by the city which by law are required to be in writing;

487

488

(6) See that all laws and ordinances of the city are faithfully executed; and

489

(7) Perform other duties as may be required by law, this charter or ordinance.

490

SECTION 2.31.

491

Submission of ordinances to the mayor; veto power.

492 (a) Every ordinance adopted by the city council shall be presented promptly by the clerk to
493 the mayor.

494 (b) The mayor, within four calendar days of receipt of an ordinance, shall return it to the
495 clerk with or without his or her approval, or with his or her disapproval. If the ordinance has
496 been approved by the mayor, it shall become law upon its return to the clerk; if the ordinance
497 is neither approved nor disapproved, it shall become law at noon on the tenth calendar day
498 after its adoption; if the ordinance is disapproved, the mayor shall submit to the city council
499 through the clerk a written statement of his or her reasons for his or her veto. The clerk shall
500 record upon the ordinance the date of its delivery to and receipt from the mayor.

501 (c) Ordinances vetoed by the mayor shall be presented by the clerk to the city council at its
502 next meeting and should the city council then or at its next general meeting adopt the
503 ordinance by an affirmative vote of four members, it shall become law.

504

SECTION 2.32.

505

Position of mayor pro tem.

506 At the first regular meeting of the city council in January, the city council shall elect a mayor
507 pro tem from among its membership. During the absence or physical or mental disability of
508 the mayor for any cause, the mayor pro tem, or in the mayor pro tem's absence or disability
509 for any reason, any one of the councilmembers chosen by a majority vote of the city council,
510 shall be clothed with all the rights and privileges of the mayor and shall perform the duties
511 of the office of the mayor so long as such absence or disability shall continue. Any such
512 absence or disability shall be declared by majority vote of all councilmembers. The mayor
513 pro tem or selected councilmember shall sign all contracts and ordinances in which the

514 mayor has a disqualifying financial interest as provided in Section 2.14 of this charter. When
515 acting as mayor, the mayor pro tem shall continue to have only one vote as a member of the
516 council.

517 **ARTICLE III**

518 **ORGANIZATIONAL AND GENERAL PROVISIONS**

519 **SECTION 3.10.**

520 **Administrative and service departments.**

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

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

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

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

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

538

SECTION 3.11.

539

Boards, commissions, and authorities.

540 (a) All members of boards, commissions and authorities of the city shall be appointed by the
541 city council for such terms of office and such manner of appointment as provided by
542 ordinance, except where other appointing authority, term of office or manner of appointment
543 is prescribed by this charter or by applicable state law. The city manager shall be an ex
544 officio member of all such boards, commissions and authorities and shall act as liaison
545 officer between them and the mayor and the council.

546 (b) Any vacancy in office of any member of a board, commission, or authority of the city
547 shall be filled for the unexpired term in the manner prescribed herein for original
548 appointment, except as otherwise provided by this charter or any applicable state law.

549 (c) No member of any board, commission or authority shall assume office until he or she
550 shall have executed and filed with the clerk of the city an oath obligating himself or herself
551 to faithfully and impartially perform the duties of his or her office, such oath to be prescribed
552 by ordinance of the council and administered by the mayor.

553 (d) Any member of any board, commission or authority may be removed from office, for
554 cause by a two-thirds vote of the members of the council.

555 (e) Members of boards, commissions and authorities may receive such compensation and
556 expenses in the performance of their official duties as prescribed by ordinance.

557 (f) The qualifications required of members of boards, commissions and authorities shall be
558 as prescribed by ordinance.

559 (g) Except as otherwise provided by this charter or by applicable state law, each board,
560 commission or authority of the city government shall elect one of its members as chairman
561 and one member as vice-chairman for terms of one year and may elect as its secretary one
562 of its own members or may appoint as secretary an employee of the city. Each board,
563 commission, or authority of the city government may establish such bylaws, rules and

564 regulations, not inconsistent with this charter, ordinances of the city, or applicable state law,
565 as it deems appropriate and necessary for the conduct of its affairs, copies of which shall be
566 filed with the clerk of the city.

567 **SECTION 3.12.**

568 City attorney.

569 The city manager shall recommend a city attorney, together with such assistant city attorneys
570 as may be authorized as needed and such recommendation will be approved by council. The
571 city manager shall provide for the payment of such attorney or attorneys for services
572 rendered to the city. The city attorney shall be a member in good standing with the State Bar
573 of Georgia. The city attorney shall be responsible for providing for the representation and
574 defense of the city in all litigation in which the city is a party; may be the prosecuting officer
575 in the municipal court; shall attend the meetings of the council as directed; shall advise the
576 city council, mayor, and other officers and employees of the city concerning legal aspects of
577 the city's affairs; and shall perform such other duties as may be required by virtue of the
578 person's position as city attorney. The city attorney is not a public official of the city and
579 does not take an oath of office. The city attorney shall at all times be an independent
580 contractor. A law firm, rather than an individual, may be designated as the city attorney.

581 **SECTION 3.13.**

582 Personnel Administration.

583 The city manager shall be responsible for the preparation of a position classification and pay
584 plan which shall be submitted to the city council for approval. Such plan may apply to all
585 employees of the city and any of its agencies, departments, boards, commissions or
586 authorities. When a pay plan has been adopted, the city council shall not increase or decrease

587 the salary range applicable to any position except by amendment of such pay plan. For
588 purposes of this section, all elected and appointed city officials are not city employees.

589 **SECTION 3.14.**

590 Personnel Policies.

591 All employees of the city serve at-will and may be removed from office at any time, unless
592 otherwise provided by ordinance.

593 **SECTION 3.15.**

594 City clerk.

595 The city manager shall recommend a city clerk, also known as 'the clerk,' who shall not be
596 a councilmember and recommendation shall be approved by council. The city clerk shall
597 keep a journal of the proceedings of the city council; maintain in a safe place all records and
598 documents pertaining to the affairs of the city and perform such other duties as may be
599 required by law or as the city manager may direct.

600 **ARTICLE IV**

601 MUNICIPAL COURT

602 **SECTION 4.10.**

603 Creation; name.

604 There shall be a court to be known as the Municipal Court of the City of Clayton.

605

SECTION 4.11.

606

Chief judge; other judges.

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

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

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

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

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

619

SECTION 4.12.

620

Convening.

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

623

SECTION 4.13.

624

Jurisdiction; powers.

625 (a) The municipal court is specifically vested with all the jurisdiction and powers throughout
626 the entire area of the City of Clayton granted by state laws generally to mayor's, recorder's
627 and police courts, and particularly by such laws as authorize abatement of nuisances.

628 (b) The municipal court shall have authority to punish those in its presence for contempt.
629 The municipal court may fix punishment for any offense within its jurisdiction not exceeding
630 the maximum allowed by city and state law.

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

634 (d) The municipal court shall have authority to establish bail and recognizances to ensure
635 the presence of those charged with violations before said court, and shall have discretionary
636 authority to accept cash or personal or real property as surety for appearance of persons
637 charged with violations. Whenever any person shall give bail for that person's appearance
638 and shall fail to appear at the time fixed for trial, the bond shall be forfeited by the judge
639 presiding at such time, and an execution issued thereon by serving the defendant and the
640 defendant's sureties with a rule nisi, at least two days before a hearing on the rule nisi. In the
641 event that cash or property is accepted in lieu of bond for security for the appearance of a
642 defendant at trial, and if such defendant fails to appear at the time and place fixed for trial,
643 the cash so deposited shall be on order of the judge declared forfeited to the City of Clayton,
644 or the property so deposited shall have a lien against it for the value forfeited, which lien
645 shall be enforceable in the same manner and to the same extent as a lien for city property
646 taxes.

647 (e) The municipal court shall have the authority to bind prisoners over to the appropriate
648 court when it appears by probable cause that a state law has been violated.

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

652 (g) The municipal court may compel the presence of all parties necessary to a proper
653 disposal of each case by the issuance of summons, subpoena and warrants which may be
654 served as executed by any officer as authorized by this charter or by state law.

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

659 **SECTION 4.14.**

660 Rules for court.

661 With the approval of the city council, the judge shall have full power and authority to make
662 reasonable rules and regulations necessary and proper to secure the efficient and successful
663 administration of the municipal court; provided, however, that the city council may adopt in
664 part or in total the rules and regulations applicable to municipal courts. The rules and
665 regulations made or adopted shall be filed with the city clerk, shall be available for public
666 inspection, and, upon request, a copy shall be furnished to all defendants in municipal court
667 proceedings at least 48 hours prior to said proceedings.

668 **SECTION 4.15.**

669 Petitions for review.

670 The right to seek petitions for review from the decision and judgment of the municipal court
671 shall exist in all criminal cases and ordinance violation cases, and such petitions shall be

672 made to the Superior Court of Rabun County under the laws of the State of Georgia
673 regulating appeals to the superior courts.

674 **ARTICLE V**
675 **ELECTIONS**

676 **SECTION 5.10.**
677 **Regular elections.**

678 (a) An election shall be held on the Tuesday after the first Monday in November of each
679 year to elect councilmembers to fill the terms of those councilmembers whose terms expire
680 at the end of that year and to fill the office of mayor in those years in which his or her term
681 of office expires.

682 (b) Nothing contained herein shall affect the offices of those persons presently serving as
683 mayor and councilmembers at the date of approval of this charter, but said officers shall
684 serve out the remainder of their offices as hereinbefore may have been provided by law.

685 **SECTION 5.11.**
686 **Applicability of general law.**

687 (a) The procedures and requirements for election of all elected officials of the City of
688 Clayton as to primary, special and general elections shall be held and conducted in
689 accordance with Chapter 2 of Title 21 of the Official Code of Georgia Annotated, the
690 "Georgia Election Code," as now or hereafter amended.

691 (b) Elections of the City of Clayton shall be nonpartisan, and political parties shall not
692 conduct primaries for city offices and all names of candidates for city offices shall be listed
693 without party designations.

694

SECTION 5.12.

695

Special elections, vacancies.

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703

In the event that the office of mayor or councilmember shall become vacant as provided in Section 2.12 of this charter, the city council or those remaining shall order a special election to fill the balance of the unexpired term of such official; provided, however, if such vacancy occurs within 12 months of the expiration of the term of that office, the city council or those remaining may appoint a successor for the remainder of the term. In all other respects, the special election shall be held and conducted in accordance with Chapter 2 of Title 21 of the Official Code of Georgia Annotated, the "Georgia Election Code," as now or hereafter amended.

704

SECTION 5.13.

705

Other provisions.

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708

709

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

710

SECTION 5.14.

711

Grounds for removal.

712

713

714

715

The mayor or any councilmember shall be subject to removal from office for any one or more of the following causes:

(1) Misfeasance or malfeasance in office;

(2) Conviction of a crime involving moral turpitude;

- 716 (3) Failure at any time to possess any of the qualifications of office as provided by this
717 charter or by law;
- 718 (4) Willful violation of any express prohibition of this charter;
- 719 (5) Abandonment of office or neglect to perform the duties thereof; or;
- 720 (6) Failure for any other cause to perform the duties of office as required by this charter
721 or by law.

722 **SECTION 5.15.**

723 Procedures for removal.

724 Removal of an elected officer from office may be accomplished by one of the following
725 methods:

- 726 (1) By action of two-thirds vote of the entire membership of the city council. In the event
727 an elected officer sought to be removed by the action of the city council, such officer shall
728 be entitled to a written notice specifying the grounds for removal and to a public hearing
729 which shall be held not less than ten days from the service of such written notice. Any
730 elected officer sought to be removed from office as herein provided shall have the right of
731 appeal from the decision of the council to the Superior Court of Rabun County such appeal
732 shall be governed by the same rules as govern appeals to the superior court from the
733 probate court;
- 734 (2) By an order of the Superior Court of Rabun County following a hearing on a complaint
735 seeking such removal brought by any resident of the City of Clayton; and
- 736 (3) By recall as now or hereafter provided by Georgia law.

737 **ARTICLE VI**
738 **FINANCE**

739 **SECTION 6.10.**
740 **Property tax.**

741 All property subject to taxation for state or county purposes, assessed as of January 1 in each
742 year, shall be subject to the property tax levied by the City of Clayton.

743 **SECTION 6.11.**
744 **Tax levy.**

745 The city council may assess, levy and collect an ad valorem tax on all real and personal
746 property within the corporate limits of the city that is subject to such taxation by the State
747 and county. This tax is for the purpose of raising revenues to defray the costs of operating
748 the city government; providing governmental services; for the repayment of principal and
749 interest on general obligations; and for any other public purpose as determined by the city
750 council in its discretion.

751 **SECTION 6.12.**
752 **Millage rates; due dates; payment methods.**

753 The city council by ordinance shall establish a millage rate for general operating funds, for
754 the city property tax; a due date; and in what length of time those taxes must be paid. The
755 city council, by ordinance, shall establish a millage rate for the city property tax, a due date,
756 and the time period within which these taxes must be paid. The city council, by ordinance,

757 may provide for the payment of these taxes by two installments or in one lump sum, as well
758 as authorize the voluntary payment of taxes prior to the time when due.

759 **SECTION 6.13.**

760 Collection of delinquent taxes.

761 The city council by ordinance shall have the power to assess and collect fees, charges,
762 assessments, and totals for sewer, sanitary and health services, and any other services made
763 available within corporate limits of the city. If unpaid, such charges shall be collected as
764 provided in Section 6.17 of this charter.

765 **SECTION 6.14.**

766 License fees, occupation taxes, excise taxes.

767 The city council by ordinance shall have full power to levy such license fees and specific or
768 occupation taxes upon the residents of the City of Clayton, both individual and corporate, and
769 on all those who transact or offer to transact business therein, or who practice or offer to
770 practice any profession or calling therein, as the city council may deem expedient for the
771 public health, safety, benefit, convenience or advantage of the city; to classify businesses,
772 occupations, professions or callings for the purpose of such taxation in any way which may
773 be lawful; to require such persons to procure licenses; to compel the payment of such
774 licenses by execution or any other lawful manner; and to make laws and regulations
775 necessary or proper to carry out the powers herein conferred, and to prescribe penalties for
776 the violation thereof. The city council shall have full power and authority to levy an excise
777 tax not prohibited by general law.

778

SECTION 6.15.

779

Franchise.

780 (a) The city council shall have the power to grant franchises for the use of this city's streets
781 and alleys for the purposes of railroads, street railways, telephone companies, electric
782 companies, electric membership corporations, cable television and other telecommunications
783 companies, gas companies, transportation companies and other similar organizations. The
784 city council shall determine the duration, terms, whether the same shall be exclusive or
785 nonexclusive, and the consideration for such franchises; provided, however, no franchise
786 shall be granted for a period in excess of 30 years and no franchise shall be granted unless
787 the city receives just and adequate compensation therefore. The city council shall provide
788 for the registration of all franchises with the city clerk in a registration book kept by the
789 clerk. The city council may provide by ordinance for the registration within a reasonable
790 time of all franchises previously granted.

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

796

SECTION 6.16.

797

Utility service charges.

798 The city council by ordinance shall have the right, power and authority to assess and collect
799 fees, charges, and tolls for utility services rendered both within and without the corporate
800 limits of the City of Clayton, to provide for the cost and expense of providing for the
801 operation of said utility services of the city. If unpaid, said utility service charge shall

802 constitute a lien against any property of persons served, which lien shall be second in priority
803 only to liens for county and city property taxes and shall be enforceable in the same manner
804 and under the same remedies as a lien for city property taxes.

805 **SECTION 6.17.**

806 Sanitary and health service charges.

807 The city council shall have authority by ordinance to provide for, to enforce, to levy and to
808 collect the cost of sanitary and health services necessary in the operation of the city from all
809 individuals, firms and corporations, residing in or doing business in the city benefitting from
810 such service. Such authority shall include the power to assess, levy and collect annual or
811 monthly sanitary taxes or fees in such amount or amounts, and based upon and in accordance
812 with such classification of property and sanitary service or service provided, as may be fixed
813 by ordinance. Said sanitary taxes and the assessment thereof shall be a charge and lien
814 against the real estate in respect to which said taxes are so assessed, and the owner or owners
815 thereof, superior to all other liens, except liens for county and city property taxes, and shall
816 be enforceable in the same manner and under the same remedies as a lien for city property
817 taxes.

818 **SECTION 6.18.**

819 Special assessments.

820 The city council shall have power and authority to assess all or part of the cost of
821 constructing, reconstructing, widening, or improving any public way, street, sidewalk,
822 curbing, gutters, sewers, or other utility mains and appurtenances against the abutting
823 property owners, under such terms and conditions as may be prescribed by ordinance. Such
824 special assessments shall become thirty days after their due dates, shall thereupon be subject,

825 in addition to fi.fa. charges to a penalty of ten percent and shall thereafter be subject to
826 interest at the rate of nine percent per annum from date due until paid. A lien shall exist
827 against the abutting property superior to all other liens, except that it shall be of equal dignity
828 with liens for county and city property taxes, and said lien shall be enforceable by the same
829 procedures and under the same remedies as provided for in this article for city property taxes.

830 **SECTION 6.19.**

831 Construction; other taxes and fees.

832 The City of Clayton shall be empowered to levy any other tax or fee allowed now or
833 thereafter by state law and the specific mention of any right, power or authority in this article
834 shall not be construed as limiting in any way the general powers of the city to govern its local
835 affairs.

836 **SECTION 6.20.**

837 Transfer of executions.

838 The city clerk shall be authorized to assign or transfer any fi.fa. or execution issued for any
839 tax or for any street, sewer, or other assessment in the same manner and to the same extent
840 as provided by Georgia law regarding sales and transfers of fi.fas. Such transfer or
841 assignment, when made, shall vest the purchaser or transferee with all right, title and interest
842 as provided by Georgia law governing sales and transfer of fi.fas. Provided that, upon levy
843 of execution and sale of property pursuant to such tax fi.fas. whether assigned, transferred
844 or executed by the city, the owner of such property, in fee simple or lesser interest, shall not
845 lose his or her right to redeem the property in accord with the requirements of redemption
846 of property sold under state or county ad valorem tax fi.fas., as said requirements now exist
847 or as may be hereinafter provided by law.

848 **SECTION 6.21.**

849 General obligation bonds.

850 The city council shall have the power to issue bonds for the purpose of raising revenue to
851 carry out any project program or venture authorized under this charter or the general laws of
852 the State. Such bonding authority shall be exercised in accordance with the laws governing
853 bond issuances by municipalities in effect at the time said issue is undertaken.

854 **SECTION 6.22.**

855 Revenue bonds.

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

859 **SECTION 6.23.**

860 Short-term loans.

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

863 **SECTION 6.24.**

864 Lease-purchase contracts.

865 The city may enter into multiyear lease, purchase or lease purchase contracts for the
866 acquisition of goods, materials, real and personal property, services, and supplies provided
867 the contract terminates without further obligation on the part of the municipality at the close

868 of the calendar year in which it was executed and at the close of each succeeding calendar
869 year for which it may be renewed. Contracts must be executed in accordance with the
870 requirements of Code Section 36-60-13 of the Official Code of Georgia Annotated, or other
871 such applicable laws as are or may hereafter be enacted.

872 **SECTION 6.25.**

873 Fiscal year; preparation and adoption of operating budget.

874 (a) The council shall set the fiscal year by ordinance. Said fiscal year shall constitute the
875 budget year and the year for financial accounting and reporting unless otherwise provided
876 by state or federal law.

877 (b) On or before a date fixed by the council prior to the beginning of each fiscal year, the
878 council shall adopt a budget for the ensuing fiscal year. The council shall provide by
879 ordinance the procedures and requirements for the preparation and execution of said annual
880 budget. The budget and all supporting documents shall be filed in the office of the city clerk
881 and shall be open to public inspection.

882 **SECTION 6.26.**

883 Action by city council on budget.

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

889 (b) The city council by ordinance shall adopt the final operating budget for the ensuing fiscal
890 year not later than the 30th day of June of each year. If the city council fails to adopt the

891 budget by this date, the amounts appropriated for operation for the current fiscal year shall
892 be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items
893 prorated accordingly until such time as the city council adopts a budget for the ensuing fiscal
894 year. Adoption of the budget shall take the form of an appropriations ordinance setting out
895 the estimated revenues in detail by sources and making appropriations according to fund and
896 by organizational unit, purpose, or activity as set out in the budget preparation ordinance
897 adopted pursuant to Section 6.25.

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

902 **SECTION 6.27.**

903 Tax levies.

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

910 **SECTION 6.28.**

911 Changes in appropriations.

912 The city council by ordinance may make changes in the appropriations contained in the
913 current operating budget, at any regular meeting, special or emergency meeting called for

914 such purpose, but any additional appropriations may be made only from an existing
915 unexpended surplus.

916 **SECTION 6.29.**

917 Capital budget.

918 (a) On or before the date fixed by the city council but no later than the 30th day of June of
919 each fiscal year, the city manager may submit to the city council a proposed capital
920 improvements plan with a recommended capital budget containing the means of financing
921 the improvements proposed for the ensuing fiscal year. The city council shall have power
922 to accept, with or without amendments, or reject the proposed plan and proposed budget.
923 The city council shall not authorize an expenditure for the construction of any building,
924 structure, work or improvement, unless the appropriations for such project are included in
925 the capital budget, except to meet a public emergency as provided in Section 2.22 of this
926 charter.

927 (b) The city council shall adopt by ordinance the final capital budget for the ensuing fiscal
928 year not later than the 30th day of June of each year. No appropriation provided for in a prior
929 capital budget shall lapse until the purpose for which the appropriation was made shall have
930 been accomplished or abandoned; provided, however, the city manager may submit
931 amendments to the capital budget at any time during the fiscal year, accompanied by
932 recommendations. Any such amendments to the capital budget shall become effective only
933 upon adoption by ordinance.

934 **SECTION 6.30.**

935 Independent audit.

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

941 **SECTION 6.31.**

942 Contracting procedures.

943 No contract with the city shall be binding on the city unless it is:

944 (1) In writing;

945 (2) Drawn by or submitted to and reviewed by the city attorney, and as a matter of course,
946 is signed by the city attorney to indicate such drafting or review; and

947 (3) Made or authorized by the city council and such approval is entered in the city council
948 journal of proceedings pursuant to Section 2.21.

949 **SECTION 6.32.**

950 Centralized purchasing.

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

953 **SECTION 6.33.**

954 Sale and lease of city property.

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

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

961 (c) Whenever in opening, extending or widening any street, avenue, alley or public place of
962 the city, a small parcel or tract of land is cutoff or separated by such work from a larger tract
963 or boundary of land owned by the city, the city council may authorize the city manager to sell
964 and convey said cut-off or separated parcel or tract of land to an abutting or adjoining
965 property owner or owners where such sale and conveyance facilitates the enjoyment of the
966 highest and best use of the abutting owner's property. Included in the sales contract shall be
967 a provision for the rights-of-way of said street, avenue, alley or public place. Each abutting
968 property owner shall be notified of the availability of the property and given the opportunity
969 to purchase said property under such terms and conditions as set out by ordinance. All deeds
970 and conveyances heretofore and hereafter so executed and delivered shall convey all title and
971 interest the city has in such property, notwithstanding the fact that no public sale after
972 advertisement was or is hereafter made.

973

ARTICLE VII

974

GENERAL PROVISIONS

975

SECTION 7.10.

976

Bond for officers

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

980 **SECTION 7.11.**

981 Prior ordinances.

982 Existing ordinances and regulations of the City of Clayton not inconsistent with the
983 provisions of this charter shall continue in effect until they have been repealed, modified, or
984 amended by the council. The existing rules and regulations of departments or agencies of
985 the City of Clayton not inconsistent with the provisions of this charter shall continue in effect
986 until they have been repealed, modified, or amended.

987 **SECTION 7.12.**

988 Section captions.

989 The captions to the several sections of this charter are informative only and are not to be
990 considered as a part thereof.

991 **SECTION 7.13.**

992 Penalties.

993 The violation of any provision of this charter, for which penalty is not specifically provided
994 for herein, is hereby declared to be a misdemeanor and shall be punishable by a fine of not
995 more than \$1,000.00 or by imprisonment not to exceed 12 months, or both such fine and
996 imprisonment.

997 **SECTION 7.14.**

998 Existing personnel and officers.

999 Except as specifically provided otherwise by this charter, all personnel and officers of the
1000 city and their rights, privileges and powers shall continue beyond the time this charter takes
1001 effect for a period of 30 days before or during which the existing city council shall pass a
1002 transition ordinance detailing the changes in personnel and appointive officers required or
1003 desired and arranging such titles, rights, privileges and powers as may be required or desired
1004 to allow a reasonable transition.

1005 **SECTION 7.15.**

1006 Pending matters.

1007 Except as specifically provided otherwise by this charter, all rights, claims, actions, orders,
1008 contracts and legal or administrative proceedings shall continue and any such ongoing work
1009 or cases shall be completed by such city agencies, personnel or offices as may be provided
1010 by the city council.

1011 **SECTION 7.16.**

1012 Construction.

1013 (a) The word "shall" is mandatory and the word "may" is permissive.

1014 (b) The singular shall include the plural, the masculine shall include the feminine, and vice
1015 versa.

SECTION 7.17.

1016

1017

Charter review and update.

1018 The city council shall review this charter, and any subsequent amendments thereto, at least
1019 once every ten years from the effective date, and may propose any changes such review
1020 deems necessary.

SECTION 7.18.

1021

1022

Severability.

1023 If any article, section, subsection, paragraph, sentence, or part thereof of this charter shall be
1024 held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect
1025 or impair other parts of this charter unless it clearly appears that such other parts are wholly
1026 and necessarily dependent upon the part held to be invalid or unconstitutional, it being the
1027 legislative intent in enacting this charter that each article, section, subsection, paragraph,
1028 sentence, or part thereof be enacted separately and independent of each other.

SECTION 7.19.

1029

1030

Repealer.

1031 An Act reincorporating the City of Clayton, approved August 17, 1909 (Ga. L. 1909, p. 600),
1032 is hereby repealed in its entirety; and all amendatory Acts thereto are likewise repealed in
1033 their entirety.

1034

SECTION 7.20.

1035

General repealer.

1036 All laws and parts of laws in conflict with this charter are repealed.