House Bill 574 (AS PASSED HOUSE AND SENATE)
By: Representative Greene of the 151st

A BILL TO BE ENTITLED
AN ACT

To provide a new charter for the City of Dawson, Georgia; to provide for incorporation, boundaries, and powers of the city; to provide for general powers and limitations on powers; to provide for a governing authority of such city and the powers, duties, authority, election, terms, removal from office, method of filling vacancies, compensation, expenses, qualifications, prohibitions relative to members of such governing authority, and conflicts of interest; to provide for inquiries and investigations; to provide for organization and procedures; to provide for ordinances; to provide for eminent domain; to provide for codes; to provide for a city manager, acting city manager, appointments and qualifications, compensation, and powers thereof; to provide for the office of mayor and certain duties and powers relative to the office of mayor; to provide for administrative responsibilities; to provide for a mayor pro tem; to provide for boards, commissions, and authorities; to provide for a city attorney, city clerk, and other personnel; to provide for a municipal court and the judge or judges, prosecutor and provisions of indigent defense thereof; to provide for practices and procedures; to provide for fees to fund operation of the municipal court; to provide for taxation, permits, and fees; to provide for franchises, service charges, and assessments; to provide for bonded and other indebtedness; to provide for accounting and budgeting; to provide for contracting and purchasing; to provide for bonds for officials; to provide for definitions and construction; to provide for other matters relative to the foregoing; to provide for severability; to provide for related matters; to repeal a specific Act; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:
ARTICLE I
INCORPORATION AND POWERS

SECTION 1.10.
Incorporation and name.

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

SECTION 1.11.
Corporate boundaries.

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

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

SECTION 1.12.
Powers and construction.

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

(b) The powers of this city shall be construed liberally in favor of the city. The specific mention or failure to mention particular powers shall not be construed as limiting in any way the powers of this city.
SECTION 1.13.

Examples of powers.

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

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

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

(d) Business Regulation and Taxation. To levy and to provide for the collection of regulatory fees and taxes on privileges, occupations, trades, and professions as authorized by Title 48 of the Official Code of Georgia Annotated, or other such applicable laws as are or may hereafter be enacted; to permit and regulate the same; to provide for the manner and method of payment of such regulatory fees and taxes; and to revoke such permits after due process for failure to pay any city taxes or fees;

(e) Condemnation. To condemn property inside or outside the corporate limits of the city for present or future use and for any corporate purpose deemed necessary by the governing authority, utilizing procedures enumerated in Title 22 or Title 32 of the Official Code of Georgia Annotated, or such other applicable laws as are or may hereafter be enacted;

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

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

(h) Environmental Protection. To protect and preserve the natural resources, environment, and vital areas of the city, the region, and the state through the preservation and improvement of air quality, the restoration and maintenance of water resources, the control of erosion and sedimentation, the management of stormwater and establishment of a stormwater utility, the management of solid and hazardous waste, and other necessary actions for the protection of the environment;
(i) Fire Regulations. To fix and establish fire limits and from time to time to extend, 
enlarge, or restrict the same; to prescribe fire safety regulations not inconsistent with general 
law, relating to both fire prevention and detection and to fire fighting; and to prescribe 
penalties and punishment for violations thereof;

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

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

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

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

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

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

(p) Municipal Agencies and Delegation of Power. To create, alter, or abolish departments, 
boards, offices, commissions, and agencies of the city, and to confer upon such agencies the 
necessary and appropriate authority for carrying out all the powers conferred upon or 
delegated to the same;

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

(r) Municipal Property Ownership. To acquire, dispose of, lease, and hold in trust or 
otherwise, any real, personal, or mixed property, in fee simple or lesser interest, inside or 
outside the property limits of the city;
(s) Municipal Property Protection. To provide for the preservation and protection of property and equipment of the city, and the administration and use of same by the public; and to prescribe penalties and punishment for violations thereof;

(t) Municipal Utilities. To acquire, lease, construct, operate, maintain, sell, and dispose of public utilities, including, but not limited to a system of waterworks, sewers and drains, sewage disposal, stormwater management, gas works, electric light plants, cable television, and other telecommunications, transportation facilities, public airports, and any other public utility; and to fix the taxes, charges, rates, fares, fees, assessments, regulations and penalties, and to provide for the withdrawal of service for refusal or failure to pay the same;

(u) Nuisance. To define a nuisance and provide for its abatement whether on public or private property;

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

(w) Planning and Zoning. To provide comprehensive city planning for development by zoning; and to provide subdivision regulations and the like as the city council deems necessary and reasonable to insure a safe, healthy, and aesthetically pleasing community;

(x) Police and Fire Protection. To exercise the power of arrest through duly appointed police officers, and to establish, operate, or contract for a police and a fire fighting agency;

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

(z) Public Improvements. To provide for the acquisition, construction, building, operation and maintenance of public ways, parks and playgrounds, recreational facilities, cemeteries, markets and market houses, public buildings, libraries, public housing, airports, hospitals, terminals, docks, parking facilities, or charitable, cultural, educational, recreational, conservation, sport, curative, corrective, detentional, penal and medical institutions, agencies, and facilities; and to provide any other public improvements, inside or outside the corporate limits of the city; to regulate the use of public improvements; and for such purposes, property may be acquired by condemnation under Title 22 or Title 32 of the Official Code of Georgia Annotated, or such other applicable laws as are or may hereafter be enacted;

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

(bb) Public Transportation. To organize, operate and contract for such public transportation systems as are deemed beneficial;

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

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

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

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

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

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

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

(jj) Special Assessments. To levy and provide for the collection of special assessments to cover the costs for any public improvements;
(kk) Taxes: Ad Valorem. To levy and provide for the assessment, valuation, revaluation, and collection of taxes on all property subject to taxation;

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

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

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

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

SECTION 1.14.
Exercise of powers.

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

ARTICLE II
GOVERNMENT STRUCTURE
SECTION 2.10.
City council creation; number; election.

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

SECTION 2.11.
City council terms and qualifications for office.

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

(b) In addition to the above requirements, no person shall be eligible to serve as a councilmember representing a council district unless that person has been a resident of the district such person seeks to represent for a continuous period of at least six months immediately prior to the date of the election for councilmember and continues to reside in such district during that person's period of service.

SECTION 2.12.
Vacancy; filling of vacancies.

(a) Vacancies—The office of mayor or councilmember shall become vacant upon the incumbent's death, resignation, forfeiture of office, or occurrence of any event specified by the Constitution of the State of Georgia, Title 45 of the Official Code of Georgia Annotated, or such other applicable laws as are or may hereafter be enacted.

(b) Filling of Vacancies—A vacancy in the office of mayor or councilmember shall be filled for the remainder of the unexpired terms, if any, by appointment by the city council or those members remaining if less than six months remains in the unexpired term. If such vacancy occurs six months or more prior to the expiration of the term of that office, it shall be filled for the remainder of the unexpired term by a special election, as provided for in Section 5.14 and in accordance with Titles 21 and 45 of the Official Code of Georgia Annotated, or other such laws as are or may hereafter be enacted.
SECTION 2.13.
Compensation and expenses.

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

SECTION 2.14.
Holding other office; voting when financially interested.

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

(b) Except as authorized by law, the mayor or any councilmember shall not hold any other city office or city employment during the term for which that person was elected.

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

SECTION 2.15.
Conflicts of interest; holding other offices.

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

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

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

(3) Disclose confidential information, including information obtained at meetings which are closed pursuant to Title 50, Chapter 14 of the Official Code of Georgia Annotated, concerning the property, government, or affairs of the governmental body by which the official is engaged without proper legal authorization; or use such information to advance the financial or other private interest of the official or others;

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

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

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

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

(c) Use of Public Property—No elected official, appointed officer, or employee of the city
or any agency or entity to which this charter applies shall use property owned by such
governmental entity for personal benefit or profit but shall use such property only in their
capacity as an officer or employee of the city or in the same capacity as permitted of
members of the general public.

(d) Contacts Voidable and Rescindable—Any violation of this section which occurs with
the knowledge, express or implied, of a party to a contract or sale shall render said contract
or sale voidable at the option of the city council.

(e) Ineligibility of Elected Official—Except where authorized by law, neither the mayor nor
any councilmember shall hold any other elective or appointive office in the city or otherwise
be employed by said government or any agency thereof during the term for which that
official was elected. No former mayor or former councilmember shall hold any appointive
office in the city or city employment until one year after the expiration of the term for which
that official was elected.

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

326 (g) Penalties for Violation.

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

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

SECTION 2.16.

Inquiries and investigations.

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

SECTION 2.17.

General power and authority of the city council.

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

(b) In addition to all other powers conferred upon it by law, the council shall have the authority to adopt and provide for the execution of such ordinances, resolutions, rules, and regulations, not inconsistent with this charter and the Constitution and the laws of the State of Georgia, which it shall deem necessary, expedient, or helpful for the peace, good order, protection of life and property, health, welfare, sanitation, comfort, convenience, prosperity, or well-being of the inhabitants of the City of Dawson and may enforce such ordinances by imposing penalties for violation thereof.
SECTION 2.18.  
Eminent domain.

The city council is hereby empowered to acquire, construct, operate and maintain public ways, parks, public grounds, cemeteries, markets, market houses, public buildings, libraries, sewers, drains, sewage treatment, waterworks, electrical systems, gas systems, airports, hospitals, and charitable, educational, recreational, sport, curative, corrective, detential, 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 may be condemned under procedures established under general law applicable now or as provided in the future.

SECTION 2.19.  
Organizational meetings.

The city council shall hold an organizational meeting on the second Thursday of January following each municipal election. The meeting shall be called to order by the city clerk and the oath of office shall be administered to the newly-elected members by a judicial officer authorized to administer oaths and shall, to the extent that it comports with federal and state law, be as follows:

"I do solemnly swear or affirm that I will properly perform the duties of the office of [position] of this city and that I will support and defend the charter thereof as well as the constitution and laws of the State of Georgia and of the United States of America. I am not the holder of any unaccounted for public money due this state or any political subdivision or authority thereof. I am not the holder of any office of trust under the government of the United States, any other state, or any foreign state which I am by the laws of the State of Georgia prohibited from holding. I am otherwise qualified to hold said office according to the Constitution and laws of Georgia. I have been a resident [of my district and] the City of Dawson for the time required by the Constitution and laws of this state and by the municipal charter. I will perform the duties of my office in the best interest of the City of Dawson to the best of my ability without fear, favor, affection, reward, or expectation thereof."

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SECTION 2.20.

Regular and special meetings.

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

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

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

SECTION 2.21.

Rules of procedure.

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

(b) Unless otherwise provided by law or ordinance, all committees and committee chairs and officers of the city council shall be appointed by the mayor and shall serve at the pleasure of the mayor. The mayor shall have the power to appoint new members to any committee at any time.

SECTION 2.22.

Quorum; voting.

(a) Four councilmembers shall constitute a quorum and shall be authorized to transact business of the city council. Voting on the adoption of ordinances shall be by voice vote and the vote shall be recorded in the journal, but any member of the city council shall have the right to request a roll call vote and such vote shall be recorded in the journal. Except as
otherwise provided in this charter, the affirmative vote of four councilmembers, or three
councilmembers and the mayor shall be required for the adoption of any ordinance,
resolution, or motion.
(b) An abstention noted on the record shall be counted as a negative vote.

SECTION 2.23.
Ordinance form; procedures.

(a) Every proposed ordinance should be introduced in writing and in the form required for
final adoption. No ordinance shall contain a subject which is not expressed in its title. The
enacting clause shall be "It is hereby ordained by the governing authority of the City of
Dawson," and every ordinance shall so begin.
(b) An ordinance may be introduced by any councilmember and be read at a regular or
special meeting of the city council. Ordinances shall be considered and adopted or rejected
by the city council in accordance with the rules which it shall establish. All ordinances shall
have two separate readings; provided, however, the city council may dispense with the
second reading with unanimous consent of the members present. Emergency ordinances, as
provided in Section 2.25, may be adopted on the same day that they are introduced without
dispensing with the second reading. Upon introduction of any ordinance, the city clerk shall
as soon as possible distribute a copy to the mayor and to each councilmember and shall file
a reasonable number of copies in the office of the city clerk and at such other public places
as the city council may designate.

SECTION 2.24.
Action requiring an ordinance.

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

SECTION 2.25.
Emergencies.

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

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

SECTION 2.26.

Codes of technical regulations.

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

(1) The requirements of Section 2.23(b) for distribution and filing of copies of the ordinance shall be construed to include copies of any code of technical regulations, as well as the adopting ordinance; and

(2) A copy of each adopted code of technical regulations, as well as the adopting ordinance, shall be authenticated and recorded by the clerk pursuant to Section 2.27.

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

SECTION 2.27.

Signing; authenticating; recording; codification; printing.

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

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

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

SECTION 2.28.

City manager; appointment; qualifications; compensation.

The city council shall appoint a city manager and shall fix the manager's compensation. The manager shall be appointed solely on the basis of executive and administrative qualifications. The council may enter into a contract with the city manager. The term of the city manager's contract shall not exceed three years. The city manager shall be an at-will employee and may be terminated as provided in his or her contract.

SECTION 2.29.

Acting city manager.

By letter filed with the city clerk, the manager shall designate, subject to approval of the city council, a qualified city administrative officer to exercise the powers and perform the duties of manager during the manager's temporary absence or physical or mental disability. During such absence or disability, the city council may revoke such designation at any time and appoint another officer of the city to serve until the manager shall return or the manager's disability shall cease.
SECTION 2.30.

Powers and duties of the city manager.

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

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

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

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

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

(e) Prepare and submit the annual operating budget and capital budget to the city council;

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

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

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

(i) Perform other such duties as are specified in this charter or as may be required by the city council.

SECTION 2.31.

Council interference with administration.

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

SECTION 2.32.

Selection of mayor pro tem.

The council shall elect from among its members a mayor pro tem who shall act as mayor during the absence or disability of the mayor, but shall only vote once on matters before the council, and if a vacancy occurs, shall become mayor for the remainder of the expired term.

SECTION 2.33.

Powers and duties of mayor.

The mayor shall:

(a) Preside at all meetings of the city council;
(b) Be the head of the city for the purpose of service of process and for ceremonial purposes, and be the official spokesperson for the city and the chief advocate of policy;
(c) Have the power to administer oaths and to take affidavits;
(d) Sign as a matter of course on behalf of the city all written and approved contracts, ordinances, and other instruments executed by the city which by law are required to be in writing;
(e) Vote on matters before the city council and be counted toward a quorum as any other councilmember;
(f) Appoint all committees, commissions, and authorities of the City of Dawson unless otherwise provided by law or ordinance; and
(g) Fulfill such other executive and administrative duties as the city council shall by ordinance establish.

ARTICLE III

ADMINISTRATIVE AFFAIRS

SECTION 3.10.

Administrative and service departments.

(a) Except as otherwise provided in this charter, the city council, by ordinance, shall prescribe the functions or duties, and establish, abolish, alter, consolidate, or leave vacant all nonelective offices, positions of employment, departments, and agencies of the city as necessary for the proper administration of the affairs and government of this city.
(b) Except as otherwise provided by this charter or by law, the directors of departments and other appointed officers of the city shall be appointed solely on the basis of their respective administrative and professional qualifications.

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

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

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

SECTION 3.11.

Boards, commissions, and authorities.

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

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

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

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

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

(f) No member of a board, commission, or authority shall assume office until that person has executed and filed with the clerk of the city an oath obligating himself to faithfully and impartially perform the duties of that member's office, such oath to be prescribed by ordinance and administered by the mayor.
(g) All board members serve at-will and may be removed at any time by a vote of four members of the city council unless otherwise provided by law.

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

SECTION 3.12.

City attorney.

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

SECTION 3.13.

City clerk.

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

SECTION 3.14.

Position classification and pay plans.

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

SECTION 3.15.

Personnel policies.

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

ARTICLE IV

JUDICIAL BRANCH

SECTION 4.10.

Creation; name.

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

SECTION 4.11.

Chief judge; associate judge.

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

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

(c) Compensation of the judges shall be fixed by ordinance and judges may be removed in accordance with state law.

(d) Before assuming office, each judge shall take an oath, given by the mayor, that the judge will honestly and faithfully discharge the duties of the office to the best of that person's ability and without fear, favor, or partiality. The oath shall be entered upon the minutes of the city council journal required in Section 2.21.
SECTION 4.12.

Convening.

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

SECTION 4.13.

Jurisdiction; powers.

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

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

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

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

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

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

(g) The municipal court may compel the presence of all parties necessary to a proper disposal of each case by the issuance of summonses, subpoenas, and warrants which may be served as executed by any officer as authorized by this charter or by law.
(h) Each judge of the municipal court shall be authorized to issue warrants for the arrest of persons charged with offenses against any ordinance of the city, and each judge of the municipal court shall have the same authority as a magistrate of the state to issue warrants for offenses against state laws committed within the city.

SECTION 4.14.
Certiorari.

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

SECTION 4.15.
Rules for court.

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

SECTION 4.16.
Indigent defense and prosecutor.

The mayor and council shall have the power to provide for a system of defense for indigent persons charged in the municipal court of the City of Dawson with violations of ordinances and/or state laws, and for the prosecution of such cases by a prosecutor, and to provide for and require the expense of same to be prorated over all criminal cases disposed of by the court, and all bond forfeitures in said cases, to be imposed by the municipal court judge and collected in all criminal cases and in bond forfeitures in such cases as costs in addition to fines, penalties, and all other costs.
SECTION 4.17.
Funding the acquisition, maintenance, and replacement of supplies and equipment for the municipal court.

The mayor and council shall have the power to provide that the costs of the acquisition, maintenance, and replacement of supplies and equipment required in the operation of the municipal court shall be funded by adding the expense thereof to all fines imposed by the municipal court judge and collected in all criminal cases and to all bond forfeitures in such cases as costs in addition to fines, penalties, and all other costs.

ARTICLE V
ELECTIONS AND REMOVAL
SECTION 5.10.
Applicability of general law.

All primaries and elections 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.

SECTION 5.11.
Election of the city council and mayor.

(a) On the Tuesday next following the first Monday in November, 2020, successors to the mayor and successors to the Ward 1, Ward 3, and Ward 4 councilmembers whose terms expire on December 31, 2020, shall be elected for a term of office expiring on December 31, 2022, or until their respective successors are elected and qualified.

(b) On the Tuesday next following the first Monday in November, 2019, successors to the Ward 2, Ward 5, and Ward 6 councilmembers whose terms expire on December 31, 2019, shall be elected for a term of office expiring on December 31, 2021, or until their respective successors are elected and qualified.

(c) The general municipal election for the election of the mayor and councilmembers shall be conducted on the Tuesday next following the first Monday in November in each year. Successors shall be elected to those offices the terms of which will expire on December 31 of such year. All persons elected to such offices shall take office on January 1 immediately following the date of the municipal election and shall have terms of office of two years and until their respective successors are elected and qualified.
SECTION 5.12.  
Nonpartisan elections.

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

SECTION 5.13.  
Election by majority.

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

SECTION 5.14.  
Special elections; vacancies.

In the event that the office of mayor or councilmember shall become vacant as provided in Section 2.12, 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 shall 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.

SECTION 5.15.  
Other provisions.

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 the Georgia Election Code.

SECTION 5.16.  
Removal of officers.

(a) The mayor, councilmembers, or other appointed officers provided for in this charter shall be removed from office for any one or more of the causes provided in Title 45 of the Official Code of Georgia Annotated, or such other applicable laws as are or may hereafter be enacted.
(b) Removal of an officer pursuant to subsection (a) of this section shall be accomplished by one of the following methods:

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

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

ARTICLE VI

FINANCE

SECTION 6.10.

Property tax.

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

SECTION 6.11.

Millage rate; due dates; payment methods.

The city council, by ordinance, shall establish a millage rate for the city property tax, a due date, and the time period within which these taxes must be paid. The city council, by ordinance, may provide for the payment of these taxes by two installments or in one lump sum, as well as authorize the voluntary payment of taxes prior to the time when due.
SECTION 6.12.

Occupation and business taxes.

The city council by ordinance shall have the power to levy such occupation or business taxes as are authorized by law. The city council may classify businesses, occupations, or professions for the purpose of such taxation in any way which may be lawful and may compel the payment of such taxes as provided in Section 6.18.

SECTION 6.13.

Regulatory fees; permits.

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


Franchises.

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

(b) If no franchise agreement is in effect, the city council has the authority to impose a tax on gross receipts for the use of this city's streets and alleys for the purposes of railroads, street railways, telephone companies, electric companies, electric membership corporations, cable television, and other telecommunications companies, gas companies, transportation companies, and other similar organizations.
Service charges. The city council by ordinance shall have the power to assess and collect fees, charges, and tolls for sewers, sanitary and health services, or any other services provided or made available within and without the corporate limits of the city. If unpaid, such charges shall be collected as provided in Section 6.18.

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

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

Collection of delinquent taxes and fees. (a) The city council shall have power and authority to levy and collect a tax annually, for general purposes, of not more than 20 mills upon each dollar of assessed valuation, upon all and every species of property, both real and personal, within the limits of the city, and to enforce the collection of same by execution, levy and sale as the city council shall provide. (b) The city council shall have power and authority to provide by ordinance when such taxes of said city shall be due, in what length of time said taxes shall be paid, when executions shall issue against defaulters, and to fix a penalty for the nonpayment of taxes when due. (c) The city council shall have the power and authority to provide by ordinance for the collection from delinquent taxpayers, in addition to all other sums, of the costs of collection and the costs of levy preparation and execution procedures, and to add such sums to the amounts due on tax executions. The costs of levy preparation and execution procedures shall
include, but without limitation, the cost of title searches, name and address verifications, legal fees, and all other levy and enforcement costs of every kind.

(d) The city council shall have the power and authority to provide by ordinance for the employment by the city manager of agencies to assist in the collection of delinquent taxes and in tax execution levy preparation and enforcement procedures, to provide for the payment of the costs of such agencies by the delinquent taxpayer, and to provide for the costs of such agencies to be added to the amounts due on tax executions.

SECTION 6.19.
Executions for taxes, licenses, other demands.

(a) Issuance, contents, procedure thereunder. Executions for any and all taxes or licenses, or demands of any sort due the city or its corporate authorities by any person, firm or corporation, or against any property subject thereto, shall be issued by the clerk, be signed by him or her, bear teste in the name of the mayor, and be directed to the chief of police of said city and his deputies and all and singular the sheriffs, deputy sheriffs and constables of this state, commanding them that of any property belonging to the defendant against whom said execution is issued, or of certain property described in the execution, they make by levy and sale the amount due on the execution with all costs.

(b) Laws, presumptions governing executions. Except as otherwise provided by this charter, and especially by Section 6.18 as amended by ordinance, all executions issued by the city clerk for taxes, license fees, special assessments, fines or forfeitures due the city shall be governed by the laws governing executions for state and county taxes, and shall be subject to all presumptions of law and fact which apply to executions for state and county taxes.

(c) Laws, rules, presumptions governing deeds. All deeds executed under levy of executions in favor of the city for taxes, licenses, special assessments, fines or forfeitures, shall be governed by the laws and rules of evidence which apply to deeds executed by the sheriffs under levy of executions for state and county taxes, and shall be subject to all presumptions of law and fact which apply to deeds executed by sheriffs under levy of executions for state and county taxes.

SECTION 6.20.
General obligation bonds.

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

SECTION 6.21.
Revenue bonds.

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

SECTION 6.22.
Short-term loans.

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

SECTION 6.23.
Lease-purchase contracts.

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

SECTION 6.24.
Fiscal year.

The city council shall set the fiscal year by ordinance. This fiscal year shall constitute the
budget year and the year for financial accounting the reporting of each and every office,
department, agency and activity of the city government unless otherwise provided by state
or federal law.
SECTION 6.25.
Preparation of budgets.

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

SECTION 6.26.
Submission of operating budget to city council.

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

SECTION 6.27.
Action by city council on budget.

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

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

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

SECTION 6.28.
Tax levies.

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

SECTION 6.29.
Changes in appropriations.

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

SECTION 6.30.
Capital budget.

On or before the date fixed by the city council but no later than 60 days prior to the
beginning of each fiscal year, the city manager shall submit to the city council a proposed
capital improvements plan with a recommended capital budget containing the means of
financing the improvements proposed for the ensuing fiscal year. The city council shall have
power to accept, with or without amendments, or reject the proposed plan and proposed
budget. The city council shall not authorize an expenditure for the construction of any
building, structure, work or improvement, unless the appropriations for such project are
included in the capital budget, except to meet a public emergency as provided in

Section 2.25.
SECTION 6.31.
Independent audit.

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

SECTION 6.32.
Contracting procedures.

No contract with the city shall be binding on the city unless:
(a) It is in writing;
(b) It is drawn by or submitted and reviewed by the city attorney, and as a matter of course, is signed by the city attorney to indicate such drafting or review; and
(c) It is made or authorized by the city council, and such approval is entered in the city council journal of proceedings pursuant to Section 2.21.

SECTION 6.33.
Centralized purchasing.

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

SECTION 6.34.
Sale and lease of city property.

The city council may sell and convey, or lease any real or personal property owned or held by the city for governmental or other purposes as now or hereafter provided by law.
ARTICLE VII
GENERAL PROVISIONS

SECTION 7.10.
Bonds for officials.

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

SECTION 7.11.
Prior ordinances.

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

SECTION 7.12.
Existing personnel and officers.

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

SECTION 7.13.
Pending matters.

Except as specifically provided otherwise by this charter, all rights, claims, actions, orders, contracts, and legal or administrative proceedings shall continue, and any such ongoing work or cases shall be completed by such city agencies, personnel, or offices as may be provided by the city council.
SECTION 7.14.  
Construction.

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

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

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

SECTION 7.15.  
Severability.

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

SECTION 7.16.  
Specific repealer.

An Act to amend, consolidate and supersede the several Acts of the General Assembly of the State of Georgia pertaining to the City of Dawson in the County of Terrell, and to provide a new charter thereof, approved March 21, 1970 (Ga. L. 1970, p. 3121), is hereby repealed in its entirety, and all amendatory acts thereto are likewise repealed in their entirety.

SECTION 7.17.  
General repealer.

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