

House Bill 574 (AS PASSED HOUSE AND SENATE)

By: Representative Greene of the 151st

A BILL TO BE ENTITLED
AN ACT

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

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.13.

Examples of powers.

- 53 (a) Animal Regulations. To regulate and license or to prohibit the keeping or running
54 at-large of animals and fowl, and to provide for the impoundment of the same if in violation
55 of any ordinance or lawful order; to provide for the disposition by sale, gift, or humane
56 destruction of animals and fowl when not redeemed as provided by ordinance; and to provide
57 punishment for violation of ordinances enacted hereunder;
- 58 (b) Appropriations and Expenditures. To make appropriations for the support of the
59 government of the city; to authorize the expenditure of money for any purposes authorized
60 by this charter and for any purpose for which a municipality is authorized by the laws of the
61 State of Georgia; and to provide for the payment of expenses of the city;
- 62 (c) Building Regulation. To regulate and to license the erection and construction of
63 buildings and all other structures; to adopt building, housing, plumbing, fire safety, electrical,
64 gas, and heating and air conditioning codes; and to regulate all housing, and building trades;
- 65 (d) Business Regulation and Taxation. To levy and to provide for the collection of
66 regulatory fees and taxes on privileges, occupations, trades, and professions as authorized
67 by Title 48 of the Official Code of Georgia Annotated, or other such applicable laws as are
68 or may hereafter be enacted; to permit and regulate the same; to provide for the manner and
69 method of payment of such regulatory fees and taxes; and to revoke such permits after due
70 process for failure to pay any city taxes or fees;
- 71 (e) Condemnation. To condemn property inside or outside the corporate limits of the city
72 for present or future use and for any corporate purpose deemed necessary by the governing
73 authority, utilizing procedures enumerated in Title 22 or Title 32 of the Official Code of
74 Georgia Annotated, or such other applicable laws as are or may hereafter be enacted;
- 75 (f) Contracts. To enter into contracts and agreements with other governmental entities and
76 with private persons, firms, and corporations;
- 77 (g) Emergencies. To establish procedures for determining and proclaiming that an
78 emergency situation exists within or without the city, and to make and carry out all
79 reasonable provisions deemed necessary to deal with or meet such an emergency for the
80 protection, safety, health, or well-being of the citizens of the city;
- 81 (h) Environmental Protection. To protect and preserve the natural resources, environment,
82 and vital areas of the city, the region, and the state through the preservation and improvement
83 of air quality, the restoration and maintenance of water resources, the control of erosion and
84 sedimentation, the management of stormwater and establishment of a stormwater utility, the
85 management of solid and hazardous waste, and other necessary actions for the protection of
86 the environment;

- 87 (i) Fire Regulations. To fix and establish fire limits and from time to time to extend,
88 enlarge, or restrict the same; to prescribe fire safety regulations not inconsistent with general
89 law, relating to both fire prevention and detection and to fire fighting; and to prescribe
90 penalties and punishment for violations thereof;
- 91 (j) Garbage Fees. To levy, fix, assess, and collect a garbage, refuse, and trash collection and
92 disposal, and other sanitary service charge, tax, or fee for such services as may be necessary
93 in the operation of the city from all individuals, firms, and corporations residing in or doing
94 business therein benefitting from such services; to enforce the payment of such charges,
95 taxes, or fees; and to provide for the manner and method of collecting such service charges;
- 96 (k) General Health, Safety, and Welfare. To define, regulate, and prohibit any act, practice,
97 conduct, or use of property which is detrimental to health, sanitation, cleanliness, welfare,
98 and safety of the inhabitants of the city, and to provide for the enforcement of such standards;
- 99 (l) Gifts. To accept or refuse gifts, donations, bequests, or grants from any source for any
100 purpose related to powers and duties of the city and the general welfare of its citizens, on
101 such terms and conditions as the donor or grantor may impose;
- 102 (m) Health and Sanitation. To prescribe standards of health and sanitation and to provide
103 for the enforcement of such standards;
- 104 (n) Jail Sentences. To provide that persons given jail sentences in the city's court may work
105 out such sentences in any public works or on the streets, roads, drains, and other public
106 property in the city, to provide for commitment of such persons to any jail, to provide for the
107 use of pretrial diversion and any alternative sentencing allowed by law, or to provide for
108 commitment of such persons to any county work camp or county jail by agreement with the
109 appropriate county officials;
- 110 (o) Motor Vehicles. To regulate the operation of motor vehicles and exercise control over
111 all traffic, including parking upon or across the streets, roads, alleys, and walkways of the
112 city;
- 113 (p) Municipal Agencies and Delegation of Power. To create, alter, or abolish departments,
114 boards, offices, commissions, and agencies of the city, and to confer upon such agencies the
115 necessary and appropriate authority for carrying out all the powers conferred upon or
116 delegated to the same;
- 117 (q) Municipal Debts. To appropriate and borrow money for the payment of debts of the city
118 and to issue bonds for the purpose of raising revenue to carry out any project, program, or
119 venture authorized by this charter and the laws of the State of Georgia;
- 120 (r) Municipal Property Ownership. To acquire, dispose of, lease, and hold in trust or
121 otherwise, any real, personal, or mixed property, in fee simple or lesser interest, inside or
122 outside the property limits of the city;

- 123 (s) Municipal Property Protection. To provide for the preservation and protection of
124 property and equipment of the city, and the administration and use of same by the public; and
125 to prescribe penalties and punishment for violations thereof;
- 126 (t) Municipal Utilities. To acquire, lease, construct, operate, maintain, sell, and dispose of
127 public utilities, including, but not limited to a system of waterworks, sewers and drains,
128 sewage disposal, stormwater management, gas works, electric light plants, cable television,
129 and other telecommunications, transportation facilities, public airports, and any other public
130 utility; and to fix the taxes, charges, rates, fares, fees, assessments, regulations and penalties,
131 and to provide for the withdrawal of service for refusal or failure to pay the same;
- 132 (u) Nuisance. To define a nuisance and provide for its abatement whether on public or
133 private property;
- 134 (v) Penalties. To provide penalties for violation of any ordinances adopted pursuant to the
135 authority of this charter and the laws of the State of Georgia;
- 136 (w) Planning and Zoning. To provide comprehensive city planning for development by
137 zoning; and to provide subdivision regulations and the like as the city council deems
138 necessary and reasonable to insure a safe, healthy, and aesthetically pleasing community;
- 139 (x) Police and Fire Protection. To exercise the power of arrest through duly appointed
140 police officers, and to establish, operate, or contract for a police and a fire fighting agency;
- 141 (y) Public Hazards: Removal. To provide for the destruction and removal of any building
142 or other structure which is or may become dangerous or detrimental to the public;
- 143 (z) Public Improvements. To provide for the acquisition, construction, building, operation
144 and maintenance of public ways, parks and playgrounds, recreational facilities, cemeteries,
145 markets and market houses, public buildings, libraries, public housing, airports, hospitals,
146 terminals, docks, parking facilities, or charitable, cultural, educational, recreational,
147 conservation, sport, curative, corrective, detentional, penal and medical institutions, agencies,
148 and facilities; and to provide any other public improvements, inside or outside the corporate
149 limits of the city; to regulate the use of public improvements; and for such purposes, property
150 may be acquired by condemnation under Title 22 or Title 32 of the Official Code of Georgia
151 Annotated, or such other applicable laws as are or may hereafter be enacted;
- 152 (aa) Public Peace. To provide for the prevention and punishment of loitering, disorderly
153 conduct, drunkenness, riots, and public disturbances;
- 154 (bb) Public Transportation. To organize, operate and contract for such public transportation
155 systems as are deemed beneficial;
- 156 (cc) Public Utilities and Services. To grant franchises or make contracts for, or impose taxes
157 on public utilities and public service companies; and to prescribe the rates, fares, regulations
158 and standards, and conditions of service applicable to the service to be provided by the

159 franchise grantee or contractor, insofar as not in conflict with valid regulations of the Public
160 Service Commission;

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

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

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

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

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

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

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

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

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

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

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

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

215 **SECTION 1.14.**

216 Exercise of powers.

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

221 **ARTICLE II**

222 **GOVERNMENT STRUCTURE**

223 **SECTION 2.10.**

224 City council creation; number; election.

225 The legislative authority of the government of this city, except as otherwise specifically
 226 provided in this charter, shall be vested in a city council to be composed of a mayor and six
 227 councilmembers. The city council established shall in all respects be a successor to and

228 continuation of the governing authority under prior law. The mayor and councilmembers
229 shall be elected in the manner provided by general law and this charter.

230 **SECTION 2.11.**

231 City council terms and qualifications for office.

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

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

243 **SECTION 2.12.**

244 Vacancy; filling of vacancies.

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

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

256 **SECTION 2.13.**

257 Compensation and expenses.

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

260 **SECTION 2.14.**

261 Holding other office; voting when financially interested.

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

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

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

268 **SECTION 2.15.**

269 Conflicts of interest; holding other offices.

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

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

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

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

285 (4) Accept any valuable gift, whether in the form of service, loan, thing, or promise, from
286 any person, firm or corporation which to the official's knowledge is interested, directly or
287 indirectly, in any manner whatsoever, in business dealings with the governmental body by

288 which the official is engaged; provided, however, that an elected official who is a candidate
289 for public office may accept campaign contributions and services in connection with any
290 such campaign;

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

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

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

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

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

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

319 (f) Political Activities of Certain Officers and Employees—No appointive officer of the city
320 shall continue in such employment upon qualifying as a candidate for nomination or election
321 to any public office. No employee of the city shall continue in such employment upon
322 qualifying for or election to any public office in this city or any other public office which is
323 inconsistent, incompatible or in conflict with the duties of the city employee. Such

324 determination shall be made by the mayor and council either immediately upon election or
325 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
328 knowingly violates any of the requirements of this section shall be guilty of malfeasance
329 in office or position and shall be deemed to have forfeited that person's office or position.

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

333 **SECTION 2.16.**

334 Inquiries and investigations.

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

341 **SECTION 2.17.**

342 General power and authority of the city council.

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

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

352 **SECTION 2.18.**

353 Eminent domain.

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

362 **SECTION 2.19.**

363 Organizational meetings.

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

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

381

SECTION 2.20.

382

Regular and special meetings.

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

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

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

398

SECTION 2.21.

399

Rules of procedure.

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

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

407

SECTION 2.22.

408

Quorum; voting.

409 (a) Four councilmembers shall constitute a quorum and shall be authorized to transact
410 business of the city council. Voting on the adoption of ordinances shall be by voice vote and
411 the vote shall be recorded in the journal, but any member of the city council shall have the
412 right to request a roll call vote and such vote shall be recorded in the journal. Except as

413 otherwise provided in this charter, the affirmative vote of four councilmembers, or three
 414 councilmembers and the mayor shall be required for the adoption of any ordinance,
 415 resolution, or motion.

416 (b) An abstention noted on the record shall be counted as a negative vote.

417 **SECTION 2.23.**

418 Ordinance form; procedures.

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

423 (b) An ordinance may be introduced by any councilmember and be read at a regular or
 424 special meeting of the city council. Ordinances shall be considered and adopted or rejected
 425 by the city council in accordance with the rules which it shall establish. All ordinances shall
 426 have two separate readings; provided, however, the city council may dispense with the
 427 second reading with unanimous consent of the members present. Emergency ordinances, as
 428 provided in Section 2.25, may be adopted on the same day that they are introduced without
 429 dispensing with the second reading. Upon introduction of any ordinance, the city clerk shall
 430 as soon as possible distribute a copy to the mayor and to each councilmember and shall file
 431 a reasonable number of copies in the office of the city clerk and at such other public places
 432 as the city council may designate.

433 **SECTION 2.24.**

434 Action requiring an ordinance.

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

436 **SECTION 2.25.**

437 Emergencies.

438 (a) To meet a public emergency affecting life, health, property, or public peace, the city
 439 council may convene on call of the mayor or three councilmembers and promptly adopt an
 440 emergency ordinance, but such ordinance may not levy taxes; grant, renew, or extend a
 441 franchise; regulate the rate charged by any public utility for its services; or authorize the
 442 borrowing of money except for loans to be repaid within 30 days. An emergency ordinance
 443 shall be introduced in the form prescribed for ordinances generally, except that it shall be

444 plainly designated as an emergency ordinance and shall contain, after the enacting clause,
 445 a declaration stating that an emergency exists, and describing the emergency in clear and
 446 specific terms. An emergency ordinance may be adopted, with or without amendment, or
 447 rejected at the meeting at which it is introduced, but the affirmative vote of at least four
 448 councilmembers shall be required for adoption. It shall become effective upon adoption or
 449 at such later time as it may specify. Every emergency ordinance shall automatically stand
 450 repealed 30 days following the date upon which it was adopted, but this shall not prevent
 451 re-enactment of the ordinance in the manner specified in this section if the emergency still
 452 exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance
 453 in the same manner specified in this section for adoption of emergency ordinances.

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

458 **SECTION 2.26.**

459 Codes of technical regulations.

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

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

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

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

470 **SECTION 2.27.**

471 Signing; authenticating; recording; codification; printing.

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

474 (b) The city council shall provide for the preparation of a general codification of all the
 475 ordinances of the city having the force and effect of law. The general codification shall be
 476 adopted by the city council by ordinance and shall be published promptly, together with all

477 amendments thereto and such codes of technical regulations and other rules and regulations
 478 as the city council may specify. This compilation shall be known and cited officially as "The
 479 Code of the City of Dawson, Georgia." Copies of the code shall be furnished to all officers,
 480 departments, and agencies of the city, and made available for purchase by the public at a
 481 reasonable price as fixed by the city council.

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

491 **SECTION 2.28.**

492 City manager; appointment; qualifications; compensation.

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

498 **SECTION 2.29.**

499 Acting city manager.

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

506

SECTION 2.30.

507

Powers and duties of the city manager.

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

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

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

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

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

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

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

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

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

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

536

SECTION 2.31.

537

Council interference with administration.

538 Except for the purpose of inquiries and investigations under Section 2.15, the city council nor
 539 its members shall deal with city officers and employees who are subject to the direction and

540 supervision of the manager solely through the manager, and neither the city council nor its
541 members shall give orders to any such officer or employee, either publicly or privately.

542 **SECTION 2.32.**

543 Selection of mayor pro tem.

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

547 **SECTION 2.33.**

548 Powers and duties of mayor.

549 The mayor shall:

550 (a) Preside at all meetings of the city council;

551 (b) Be the head of the city for the purpose of service of process and for ceremonial purposes,
552 and be the official spokesperson for the city and the chief advocate of policy;

553 (c) Have the power to administer oaths and to take affidavits;

554 (d) Sign as a matter of course on behalf of the city all written and approved contracts,
555 ordinances, and other instruments executed by the city which by law are required to be in
556 writing;

557 (e) Vote on matters before the city council and be counted toward a quorum as any other
558 councilmember;

559 (f) Appoint all committees, commissions, and authorities of the City of Dawson unless
560 otherwise provided by law or ordinance; and

561 (g) Fulfill such other executive and administrative duties as the city council shall by
562 ordinance establish.

563 **ARTICLE III**

564 **ADMINISTRATIVE AFFAIRS**

565 **SECTION 3.10.**

566 Administrative and service departments.

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

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

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

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

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

584 **SECTION 3.11.**

585 **Boards, commissions, and authorities.**

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

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

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

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

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

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

605 (g) All board members serve at-will and may be removed at any time by a vote of four
606 members of the city council unless otherwise provided by law.

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

615 **SECTION 3.12.**

616 City attorney.

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

625 **SECTION 3.13.**

626 City clerk.

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

631 **SECTION 3.14.**

632 Position classification and pay plans.

633 The city manager shall be responsible for the preparation of a position classification and pay
634 plan which shall be submitted to the city council for approval. Such plan may apply to all
635 employees of the city and any of its agencies, departments, boards, commissions or

636 authorities. When a pay plan has been adopted, the city council shall not increase or decrease
 637 the salary range applicable to any position except by amendment of such pay plan. For
 638 purposes of this section, all elected officials and all individuals appointed by the mayor and
 639 council shall not be considered city employees.

640 **SECTION 3.15.**

641 Personnel policies.

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

644 **ARTICLE IV**

645 **JUDICIAL BRANCH**

646 **SECTION 4.10.**

647 Creation; name.

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

649 **SECTION 4.11.**

650 Chief judge; associate judge.

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

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

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

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

663 **SECTION 4.12.**

664 Convening.

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

666 **SECTION 4.13.**

667 Jurisdiction; powers.

668 (a) The municipal court shall have jurisdiction and authority to try and punish violations of
669 this charter, all city ordinances, and such other violations as provided by law.670 (b) The municipal court shall have authority to punish those in its presence for contempt,
671 provided that such punishment shall not exceed \$200.00 or ten days in jail.672 (c) The municipal court may fix punishment for offenses within its jurisdiction not
673 exceeding a fine of \$1,000.00 or imprisonment for 180 days or both other such fine and
674 imprisonment or may fix punishment by fine, imprisonment, or alternative sentencing as now
675 or hereafter provided by law.676 (d) The municipal court shall have authority to establish a schedule of fees to defray the cost
677 of operation, and shall be entitled to reimbursement of the cost of meals, transportation, and
678 caretaking of prisoners bound over to superior courts for violations of state law.679 (e) The municipal court shall have authority to establish bail and recognizance to ensure the
680 presence of those charged with violations before said court, and shall have discretionary
681 authority to accept cash or personal or real property as surety for the appearance of persons
682 charged with violations. Whenever any person shall give bail for that person's appearance
683 and shall fail to appear at the time fixed for trial, the bond shall be forfeited by the judge
684 presiding at such time, and an execution issued thereon by serving the defendant and the
685 defendant's sureties with a rule nisi, at least two days before a hearing on the rule nisi. In the
686 event that cash or property is accepted in lieu of bond for security for the appearance of a
687 defendant at trial, and if such defendant fails to appear at the time and place fixed for trial,
688 the cash so deposited shall be on order of the judge declared forfeited to the city, or the
689 property so deposited shall have a lien against it for the value forfeited which lien shall be
690 enforceable in the same manner and to the same extent as a lien for city property taxes.691 (f) The municipal court shall have the same authority as superior courts to compel the
692 production of evidence in the possession of any party; to enforce obedience to its orders,
693 judgments and sentences; and to administer such oaths as are necessary.694 (g) The municipal court may compel the presence of all parties necessary to a proper
695 disposal of each case by the issuance of summonses, subpoenas, and warrants which may be
696 served as executed by any officer as authorized by this charter or by law.

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

701 **SECTION 4.14.**

702 Certiorari.

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

707 **SECTION 4.15.**

708 Rules for court.

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

716 **SECTION 4.16.**

717 Indigent defense and prosecutor.

718 The mayor and council shall have the power to provide for a system of defense for indigent
719 persons charged in the municipal court of the City of Dawson with violations of ordinances
720 and/or state laws, and for the prosecution of such cases by a prosecutor, and to provide for
721 and require the expense of same to be prorated over all criminal cases disposed of by the
722 court, and all bond forfeitures in said cases, to be imposed by the municipal court judge and
723 collected in all criminal cases and in bond forfeitures in such cases as costs in addition to
724 fines, penalties, and all other costs.

725 **SECTION 4.17.**

726 Funding the acquisition, maintenance, and replacement
727 of supplies and equipment for the municipal court.

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

733 **ARTICLE V**734 **ELECTIONS AND REMOVAL**735 **SECTION 5.10.**

736 Applicability of general law.

737 All primaries and elections shall be held and conducted in accordance with Chapter 2 of Title
738 21 of the Official Code of Georgia Annotated, the "Georgia Election Code," as now or
739 hereafter amended.

740 **SECTION 5.11.**

741 Election of the city council and mayor.

742 (a) On the Tuesday next following the first Monday in November, 2020, successors to the
743 mayor and successors to the Ward 1, Ward 3, and Ward 4 councilmembers whose terms
744 expire on December 31, 2020, shall be elected for a term of office expiring on December 31,
745 2022, or until their respective successors are elected and qualified.

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

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

756 **SECTION 5.12.**

757 Nonpartisan elections.

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

760 **SECTION 5.13.**

761 Election by majority.

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

763 **SECTION 5.14.**

764 Special elections; vacancies.

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

773 **SECTION 5.15.**

774 Other provisions.

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

778 **SECTION 5.16.**

779 Removal of officers.

780 (a) The mayor, councilmembers, or other appointed officers provided for in this charter shall
781 be removed from office for any one or more of the causes provided in Title 45 of the Official
782 Code of Georgia Annotated, or such other applicable laws as are or may hereafter be enacted.

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

- 785 (1) Following a hearing at which an impartial panel shall render a decision. In the event
786 an elected officer is sought to be removed by the action of the city council, such officer
787 shall be entitled to a written notice specifying the ground or grounds for removal and to a
788 public hearing which shall be held not less than ten days after the service of such written
789 notice. The city council shall provide by ordinance for the manner in which such hearings
790 shall be held. Any elected officer sought to be removed from office as herein provided
791 shall have the right of appeal from the decision of the city council to the Superior Court of
792 Terrell County. Such appeal shall be governed by the same rules as govern appeals to the
793 superior court from the probate court; or
- 794 (2) By an order of the Superior Court of Terrell County following a hearing on a complaint
795 seeking such removal brought by any resident of the City of Dawson.

796 **ARTICLE VI**

797 **FINANCE**

798 **SECTION 6.10.**

799 **Property tax.**

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

806 **SECTION 6.11.**

807 **Millage rate; due dates; payment methods.**

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

812 **SECTION 6.12.**

813 Occupation and business taxes.

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

818 **SECTION 6.13.**

819 Regulatory fees; permits.

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

825 **SECTION 6.14.**

826 Franchises.

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

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

843 **SECTION 6.15.**

844 Service charges.

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

849 **SECTION 6.16.**

850 Special assessments.

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

855 **SECTION 6.17.**

856 Construction; other taxes and fees.

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

860 **SECTION 6.18.**

861 Collection of delinquent taxes and fees.

862 (a) The city council shall have power and authority to levy and collect a tax annually, for
 863 general purposes, of not more than 20 mills upon each dollar of assessed valuation, upon all
 864 and every species of property, both real and personal, within the limits of the city, and to
 865 enforce the collection of same by execution, levy and sale as the city council shall provide.

866 (b) The city council shall have power and authority to provide by ordinance when such taxes
 867 of said city shall be due, in what length of time said taxes shall be paid, when executions
 868 shall issue against defaulters, and to fix a penalty for the nonpayment of taxes when due.

869 (c) The city council shall have the power and authority to provide by ordinance for the
 870 collection from delinquent taxpayers, in addition to all other sums, of the costs of collection
 871 and the costs of levy preparation and execution procedures, and to add such sums to the
 872 amounts due on tax executions. The costs of levy preparation and execution procedures shall

873 include, but without limitation, the cost of title searches, name and address verifications,
874 legal fees, and all other levy and enforcement costs of every kind.

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

880 **SECTION 6.19.**

881 Executions for taxes, licenses, other demands.

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

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

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

901 **SECTION 6.20.**

902 General obligation bonds.

903 The city council shall have the power to issue bonds for the purpose of raising revenue to
904 carry out any project, program or venture authorized under this charter or the laws of the

905 state. Such bonding authority shall be exercised in accordance with the laws governing bond
906 issuance by municipalities in effect at the time said issue is undertaken.

907 **SECTION 6.21.**

908 Revenue bonds.

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

912 **SECTION 6.22.**

913 Short-term loans.

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

916 **SECTION 6.23.**

917 Lease-purchase contracts.

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

925 **SECTION 6.24.**

926 Fiscal year.

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

931 **SECTION 6.25.**

932 Preparation of budgets.

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

937 **SECTION 6.26.**

938 Submission of operating budget to city council.

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

948 **SECTION 6.27.**

949 Action by city council on budget.

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

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

962 by organizational unit, purpose, or activity as set out in the budget preparation ordinance
963 adopted pursuant to Section 6.24.

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

968 **SECTION 6.28.**

969 Tax levies.

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

976 **SECTION 6.29.**

977 Changes in appropriations.

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

982 **SECTION 6.30.**

983 Capital budget.

984 On or before the date fixed by the city council but no later than 60 days prior to the
985 beginning of each fiscal year, the city manager shall submit to the city council a proposed
986 capital improvements plan with a recommended capital budget containing the means of
987 financing the improvements proposed for the ensuing fiscal year. The city council shall have
988 power to accept, with or without amendments, or reject the proposed plan and proposed
989 budget. The city council shall not authorize an expenditure for the construction of any
990 building, structure, work or improvement, unless the appropriations for such project are
991 included in the capital budget, except to meet a public emergency as provided in
992 Section 2.25.

993 **SECTION 6.31.**

994 Independent audit.

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

1000 **SECTION 6.32.**

1001 Contracting procedures.

1002 No contract with the city shall be binding on the city unless:

1003 (a) It is in writing;

1004 (b) It is drawn by or submitted and reviewed by the city attorney, and as a matter of course,
1005 is signed by the city attorney to indicate such drafting or review; and

1006 (c) It is made or authorized by the city council, and such approval is entered in the city
1007 council journal of proceedings pursuant to Section 2.21.

1008 **SECTION 6.33.**

1009 Centralized purchasing.

1010 The city council by ordinance shall prescribe procedures for a system of centralized
1011 purchasing for the city.

1012 **SECTION 6.34.**

1013 Sale and lease of city property.

1014 The city council may sell and convey, or lease any real or personal property owned or held
1015 by the city for governmental or other purposes as now or hereafter provided by law.

SECTION 7.14.

Construction.

1042
1043
1044 (a) Section captions in this charter are informative only and are not to be considered as a part
1045 thereof.

1046 (b) The word "shall" is mandatory, and the word "may" is permissive.

1047 (c) The singular shall include the plural, and the masculine shall include the feminine, and
1048 vice versa.

SECTION 7.15.

Severability.

1049
1050
1051 If any article, section, subsection, paragraph, sentence, or part thereof of this charter shall be
1052 held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect
1053 or impair other parts of this charter unless it clearly appears that such other parts are wholly
1054 and necessarily dependent upon the part held to be invalid or unconstitutional, it being the
1055 legislative intent in enacting this charter that each article, section, subsection, paragraph,
1056 sentence, or part thereof be enacted separately and independent of each other.

SECTION 7.16.

Specific repealer.

1057
1058
1059 An Act to amend, consolidate and supersede the several Acts of the General Assembly of the
1060 State of Georgia pertaining to the City of Dawson in the County of Terrell, and to provide
1061 a new charter thereof, approved March 21, 1970 (Ga. L. 1970, p. 3121), is hereby repealed
1062 in its entirety, and all amendatory acts thereto are likewise repealed in their entirety.

SECTION 7.17.

General repealer.

1063
1064
1065 All laws and parts of laws in conflict with this Act are repealed.