

House Bill 637

By: Representatives Morris of the 156th, Pruett of the 149th, and LaRiccia of the 169th

A BILL TO BE ENTITLED
AN ACT

1 To provide a new charter for the City of Hazlehurst; to provide for incorporation, boundaries,
2 and property of the city; to provide for powers, construction of powers, examples of powers,
3 and the exercise of powers; to provide for a governing authority of such city and the powers,
4 duties, authority, election, terms, vacancies, compensation, expenses, qualifications,
5 prohibitions, conflicts of interest, and suspension and removal from office relative to
6 members of such governing authority; to provide for oaths, organization, meetings, quorum,
7 voting, rules, and procedures; to provide for inquiries and investigations; to provide for
8 eminent domain; to provide for ordinances and codes; to provide for a mayor and mayor pro
9 tempore and certain duties, powers, and other matters relative thereto; to prohibit certain
10 interference with administration by the city council; to provide for administrative affairs and
11 responsibilities; to provide for boards, commissions, and authorities; to provide for a city
12 attorney, a city clerk, a deputy city clerk, a tax collector, a city accountant, a city manager,
13 and other personnel and matters relating thereto; to provide for a municipal court and the
14 judge or judges thereof and other matters relative to those judges; to provide for the court's
15 jurisdiction, powers, practices, and procedures; to provide for the right of certiorari; to
16 provide for elections and removal from office; to provide for taxation, licenses, and fees; to
17 provide for franchises, service charges, and assessments; to provide for bonded and other
18 indebtedness; to provide for auditing, accounting, budgeting, and appropriations; to provide
19 for city contracts and purchasing; to provide for the conveyance of property and interests
20 therein; to provide for bonds for officials; to provide for prior ordinances and rules, pending
21 matters, and existing personnel; to provide for definitions and construction; to provide for
22 severability; to provide for other matters relative to the foregoing; to provide a specific
23 repealer; to provide an effective date; to repeal conflicting laws; and for other purposes.

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

56 specifically enumerated in this charter. The city shall have all the powers of self-government
57 not otherwise prohibited by this charter or by general law.

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

61 **SECTION 1.13.**

62 Examples of powers.

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

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

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

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

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

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

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

89 (7) Emergencies. To establish procedures for determining and proclaiming that an
90 emergency situation exists within or without the city, and to make and carry out all

- 91 reasonable provisions deemed necessary to deal with or meet such an emergency for the
92 protection, safety, health or well-being of the citizens of the city;
- 93 (8) Environmental protection. To protect and preserve the natural resources,
94 environment and vital areas of the city, the region, and the state through the preservation
95 and improvement of air quality, the restoration and maintenance of water resources, the
96 control of erosion and sedimentation, the management of stormwater and establishment
97 of a stormwater utility, the management of solid and hazardous waste, and other
98 necessary actions for the protection of the environment;
- 99 (9) Ethics. To adopt ethics ordinances and regulations governing the conduct of
100 municipal elected officials, appointed officials, and employees, establishing procedures
101 for ethics complaints and setting forth penalties for violations of such rules and
102 procedures;
- 103 (10) Fire regulations. To fix and establish fire limits and from time to time extend,
104 enlarge or restrict the same; to prescribe fire safety regulations consistent with general
105 law, relating to fire prevention and detection and firefighting; and to prescribe penalties
106 and punishment for violations thereof;
- 107 (11) Garbage fees. To levy, fix, assess, and collect a garbage, refuse and trash collection
108 and disposal, and other sanitary service charge, tax, or fee for such services as may be
109 necessary in the operation of the city from all individuals, firms, and corporations
110 residing in or doing business therein benefiting from such services; to enforce the
111 payment of such charges, taxes or fees; and to provide for the manner and method of
112 collecting such service charges;
- 113 (12) General health, safety and welfare. To define, regulate and prohibit any act,
114 practice, conduct or use of property which is detrimental to health, sanitation, cleanliness,
115 welfare, and safety of the inhabitants of the city, and to provide for the enforcement of
116 such standards;
- 117 (13) Gifts. To accept or refuse gifts, donations, bequests or grants from any source for
118 any purpose related to powers and duties of the city and the general welfare of its
119 citizens, on such terms and conditions as the donor or grantor may impose;
- 120 (14) Health and sanitation. To prescribe standards of health and sanitation and to
121 provide for the enforcement of such standards;
- 122 (15) Jail sentences. To provide that persons given jail sentences in the city's court may
123 work out such sentences in any public works or on the streets, roads, drains, and other
124 public property in the city, to provide for commitment of such persons to any jail, to
125 provide for the use of pretrial diversion and any alternative sentencing allowed by law,
126 or to provide for commitment of such persons to any county work camp or county jail by
127 agreement with the appropriate county officials;

- 128 (16) Motor vehicles. To regulate the operation of motor vehicles and exercise control
129 over all traffic, including parking upon or across the streets, roads, alleys and walkways
130 of the city;
- 131 (17) Municipal agencies and delegation of power. To create, alter or abolish
132 departments, boards, offices, commissions and agencies of the city, and to confer upon
133 such agencies the necessary and appropriate authority for carrying out all of the powers
134 conferred upon or delegated to the same;
- 135 (18) Municipal debts. To appropriate and borrow money for the payment of debts of the
136 city and to issue bonds for the purpose of raising revenue to carry out any project,
137 program or venture authorized by this charter or the laws of the State of Georgia;
- 138 (19) Municipal property ownership. To acquire, dispose of, lease, and hold in trust or
139 otherwise any real, personal or mixed property, in fee simple or lesser interest, inside or
140 outside the property limits of the city;
- 141 (20) Municipal property protection. To provide for the preservation and protection of
142 property and equipment of the city, and the administration and use of the same by the
143 public; and to prescribe penalties and punishment for violations thereof;
- 144 (21) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose
145 of public utilities, including but not limited to a system of waterworks, sewers and drains,
146 sewage disposal, stormwater management, gas works, electric light plants, cable
147 television and other telecommunications, transportation facilities, public airports, and any
148 other public utility; and to fix the taxes, charges, rates, fares, fees, assessments,
149 regulations, and penalties, and to provide for the withdrawal of service for refusal or
150 failure to pay the same;
- 151 (22) Nuisance. To define a nuisance and provide for its abatement whether on public or
152 private property;
- 153 (23) Penalties. To provide penalties for violation of any ordinances adopted pursuant to
154 the authority of this charter and the laws of the State of Georgia;
- 155 (24) Planning and zoning. To provide comprehensive city planning for development by
156 zoning; and to provide subdivision regulation and the like as the city council deems
157 necessary and reasonable to insure a safe, healthy, and aesthetically pleasing community;
- 158 (25) Police and fire protection. To exercise the power of arrest through duly appointed
159 police officers, and to establish, operate, or contract for a police and firefighting agency;
- 160 (26) Public hazards removal. To provide for the destruction and removal of any building
161 or other structure, which is or may become dangerous or detrimental to the public;
- 162 (27) Public improvements. To provide for the acquisition, construction, building,
163 operation, and maintenance of public ways, parks and playgrounds, recreational facilities,
164 cemeteries, markets and market houses, public buildings, libraries, public housing,

165 airports, hospitals, terminals, docks, parking facilities, or charitable, cultural, educational,
166 recreational, conservation, sport, curative, corrective, detention, penal and medical
167 institutions, agencies and facilities; and to provide any other public improvements inside
168 or outside the corporate limits of the city; to regulate the use of public improvements; and
169 for such purposes, property may be acquired by condemnation under Title 22 of the
170 Official Code of Georgia Annotated, or such other applicable laws as are or may hereafter
171 be enacted;

172 (28) Public peace. To provide for the prevention and punishment of loitering, disorderly
173 conduct, drunkenness, riots, and public disturbances;

174 (29) Public transportation. To organize and operate such public transportation systems
175 as are deemed beneficial;

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

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

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

188 (33) Roadways. To lay out, open, extend, widen, narrow, establish or change the grade
189 of, abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise
190 improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and
191 walkways within the corporate limits of the city; and to grant franchises and
192 rights-of-way throughout the streets and roads, and over the bridges and viaducts for the
193 use of public utilities;

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

201 (35) Solid waste disposal. To provide for the collection and disposal of garbage, rubbish,
202 and refuse, and to regulate the collection and disposal of garbage, rubbish, and refuse by
203 others; and to provide for the separate collection of glass, tin, aluminum, cardboard,
204 paper, and other recyclable materials, and to provide for the sale of such items;

205 (36) Special areas of public regulation. To regulate or prohibit junk dealers; to regulate
206 the manufacture and sale of intoxicating liquors; to regulate the transportation, storage,
207 and use of combustible, explosive, and inflammable materials, the use of lighting and
208 heating equipment, and any other business or situation which may be dangerous to
209 persons or property; to regulate and control the conduct of peddlers and itinerant traders,
210 theatrical performances, exhibitions, and shows of any kind, by taxation or otherwise; to
211 license and tax professional fortunetelling, palmistry, and massage parlors; to restrict
212 adult bookstores and entertainment to certain areas; to regulate and license vehicles
213 operated for hire in the city; to limit the number of vehicles operated for hire; to require
214 the operators of vehicles operated for hire to be licensed; to require public liability
215 insurance on vehicles operated for hire in the amounts to be prescribed by ordinance; and
216 to regulate the parking of vehicles operated for hire;

217 (37) Special assessments. To levy and provide for the collection of special assessments
218 to cover the costs of any public improvements;

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

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

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

227 (41) Urban redevelopment. To organize and operate an urban redevelopment program;

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

237 addition to such powers unless expressly prohibited to municipalities under the
238 Constitution or applicable laws of the State of Georgia.

239 **SECTION 1.14.**

240 Exercise of powers.

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

245 **ARTICLE II**

246 **GOVERNMENT STRUCTURE, ELECTIONS, AND REMOVAL**

247 **SECTION 2.10.**

248 City council creation, number, election.

249 The legislative authority of the government of the City of Hazlehurst, except as otherwise
250 specifically provided in this charter, shall be vested in a city council to be composed of a
251 mayor and four council members. The council members shall be elected by ward by the
252 voters in that ward. The mayor, who shall be a member of the city council, shall be elected
253 by a majority vote of the qualified electors of the city at large voting at the elections of the
254 city.

255 **SECTION 2.11.**

256 City council terms and qualifications for office.

257 (a) The mayor and council members shall serve for terms of four years and until their
258 respective successors are elected and qualified. No person shall be eligible to serve as mayor
259 or a council member unless that person shall have been a resident of the area comprising the
260 corporate limits of the city for a continuous period of at least 12 months immediately prior
261 to the date of the election for mayor or council member, shall continue to reside therein
262 during that person's period of service, and shall continue to be registered and qualified to vote
263 in municipal elections of the city.

264 (b) In addition to the requirements of subsection (a) of this section, no person shall be
265 eligible to serve as a council member representing a ward unless that person has been a
266 resident of the ward such person seeks to represent for a continuous period of at least 12

267 months immediately prior to the date of the election for such ward and must continue to
 268 reside in such ward during that person's period of service.

269 **SECTION 2.12.**

270 Vacancy; filling of vacancies.

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

275 (b) A vacancy in the office of mayor or any council member shall be filled for the remainder
 276 of the unexpired term by a special election if such vacancy occurs 12 months or more prior
 277 to the expiration of the term of that office as provided for in Section 5.13 of this charter and
 278 in accordance with Titles 21 and 45 of the Official Code of Georgia Annotated, or other such
 279 laws as are or may hereafter be enacted. If such vacancy occurs within 12 months of the
 280 expiration of the term of that office, the city council or those members remaining may
 281 appoint a successor for the remainder of the term.

282 **SECTION 2.13.**

283 Compensation and expenses.

284 The annual salary of the mayor shall be \$12,000.00 and the annual salary for each council
 285 member shall be \$2,400.00. Such salary shall be paid from municipal funds in equal monthly
 286 installments. The city council may provide by ordinance for the provision of insurance,
 287 retirement, workers' compensation, and other employee benefits to the mayor and members
 288 of the city council and may provide by ordinance for the reimbursement of expenses actually
 289 and necessarily incurred by the mayor and members of the city council in carrying out their
 290 official duties. The annual salary of the mayor and the annual salary for each council
 291 member may be increased or decreased by ordinance duly enacted but no such change shall
 292 become effective until the beginning of the next term for said mayor or council member.

293 **SECTION 2.14.**

294 Conflicts of interest; holding other offices.

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

297 (b) Conflict of interest. No elected official, appointed officer, member of any board or
298 authority, or employee of the city or any agency or political entity to which this charter
299 applies shall knowingly:

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

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

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

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

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

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

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

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

337 (e) Contracts voidable and rescindable. Any violation of this section which occurs with the
 338 knowledge, express or implied, of a party to a contract or sale shall render said contract or
 339 sale voidable at the option of the city council.

340 (f) Ineligibility of elected official. Except where authorized by law, neither the mayor nor
 341 any council member shall hold any other elective or appointive office in the city or otherwise
 342 be employed by said government or any agency thereof during the term for which that
 343 official was elected. No former mayor and no former council member shall hold any
 344 appointive office in the city until one year after the expiration of the term for which that
 345 official was elected.

346 (g) Political activities of certain officers and employees. No appointed officer of the city
 347 shall continue in such employment upon qualifying as a candidate for nomination or election
 348 to any public office. No employee of the city shall continue in such employment upon
 349 qualifying for or election to any public office in this city or any other public office which is
 350 inconsistent, incompatible or in conflict with the duties of the city employee. Such
 351 determination shall be made by the city council either immediately upon election or at any
 352 time such conflict may arise.

353 (h) Penalties for violation:

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

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

361 **SECTION 2.15.**

362 **Inquiries and investigations.**

363 The city council may, by majority vote of all members, request an official inquiry or
 364 investigation into the affairs of the city and of any department, office or agency of the city
 365 by any state or federal governmental agency authorized to make such inquiries or
 366 investigations and direct all employees and appointed officers to cooperate with any such

367 investigative agency upon penalty of termination of employment or removal from office for
368 refusal to do so.

369 **SECTION 2.16.**

370 General power and authority of the city council.

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

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

380 **SECTION 2.17.**

381 Eminent domain.

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

390 **SECTION 2.18.**

391 Organizational meetings.

392 (a) The city council shall meet on the first working day in January immediately following
393 each regular municipal election. The meeting shall be called to order by the mayor-elect and
394 the oath of office shall be administered to the newly elected mayor and council members by
395 a judicial officer or other person authorized to administer oaths. The oath shall, to the extent
396 that it comports with federal and state law, be as follows:

397 "I do solemnly swear or affirm that I will faithfully execute the office of [council member
 398 or mayor as the case may be] of the City of Hazlehurst, and will to the best of my ability
 399 support and defend the Constitution of the United States, the Constitution of Georgia, and
 400 the charter, ordinances, and regulations of the City of Hazlehurst. I am not the holder of
 401 any unaccounted for public money due this state or any political subdivision or authority
 402 thereof. I am not the holder of any office of trust under the government of the United
 403 States, any other state, or any foreign state which I, by the laws of the State of Georgia, am
 404 prohibited from holding. I am otherwise qualified to hold said office according to the
 405 Constitution and laws of Georgia. I have been a resident of [my district and] the City of
 406 Hazlehurst for the time required by the Constitution and laws of this state and by the
 407 municipal charter. I will perform the duties of my office in the best interest of the City of
 408 Hazlehurst to the best of my ability without fear, favor, affection, reward, or expectation
 409 thereof."

410 (b) Designation of council members over departments. The city council shall also designate
 411 amongst itself at its organizational meeting each year which council member shall serve as
 412 the administrative liaison for each of the following city departments: water and sewer,
 413 streets, police, and fire. The designated council member shall be responsible for reporting
 414 to the city council all matters of concern for each department, including, but not limited to,
 415 personnel recommendations, equipment acquisitions, and other administrative issues.

416 **SECTION 2.19.**

417 Regular and special meetings.

418 (a) The city council shall, at least once a month, hold regular meetings at such times and
 419 places as prescribed by ordinance. The city council may recess any regular meeting and
 420 continue such meeting on any weekday or hour it may fix and may transact any business at
 421 such continued meeting as may be transacted at any regular meeting.

422 (b) Special meetings of the city council may be held on the call of the mayor or on the
 423 written call of any two council members which is consented to by a third council member.
 424 For any called meeting initiated by two council members, such written call shall be delivered
 425 to the city clerk who shall then contact the other council members to determine if there be
 426 a third council member who consents to such call and if there be, then notice as hereinafter
 427 provided shall issue. Notice of such special meetings shall be delivered to each member of
 428 the city council personally, by registered mail, or by electronic means, at least 24 hours in
 429 advance of the meeting. Such notice to each member of the city council shall not be required
 430 if the entire city council is present when the special meeting is called. Such notice of any
 431 special meeting may be waived by a member of the city council in writing before or after

432 such a meeting and attendance at the meeting shall also constitute a waiver of notice. The
 433 notice of such special meeting shall state what business is to be transacted at the special
 434 meeting. Only the business stated in the call may be transacted at the special meeting.

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

439 **SECTION 2.20.**

440 Rules of procedure.

441 (a) The city council shall adopt its rules of procedure and order of business consistent with
 442 the provisions of this charter and shall provide for keeping a journal of its proceedings, which
 443 shall be public record. If there be no adoption of rules of procedure and order, then *Robert's*
 444 *Rules of Order* shall govern.

445 (b) All committees and committee chairs and officers of the city council shall be appointed
 446 by the mayor and approved by a majority vote of the city council and shall serve at the
 447 pleasure of the city council. The mayor upon approval of a majority of the city council shall
 448 have the power to appoint new members to any committee at any time.

449 **SECTION 2.21.**

450 Quorum; voting.

451 (a) The mayor is considered a council member for purposes of determining a quorum and
 452 voting. All references to the number of council member votes under this charter shall include
 453 the consideration of the mayor's vote.

454 (b) Three council members shall constitute a quorum and shall be authorized to transact
 455 business for the city council.

456 (c) Voting on the adoption of ordinances shall be taken by voice or show of hands vote and
 457 the yeas and nays shall be recorded in the minutes, but on the request of any member there
 458 shall be a roll-call vote and such vote shall be recorded in the minutes. Except as otherwise
 459 provided in this charter, the affirmative vote of three council members shall be required for
 460 the adoption of any ordinance, resolution, or motion.

461 (d) No member of the city council shall abstain from voting on any matter properly brought
 462 before the council for official action except when such member of council has a conflict of
 463 interest which is disclosed prior to or at the meeting and made a part of the minutes. Any
 464 member of the city council present and eligible to vote on a matter and refusing to do so for

465 any reason other than a properly disclosed and recorded conflict of interest shall be deemed
466 to have acquiesced or concurred with the members of the majority who did vote on the
467 question involved.

468 (e) The city council may, by ordinance or resolution, adopt rules and bylaws to govern the
469 conduct of its business, including procedures and penalties for compelling the attendance of
470 absent members.

471 **SECTION 2.22.**

472 Ordinance form, resolutions, procedures.

473 (a) Every proposed ordinance shall be introduced in writing, and the city council shall have
474 the authority to approve, disapprove, or amend the same in accordance with this section. No
475 ordinance shall contain a subject which is not expressed in its title. The ordinance shall be
476 considered "read" by a reading of its heading, presenting a written copy to each member of
477 the city council and making a printed copy available to any member of the public upon
478 request.

479 (b) Except for emergency ordinances as provided in Section 2.15 of this charter, an
480 ordinance may be introduced by a motion made by any member of the city council at a
481 regularly scheduled monthly meeting of the city council and shall be read as defined in
482 subsection (a) of this section. The effect of the approval of such motion shall be to require
483 that said ordinance be considered and voted upon by motion and second reading at the next
484 successive regularly scheduled monthly city council meeting. The reading or discussion of
485 any proposed ordinance at an open work-session or special meeting of the city council shall
486 not count towards the requirement of a reading at two successive regularly scheduled
487 monthly meetings of the city council. Ordinances shall be considered and adopted or
488 rejected by a majority vote of a quorum of the city council upon motion and after a reading
489 at the second successive regularly scheduled monthly meeting after its introduction and
490 reading at the immediately preceding regularly scheduled monthly meeting of the city
491 council.

492 (c) Upon introduction of any ordinance, the city clerk shall as soon as possible distribute a
493 copy to the mayor and to each council member and shall file a reasonable number of copies
494 in the office of the clerk and at such other public places as the city council may designate.
495 The clerk may, with the approval of council, make arrangements for reproduction and
496 distribution of proposed ordinances by electronic or other means.

497 (d) After the title and preamble of any proposed ordinance is read at the second successive
498 regularly scheduled monthly meeting of the city council, it may be approved and passed at
499 such time by a majority vote of a quorum of the city council. The enacting clause shall be

500 "Now Therefore, Be It Ordained by the City Council of the City of Hazlehurst" and every
501 ordinance shall so begin.

502 (e) The catchlines of sections of this charter or any ordinance printed in boldface type,
503 italics, or otherwise, are intended as mere catchwords to indicate the contents of the section,
504 and:

505 (1) Shall not be deemed or taken to be titles of such sections or as any part of the section;
506 and

507 (2) Shall not be so deemed when any of such sections, including the catchlines, are
508 amended or reenacted unless expressly provided to the contrary.

509 Furthermore, the article and section headings contained in this Act shall not be deemed to
510 govern, limit, or modify or in any manner affect the scope, meaning, or intent of the
511 provisions of any article or section hereof.

512 (f) A resolution shall be limited to expressions of the city's will, intent, recognition or
513 declarations concerning the city, its citizens or anything affecting either. No resolution shall
514 have any penal aspect. A resolution may be made and voted upon in oral form but shall
515 thereafter be reduced to writing. A resolution may be passed by the council at any public
516 meeting; however, any resolution which approves the expenditure of public funds shall be
517 discussed in an open meeting not less than seven days prior to its approval in an open
518 meeting.

519 **SECTION 2.23.**

520 Action requiring an ordinance; definition.

521 Any and all acts of the city council which have the force and effect of law shall be enacted
522 by ordinance.

523 **SECTION 2.24.**

524 Emergencies.

525 (a) To meet a public emergency affecting life, health, property or public peace, the city
526 council may convene on call of a public meeting as provided in Section 2.19 and promptly
527 adopt an emergency ordinance, but such ordinance may not levy taxes; grant, renew or
528 extend a franchise; regulate the rate charged by any public utility for its services; or authorize
529 the borrowing of money except for loans to be repaid within 30 days. An emergency
530 ordinance shall be introduced in the form prescribed for ordinances generally, except that it
531 shall be plainly designated as an emergency ordinance and shall contain, after the enacting

532 clause, a declaration stating that an emergency exists, and describing the emergency in clear
533 and specific terms.

534 (b) An emergency ordinance may be adopted, with or without amendment, or rejected at the
535 meeting at which it is introduced, but the affirmative vote of the majority of the council
536 members present shall be required for adoption. It shall become effective upon adoption or
537 at such later time as it may specify. A quorum of council members shall be required to adopt
538 any and all emergency ordinances.

539 (c) Every emergency ordinance shall automatically stand repealed 90 days following the
540 date upon which it was adopted, but this shall not prevent reenactment of the ordinance in
541 the manner specified in this section if the emergency still exists. An emergency ordinance
542 may also be repealed by adoption of a repealing ordinance in the same manner specified in
543 this section for adoption of emergency ordinances.

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

548 **SECTION 2.25.**

549 Codes of technical regulations.

550 The city council may adopt any standard code of technical regulations by reference thereto
551 in an adopting ordinance. The procedure and requirements governing such adopting
552 ordinance shall be the same as prescribed for ordinances as shown in Section 2.13 of this
553 charter.

554 **SECTION 2.26.**

555 Signing, authenticating, recording codification, printing.

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

558 (b) The city council shall provide for the preparation of a general codification of all the
559 ordinances of the city having the force and effect of law. The general codification shall be
560 adopted by the city council by ordinance and shall be published promptly, together with all
561 amendments thereto and such codes of technical regulations and other rules and regulations
562 as the city council may specify.

563 (c) This compilation shall be known and cited officially as "The Code of Ordinances of the
564 City of Hazlehurst, Georgia." Copies of the code shall be furnished to all officers,

565 departments and agencies of the city, and made available for purchase by the public at a
566 reasonable price fixed by the city council.

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

576 **SECTION 2.27.**

577 Election of mayor; forfeiture; compensation.

578 The mayor shall be elected and serve for a term of four years and until a successor is elected
579 and qualified. The mayor shall be a qualified elector of the city and shall have been a
580 resident of the city for 12 months prior to the election. The mayor shall continue to reside
581 in the city during the period of service. The mayor shall forfeit the office on the same
582 grounds and under the same procedure as for council members. The compensation of the
583 mayor shall be established in the same manner as for council members.

584 **SECTION 2.28.**

585 Powers and duties of mayor.

586 The mayor shall:

- 587 (1) Preside at all meetings of the city council;
- 588 (2) Be the head of the city for the purpose of service of process and for ceremonial
589 purposes, and be the official spokesperson for the city and the chief advocate of policy;
- 590 (3) Have the power to administer oaths and to take affidavits;
- 591 (4) Sign as a matter of course on behalf of the city all written and approved contracts,
592 ordinances and other instruments executed by the city which by law are required to be in
593 writing;
- 594 (5) Vote on matters before the city council and be counted toward a quorum as any other
595 council member;
- 596 (6) Cause to be prepared and submitted to the city council a recommended annual
597 operating budget and recommended capital budget; and

598 (7) Fulfill such other executive and administrative duties as the city council shall by
599 ordinance or resolution establish.

600 **SECTION 2.29.**

601 Mayor pro tempore; selections; duties.

602 (a) By a majority vote, the city council shall elect a council member to serve as mayor pro
603 tempore. The mayor pro tempore shall assume the duties and powers of the mayor during
604 his or her absence. The mayor pro tempore shall sign all contracts and ordinances in which
605 the mayor has a disqualifying financial interest as provided in Section 2.14 of this charter.
606 When acting as mayor, the mayor pro tempore shall continue to have only one vote as a
607 member of the council.

608 (b) The mayor pro tempore shall be elected at the organizational meeting held on the first
609 working day in January immediately following each regular municipal election and shall
610 serve for a period of one year.

611 **ARTICLE III**

612 **ADMINISTRATIVE AFFAIRS**

613 **SECTION 3.10.**

614 Administrative and service departments.

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

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

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

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

628 (e) All appointed officers and directors under the supervision of the city council shall be
629 appointed by the city council. All appointed officers and directors shall be employed at-will

630 and subject to removal or suspension at any time by the city council unless otherwise
631 provided by law or ordinance.

632 (f) For all purposes of this charter, appointed officers shall mean any person holding any
633 office enumerated under this Article and such other persons as designated by any ordinance
634 or resolution. Directors shall mean those individuals employed to be the head of the
635 departments designated by the city, e.g., water and sewer, streets, police, administrative, etc.

636 **SECTION 3.11.**

637 **Boards, commissions, and authorities.**

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

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

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

649 (d) Except as otherwise provided by charter or by law, no member of any board, commission
650 or authority shall hold any elective office in the city unless approved by a majority vote of
651 the city council.

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

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

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

661 (h) Except as otherwise provided by this charter or by applicable state law, each board,
662 commission, or authority of the city government shall elect one of its members as
663 chairperson and one member as vice chairperson for terms of one year and may elect as its
664 secretary one of its own members or may appoint as secretary an employee of the city. Each

665 board, commission, or authority of the city government may establish such bylaws, rules, and
666 regulations not inconsistent with this charter, ordinances of the city, or applicable state law
667 as it deems appropriate and necessary for the conduct of its affairs, copies of which shall be
668 filed with the clerk of the city.

669 **SECTION 3.12.**

670 City attorney.

671 (a) The city council shall appoint a city attorney, together with such assistant city attorneys
672 as may be authorized, and shall provide for the payment of such attorney or attorneys for
673 services rendered to the city. The city attorney shall be responsible for providing for the
674 representation and defense of the city in all litigation in which the city is a party; may be the
675 prosecuting officer in the municipal court or may serve as judge of municipal court if
676 appointed by the city council as provided for in Section 4.11 of this charter; shall attend the
677 meetings of the council as directed; shall advise the city council, mayor, and other officers
678 and employees of the city concerning legal aspects of the city's affairs; shall perform such
679 other duties as may be required by virtue of the person's position as city attorney; and shall
680 be a member in good standing within the State Bar of Georgia.

681 (b) The city attorney is not a public official of the city and does not take an oath of office.
682 The city attorney shall at all times be an independent contractor. A law firm, rather than an
683 individual, may be designated as the city attorney.

684 (c) The city attorney shall be considered an appointed officer for purposes of this charter.

685 **SECTION 3.13.**

686 City clerk.

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

691 **SECTION 3.14.**

692 Deputy city clerk.

693 The city council shall designate a qualified city administrative officer to exercise the powers
694 and perform the duties of city clerk during the city clerk's absence and shall perform such
695 other duties as may be required by the city council.

696 **SECTION 3.15.**

697 Tax collector.

698 The city council may appoint a tax collector to collect all taxes, licenses, fees, and other
699 moneys belonging to the city subject to the provisions of this charter and the ordinances of
700 the city; and the tax collector shall diligently comply with and enforce all general laws of
701 Georgia relating to the collection, sale, or foreclosure of taxes by municipalities.

702 **SECTION 3.16.**

703 City accountant.

704 The city council may appoint a city accountant, subject to confirmation by majority vote of
705 the council, to perform the duties of an accountant.

706 **SECTION 3.17.**

707 City manager.

708 The city council may select and appoint a city manager whose salary shall be fixed by the
709 city council and whose term of office shall be established by the city council and whose
710 duties, powers and qualifications shall be prescribed by the policies and procedures adopted
711 by the city council from time to time. The mayor and any other member of the city council
712 shall be ineligible for the office of city manager for a period of at least 12 months from the
713 date of the expiration of his or her term of office or his or her resignation from office.

714 **SECTION 3.18.**

715 Consolidation of functions.

716 The city council may consolidate any two or more of the positions of city clerk, city tax
717 collector, and city accountant, or any other positions or may assign the functions of any one
718 or more of such positions to the holder or holders of any other positions.

719 **SECTION 3.19.**

720 Interference with administration.

721 The city council or its members individually shall deal with city officers and employees who
722 are subject to the direction or supervision of a department director solely through the
723 respective department director, and individually shall give orders to any such officer or

724 employee, either publicly or privately except that this shall not apply to any council member
725 who is appointed to be an administrative director.

726 **SECTION 3.20.**

727 Rules and regulations.

728 (a) All employees serve at-will and may be removed from office at any time unless
729 otherwise provided by ordinance or resolution.

730 (b) The city council shall adopt rules and regulations consistent with this charter concerning:

731 (1) The method of employee selection and periods of employment;

732 (2) The administration of a position classification, methods of promotion and
733 applications of service ratings thereto, and transfer of employees within the classification
734 plan;

735 (3) Hours of work, vacation, sick leave, and other leaves of absence, overtime pay, and
736 the order and manner in which layoffs shall be effected;

737 (4) Such dismissal hearings as due process may require; and

738 (5) Such other personnel rules as may be necessary to provide for adequate and
739 systematic handling of personnel affairs.

740 **ARTICLE IV**

741 **JUDICIAL BRANCH**

742 **SECTION 4.10.**

743 Creation of municipal court.

744 There shall be a court to be known as the Municipal Court of the City of Hazlehurst, Georgia.

745 **SECTION 4.11.**

746 Judge of municipal court; judge pro hac vice.

747 (a) The municipal court shall be presided over by a judge of the municipal court and such
748 part-time, full-time, or stand-by judges as may be provided by ordinance. However, should
749 the city council not appoint a stand-by judge, the appointed judge of the municipal court shall
750 have the authority to appoint a judge pro hac vice to serve in the judge of the municipal
751 court's absence whose compensation, if any, shall be paid by the judge of the municipal
752 court. A judge pro hac vice shall be subject to the same requirements as subsection (b) of
753 this section and may be removed from his or her appointment as provided for in
754 subsection (e) of this section.

755 (b) No person shall be qualified or eligible to serve as a judge on the municipal court unless
 756 that person shall have attained the age of 21 years, shall be a member of the State Bar of
 757 Georgia in good standing and shall possess all qualifications required by law. The judge of
 758 the municipal court shall be appointed by the city council and shall serve until a successor
 759 is appointed and qualified.

760 (c) The city council, in its discretion, may appoint the city attorney to serve as judge of the
 761 municipal court as authorized in Code Section 15-1-8 of the Official Code of Georgia
 762 Annotated.

763 (d) Compensation of the judges shall be fixed by city council annually and may not be
 764 reduced during the year once set.

765 (e) Judges serve until a successor is appointed but may be removed from office for good
 766 cause at any time by a majority vote of a quorum of the city council in a public meeting
 767 giving the judge written notice at least ten days' notice of such meeting.

768 (f) Before assuming office, each judge shall take the following oath:

769 "I do solemnly swear or affirm that I will faithfully execute the office of Judge of the
 770 Municipal Court of the City of Hazlehurst, and will to the best of my ability support and
 771 defend the Constitution of the United States, the Constitution of Georgia, and the Charter,
 772 ordinances, and regulations of the City of Hazlehurst. I am not the holder of any
 773 unaccounted for public money due this state or any political subdivision or authority
 774 thereof I am not the holder of any office of trust under the government of the United States,
 775 any other state, or any foreign state which I, by the laws of the State of Georgia, am
 776 prohibited from holding. I am otherwise qualified to hold said office according to the
 777 Constitution and laws of Georgia. I will perform the duties of my office in the best interest
 778 of the City of Hazlehurst to the best of my ability without partiality, fear, favor, affection,
 779 reward, or expectation thereof."

780 The oath shall be entered upon the minutes of the city council journal required in Section
 781 2.18 of this charter.

782 **SECTION 4.12.**

783 Convening.

784 The municipal court shall be convened at regular intervals as determined by the judge but in
 785 no event less than once every 60 days.

786

SECTION 4.13.

787

Jurisdiction, powers.

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

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

792 (c) For each offense committed within its jurisdiction, the municipal court may impose a
793 punishment consisting of a fine not exceeding \$1,000.00 or imprisonment for 90 days or
794 both, or it may impose punishment by fine, imprisonment or alternative sentencing, all as
795 now, or hereafter provided by general law for each offense.

796 (d) The municipal court shall have authority to establish a schedule of reasonable fees to
797 defray the cost of operation, including but not limited to administrative court costs, probation
798 supervisory fees and the cost of meals, transportation, and caretaking of prisoners as the city
799 might be charged and shall be entitled to impose such costs upon any person convicted of any
800 offense in the municipal court for which such costs are attributable.

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

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

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

819 (h) Each judge of the municipal court shall be authorized to issue warrants for the arrest of
820 persons charged with offenses against any ordinance of the city, and each judge of the

821 municipal court shall have the same authority as a magistrate of the state to issue warrants
822 for offenses against state laws committed within the city.

823 **SECTION 4.14.**

824 Certiorari.

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

829 **SECTION 4.15.**

830 Rules for court.

831 The judge shall have full power and authority to make reasonable rules and regulations
832 necessary and proper to secure the efficient and successful administration of the municipal
833 court.

834 **ARTICLE V**

835 **ELECTIONS AND REMOVAL**

836 **SECTION 5.10.**

837 Applicability of general law.

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

841 **SECTION 5.11.**

842 Election wards.

843 (a) The corporate limits of the City of Hazlehurst shall be divided into four political wards
844 and consist of the territory contained on the "City of Hazlehurst Proposed City Council
845 Districts" as it exists on the effective date of the adoption of this charter with such alterations
846 as may be made from time to time in the manner provided by law. The political wards of this
847 city at all times shall be shown on a map, a written description or any combination thereof,
848 to be retained permanently in the office of the board of elections and registrars for Jeff Davis
849 County and to be designated, as the case may be: "City of Hazlehurst Proposed City Council

850 Districts". Photographic, typed, or other copies of such map or description certified by the
 851 superintendent of the board of elections and registrars shall be admitted as evidence in all
 852 courts and shall have the same force and effect as with the original map or description.

853 (b) The city council may provide for the redrawing of any such map by ordinance to reflect
 854 lawful changes in the corporate boundaries as may be made from time to time in the manner
 855 provided by law. A redrawn map shall supersede for all purposes the entire map or maps
 856 which it is designated to replace.

857 **SECTION 5.12.**

858 Election of the city council and mayor.

859 (a) There shall be a municipal general election biennially in the odd years on the Tuesday
 860 next following the first Monday in November.

861 (b) There shall be elected the council members for Wards 1 and 2 at one election and at
 862 every other regular election thereafter. The mayor and council members for Wards 3 and 4
 863 shall be filled at the election alternating with the first election so that a continuing body is
 864 created. Terms shall be for four years.

865 **SECTION 5.13.**

866 Special elections, vacancies.

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

875 **SECTION 5.14.**

876 Other provisions.

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

880 **SECTION 5.15.**

881 Removal of officers.

882 The mayor, council members, or other appointed officers provided for in this charter may be
883 removed from office for any one or more of the causes provided in Title 45 of the Official
884 Code of Georgia Annotated, or such other applicable laws as are or may hereafter be enacted.

885 **SECTION 5.16.**

886 Suspension of officers and employees.

887 The mayor with the concurrence in writing of at least one council member may suspend any
888 appointed officer or employee of the city for good cause, with or without pay, pending a
889 public hearing before a quorum of the city council held pursuant to Section 5.17 of this
890 charter which shall decide by a majority vote whether such employee or officer shall be
891 terminated from employment or removed from office for good cause or be reinstated with
892 or without pay following such period of suspension. The concurrence of a council member
893 must be as to all of the terms of the mayor's suspension in order to be effective.

894 **SECTION 5.17.**

895 Hearings required upon suspension, for removal and termination.

896 (a) The city council may remove an appointed officer pursuant to Section 5.15 of this charter
897 or terminate any city employee by majority vote of a quorum following a hearing before the
898 city council after written notice being given to such officer or employee specifying the
899 ground or grounds for removal or termination. Such written notice must be given not less
900 than three days after the employee's last work day.

901 (b) Any appointed officer or employee who has been suspended under Section 5.16 of this
902 charter shall have the right to appeal such suspension for a determination at a public hearing
903 by a quorum of the city council at a public meeting by requesting a hearing in writing to the
904 city clerk not later than five days after such individual actually received notice of his or her
905 suspension. An appeal hearing shall be held within ten days of appeal if the suspension was
906 without pay and within 30 days of appeal if it was with pay. If no such hearing is requested,
907 then the suspension shall stand as originally decreed.

908 (c) Any city employee who has been terminated by a director or other superior shall have
909 the right to appeal such termination for a determination by a quorum of the city council at
910 a public meeting by requesting a hearing in writing to the city clerk not later than five days
911 after the effective date of the termination. Such hearing shall be held within 30 days after

912 the effective date of such termination. If no such hearing is requested then the termination
913 shall stand as originally decreed.

914 (d) The city council may provide by ordinance or resolution for any additional procedures
915 under which such hearings shall be held.

916 **ARTICLE VI**
917 **FINANCE**
918 **SECTION 6.10.**
919 **Property tax.**

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

926 **SECTION 6.11.**
927 **Millage rate, due dates, payment methods.**

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

932 **SECTION 6.12.**
933 **Occupation and business taxes.**

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

938

SECTION 6.13.

939

Regulatory fees, permits.

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

945

SECTION 6.14.

946

Franchises.

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

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

963

SECTION 6.15.

964

Service charges.

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

969 **SECTION 6.16.**

970 Special assessments.

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

975 **SECTION 6.17.**

976 Construction, other taxes and fees.

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

980 **SECTION 6.18.**

981 Collection of delinquent taxes and fees.

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

989 **SECTION 6.19.**

990 General obligation bonds.

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

995 **SECTION 6.20.**

996 Revenue bonds, sinking fund.

997 Revenue bonds may be issued by the city council as state law now or hereafter provides.
998 Such bonds are to be paid out of any revenue produced by the project, program or venture
999 for which they were issued. Whenever any bonds are issued by the city, it shall be the duty
1000 of the city council to provide a sinking fund to pay off the principal and interest of such
1001 bonds or series of bonds at their maturity.

1002 **SECTION 6.21.**

1003 Short-term loans.

1004 The city may obtain short-term loans and must repay such loans not later than December 31
1005 of each year, unless otherwise provided by law.

1006 **SECTION 6.22.**

1007 Lease-purchase contracts.

1008 The city may enter into multiyear lease, purchase or lease purchase contracts for the
1009 acquisition of goods, materials, real and personal property, services, and supplies provided
1010 the contract terminates without further obligation on the part of the municipality at the close
1011 of the calendar year in which it was executed and at the close of each succeeding calendar
1012 year for which it may be renewed. Contracts must be executed in accordance with the
1013 requirements of Code Section 36-60-13 of the Official Code of Georgia Annotated, or other
1014 such applicable laws as are or may hereafter be enacted.

1015 **SECTION 6.23.**

1016 Fiscal year.

1017 The city council shall set the fiscal year by ordinance. This fiscal year shall constitute the
1018 budget year and the year for financial accounting and reporting of each and every office,
1019 department, agency and activity of the city government unless otherwise provided by state
1020 or federal law.

SECTION 6.24.

1021

1022

Preparation of budgets.

1023 The city council shall provide an ordinance or resolution on the procedures and requirements
1024 for the preparation and execution of an annual operating budget, a capital improvement plan
1025 and a capital budget, including requirements as to the scope, content and form of such
1026 budgets and plans.

SECTION 6.25.

1027

1028

Submission of operating budget to city council.

1029 On or before a date fixed by the city council but not later than April 30 of each year, the
1030 mayor shall cause to be submitted to the city council a proposed operating budget for the
1031 ensuing fiscal year. The budget shall be accompanied by a message that contains a statement
1032 of the general fiscal policies of the city, the important features of the budget, explanations
1033 of major changes recommended for the next fiscal year, a general summary of the budget,
1034 and such other pertinent comments and information. The operating budget and the capital
1035 budget hereinafter provided for, the budget message, and all supporting documents shall be
1036 filed in the office of the city clerk and shall be open to public inspection.

SECTION 6.26.

1037

1038

Action by city council on budget.

1039 (a) The city council may amend the proposed operating budget, except that the budget as
1040 finally amended and adopted must provide for all expenditures required by state law or by
1041 other provisions of this charter and for all debt service requirements for the ensuing fiscal
1042 year, and the total appropriations from any fund shall not exceed the estimated fund balance,
1043 reserves, and revenues.

1044 (b) The city council by ordinance shall adopt the final operating budget for the ensuing fiscal
1045 year not later than June 30 of each year. If the city council fails to adopt the budget by this
1046 date, the amounts appropriated for operation for the current fiscal year shall be deemed
1047 adopted for the ensuing fiscal year on a month-to-month basis, with all items prorated
1048 accordingly until such time as the city council adopts a budget for the ensuing fiscal year.
1049 Adoption of the budget shall take the form of an appropriations ordinance setting out the
1050 estimated revenues in detail by sources and making appropriations according to fund and by
1051 organizational unit, purpose, or activity as set out in the budget preparation ordinance
1052 adopted pursuant to Section 6.24 of this charter.

1053 (c) The amount set out in the adopted operating budget for each organizational unit shall
1054 constitute the annual appropriation for such, and no expenditure shall be made or
1055 encumbrance created in excess of the otherwise unencumbered balance of the appropriations
1056 or allotment thereof, to which it is chargeable.

1057 **SECTION 6.27.**

1058 Tax levies.

1059 The city council shall levy by ordinance such taxes as are necessary. The taxes and tax rates
1060 set by such ordinances shall be such that reasonable estimates of revenues from such levy
1061 shall at least be sufficient, together with other anticipated revenues, fund balances and
1062 applicable reserves, to equal the total amount appropriated for each of the several funds set
1063 forth in the annual operating budget for defraying the expenses of the general government
1064 of the city.

1065 **SECTION 6.28.**

1066 Changes in appropriations.

1067 The city council by ordinance may make changes in the appropriations contained in the
1068 current operating budget, at any regular meeting, special or emergency meeting called for
1069 such purpose, but any additional appropriations may be made only from an existing
1070 unexpended surplus.

1071 **SECTION 6.29.**

1072 Capital budget.

1073 (a) On or before the date fixed by the city council but no later than March 31, the mayor
1074 shall cause to be submitted to the city council a proposed capital improvements plan with a
1075 recommended capital budget containing the means of financing the improvements proposed
1076 for the ensuing fiscal year. The city council shall have power to accept, with or without
1077 amendments, or reject the proposed plan and proposed budget. The city council shall not
1078 authorize an expenditure for the construction of any building, structure, work or
1079 improvement, unless the appropriations for such project are included in the capital budget,
1080 except to meet a public emergency as provided in Section 2.24 of this charter.

1081 (b) The city council shall adopt by ordinance the final capital budget for the ensuing fiscal
1082 year not later than June 30 of each year. No appropriation provided for in a prior capital
1083 budget shall lapse until the purpose for which the appropriation was made shall have been

1084 accomplished or abandoned; provided, however, the mayor may submit amendments to the
 1085 capital budget at any time during the fiscal year, accompanied by recommendations. Any
 1086 such amendments to the capital budget shall become effective only upon adoption by
 1087 ordinance.

1088 **SECTION 6.30.**

1089 Independent audit.

1090 There shall be an annual independent audit of all city accounts, funds and financial
 1091 transactions by a certified public accountant selected by the city council. The audit shall be
 1092 conducted according to generally accepted auditing principles. Any audit of any funds by
 1093 the state or federal governments may be accepted as satisfying the requirements of this
 1094 charter. Copies of annual audit reports shall be available at printing costs to the public and
 1095 shall be posted or published as required by state law.

1096 **SECTION 6.31.**

1097 Contracting procedures.

1098 No contract with the city shall be binding on the city unless:

- 1099 (1) It is in writing;
- 1100 (2) It is drawn by or submitted to and reviewed by the city attorney, and as a matter of
 1101 course, is signed by the city attorney to indicate such drafting or review; and
- 1102 (3) It is made or authorized by the city council and such approval is entered in the city
 1103 council minutes of proceedings pursuant to Section 2.26 of this charter.

1104 **SECTION 6.32.**

1105 Centralized purchasing.

1106 The city council shall by ordinance or resolution prescribe procedures for a system of
 1107 centralized purchasing for the city.

1108 **SECTION 6.33.**

1109 Sale and lease of city property.

1110 (a) The city council may sell and convey, or lease any real or personal property owned or
 1111 held by the city for governmental or other purposes as now or hereafter provided by law.

1112 (b) The city council may quitclaim any rights it may have in property not needed for public
 1113 purposes upon report by the mayor and adoption of a resolution, both finding that the
 1114 property is not needed for public or other purposes and that the interest of the city has no
 1115 readily ascertainable monetary value.

1116 (c) Whenever in opening, extending or widening any street, avenue, alley or public place of
 1117 the city, a small parcel or tract of land is cutoff or separated by such work from a larger tract
 1118 or boundary of land owned by the city, the city council may authorize the mayor to sell and
 1119 convey said cut-off or separated parcel or tract of land to an abutting or adjoining property
 1120 owner or owners where such sale and conveyance facilitates the enjoyment of the highest and
 1121 best use of the abutting owner's property. Included in the sales contract shall be a provision
 1122 for the rights-of-way of said street, avenue, alley or public place. Each abutting property
 1123 owner shall be notified of the availability of the property and given the opportunity to
 1124 purchase said property under such terms and conditions as set out by ordinance. All deeds
 1125 and conveyances heretofore and hereafter so executed and delivered shall convey all title and
 1126 interest the city has in such property, notwithstanding the fact that no public sale after
 1127 advertisement was or is hereafter made.

1128 ARTICLE VII

1129 GENERAL PROVISIONS

1130 SECTION 7.10.

1131 Bonds for officials.

1132 The officers and employees of this city, both elected and appointed, shall execute such surety
 1133 or fidelity bonds in such amounts and upon such terms and conditions as the city council may
 1134 from time to time require by ordinance or as may be provided by law.

1135 SECTION 7.11.

1136 Prior ordinances.

1137 All ordinances, resolutions, rules, and regulations now in force in the city not inconsistent
 1138 with this charter are hereby declared valid and of full effect and force until amended or
 1139 repealed by the city council.

1140 **SECTION 7.12.**

1141 Severability.

1142 If any article, section, subsection, paragraph, sentence, or part thereof of this charter shall be
1143 held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect
1144 or impair other parts of this charter unless it clearly appears that such other parts are wholly
1145 and necessarily dependent upon the part held to be invalid or unconstitutional, it being the
1146 legislative intent in enacting this charter that each article, section, subsection, paragraph,
1147 sentence or part thereof be enacted separately and independent of each other.

1148 **SECTION 7.13.**

1149 Specific repealer.

1150 An Act approved December 22, 1953 (Ga. L. 1953, p. 2925), and all amendatory Acts
1151 thereto, are hereby repealed.

1152 **SECTION 7.14.**

1153 Effective date.

1154 This Act shall become effective on July 1, 2015.

1155 **SECTION 7.15.**

1156 General repealer.

1157 All laws and parts of laws in conflict with this Act are repealed.