

The House Committee on Intragovernmental Coordination - Local Legislation offers the following substitute to SB 253:

A BILL TO BE ENTITLED
AN ACT

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

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

23 ARTICLE I

24 INCORPORATION AND POWERS

25 SECTION 1.10.

26 Name.

27 This city and the inhabitants thereof are hereby reincorporated by the enactment of this
 28 charter and are hereby constituted and declared a body politic and corporate under the name
 29 of the "City of Carlton" and by that name shall have perpetual succession.

30 SECTION 1.11.

31 Corporate Boundaries.

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

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

43 SECTION 1.12.

44 Powers and Construction.

45
 46 (a) This city shall have all powers possible for a city to have under the present or future
 47 Constitution and laws of this state as fully and completely as though they were specifically
 48 enumerated in this charter. This city shall have all the powers of self-government not
 49 otherwise prohibited by this charter or by general law.

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

SECTION 1.13.

Examples of Powers.

55 (a) Air and Water Pollution. To regulate the emission of smoke or other exhaust which
56 pollutes the air, and to prevent the pollution of natural streams which flow within the
57 corporate limits of the city.

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

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

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

70 (e) Business Regulation and Taxation. To levy and to provide for the collection of license
71 fees and taxes on privileges, occupations, trades and professions; to license and regulate the
72 same; to provide for the manner and method of payment of such licenses after due process
73 for failure to pay any city taxes or fees.

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

78 (g) Contracts. To enter into contracts and agreements with other governmental entities and
79 with private persons, firms and corporations.

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

84 (i) Environmental Protection. To protect and preserve the natural resources, environment
85 and vital areas of the city, the region, and the state through the preservation and improvement
86 of air quality, the restoration and maintenance of water resources, the control of erosion and
87 sedimentation, the management of stormwater and establishment of a stormwater utility, the

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

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

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

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

170 (ff) Retirement. To provide and maintain a retirement plan for officers and employees of
171 the city.

172 (gg) Roadways. To lay out, open, extend, widen, narrow, establish or change the grade of,
173 abandon or close, construct, pave, maintain, repair, clean, prevent erosion of, and light the
174 roads, alleys, and walkways within the corporate limits of the city; and to negotiate and
175 execute leases over, through, under or across any city property or the right-of-way of any
176 street, road, alley, and walkway or portion thereof within the corporate limits of the city, for
177 bridges, passageways, or any other purpose or use between buildings on opposite sides of the
178 street and for other bridges, overpasses and underpasses for private use at such location, and
179 to charge a rental therefor in such manner as may be provided by ordinance; and to authorize
180 and control the construction of bridges, overpasses, and underpasses within the corporate
181 limits of the city; and to grant franchises and rights-of-way throughout the streets and roads,
182 and over the bridges and viaducts for the use of public utilities and for private use; and to
183 require real estate owners to repair and maintain in a safe condition the sidewalks adjoining
184 their lots or lands, and to impose penalties for failure to do so.

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

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

196 (jj) Special Areas of Public Regulation. To regulate or prohibit junk dealers, pawn shops,
197 the manufacture, sale or transportation of intoxicating liquors, and the use and sale of

198 firearms; to regulate the transportation, storage and use of combustible, explosive and
199 inflammable materials, the use of lighting and heating equipment, and any other business or
200 situation which may be dangerous to persons or property; to regulate and control the conduct
201 of peddlers and itinerant traders, theatrical performances, exhibitions, and shows of any kind,
202 by taxation or otherwise; and to license, tax, regulate or prohibit professional fortune telling,
203 palmistry, adult bookstores, and massage parlors.

204 (kk) Special Assessments. To levy and provide for the collection of special assessments to
205 cover the costs for any public improvements.

206 (ll) Taxes: Ad Valorem. To levy and provide for the assessment, valuation, revaluation, and
207 collection of taxes on all property subject to taxation.

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

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

214 (oo) Urban Redevelopment. To organize and operate an urban redevelopment program.

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

225 **SECTION 1.14.**

226 **Exercise of Powers.**

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

263

SECTION 2.13.

264

Compensation and Expenses.

265 The mayor and council members shall receive compensation and expenses for their services

266 as provided by ordinance; however, compensation shall be paid only for meetings attended.

267

SECTION 2.14.

268

Conflicts of Interest; Holding Other Offices.

269 (a) Elected and appointed officers of the city are trustees and servants of the residents of the

270 city and shall act in a fiduciary capacity for the benefit of such residents.

271 (b) Conflict of Interest - No elected official, appointed officer, or employee of the city of any

272 agency or political entity to which this charter applies shall knowingly:

273 (1) Engage in any business or transaction, or have a financial or other personal interest,

274 direct or indirect, which is incompatible with the proper discharge of his or her official

275 duties or which would tend to impair the independence of his or her judgment or action

276 in the performance of his or her official duties;

277 (2) Engage in or accept private employment, or render services for private interests when

278 such employment or service is incompatible with the proper discharge of his or her

279 official duties or would tend to impair the independence of his or her judgment or action

280 in the performance of his or her official duties;

281 (3) Disclose confidential information, including information obtained at meetings which

282 are closed pursuant to Title 50, Chapter 14 of the Official Code of Georgia Annotated,

283 concerning the property, government, or affairs of the governmental body by which the

284 official is engaged without proper legal authorization; or use such information to advance

285 the financial or other private interest of himself or herself or others;

286 (4) Accept any valuable gift, whether in the form of service, loan, thing, or promise,

287 from any person, firm or corporation which the official's knowledge is interested, directly

288 or indirectly, in any manner whatsoever, in business dealings with the governmental body

289 by which the official is engaged; provided, however, that an elected official who is a

290 candidate for public office may accept campaign contributions and services in connection

291 with any such campaign;

292 (5) Represent other private interests in any action or proceeding against this city or any

293 portion of its government; and

294 (6) Vote or otherwise participate in the negotiation or in the making of any contract with

295 any business or entity in which the official has financial interest.

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

306 (d) Use of Public Property. No elected official, appointed officer, or employee of the city
307 or any agency or entity to which this charter applies shall use property owned by such
308 governmental entity for personal benefit, convenience, or profit except in accordance with
309 policies promulgated by the city council or the governing body of such agency or entity.

310 (e) Contracts 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 (f) Ineligibility of Elected Official. Except where authorized by law, neither the mayor nor
314 any council member shall hold any other elective or compensated appointive office in the
315 city or otherwise be employed by said government or any agency thereof during the term for
316 which the official was elected.

317 (g) Political Activities of Certain Officers and Employees. No appointive officer and no
318 employee of the city shall continue in such employment upon qualifying as a candidate for
319 nomination or election to any public office.

320 (h) Penalties for Violation.

321 (1) Any city officer or employee who knowingly conceals such financial interest or
322 knowingly violates any of the requirements of this section shall be guilty of malfeasance
323 in office or position and shall be deemed to have forfeited his or her office or position.

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

328

SECTION 2.15.

329

Inquiries and Investigations.

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

336

SECTION 2.16.

337

General Power and Authority of the City Council.

338 Except as otherwise provided by the charter, the city council shall be vested with all the
339 powers of government of this city.

340

SECTION 2.17.

341

Eminent Domain.

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

350

SECTION 2.18.

351

Organizational Meeting.

352 The city council shall hold an organizational meeting at its first regular meeting in January
353 following an election. The meeting shall be called to order by the city clerk and the oath of
354 office shall be administered to the newly elected members as follows:
355 "I do solemnly swear that I will well and truly demean myself as (mayor) (council member)
356 of the City of Carlton for the ensuing term, that I will faithfully enforce the charter and

357 ordinances of the city to the best of my skill and ability, without fear or favor, so help me
358 God."
359 Newly elected members' terms shall begin immediately after they are sworn in and they shall
360 hold office until their successors are sworn in.

361 **SECTION 2.19.**

362 Regular and Special Meetings.

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

365 (b) Special meetings of the city council may be held on call of the mayor or three members
366 of the city council. Notice of such special meetings shall be served on all other members
367 personally, or by telephone personally, at least 48 hours in advance of the meeting. Such
368 notice to council members shall not be required if the mayor and all council members are
369 present when the special meeting is called. Such notice of any special meeting may be
370 waived by a council member in writing before or after such a meeting, and attendance at the
371 meeting shall also constitute a waiver of notice on any business transacted in such council
372 member's presence. Only the business stated in the call may be transacted at the special
373 meeting.

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

378 **SECTION 2.20.**

379 Rules of Procedure.

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

383 (b) All committees and committee chairpersons and officers of the city council shall be
384 appointed by the mayor, with the advice and consent of the council, and shall serve at his or
385 her pleasure. The mayor shall have the power to appoint new members to any committee at
386 any time, with the advice and consent of the council.

387 **SECTION 2.21.**

388 Quorum: Voting.

389 (a) Three council members shall constitute a quorum and shall be authorized to transact
 390 business of the city council. Voting on the adoption of ordinances shall be by voice vote and
 391 the vote shall be recorded in the journal, but any member of the city council shall have the
 392 right to request a roll call vote and such vote shall be recorded in the journal. Except as
 393 otherwise provided in this charter, the affirmative vote of a majority of council members
 394 present shall be required for the adoption of any ordinance, resolution, or motion. An
 395 abstention shall be counted as a negative vote.

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

403 **SECTION 2.22.**

404 Ordinance Form; Procedures.

405 (a) Every proposed ordinance should be introduced in writing and in the form required for
 406 final adoption. No ordinance shall contain a subject which is not expressed in its title. The
 407 enacting clause shall be "The Council of the City of Carlton hereby ordains . . ." and every
 408 ordinance shall so begin.

409 (b) An ordinance may be introduced by any council member and be read at a regular or
 410 special meeting of the city council. Ordinances shall be considered and adopted or rejected
 411 by the city council in accordance with the rules which it shall establish. Upon introduction
 412 of any ordinance, the clerk shall as soon as possible distribute a copy to the mayor and to
 413 each council member and shall file a reasonable number of copies in the office of the clerk
 414 and at such other public places as the city council may designate.

415 **SECTION 2.23.**

416 Action Requiring An Ordinance.

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

418

SECTION 2.24.

419

Emergencies.

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

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

440

SECTION 2.25.

441

Codes of Technical Regulations.

442 (a) The city council may adopt any standard code of technical regulations by reference
 443 thereto in an adopting ordinance. The procedure and requirements governing such adopting
 444 ordinance shall be as prescribed for ordinances generally except that: (1) the requirements
 445 of Section 2.22(b) for distribution and filing of copies of the ordinance shall be construed to
 446 include copies of any code of regulations, as well as the adopting ordinance; and (2) a copy
 447 of each adopted code of technical regulations, as well as the adopting ordinance, shall be
 448 authenticated and recorded by the clerk pursuant to Section 2.26.

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

451

SECTION 2.26.

452

Signing; Authenticating; Recording; Codification; Printing.

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

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

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

472

SECTION 2.27.

473

Election of Mayor; Forfeiture; Compensation.

474 The mayor shall be elected and serve for a term of four years and until his or her successor
475 is elected and qualified. The mayor shall be a qualified elector of this city and shall have
476 been a resident of the city for 12 months immediately preceding his or her election. The
477 mayor shall continue to reside in this city during the period of his or her service. The mayor
478 shall forfeit his or her office on the same grounds and under the same procedure as for
479 council members. The compensation of the mayor shall be established in the same manner
480 as for council members.

481

SECTION 2.28.

482

Chief Executive Officer.

483

484

485

The mayor shall be the executive of this city. The mayor shall possess all of the executive and administrative power granted to the city under the Constitution and laws of the State of Georgia, and all the executive and administrative powers contained in this charter.

486

SECTION 2.29.

487

Powers and Duties of Mayor.

488

As the chief executive of this city, the mayor shall:

489

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

490

(b) Appoint and remove, for cause, all officers, department heads, and employees of the city except as otherwise provided in this charter;

491

492

(c) Exercise supervision over all executive and administrative work of the city and provide for the coordination of administrative activities;

493

494

(d) Prepare and submit to the council a recommended annual operating budget and recommended capital budget;

495

496

(e) Submit to the council at least once a year a statement covering the financial conditions of the city and from time to time such other information as the city council may request;

497

498

(f) Preside over all meetings of the city council;

499

(g) Call special meetings of the city council as provided for in Section 2.19;

500

(h) Participate in the discussion of all matters brought before the city council and vote on such matters only in the case of a tie vote;

501

502

(i) Recommend to the city council such measures relative to the affairs of the city improvement of the government, and promotion of the welfare of its inhabitants as he or she may deem expedient;

503

504

505

(j) Approve or disapprove ordinances as provided in Section 2.30;

506

(k) Require any department or agency of the city to submit written reports whenever he or she deems it expedient;

507

508

(l) Sign as a matter of course all written contracts, ordinances, and other instruments executed by the city which by law are required to be in writing; and

509

510

(m) Perform such other duties as may be required by general state law, this charter, or ordinance.

511

512 **SECTION 2.30.**

513 Submission of Ordinances to the Mayor; Veto Power.

514 (a) Every ordinance adopted by the city council shall be presented by the city clerk to the
515 mayor within three days after its adoption.

516 (b) The mayor shall, within ten calendar days of receipt of an ordinance, return it to the clerk
517 with or without his or her approval, or with his or her disapproval. If the ordinance has been
518 approved by the mayor, it shall become law upon its return to the clerk; if the ordinance is
519 neither approved nor disapproved, it shall become law at twelve o'clock noon on the tenth
520 calendar day after its adoption; if the ordinance is disapproved, the mayor shall submit to the
521 city council through the clerk a written statement of his or her reasons for his or her veto.
522 The clerk shall record upon the ordinance the date of its delivery to and receipt from the
523 mayor.

524 (c) Ordinances vetoed by the mayor shall be presented by the clerk to the city council at its
525 next meeting. If the city council then or at its next general meeting adopts the ordinance by
526 an affirmative vote of the entire council members, it shall become law.

527 (d) The mayor may disapprove or reduce any item or items of appropriation in any
528 ordinance. The approved part or parts of any ordinance making appropriations shall become
529 law, and the part or parts disapproved shall not become law unless subsequently passed by
530 the city council over the mayor's veto as provided in this section. The reduced part or parts
531 shall be presented to the city council as though disapproved and shall become law unless
532 overridden by the council as provided in subsection (c) of this section.

533 **SECTION 2.31.**

534 Mayor Pro Tem; Selection; Duties.

535 By a majority vote, the city council shall elect a council member to serve as mayor pro tem.
536 The mayor pro tem shall preside at all meetings of the city council and shall assume the
537 duties and powers of the mayor upon the mayor's disability or absence. The city council by
538 a majority vote shall elect a new presiding officer from among its members for any period
539 in which the mayor pro tem is disabled, absent or acting as mayor. Any such absence or
540 disability shall be declared by majority vote of all council members. When serving as mayor,
541 the mayor pro tem shall not also vote as a member of the council.

542
543
544
545

ARTICLE III
ADMINISTRATIVE AFFAIRS
SECTION 3.10.
Administrative and Service Departments.

546 (a) Except as otherwise provided in this charter, the city council, by ordinance, shall
547 prescribe the functions or duties, and establish, abolish or alter all nonelective offices,
548 positions of employment, departments, and agencies of the city, as necessary for the proper
549 administration of the affairs and government of this city.

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

553 (c) All appointive officers and directors of departments shall receive such compensation as
554 prescribed by ordinance.

555 (d) There shall be a director of each department or agency who shall be its principal officer.
556 Each director shall, subject to the direction and supervision of the mayor, be responsible for
557 the administration and direction of the affairs and operations of his or her department or
558 agency.

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

563
564

SECTION 3.11.
Boards, Commissions and Authorities.

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

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

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

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

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

580 (f) No member of a board, commission or authority shall assume office until he or she has
581 executed and filed with the clerk of the city an oath obligating himself or herself to faithfully
582 and impartially perform the duties of his or her office, such oath to be prescribed by
583 ordinance and administered by the mayor.

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

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

594 **SECTION 3.12.**

595 **City Attorney.**

596 The city council shall appoint a city attorney who shall be a member of the State Bar of
597 Georgia and shall provide for the payment of such attorney for services rendered to the city.

598 The city attorney shall be responsible for representing and defending the city in all litigation
599 in which the city is a party; may be prosecuting officer in the municipal court; shall attend
600 the meetings of the council as directed; shall advise the city council, mayor, and other
601 officers and employees of the city concerning legal aspects of the city's affairs; and shall
602 perform such other duties as may be required of him or her by virtue of his or her position
603 as city attorney. The city attorney is not a public official of the city and does not take an oath
604 of office. The city attorney shall at all times be an independent contractor.

605 **SECTION 3.13.**
606 City Clerk-Treasurer.

607 The city council shall appoint a city clerk-treasurer who shall not be a council member. The
608 city clerk-treasurer shall be custodian of the official city seal and city records; be responsible
609 for the general duties of a treasurer and fiscal officer; maintain city council records required
610 by this charter; shall collect all taxes, licenses, fees, and other moneys belonging to the city
611 subject to the provisions of this charter and the ordinances of the city and enforce all laws
612 of Georgia relating to the collection of delinquent taxes and sale or foreclosure for
613 nonpayment of taxes to the city; and perform such other duties as may be required by the city
614 council.

615 **SECTION 3.14.**
616 Personnel Policies.

617 All employees serve at-will and may be removed from office at any time unless otherwise
618 provided by ordinance. The city council shall adopt policies or ordinances to provide for:
619 (1) The method of employee selection, promotion and transfer;
620 (2) Hours of work, vacation, sick leave, and other leaves of absence, and overtime pay;
621 and
622 (3) Other personnel policies.

623
624 **ARTICLE IV**
625 **JUDICIAL BRANCH**
626 **SECTION 4.10.**
627 Creation; Name.

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

629 **SECTION 4.11.**
630 Chief Judge; Associate Judge.

631 (a) The municipal court shall be presided over by a chief judge and such part-time, full-time,
632 or stand-by judges as shall be provided by ordinance.
633 (b) No person shall be qualified or eligible to serve as a judge on the municipal court unless
634 he or she shall have attained the age of 21 years, shall be an active member in good standing
635 of the State Bar of Georgia and shall possess all qualifications required by law. All judges

636 shall be appointed by the city council and shall serve until a successor is appointed and
637 qualified.

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

639 (d) Judges serve at-will and may be removed from office at any time by the city council
640 unless otherwise provided by ordinance.

641 (e) Before assuming office, each judge shall take an oath, given by the mayor, that he or she
642 will honestly and faithfully discharge the duties of his or her office to the best of his or her
643 ability and without fear, favor or partiality. The oath shall be entered upon the minutes of
644 the city council journal required in Section 2.20.

645 **SECTION 4.12.**

646 Convening.

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

648 **SECTION 4.13.**

649 Jurisdiction; Powers.

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

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

654 (c) The municipal court may fix punishment for offenses within its jurisdiction not
655 exceeding a fine of \$1,000.00 or imprisonment for 90 days or both such fine and
656 imprisonment or may fix punishment by fine, imprisonment or alternative sentencing as now
657 or hereafter provided by law.

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

661 (e) The municipal court shall have authority to establish bail and recognizances to ensure
662 the presence of those charged with violations before said court, and shall have discretionary
663 authority to accept cash or personal or real property as surety for the appearance of persons
664 charged with violations. Whenever any person shall give bail for his or her appearance and
665 shall fail to appear at the time fixed for trial, his or her bond shall be forfeited by the judge
666 presiding at such time, and an execution issued thereon by serving the defendant and his or
667 her sureties with a rule nisi, at least two days before a hearing on the rule nisi. In the event
668 that cash or property is accepted in lieu of bond for security for the appearance of a defendant

669 at trial, and if such defendant fails to appear at the time and place fixed for trial, the cash so
670 deposited shall be on order of the judge declared forfeited to the city, or the property so
671 deposited shall have a lien against it for the value forfeited which lien shall be enforceable
672 in the same manner and to the same extent as a lien for city property taxes.

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

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

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

683 **SECTION 4.14.**

684 Certiorari.

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

689 **SECTION 4.15.**

690 Rules for Court.

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

725 **SECTION 5.13.**

726 Non-Partisan Elections.

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

729 **SECTION 5.14.**

730 Election by Plurality.

731 The person receiving a plurality of the votes cast for any city office shall be elected. In the
732 event of a tie, a run-off election shall be held and the candidate who receives the highest
733 number of votes cast in the run-off election shall be elected.

734 **SECTION 5.15.**

735 Special Elections; Vacancies.

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

744 **SECTION 5.16.**

745 Other Provisions.

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

749

SECTION 5.17.

750

Removal of Officers.

751 (a) The mayor, council members, or other appointed officers provided for in this charter
 752 shall be removed from office for any one or more of the following causes provided in Title
 753 45 of the Official Code of Georgia Annotated, or such other applicable laws as are or may
 754 hereafter be enacted:

755 (1) By the death of the incumbent;

756 (2) By resignation, when accepted;

757 (3) By decision of a competent tribunal declaring the office vacant;

758 (4) By voluntary act or misfortune of the incumbent whereby he or she is placed in any
 759 of the specified conditions of ineligibility to office;

760 (5) By the incumbent ceasing to be a resident of the state or of the county, circuit, or
 761 district for which he or she was elected;

762 (6) By failing to apply for and obtain commissions or certificates or by failing to qualify
 763 or give bond, or both, within the time prescribed by the laws and Constitution of Georgia;

764 or

765 (7) By abandoning the office or ceasing to perform its duties, or both.

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

768 (1) By a vote of three council members after an investigative hearing. In the event an
 769 elected officer is sought to be removed by the action of the city council, such officer shall
 770 be entitled to a written notice specifying the ground or grounds for removal and to a
 771 public hearing which shall be held not less than ten days after the service of such written
 772 notice. Any elected officer sought to be removed from office as provided in this section
 773 shall have the right of appeal from the decision of the city council to the Superior Court
 774 of Madison County. Such appeal shall be governed by the same rules as govern appeals
 775 to the superior court from the probate court; or

776 (2) By a petition of recall by the electors of the City of Carlton, as provided by the laws
 777 of the State of Georgia.

778

779 ARTICLE VI
 780 FINANCE
 781 **SECTION 6.10.**
 782 Property Tax.

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

789 **SECTION 6.11.**
 790 Millage Rate; Due Dates; Payment Methods.

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

795 **SECTION 6.12.**
 796 Occupation and Business Taxes.

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

801 **SECTION 6.13.**
 802 Regulatory Fees; Permits.

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

808 **SECTION 6.14.**

809 Franchises.

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

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

824 **SECTION 6.15.**

825 Service Charges.

826 The city council by ordinance shall have the power to assess and collect fees, charges, and
827 tolls for sewers, sanitary and health services, or any other services provided or made
828 available within and without the corporate limits of the city for the total cost to the city of
829 providing or making available such services. If unpaid, such charges shall be collected as
830 provided in Section 6.18.

831 **SECTION 6.16.**

832 Special Assessments.

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

838 **SECTION 6.17.**

839 Construction; Other Taxes.

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

843 **SECTION 6.18.**

844 Collection of Delinquent Taxes and Fees.

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

852 **SECTION 6.19.**

853 General Obligation Bonds.

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

858 **SECTION 6.20.**

859 Revenue Bonds.

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

863 **SECTION 6.21.**

864 Short-Term Loans.

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

867 **SECTION 6.22.**

868 Lease-Purchase Contracts

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

876 **SECTION 6.23.**

877 Fiscal Year.

878 The city council shall set the fiscal year by ordinance. This fiscal year shall constitute the
879 budget year and the year for financial accounting and reporting of each and every office,
880 department, agency and activity of the city government.

881 **SECTION 6.24.**

882 Preparation of Budgets.

883 The city council shall provide an ordinance on the procedures and requirements for the
884 preparation and execution of an annual operating budget, a capital improvements program
885 and a capital budget, including requirements as to the scope, content and form of such
886 budgets and programs.

887 **SECTION 6.25.**

888 Submission of Operating Budget to City Council.

889 On or before a date fixed by the city council but not later than 60 days prior to the beginning
890 of each fiscal year, the mayor shall submit to the city council a proposed operating budget

891 for the ensuing fiscal year. The budget shall be accompanied by a message from the mayor
 892 containing a statement of the general fiscal policies of the city, the important features of the
 893 budget, explanations of major changes recommended for the next fiscal year, a general
 894 summary of the budget, and such other comments and information as he or she may deem
 895 pertinent. The operating budget and the capital improvements budget hereinafter provided
 896 for, the budget message, and all supporting documents shall be filed in the office of the city
 897 clerk and shall be open to public inspection.

898 **SECTION 6.26.**

899 Action by City Council on Budget.

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

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

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

918 **SECTION 6.27.**

919 Tax Levies.

920 The city council shall levy by ordinance such taxes as are necessary. The taxes and tax rates
 921 set by such ordinance shall be such that reasonable estimates of revenues from such levy
 922 shall at least be sufficient, together with other anticipated revenues, fund balances and
 923 applicable reserves, to equal the total amount appropriate for each of the several funds set

924 forth in the annual operating budget for defraying the expenses of the general government
925 of this city.

926 **SECTION 6.28.**

927 Changes in Appropriations.

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

932 **SECTION 6.29.**

933 Capital Improvements Budget.

934 (a) On or before the date fixed by the city council but no later than 60 days prior to the
935 beginning of each fiscal year, the mayor shall submit to the city council a proposed capital
936 improvements budget with his or her recommendations as to the means of financing the
937 improvements proposed for the ensuing fiscal year. The city council shall have power to
938 accept, with or without amendments, or reject the proposed program and proposed means of
939 financing. The city council shall not authorize an expenditure for the constructing of any
940 building, structure, work or improvement, unless the appropriations for such project are
941 included in the capital improvements budget, except to meet a public emergency as provided
942 in Section 2.24.

943 (b) The city council shall adopt by ordinance the final capital improvements budget for the
944 ensuing fiscal year not later than December of each year. No appropriation provided for in
945 a prior capital improvements budget shall lapse until the purpose for which the appropriation
946 was made shall have been accomplished or abandoned; provided, however, the mayor may
947 submit amendments to the capital improvements budget at any time during the fiscal year,
948 accompanied by his or her recommendations. Any such amendments to the capital
949 improvements budget shall become effective only upon adoption by ordinance.

950 **SECTION 6.30.**

951 Independent Audit.

952 There shall be an annual independent audit of all city accounts, funds and financial
953 transactions by a certified public accountant selected by the city council. The audit shall be
954 conducted according to generally accepted accounting principles. Any audit of any funds by

955 the state or federal governments may be accepted as satisfying the requirements of this
 956 charter. Copies of all audit reports shall be available at printing costs to the public.

957 **SECTION 6.31.**

958 Contracting Procedures.

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

960 (1) It is in writing;

961 (2) It is drawn by or submitted and reviewed by the city attorney, and as a matter of
 962 course, it is signed by him or her to indicate such drafting or review; and

963 (3) It is made or authorized by the city council and such approval is entered in the city
 964 journal of proceedings pursuant to Section 2.20.

965 **SECTION 6.32.**

966 Centralized Purchasing.

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

969 **SECTION 6.33.**

970 Sale of City Property.

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

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

977 (c) Whenever in opening, extending or widening any street, avenue, alley or public place of
 978 the city, a small parcel or tract of land is cut off or separated by such work from a larger tract
 979 or boundary of land owned by the city, the city council may authorize the mayor to sell or
 980 convey said cut-off or separated parcel or tract of land to an abutting or adjoining property
 981 owner or owners where such sale and conveyance facilitates the enjoyment of the abutting
 982 owner's property. Included in the sales contract shall be a provision for the rights-of-way of
 983 said street, avenue, alley or public place. Each abutting property owner shall be notified of
 984 the availability of the property and given the opportunity to purchase said property under
 985 such terms and conditions as set out by ordinance. All deeds and conveyances heretofore and

SECTION 7.14.

Severability.

1016 If any article, section, subsection, paragraph, sentence, or part thereof of this charter shall be
1017 held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect
1018 or impair other parts of this charter unless it clearly appears that such other parts are wholly
1019 and necessarily dependent upon the part held to be invalid or unconstitutional, it being the
1020 legislative intent in enacting this charter that each article, section, subsection, paragraph,
1021 sentence or part thereof be enacted separately and independent of each other.

SECTION 7.15.

Repealer.

1024 An Act to establish a new charter for the City of Carlton, approved February 18, 1955
1025 incorporating the City of Carlton (Ga. L. 1988, p. 20), is hereby repealed in its entirety and
1026 all amendatory acts thereto are likewise repealed in their entirety. All other laws and parts
1027 of laws in conflict with this charter are hereby repealed.

SECTION 7.16.

Effective Date.

1030 This charter shall become effective July 1, 2013.

SECTION 7.17.

Repealer.

1033 All laws and parts of laws in conflict with this Act are repealed.