

House Bill 1598 (AS PASSED HOUSE AND SENATE)

By: Representative Burns of the 159th

A BILL TO BE ENTITLED

AN ACT

1 To provide a new charter for the City of Guyton; to provide for incorporation, boundaries,
2 and powers of the city; to provide for the exercise of powers and limitations on powers; to
3 provide for a governing authority of such city and the powers, duties, authority, prohibitions,
4 elections, terms, removal from office, method of filling vacancies, compensation, expenses,
5 and qualifications; to provide for conflict of interest and holding other offices; to provide for
6 inquiries and investigations; to provide for organization and meeting procedures; to provide
7 for ordinances; to provide for eminent domain; to provide for codes of technical regulations;
8 to provide for the office of mayor and certain duties and powers relative to the office of
9 mayor; to provide for a veto; to provide for a mayor pro tempore; to provide for a city
10 manager; to provide for administrative responsibilities; to provide for boards, commissions,
11 and authorities; to provide for a city attorney, city clerk, and other personnel; to provide for
12 a comprehensive land use plan; to provide for the establishment of a municipal court and the
13 judge or judges thereof; to provide for practices and procedures; to provide for taxation,
14 permits, and fees; to provide for franchises, service charges, and assessments; to provide for
15 bonded and other indebtedness; to provide for accounting and budgeting; to provide for
16 contracting and purchasing; to provide for sale of city property; to provide for bonds for
17 officials; to provide for pending matters; to provide for definitions and construction; to
18 provide for severability; to provide for related matters; to repeal a specific Act incorporating

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19 the City of Guyton in the County of Effingham approved May 5, 2006 (Ga. L. 2006, p.
20 4230); to repeal conflicting laws; and for other purposes.

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

22 ARTICLE I
23 CREATION, INCORPORATION, AND POWERS

24 SECTION 1.10.
25 Incorporation.

26 The City of Guyton, in Effingham County, Georgia, and the inhabitants thereof are
27 reincorporated by the enactment of this charter and are hereby constituted and declared a
28 municipality and a body politic and corporate under the name and style City of Guyton,
29 Georgia, 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 city hall and to be
36 designated, as the case may be: "Official Map (or Description) of the corporate limits of the
37 City of Guyton, Georgia." Photographic, typed, or other copies of such map or description
38 certified by the city clerk 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.

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

49 **SECTION 1.13.**

50 Examples of powers and construction.

51 (a) The powers of this city shall be construed liberally in favor of the city. The specific
52 mention or failure to mention particular powers shall not be construed as limiting in any way
53 the powers of the city. These powers shall include, but are not limited to, the following:

54 (1) Animal regulations. To regulate and license or to prohibit the keeping or running at
55 large of animals and fowl, and to provide for the impoundment of same if in violation of
56 any ordinance or lawful order; to provide for the disposition by sale, gift, or humane
57 destruction of animals and fowl when not redeemed as provided by ordinance; and to
58 provide punishment for violation of ordinances enacted under this charter;

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

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

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

73 (5) Condemnation. To condemn property, inside or outside the corporate limits of the
74 city, for present or future use and for any corporate purpose deemed necessary by the
75 governing authority, utilizing procedures enumerated in Title 22 of the O.C.G.A., or such
76 other applicable laws as are now or may hereafter be enacted;

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

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

83 (8) Environmental protection. To protect and preserve the natural resources,
84 environment, and vital areas of the state through the preservation and improvement of air
85 quality, the restoration and maintenance of water resources, the control of erosion and
86 sedimentation, the management of storm water and establishment of a storm-water utility,
87 the management of solid and hazardous waste, and other necessary actions for the
88 protection of the environment;

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

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

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

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

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

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

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

- 141 (23) 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 (24) Police and fire protection. To exercise the power of arrest through duly appointed
145 police officers and to establish, operate, or contract for a police and a fire-fighting
146 agency;
- 147 (25) Public hazards: removal. To provide for the destruction and removal of any
148 building or other structure which is or may become dangerous or detrimental to the
149 public;
- 150 (26) Public improvements. To provide for the acquisition, construction, building,
151 operation, and maintenance of public ways, parks and playgrounds, public grounds,
152 recreational facilities, cemeteries, markets and market houses, public buildings, libraries,
153 sewers, drains, sewage treatment, waterworks, electrical systems, gas systems, other
154 public utilities, public housing, airports, hospitals, terminals, docks, parking facilities, and
155 charitable, cultural, educational, recreational, conservation, sport, curative, corrective,
156 detentional, penal, and medical institutions, agencies, and facilities; and to provide any
157 other public improvements, inside or outside the corporate limits of the city; to regulate
158 the use of public improvements; and for such purposes, property may be acquired by
159 condemnation under Title 22 of the O.C.G.A., or such other applicable laws as are or may
160 hereafter be enacted;
- 161 (27) Public peace. To provide for the prevention and punishment of loitering, disorderly
162 conduct, drunkenness, riots, and public disturbances;
- 163 (28) Public transportation. To organize and operate such public transportation systems
164 as are deemed beneficial;
- 165 (29) Public utilities and services. To grant franchises or make contracts for, or impose
166 taxes on, public utilities and public service companies; and to prescribe the rates, fares,
167 regulations, and standards and conditions of service applicable to the service to be

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

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

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

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

185 (33) 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 plant
187 and sewerage system, and to levy on those to whom sewers and sewerage systems are
188 made available a sewer service fee, charge, or sewer tax for the availability or use of the
189 sewers; to provide for the manner and method of collecting such service charges and for
190 enforcing payment of the same; and to charge, impose, and collect a sewer connection fee
191 or fees to those connected with the system;

192 (34) Solid waste disposal. To provide for the collection and disposal of garbage, rubbish,
193 and refuse, and to regulate the collection and disposal of garbage, rubbish, and refuse by

194 others; and to provide for the separate collection of glass, tin, aluminum, cardboard,
195 paper, and other recyclable materials, and to provide for the sale of such items;
196 (35) Special areas of public regulation. To regulate or prohibit junk dealers and the
197 manufacture and sale of intoxicating liquors; to regulate the transportation, storage, and
198 use of combustible, explosive, and inflammable materials, the use of lighting and heating
199 equipment, and any other business or situation which may be dangerous to persons or
200 property; to regulate and control the conduct of peddlers and itinerant traders, theatrical
201 performances, exhibitions, and shows of any kind, by taxation or otherwise; and to
202 license, tax, regulate, or prohibit professional fortunetelling, palmistry, and massage
203 parlors; and to restrict adult bookstores to certain areas;
204 (36) Special assessments. To levy and provide for the collection of special assessments
205 to cover the costs for any public improvements;
206 (37) Taxes: ad valorem. To levy and provide for the assessment, valuation, revaluation,
207 and collection of taxes on all property subject to taxation;
208 (38) Taxes: other. To levy and collect such other taxes as may be allowed now or in the
209 future by law;
210 (39) 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 (40) Urban redevelopment. To organize and operate an urban redevelopment program;
215 and
216 (41) Other powers. To exercise and enjoy all other powers, functions, rights, privileges,
217 and immunities necessary or desirable to promote or protect the safety, health, peace,
218 security, good order, comfort, convenience, or general welfare of the city and its
219 inhabitants; and to exercise all implied powers necessary or desirable to carry into
220 execution all powers granted in this charter as fully and completely as if such powers

221 were fully stated in this charter; and to exercise all powers now or in the future authorized
222 to be exercised by other municipal governments under other laws of the State of Georgia;
223 and no listing of particular powers in this charter shall be held to be exclusive of others,
224 nor restrictive of general words and phrases granting powers, but shall be held to be in
225 addition to such powers unless expressly prohibited to municipalities under the
226 Constitution or applicable laws of the State of Georgia.

227 **SECTION 1.14.**

228 Exercise of powers.

229 All powers, functions, rights, privileges, and immunities of the city, its officers, agencies, or
230 employees shall be carried into execution as provided by this charter. If this charter makes
231 no provision, such shall be carried into execution as provided by ordinance or as provided
232 by pertinent laws of the State of Georgia. Failure to exercise a power by the city shall not
233 be a waiver or relinquishment of said power; the city may at any future time exercise or
234 restrict such powers; and the failure to exercise such power shall not give any individual or
235 entity any cause of action or claim against the city.

236 **ARTICLE II**

237 **GOVERNMENT STRUCTURE**

238 **SECTION 2.10.**

239 City council creation; number; election.

240 The legislative authority of the government of this city, except as otherwise specifically
241 provided in this charter, shall be vested in a city council to be composed of a mayor and four
242 councilmembers. Councilmembers shall be elected at large by the voters of the city in

243 accordance with the provisions of Article V of this charter. The mayor shall be elected as
244 provided in Section 2.32 of this charter. The city council established shall in all respects be
245 successor to and continuation of the governing authority under prior law. The mayor and
246 councilmembers shall be elected in the manner provided by general law and this charter. The
247 mayor and city council in office on the effective date of this charter shall serve out the terms
248 to which they were elected.

249 **SECTION 2.11.**

250 City councilmembers; terms and qualifications for office.

251 The members of the city council shall serve for terms of four years and until their respective
252 successors are elected and qualified. No person shall be eligible to serve as a councilmember
253 unless that person shall have been a resident of the city for 12 months prior to the date of that
254 councilmember's election. Each councilmember shall continue to reside in the city during
255 that member's period of service and be registered and qualified to vote in municipal elections
256 of this city.

257 **SECTION 2.12.**

258 Vacancy; filling of vacancies; suspensions.

259 (a) Vacancies. The office of mayor or councilmember shall become vacant upon the
260 incumbent's death, resignation, forfeiture of office, or occurrence of any event specified by
261 the Constitution of the State of Georgia, Title 45 of the O.C.G.A., or such other applicable
262 laws as are or may hereafter be enacted.

263 (b) Filling of vacancies. A vacancy in the office of mayor or councilmember shall be filled
264 for the remainder of the unexpired term, if any, by appointment by the remaining members
265 of the city council if less than 14 months remains in the unexpired term. If such vacancy

266 occurs 14 months or more prior to the expiration of the term of that office, it shall be filled
267 for the remainder of the unexpired term by a special election, as provided for in Section 5.14
268 of this charter.

269 **SECTION 2.13.**

270 Compensation and expenses.

271 The mayor and councilmembers shall receive compensation and expenses for their services
272 as provided by ordinance. The mayor and councilmembers shall be entitled to receive their
273 actual and necessary expenses incurred in the performance of their duties.

274 **SECTION 2.14.**

275 Conflicts of interest; holding other offices.

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

279 (b) Conflict of interest. No elected official, appointed officer, or employee of the city or any
280 agency or political entity to which this charter applies shall knowingly:

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

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

289 (3) Disclose confidential information, including information obtained at meetings which
290 are closed pursuant to Chapter 14 of Title 50 of the O.C.G.A., concerning the property,
291 government, or affairs of the governmental body by which that person is engaged without
292 proper legal authorization; or use such information to advance the financial or other
293 private interest of that person or others;

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

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

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

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

314 (d) Use of public property. No elected official, appointed officer, or employee of the city
315 or any agency or entity to which this charter applies shall use property owned by such

316 governmental entity for personal benefit, convenience, or profit except in accordance with
317 policies promulgated by the city council or the governing body of such agency or entity.

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

321 (f) Ineligibility of elected official. Except where authorized by law, neither the mayor nor
322 any councilmember shall hold any other elective or compensated appointive office in the city
323 or otherwise be employed by said government or any agency thereof during the term for
324 which that person was elected. No former councilmember and no former mayor shall hold
325 any compensated appointive office in the city until one year after the expiration of the term
326 for which that official was elected.

327 (g) Political activities of certain officers and employees.

328 (1) Appointed officers.

329 (A) No appointed officer of the city shall continue in such appointed position upon
330 qualifying as a candidate for nomination or election to any public office; provided,
331 however, that the foregoing provision shall not apply to any city accountant, city
332 auditor, city attorney, or assistant city attorney, unless such person qualifies for election
333 to the office of mayor or councilmember of the City of Guyton, Georgia.

334 (B) No appointed officer of the city shall continue in such appointed position upon
335 election or appointment to any public office, which is inconsistent, incompatible, or in
336 conflict with the duties of the appointed officer. Such determination shall be made by
337 the mayor and council either immediately upon election or at any time such conflict
338 may arise.

339 (2) Employees. No employee of the city shall continue such employment upon
340 qualifying for election, or election or appointment to:

341 (A) Any public office in this city; or

342 (B) Any public office, which is inconsistent, incompatible, or in conflict with the duties
343 of the city employee. Such determination shall be made by the mayor and council
344 either immediately upon election or at any time such conflict may arise.

345 (h) Penalties for violation.

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

349 (2) Any officer or employee of the city who shall forfeit that person's office or position
350 as described in paragraph (1) of this subsection shall be ineligible for appointment or
351 election to or employment in a position in the city government for a period of three years
352 thereafter.

353 **SECTION 2.15.**

354 Inquiries and investigations.

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

361 **SECTION 2.16.**

362 General power and authority of the city council.

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

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

372 **SECTION 2.17.**

373 Eminent domain.

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

382 **SECTION 2.18.**

383 Organizational meetings.

384 The city council shall hold an organizational meeting on the first Tuesday in January after
385 an election. The meeting shall be called to order by the city clerk, and the oath of office shall
386 be administered to the newly elected members by an officer authorized to administer oaths
387 and shall, to the extent that it comports with federal and state law, be as follows:

388 "I do solemnly (swear) (affirm) that I will faithfully perform the duties of the office of
389 (mayor) (councilmember) of this city and that I will support and defend the charter thereof
390 as well as the Constitution and laws of the State of Georgia and of the United States of
391 America. I am not the holder of any unaccounted for public money due this state or any
392 political subdivision or authority thereof. I am not the holder of any office of trust under
393 the government of the United States, any other state, or any foreign state which I am by the
394 laws of the State of Georgia prohibited from holding. I am otherwise qualified to hold said
395 office according to the Constitution and laws of Georgia. I have been a resident of the City
396 of Guyton for the time required by the Constitution and laws of this state and by the
397 municipal charter. I will perform the duties of my office in the best interest of the City of
398 Guyton to the best of my ability without fear, favor, affection, reward, or expectation
399 thereof."

400 **SECTION 2.19.**

401 Regular and special meetings.

- 402 (a) The city council shall hold regular meetings at such times and places as shall be
403 prescribed by ordinance.
- 404 (b) Special meetings of the city council may be held on call of the mayor or any two
405 members of the city council. Notice of such special meetings shall be served on all other
406 members personally, or by telephone personally, at least 24 hours in advance of the meeting.
407 Such notice shall not be required if the mayor and all councilmembers are present when the
408 special meeting is called. Such notice of any special meeting may be waived by the mayor
409 or a councilmember in writing before or after such a meeting, and attendance at the meeting
410 shall also constitute a waiver of notice on any business transacted in such mayor or
411 councilmember's presence. Only the business stated in the call may be transacted at the
412 special meeting, except by unanimous consent of all members of the council.

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

417 **SECTION 2.20.**

418 Rules of procedure; committees.

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

422 (b) All committees and committee chairs of the city council shall be appointed by the mayor
423 and shall serve at the pleasure of the mayor. The mayor shall have the power to appoint new
424 members to any committee at any time.

425 **SECTION 2.21.**

426 Quorum; voting.

427 (a) Three members of city council shall constitute a quorum and shall be authorized to
428 transact business of the city council. Voting on the adoption of ordinances shall be by voice
429 vote and the vote shall be recorded in the minutes, but any member of the city council shall
430 have the right to request a roll call vote and such vote shall be recorded in the minutes.
431 Except as otherwise provided in this charter, the affirmative vote of three councilmembers
432 or two councilmembers and the mayor, or in cases where a bare quorum is present, a majority
433 of the members of a bare quorum, shall be required for the adoption of any ordinance,
434 resolution, or motion.

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

442 **SECTION 2.22.**

443 Ordinance form; procedures.

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

448 (b) An ordinance may be introduced by the mayor or by any councilmember and its caption
449 be read aloud at a regular or special meeting of the city council. Ordinances shall be
450 considered and adopted or rejected by the city council in accordance with the rules which it
451 shall establish; provided, however, that an ordinance shall not be adopted the same day it is
452 introduced, except for emergency ordinances provided in Section 2.24 of this charter. Upon
453 introduction of any ordinance, the city clerk shall as soon as possible distribute a copy to the
454 mayor and to each councilmember and shall file a reasonable number of copies in the office
455 of the clerk and at such other public places as the city council may designate.

456

SECTION 2.23.

457

Action requiring an ordinance.

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

459

SECTION 2.24.

460

Emergencies.

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

478 (b) Such meetings shall be open to the public to the extent required by law, and notice to the
479 public of emergency meetings shall be made as fully as is reasonably possible in accordance

480 with Code section 50-14-1 of the O.C.G.A., or such other applicable laws as are or may
481 hereafter be enacted.

482 **SECTION 2.25.**

483 Codes of technical regulations.

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

487 (1) The requirements of Section 2.22(b) of this charter for distribution and filing of
488 copies of the ordinance shall be construed to include copies of any code of technical
489 regulations, as well as the adopting ordinance; and

490 (2) A copy of each adopted code of technical regulations, as well as the adopting
491 ordinance, shall be authenticated and recorded by the clerk pursuant to Section 2.26 of
492 this charter.

493 (b) Copies of any adopted code of technical regulations shall be made available by the city
494 clerk for public review, for purchase at a reasonable price, or reference provided to members
495 of the public where an adopted technical code may be purchased online or elsewhere.

496 **SECTION 2.26.**

497 Signing; authenticating; recording; codification; printing.

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

500 (b) The city council shall provide for the preparation of a general codification of all the
501 ordinances of the city having the force and effect of law. The general codification shall be
502 adopted by the city council by ordinance or resolution and shall be published promptly,

503 together with all amendments thereto and such codes of technical regulations and other rules
504 and regulations as the city council may specify. This codification shall be known and cited
505 officially as "The Code of the City of Guyton, Georgia." Copies of the code of ordinances
506 shall be made available to all officers, departments, and agencies of the city and made
507 available for purchase by the public at a reasonable price as fixed by the city council. The
508 foregoing requirements shall be satisfied by publishing The Code of the City of Guyton,
509 Georgia on a publicly accessible website.

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

519 **SECTION 2.27.**

520 City manager; appointment; qualifications; compensation.

521 (a) The city council shall appoint, by the affirmative vote of at least four members of the city
522 council, an officer whose title shall be the city manager. The city manager shall be appointed
523 without regard to political beliefs and solely on the basis of that person's executive or
524 administrative qualifications with special reference to that person's education and experience
525 in the accepted competencies and practices of local government management.

526 (b) The city manager shall be employed pursuant to an employment agreement that is
527 negotiated by the mayor and approved by the city council and provides, among other things,
528 that it may be terminated by the city at any time, with or without cause.

529 **SECTION 2.28.**

530 Removal of city manager.

531 The city manager may be removed from office at any time by the majority vote of city
532 council.

533 **SECTION 2.29.**

534 Acting city manager.

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

541 **SECTION 2.30.**

542 Powers and duties of the city manager.

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

- 547 (1) Except as otherwise provided by law, this charter, or personnel policies or ordinances
548 adopted pursuant to this charter, appoint and, when the city manager deems it necessary
549 for the good of the city, suspend or remove all city employees and administrative officers.
550 The city manager may authorize any department director or administrative officer who
551 is subject to the city manager's direction and supervision to exercise these powers with
552 respect to subordinates in that officer's department, office, or agency;
- 553 (2) Direct and supervise the administration of all departments, offices, and agencies of
554 the city, except as otherwise provided by this charter or by law;
- 555 (3) Attend all city council meetings except for closed meetings held for the purposes of
556 deliberating on the appointment, discipline, or removal of the city manager and have the
557 right to take part in discussion, but the city manager may not vote;
- 558 (4) See that all laws, provisions of this charter, and acts of the city council, subject to
559 enforcement by the city manager or by officers subject to the city manager's direction and
560 supervision, are faithfully executed;
- 561 (5) Prepare and submit the annual operating budget and capital budget to the city
562 council;
- 563 (6) Submit to the city council and make available to the public a complete report on the
564 finances and administrative activities of the city as of the end of each fiscal year;
- 565 (7) Make such other reports as the city council may require concerning the operations
566 of city departments, offices, and agencies subject to the city manager's direction and
567 supervision;
- 568 (8) Keep the city council fully advised as to the financial condition and future needs of
569 the city, and make such recommendations to the city council concerning the affairs of the
570 city as the city manager deems desirable; and
- 571 (9) Perform other such duties as are specified in this charter or as may be required by the
572 mayor and city council.

573

SECTION 2.31.

574

Mayor and council interference with administration.

575 The city council shall act in all matters as a body, and no member shall seek individually to
576 influence the official acts of the city manager or any other officer or employee of the city,
577 or to interfere in any way with the performance of the duties by the city manager or other
578 officers or employees. Except for the purpose of inquiries and investigations under
579 Section 2.15 of this charter, the mayor and councilmembers shall deal with city officers and
580 employees who are subject to the direction or supervision of the city manager solely through
581 the city manager, and neither the mayor, the city council, nor its members shall give orders
582 to any such officer or employee, either publicly or privately.

583

SECTION 2.32.

584

Election of mayor; forfeiture.

585 The mayor shall be elected at large by the voters of the city and shall serve for a term of four
586 years and until a successor is elected and qualified. The mayor shall be a qualified elector
587 of this city and shall have been a resident of this city for 12 months prior to the date of his
588 or her election. The mayor shall continue to reside in this city during the period of the
589 mayor's service. The mayor shall forfeit the office on the same grounds and under the same
590 procedure as for councilmembers. The compensation of the mayor shall be established in the
591 same manner as for councilmembers.

592

SECTION 2.33.

593

Mayor pro tempore, selection, duties.

594

The city council at the first regular meeting after the newly elected councilmembers have

595

taken office following each election shall elect a councilmember to serve as mayor pro tem.

596

The mayor pro tem shall be elected by a majority vote of the city council. The mayor pro

597

tem shall serve for a term of two years. The mayor pro tem shall assume the duties and

598

powers of the mayor during the mayor's physical or mental disability, suspension from office,

599

or absence. Any such disability of the mayor shall be declared by the affirmative vote of

600

three councilmembers. The mayor pro tem shall sign all contracts and ordinances in which

601

the mayor has a disqualifying financial interest as provided in Section 2.14 of this charter by

602

state law. When acting as mayor, the mayor pro tem shall be entitled to vote as a member

603

of the city council.

604

SECTION 2.34.

605

Powers and duties of mayor.

606

The mayor shall:

607

(1) Preside at all meetings of the city council, see that all meetings are conducted in a

608

parliamentary manner, and preserve order and decorum in such meetings;

609

(2) Be the head of the city for the purpose of service of process and for ceremonial

610

purposes, and be the official spokesperson for the city and the chief advocate of policy

611

and recommend such measures or policies to the city council as he or she deems

612

necessary or expedient for the health, safety, and welfare of the city and its inhabitants;

613

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

- 614 (4) Sign as a matter of course on behalf of the city all written and approved contracts,
615 ordinances, resolutions, and other instruments executed by the city which by law are
616 required to be in writing;
- 617 (5) Vote on matters before the city council and be counted toward a quorum as any other
618 councilmember;
- 619 (6) Approve or disapprove resolutions and ordinances as provided in Section 2.35 of this
620 charter;
- 621 (7) Perform such other duties as may be required by law, this charter, or by ordinance;
- 622 (8) Set the agenda for meetings of the city council; provided, however, that additional
623 items shall be added to the agenda upon the written request of any two or more
624 councilmembers;
- 625 (9) See that all laws, resolutions, and ordinances of the city are faithfully executed and
626 enforced by the city manager;
- 627 (10) In states of emergency, serve as the official spokesperson for the City; and
- 628 (11) Perform the duties of city manager, without additional compensation, should that
629 office be vacant for any reason.

630

SECTION 2.35.

631

Submission of ordinances to the mayor; veto power.

- 632 (a) Every resolution or ordinance adopted by the city council shall be presented promptly
633 by the city clerk to the mayor after its adoption.
- 634 (b) The mayor, within ten calendar days of receipt of a resolution or ordinance, shall return
635 it to the city clerk with or without the mayor's approval, or with the mayor's veto. If the
636 resolution or ordinance has been approved by the mayor, it shall become law upon its return
637 to the city clerk; if the resolution or ordinance is neither approved nor disapproved, it shall
638 become law at 12:00 noon on the tenth calendar day after its adoption by the city council; if

639 the resolution or ordinance is vetoed, the mayor shall submit to the city council through the
640 city clerk a written statement explaining the reason for the veto. The city clerk shall record
641 upon the resolution or ordinance the date of its delivery to and receipt from the mayor.

642 (c) Resolutions or ordinances vetoed by the mayor shall be presented by the city clerk to the
643 city council at its next meeting. If the city council then or at its next meeting adopts the
644 resolution or ordinance over the veto by an affirmative vote of three of its members, it shall
645 become law.

646 (d) The mayor may disapprove or reduce any item or items of appropriation in any
647 resolution or ordinance, except appropriations for auditing or investigating the office of
648 mayor. The approved part or parts of any resolution or ordinance making appropriations
649 shall become law, and the part or parts disapproved shall not become law unless
650 subsequently passed by the city council over the mayor's veto as provided herein. The
651 reduced part or parts shall be presented to the city council as though disapproved and shall
652 not become law unless overridden by the city council as provided in subsection (c) of this
653 section.

654 (e) The mayor shall not have the power to veto any emergency ordinance.

655

ARTICLE III

656

ADMINISTRATIVE AFFAIRS

657

SECTION 3.10.

658

Administrative and service departments.

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

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

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

668 (d) There shall be a director of each department or agency who shall be its principal officer,
669 also known as a department head. Each director shall, subject to the direction and
670 supervision of the city manager, be responsible for the administration and direction of the
671 affairs and operations of that director's department or agency.

672 (e) All directors of departments shall be subject to removal or suspension at any time by the
673 city manager in the manner provided by the city's personnel policy and procedure manual.

674 **SECTION 3.11.**

675 **Boards, commissions, and authorities.**

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

680 (b) All members of boards, commissions, and authorities of the city shall be appointed by
681 the city council for such terms of office and in such manner of appointment as provided by
682 ordinance or resolution, except where another appointing authority, term of office, or manner
683 of appointment is prescribed by this charter or by applicable state law.

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

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

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

691 (f) No member of a board, commission, or authority shall assume office until that person has
692 executed and filed with the clerk of the city an oath obligating himself or herself to faithfully
693 and impartially perform the duties of that member's office.

694 (g) All members of boards, commissions, or authorities serve at-will and may be removed
695 at any time by a vote of three members of the city council, unless otherwise provided by law.

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

704

SECTION 3.12.

705

City attorney.

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

713 required by virtue of the person's position as city attorney or as required by the city council
714 or city manager.

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

718 **SECTION 3.13.**

719 City clerk.

720 The city manager shall appoint a city clerk who shall not be the mayor or a councilmember.
721 The city clerk shall be custodian of the official city seal and city records; maintain city
722 council records required by this charter; attend meetings of the city council and keep minutes
723 of its proceedings at such meetings; and perform such other duties as may be required by the
724 city council.

725 **SECTION 3.14.**

726 Position classification and pay plan.

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

733 **SECTION 3.15.**

734 Personnel policies.

735 The city council shall adopt by ordinance or resolution a personnel policy and procedure
736 manual. All city employees shall be governed by the city's personnel policy and procedure
737 manual.

738 **ARTICLE IV**
739 **MUNICIPAL COURT**

740 **SECTION 4.10.**

741 Creation; name.

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

743 **SECTION 4.11.**

744 Chief judge; associate judge.

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

747 (b) No person shall be qualified or eligible to serve as a judge of the municipal court unless
748 that person shall be a member of the State Bar of Georgia, and shall possess all qualifications
749 required by law. All judges shall be appointed by the city council and shall serve until a
750 successor is appointed and qualified.

751 (c) Compensation of the judges shall be provided for by the city council.

752 (d) Judges serve as provided in Code Section 36-32-2 of the O.C.G.A. and may be removed
753 from office in accordance with Code Section 36-32-2.1 of the O.C.G.A., or other such

754 applicable laws as are or may hereafter be enacted. Subject to O.C.G.A. 36-32-2 et seq. or
755 other such applicable laws as are or may hereafter be enacted, judges serve at will and may
756 be removed from office at any time by the city council unless otherwise provided by
757 ordinance.

758 (e) Before assuming office, each judge shall take an oath, given by the mayor or the mayor's
759 designee, that the judge will honestly and faithfully discharge the duties of the office to the
760 best of that person's ability and without fear, favor, or partiality. The oath shall be entered
761 upon the minutes of the city council required in Section 2.20 of this charter

762 **SECTION 4.12.**

763 Convening.

764 The municipal court shall be convened at regular intervals as provided by ordinance or
765 resolution.

766 **SECTION 4.13.**

767 Jurisdiction; powers.

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

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

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

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

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

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

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

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

800 **SECTION 4.14.**

801 Certiorari.

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

806 **SECTION 4.15.**

807 Rules for court.

808 The judge shall have full power and authority to make reasonable rules and regulations
809 necessary and proper to secure the efficient and successful administration of the municipal
810 court. The rules and regulations made or adopted shall be filed with the city clerk, shall be
811 available for public inspection, and, upon request, a copy shall be furnished to all defendants
812 in municipal court proceedings at least 48 hours prior to such proceedings.

813 **SECTION 4.16.**

814 Right to counsel.

815 In all cases before the municipal court, an indigent defendant shall be advised as to the right
816 to have counsel appointed, and an attorney must be provided where desired except in such
817 cases where the judge does not wish to impose a jail term.

836 **SECTION 5.13.**

837 Election by majority.

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

839 **SECTION 5.14.**

840 Special elections; vacancies.

841 In the event that the office of mayor or councilmember shall become vacant as provided in
842 Section 2.12 of this charter, the city council or those remaining shall order a special election
843 to fill the balance of the unexpired term of such official; provided, however, that if such
844 vacancy occurs within 14 months of the expiration of the term of that office, the city council
845 or those remaining shall appoint a successor for the remainder of the term by a majority vote.
846 In all other respects, the special election shall be held and conducted in accordance with
847 Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter
848 amended.

849 **SECTION 5.15.**

850 Other provisions.

851 Except as otherwise provided by this charter, the city council shall, by ordinance or
852 resolution, prescribe such rules and regulations as it deems appropriate to fulfill any options
853 and duties under Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code."

854 **SECTION 5.16.**

855 Removal of officers.

856 The mayor or councilmembers provided for in this charter shall be removed from office for
857 any one or more of the causes provided in Title 45 of the O.C.G.A., or such other applicable
858 laws as are or may hereafter be enacted.

859 **ARTICLE VI**

860 **FINANCE**

861 **SECTION 6.10.**

862 Property tax.

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

869 **SECTION 6.11.**

870 Millage rate; due dates; payment methods.

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

875

SECTION 6.12.

876

Occupation and business taxes.

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

881

SECTION 6.13.

882

Regulatory fees; permits.

883 The city council by ordinance shall have the power to require businesses or practitioners
884 doing business in this city to obtain a permit for such activity from the city and, upon
885 approval, may require the business or practitioner to pay a regulatory fee for such permit as
886 provided by general law. Such fees should reflect the total cost to the city of regulating the
887 activity, and if unpaid, shall be collected as provided in Section 6.18 of this charter.

888

SECTION 6.14.

889

Franchises.

890 (a) The city council shall have the power to grant franchises for the use of this city's streets,
891 alleys, and other property for the purpose of railroads, street railways, telephone and cellular
892 telephone companies, electric companies, electric membership corporations, cable television
893 and other telecommunications companies, fiber optic cable companies, internet companies,
894 gas companies, transportation companies, and other similar organizations. The city council
895 shall determine the duration, terms, whether the same shall be exclusive or nonexclusive, and
896 the consideration for such franchises; provided, however, that no franchise shall be granted

897 for a period in excess of 35 years and no franchise shall be granted unless the city receives
898 just and adequate compensation therefor. The city council shall provide for the registration
899 of all franchises with the city clerk in a registration book kept by the clerk. The city council
900 may provide by ordinance for the registration within a reasonable time of all franchises
901 previously granted.

902 (b) If no franchise agreement is in effect, the city council has the authority to impose a tax
903 on gross receipts for the use of this city's streets, alleys, and other property for the purposes
904 of railroads, street railways, telephone and cellular telephone companies, electric companies,
905 electric membership corporations, cable television and other telecommunications companies,
906 internet companies, gas companies, transportation companies, and other similar
907 organizations.

908 **SECTION 6.15.**

909 Service charges.

910 The city council by ordinance shall have the power to assess and collect fees, charges, and
911 tolls for sewers, storm water, water, emergency, law enforcement, fire, sanitary, health
912 services, and any other services provided and/or made available within and outside the
913 corporate limits of the city. If unpaid, such charges shall be collected as provided in
914 Section 6.18 of this charter.

915 **SECTION 6.16.**

916 Special assessments.

917 The city council by ordinance shall have the power to assess and collect the cost of
918 constructing, reconstructing, widening, or improving any public way, street, sidewalk,
919 curbing, gutters, sewers, or other utility mains and appurtenances from the abutting property

920 owners under such terms and conditions as are reasonable. If unpaid, such charges shall be
921 collected as provided in Section 6.18 of this charter.

922 **SECTION 6.17.**

923 Construction; other taxes and fees.

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

927 **SECTION 6.18.**

928 Collection of delinquent taxes and fees.

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

936 **SECTION 6.19.**

937 General obligation bonds.

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

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

942 **SECTION 6.20.**

943 Revenue bonds.

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

947 **SECTION 6.21.**

948 Short-term loans.

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

951 **SECTION 6.22.**

952 Lease-purchase contracts.

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

960 **SECTION 6.23.**

961 Fiscal year.

962 The city council shall set the fiscal year by ordinance or resolution. This fiscal year shall
963 constitute the budget year and the year for financial accounting and reporting of each and
964 every office, department, agency, and activity of the city government unless otherwise
965 provided by state or federal law.

966 **SECTION 6.24.**

967 Preparation of budgets.

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

972 **SECTION 6.25.**

973 Submission of operating budget to city council.

974 On or before a date fixed by the city council but not later than 20 days prior to the beginning
975 of each fiscal year, the city manager shall submit to the city council a proposed operating
976 budget for the ensuing fiscal year. The budget shall be accompanied by a message from the
977 city manager containing a statement of the general fiscal policies of the city, the important
978 features of the budget, explanations of major changes recommended for the next fiscal year,
979 a general summary of the budget, and such other pertinent comments and information. The
980 operating budget and the capital budget provided for in Section 6.29 of this charter, the

981 budget message, and all supporting documents shall be filed in the office of the city clerk and
982 shall be open to public inspection.

983

SECTION 6.26.

984

Action by city council on budget.

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

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

999 (c) The amount set out in the adopted operating budget for each organizational unit shall
1000 constitute the annual appropriation for such, and no expenditure shall be made or
1001 encumbrance created in excess of the otherwise unencumbered balance of the appropriations
1002 or allotment thereof, to which it is chargeable.

SECTION 6.27.

1003

1004

Tax levies.

1005 The city council shall levy by ordinance such taxes as are necessary. The taxes and tax rates
1006 set by such ordinance shall be such that reasonable estimates of revenues from such levy shall
1007 at least be sufficient, together with other anticipated revenues, fund balances, and applicable
1008 reserves, to equal the total amount appropriated for each of the several funds set forth in the
1009 annual operating budget for defraying the expenses of the general government of this city.

SECTION 6.28.

1010

1011

Changes in appropriations.

1012 The city council by ordinance may make changes in the appropriations contained in the
1013 current operating budget, at any regular, special, or emergency meeting called for such
1014 purpose, but any additional appropriations may be made only from an existing unexpended
1015 surplus.

SECTION 6.29.

1016

1017

Capital budget.

1018 (a) On or before the date fixed by the city council but no later than 20 days prior to the
1019 beginning of each fiscal year, the city manager shall submit to the city council a proposed
1020 capital improvements plan with a recommended capital budget containing the means of
1021 financing the improvements proposed for the ensuing fiscal year. The city council shall have
1022 power to accept, with or without amendments, or reject the proposed plan and proposed
1023 budget. The city council shall not authorize an expenditure for the construction of any
1024 building, structure, work, or improvement, unless the appropriations for such project are

1025 included in the capital budget, except to meet a public emergency as provided in Section 2.24
1026 of this charter.

1027 (b) The city council shall adopt, by ordinance, the final capital budget for the ensuing fiscal
1028 year not later than the beginning day of each fiscal year. No appropriation provided for in
1029 a prior capital budget shall lapse until the purpose for which the appropriation was made shall
1030 have been accomplished or abandoned; provided, however, that the city manager may submit
1031 amendments to the capital budget at any time during the fiscal year, accompanied by
1032 recommendations. Any such amendments to the capital budget shall become effective only
1033 upon adoption by ordinance.

1034 **SECTION 6.30.**

1035 Independent audit.

1036 There shall be an annual independent audit of all city accounts, funds, and financial
1037 transactions by a certified public accountant selected by the city council. The audit shall be
1038 conducted according to generally accepted auditing principles. Any audit of funds by the
1039 state or federal governments may be accepted as satisfying the requirements of this charter.
1040 Copies of annual audit reports shall be available at printing costs to the public.

1041 **SECTION 6.31.**

1042 Contracting procedures.

1043 No contract with the city shall be binding on the city unless:

1044 (1) It is in writing;

1045 (2) It is drawn by or submitted and reviewed by the city attorney and, as a matter of
1046 course, is signed by the city attorney to indicate such drafting or review; and

1047 (3) It is made or authorized by the city council and such approval is entered in the city
1048 council minute book of proceedings pursuant to Section 2.20 of this charter.

1049 **SECTION 6.32.**

1050 Centralized purchasing.

1051 The city council shall by ordinance or resolution prescribe procedures for a system of
1052 centralized purchasing for the city.

1053 **SECTION 6.33.**

1054 Sale and lease of city property.

1055 (a) The city council may sell and convey, or lease any real or personal property owned or
1056 held by the city for governmental or other purposes as now or hereafter provided by law.

1057 (b) The city council may quitclaim any rights it may have in property not needed for public
1058 purposes upon report by the city manager and adoption of a resolution, both finding that the
1059 property is not needed for public or other purposes and that the interest of the city has no
1060 readily ascertainable monetary value.

1061 (c) Whenever in opening, extending, or widening any street, avenue, alley, or public place
1062 of the city, a small parcel or tract of land is cut off or separated by such work from a larger
1063 tract or boundary of land owned by the city, the city council may authorize the city manager
1064 to sell and convey said cutoff or separated parcel or tract of land to an abutting or adjoining
1065 property owner or owners where such sale and conveyance facilitates the enjoyment of the
1066 highest and best use of the abutting owner's property. Included in the sales contract shall be
1067 a provision for the rights-of-way of said street, avenue, alley, or public place. Each abutting
1068 property owner shall be notified of the availability of the property and given the opportunity
1069 to purchase said property under such terms and conditions as provided by the city council.

1070 All deeds and conveyances heretofore and hereafter so executed and delivered shall convey
1071 all title and interest the city has in such property, notwithstanding the fact that no public sale
1072 after advertisement was or is hereafter made.

1073 **ARTICLE VII**
1074 **GENERAL PROVISIONS**

1075 **SECTION 7.10.**
1076 **Bonds for officials.**

1077 The officers and employees of this city, both elected and appointed, shall execute such surety
1078 or fidelity bonds in such amounts and upon such terms and conditions as the city council shall
1079 from time to time require by ordinance or as may be provided by law.

1080 **SECTION 7.11.**
1081 **Existing ordinances, resolutions, rules, and regulations.**

1082 All ordinances, resolutions, rules, and regulations now in force in the city not inconsistent
1083 with this charter are hereby declared valid and of full effect and force until amended or
1084 repealed by the city council.

1085 **SECTION 7.12.**
1086 **Pending matters.**

1087 Except as specifically provided otherwise by this charter, all rights, claims, actions, orders,
1088 contracts, and legal or administrative proceedings shall continue and any such ongoing work

1089 or cases shall be completed by such city agencies, personnel, or offices as may be provided
1090 by the city council.

1091 **SECTION 7.13.**

1092 Construction.

1093 (a) Section captions in this charter are informative only and are not to be considered as a part
1094 thereof.

1095 (b) The word "shall" is mandatory and the words "may" and "should" are permissive.

1096 (c) The singular shall include the plural, the masculine shall include the feminine, and vice
1097 versa.

1098 (d) Except as specifically provided otherwise by this charter, the term:

1099 (1) "City council" means the members of the city council and the mayor.

1100 (2) "Councilmember" means a member of the city council other than the mayor.

1101 **SECTION 7.14.**

1102 Severability.

1103 If any article, section, subsection, paragraph, sentence, or part thereof of this charter shall be
1104 held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect
1105 or impair other parts of this charter unless it clearly appears that such other parts are wholly
1106 and necessarily dependent upon the part held to be invalid or unconstitutional, it being the
1107 legislative intent in enacting this charter that each article, section, subsection, paragraph,
1108 sentence, or part thereof be enacted separately and independent of each other.

1109 **SECTION 7.15.**

1110 Specific repealer.

1111 An Act incorporating the City of Guyton in the County of Effingham, approved May 5, 2006,
1112 (Ga. L. 2006, p. 4230), is hereby repealed in its entirety and all amendatory acts thereto are
1113 likewise repealed in their entirety.

1114 **SECTION 7.16.**

1115 General repealer.

1116 All other laws and parts of laws in conflict with this Act are hereby repealed.