

House Bill 802 (AS PASSED HOUSE AND SENATE)

By: Representative Chastain of the 7th

A BILL TO BE ENTITLED
AN ACT

1 To provide a new charter for the City of Morganton; to provide for reincorporation,
2 boundaries, and powers of the city; to provide for the exercise of powers and limitations on
3 powers; to provide for a governing authority of such city and the powers, duties, authority,
4 prohibitions, election, terms, removal from office, method of filling vacancies, compensation,
5 expenses, and qualifications of such authority; to provide for conflicts of interest and holding
6 other offices; to provide for inquiries and investigations; to provide for organization and
7 meeting procedures; to provide for quorums and voting; to provide for emergencies; to
8 provide for ordinances; to provide for codes; to prohibit council interference with
9 administration; to provide for election, power, and duties of the mayor; to provide for mayor
10 pro tempore; to provide for veto; to provide for administrative responsibilities; to provide for
11 boards, commissions, and authorities; to provide for a city attorney and city clerk; to provide
12 for personnel policies to provide for municipal elections; to provide for taxation, permits, and
13 fees; to provide for franchises, service charges, and assessments; to provide for bonded and
14 other indebtedness; to provide for accounting and budgeting; to provide for capital
15 improvements; to provide for contracting and purchasing; to provide for sale of city property;
16 to provide for bonds for officials; to provide for pending matters, prior ordinances, and
17 existing personnel; to provide for definitions and construction; to provide for severability;

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18 to provide for related matters; to repeal a specific Act; to repeal conflicting laws; and for
19 other purposes.

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

21 ARTICLE I.
22 INCORPORATION AND POWERS

23 SECTION 1.10.
24 Incorporation.

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

29 SECTION 1.11.
30 Corporate boundaries.

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

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

42 **SECTION 1.12.**

43 Powers and construction.

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

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

51 **SECTION 1.13.**

52 Examples of powers.

53 The powers of the city may include, but are not limited to:

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

60 (2) Appropriations and expenditures. To make appropriations for the support of the
61 government of the city; to authorize the expenditure of money for any purposes

62 authorized by this charter and for any purpose for which a municipality is authorized
63 by the laws of the State of Georgia; and to provide for the payment of expenses of the
64 city;

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

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

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

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

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

86 (8) Environmental protection. To protect and preserve the natural resources,
87 environment, and vital areas of the state through the preservation and improvement
88 of air quality, the restoration and maintenance of water resources, the control of

89 erosion and sedimentation, the management of storm-water and establishment of a
90 storm-water utility, the management of solid and hazardous waste, and other
91 necessary actions for the protection of the environment;

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

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

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

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

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

111 (14) Jail sentences. To provide that persons given jail sentences in the municipal
112 court, if established, may work out such sentences in any public works or on the
113 streets, roads, drains, and other public property in the city; to provide for commitment
114 of such persons to any jail; to provide for the use of pretrial diversion and any
115 alternative sentencing allowed by law, or to provide for commitment of such persons

116 to any county work camp or county jail by agreement with the appropriate county
117 officials;

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

121 (16) Municipal agencies and delegation of power. To create, alter, or abolish
122 departments, boards, offices, commissions, and agencies of the city, and to confer
123 upon such agencies the necessary and appropriate authority for carrying out all the
124 powers conferred upon or delegated to the same;

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

129 (18) Municipal property ownership. To acquire, dispose of, lease, and hold in trust
130 or otherwise any real, personal, or mixed property, in fee simple or lesser interest,
131 inside or outside the property limits of the city;

132 (19) Municipal property protection. To provide for the preservation and protection
133 of property and equipment of the city and the administration and use of same by the
134 public, and to prescribe penalties and punishment for violations thereof;

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

- 142 (21) Nuisance. To define a nuisance and provide for its abatement whether on public
143 or private property;
- 144 (22) Penalties. To provide penalties for violation of any ordinances adopted pursuant
145 to the authority of this charter and the laws of the State of Georgia;
- 146 (23) Planning and zoning. To provide comprehensive city planning for development
147 by zoning, and to provide subdivision regulation and the like as the city council
148 deems necessary and reasonable to insure a safe, healthy, and aesthetically pleasing
149 community;
- 150 (24) Police and fire protection. To exercise the power of arrest through duly
151 appointed police officers, and to establish, operate, or contract for police and a
152 firefighting agency;
- 153 (25) Public hazards: removal. To provide for the destruction and removal of any
154 building or other structure which is or may become dangerous or detrimental to the
155 public;
- 156 (26) Public improvements. To provide for the acquisition, construction, building,
157 operation, and maintenance of public ways, parks and playgrounds, public grounds,
158 recreational facilities, cemeteries, markets and market houses, public buildings,
159 libraries, sewers, drains, sewage treatment, waterworks, electrical systems, gas
160 systems, other public utilities, public housing, airports, hospitals, terminals, docks,
161 parking facilities, and charitable, cultural, educational, recreational, conservation,
162 sport, curative, corrective, detention, penal, and medical institutions, agencies, and
163 facilities; to provide any other public improvements, inside or outside the corporate
164 limits of the city; and to regulate the use of public improvements; for such purposes,
165 property may be acquired by condemnation under Title 22 of the O.C.G.A. or such
166 other applicable laws as are or may hereafter be enacted;
- 167 (27) Public peace. To provide for the prevention and punishment of loitering,
168 disorderly conduct, drunkenness, riots, and public disturbances;

169 (28) Public transportation. To organize and operate such public transportation
170 systems as are deemed beneficial;

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

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

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

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

191 (33) Sewer fees. To levy a fee, charge, or sewer tax as necessary to assure the
192 acquiring, constructing, equipping, operating, maintaining, and extending of a sewage
193 disposal plant and sewerage system, and to levy on those to whom sewers and
194 sewerage systems are made available a sewer service fee, charge, or sewer tax for the
195 availability or use of the sewers; to provide for the manner and method of collecting

196 such service charges and for enforcing payment of the same; and to charge, impose,
197 and collect a sewer connection fee or fees to those connected with the system;

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

203 (35) Special areas of public regulation. To regulate or prohibit junk dealers and the
204 manufacture and sale of intoxicating liquors; to regulate the transportation, storage,
205 and use of combustible, explosive, and inflammable materials, the use of lighting and
206 heating equipment, and any other business or situation which may be dangerous to
207 persons or property; to regulate and control the conduct of peddlers and itinerant
208 traders, theatrical performances, exhibitions, and shows of any kind, by taxation or
209 otherwise; and to license, tax, regulate, or prohibit professional fortunetelling,
210 palmistry, and massage parlors; and to restrict adult bookstores to certain areas;

211 (36) Special assessments. To levy and provide for the collection of special
212 assessments to cover the costs for any public improvements;

213 (37) Taxes: ad valorem. To levy and provide for the assessment, valuation,
214 revaluation, and collection of taxes on all property subject to taxation;

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

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

221 (40) Urban redevelopment. To organize and operate an urban redevelopment
222 program; and

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

234 **SECTION 1.14.**

235 Exercise of powers.

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

240 **ARTICLE II.**

241 **GOVERNMENT STRUCTURE**

242 **SECTION 2.10.**

243 City council creation; number; election.

244 The legislative authority of the government of this city, except as otherwise specifically
245 provided in this charter, shall be vested in a city council to be composed of a mayor and three
246 councilmembers. Councilmembers shall be elected at large by the voters of the city in
247 accordance with the provisions of Article IV of this charter. The mayor shall be elected as
248 provided in Section 2.28 of this charter. The city council established shall in all respects be
249 the successor to and continuation of the governing authority under prior law. The mayor and
250 councilmembers shall be elected in the manner provided by general law and this charter.

251 **SECTION 2.11.**

252 City councilmembers; terms and qualifications for office.

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

258 **SECTION 2.12.**

259 Vacancy; filling of vacancies; suspensions.

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

264 (b) A vacancy in the office of mayor or councilmember shall be filled for the remainder of
265 the unexpired term, if any, by appointment by the city council or those members remaining
266 if fewer than 14 months remain in the unexpired term. If such vacancy occurs 14 months or

267 more prior to the expiration of the term of that office, it shall be filled for the remainder of
268 the unexpired term by a special election, as provided for in Section 4.14 of this charter.
269 (c) This provision shall also apply to a temporary vacancy created by the suspension from
270 office of the mayor or any councilmember.

271 **SECTION 2.13.**

272 Compensation and expenses.

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

275 **SECTION 2.14.**

276 Conflicts of interest; holding other offices.

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

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

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

- 289 (3) Disclose confidential information, including information obtained at meetings
290 which are closed pursuant to Chapter 14 of Title 50 of the O.C.G.A., concerning the
291 property government or affairs of the governmental body by which that person is
292 engaged without proper legal authorization, or use such information to advance the
293 financial or other 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
298 elected official who is a candidate for public office may accept campaign
299 contributions and services in connection with any such campaign;
- 300 (5) Represent other private interests in any action or proceeding against this city or
301 any portion of its government; or
- 302 (6) Vote or otherwise participate in the negotiation or in the making of any contract
303 with any business or entity in which that person has a financial interest.
- 304 (c) Any elected official, appointed officer, or employee who shall have any financial
305 interest, directly or indirectly, in any contract or matter pending before or within any
306 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; such disclosure shall be entered on the records of the city council,
309 and that person shall disqualify himself or herself from participating in any decision or vote
310 relating thereto. Any elected official, appointed officer, or employee of any agency or
311 political entity to which this charter applies who shall have any financial interest, directly or
312 indirectly, in any contract or matter pending before or within such entity shall disclose such
313 interest to the governing body of such agency or entity.
- 314 (d) No elected official, appointed officer, or employee of the city or any agency or entity to
315 which this charter applies shall use property owned by such governmental entity for personal

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

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

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

327 (g) No appointed officer or employee of the city shall continue in such employment upon
328 qualifying as a candidate for nomination or election to any city public office. No employee
329 of the city shall continue in such employment upon qualifying for any other public office
330 which is inconsistent, incompatible, or in conflict with the duties of the city employee. Such
331 determination shall be made by the mayor and council either immediately upon qualifying
332 or at any time such conflict may arise.

333 (h) Penalties for Violation.

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

338 (2) Any officer or employee of the city who shall forfeit that person's office or
339 position as described in paragraph (1) of this subsection shall be ineligible for
340 appointment or election to or employment in a position in the city government for a
341 period of five years thereafter.

342

SECTION 2.15.

343

Inquiries and investigations.

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

350

SECTION 2.16.

351

General power and authority of the city council.

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

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

361 **SECTION 2.17.**

362 Eminent domain.

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

371 **SECTION 2.18.**

372 Organizational meetings.

373 The city council shall hold an organizational meeting on the second Tuesday in January. The
374 meeting shall be called to order by the mayor and the oath of office shall be administered to
375 the newly elected members by a judicial officer authorized to administer oaths and shall, to
376 the extent that it comports with federal and state law, be as follows:

377 "I do solemnly (swear) (affirm) that I will faithfully perform the duties of
378 (mayor)(councilmember) of this city and that I will support and defend the charter
379 thereof as well as the Constitution and laws of the State of Georgia and of the United
380 States of America. I am not the holder of any unaccounted-for public money due this
381 state or any political subdivision or authority thereof. I am not the holder of any
382 office of trust under the government of the United States, any other state, or any
383 foreign state which I by the laws of the State of Georgia am prohibited from holding.
384 I am otherwise qualified to hold said office according to the Constitution and laws of

385 Georgia. I have been a resident of the City of Morganton for the time required by the
386 Constitution and laws of this state and by the municipal charter. I will perform the
387 duties of my office in the best interest of the City of Morganton to the best of my
388 ability without fear, favor, affection, reward, or expectation thereof, so help me God."

389 **SECTION 2.19.**

390 Regular and special meetings.

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

393 (b) Special meetings of the city council may be held on call of the mayor or any two
394 members of the city council. Notice of such special meetings shall be served on all other
395 members personally, or by telephone personally, at least 48 hours in advance of the meeting.
396 Such notice to councilmembers shall not be required if the mayor and all councilmembers
397 are present when the special meeting is called. Such notice of any special meeting may be
398 waived by a councilmember in writing before or after such a meeting, and attendance at the
399 meeting shall also constitute a waiver of notice on any business transacted in such
400 councilmember's presence. Only the business stated in the call may be transacted at the
401 special meeting.

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

406

SECTION 2.20.

407

Rules of procedure; committees.

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

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

414

SECTION 2.21.

415

Quorum; voting.

416 (a) Two councilmembers shall constitute a quorum and shall be authorized to transact
417 business of the city council. Voting on the adoption of ordinances shall be by voice vote and
418 the vote shall be recorded in the minutes, but any member of the city council shall have the
419 right to request a roll call vote and such vote shall be recorded in the minutes. Except as
420 otherwise provided in this charter, the affirmative vote of two councilmembers shall be
421 required for the adoption of any ordinance, resolution, or motion.

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

429

SECTION 2.22.

430

Ordinance form; procedures.

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

435 (b) An ordinance may be introduced by the mayor or by any councilmember and be read at
436 a regular or special meeting of the city council. Ordinances shall be considered and adopted
437 or rejected by the city council in accordance with the rules which it shall establish; provided,
438 however, that an ordinance shall not be adopted the same day it is introduced, except for
439 emergency ordinances provided in Section 2.24 of this charter. Upon introduction of any
440 ordinance, the city clerk shall as soon as possible distribute a copy to the mayor and to each
441 councilmember and shall file a reasonable number of copies in the office of the clerk and at
442 such other public places as the city council may designate.

443

SECTION 2.23.

444

Action requiring an ordinance.

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

446

SECTION 2.24.

447

Emergencies.

448 (a) To meet a public emergency affecting life, health, property or public peace, the city
449 council may convene on call of the mayor or any two councilmembers and promptly adopt
450 an emergency ordinance, but such ordinance may not levy taxes; grant, renew, or extend a

451 franchise; regulate the rate charged by any public utility for its services; or authorize the
452 borrowing of money except for loans to be repaid within 30 days. An emergency ordinance
453 shall be introduced in the form prescribed for ordinances generally, except that it shall be
454 plainly designated as an emergency ordinance and shall contain, after the enacting clause,
455 a declaration stating that an emergency exists, and a description of the emergency in clear
456 and specific terms. An emergency ordinance may be adopted, with or without amendment,
457 or rejected at the meeting at which it is introduced, but the affirmative vote of at least three
458 councilmembers shall be required for adoption. It shall become effective upon adoption or
459 at such later time as it may specify. Every emergency ordinance shall automatically stand
460 repealed 30 days following the date upon which it was adopted, but this shall not prevent
461 reenactment of the ordinance in the manner specified in this section if the emergency still
462 exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance
463 in the same manner specified in this section for adoption of emergency ordinances.

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

468 **SECTION 2.25.**

469 Codes of technical regulations.

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

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

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

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

481 **SECTION 2.26.**

482 Signing; authenticating; recording; codification; printing.

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

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

493 (c) The city council shall cause each ordinance and each amendment to this charter to be
494 printed promptly following its adoption, and the printed ordinances and charter amendments
495 shall be made available for purchase by the public at reasonable prices to be fixed by the city
496 council. Following publication of the first code under this charter and at all times thereafter,
497 the ordinances and charter amendments shall be printed in substantially the same style as the
498 code currently in effect and shall be suitable in form for incorporation therein. The city
499 council shall make such further arrangements as deemed desirable with reproduction and

500 distribution of any current changes in or additions to codes of technical regulations and other
501 rules and regulations included in the code.

502 **SECTION 2.27.**

503 Council interference with administration.

504 Except for the purpose of inquiries and investigations under Section 2.15 of this charter, the
505 city council or its members shall deal with city officers and employees who are subject to the
506 direction and supervision of the mayor solely through the mayor, and neither the city council
507 nor its members shall give orders to any such officer or employee, either publicly or
508 privately. The city council shall act in all matters as a body, and no member shall seek
509 individually to influence the official acts of the mayor or any other officer or employee of
510 the city, or direct or request the appointment or removal of any person to or from any office
511 or position of employment, or to interfere in any way with the performance of the duties by
512 the mayor or other officers or employees.

513 **SECTION 2.28.**

514 Election of mayor; forfeiture.

515 The mayor shall be elected at large by the voters of the city and serve for a term of four years
516 and until a successor is elected and qualified. The mayor shall be a qualified elector of this
517 city and shall have been a resident of the city for 12 months prior to the date of election. The
518 mayor shall continue to reside in this city during the period of service. The mayor shall
519 forfeit the office on the same grounds and under the same procedure as for councilmembers.

520 **SECTION 2.29.**

521 Mayor pro tempore.

522 The city council at the first regular meeting after the newly elected councilmembers have
523 taken office following each election shall elect a councilmember to serve as mayor pro
524 tempore. The mayor pro tempore shall be elected by a majority vote of the city council. The
525 mayor pro tempore shall serve for a term of two years. The mayor pro tempore shall assume
526 the duties and powers of the mayor during the mayor's physical or mental disability,
527 suspension from office, or absence. Any such disability of the mayor shall be declared by
528 a majority vote of the city council. The mayor pro tempore shall sign all contracts and
529 ordinances in which the mayor has a disqualifying financial interest as provided in
530 Section 2.14 of this charter. When acting as mayor, the mayor pro tempore shall be entitled
531 to vote only as a member of the council.

532 **SECTION 2.30.**

533 Powers and duties of mayor.

534 The mayor shall:

- 535 (1) Preside at all meetings of the city council;
- 536 (2) Appoint and, when the mayor deems it necessary for the good of the city, suspend
537 or remove all city employees and administrative officers the mayor appoints, except
538 as otherwise provided by law or personnel ordinances adopted pursuant to this
539 charter. The mayor may authorize any department director or administrative officer
540 who is subject to the mayor's direction and supervision to exercise these powers with
541 respect to subordinates in that officer's department, office, or agency;
- 542 (3) Direct and supervise the administration of all departments, offices, and agencies
543 of the city, except as otherwise provided by this charter or by law;

- 544 (4) See that all laws, provisions of this charter, and acts of the city council, subject
545 to enforcement by the mayor or by officers subject to the mayor's direction and
546 supervision, are faithfully executed;
- 547 (5) Prepare and submit the annual operating budget and capital budget to the city
548 council;
- 549 (6) Submit to the city council and make available to the public a complete report on
550 the finances and administrative activities of the city as of the end of each fiscal year;
- 551 (7) Keep the city council fully advised as to the financial condition and future needs
552 of the city and make such recommendations to the city council concerning the affairs
553 of the city as the mayor deems desirable;
- 554 (8) Be the head of the city for the purpose of service of process and for ceremonial
555 purposes and be the official spokesperson for the city and the chief advocate of
556 policy;
- 557 (9) Have the power to administer oaths and to take affidavits;
- 558 (10) Sign as a matter of course on behalf of the city all written and approved
559 contracts, ordinances, resolutions, and other instruments executed by the city which
560 by law are required to be in writing;
- 561 (11) Vote on matters before the city council only in the case of a tie vote between
562 councilmembers;
- 563 (12) Approve or disapprove resolutions and ordinances as provided in Section 2.31
564 of this charter; and
- 565 (13) Perform such other duties as may be required by law, this charter, or by
566 ordinance.

567

SECTION 2.31.

568

Submission of ordinances to the mayor; veto power.

569 (a) Every resolution or ordinance adopted by the city council shall be presented by the city
570 clerk to the mayor within 96 hours after the adjournment of any council meeting.

571 (b) The mayor, within ten calendar days of receipt of a resolution or ordinance, shall return
572 it to the city clerk with or without the mayor's approval or with a veto. If the resolution or
573 ordinance has been approved by the mayor, it shall become law upon its return to the city
574 clerk; if the resolution or ordinance is neither approved nor disapproved, it shall become law
575 at twelve o'clock Noon on the fifteenth calendar day after its adoption by the city council;
576 if the resolution or ordinance is vetoed, the mayor shall submit to the city council through
577 the city clerk a written statement explaining the reasons for the veto. The city clerk shall
578 record upon the resolution or ordinance the date of its delivery to and receipt from the mayor.

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

583 (d) The mayor may disapprove or reduce any item or items of appropriation in any
584 resolution or ordinance except appropriations for auditing or investigating the office of
585 mayor. The approved part or parts of any resolution or ordinance making appropriations
586 shall become law, and the part or parts disapproved shall not become law unless
587 subsequently passed by the city council over the mayor's veto as provided in this charter.
588 The reduced part or parts shall be presented to city council as though disapproved and shall
589 not become law unless overridden by the city council as provided in subsection (c) of this
590 section.

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

592

ARTICLE III.

593

ADMINISTRATIVE AFFAIRS

594

SECTION 3.10.

595

Administrative and service departments.

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

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

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

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

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

611

SECTION 3.11.

612

Boards, commissions, and authorities.

613 (a) The city council shall create by ordinance or resolution such boards, commissions, and
614 authorities to fulfill any investigative, quasi-judicial, or quasi-legislative function the city

615 council deems necessary and shall by ordinance or resolution establish the composition,
616 period of existence, duties, and powers thereof.

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

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

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

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

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

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

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

641 **SECTION 3.12.**

642 City attorney.

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

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

654 **SECTION 3.13.**

655 City clerk.

656 The mayor shall appoint a city clerk who shall not be the mayor or a councilmember. The
657 city clerk shall be custodian of the official city seal and city records; maintain city council
658 records required by this charter; attend meetings of the city council and keep minutes of its
659 proceedings at such meetings; and perform such other duties as may be required by the city
660 council.

661 **SECTION 3.14.**

662 Personnel policies.

663 The city council shall adopt by ordinance a personnel policy and procedure manual. All
664 employees shall be governed by the city's personnel policy and procedure manual.

665 **ARTICLE IV.**

666 **ELECTIONS AND REMOVAL**

667 **SECTION 4.10.**

668 Applicability of general law.

669 All primaries and elections shall be held and conducted in accordance with Chapter 2 of
670 Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended.

671 **SECTION 4.11.**

672 Election of the city council and mayor.

673 Beginning in 2025 and every four years thereafter, on the Tuesday following the first
674 Monday in November, there shall be an election for city councilmembers for Council Posts 2
675 and 3 and shall continue in office for the terms to which he or she was elected and until his
676 or her successor is elected and available as provided in this charter. Beginning in 2027,
677 and every four years thereafter, on the Tuesday following the first Monday in November,
678 there shall be an election for the mayor and city councilmember for Council Post 1 and shall
679 continue in office for the terms to which he or she was elected and until his or her successor
680 is elected and qualified as provided in this charter. The terms of office shall begin at the
681 organizational meeting as provided for in Section 2.18 of this charter. The terms of office

682 of the mayor and councilmembers elected pursuant to this section shall begin at the time of
683 taking the oath of office as provided in Section 2.21.

684 **SECTION 4.12.**

685 Nonpartisan elections.

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

688 **SECTION 4.13.**

689 Election by plurality.

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

691 **SECTION 4.14.**

692 Special elections; vacancies.

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

700 **SECTION 4.15.**

701 Other provisions.

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

705 **SECTION 4.16.**

706 Removal of officers.

707 (a) The mayor, councilmembers, or other appointed officers provided for in this charter
708 shall be removed from office for any one or more of the causes provided in Title 45 of the
709 O.C.G.A., or such other applicable laws as are or may hereafter be enacted.

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

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

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

724 ARTICLE V.
725 FINANCE

726 **SECTION 5.10.**
727 Property tax.

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

734 **SECTION 5.11.**
735 Millage rate; due dates; payment methods.

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

740 **SECTION 5.12.**
741 Occupation and business taxes.

742 The city council by ordinance shall have the power to levy such occupation or business taxes
743 as are not denied by law. The city council may classify businesses, occupations, or

744 professions for the purpose of such taxation in any way which may be lawful and may
745 compel the payment of such taxes as provided in Section 5.18 of this charter.

746 **SECTION 5.13.**

747 Regulatory fees; permits.

748 The city council by ordinance shall have the power to require businesses or practitioners
749 doing business in this city to obtain a permit for such activity from the city and pay a
750 regulatory fee for such permit as provided by general law. Such fees shall reflect the total
751 cost to the city of regulating the activity, and if unpaid, shall be collected as provided in
752 Section 5.18 of this charter.

753 **SECTION 5.14.**

754 Franchises.

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

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

771 **SECTION 5.15.**

772 Service charges.

773 The city council by ordinance shall have the power to assess and collect fees, charges, and
774 tolls for sewers, sanitary and health services, or any other services provided or made
775 available within and outside the corporate limits of the city for the total cost to the city of
776 providing or making available such services. If unpaid, such charges shall be collected as
777 provided in Section 5.18 of this charter.

778 **SECTION 5.16.**

779 Special assessments.

780 The city council by ordinance shall have the power to assess and collect the cost of
781 constructing, reconstructing, widening, or improving any public way, street, sidewalk,
782 curbing, gutters, sewers, or other utility mains and appurtenances from the abutting property
783 owners under such terms and conditions as are reasonable. If unpaid, such charges shall be
784 collected as provided in Section 5.18 of this charter.

785 **SECTION 5.17.**

786 Construction; other taxes and fees.

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

790 **SECTION 5.18.**

791 Collection of delinquent taxes and fees.

792 The city council, by ordinance, may provide generally for the collection of delinquent taxes,
793 fees, or other revenue due the city under Sections 5.10 through 5.17 by whatever reasonable
794 means as are not precluded by law. This shall include providing for the dates when the taxes
795 or fees are due; late penalties or interest; issuance and execution of any fi.fa.; creation and
796 priority of liens; making delinquent taxes and fees personal debts of the persons required to
797 pay the taxes or fees imposed; revoking city permits for failure to pay any city taxes or fees;
798 and providing for the assignment or transfer of tax executions.

799 **SECTION 5.19.**

800 General obligation bonds.

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

805 **SECTION 5.20.**

806 Revenue bonds.

807 Revenue bonds may be issued by the city council as state law now or hereafter provides.

808 Such bonds are to be paid out of any revenue produced by the project, program, or venture

809 for which they were issued.

810 **SECTION 5.21.**

811 Short-term loans.

812 The city may obtain short-term loans and must repay such loans not later than December 31

813 of each year, unless otherwise provided by law.

814 **SECTION 5.22.**

815 Lease-purchase contracts.

816 The city may enter into multiyear lease, purchase, or lease-purchase contracts for the

817 acquisition of goods, materials, real and personal property, services, and supplies provided

818 the contract terminates without further obligation on the part of the municipality at the close

819 of the calendar year in which it was executed and at the close of each succeeding calendar

820 year for which it may be renewed. Contracts must be executed in accordance with the

821 requirements of Code Section 36-60-13 of the O.C.G.A. or other such applicable laws as are

822 or may hereafter be enacted.

823 **SECTION 5.23.**

824 Fiscal year.

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

829 **SECTION 5.24.**

830 Preparation of budgets.

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

835 **SECTION 5.25.**

836 Operating budget.

837 On or before a date fixed by the city council but not later than 30 days prior to the beginning
838 of each fiscal year, the mayor shall submit to the city council a proposed operating budget
839 for the ensuing fiscal year. The budget shall be accompanied by a message from the mayor
840 containing a statement of the general fiscal policies of the city, the important features of the
841 budget, explanations of major changes recommended for the next fiscal year, a general
842 summary of the budget, and such other pertinent comments and information. The operating
843 budget and the capital budget hereinafter provided for, the budget message, and all

844 supporting documents shall be filed in the office of the city clerk and shall be open to public
845 inspection.

846

SECTION 5.26.

847

Action by city council on budget.

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

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

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

866 **SECTION 5.27.**

867 Tax levies.

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

874 **SECTION 5.28.**

875 Changes in appropriations.

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

880 **SECTION 5.29.**

881 Capital budget.

882 (a) On or before the date fixed by the city council but no later than 30 days prior to the
883 beginning of each fiscal year, the mayor shall submit to the city council a proposed capital
884 improvement plan with a recommended capital budget containing the means of financing the
885 improvements proposed for the ensuing fiscal year. The city council shall have power to
886 accept, with or without amendments, or reject the proposed plan and proposed budget. The
887 city council shall not authorize an expenditure for the construction of any building, structure,

888 work, or improvement unless the appropriations for such project are included in the capital
889 budget, except to meet a public emergency as provided in Section 2.24 of this charter.

890 (b) The city council shall adopt by ordinance the final capital budget for the ensuing fiscal
891 year not later than the 30th day of June of each year. No appropriation provided for in a prior
892 capital budget shall lapse until the purpose for which the appropriation was made shall have
893 been accomplished or abandoned; provided, however, that the mayor may submit
894 amendments to the capital budget at any time during the fiscal year, accompanied by
895 recommendations. Any such amendments to the capital budget shall become effective only
896 upon adoption by ordinance.

897 **SECTION 5.30.**

898 Independent audit.

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

904 **SECTION 5.31.**

905 Contracting procedures.

906 No contract with the city shall be binding on the city unless it is in writing, made or
907 authorized by the city council, and such approval is entered in the city council minute book
908 pursuant to Section 2.21 of this charter.

909 **SECTION 5.32.**

910 Centralized purchasing.

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

913 **SECTION 5.33.**

914 Sale and lease of city property.

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

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

921 (c) Whenever in opening, extending, or widening any street, avenue, alley, or public place
922 of the city, a small parcel or tract of land is cut off or separated by such work from a larger
923 tract or boundary of land owned by the city, the city council may authorize the mayor to sell
924 and convey said cut off or separated parcel or tract of land to an abutting or adjoining
925 property owner or owners where such sale and conveyance facilitates the enjoyment of the
926 highest and best use of the abutting owner's property. Included in the sales contract shall be
927 a provision for the rights-of-way of said street, avenue, alley, or public place. Each abutting
928 property owner shall be notified of the availability of the property and given the opportunity
929 to purchase said property under such terms and conditions as provided by the city council.

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

933 **ARTICLE VI.**
934 **GENERAL PROVISIONS**

935 **SECTION 6.10.**
936 Bonds for officials.

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

940 **SECTION 6.11.**
941 Prior ordinances.

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

945 **SECTION 6.12.**
946 Existing personnel and officers.

947 Except as specifically provided otherwise by this charter, all personnel and officers of the
948 city and their rights, privileges, and powers shall continue beyond the time this charter takes
949 effect for a period of 90 days, before or during which the existing city council shall pass a
950 transition ordinance detailing the changes in personnel and appointive officers required or
951 desired and arranging such titles, rights, privileges, and powers as may be required or desired
952 to allow a reasonable transition.

953 **SECTION 6.13.**

954 Pending matters.

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

959 **SECTION 6.14.**

960 Construction.

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

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

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

966 **SECTION 6.15.**

967 Severability.

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

974 **SECTION 6.16.**

975 Specific repealer.

976 An Act incorporating the City of Morganton in the County of Fannin, approved December
977 17, 1902 (Ga. L. 1902, p. 512), is hereby repealed in its entirety and all amendatory acts
978 thereto are likewise repealed in their entirety.

979 **SECTION 6.17.**

980 General repealer.

981 All laws and parts of laws in conflict with this charter are hereby repealed.