

Senate Bill 418

By: Senator Mullis of the 53rd

A BILL TO BE ENTITLED
AN ACT

To provide a new charter for the City of Chickamauga in Walker County, Georgia; to provide for incorporation, boundaries, and powers of the city; to provide for a governing authority of such city and the powers, duties, authority, election, terms, method of filling vacancies, compensation, qualifications, prohibitions, and removal from office relative to members of such governing authority; to provide for inquiries and investigations; to provide for organization and procedures; to provide for ordinances and codes; to provide for administrative responsibilities; to provide for boards, commissions, and authorities; to provide for a city manager, a police chief, a city attorney, a city clerk, a city auditor, and other personnel; to provide for rules and regulations; to provide for a municipal court and the judge or judges thereof; to provide for practices and procedures; to provide for taxation and fees; to provide for franchises, service charges, and assessments; to provide for bonded and other indebtedness; to provide for accounting and budgeting; to provide for the acquisition and sale of property; to provide for penalties; to provide for an independent school system; to provide for definitions and construction; to provide for other matters relative to the foregoing; to provide for severability; to repeal a specific Act; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

ARTICLE I
INCORPORATION AND POWERS
SECTION 1.10.

Name.

The City of Chickamauga in Walker County, Georgia, and the inhabitants thereof, are reincorporated by the enactment of this charter and are hereby constituted and declared a body politic and corporate under the name and style City of Chickamauga, Georgia, and by that name shall have perpetual succession.

SECTION 1.11.

Corporate boundaries.

- (a) The boundaries of the city shall be those existing on the effective date of the adoption of this charter with such alterations as may be made from time to time in the manner provided by law. The boundaries of the city at all times shall be shown on a map, a written description, or any combination thereof, to be retained permanently in the office of the city clerk and to be designated, as the case may be: "Official Map (or Description) of the corporate limits of the City of Chickamauga, Georgia." Photographic, typed, or other copies of such map or description certified by the city clerk shall be admitted as evidence in all courts and shall have the same force and effect as with the original map or description.
- (b) The mayor and council may provide for the redrawing of any such map by ordinance to reflect lawful changes in the corporate boundaries. A redrawn map shall supersede for all purposes the entire map or maps which it is designated to replace.

SECTION 1.12.

Powers and construction.

- (a) The city shall have all powers possible for a city to have under the present or future Constitution and laws of this state as fully and completely as though they were specifically enumerated in this charter. The city shall have all the powers of self-government not otherwise prohibited by this charter or by general law.
- (b) The powers of the city shall be construed liberally in favor of the city. The specific mention or failure to mention particular powers shall not be construed as limiting in any way the powers of the city. These powers shall include, but not be limited to, the following:
- (1) Animal regulations. To regulate and license or to prohibit the keeping or running at-large of animals and fowl, and to provide for the impoundment of same if in violation of any ordinance or lawful order; to provide for the disposition by sale, gift, or humane destruction of animals and fowl when not redeemed as provided by ordinance; and to provide punishment for violation of ordinances enacted hereunder;
 - (2) Appropriations and expenditures. To make appropriations for the support of the government of the city; to authorize the expenditure of money for any purposes authorized by this charter and for any purpose for which a municipality is authorized by the laws of the State of Georgia; and to provide for the payment of expenses of the city;
 - (3) Building regulation. To regulate and to license the erection and construction of buildings and all other structures; to adopt building, housing, plumbing, electrical, gas,

59 and heating and air conditioning codes; and to regulate all housing, and building trades
60 to the extent permitted by general law;

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

67 (5) Condemnation. To condemn property, inside or outside the corporate limits of the
68 city, for present or future use and for any corporate purpose deemed necessary by the
69 mayor and council, utilizing procedures enumerated in Title 22 of the O.C.G.A., or such
70 other applicable laws as are or may hereafter be enacted;

71 (6) Contracts. To enter into contracts and agreements with other governmental entities
72 and with private persons and entities;

73 (7) Emergencies. To establish procedures for determining and proclaiming that an
74 emergency situation exists within or without the city, and to make and carry out all
75 reasonable provisions deemed necessary to deal with or meet such an emergency for the
76 protection, safety, health, or well-being of the citizens of the city;

77 (8) Environmental protection. To protect and preserve the natural resources,
78 environment, and vital areas of the city, the region, and the state through the preservation
79 and improvement of air quality, the restoration and maintenance of water resources, the
80 control of erosion and sedimentation, the management of stormwater and establishment
81 of a stormwater utility, the management of solid and hazardous waste, and other
82 necessary actions for the protection of the environment;

83 (9) Ethics. To adopt ethics ordinances and regulations governing the conduct of
84 municipal elected officials, appointed officials, and employees; establishing procedures
85 for ethics complaints and setting forth penalties for violations of such rules and
86 procedures;

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

91 (11) Garbage fees. To levy, fix, assess, and collect a garbage, refuse, and trash collection
92 and disposal, and other sanitary service charge, tax, or fee for such services as may be
93 necessary in the operation of the city from all individuals and entities residing in or doing
94 business therein benefiting from such services; to enforce the payment of such charges,

taxes, or fees; and to provide for the manner and method of collecting such service charges;

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

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

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

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

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

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

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

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

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

(21) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose of public utilities, including, but not limited to, a system of waterworks, sewers and drains, sewage disposal, stormwater management, gas works, electric distribution systems, cable television and other telecommunications, transportation facilities, public

airports, and any other public utility; to fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties; and to provide for the withdrawal of service for refusal or failure to pay the same;

(22) Nuisance. To define a nuisance and provide for its abatement whether on public or private property;

(23) Penalties. To provide penalties for violation of any ordinances adopted pursuant to the authority of this charter and the laws of the State of Georgia;

(24) Planning and zoning. To provide comprehensive city planning for development by zoning; and to provide subdivision regulation and the like as the mayor and council deem necessary and reasonable to insure a safe, healthy, and aesthetically pleasing community;

(25) Police and fire protection. To exercise the power of arrest through duly appointed police officers, and to establish, operate, or contract for a police and a firefighting agency;

(26) Public hazards: removal. To provide for the destruction and removal of any building or other structure which is or may become dangerous or detrimental to the public;

(27) Public improvements. To provide for the acquisition, construction, building, operation, and maintenance of public ways, parks and playgrounds, recreational facilities, cemeteries, public buildings, libraries, public housing, parking facilities, or charitable, cultural, educational, recreational, conservation, sport, detentional, penal, and medical institutions, agencies, and facilities; and to provide any other public improvements, inside or outside the corporate limits of the city, and to regulate the use of public improvements; and for such purposes, property may be acquired by condemnation under Title 22 of the O.C.G.A., or such other applicable laws as are or may hereafter be enacted;

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

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

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

(31) Regulation of roadside areas. To prohibit or regulate and control the erection, removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any and all other structures or obstructions upon or adjacent to the rights of way of streets and

roads or within view thereof, within or abutting the corporate limits of the city; and to prescribe penalties and punishment for violation of such ordinances;

(32) Retirement. To provide and maintain a retirement plan for officers and employees of the city;

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

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

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

(36) Special areas of public regulation. To regulate or prohibit junk dealers, the manufacture and sale of alcoholic beverages; to regulate the transportation, storage, and use of combustible, explosive, and inflammable materials and other hazardous materials to the extent allowed by federal and state law, the use of lighting and heating equipment, and any other business or situation which may be dangerous to persons or property; to regulate and control the conduct of peddlers and itinerant traders, theatrical performances, exhibitions, and shows of any kind, by taxation or otherwise; to license and tax professional fortune telling, palmistry, and massage parlors; and to restrict adult bookstores to certain areas;

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

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

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

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

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

(42) Other powers. To exercise and enjoy all other powers, functions, rights, privileges, and immunities necessary or desirable to promote or protect the safety, health, peace, security, good order, comfort, convenience, or general welfare of the city and its inhabitants; to exercise all implied powers necessary or desirable to carry into execution all powers granted in this charter as fully and completely as if such powers were fully stated herein; and to exercise all powers now or in the future authorized to be exercised by other municipal governments under other laws of the State of Georgia; and any listing of particular powers in this charter shall not be held to be exclusive of others or restrictive of general words and phrases granting powers, but shall be held to be in addition to such powers unless expressly prohibited to municipalities under the Constitution or applicable laws of the State of Georgia.

SECTION 1.13.

Exercise of powers.

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

ARTICLE II

GOVERNMENT STRUCTURE; ELECTIONS and REMOVAL

SECTION 2.10.

Mayor and council; authority; number.

The legislative authority of the government of the city, except as otherwise specifically provided in this charter, shall be vested in a governing body to be composed of a mayor and five councilmembers. The governing body established shall in all respects be a successor to and continuation of the governing authority under prior law.

SECTION 2.11.

Terms and qualifications for office.

The mayor and councilmembers shall serve for terms of four years and until their respective successors are elected and qualified. No person shall be eligible to serve as mayor or councilmember unless that person shall have been a resident of the area comprising the corporate limits of the city for a continuous period of at least 12 months immediately prior to the date of the election for mayor or councilmember, shall continue to reside therein during that person's period of service, shall be current on all taxes and other sums owed to the city, and shall continue to be registered and qualified to vote in municipal elections of the city. The terms of the councilmembers shall be staggered as provided by prior law.

SECTION 2.12.

Vacancy; filling of vacancies.

(a) The office of mayor or councilmember shall become vacant upon the incumbent's death, resignation, forfeiture of office, or removal from office in any manner authorized by this charter or the general laws of the State of Georgia.

(b) Upon the suspension from the office of mayor in any manner authorized by this charter or the general laws of the State of Georgia, the mayor pro tempore shall assume the office of mayor for the duration of the suspension and the mayor pro tempore with council approval may appoint a temporary councilmember for the duration of the suspension of the mayor.

(c) Upon the suspension from the office of councilmember in any manner authorized by this charter or the general laws of the State of Georgia, the mayor with council approval may appoint a successor for the duration of the suspension of the councilmember.

(d) In the event that the office of mayor shall become vacant, the mayor pro tempore shall assume the office of mayor for the duration of the term and the mayor pro tempore with council approval shall appoint a successor councilmember for the duration of the councilmember term of the term vacated by the mayor pro tempore.

(e) In the event that the office of councilmember shall become vacant, the mayor with council approval shall appoint a successor councilmember for the duration of the term of the vacating councilmember.

SECTION 2.13.

Compensation and expenses.

The mayor and councilmembers shall receive compensation and expenses for their services as provided by ordinance. The mayor and council may provide by ordinance for the provision of insurance, retirement, workers' compensation, and other employee benefits to the mayor and councilmembers and may provide by ordinance for the reimbursement of expenses actually and necessarily incurred by the mayor and councilmembers in carrying out their official duties. The effective date of any such ordinance shall be as provided by the general laws of the State of Georgia. The compensation in effect as of the date of enactment of this charter shall continue until modified as provided herein.

SECTION 2.14.

Holding other office; voting when financially interested.

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

(b) Except as authorized by law, neither the mayor nor any councilmember shall hold any other city office or city employment during the term for which that person was elected.

(c) Neither the mayor nor any councilmember shall vote upon or sign any ordinance, resolution, contract, or other matter in which that person is financially interested.

SECTION 2.15.

Registrations; conduct of elections.

The mayor, with council approval, is authorized to appoint a city registrar to receive voter registration of city electors and an election superintendent to conduct city elections.

SECTION 2.16.

Elections.

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

(b) Political parties shall not conduct primaries for city offices and all names of candidates for city offices shall be listed without party designations as provided in Code Section 21-2-139 of the O.C.G.A.

(c) All elections for mayor and all councilmembers shall be at-large by the voters of the entire city. The candidate for mayor who receives the most votes cast in the applicable election shall be elected to a term of office. When the three councilmember positions are open, all who qualify for office will merely qualify for a council position. The three candidates receiving the highest number of votes in the election shall be declared the winners of the three open council positions. When the other two councilmember positions are open, all who qualify for office will merely qualify for a council position. The two candidates receiving the highest number of votes in the election shall be declared the winners of the two open council positions. In the event that there shall be a tie for the last available position, there shall be a run-off between the two or more candidates receiving the identical number of votes. The special election shall be held and conducted in accordance with Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended.

SECTION 2.17.

Prohibitions; disclosure; use of public property.

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

(1) Engage in any business or transaction or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of official duties or which would tend to impair the independence of his or her judgment or action in the performance of official duties;

(2) Engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of official duties or would tend to impair the independence of his or her judgment or action in the performance of official duties;

(3) Disclose confidential information concerning the property, government, or affairs of the governmental body by which engaged without proper legal authorization or use such information to advance the financial or other private interest of himself or herself or others;

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

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

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

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

(c) Use of public property - An elected official, appointed officer, or employee of the city or any agency or entity to which this charter applies shall use property owned by such governmental entity in a manner that complies with applicable state law and regulations, or the ordinances and policies of the city.

(d) Any violation of this section which occurs with the knowledge, express or implied, of a party to a contract or sale shall render said contract or sale voidable at the option of the mayor and council.

SECTION 2.18.

Removal of officers.

(a) The mayor, a councilmember, or other appointed officers provided for in this charter may be removed from office for any one or more of the following causes:

(1) Incompetence, misfeasance, or malfeasance in office;

(2) Conviction of a crime involving moral turpitude;

(3) Failure at any time to possess any qualifications of office as set forth in Section 2.11 of this charter or in Article II, Section II, Paragraph III of the Georgia Constitution;

(4) Knowingly violating Section 2.17 of this charter or any other express prohibition of this charter;

(5) Abandonment of office or neglect to perform the duties thereof; or

(6) Failure for any other cause to perform the duties of office as required by this charter or by state law.

(b) Removal of any officer pursuant to subsection (a) of this section shall be accomplished by the vote of four councilmembers after an investigative hearing. In the event an elected officer is sought to be removed by the action of the mayor and council, such officer shall be entitled to a written notice specifying the ground or grounds for removal and to a public hearing which shall be held not less than ten days or more than forty days after the service of such written notice. Any elected officer sought to be removed from office as provided in this section shall have the right of appeal from the decision of the mayor and council to the Superior Court of Walker County. Such appeal shall be governed by the same rules as govern appeals to the superior court from the probate court.

ARTICLE III

Organization of government; general authority and ordinances.

SECTION 3.10.

General power and authority of the mayor and council.

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

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

(c) Except as otherwise provided in this charter, the mayor and council, by ordinance, may establish, abolish, merge, or consolidate offices, positions of employment, departments, and agencies of the city as they shall deem necessary for the proper administration of the affairs and government of the city. The mayor and council shall prescribe the functions and duties of existing departments, offices, and agencies or of any departments, offices, and agencies hereinafter created or established; except as otherwise provided in this charter, may provide that the same person shall fill any number of offices and positions of employment; and may transfer or change the functions and duties of offices, positions of employment, departments, and agencies of the city.

(d) The mayor and council are hereby empowered to acquire, construct, operate, and maintain public ways, parks, public grounds, cemeteries, mausoleums, markets, market houses, public buildings, libraries, sewers, drains, sewage treatment, electrical distribution systems, waterworks, airports, mass transit systems, hospitals, and charitable, educational,

397 recreational, sport, curative, corrective, detentional, penal, and medical institutions, agencies,
398 and facilities, and any other public improvements inside or outside the city and to regulate
399 the use thereof, and, for such purposes, property may be condemned under procedures
400 established under general law applicable now or as provided in the future.

401 (e) The mayor and council may make inquiries and investigations into the affairs of the city
402 and the conduct of any department, office, or agency thereof, and for this purpose may
403 subpoena witnesses, administer oaths, take testimony, and require the production of
404 evidence. Any person who fails or refuses to obey a lawful order issued in the exercise of
405 these powers by the mayor and council shall be punished as provided by ordinance.

406 **SECTION 3.11.**

407 Organizational meetings.

408 The mayor and council shall hold an organizational meeting on the first regularly scheduled
409 meeting in January following the November election in which a councilmember seat or the
410 mayoral position is on the ballot. The meeting shall be called to order by the mayor or the
411 city clerk and the oath of office shall be administered to the newly elected members as
412 follows:

413 "I do solemnly (swear)(affirm) that I will faithfully and honestly perform the duties of
414 _____ of the City of Chickamauga and that I will support and defend the charter
415 thereof as well as the Constitution and laws of the State of Georgia and of the United States
416 of America."

417 **SECTION 3.12.**

418 Regular and special meetings.

419 (a) The mayor and council shall hold regular meetings at such times and places as shall be
420 prescribed by ordinance.

421 (b) Special meetings of the mayor and council may be held on call of the mayor or three
422 councilmembers. Notice of such special meetings shall be served on all other members
423 personally, or by telephone or email, at least 48 hours in advance of the meeting. Such notice
424 shall not be required if the mayor and all councilmembers are present when the special
425 meeting is called. Such notice of any special meeting may be waived by a councilmember
426 and the mayor in writing before or after such a meeting, and attendance at the meeting shall
427 also constitute a waiver of notice on any business transacted in such councilmember's or
428 mayor's presence. Only the business stated in the call may be transacted at the special
429 meeting.

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

434 **SECTION 3.13.**

435 Rules of procedure.

436 (a) The mayor and council shall adopt its rules of procedure and order of business consistent
437 with the provisions of this charter and shall provide for keeping a journal of its proceedings,
438 which shall be a public record.
439 (b) All committee chairs of the mayor and council shall be appointed by the mayor and shall
440 serve at the pleasure of the mayor.

441 **SECTION 3.14.**

442 Quorum; voting.

443 (a) Three councilmembers shall constitute a quorum and shall be authorized to transact
444 business of the mayor and council.
445 (b) Except as otherwise provided in this charter, the affirmative vote of three
446 councilmembers shall be required for the adoption of any ordinance, resolution, or motion.
447 If, due to absence or abstention only, four councilmembers are eligible to vote on a matter
448 and, after the vote on such matter there is a tie vote, then the mayor shall cast a vote on the
449 matter to break the tie.
450 (c) Voting on the adoption of ordinances, resolutions, or motions shall be by voice vote and
451 the vote shall be recorded in the journal of proceedings, but any member of the mayor and
452 council shall have the right to request a roll-call vote and such vote shall be recorded in the
453 journal of proceedings. An abstention shall not be counted as a vote for or against and will
454 not defeat a quorum.

455 **SECTION 3.15.**

456 Ordinance form; procedures.

457 (a) Every proposed ordinance shall be introduced in writing and in the form required for
458 final adoption. No ordinance shall contain a subject which is not expressed in its title. The
459 enacting clause shall be "BE IT ORDAINED by the Mayor and Council of the City of

460 Chickamauga and by authority of the same, IT IS HEREBY ORDAINED" and every
461 ordinance shall so begin.

462 (b) An ordinance may be introduced by any councilmember and be read at a regular or
463 special meeting of the mayor and council. Ordinances shall be considered and adopted or
464 rejected by the mayor and council after the second reading thereof; provided, however, that
465 an ordinance shall not be adopted the same day it is introduced, except for emergency
466 ordinances provided for in Section 3.18 of this charter.

467 **SECTION 3.16.**

468 Action requiring an ordinance.

469 Acts of the mayor and council which have the force and effect of law shall be enacted by
470 ordinance.

471 **SECTION 3.17.**

472 Codes of technical regulations.

473 (a) The mayor and council may adopt any standard code of technical regulations by
474 reference thereto in an adopting ordinance.

475 (b) Copies of any adopted code of technical regulations shall be made available by the city
476 clerk or building inspector for inspection by the public.

477 **SECTION 3.18.**

478 Emergencies.

479 (a) To meet a public emergency affecting life, health, property, or public peace, the mayor
480 and council may convene on call of the mayor or two councilmembers and promptly adopt
481 an emergency ordinance, but such ordinance may not levy taxes; grant, renew, or extend a
482 franchise; or authorize the borrowing of money except for loans to be repaid within 30 days.
483 An emergency ordinance shall be introduced in the form prescribed for ordinances generally,
484 except that it shall be plainly designated as an emergency ordinance and shall contain, after
485 the enacting clause, a declaration stating that an emergency exists and describing the
486 emergency in clear and specific terms. An emergency ordinance may be adopted, with or
487 without amendment, or rejected at the meeting at which it is introduced. It shall become
488 effective upon adoption or at such later time as it may specify. Every emergency ordinance
489 shall automatically stand repealed 30 days following the date upon which it was adopted, but
490 this shall not prevent reenactment of the ordinance in the manner specified in this section if

491 the emergency still exists. An emergency ordinance may also be repealed by adoption of a
492 repealing ordinance in the same manner specified in this section for adoption of emergency
493 ordinances.

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

498 **SECTION 3.19.**

499 Powers and duties of mayor.

500 (a) The mayor shall possess all of the executive and administrative powers granted to the
501 city under the Constitution and laws of the State of Georgia, and all the executive and
502 administrative powers contained in this charter, except as otherwise specifically provided in
503 this charter.

504 (b) The mayor shall:

505 (1) Serve as the official representative of the city, including serving as the city's
506 representative to federal, state, and local governmental bodies and officials;

507 (2) Preside over meetings of the mayor and council;

508 (3) With council approval shall execute all deeds, contracts, and obligations of the city,
509 provided such execution shall be attested to by the city clerk;

510 (4) Call special meetings of the mayor and council as provided by this charter;

511 (5) Make committee and liaison appointments;

512 (6) With the approval of the council as provided in this charter, appoint and remove the
513 city manager, the city clerk, the police chief, the municipal court judge, the city attorney
514 and the city auditor;

515 (7) With the approval of the council, appoint and remove all officers and employees of
516 the city;

517 (8) Vote in the case of a tie vote by councilmembers or as otherwise provided in this
518 charter;

519 (9) Veto the passage of any rule, ordinance, or by-law or franchise, provided that such
520 veto may be overridden by the affirmative vote of four councilmembers; and

521 (10) Perform any other duties and exercise any other powers required by state or federal
522 law or authorized by a duly adopted ordinance that is not in conflict with this charter.

523 **SECTION 3.20.**

524 Selection of mayor pro tempore.

525 A councilmember shall be appointed by the mayor to serve as mayor pro tempore who shall
526 serve at the pleasure of the mayor. The mayor pro tempore shall continue to vote and
527 otherwise participate as a councilmember unless elevated to the office of mayor as provided
528 in this charter.

529 **SECTION 3.21.**

530 Mayor pro tempore.

531 During the absence or physical or mental disability of the mayor for any cause, the mayor
532 pro tempore, or in the mayor pro tempore's absence or disability for any reason, any one of
533 the councilmembers chosen by a majority vote of councilmembers, shall be clothed with all
534 the rights and privileges of the mayor and shall perform the duties of the office of the mayor
535 so long as such absence or disability shall continue. Any such absence or disability shall be
536 declared by majority vote of all councilmembers. The mayor pro tempore or selected
537 councilmember shall sign all contracts and ordinances in which the mayor has a disqualifying
538 financial interest as provided in this charter.

539 **SECTION 3.22.**

540 Signing; authenticating.

541 The city clerk shall authenticate by the city clerk's signature and record in full in a properly
542 indexed book kept for that purpose all ordinances adopted by the mayor and council.

543 **ARTICLE IV**

544 **ADMINISTRATIVE AFFAIRS**

545 **SECTION 4.10.**

546 City manager.

547 (a) The office of city manager is created and established for the city with the powers and
548 duties, method of appointment, qualifications, term of office, and compensation as provided
549 in this section.

550 (b) The mayor, with the approval of four councilmembers, shall appoint a city manager for
551 an indefinite term and pursuant to a motion recorded in the journal of proceedings of the
552 mayor and council who shall not be an elected officer or the head of any other department

553 of the city. The city manager shall only be removed by the mayor with the affirmative vote
554 of four councilmembers.

555 (c) The compensation, benefits, and perquisites of the city manager shall be fixed by the
556 mayor and council.

557 (d) It shall be the duty of the city manager to implement in a lawful manner the policies as
558 set forth by the mayor and council from time to time insuring that the laws of the city are
559 kept and observed.

560 (e) The city manager shall be the chief financial officer of the city and shall prepare draft
561 budgets for the city and all its departments for submission to the mayor and council except
562 as otherwise provided for in this charter. The city manager shall keep the mayor and council
563 fully advised as to the financial condition and future needs of the city, and make
564 recommendations to the mayor and city council concerning the affairs of the city as the city
565 manager deems desirable. The city manager shall submit to the mayor and council and make
566 available to the public a complete report of finances and administrative activities of the city
567 at the end of the year.

568 (f) The city manager shall set the agenda for meetings of the mayor and council after
569 receiving input from the mayor and council and the public.

570 (g) The city manager shall direct and supervise the administration of all departments except
571 as otherwise provided in this charter or by law.

572 (h) The city manager shall administer all lawful contracts approved by the mayor and
573 council.

574 (i) The city manager shall serve as the city procurement officer.

575 (j) The city manager shall attend meetings of the mayor and council.

576 (k) The city manager shall be the chief personnel officer of the city. The city manager shall
577 recommend for approval by the mayor and council appointments, suspensions, or removal
578 of city personnel including department heads except as otherwise provided by this charter
579 or law.

580 (l) Except for the purposes of inquiry and investigation, the mayor and councilmembers shall
581 deal with city employees who are subject to the direction and supervision of the city manager
582 solely through the city manager and shall not give direction or orders to city employees,
583 publicly or privately, directly or indirectly.

584 (m) The mayor, with approval of the council, may delegate to the city manager such
585 executive and administrative duties as prescribed in Section 3.19 of this charter and all other
586 duties as may be lawfully delegated to him or her by the mayor and council.

587 **SECTION 4.11.**

588 Police chief.

589 (a) The mayor, with the approval of four council members, shall appoint a police chief of
590 the city for an indefinite term by motion recorded in the journal of proceedings of the mayor
591 and council who shall not be an elected officer or the head of any other department of the
592 city.

593 (b) The police chief shall meet all requirements of state law pertaining to certified peace
594 officers.

595 (c) The police chief shall report to the mayor and council. Under the general direction of
596 the city manager, the police chief will direct the administration and operation of all services
597 of the city police department and shall establish the policies, directives, rules, and regulations
598 for the administration and operations of the department. The chief of police shall
599 recommend for approval by the mayor and council appointments, suspensions, or removal
600 of police department personnel.

601 (d) The police chief shall prepare a draft budget for submission to the city manager for
602 inclusion in the general fund budget.

603 (e) The mayor, with council approval, may delegate by ordinance to the police chief such
604 other duties as may be lawfully delegated to him or her by the mayor and council.

605 (f) The police chief shall serve at the pleasure of the mayor and council; provided, however,
606 that removal of the police chief shall require the affirmative vote of the mayor and four
607 councilmembers.

608 **SECTION 4.12.**

609 City recorder.

610 The office of recorder shall be abolished on the earlier of a vacancy in the office or
611 June 1, 2014.

612 **SECTION 4.13.**

613 City clerk.

614 (a) The mayor, with council approval, shall appoint a city clerk who shall be an employee
615 of the city for an indefinite term by motion recorded in the journal of proceedings of the
616 mayor and council who shall not be an elected officer or the head of any other department
617 of the city. The city clerk shall report to the city manager.

618 (b) The city clerk or the designee of the clerk shall be the custodian of the official city seal
619 and city records; transcribe and keep accurate minutes of all its proceedings after the
620 abolishment of the recorder office; maintain all oaths taken by officers and employees of the
621 city; keep a record of all elections; maintain a record of all appointments to office; be the
622 custodian of all city contracts, deeds to city real estate, and leases of city property;
623 authenticate and certify city documents; and undertake such additional tasks as may be
624 assigned by the mayor and council from time to time.

625 **SECTION 4.14.**

626 City auditor.

627 (a) The mayor, with council approval, shall appoint a city auditor who shall be a certified
628 public accountant. The city auditor shall be responsible for providing an annual independent
629 audit of all city accounts, funds, and financial transactions in accordance with generally
630 accepted auditing principles.

631 (b) The city auditor is not a public official of the city and does not take an oath of office.
632 The city auditor shall at all times be an independent contractor. An accounting firm, rather
633 than an individual, may be designated as the city auditor.

634 (c) The city auditor shall serve at the pleasure of the mayor and council.

635 **SECTION 4.15.**

636 City attorney.

637 The mayor, with council approval, shall appoint a city attorney who shall be a member in
638 good standing of the State Bar of Georgia and shall have practiced law for at least five years
639 at the time of his or her appointment, together with such assistant city attorneys as may be
640 authorized, and shall provide for the payment of such attorney or attorneys for services
641 rendered to the city. The city attorney shall serve at the pleasure of the mayor and council.
642 The city attorney shall advise the mayor, councilmembers, and other officers and employees
643 of the city concerning legal aspects of the city's affairs; and shall perform such other duties
644 as may be required by virtue of the position as city attorney. The city attorney may review
645 all contracts of the city but shall not have the power to bind the city.

SECTION 4.16.

Administrative and service departments.

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

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

(c) All appointive officers and heads of departments shall receive such compensation as prescribed by the mayor and council.

(d) There shall be a head of each department who shall be its principal officer. Each department head shall, subject to the direction and supervision of the mayor and council through the city manager, be responsible for the administration and direction of the affairs and operations of that department head's department or agency.

(e) Each department head shall serve at the pleasure of the mayor and council.

SECTION 4.17.

Boards, commissions, and authorities.

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

(b) All members of boards, commissions, and authorities of the city shall be appointed by the mayor, with approval from council, for such terms of office and in such manner as shall be provided by ordinance, except where other appointing authority, terms of office, or manner of appointment is prescribed by this charter or by law. Except as otherwise provided by this charter or by law, members of boards, commissions, and authorities of the city shall serve at the pleasure of the mayor and council.

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

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

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

683 (f) Except as otherwise provided by this charter or by law, each board, commission, or
684 authority of the city shall elect one of its members as chair and one member as vice chair,
685 and may elect as its secretary one of its own members or may appoint as secretary an
686 employee of the city. Each board, commission, or authority of the city government may
687 establish such bylaws, rules, and regulations, not inconsistent with this charter, ordinances
688 of the city, or law, as it deems appropriate and necessary for the fulfillment of its duties or
689 the conduct of its affairs. Copies of such bylaws, rules, and regulations shall be filed with
690 the city clerk.

691 (g) All meetings of boards, commissions, and authorities shall be public to the extent
692 required by law, and notice to the public of special meetings shall be made as fully as is
693 reasonably possible as provided by Code Section 50-14-1 of the O.C.G.A. or other such
694 applicable laws as are or may hereafter be enacted.

695 **SECTION 4.18.**

696 Personnel policies.

697 (a) All employees serve at will and may be terminated at any time unless otherwise provided
698 by ordinance.

699 (b) The rights, status, salaries, wages, rank, and conditions of employment of all employees
700 of the city shall be and remain as they existed at the time this charter becomes effective and
701 shall so remain until and unless changed or terminated as provided by this charter.

702 **ARTICLE V**

703 **JUDICIAL BRANCH**

704 **SECTION 5.10.**

705 Creation; name.

706 There shall be a court to be known as the Municipal Court of the City of Chickamauga.

707 **SECTION 5.11.**

708 Chief judge; associate judge; prosecuting attorney.

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

(b) No person shall be qualified or eligible to serve as a judge on the municipal court unless that person shall have attained the age of 21 years, is in compliance with Code Section 50-14-1 of the O.C.G.A. or is a member in good standing of the State Bar of Georgia, and shall possess all qualifications required by law. All judges shall be appointed by the mayor, with council approval, and shall serve until a successor is appointed and qualified.

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

(d) Judges serve at the pleasure of the mayor and council.

(e) Before assuming office, each judge shall take the oath provided in Section 3.11 of this charter. The oath shall be entered upon the journal of proceedings of the mayor and council.

(f) The mayor and council shall have the authority to create by ordinance the office of prosecuting attorney of the municipal court.

SECTION 5.12.

Convening.

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

SECTION 5.13.

Jurisdiction; powers.

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

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

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

(d) The mayor and council shall have authority to establish a schedule of fees to defray the cost of the municipal court operations and shall be entitled to reimbursement of the cost of meals, transportation, and caretaking of prisoners.

(e) The municipal court shall have authority to establish bail and recognizances to ensure the presence of those charged with violations before said court and shall have discretionary authority to accept cash or personal or real property as surety for the appearance of persons charged with violations. Whenever any person shall give bail for that person's appearance and shall fail to appear at the time fixed for trial, the bond shall be forfeited by the judge presiding at such time and an execution issued thereon by serving the defendant and the

defendant's sureties with a rule nisi at least two days before a hearing on the rule nisi. In the event that cash or property is accepted in lieu of bond for security for the appearance of a defendant at trial and such defendant fails to appear at the time and place fixed for trial, the cash so deposited shall be on order of the judge declared forfeited to the city or the property so deposited shall have a lien against it for the value forfeited which lien shall be enforceable in the same manner and to the same extent as a lien for city property taxes.

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

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

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

SECTION 5.14.

Appeal.

Any person aggrieved by a decision of the municipal court of the City of Chickamauga shall have the right to appeal as provided by law.

SECTION 5.15.

Rules for court.

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

773 ARTICLE VI
774 FINANCE
775 **SECTION 6.10.**
776 Property Tax.

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

783 **SECTION 6.11.**
784 Millage rate; due dates; payment methods.

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

789 **SECTION 6.12.**
790 Occupation and business taxes.

791 The mayor and council by ordinance shall have the power to levy such occupation or
792 business taxes as are allowed by law. The mayor and council may classify businesses,
793 occupations, or professions for the purpose of such taxation in any way which may be lawful
794 and may compel the payment of such taxes as provided in Section 6.18 of this charter.

795 **SECTION 6.13.**
796 Regulatory fees; permits.

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

SECTION 6.14.

Franchises.

(a) The mayor and council shall have the power to grant franchises for the use of the city's streets and alleys for the purposes of railroads, street railways, telephone companies, electric companies, electric membership corporations, cable television and other telecommunications companies, gas companies, transportation companies, and other similar organizations. The mayor and council shall determine the duration, terms, whether the same shall be exclusive or nonexclusive, and the consideration for such franchises; provided, however, no franchise shall be granted for a period in excess of 35 years and no franchise shall be granted unless the city receives just and adequate compensation therefor.

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

SECTION 6.15.

Service charges.

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

SECTION 6.16.

Special assessments.

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

831 **SECTION 6.17.**

832 Construction; other taxes and fees.

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

836 **SECTION 6.18.**

837 Collection of delinquent taxes and fees.

838 The mayor and council, by ordinance, may provide generally for the collection of delinquent
839 taxes, fees, or other revenue due the city under Sections 6.10 through 6.17 of this charter by
840 whatever reasonable means as are not precluded by law. This shall include providing for the
841 dates when the taxes or fees are due; late penalties or interest; issuance and execution of
842 fi.fas.; creation and priority of liens; making delinquent taxes and fees personal debts of the
843 persons required to pay the taxes or fees imposed; revoking city permits for failure to pay any
844 city taxes or fees; and providing for the assignment or transfer of tax executions.

845 **SECTION 6.19.**

846 General obligation bonds.

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

851 **SECTION 6.20.**

852 Revenue bonds.

853 Revenue bonds may be issued by the mayor and council as state law now or hereafter
854 provides. Such bonds are to be paid out of any revenue produced by the project, program,
855 or venture for which they were issued.

856 **SECTION 6.21.**

857 Short-term loans.

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

860 **SECTION 6.22.**

861 Lease-purchase contracts.

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

869 **SECTION 6.23.**

870 Fiscal year.

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

874 **SECTION 6.24.**

875 Preparation of budgets.

876 (a) The mayor and council shall provide a resolution on the procedures and requirements for
877 the preparation and execution of budgets of the city, including requirements as to the scope,
878 content, and form of such budgets and plans.

879 (b) Budgets shall be prepared for the general fund, and any other fund deemed as necessary
880 by the mayor and council or mandated by state law.

SECTION 6.25.

Submission of operating budget to mayor and council.

On or before a date fixed by the mayor and council but not later than 30 days prior to the beginning of each fiscal year, the city manager shall submit to the mayor and council a proposed operating budget for the ensuing fiscal year. The operating budget hereinafter provided for shall be filed in the office of the city clerk and shall be open to public inspection.

SECTION 6.26.

Action by mayor and council on budget.

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

(b) The mayor and council by voice vote shall adopt the final budgets of the city for the ensuing fiscal year not later than the first regularly scheduled meeting of each year. If the mayor and council fail to adopt the budgets by this date, the amounts appropriated for operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items prorated accordingly until such time as the mayor and council adopt a budget for the ensuing fiscal year. Adoption of the budgets shall take the form of an appropriations ordinance setting out the estimated revenues in detail by sources and making appropriations according to fund and by organizational unit, purpose, or activity as set out in the budget preparation resolution adopted pursuant to Section 6.24 of this charter.

(c) The amount set out in the adopted budgets of the city and any amendments thereto shall constitute the annual appropriation for such, and no expenditure shall be made or encumbrance created in excess of the otherwise unencumbered balance of the appropriations or allotment thereof to which it is chargeable.

SECTION 6.27.

Tax levies.

The mayor and council shall levy by ordinance such taxes as are necessary. The taxes and tax rates set by such ordinance shall be such that reasonable estimates of revenues from such

913 levy shall at least be sufficient, together with other anticipated revenues, fund balances, and
914 applicable reserves, to equal the total amount appropriated for each of the several funds set
915 forth in the annual operating budget for defraying the expenses of the general government
916 of the city.

917 **SECTION 6.28.**

918 Changes in appropriations.

919 The mayor and council by ordinance may make changes in the appropriations contained in
920 the current operating budget at any regular meeting or special meeting called for such
921 purpose, but any additional appropriations may be made only from an existing unexpended
922 surplus.

923 **SECTION 6.29.**

924 Unexpended appropriations.

925 All unexpended appropriations shall lapse at the fiscal year-end without any action of the
926 mayor and council.

927 **SECTION 6.30.**

928 Purchasing.

929 The mayor and council shall by resolution prescribe procedures for a system of purchasing
930 for the city.

931 **SECTION 6.31.**

932 Independent audit.

933 There shall be an annual independent audit of all city accounts, funds, and financial
934 transactions by the city auditor. The audit shall be conducted according to generally
935 accepted auditing principles. Any audit of any funds by the state or federal governments may
936 be accepted as satisfying the requirements of this charter. Copies of annual audit reports
937 shall be available at printing costs to the public.

938 **SECTION 6.32.**

939 Contracting procedures.

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

941 (1) It is in writing;

942 (2) It is drawn by or submitted and reviewed by the city attorney; and

943 (3) It is made or authorized by the mayor and council and such approval is entered in
944 mayor and council journal of proceedings.

945 **SECTION 6.33.**

946 Sale and lease of city property.

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

949 **SECTION 6.34.**

950 Insurance.

951 The city shall maintain sufficient casualty and liability insurance coverage on all property
952 owned or operated by city personnel to adequately indemnify the city on claims of loss by
953 injured or aggrieved parties. The amounts of insurance coverage shall be set from time to
954 time by the mayor and council in the form of a resolution as the need arises.

955 **ARTICLE VII**

956 **PUBLIC SCHOOLS**

957 **SECTION 7.10.**

958 Independent school district continued.

959 The present system of public schools in the city as provided for by prior law shall continue
960 to exist and shall be known as the City of Chickamauga School District.

961 **SECTION 7.11.**

962 Board of education.

963 (a) The school district shall be under the management and control of an elected board of
964 education, hereafter referred to as the "board." The board shall possess all powers as are

965 granted to boards of education under the Constitution and the general laws of the State of
966 Georgia.

967 (b) The board of education shall be composed of five members, each of whom shall be
968 elected at large in nonpartisan general elections, as provided in Code Section 21-3-95 of the
969 O.C.G.A., and in the same manner as the councilmembers of the city are elected. Each
970 member of the board of education shall serve for a term of four years. If a vacancy occurs
971 in the membership of the board of education because of death, resignation, removal of
972 residence from the city, or for any other reason, the vacancy shall be filled according to the
973 provisions of general law. Any person eligible to vote in elections for the members of the
974 city council may vote in the elections for membership on the board of education.

975 (c) The members of the board of education shall elect one of their members as chairperson
976 in the manner provided by local board policy.

977 **SECTION 7.12.**

978 Superintendent.

979 The board shall appoint the superintendent of the school district who shall serve either at the
980 pleasure of the board or for such term of office as the board may determine by contract with
981 the superintendent so appointed but not to exceed three years. The superintendent of schools
982 shall have all the duties and responsibilities provided to superintendents appointed by county
983 boards of education by the Constitution and the general laws of the State of Georgia and such
984 other duties and responsibilities as specified by the board. The superintendent shall receive
985 such compensation as the board may provide annually or by contract.

986 **SECTION 7.13.**

987 Ad valorem taxes.

988 (a) The board shall annually prepare a budget for the operation of the school system and
989 shall recommend to the mayor and council a school tax in an amount not greater
990 than 20 mills per dollar or as authorized in Article VIII of the Constitution of Georgia,
991 upon 40 percent of the assessed value of all property of the city for the support and
992 maintenance of education. The millage rate limitation shall be a limitation only upon the
993 power of taxation and shall not limit or otherwise affect any revenue sharing or other funds
994 received by the school system from sources other than the local ad valorem tax.

995 (b) The mayor and council shall have the power and authority to levy and collect a tax
996 annually, for school purposes, of not more than 20 mills per dollar, or as authorized by
997 Article VIII of the Georgia Constitution, upon 40 percent of the assessed value of all property

998 of the city. The recommendation of the board of education with respect to the amount of
999 such levy as provided in subsection (a) of this section shall be advisory only; and the number
1000 of mills of school tax to be actually levied shall be determined in the sole discretion of the
1001 mayor and council. Such tax shall be upon all and every species of property, both real and
1002 personal, within the corporate limits of the city, including bonds, notes, debts, choses in
1003 action, moneys employed in banking, and otherwise. The mayor and council shall enforce
1004 the collection of same by execution, levy, and sale as the mayor and council shall provide.
1005 (c) The mayor and council shall have the power and authority to provide by ordinance when
1006 such taxes shall be due, in what length of time they shall be paid, and when tax executions
1007 shall issue and to fix a penalty for the nonpayment of such taxes when due.

1008 ARTICLE VIII

1009 GENERAL PROVISIONS

1010 SECTION 8.10.

1011 Prior ordinances.

1012 All ordinances, resolutions, rules, and regulations now in force in the city not inconsistent
1013 with this charter are hereby declared valid and of full effect and force until amended or
1014 repealed by the mayor and council.

1015 SECTION 8.11.

1016 Pending matters.

1017 Except as specifically provided otherwise by this charter, all rights, claims, actions, orders,
1018 contracts, and legal or administrative proceedings shall continue and any such ongoing work
1019 or cases shall be completed by such city agencies, personnel, or offices as may be provided
1020 by the mayor and council.

1021 SECTION 8.12.

1022 General laws may be used.

1023 The mayor and council, in its discretion, may elect to use the provisions of any general laws
1024 of this state in addition to the provisions of this charter.

SECTION 8.13.

Construction.

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

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

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

SECTION 8.14.

Severability.

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

SECTION 8.15.

Specific repealer.

An Act creating a new charter for the City of Chickamauga in the County of Walker, first approved August 11, 1913 (Ga. L. 1913, p. 665), as amended, is hereby repealed in its entirety and all amendatory acts thereto are likewise repealed in their entirety.

SECTION 8.16.

General repealer.

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