City of Forsyth

City Charter

John T. Howard II, Mayor
Michael E. Dodd, Councilmember
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Jimmy Jones, Councilmember
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Eric S. Wilson, Councilmember
Janice L. Hall, City Clerk/Interim City Administrator

THE CHARTER

ARTICLE I
INCORPORATION AND POWERS

Section 1.10. Incorporation and Name

This Act shall constitute the whole charter of the City of Forsyth, repealing and replacing the charter provided by an Act of the General Assembly approved in 1902 Ga. L. 1902, p. 427, et seq.), as amended. The City of Forsyth, Georgia, in the County of Monroe and the inhabitants thereof, are hereby constituted and declared a body politic and corporate under the same name and style of City of Forsyth, Georgia, and shall continue to be vested with all of the property and rights of property which now belong to the city, and by that name shall have perpetual succession.

Section 1.11. Corporate Boundaries

(a) The boundaries of this 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 this 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 Custodian of Records and to be designated, as the case may be: "Official Map (or Description) of the corporate limits of the City of Forsyth , Georgia." Photographic, typed, or other copies of such map or description certified by the Custodian of Records 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 City Council may provide for the redrawing of any such map by ordinance to reflect the 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) This city shall have all powers possible for a city to have under the present or future constitution and laws of the State of Georgia as fully and completely as though they were specifically enumerated in this charter. This city shall have all the powers of self-government not otherwise prohibited by this charter or by general law.

(b) The powers of this city shall be construed liberally in the 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 this city.

Section 1.13. Examples of Powers

(a) Animal Regulations
To regulate and license or to prohibit the keeping of 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.

(b) 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.

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

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

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

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

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

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

(i) Fire Regulations
To fix and establish fire limits and from time to time extend, enlarge or restrict the same; to prescribe fire safety regulations consistent with general law, relating to fire prevention and detection and firefighting; and to prescribe penalties and punishment for violations thereof.

(j) Garbage Fees
To levy, fix, assess, and collect a garbage, refuse and trash collection and disposal, and other sanitary service charge, tax, or fee for such services as may be necessary in the operation of the city from all individuals, firms, and corporations residing in or doing business therein benefitting 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.

(k) 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.

(l) 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.

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

(n) Jail Sentences
To provide that persons given jail sentences in the city's 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.

(o) 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.

(p) 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 of the powers conferred upon or delegated to the same.

(q) 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.

(r) 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 property limits of the city.

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

(t) 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 light plants, cable television and other telecommunications, transportation facilities, public airports, and any other public utility; and 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.

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

(v) 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.

(w) Planning and Zoning
To provide comprehensive city planning for development by zoning; and to provide subdivision regulation and the like as the City Council deems necessary and reasonable to insure a safe, healthy, and aesthetically pleasing community.

(x) 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 firefighting agency.

(y) 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.

(z) Public Improvements
To provide for the acquisition, construction, building, operation and maintenance of public ways, parks and playgrounds, recreational facilities, cemeteries, markets and market houses, public buildings, libraries, public housing, airports, hospitals, terminals, docks, parking facilities, or charitable, cultural, educational, recreational conservation, sport, curative, corrective, detention, penal and medical institutions, agencies and facilities; and to provide any other public improvements inside or outside the corporate limits of the city; to regulate the use of public improvements; and for such purposes, property may be acquired by condemnation under Title 22 of the Official Code of Georgia Annotated, or such other applicable laws as are or may hereafter be enacted.

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

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

(cc) Public Utilities and Services
To grant franchises or to make contracts for, or impose taxes on public utilities and public service companies; 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 valid regulations of the Public Service Commission.

(dd) Regulation and Roadside Areas
To prohibit or regulate and control the erection, removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings and any and all 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.

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

(ff) 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; and to grant franchises and rights-of-way throughout the streets and roads, and over the bridges and viaducts for the use of public utilities.

(gg) 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.

(hh) 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.

(ii) Special Areas of Public Regulation

To regulate or prohibit junk dealers, the manufacture and sale of intoxicating liquors; to regulate the transportation, storage and use of combustible, explosive and inflammable materials, 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 fortunetelling, palmistry, and massage parlors; to restrict adult bookstores and entertainment to certain areas; to regulate and license vehicles operated for hire in the city; to limit the number of vehicles operated for hire; to require the operators of vehicles operated for hire to be licensed; to require public liability insurance on vehicles operated for hire in the amounts to be prescribed by ordinance; and to regulate the parking of vehicles operated for hire.

(jj) Special Assessments

To levy and provide for the collection of special assessments to cover the costs of any public improvements.

(kk) Taxes: Ad Valorem

To levy and provide for the assessment, valuation, revaluation, and collection of taxes on all property subject to taxation.

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

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

(nn) 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; and 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 no listing of particular powers in this charter shall be held to be exclusive of others, nor 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 1.14. Exercise of Powers

All powers, functions, right, 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

Section 2.10. City Council Creation; Number; Election

The legislative authority of the government of this city, except as otherwise specifically provided in this charter, shall be vested in a City Council to be composed of a Mayor and six (6) Councilmembers. The City Council established shall in all respects be a successor to and continuation of the governing authority under prior law. The Mayor and Councilmembers shall be elected in the manner provided by general law and this Charter.

Section 2.11. City Council Terms and Qualifications for Office

The Mayor and members of the City Council shall serve for terms of four (4) years and until their respective successors are elected and qualified. There shall be no limits on the number of terms a Mayor or Councilmember is eligible to serve. No person shall be eligible to serve as Mayor or Councilmembers unless that person shall be at least 21 years of age and shall have been a resident of the city for twelve (12) months prior to the date of election of Mayor or members of the Council; each shall continue to reside therein during that member's period of service and to be registered and qualified to vote in municipal elections of this city.

Section 2.12. Vacancy; Filling of Vacancies

(a) Vacancies – The office of Mayor or Councilmembers shall become vacant upon the incumbent's death, resignation, forfeiture of office, or occurrence of any event specified by the Constitution of the State of Georgia, Title 45 of the Official Code of Georgia Annotated, or such other applicable laws as are or may hereafter be enacted.

(b) Forfeiture of Office. The Mayor or any Councilmembers shall forfeit his office if he or she:

(1) Lacks at any time during his or her term of office any qualifications of the office as prescribed by this charter or the laws of the State of Georgia;

(2) Willfully and knowingly violates any express prohibition of this charter; or

(3) Is convicted of a crime involving moral turpitude.

(c) Filling of Vacancies – A vacancy in the Office of Mayor or Councilmembers shall be filled for the remainder of the unexpired term, if any, by appointment by the City Council or those members remaining if less than twelve (12) months remains in the unexpired term. If such vacancy occurs twelve (12) months or more prior to the expiration of the term of that office, it shall be filled for the remainder of the unexpired term by a special election,

as provided for in Section 5.14 of this charter and in accordance with Titles 21 and 45 of the Official Code of Georgia Annotated, or other such laws as are or may hereafter be enacted.

(d) This provision shall also apply to a temporary vacancy created by the suspension from office of the Mayor or any Councilmembers.

Section 2.13. Compensation and Expenses

The Mayor and Council shall receive as compensation for their services and reasonable and necessary expenses such amounts as may be established by ordinance either heretofore, or hereafter; provided, however, any change in compensation for the Mayor and Councilmembers shall take place not sooner than the calendar year following the date on which the change was made.

Section 2.14. Conflicts of Interest; Holding Other Offices

(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) Conflict of Interest – 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 that person's official duties or which would tend to impair the independence of the official's judgment or action in the performance of those 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 that person's official duties or would tend to impair the independence of the official's judgment or action in the performance of those official duties;
(3) Disclose confidential information, including information obtained at meetings which are closed pursuant to Title 50, chapter 14 of the Official Code of Georgia Annotated, concerning the property, government, or affairs of the governmental body by which the official is engaged without proper legal authorization; or use such information to advance the financial or other private interest of the official or others;
(4) Accept any valuable gift, whether in the form of service, loan, item, or promise, from any person, firm or corporation which, to the official's knowledge, is interested, directly or indirectly, in any manner whatsoever, in business dealings with the governmental body by which the official 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 this 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 the official has a financial interest.

(c) Disclosure – Any elected official, appointed officer, or employee who shall have any financial interest, directly or indirectly, in any contract or matter pending before or within any department of the city shall disclose such interest to the City Council. The Mayor or any Councilmembers who has a financial interest in any matter pending before the City Council shall disclose such interest and such disclosure shall be entered on the records of the City Council, and that official 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 financial interest, directly or indirectly, in any contract or matter pending before or within such entity shall disclose such interest to the governing body of such agency or entity.

(d) Use of Public Property – No 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 for personal benefit or profit, but shall use such property only in their capacity as an officer or employee of the city.

(e) Contracts Voidable and Rescindable – 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 City Council.

(f) Ineligibility of Elected Official – Except where authorized by law, neither the Mayor nor any Councilmembers shall hold any other elective or appointive office in the city or otherwise be employed by said government or any agency thereof during the term for which that official was elected. No former Mayor and no former Councilmember shall hold any appointive office in the city until one year after the expiration of the term for which that official was elected. This section shall not be construed as to prohibit the Mayor or any Councilmember from being appointed to represent the City of Forsyth on any board or authority upon which the City of Forsyth is entitled to representation under the bylaws of said authority.

(g) Political Activities of Certain Officers and Employees – No appointive officer of the city shall continue in such employment upon qualifying as a candidate for nomination or election to any public office. No employee of the city shall continue in such employment upon qualifying for or election to any public office in this city or any other public office which is inconsistent, incompatible or in conflict with the duties of the city employee. Such determination shall be made by the Mayor and Council either immediately upon election or at any time such conflict may arise.

(h) Penalties for Violation

(1) Any city officer or employee who knowingly conceals such financial interest or knowingly violates any of the requirements of this section shall be guilty of malfeasance in office or position and shall be deemed to have forfeited that person's office or position.
(2) Any officer or employee of the city who shall forfeit an office or position as described in paragraph (1) above, shall be ineligible for appointment or election to or employment in a position in the city government for a period of three (3) years thereafter.

Section 2.15. Inquiries and Investigations

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

Section 2.16. General Power and Authority of the City Council

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

(b) In addition to all other powers conferred upon it by the law, the Council shall have the authority to adopt and provide for the execution of such ordinances, resolutions, rules, and regulations, consistent 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 of Forsyth and may enforce such ordinances by imposing penalties for violation thereof.

Section 2.17. Eminent Domain

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

Section 2.18. Organizational Meetings

The Council shall meet for organization on the first Tuesday of each January. The meeting shall be called to order by the City Clerk and the oath of office shall be administered to the newly elected members as follows:

> "I do solemnly swear that I will faithfully perform the duties of (Mayor)(Councilmembers) of this city and that I will support and defend the charter thereof as well as the constitution and laws of the State of Georgia and of the United States of America. I am not the holder of any unaccounted for public money due this state or any political subdivision or authority thereof. I am not the holder of any office of trust under the government of the United States, any other state, or any foreign state which I, by the laws of the State of Georgia, am prohibited from holding. I am otherwise qualified to hold said office according to the Constitution and laws of Georgia. I have been a resident of the City of Forsyth for the time required by the Constitution and laws of this state and by the municipal charter. I will at all times act ethically and professionally when in the conduct of city business, and I will not become delinquent in any financial or personal obligations to the City of Forsyth. I will perform the duties of my office in the best interest of the City of Forsyth and to the best of my ability without fear, favor, affecting, reward, or expectation thereof."

Section 2.19. Regular and Special Meetings

(a) The City Council shall hold regular meetings at such times and places as shall be prescribed by ordinance.

(b) Special meetings of the Council may be held on call of the Mayor or by four members of the Council. Notice of such special meetings shall be served on all other members personally or by telephone personally, or shall be left at their residence at least forty-eight hours in advance of the meeting. Such notice shall not be required if the Mayor and all Councilmembers are present when the special meeting is called. Notice of any special meeting may be waived in writing before or after such a meeting, and attendance at the meeting shall also constitute a waiver of notice of any special meeting. Only the business stated in the call may be transacted at the special meeting except by unanimous consent of all members. With such consent, any business which may be transacted at a regular meeting may be conducted at the special meeting.

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

Section 2.20. Rules of Procedure

(a) The City Council shall adopt its rules or procedures and order of business consistent with the provisions of this charter and shall provide for keeping a journal of its proceedings, which shall be a public record.

(b) The Mayor shall have the power to appoint ad hoc advisory committees as is deemed necessary. All ad hoc committee member and committee chairs and officers of the City Council shall be appointed by the Mayor and shall serve at the pleasure of the Mayor.

(c) The Council shall have the power to appoint the city's representative to any board, Council, or committee upon which the City of Forsyth is entitled to membership.

Section 2.21. Quorum: Voting

(a) Four (4) Councilmembers, not including the Mayor, shall constitute a quorum and shall be authorized to transact business of the City Council. Voting on the adoption of ordinances shall be by voice vote and the vote shall be recorded in the journal, but any member of the City Council shall have the right to request a roll call vote and such vote shall be recorded in the journal. Except as otherwise provided in this charter, the affirmative vote of four (4) Councilmembers shall be required for the adoption of any ordinance, resolution, or motion. The Mayor shall vote only in the case of a tie or in the case where his or her vote would provide the fourth affirmative vote required for approval of a matter.

(b) An abstention noted on the record shall be counted as a negative vote.

Section 2.22. Action Requiring an Ordinance; Definition

An ordinance shall be defined as any act of the City Council which shall have the force and effect of law. All such acts shall be enacted by ordinance and not by resolution. An ordinance shall be adopted in accordance with the requirements in Section 2.23.

Section 2.23. Ordinance Form; Procedures

(a) Every proposed ordinance, as defined by Section 2.22, shall be introduced in writing and in the form required for final adoption. No ordinance shall contain a subject which is not expressed in its title. The enacting clause shall be "It is hereby ordained by the governing authority of the City of Forsyth" and ever ordinance shall so begin.

(b) Following the first reading of any proposed ordinance, except emergency ordinances, the City Clerk shall distribute a copy to the Mayor and to each of the Councilmembers, shall file a reasonable number of copies in the office of the City Clerk, and shall provide for

publication of a notice of proposed ordinance in a local newspaper for two (2) consecutive weeks. The notice shall describe the ordinance in brief and general terms and state that it is available for public inspection at the office of the City Clerk.

(c) Proposed ordinances, except emergency ordinances, shall be given a second reading at the next meeting of the Council, following the second publication of the notice of a proposed ordinance in the local newspaper and, after such reading, all persons interested shall be given an opportunity to be heard. A vote of the Council may be taken at that time and the proposed ordinance adopted.

(d) The Council may then pass such ordinance with or without amendment, except that if it shall make an amendment, which constitutes a change of substance. It shall not finally pass the ordinance until a notice of amendment has been published twice in a local newspaper. The second passage of any ordinance pursuant to this charter shall be final and no further passage shall be required.

(e) Every ordinance adopted by the Council shall be presented promptly to the Mayor.

(f) The Mayor, within ten (10) calendar days or receipt of an ordinance, shall return it to the Clerk with or without his approval, or with his disapproval. If the ordinance has been approved by the Mayor, it shall become law upon its return to the Clerk; if the ordinance is neither approved nor disapproved, it shall become law at twelve o'clock noon on the eleventh calendar day after its adoption; if the ordinance is disapproved, the Mayor shall submit to the Council, through the Clerk, a written statement of his reasons for his veto. The Clerk shall record upon the ordinance the date of its delivery to and receipt from the Mayor.

(g) Any ordinance vetoed by the Mayor shall be presented by the Clerk to the Council at its next regular meeting. Should the Council then or at its next regular meeting adopt the ordinance by an affirmative vote of five (5) members, it shall become law. If such action is not taken by the Council, the ordinance shall not become law.

Section 2.24. Emergencies

(a) To meet a public emergency affecting life, health, property or public peace, the City Council may convene on call of the Mayor or four (4) Councilmembers and promptly adopt an emergency ordinance, but such ordinance may not levy taxes; grant, renew or extend a franchise; regulate the rate charged by any public utility for its services; or authorize the borrowing of money, except for loans to be repaid within thirty (30) days. An emergency ordinance shall be introduced in the form prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists; describing the emergency in clear and specific terms. An emergency ordinance may be

adopted, with or without amendment, or rejected at the meeting at which it is introduced, but the affirmative vote of at least three (3) Councilmembers shall be required for adoption. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance shall automatically stand repealed 30 days following the date upon which it was adopted, but this shall not prevent reenactment of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

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

Section 2.25. Codes of Technical Regulations

(a) The City Council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such adopting ordinance shall be as prescribed for ordinances in general except that: (1) the requirements of Section 2.23(b) for distribution and filing of copies of the ordinance shall be construed to include copies of any code of technical regulations, as well as the adopting ordinance; and (2) a copy of each adopted code of technical regulations, as well as the adopting ordinance, shall be authenticated and recorded by the City Clerk pursuant to Section 2.26.

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

Section 2.26. Signing; Authenticating; Recording; Codification; Printing

(a) The Clerk shall authenticate by the Clerk's signature and record, in full, in a properly indexed book kept for that purpose, all ordinances adopted by the Council and Mayor.

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

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

Section 2.27. Election of Mayor; Forfeiture; Compensation

The Mayor shall be elected and serve a term of four years and until a successor is elected and qualified. The Mayor shall be a qualified elector of this city and shall have been a resident of the city for twelve (12) months preceding the election. The Mayor shall continue to reside in this city during this period of service. The Mayor shall forfeit the office on the same grounds and under the same procedure as for Councilmembers. The compensation of the Mayor shall be established in the same manner as for Councilmembers.

Section 2.28. Chief Executive Officer

The City Manager shall be the Chief Executive Officer of the city.

Section 2.29. Powers and Duties of Mayor

As the chief elected official of this city, the Mayor shall:

(a) Preside at all meetings of the City Council;
(b) Be the head of the city for the purpose of service of process and for ceremonial purposes, and be the official spokesperson of the city and the chief advocate of policy;
(c) Have the power to administer oaths and to take affidavits;
(d) Sign as a matter of course on behalf of the city all written and approved contracts, ordinances, and other instruments executed by the city;
(e) Recommend to the City Council such measures relative to the affairs of the city, improvement of the government, and promotion of the welfare of its inhabitants as the Mayor may deem expedient;
(f) Call for special meetings of the City Council as provided in Section 2.19(b);
(g) Approve or disapprove ordinances as provided in Section 2.23 of this charter;
(h) Disapprove or reduce any item or items in the budget. The approved or reduced parts of any budget shall become effective, and the part or parts disapproved shall not become effective unless subsequently passed by the affirmative vote of five (5) Councilmembers.
(i) Require any department or agency of the city to submit written reports whenever the Mayor deems it expedient; and

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

Section 2.30. Submission of Ordinances to the Mayor; Veto Power

Mayor shall have veto power as prescribed in Section 2.23 in this charter.

Section 2.31. Mayor Pro Tem; Selections; Duties.

By a majority vote, the City Council shall elect a Councilmember to serve as Mayor Pro Tem. The Mayor Pro Tem shall preside at all meetings of the City Council and shall assume the duties and powers of the Mayor upon the Mayor's physical or mental disability, suspension from office or absence. The City Council, by a majority vote, shall elect a new presiding officer from among its members for any period in which the Mayor Pro Tem is disable, absent, or acting as the Mayor. Any such absence or disability shall be declared by a majority vote of all Councilmembers. When serving as a Mayor, the Mayor Pro Tem shall vote only in the case of a tie or in the case where his or her vote would provide the fourth affirmative vote required for approval of a matter.

Section 2.32. City Manager; Appointment

The City Council shall appoint a City Manager for an indefinite term and shall fix the manager's compensation. The manager shall be appointed solely on the basis of executive and administrative qualifications.

Section 2.33. City Manager; Removal

The City Manager is employed at will and may be summarily removed from office at any time by the City Council.

Section 2.34. Acting City Manager

By letter filed with the City Clerk, the manager shall designate, subject to approval of the City Council, a qualified City Administrative Officer to exercise the powers and perform the duties of manager during the manager's temporary absence or physical or mental disability. During such absence or disability, the City Council may revoke such designation at any time and appoint another officer of the city to serve until the manager shall return or the manager's disability shall cease.

Section 2.35. Powers and Duties of the City Manager

The City Manager shall be the Chief Executive Officer of the city. The manager shall be responsible to the City Council for the administration of all city affairs placed in the manager's charge by or under this charter. As the Chief Executive Officer, the manager shall:

(a) Appoint and, when the manager deems it necessary for the good of the city, suspend or remove all city employees and administrative officers the manager appoints, except as otherwise provided by law or ordinances adopted pursuant to this charter. The manager may authorize any administrative officer who is subject to the manager's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office, or agency;
(b) Direct and supervise the administration of all departments, offices, and agencies of the city, except as otherwise prescribed in this charter;
(c) Attend all City Council meetings except for closed meetings held for the purposes of deliberating on the appointment, discipline, or removal of the City Manager and have the right to take part in discussion, but not vote;
(d) See that all laws, provisions of this charter, and acts of the City Council, subject to enforcement by the manager or by officers subject to the manager's direction and supervision, are fully executed;
(e) Prepare and submit the annual operating budget and capital budget to the City Council;
(f) Submit to the City Council and make available to the public a complete report on the finances and administrative activities of the city as of the end of each fiscal year;
(g) Make such reports as the City Council may require concerning the operations of city departments, offices, and agencies subject to the managers direct supervision;
(h) Keep the City Council fully advised as to the financial condition and future needs of the city, and make such recommendations to the City Council concerning the affairs of the city as the manager deems desirable; and
(i) Perform other such duties as are specified in this charter or as may be required by the City Council.

Section 2.36 Council Interference with Administration

Except for the purposes of inquiries and investigations the City Council or its members shall deal with city officers and employees who are subject to the direction and supervision of the City Manager solely through the City Manager, and the City Council shall not give orders to any such officer or employee, either publicly or privately.

ARTICLE III
ADMINISTRATIVE AFFAIRS

Section 3.10. Administrative and Service Departments

(a) Except as otherwise provided in this charter, the City Council shall prescribe the functions or duties of and establish, abolish, alter, consolidate, or leave vacant all non-elective offices, positions of employment, departments, and agencies of the city, as necessary for the proper administration of the affairs and government of this city.

(b) There may be a director of each department or agency who shall be its principal officer. Each director shall, subject to the direction and supervision of the City Manager, be responsible for the administration and direction of the affairs and operations of that director's department or agency.

(c) The City Clerk and all directors of departments shall receive such compensation as prescribed by ordinance or resolution, at the recommendation of the City Manager.

(d) The City Clerk, department directors, and all city employees are employed at-will and are subject to removal or suspension at any time at the discretion of the City Manager.

Section 3.11. Boards, Commissions, and Authorities

(a) The City Council may create by ordinance such boards, commissions, and authorities to fulfill any investigative, quasi-judicial or quasi-legislative function the City Council deems 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 City 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.

(c) The City 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 created by the city shall hold an elective office in the city.

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

(f) No member of a board, commission, or authority shall assume office until that person has executed and filed with the Clerk of the City an oath obligating himself to faithfully and impartially perform the duties of that member's office, such oath to be prescribed by ordinance and administered by the Mayor.

(g) All board members serve at-will and may be removed at any time by a vote of three (3) members of the City Council unless otherwise provided by law.

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

Section 3.12. City Attorney

The City Council shall appoint a City Attorney, together with such Assistant City Attorneys as may be authorized, and shall provide for the payment of such attorney or attorneys for services rendered to the city. The City Attorney shall be responsible for providing for the representation and defense of the city in all litigation in which the city is a party; may be the prosecuting officer in the municipal court; shall attend the meetings of the Council as directed; shall advise the City Council, Mayor, and other officers and employees of the city concerning legal aspects of the city's affairs; and shall perform such other duties as may be required by virtue of the person's position as City Attorney.

The City Attorney is not a public official of the city and does not take an oath of office. The City Attorney shall at all times be an independent contractor. A law firm, rather than an individual, may be designated as the City Attorney.

Section 3.13. Custodian of Records

The City Council shall designate annually, at its organization meeting, a Custodian of Records who shall not be a Councilmember, but may be the City Clerk or another regular employee of the city. This individual shall be custodian of the official city seal and city records, and shall maintain City Council records required by this charter.

Section 3.14. Position Classification and Pay Plans

The City Manager shall be responsible for the preparation of a position classification and pay plan which shall be submitted to the Mayor and City Council for approval. Such plan may apply to all employees of the city and any of its agencies, departments, boards, commissions or authorities. When a pay plan has been adopted, the City Council shall not increase or decrease the salary range applicable to any position except by amendment of such pay plan.

Section 3.15. Personnel Policies

All employees serve at-will and may be removed from office at any time, unless otherwise provided by ordinance.

ARTICLE IV
JUDICIAL BRANCH

Section 4.10. Creation; Name

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

(a) The municipal court shall be presided over by a Chief Judge and such part-time, full-time, 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, shall be a member of the State Bar of Georgia and shall possess all qualifications required by law. All judges shall be appointed by the City Council and shall serve until a successor is appointed and qualified.

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

(d) Judges serve at-will and may be removed from office at any time by the City Council unless otherwise provided by ordinance.

(e) Before assuming office, each judge shall take an oath, given by the Mayor, that the judge will honestly and faithfully discharge the duties of the office to the best of that person's ability and without fear, favor or partiality. The oath shall be entered upon the minutes of the City Council journal required in Section 2.20.

Section 4.12. Convening

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

Section 4.13. Jurisdiction; Powers

(a) The municipal court shall have jurisdiction and authority to 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 two hundred dollars ($200.00) or ten (10) days in jail.

(c) The municipal court may fix punishment for offenses within its jurisdiction not exceeding a fine of 1,000 dollars ($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 municipal court shall have authority to establish a schedule of fees to defray the cost of operation, and shall be entitled to reimbursement of the cost of meals, transportation, and caretaking of prisoners bound over to superior courts for violations of state law.

(e) The municipal court shall have authority to establish bail and recognizance 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 that 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 (2) 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 if 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, of 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 with the city.

Section 4.14. Certiorari

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

Section 4.15. Rules for Court

With the approval of the City 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 City 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 and Clerk of Municipal Court, shall be available for public inspection, and, upon request, a copy shall be furnished to all defendants in municipal court proceedings at least forty-eight (48) hours prior to said proceedings.

ARTICLE V
ELECTIONS AND REMOVAL

Section 5.10. Applicability of General Law

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

Section 5.11. Election of the City Council and Mayor

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

(b) Each Council position shall be designated as a *post* for the purposes of conducting elections. There shall be elected the Mayor and three (3) City Councilmembers posts at one election and at every other regular election thereafter. The remaining Council posts shall be filled at the election alternating with the first election so that a continuing body is created. Terms shall be for four (4) years.

Section 5.12. Non-Partisan Elections

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

Section 5.13. Election by Majority

The person receiving a majority (fifty-percent plus one) of the votes cast for any city office shall be elected. If no person receives a majority, the two (2) candidates receiving the most votes will advance to a runoff election, to be held in a manner consistent with the Georgia Election Code.

Section 5.14. Special Elections; Vacancies

In the event that the office of Mayor or Councilmember shall become vacant as provided in Section 2.12 of this charter, the City Council or those remaining shall order a special election to fill the balance of the unexpired term of such official; provided, however, if such vacancy occurs within twelve (12) months of the expiration of the term of that office, the City Council or those remaining shall appoint a successor for the remainder of the term. In all other respects, the special election shall be held and conducted in accordance with the Georgia Election Code, Chapter 2 of Title 21 of the Official Code of Georgia Annotated, as now or hereafter amended.

Section 5.15. Other Provisions

Except as otherwise provided by this charter, the City Council shall, by ordinance, prescribe such rules and regulations it deems appropriate to fulfill any options and duties under the Georgia Election Code.

Section 5.16. Removal of Officers

(a) The Mayor, Councilmembers, or other appointed officers provided for in this charter shall be removed from office for any one or more of the causes provided in Title 45 of the Official Code of Georgia Annotated, or such other applicable laws as are or may hereafter be enacted.

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

(1) Following hearing at which an impartial panel shall render a decision. In the event an elected officer is sought to be removed by the action of the City 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 (10) days after the service of such written notice. The City Council shall provide by ordinance for the manner in which such hearings shall be held. Any elected officer sought to be removed from office as herein provided shall have the right of appeal from the decision of the City Council to the Superior Court of Monroe County. Such appeal shall be governed by the same rules as govern appeals to the superior court from the probate court.
(2) By an order of the Superior Court of Monroe County following a hearing on a complaint seeking such removal brought by any resident of the City of Forsyth.

ARTICLE VI
FINANCE

Section 6.10. Ad Valorem (Property) Tax

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

All property subject to taxation for state or county purposes, assessed as of January 1 in each year, shall be subject to the ad valorem tax levied by the City of Forsyth. The Council by ordinance shall elect to use the county assessment for the year in which the city taxes are to be levied and shall request the county to furnish appropriate information for such purpose.

Section 6.11. Millage Rate; Due Dates; Payment Methods

The City Council, by resolution, shall annually establish a millage rate for the city property tax, a due date, and the time period within which these taxes must be paid. The City Council, by said resolution, may also provide for the payment of these taxes by installments or in one lump sum, as well as authorize the voluntary payment of taxes prior to the time when due.

Section 6.12. Occupation and Business Taxes

The City Council by ordinance shall have the power to levy such corporation or business taxes as are not denied by law. The City Council may classify businesses, occupations or professions for the purpose of such taxation in any way which may be lawful and may compel the payment of such taxes as provided in Section 6.17.

Section 6.13. Regulatory Fees; Permits

The City Council by ordinance shall have the power to require businesses or practitioners doing business within this city to obtain a permit for such activity from the city and pay a reasonable regulatory fee for such permit as provided by general law. Such fees shall reflect the total cost to the city of regulating the activity, and if unpaid, shall be collected as provided in Section 6.17.

Section 6.14. Franchises

(a) The City Council shall have the power to grant franchises for the use of this 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 City 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 thirty-five (35) years and no franchise shall be granted unless the city receives just and adequate compensation therefor. The City Council shall provide for the registration of all franchises with the City Clerk in a registration book kept by the Clerk. The City Council may provide by ordinance for the registration within a reasonable time of all franchises previously granted.

(b) If no franchise agreement is in effect, the City Council has the authority to impose a tax on gross receipts for the use of this 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 City Council by ordinance shall have the power to assess and collect fees, charges, assessments, 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. If unpaid, such charges shall be collected as provided in Section 6.17.

Section 6.16. Construction; Other Taxes and Fees

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

Section 6.17. Collection of Delinquent Taxes and Fees

The City Council, by ordinance, may provide generally for the collection of delinquent taxes, fees, or other revenue due the city under Sections 6.10 through 6.16 by whatever reasonable means as are not precluded by law. This shall include providing for the dates when the taxes or fees are due; late penalties or interest; issuance and execution of fi.fas; creation and priority of liens; making delinquent taxes and fees personal debts of the persons required to pay the taxes or fees imposed; revoking city permits for failure to pay any city taxes or fees; and providing for the assignment or transfer of tax executions.

Section 6.18. General Obligation Bonds

The City Council shall have the power to issue bonds for the purpose of raising revenue to carry out any project, program or venture authorized under this charter or the laws of the state. Such

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

Section 6.19. Revenue Bonds

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

Section 6.20. Short-Term Loans

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

Section 6.21. Lease-Purchase Contracts

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

Section 6.22. Fiscal Year

The City of Forsyth's fiscal year shall run from January 1 to December 31. This fiscal year shall constitute the budget year and the year for financial accounting and reporting of each and every office, department, agency and activity of the city government unless otherwise provided by state or federal law.

Section 6.23. Preparation of Budgets

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

Section 6.24. Submission of Operating Budget to City Council

On or before a date fixed by the City Council but not later than thirty (30) days prior to the beginning of each fiscal year, the City Manager shall submit to the City Council a proposed operating budget for the ensuing fiscal year. The budget shall be accompanied by a message from the City Manager containing a statement of the general fiscal policies of the city, the important

features of the budget, explanations of all changes recommended for the next fiscal year, a general summary of the budget, and such other pertinent comments and information. The operating budget and the capital budget hereinafter provided for, the budget message, and all supporting documents shall be filed in the office of the City Clerk and shall be open to public inspection.

Section 6.25. Action by City Council on Budget

(a) The City Council may amend the operating budget proposed by the City Manager; except, that the budget 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 City Council by resolution shall adopt the final operating budget by a time each fiscal year as enumerated in the budget preparation ordinance. If the City Council fails to adopt the budget by this date, the amounts appropriated for operation for the current fiscal year shall be deemed adopted by the ensuing fiscal year on a month-to-month basis, with all items prorated accordingly until such time as the City Council adopts a budget for the ensuing fiscal year. Adoption of the budget shall take the form of an appropriations resolution 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 ordinance adopted pursuant to Section 6.23.

(c) The amount set out in the adopted operating budget for each organizational unit 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 6.26. Tax Levies

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

Section 6.27. Changes in Appropriations

The City Council by resolution may make changes in the appropriations contained in the current operating budget, at any regular meeting, special or emergency meeting called for such purpose, but any additional appropriations may be made only from an existing unexpended surplus.

Section 6.28. Capital Budget

(a) On or before the date fixed by the City Council but no later than thirty (30) days prior to the beginning of each fiscal year, the City Manager shall submit to the City Council a proposed capital improvements plan with a recommended capital budget containing the means of financing the improvements proposed for the ensuing fiscal year. The City Council shall have power to accept, with or without amendments, or reject the proposed plan and proposed budget. The City Council shall not authorize an expenditure for the construction of any building, structure, work or improvement, unless the appropriations for such project are included in the capital budget, except to meet a public emergency as provided in Section 2.24.

(b) The City Council shall adopt by resolution the final capital budget for the ensuing fiscal year not later than a time set by City Council by ordinance. No appropriations provided for in a prior capital budget shall lapse until the purpose for which the appropriation was made shall have been accomplished or abandoned; provided, however the City Council may submit amendments to the capital budget at any time during the fiscal year, accompanied by recommendations. Any such amendments to the capital budget shall become effective only upon adoption by resolution of the City Council.

Section 6.29. Independent Audit

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

Section 6.30. Contracting Procedures

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

(a) It is in writing;
(b) It is drawn by or submitted to and reviewed by the City Attorney, and as a matter of course, is signed by the City Attorney to indicate such drafting or review; and
(c) It is made or authorized by the City Council and such approval is entered in the City Council journal of proceedings pursuant to Section 2.21.

Section 6.31. Centralized Purchasing

The City Council shall by ordinance prescribe procedures for a system of centralized purchasing for the city.

Section 6.32. Sale and Lease of City Property

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

(b) The City Council may quitclaim any rights it may have in property not needed for public purposes upon report by the City Council and adoption of a resolution, both finding that the property is not needed for public or other purposes and that the interest of the city has not readily ascertainable monetary value.

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

ARTICLE VII
GENERAL PROVISIONS

Section 7.10. Bonds for Officials

The officers and employees of this city, both elective and appointive, shall execute such surety or fidelity bonds in such amounts and upon such terms and conditions as the City Council shall from time to time require by ordinance or as may be provided by law.

Section 7.11. Prior Ordinances

All ordinance, resolutions, rules and regulations now in force in the city not inconsistent with this charter are hereby declared valid and of full effect and force until amended or repealed by the City Council.

Section 7.12. Existing Personnel and Officers

Except as specifically provided otherwise by this charter, all personnel and officers of the city and their rights, privileges and powers shall continue beyond the time this charter takes effect.

Section 7.13. Pending Matters

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

Section 7.14. Construction

(a) Section captions in this charter are informative only and are not to be considered as 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 7.15. 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 7.16. Repealer

An Act incorporating the City of Forsyth in the County of Monroe, approved ~~March 28, 1988 (Ga.L. 1988, p. 4341)~~, is hereby repealed in its entirety and all amendatory acts thereof are likewise repealed in their entirety. All other laws and parts of laws in conflict with this charter are hereby repealed.

Section 7.17. Effective Date

This charter shall become effective upon the time State Legislation adopting this charter is signed by the Governor of the State of Georgia.