



Draft II

DECEMBER 13, 2022
CITY OF FORT VALLEY
204 West Church Street

A BILL TO BE ENTITLED
AN ACT

To provide a new charter for the City of Fort Valley; to provide for incorporation, boundaries, and powers of the city; to provide for the exercise of powers and limitations on powers; to provide for a governing authority of such city and the powers, duties, authority, prohibitions, election, **election districts**, terms, removal from office, method of filling vacancies, compensation, expenses, and qualifications; to provide for conflict of Interest and holding other offices; to provide for organization and meeting procedures; to provide for a mayor pro tempore; to provide for inquiries and investigations; to provide for ordinances; to provide for codes; to provide for the office of city manager and certain duties and powers relative to the office; to provide for delineation of legislative, executive, and administrative roles; to provide for the powers and duties of the mayor; to provide for administrative responsibilities; to provide for department heads; to provide for boards, commissions, and authorities; to provide for a city attorney, city clerk, finance officer, marshal, and other personnel; to provide for the establishment of a municipal court and the judge or judges thereof; to provide for practices and procedures; to provide for taxation, permits, 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 capital improvements; to provide for contracting and purchasing; to provide for sale of city property; to provide for the continuation of the Fort Valley Utility Commission; to provide definitions; to provide for the election and appointment of utility commissioners; to provide for compensation of the utility commission; to provide the powers of the commission; to provide for the setting and collection of utility rates and fees; to provide for the use of the revenues of the commission; to provide for disposition of parts of the utility system; to

provide for utility franchises; to authorize the utility commission to issue revenue bonds; to provide for bonds for officials; to provide for pending matters; to provide for rules and regulations; to provide for definitions and construction; to provide for eminent domain; to repeal specific Acts; to provide for related matters; 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.

Incorporation.

The City of Fort Valley in Peach County is reincorporated by the enactment of this charter and is constituted and declared a municipality and body politic and corporate under the name of the "City of Fort Valley." References in the charter to "the city" or "this city" refer to the 35 City of Fort Valley. The city shall have a perpetual existence.

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 by local law or in the manner provided by general state 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 the city clerk and to be designated, as the case may be:

"Official Map or Description of the Corporate Limits of the City of Fort Valley, Georgia." Photographic, typed, or other copies of such map or description certified by the mayor shall be admitted as evidence in all courts and shall have the same force and effect as the original map or description. (b) The city 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.

Municipal powers.

The city shall have all powers possible for a municipality 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 this city. Said powers shall include, but are not 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 under this charter; (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 this city; (3) Building regulations. To regulate and to license the erection and construction of buildings and all other structures not inconsistent with general law; to adopt building, housing, plumbing, electrical, gas, and heating and air-conditioning codes; and to regulate all housing and building trades except as otherwise prohibited by general law; (4) Business regulation and taxation. To levy and to provide for the collection of license fees and taxes on privileges, occupations, trades, and professions; to license and regulate the same; to provide for the manner and method of payment of such licenses and taxes; to provide for the due dates therefor and to provide for reasonable penalties and interest in the event of failure to pay the same; and to revoke such licenses after due process for the failure to pay any city taxes or fees; (5) Condemnation. To exercise the power of eminent domain to condemn property, inside or outside the corporate limits of the city, for present or future use and for any lawful purpose deemed necessary by the governing authority, utilizing procedures enumerated in Title 22 of the O.C.G.A. or such other applicable laws as are or may hereafter be enacted; (6) Contracts. To enter into contracts and agreements with other governments and entities and with private persons, firms, and corporations; (7) Emergencies. To establish procedures for determining and proclaiming that an emergency situation exists inside or outside 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; (8) Environmental protection. To protect the natural resources, environment, and vital areas of 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 solid and hazardous waste, and other necessary actions for the protection of the environment or to comply with mandates enacted by the State of Georgia or any other governmental agency or authority; (9) Fire regulations. To fix and establish fire limits and from time to time extend, enlarge, or restrict the same; to prescribe fire safety regulations not inconsistent with general law, relating to both fire prevention and detection and to firefighting; and to prescribe penalties and punishment for violations thereof; (10) 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 within the city and 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; (11) General health, safety, and welfare. To define, regulate, and prohibit any act, practice, conduct, or use of property which is detrimental to the health, sanitation, cleanliness, welfare, and safety of the inhabitants of the city and to provide for the enforcement of such standards; (12) Gifts. To accept or refuse gifts, donations, bequests, or grants from any source for any purpose related to the 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; (13) Health and sanitation. To prescribe standards of health and sanitation within the city and to provide for the enforcement of such standards; (14) Jail sentences. To provide that persons given jail sentences in the municipal court may work out such sentences in any public works or on the streets, roads, drains, and squares in the city; to provide for the commitment of such persons to any jail; or to provide for the

commitment of such persons to any county work camp or county jail; (15) 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; (16) 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; (17) 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; (18) 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; (19) 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; (20) 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, gas works, electric plants, transportation facilities, public airports, and any other public utility; to fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties therefor; to provide for the withdrawal of service for refusal or failure to pay the same; to authorize the extension of water, sewerage, and electrical distribution systems and all necessary appurtenances by which said utilities are distributed, inside and outside the corporate limits of the city; and to provide utility services to persons, firms, and corporations inside and outside the corporate limits of

the city as provided by ordinance; (21) Nuisances. To define a nuisance and provide for its abatement whether on public 146 or private property; (22) 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; (23) 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 ensure a safe, healthy, and esthetically pleasing community; (24) Police and fire protection. To exercise the power of arrest through duly appointed police officers and to establish, operate, or contract for police and a firefighting agency; (25) 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; (26) Public improvements. To provide for the acquisition, construction, building, operation, and maintenance of public ways, parks, playgrounds, recreational facilities, golf courses, amphitheaters, cemeteries, markets and market houses, public buildings, libraries, public housing, airports, hospitals, terminals, docks, and parking facilities or charitable, cultural, educational, recreational, conservation, sport, curative, corrective, detentional, penal, and medical institutions, agencies and facilities; to provide for 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 O.C.G.A. or such other applicable laws as are or may hereafter be enacted; (27) Public peace. To provide for the prevention and punishment of drunkenness, riots, and public disturbances; (28) Public transportation. To organize and operate or contract for such public transportation systems as are deemed beneficial or necessary; (29) Public utilities and services. To grant franchises

or make contracts for public utilities and public services and to prescribe the rates, fares, regulations, and standards and conditions of service applicable to the utility or service to be provided by the franchise grantee or contractor, insofar as not in conflict with valid regulations of the Georgia Public Service Commission; (30) 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, inside or abutting the corporate limits of the city, and to prescribe penalties and punishment for violation of such ordinances; (31) Retirement. To provide and maintain a retirement plan for officers and employees of the city; (32) 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 negotiate and execute leases over, through, under, or across any city property or the right of way of any street, road, alley, and walkway or portion thereof within the corporate limits of the city for bridges, passageways, or any other purpose or use between buildings on opposite sides of the street and for other bridges, overpasses, and underpasses for private use at such location and to charge a rental therefor in such manner as may be provided by ordinance; to authorize and control the construction of bridges, passageways, overpasses, and underpasses 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 for private use; 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; (33) Sewer fees. To levy a fee, charge, or sewer tax as necessary to assure the acquiring, construction, equipping, operating, maintaining, and extending of a sewage disposal plant and sewerage system; to levy on those to whom sewers and sewerage systems are made available a sewer service fee, charge, or tax for the availability or use of the sewers, except that no fee or charge for sewers shall be assessed against any abutting real estate which cannot be served by such sewers; to provide for the manner and method of collecting such service charge; and to impose and collect a sewer connection fee or fees to those connected with the system; (34) 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; (35) Special areas of public regulation. To regulate or prohibit junk dealers and pawn shops; to regulate or prohibit the manufacture, sale, or transportation of intoxicating liquors; and to regulate or prohibit the use of firearms; 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 peddlers and itinerant traders, theatrical performances, exhibitions, and shows of any kind, by taxing or otherwise; and to license, tax, regulate, or prohibit professional fortunetelling, palmistry, adult bookstores, massage parlors, and entertainment displaying nudity; (36) Special assessments. To levy and provide for the collection of special assessments to cover the costs of any public improvement; (37) Taxes: ad valorem. To levy and provide for the assessment, valuation, revaluation, and collection of taxes on all property subject to taxation; (38) Taxes: other. To levy and collect such other taxes as may be allowed now or in the future by law; (39) Taxicabs or similar conveyances. 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; (40) Urban redevelopment. To organize and operate an urban redevelopment program; and (41) 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 to carry into execution all powers granted in this charter as fully and completely as if such powers were fully stated in this charter; 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.

ARTICLE II.

GOVERNMENT STRUCTURE, ELECTIONS, AND REMOVAL

SECTION 2.10.

City council creation; composition; number; election.

(a) The governing 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 councilmembers. Each councilmember shall be elected to one of six posts designated

as Posts 1, 2, 3, 4, 5, and 6. The city council may also be known as the "mayor and council."(b) 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 he or she shall have been a resident of this city for 12 months immediately before his or her qualification for election or appointment for the office of mayor or councilmembers; each such person shall continue to reside within the city during said period of service and shall be registered and qualified to vote in municipal elections of this city. Each councilmember elected from a ward shall continue to reside within such ward during said period of service. No person's name shall be listed as a candidate on the ballot for election for either mayor or councilmember unless and until such person has filed a written notice with the municipal election superintendent of the city that he or she desires his or her name to be placed on said ballot as a candidate either for mayor or councilmember. No person shall be eligible for the office of mayor or councilmember unless such person has filed said notice and qualified for election within the time provided for in Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code."

(c) The office of mayor or councilmember shall be declared vacant upon the mayor or a councilmember qualifying, in a general primary or general election, or special primary or special election, for another state, county, or municipal elective office or qualifying for the House of Representatives or the Senate of the United States if the term of the office for which such official is qualifying for begins more than 30 days prior to the expiration of such official's present term of office. The vacancy created in any such office shall be filled as provided by this charter.

SECTION 2.11.

Elections.

(a) At any election, all persons qualified under the Constitution and laws of the State of Georgia to vote for members of the General Assembly of Georgia and who are bona fide residents of said city, and for elections of councilmembers elected from a particular ward bona fide residents of said ward, shall be eligible to qualify as voters in the election.

(b) 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." 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 Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code."

(c)(1) There shall be a municipal general election biennially in odd-numbered years on the Tuesday next following the first Monday in November. (2)

The first elections under this charter for the mayor and councilmembers for 287 Posts 1, 3, and 5 of the city council shall be held on the municipal general election held in 2025. (3)

The first elections under this charter for councilmembers for Posts 2, 4, and 6 of the city council shall be held on the municipal general election held in 2023. (d)

The mayor and councilmembers in office on the effective date of this charter and any person selected to fill a vacancy in such office shall serve until the regular expiration of the term of office to which they were elected and until their successors are elected and qualified. Successors to such mayor and councilmembers shall be elected at the municipal general election on the Tuesday next following the first Monday in November. All future successors to such mayor and councilmembers whose terms of office are to expire shall be elected at the time of the municipal general election immediately preceding the expiration of such terms and

shall serve for terms of office of four years each and until their respective successors are elected and qualified. Successors to such mayor and councilmembers shall take office on the first day of January immediately following their election. (e)(1) The mayor and councilmembers from Post 3 and 4 shall be elected by the city at large. (2) For the purpose of electing councilmembers from Post 1, 2, 5, and 6, the City of Fort Valley shall be divided into two wards, also known as districts. The Post 1 and Post 2 councilmembers shall be residents of and elected by the voters of the East Ward. The Post 5 and Post 6 councilmembers shall be residents of and elected by the voters of the West Ward. East Ward and West Ward shall correspond to those two numbered districts described in Appendix A attached to and made a part of this Act and further identified as "User: _____ Plan Name: _____ Plan Type: _____".

(3)(A) For the purposes of such plan: (i) The term "VTD" shall mean and describe the same geographical boundaries as provided in the report of the Bureau of the Census for the United States decennial census of 2020 for the State of Georgia. The separate numeric designations in a district description which are underneath a VTD heading shall mean and describe individual Blocks within a VTD as provided in the report of the Bureau of the Census for the United States decennial census of 2020 for the State of Georgia; and (ii) Except as otherwise provided in the description of any district, whenever the description of any district refers to a named city, it shall mean the geographical boundaries of that city as shown on the census maps for the United States decennial census of 2020 for the State of Georgia.

(B) Any part of the city which is not included in any district described in paragraph (2) of this subsection shall be included within that district contiguous to such part which contains

the least population according to the United States decennial census of 2020 for the State of Georgia.

(C) Any part of the city which is described in paragraph (2) of this subsection as being included in a particular district shall nevertheless not be included within such district if such part is not contiguous to such district. Such noncontiguous part shall instead be included within that district contiguous to such part which contains the least population according to the United States decennial census of 2020 for the State of Georgia.

(f) Those members of the mayor and council who are serving as such on the effective date of this charter and any person selected to fill a vacancy in any such office shall continue to serve as such members until the regular expiration of their respective terms of office and upon the election and qualification of their respective successors. (g) East Ward and West Ward, as they exist immediately prior to the effective date of this charter, shall continue to be designated as East Ward and West Ward, respectively, but as newly described under this charter, and on and after the effective date of this charter, such councilmembers of the board serving from those former wards shall be deemed to be serving from and representing their respective wards as newly described under this charter.

SECTION 2.12.

Vacancies in office.

(a) The office of mayor or councilmember shall become vacant upon the incumbent's death, incapacity, 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 office of the mayor or councilmember in any manner authorized by the

general laws of the State of Georgia, the city council or those remaining shall appoint a successor for the duration of the suspension. If the suspension becomes permanent, then the office shall become vacant and shall be filled as provided in subsections (c) and (d) of this section. (c)(1) In the event that the office of councilmember shall become vacant for any cause whatsoever, and the unexpired term shall exceed one year and ten months, then said vacancy shall be filled by a special election to be held concurrent with the next regular municipal general elections of the city. Provided however, that in the event such special election will occur more than 60 days after the occupancy of the vacancy, then within 45 days of the occurrence of the vacancy, the remaining councilmembers and the mayor shall appoint a qualified individual to serve as a temporary councilmember until a person can be elected to serve out the remainder of the unexpired term. (2) In the event that the office of councilmember shall become vacant for any cause whatsoever, and the unexpired term does not exceed one year and ten months, then the remaining councilmembers and the mayor shall appoint a qualified individual as a councilmember to serve out the remainder of the unexpired term. (d)(1) In the event that the office of mayor shall become vacant for any cause whatsoever, and the unexpired term shall exceed one year and ten months, then said vacancy shall be filled by a special election to be held concurrently with the next regular municipal general elections of the city. Provided however, that in the event such special election will occur more than 60 days after the occupancy of the vacancy, then within 45 days of the occurrence of the vacancy, the remaining councilmembers shall appoint a qualified individual to serve as a temporary mayor until a person can be elected to serve out the remainder of the unexpired term. (2) In the event that the office of mayor shall become vacant for any cause whatsoever, and the unexpired does not exceed one year and ten months, then the remaining councilmembers shall appoint a qualified individual as

mayor to serve out the remainder of the unexpired term. (e) The provisions of subsections (c) and (d) of this section are mandatory and not discretionary as to the duties provided for the mayor and council and may be enforced by a court of appropriate jurisdiction by a writ of mandamus.

SECTION 2.13.

Nonpartisan elections.

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

SECTION 2.14.

Election by plurality.

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

SECTION 2.15.

Compensation and expenses.

The mayor and council members shall receive compensation and expenses for their services as provided by ordinance and in accordance with Chapter 35 of Title 36 of the O.C.G.A.

SECTION 2.16.

Prohibitions.

- (a) 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 his or her official duties or which would tend to impair the independence of his or her judgment or action in the performance of his or her 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 his or her official duties or would tend to impair the independence of his or her judgment or action in the performance of his or her official duties; (3) Disclose confidential information concerning the property, government, or affairs of the governmental body by which he or she is 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 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 he or she has a financial interest. (b) 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 city council. The mayor or any councilmember who has a private financial interest in any matter pending before the city 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 agency or entity shall disclose such private interest to the governing body of such agency or entity. (c) 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, convenience, or profit, except in accordance with policies promulgated by the city council or the governing body of such agency or entity. (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 city council. (e) Except as authorized by law, no member of the council shall hold any other elective city office or other city employment during the term for which he or she was elected. Except as authorized by law, no employee of the city or any agency or political entity to which this charter applies shall hold any other elective city office or other city employment during the term of such employment. The provisions of this subsection shall not apply to any person holding employment on the effective date of this charter. (f) No person who is an immediate family member sitting councilmember or mayor shall be eligible to serve as an employee of the city. As used in this subsection, the term "immediate family

member" means a spouse, child, sibling, or parent or the spouse of a child, sibling, or parent of a serving mayor or councilmember. This subsection shall apply only to persons beginning their employment with the city after the effective date of this charter and shall not apply to any persons employed by the city on the day before the effective date of this charter who then maintain their employment with the city.

SECTION 2.17.

Removal of officers.

- (a) The mayor, a councilmember, or other appointed officers provided for in this charter may be removed for any one or more of the following causes
- (1) Incompetence, misfeasance, or malfeasance in office;
 - (2) Upon indictment or presentation of charges for any felony, regardless of whether such charge relates to the performance of the activities of office;
 - (3) Upon conviction for any misdemeanor involving moral turpitude;
 - (4) Failure at any time to possess any qualifications of office as provided by this charter;
 - (5) Abandonment of office or neglect to perform the duties thereof. This shall include, but shall not be limited to, willful failure to attend more than three consecutive city council meetings without prior written notice of the absence, that shall also include grounds for absence. This does not apply to absences approved by council or excused by operation of law; 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 only occur after:

- (1) Initiation of the removal process by the mayor or a councilmember by providing written notice to the officer whose removal is sought, specifying the ground or grounds for removal. Such notice shall be delivered by: (i) electronic mail; and (ii) certified mail, return receipt requested or statutory overnight mail;
- (2) Between seven (7) and ten (10) days after delivery, via certified mail or statutory overnight mail, of the written notice, the city attorney, will initiate an investigation of the allegations contained in the written notice, which will include one or more meetings with the complaining party and the officer sought to be removed, and as appropriate, witness interviews and review of other evidence;
- (3) Within fourteen (14) days from start of the investigation, the investigating counsel will provide a written report to the mayor and councilmembers, including the officer whose removal is sought;
- (4) Between seven (7) and ten (10) days after delivery of the written report to the mayor and councilmembers, a public hearing will be conducted. At the public hearing, the elected officer sought to be removed from office and the complaining party shall have the right to call and cross-examine witnesses and to put up a defense at such public hearing.

(5) Immediately following the public hearing, all remaining councilmembers will vote on whether the officer should be removed, and upon a majority vote, such officer will be removed.

(6) Any elected officer sought to be removed from office as provided in this section shall have the right to appeal the decision of the city council to the Superior Court of Peach County. Such appeal shall be governed by the same rules that govern appeals to the superior court from the probate court.

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ARTICLE III.

ORGANIZATION OF GOVERNMENT, GENERAL AUTHORITY, AND ORDINANCES

SECTION 3.10.

General power and authority.

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

SECTION 3.11.

Organization.

(a) The mayor and council shall hold an organizational meeting at the first regular meeting in January following an election. The meeting shall be called to order by the city clerk.

The oath of office shall be administered to the newly elected members as follows: "I do solemnly swear (or affirm) that I will support the Constitution of the United States and the laws of the State of Georgia; I am qualified to hold the office of (mayor) (councilmember) of the City of Fort Valley according to the Constitution and laws of the State of Georgia; 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 am prohibited from holding by the laws of the State of Georgia; I am not the holder of any unaccounted for public money due this state or any political subdivision or authority thereof; and that I will well and truly perform the duties of (mayor) (councilmember) of the City of Fort Valley to the best of my skill and ability, without favor or affection."

(b) The city council shall elect from its membership a mayor pro tempore by majority vote for a term of two years. During any disability or absence of the mayor, the mayor pro tempore shall preside at all meetings of the city council and shall assume the duties and powers of the mayor. Any such disability or absence shall be declared by a majority vote of the city council. The city council shall elect by majority vote a presiding officer from its number for any period in which the mayor pro tempore is disabled, absent, or acting as mayor. Such absence or disability shall be declared by majority vote of the city council, in accordance with Section 2.12 of this charter. In the event of a vacancy in the office of mayor pro tempore, the city council shall elect from its membership a new mayor pro tempore to serve out the remainder of the unexpired term.

SECTION 3.12.

Inquiries and investigations.

The mayor and 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 those powers by the council or mayor shall be punished as provided by ordinance.

1. The investigative process shall consist of the following:
 - a. An investigation will be initiated by a majority vote by the mayor and council to determine whether to investigate a matter.
 - b. Following a majority vote, the City Attorney will work with the mayor and council to determine the scope and timeline of the investigation.
 - c. Preliminary evidence will be gathered by the City Attorney, and the City Attorney shall have the ability to subpoena documents, witnesses etc., as necessary to collect and present the information to the council.
 - d. After the preliminary investigation is conducted the council will determine whether a formal investigation is necessary.
 - e. The City Attorney will not be called as a witness and their investigative notes will not be subject to disclosure in response to a subpoena or other request. The sources of the documents and statements will be and will remain property of the council. The council may decide to release only the source documents and testimony by majority vote.

2. Once all information is gathered the Council can then decide whether to refer the action to the appropriate authorities or close the matter.

3. If Counsel or any litigant chooses to issue a subpoena, the subpoena will be issued by the City Clerk with the requestor signing as the person requesting it. The subpoena form shall be no different than a standard subpoena. For a subpoena to be valid it must be issued by and a copy must remain at the Clerk's office.

SECTION 3.13.

Meetings.

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

(b) Special meetings of the city council may be held on call of the mayor or not fewer than three councilmembers. Notice of such special meetings shall be served on all other members personally, or by telephone personally, at least 24 hours in advance of the meeting. Such notice to councilmembers shall not be required if the mayor and all councilmembers are present when the special meeting is called. Such notice of any special meeting may be waived by a councilmember in writing before or after such a meeting and

attendance at the meeting shall also constitute a waiver of notice on any business transacted in such councilmember's presence. Only the business stated in the call may be transacted 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 given as required by law.

SECTION 3.14.

Procedures.

(a) The city council shall adopt its rules of procedure 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. The City Clerk or a Clerk appointed by Mayor and Council shall be the official keeper of the journal and shall be able to attest or certify all records as to their authenticity.

(b) All committees and committee chairpersons and officers of the city council shall be appointed by the mayor and shall serve at the pleasure of the mayor. The mayor shall have the power to appoint new members or designate new chairpersons and officers to any committee at any time, with or without cause; all of said members and chairpersons serving solely at the pleasure of the mayor.

(c) The most current version of Robert's Rules of Order will be the consulting and governing document if procedural questions arise that are not addressed in this Charter.

(d) Public hearing process-As referenced throughout the document, the public hearing process will be as follows:

1. An advertisement shall be run in the paper detailing the nature of the event shall be run in the legal organ at least twice.
2. The hearings shall be open to the public for them to attend.
3. The mayor or mayor pro tem or their designee shall preside.
4. The city attorney will act as parliamentarian to assist the presiding officer.
5. The mayor and council by majority vote will agree on a format for the public hearing with each side being treated equally.
6. The decision of the mayor and council will be determined by majority vote, if a vote is called.

SECTION 3.15.

Voting.

- (a) Except as otherwise provided in subsection (c) of this section, four councilmembers or three councilmembers and mayor shall constitute a quorum and shall be authorized to transact the 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.
- (b) Except as provided in this charter, the mayor shall have the right to vote in elections for officers of the city and shall have the right to vote upon all other questions before the city council, except upon questions where he or she is disqualified as outlined in this charter.
- (c) In the event vacancies in office result in less than a quorum of councilmembers holding

office, then the remaining councilmembers in office shall constitute a quorum and shall be authorized to transact business of the city council. A vote of a majority of the remaining councilmembers shall be required for the adoption of any ordinance, resolution, or motion.

SECTION 3.16.

Ordinances.

(a) Every proposed ordinance 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 "The City Council of the City of Fort Valley hereby ordains..." and every ordinance shall so begin.

(b) An ordinance may be introduced by the mayor or any councilmember and read at a regular or special meeting of the city council. Ordinances shall be considered and adopted or rejected by the city council in accordance with the rules which it shall establish; provided, however, an ordinance shall not be adopted the same day it is introduced, except for emergency ordinances provided for in Section 3.18 of this charter. Upon introduction of any ordinance, the clerk shall, as soon as possible, distribute a copy to the mayor and to each councilmember and shall file a reasonable number of copies in the office of the clerk and at such other public places as the city council may designate.

SECTION 3.17.

Effect of ordinances.

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

SECTION 3.18.

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 at least four councilmembers and may promptly adopt an emergency ordinance, but such ordinance shall 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 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 and 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 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; such automatic appeal shall not prevent reenactment of the ordinance in the manner specified in this section if the emergency continues to exist. 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) Emergency 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 reasonably possible in accordance with Code Section 50-14-1 of the O.C.G.A. or such other applicable laws as are, or may hereafter, be enacted.

SECTION 3.19.

Codes.

(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 prescribed for ordinances generally except that: (1) The requirements of subsection (b) of Section 3.16 of this charter for filing and distribution of copies of the ordinance shall be construed to include copies of any standard code of technical regulations, as well as the adopting ordinance; and (2) A copy of each adopted standard code of technical regulations, as well as the adopting ordinance, shall be authenticated and recorded by the clerk pursuant to Section 3.20 of this charter, or, in the alternative, the clerk may, with the approval of council, make arrangements for reproduction and distribution of such technical regulations by electronic or other means. (b) Copies of any adopted code of technical regulations shall be made available by the clerk for distribution or for purchase at a reasonable price to be fixed by the city council.

SECTION 3.20.

Codification of ordinances.

(a) The clerk shall authenticate by his or her signature and record in full in a properly indexed book kept for that purpose all ordinances adopted by the council.

(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 may contain such standard codes of technical regulations and other rules and regulations as the city council may specify, which may be incorporated into the city code by reference thereto. This compilation shall be known and may be cited officially as "Code of Ordinances, City of Fort Valley, Georgia." Copies of the code shall be furnished to all officers, departments, and agencies of the city.

(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 then in effect and shall be suitable in form for incorporation within the code. The city council shall make such further arrangements as deemed desirable for reproduction and distribution of any such adopted technical regulations or any changes in or additions to standard codes of technical regulations and other rules and regulations included in the code, specifically, but not limited to, arrangements for electronic or internet access and distribution.

SECTION 3.21.

City manager; appointment; qualifications; compensation.

(a) The mayor and council shall appoint a city manager, also known as the manager, for a term to be defined by the mayor and council and shall fix his or her compensation and

define the powers and duties of said office. The city manager must devote all of his or her working time and attention to the efficient administration of all of the affairs of the city within the jurisdiction of the manager.

(b) The city manager shall be the chief administrative officer and the head of the administrative branch of the city government. The city manager shall be chosen by the mayor and council solely on the basis of his or her executive and administrative qualifications with special reference to actual experience in, or knowledge of, accepted practice in respect to the duties of the office as hereinafter outlined. At the time of appointment the manager need not be a resident of the city or state. No person elected to the office of mayor or councilmember shall, subsequent to such election, be eligible for appointment as city manager until one year has elapsed following the expiration of the term for which he or she was elected.

(c) The city manager shall be removed or suspended from duty only by majority vote of the mayor and council. At least 30 days before such removal shall become effective, the mayor and council shall, by a majority vote, adopt a preliminary resolution stating the reasons for removal. The city manager may, within ten days, reply in writing and may request a public hearing, which shall be held not earlier than 20 days and not later than 30 days after the filing of such request. After such public hearing, if one is requested, and after full consideration, the mayor and council may terminate the manager's duties, but shall, in any case, cause to be paid to the manager, forthwith, any unpaid balance of his or her salary for the next two calendar months following adoption of the preliminary resolution.

(d) The mayor and council may designate a person or persons to perform the functions and duties of the city manager during any absence, disability, or suspension of the

manager. Vacancies in the office of city manager shall be filled by the mayor and council as early as practicable, and, until such vacancy is filled, the mayor and council shall have full powers to make a temporary appointment or to perform the functions and duties of the office.

(e) The city manager shall have the following powers and duties:

(1) To supervise the administration of the affairs of the city and to see that the ordinances, resolutions, and regulations of the mayor and council and the laws of the state are faithfully executed and enforced;

(2) To recommend to the mayor and council for employment all employees of the city except of municipal court judges and the city attorney;

(3) To terminate the employment of any municipal employee including department heads, and excluding judges of the municipal court, and the city attorney, subject to the right of such employee to appeal in the manner provided in any personnel policies adopted by the mayor and council;

(4) To exercise supervision and control of all departments and all divisions created in this charter, or that may hereafter be created by the mayor and council, except as otherwise provided in this charter or by ordinance;

(5) To attend all meetings of the mayor and council with a right to take part in the discussions, but having no vote. The city manager shall be entitled to notice of all called meetings;

(6) To supervise the performance of all contracts made by any person for work done for the city. To supervise the purchasing agent on the acquisition of materials and supplies for the city under such rules and regulations as provided by the mayor and council;

- (7) To act as budget officer and submit to the mayor and council at the beginning of each fiscal year a budget of all proposed expenditures including capital expenditures for the ensuing year, showing, in as much detail as practicable, the reasons for such estimated expenditures;
- (8) To keep the mayor and council fully advised, at all times, as to the financial condition and needs of the city;
- (9) To make such reports as the mayor and council may require concerning the operations of city departments, offices, and agencies subject to his or her direction and supervision; and
- (10) To perform such other duties as may be prescribed by ordinance or resolution of the mayor and council.

SECTION 3.22.

Role delineation.

Based upon the firm belief that the proper, efficient, and effective administration and operation of the city's council-manager form of government will be fostered by a clear definition of the roles and responsibilities of the city council, mayor, and city manager, this section states the following principles, which are intended to be fully consistent with this article: (1) The full and complete legislative, executive, and policy making authority of the city resides in the part-time city council, and the full-time city manager shall take no action which impinges upon or interferes with the city council's policy making role. Other than providing information relevant and germane to the mayor and council's legislative deliberations, the city manager shall strive to remain a neutral party in such legislative

deliberations. To ensure the actuality and appearance of neutrality, neither the city manager nor any department heads shall participate in any political activity on behalf of the mayor, any councilmember, or any candidate for such offices, nor shall the city manager or any department head make any political contribution to the mayor, any councilmember, or any candidate for such offices. The mayor and councilmembers shall not solicit or accept any campaign contributions from any city employee; (2) The city manager is the full-time chief administrative officer of the city, and, as such, all department heads, except the city attorney who is appointed by and reports to the mayor and council, report to the city manager. The mayor and council shall observe the management authority of the city manager; (3) Except as otherwise provided in this charter, the mayor and councilmembers shall not in any manner dictate the appointment or removal of any city administrative officers or employees whom the city manager or any of his or her subordinates are empowered to appoint. The city manager shall have the authority to provide, at levels he or she deems necessary and appropriate, administrative support staff for the mayor and councilmembers, and any such administrative support staff shall be subject to the authority and direction of the city manager and not the mayor or any councilmember; (4) Except for the purpose of conducting an investigation or inquiry authorized by the city council pursuant to Section 3.12 of this charter, the mayor and councilmembers 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 neither the mayor nor any councilmembers shall give orders to any such officers or employees either publicly or privately; (5) The mayor and city council shall not give directives to any city officers or employees, other than the city manager or city attorney, regarding any matters including, but not limited to, constituent complaints and complaints regarding the services, operation, or administration of any

department or function of city government. Although the mayor and city council shall not be prohibited from communicating with city officers or employees with constituent complaints or concerns, the city manager must be copied on all such communications;

(6) The mayor and councilmembers, unless acting pursuant to a duly authorized investigation or inquiry, shall not discuss in open session the performance of or complaints against any city officer or employee during a city council meeting. This provision is not intended to prevent the mayor or city council from discussing, in general terms, the performance of or any issue relating to any department or function of city government; (7) It shall be prohibited for the mayor or any councilmember to sit in on personnel and management meetings between the city manager and city employees unless such participation is consented to by the city manager and approved by the city council; (8) The mayor shall have no management authority or responsibility with respect to the operations and administration of city government; and (9) The mayor and council, as elected officials, shall possess fundamental oversight duties and responsibilities with respect to all operations and administration of city government, and the city manager shall be responsible and duty bound to facilitate the mayor and city council's oversight function. Once the city council has passed the operating and capital budgets of the city, it shall be the responsibility of the city manager to administer such budgets and to keep the mayor and city council fully informed as to the city's progress against such budgets. The city manager shall provide monthly financial updates on the budgets with year-to-date information, and such updates shall contain all material information necessary for the mayor and city council to evaluate the financial performance and condition of the city. However, once the city council has appropriated funds in the budget and encumbered such funds through subsequent legislative action, the city manager shall have the authority to

administer such budget including contract administration and account payables as part of the management functions. Any expenditure of city funds directly by the mayor and individual councilmembers, whether by purchasing card or other means, shall be subject to the approval of the city manager as his or her duty to administer the city's budget, and the city manager shall have the authority to have such expenditures forensically audited.

SECTION 3.23.

Powers and duties of mayor.

The mayor shall be the chief elected officer of this city, and shall:

- (1) Serve as the ceremonial head of the city;
- (2) Preside at meetings of the city council and conduct other such meetings as may be necessary;
- (3) Vote as provided for in this charter on matters before the city council;
- (4) See that all city council meetings are conducted in a parliamentary manner and 768 preserve order and decorum;
- (5) Call special meetings of the city council as provided for in subsection (b) of Section 3.13 of this charter;
- (6) 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 deems expedient;
- (7) Appoint and be an ex officio member of all standing committees and special committees of the city council;

- (8) Sign any contract, obligation, or other matter entered into and authorized by ordinance or resolution of the city council properly passed in accordance with the provisions of state law and this charter;
- (9) Be and serve as an ex officio member of all committees, boards, agencies, or political entities to which this charter applies; and
- (10) Perform such other duties as may be required by law, this charter, or ordinance.

ARTICLE IV.

ADMINISTRATIVE AFFAIRS

SECTION 4.10.

Department heads.

- (a) Except as otherwise provided in this charter, the mayor and council by ordinance shall prescribe the functions or duties and establish, abolish, or alter all nonelective 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) Except as otherwise provided by this charter or by law, the directors of departments and other appointed officers of the city shall be appointed solely on the basis of their respective administrative and professional qualifications.

SECTION 4.11.

Boards.

- (a) The city council shall 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 mayor with the advice and consent of 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 city board, commission, or authority shall hold any elective office in the city nor shall any such member be a city employee during the tenure of such service.
- (e) Any vacancy on a board, commission, or authority of the city shall be filled for the unexpired term in the manner prescribed for the 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 he or she has executed and filed with the clerk of the city an oath obligating himself or herself to perform faithfully and impartially the duties of his or her office, such oath to be prescribed by ordinance and administered by the mayor.
- (g) Any member of a board, commission, or authority may be removed from office for cause by a vote of a majority of the members of the city council.
- (h) Except as otherwise provided by this charter or by law, at least one member of each board, commission, or authority of the city, as selected by the mayor with the advice and

consent of council, shall serve as chairperson of such board, commission, or authority, which service shall be at the pleasure of the mayor.

SECTION 4.12.

City attorney.

- (a) The mayor and council shall appoint a city attorney who shall be a member of the State Bar of Georgia and shall have actively practiced law for at least five years. The city attorney shall serve at the pleasure of the mayor and council. The city attorney shall be responsible for representing and defending the city in all litigation in which the city is a party; may be the prosecuting officer in the municipal court; shall advise the city council, mayor, city manager, and other officers and employees of the city concerning legal aspects of the city's affairs; and shall perform such duties as may be required of him or her by virtue of his or her position as city attorney. The city council shall provide for the compensation of the city attorney.
- (c) The city attorney shall be removed or suspended from duty only by majority vote of the mayor and council.

SECTION 4.13.

City clerk.

The city manager shall appoint a city clerk who shall not be a councilmember. The city clerk shall be custodian of the official city seal, maintain city council records required by this charter, maintain the records of the city and perform such other duties as may be

required by the city council or the city manager. The city council shall provide for the compensation of the city clerk. Before assuming office, the city clerk shall take an oath, given by the mayor, as provided in Section 3.11 of this charter.

SECTION 4.14.

Finance officer.

The city manager may appoint a finance officer to collect all taxes, licenses, fees, and other moneys belonging to the city subject to the provisions of this charter and the ordinances of the city and to enforce all laws of Georgia relating to the collection of delinquent taxes and sale or foreclosure for nonpayment of taxes to the city. The city manager may serve as the finance officer. The finance officer shall also be responsible for the general duties of a treasurer and fiscal officer.

SECTION 4.15.

City marshal.

A marshal for the city shall be appointed by the city manager based upon the recommendation of the chief of the city's police department. The marshal shall serve under and be subject to the direction and control of the police chief. The marshal shall perform all duties assigned to him or her by ordinance or the police chief.

SECTION 4.16.

Rules and regulations.

The city council shall adopt rules and regulations consistent with this charter concerning:

- (1) The method of employee selection and probationary periods of employment;
- (2) The administration of a position classification and pay plan, methods of promotion and applications of service ratings thereto, and transfer of employees within the classification plan;
- (3) Hours of work, vacation, sick leave, and other leaves of absence; overtime pay; and the order and manner in which layoffs shall be affected;
- (4) Such dismissal hearings as due process may require; and
- (5) Such other personnel notices as may be necessary to provide for adequate and systematic handling of personnel affairs.

ARTICLE V.

JUDICIAL BRANCH

SECTION 5.10.

Municipal court.

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

SECTION 5.11.

Judges.

- (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. The method of selection and terms of such judges shall be provided by Chapter 32 of Title 36 of the O.C.G.A. or ordinance.
- (b) No person shall be qualified or eligible to serve as a judge on the municipal court unless he or she shall be a member of the State Bar of Georgia. All judges shall be 886 appointed by the mayor with the approval of a majority of the city council.
- (c) Compensation of the judge or judges shall be fixed by ordinance.
- (d) Judges may be removed as provided by general law.
- (e) Before assuming office, each judge shall take an oath, given by the mayor, as provided in Section 3.11 of this charter. The oath shall be entered upon the minutes of the city council journal required in Section 3.14 of this charter.

SECTION 5.12.

Convening of court.

The municipal court shall be convened at regular intervals as provided by ordinance. The Court shall meet as the administration of justice requires but shall publish a yearly calendar of its meeting dates and times to the legal organ and to the City Council.

SECTION 5.13.

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 the authority to punish those in its presence for contempt, provided that such punishment shall not exceed a fine of \$200.00 or ten days in jail, or both.
- (c) The municipal court may fix punishment for offenses within its jurisdiction not exceeding a fine of \$1,000.00 or imprisonment for not more than six months, 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 the authority to establish a schedule of fees to defray the cost of operation and shall be entitled to reimbursement of the actual cost of meals, transportation, and caretaking of prisoners bound over to superior courts for violation of state law.
- (e) The municipal court shall have the 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 bond for the appearance of persons charged with violations. Whenever any person shall give bail for his or her appearance and shall fail to appear at the time fixed for trial, his or her surety bond shall be forfeited by the judge presiding at such time and an execution shall be issued thereon by serving the defendant and his or her sureties with a rule nisi at least ten days before a hearing on the rule nisi.
- (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 necessary.

- (g) The municipal court shall have the authority to bind prisoners over to the appropriate court when it appears by probable cause that state law has been violated.
- (h) Each judge of 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.
- (i) 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.
- (j) The municipal court is specifically vested with all the jurisdiction and powers throughout the geographic area of this city granted by law to municipal courts and particularly by such laws as authorize the abatement of nuisances and prosecution of traffic violations.

SECTION 5.14.

Appeals.

The orders, verdicts, judgments, and sentences of the municipal court shall be subject to appellate review by the Superior Court of Peach County in accordance with state law.

SECTION 5.15.

Rules.

With the approval of the city council, the chief judge shall have full power and authority to work with the City Attorney 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 total the rules and regulations applicable to superior courts. The rules and regulations made or adopted shall be filed with the court clerk, shall be available for public inspection, and, upon request, shall be furnished to the public for the reasonable cost of copying and printing the same.

ARTICLE VI.

FINANCE

SECTION 6.10.

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.

SECTION 6.11.

Millage.

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

SECTION 6.12.

Occupation taxes and business license fees.

The city council by ordinance shall have the power to levy such occupation or business taxes as are not denied by law. Such taxes may be levied on both individuals and corporations that transact business in this city or that practice or offer to practice any profession or calling within the city to the extent such persons have a constitutionally sufficient nexus to this city to be so taxed. The city council may classify businesses, occupations, professions, or callings for the purpose of such taxation in any way which may be lawful and, if unpaid, may compel the payment of such taxes as provided in Section 6.18 of this charter.

SECTION 6.13.

Licenses.

The city council by ordinance shall have the power to require any individual or corporation that transacts business in this city or that practices or offers to practice any profession or calling within the city to obtain a license or permit for such activity from the city and pay a reasonable fee for such license or permit where such activities are not now regulated by general law in such a way as to preclude city regulations. Such fees may reflect the total cost to the city of regulating the activity and, if unpaid, shall be collected as provided in Section 6.18 of this charter. The city council by ordinance may establish reasonable requirements for obtaining or keeping such licenses as the public health, safety, and welfare may necessitate.

SECTION 6.14.

Franchises.

(a) Except as provided for in Article 7 of this Act, 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 companies 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, that no franchises shall be

granted for a period in excess of 25 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 or electronic registry kept for that purpose. 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 the city's streets and alleys for the purposes of railroads, street railways, telephone companies, electric companies, electric membership corporations, cable television companies and other telecommunications companies, gas companies, transportation companies, and other similar organizations.

SECTION 6.15.

Service fees.

The city 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 inside or outside 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. No landowner shall be assessed any fee, charge, or toll for any service which does not benefit him or her or his or her property directly, and provided that any ordinance making any such assessment shall require at least two readings at two regular meetings prior to passage and shall further require that between said first and second readings, a notice of such proposed assessment shall be published one time by the clerk in the official organ of Peach County, said publication to appear not less

than eight days before the final passage of said ordinance. Said notice shall state that such ordinance has been introduced before the council and shall include a general description of the improvement, its location, and estimated cost and shall further state that the actual cost or whatever part thereof as the ordinance provides will be assessed against the affected real estate and the owners thereof and that any person wishing to be heard on the matter may appear at the next regular meeting of the council, stating the specific date of such meeting. The council may, in its discretion, permit the payment of any such fee, charge, or toll in installments.

SECTION 6.16.

Special assessments.

The city council by ordinance shall have the power to assess, charge, and collect the costs 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. No landowner shall be assessed any fee, charge, or toll for any service which does not benefit him or her or his or her property directly, and provided that any ordinance making any such assessment shall require at least two readings at two regular meetings prior to passage and shall further require that between said first and second readings, a notice of such proposed assessment shall be published one time by the clerk in the official organ of Peach County, said publication to appear not less than eight days before the final passage of said ordinance. Said notice shall state that such ordinance has been introduced before the council and shall

include a general description of the improvement, its location, and estimated cost and shall further state that the actual cost or whatever part thereof as the ordinance provides will be assessed against the affected real estate and the owners thereof and that any person wishing to be heard on the matter may appear at the next regular meeting of the council, stating the specific date of such meeting. The council may, in its discretion, permit the payment of any such fee, charge, or toll in installments.

SECTION 6.17.

Other taxes.

This city shall be empowered to levy any other tax 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 6.18.

Collection of delinquent taxes.

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 6.17 of this charter 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 licenses for failure to

pay any city taxes or fees, and providing for the assignment or transfer of tax executions.

SECTION 6.19.

Borrowing.

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 of Georgia. 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 6.20.

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 6.21.

Short-term loans and lease purchase contracts.

- (a) The city may obtain short-term loans and must repay such loans not later than one year from the date of such obligations, unless otherwise provided by law.
- (b) The city may enter into multiyear 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 Code Section 36-60-13 of the O.C.G.A. or other such applicable laws as are, or may hereafter, be enacted.

SECTION 6.22.

Fiscal year.

The city council shall set the fiscal year by ordinance. 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.

SECTION 6.23.

Budget ordinance.

The city council shall provide an ordinance on the procedures and requirements for the preparation and execution of an annual operating budget, a capital improvements program, and a capital improvements budget, including requirements as to the scope, content, and form of such budgets and programs. The city council shall comply with the provisions of Chapter 81 of Title 36 of the O.C.G.A.

SECTION 6.24.

Operating budget.

On or before a date fixed by the city council but not later than 60 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 major changes recommended for the next fiscal year, a general summary of the budget, and such other comments and information as he or she may deem pertinent. The operating budget, the capital improvements budget, 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.

Adoption.

(a) The mayor and 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. The total appropriations from any fund shall not exceed the estimated fund balance, reserves, and revenues.

(b) After the conducting of a budget hearing, the city council shall adopt the final operating budget for the ensuing fiscal year not later than the end of the current fiscal year. If the city council fails to adopt the budget by said date, the amounts appropriated for

operation for the then-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 city council adopts a budget for the ensuing fiscal year. Adoption of the budget 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 ordinance adopted pursuant to Section 6.23 of this charter.

(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 allotments thereof to which it is chargeable.

SECTION 6.26.

Levy of taxes.

The city council shall levy by ordinance such taxes as are necessary to fund the adopted operating budget. The taxes and tax rates set by such ordinance 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 expense of the general government of this city.

SECTION 6.27.

Changes in budget.

The city council by majority vote may make changes in the appropriations contained in the current operating budget at any regular meeting or special or emergency meeting called for such purposes.

SECTION 6.28.

Capital improvements.

(a) On or before the date fixed by the city council, but not later than 60 days prior to the beginning of each fiscal year, the city manager shall submit to the city council a proposed capital improvements budget with his or her recommendations as to the means of financing the improvements proposed for the ensuing year. The city council shall have the power to accept, with or without amendments, or reject the proposed program and proposed means of financing. 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 improvements budget, except to meet a public emergency as provided in Section 3.18 of this charter.

(b) After the conducting of a public hearing, the city council shall adopt by ordinance the final capital improvements budget for the ensuing fiscal year not later than the end of the current fiscal year. No appropriations provided for in a prior capital improvements budget shall lapse until the purpose for which the appropriations were made shall have been accomplished or abandoned; provided, however, the mayor may submit amendments to the capital improvements budget at any time during the fiscal year, accompanied by his or her recommendations. Any such amendments to the capital

improvements budget shall become effective only upon adoption by majority vote of the city council.

SECTION 6.29.

Audits.

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 accounting principles. Any audit of any funds by the state or federal government may be accepted as satisfying the requirements of this charter. Copies of all audit reports shall be available at printing costs to the public.

SECTION 6.30.

Procurement and property management.

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

- (1) It is in writing;
- (2) It is reviewed by the city attorney; and
- (3) It is made or authorized by the city council and such approval is entered in the city council journal of proceedings pursuant to Section 3.14 of this charter.

SECTION 6.31.

Purchasing.

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

SECTION 6.32.

Sale of property.

(a) The city council may sell and convey 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 request by the city manager 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 no 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 execute and deliver in the name of the city a deed conveying said cut-off or separated parcel or tract of land to an abutting or adjoining property owner or owners in exchange for rights of way of said street, avenue, alley, or public place and such other consideration as may be required by law when such exchange is deemed to be in the best interest of this city. 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.

1190 **ARTICLE VII.**

1191 **UTILITY COMMISSION**

1192 **SECTION 7.10.**

1193 **Definitions.**

1194 As used in this article, the term:

1195 (1) "City" shall mean the City of Fort Valley, Georgia;

1196 (2) "Commission" shall mean the Utility Commission for the City of Fort Valley; and 1197

(3) "Utilities" or "utility system" shall mean the water, electricity, gas, cable television 1198
operations, sewer system, and other utilities operated by the commission.

1199 **SECTION 7.11.**

1200 Continuation of existing commission.

1201 (a) The Utility Commission for the City of Fort
Valley, previously created under the 1202 provisions
of an Act providing a new charter for the City of Fort
Valley, approved 1203 August 22, 1907 (Ga. L. 1907,
p. 651), as amended, shall continue as constituted
under this

1204 article. The commission shall continue to be recognized as a body corporate, and shall
1205 continue to be subject to all contracts and obligations previously entered into by the city
1206 or the commission pertaining to rights, duties, and obligations of the city or commission
1207 relating to the creation, building, operation, and supply of water, electricity, gas,

cable 1208 television operations, sewer system, and other utilities. The commission shall continue to

1209 be an instrumentality of the city, with all the powers incident to or convenient or necessary

1210 to discharge its duties, including those provided for by an Act approved December 18, 1211 1953 (Ga. L. 1953, p. 2817), as amended, particularly by an Act approved April 4, 1991 1212 (Ga. L. 1991, p. 3701) and shall be a continuation of the utility commission provided for 1213 by such Acts as amended.

1214 (b) The commission shall have the right to sue and be sued and power to make all 1215 contracts and obligations necessary or convenient to discharge the duties that devolve upon 1216 it. All contracts and agreements between the city or the commission and any authorities,

1217 carriers, or providers, including without limitation contracts, agreements, or directions 1218 relating to the Municipal Electric Authority of Georgia created by Article 3 of Chapter 3 1219 of Title 46 of the O.C.G.A., in effect on the effective date of this Act shall be unaffected 1220 by the terms hereof.

1221 **SECTION 7.12.**

1222 Commission membership, election, appointment, vacancies.

1223 (a) The commission shall consist of four members to be elected and three members to be

1224 appointed as hereinafter provided and with powers and duties hereinafter specified. The

1225 mayor of the city shall be an ex officio member of the
commission and shall only vote in 1226 the event of
a tie.

1227 (b)(1) Those elected utility commissioners in office on the effective date of this Act
shall 1228 serve out the terms of office to which they were elected, and the election of their
1229 successors shall be as provided for by said Act. The term of office of the utility
1230 commissioners elected thereafter shall be four years, beginning on January 1 of the year
1231 following the year of their election and expiring on December 31 of the year of the 1232
election of their successors and upon the qualification of those successors.

1233 (2) The four elected utility commissioners shall be elected to numbered posts
designated 1234 as Posts 1, 2, 3, and 4. Each person seeking election as utility commissioner shall
1235 designate, at the time of qualifying for election to that office, the post to which that
1236 person seeks election.

1237 (3) A person elected as utility commissioner to Post 1 shall have been a resident of the
1238 East Ward, as described in the charter of the city, for at least six months immediately
1239 prior to such person's election, shall continue to reside in that ward during that
person's 1240 term of office, and shall have received a majority of the votes cast in only
the East Ward.

1241 (4) A person elected as utility commissioner to Post 2 shall have been a resident of the
1242 West Ward, as described in the charter of the city, for at least six months immediately
1243 prior to such person's election, shall continue to reside in that ward during that person's
1244 term of office, and shall have received a majority of the votes cast in only the West
Ward.

1245 (5) A person elected as utility commissioner to Post 3 or Post 4 shall have resided in the

1246 city for at least 12 months prior to such election and shall have received a majority of
1247 the votes cast in the city at large.

1248 (6) No person shall hold the office of elected utility commissioner of the city if that
1249 person is ineligible for such office pursuant to Code Section 45-2-1 of the O.C.G.A., or
1250 any other general law.

1251 (c)(1) Those appointed utility commissioners in office on the effective date of this
Act 1252 shall serve out the terms of office to which they were appointed, and the appointment of
1253 their successors shall be as provided for by said Act. Such members shall be appointed
1254 as follows:

1255 (A) The Board of Commissioners of Peach County shall appoint two members of the
1256 commission who reside in Peach County and outside the corporate limits of the
city. 1257 (B) The Board of Commissioners of Crawford County shall appoint one
1258 member of the commission who resides in Crawford County.

1259 (2) The members appointed pursuant to subparagraphs (A) and (B) of paragraph (1) of
1260 this subsection shall be customers of the utility system and shall serve four-year terms
of
1261 office.

1262 (d) In the event a vacancy occurs among the elected membership of the commission,
for 1263 whatever reason, the remaining members of the commission shall:

1264 (1) If the vacancy occurs within the first two years of the member's term, appoint a
1265 qualified resident of the city to fill the vacancy until a special election can be conducted. 1266
The city council shall call, within 30 days of the vacancy, a special election to fill the
1267 vacancy for the remainder of the unexpired term. Such election shall be held on the
date

1268 of the next regular municipal election of the city and shall be conducted in all respects
 in 1269 accordance with the provisions of this charter relating to general elections; or
 1270 (2) If the vacancy occurs within the last two years of the member's term, appoint,
 1271 within 30 days of the vacancy, a qualified resident of the city to fill the vacancy for the 1272
 remainder of the unexpired term.

1273 (e) In the event a vacancy occurs among the appointed membership of the
 commission, for 1274 whatever reason, the appropriate appointing authority shall appoint a qualified
 customer 1275 of the utility system to fill the vacancy for the remainder of the unexpired term.

1276 **SECTION 7.13.**

1277 Compensation.

1278 (a) The commission shall fix the compensation of its
 members by resolution. A resolution
 1279 fixing or changing such compensation may be
 repealed in the manner provided in 1280 subsection
 (b) of this section.

1281 (b)(1) The mayor of the city shall call for a referendum on the question of whether a
 1282 compensation resolution adopted pursuant to subsection (a) of this section shall be 1283
 repealed if a petition is filed with the mayor containing thereon at least 15 percent of
 the 1284 signatures of the registered electors of said city requesting such election.

1285 (2) The mayor and council shall determine the validity of such petition within 30
 days 1286 after its filing. In the event the petition is found to be valid, it shall be the duty of the
 1287 mayor to issue the call for an election to coincide with the next city election. Said

1288 election shall be governed by the provisions of Chapter 2 of Title 21 of the
O.C.G.A., the 1289 "Georgia Election Code." The mayor shall cause a notice of the
date and purpose of said 1290 election to be published in the official organ of said city
or of Peach County at least 15 1291 days prior to said election. Such notice shall contain
a statement of the compensation

1292 received by such members immediately prior to the adoption of said resolution and

the 1293 present compensation being received by such members pursuant to the provisions of said

1294 ordinance.

1295 (3) If more than one-half of the votes cast on such question in the election
provided for

1296 in paragraph (2) of this subsection are for approval of the compensation
resolution, such 1297 resolution shall continue of full force and effect; otherwise, it
shall be repealed, and said

1298 members shall thereafter receive the compensation they were receiving immediately

prior 1299 to the adoption of said resolution.

1300 **SECTION 7.14.**

1301 Powers of the commission.

1302 (a) The commission shall have the power and
authority to extend its utility system beyond 1303 the
limits of the city under applicable service delivery
agreements as entered into by the

1304 appropriate recognized party into such places and to such distances as the commission
may

1305 determine by proper resolution, and to serve customers on said utility system so extended
1306 at such rates as may be fixed by the commission. The commission shall have the
right,

1307 power, and authority to build and erect plants and other facilities beyond the corporate
1308 limits of the city for the operation of utilities, in such manner and under such terms and 1309
conditions as the commission may determine, not in violation of the Constitution or laws 1310 of this
state. The commission shall take the proceeds of any bonds sold for the purpose of

1311 erecting utility systems and build and erect such systems to the best advantage of its
1312 customers and the city, and to this end, if it thinks best and proper, may purchase and
1313 acquire any property now owned and operated by any other company, entity, or person.
1314 Nothing in this Act shall be construed to expand the commission's power and
authority 1315 with respect to the utility system beyond the limits imposed by applicable
general law.

1316 (b) The commission is hereby expressly authorized to purchase or sell real or personal
1317 property at public or private sale in its own name and under such terms and conditions and 1318
for whatever consideration the commission deems necessary. The commission is further 1319
authorized to trade, exchange, lease, rent, and otherwise contract in its own name

1320 concerning any real or personal property that the city may now or hereafter own or have
1321 an interest in and which forms a part of the commission's utility system, provided that the
1322 commission satisfies any indebtedness thereon. All proceeds from any such sale
shall be

1323 used solely for the benefit of the utility system, provided that the commission has satisfied
1324 any indebtedness thereon or purchased the same, as applicable, from commission
proceeds.

1325 All such property acquired after July 1, 2019, shall be the property of the commission,
but 1326 the commission shall have the right and responsibility to manage and operate
any real or 1327 personal property that the city may now or hereafter own or have an
interest in and which

1328 forms a part of the commission's utility system; provided, however, that nothing in this
1329 paragraph shall impair obligations or covenants entered into in respect of such property
or 1330 revenues prior to the date of its enactment; and provided, further, that the terms
of existing

1331 agreements permitting additional and future obligations to be issued or refinanced by
the 1332 replugging of such property or revenues shall be unaffected by the terms of this Act.

1333 (c) The commission may compel lot owners within the city to connect with sewers
and 1334 may purchase or condemn any property within or without the city that may be necessary

1335 for the utility system. Any such condemnation shall be done in cooperation with the
city, 1336 and in case it shall become necessary to condemn any property under this section, or for

1337 any other public works, the proceedings shall be the same as provided for by this
charter, 1338 shall utilize the city's power to condemn if necessary, and the city may assist the 1339
commission in any such condemnation proceedings, as necessary. The commission shall

1340 have power to enforce compliance therewith by suitable penalties as may be
necessary for 1341 the protection of the utility system and for securing the purity and healthfulness of
the 1342 water supply, and shall have full power and authority to abate, or cause to be abated, and

1343 remove through its proper officers anything that may hinder, retard, or impair the

1344 usefulness of any utilities under its jurisdiction. The commission shall have full power
and 1345 authority to make rules and regulations respecting the introduction of utilities

into or upon 1346 any premises, and from time to time regulate the use thereof in such manner as the

1347 commission shall seem necessary and proper, and the officials representing the commission

1348 and in its service are hereby authorized and empowered to enter at all reasonable hours any 1349 dwelling or other place where any or all said utilities are taken and used, and where

1350 unnecessary waste thereof is known or suspected, and examine and enquire into the cause 1351 thereof. They shall have full power to examine all surface pipes, stopcocks, or other 1352 apparatus or appliance connected with any such utilities for the purpose of ascertaining 1353 whether the same are of the character and fixed and used in the manner directed in permits 1354 issued therefor; and if any person refuses to permit such examination, or opposes or 1355 obstructs such officer in the performance of said duties, the person so offending shall be 1356 liable to such penalty as the commission may provide; and the utility connection, any or

1357 all of them, when necessary to meet the exigencies of the case, may be shut off until the 1358 required examination is made and such alterations and repairs are completed as may be 1359 necessary and directed by the commission.

1360 (d) The commission is authorized to lay or construct gas mains and gas distribution 1361 systems both within and without the corporate limits of the city under applicable service

1362 delivery agreements, and to issue gas revenue-anticipation certificates for such purpose in 1363 accordance with law, and any certificates heretofore issued by the city or commission for 1364 such purpose are hereby ratified and affirmed. The city, acting by and through the 1365 commission, shall have the right, power, and authority to exercise police powers over the

1366 entire gas system and shall have the right, power, and authority to make rules and

1367 regulations governing the operation, maintenance, extensions, and connections with any
1368 gas main within or without the corporate limits of the city and shall have the right,
power, 1369 and authority to require all users of gas who connect with the gas mains
within or without 1370 the corporate limits of the city to install proper meters and make
connections in accordance 1371 with the rules and regulations provided therefor and shall
further have the right, power, and

1372 authority to refuse to sell or furnish gas to any person, firm, corporation, or municipal

1373 corporation who fails or refuses to comply with such rules and regulations. Nothing 1374
contained herein shall be construed as granting to any person, firm, or private or municipal 1375
corporation the right to require said commission to furnish gas and the commission shall 1376 not be
so required to do, if, in its discretion, the same is not deemed desirable or feasible.

1377 **SECTION 7.15.**

1378 Utility rents, fees, dues, and rates.

1379 (a) The commission shall have full power and
authority to fix the price and regulate the
1380 terms covering the payment of same on all utility
rents, fees, dues, or rates within the utility
1381 systems operated by it. In the event that any of said
utilities are not operated by
1382 commission, then and in that event, the commission
shall have the right to regulate the 1383 charges and
to formulate rules and regulations for the installation
and use of same and 1384 exercise general

supervision over the business thus carried on, and should any person, firm, 1385 or corporation refuse to comply with the lawful directives of the commission, then and in 1386 that event, said person, firm, or corporation shall be punished as for a misdemeanor in 1387 accordance with the city charter for each and every offense. All contracts and agreements 1388 between the city or the commission and any authorities, carriers, or providers, including

1389 without limitation contracts, agreements, or directions relating to the Municipal

Electric 1390 Authority of Georgia, in effect on the effective date of this Act shall be unaffected by the

1391 terms hereof.

1392 (b) The commission and the city shall have power and authority to enforce by execution
1393 the collection of any amount due or to become due to it for utility rents, fees, dues, or rates.

1394 Such execution shall be issued by the commission against the person, corporation, or firm
1395 by whom any such debt may be due, which execution may be levied by the marshal on the

1396 property of the owner against whom such execution shall issue, and the same sold as

1397 provided for municipal sales for taxes.

1398 **SECTION 7.16.**

1399 Use of commission revenues.

1400 (a) The commission is vested with the right and
authority to set aside revenues realized
1401 from utility rents, fees, dues, or rates to be used, from
time to time, for the construction,
1402 maintenance, and repair of any or all facilities which
the commission may consider
1403 necessary or proper for the manufacture, sale,
production, resale, and distribution of such 1404
utilities. Said funds may be invested or deposited as
provided by law, pending the use of
1405 said funds as aforesaid. All contracts and agreements between the city or the commission
1406 and any authorities, carriers, or providers, including without limitation contracts,
1407 agreements, or directions relating to the Municipal Electric Authority of Georgia, in
effect 1408 on the effective date of this Act shall be unaffected by the terms hereof.
Nothing in this
1409 Act shall impair or otherwise interfere with the commission's rights to existing utility
1410 funds, including those funds held at or by the Municipal Electric Authority of Georgia.
1411 (b) The city, with the approval of the commission, may use, expend, or invest revenue
1412 derived from the operation of utilities under the commission for any cause or purpose in
1413 promotion of the common welfare of the city or its citizens, and for such other purpose
or 1414 purposes as the city and the commission may determine. Before any funds are used as
1415 aforesaid for promoting the common welfare of citizens of the city, the city and the
1416 commission, by proper ordinance or resolution of each body, shall agree to such use and 1417
the amount to be so used in each instance from the utility rates collected by the
1418 commission.

1419 (c)(1) Notwithstanding the foregoing provisions of this section, the commission shall
1420 annually pay to the city, in lieu of franchise fees, the greater of \$1.25 million or 6.0
1421 percent of all revenue collected for charges for services for the year, to be paid in 12
1422 monthly installments of \$104,165.00 on or before the fifteenth day of each month, with
1423 a final payment due, if required, within 90 days of the completion of the commission's
1424 comprehensive annual financial report for the subject year.

1425 (2) The payment provided for in paragraph (1) of this subsection shall be known as
a 1426 payment in lieu of franchise fees. The city may use such payment in lieu of franchise 1427
fees funds, once received from the commission, for any lawful purpose without the 1428 further
consent of the commission.

1429 (d) All contracts and agreements between the city or the commission and any authorities,
1430 carriers, or providers, including without limitation contracts, agreements, or directions
1431 relating to the Municipal Electric Authority of Georgia, in effect on the effective date of
1432 this Act shall be unaffected by the terms hereof.

1433 **SECTION 7.17.**

1434 Disposition of system parts, granting franchises or
other privileges.

1435 Neither the city nor the commission may, except as
otherwise provided for in this article, sell, 1436 lease,
or otherwise dispose of any part of the utility system,
or grant any franchise, privilege, 1437 or right to sell
or distribute utilities or electric current to any user of
such current in quantities

1438 of less than 100 horsepower, or grant any franchise to pump, store, or distribute water
within 1439 or without the limits of the city unless and until not less than 75 percent of the qualified
1440 voters of the city vote in favor of such sale, lease, or other disposition of said facilities at
an
1441 election called for that purpose by the mayor and city council of the city. A notice of such
1442 election shall be published in the official organ of Peach County once a week for four
weeks 1443 next preceding the election date, stating the time and place of the election and
the purpose

1444 for which held.

1445 **SECTION 7.18.**

1446 Revenue bonds.

1447 The commission may issue revenue bonds as now or
hereafter provided by law, payable out

1448 of the revenue produced by the project, program, or
venture for the purpose of which such 1449
bonds were issued.

1450 **ARTICLE VIII.** 1451 GENERAL

PROVISIONS

1452 **SECTION 8.10.**

1453 Bonds for officials.

1454 (a) The officers and employees of this city, both
elected and appointed, shall execute such
1455 surety or fidelity bonds in such amounts and upon
such terms and conditions as the city
1456 council shall from time to time require by ordinance
or as may be provided by law.

1457 Nothing in this section shall be construed to require
council to impose any such bond 1458 conditions
upon any city employee. Which city employees shall
be bonded and in what 1459 amounts shall be
determined by city council, who shall provide for the
same by ordinance. 1460 (b) Unless otherwise
provided in Article 7, members and employees of the
utility 1461 commission shall not be considered
officers or employees of the city for the purposes of
1462 this section.

1463 **SECTION 8.11.**

1464 Rules and regulations.

1465 All ordinances, resolutions, rules, and regulations
now in force in the city not inconsistent 1466 with this
charter are declared valid and of full effect and force
until amended or repealed by 1467 the city council.

1468 **SECTION 8.12.**

1469 Charter language on other general matters.

1470 Except as specifically provided otherwise by this
charter, all rights, claims, actions, orders,

1471 contracts, and legal or administrative proceedings
shall continue and any such ongoing work 1472 or
cases shall be completed by such city agencies,
personnel, or offices as may be provided 1473 by the
city council.

1474 **SECTION 8.13.**

1475 Definitions and construction.

1476 (a) Section captions in this charter are informative
only and shall not be considered as a
1477 part thereof.

1478 (b) The word "shall" is mandatory and the word
"may" is permissive.

1479 (c) The singular shall include the plural, the
masculine shall include the feminine, and vice
1480 versa.

1481 **SECTION 8.14.**

1482 Specific repealer.

1483 (a) An Act providing a new charter for the City of
Fort Valley, approved August 22, 1907

1484 (Ga. L. 1907, p. 651), as amended, is repealed in its
entirety and all amendatory Acts 1485 thereto are
likewise repealed in their entirety.

1486 (b) An Act to establish a municipal court in and for the city of Fort Valley, Georgia,
1487 approved August 12, 1914 (Ga. L. 1914, p. 869), as amended, is repealed in its entirety and 1488
all amendatory Acts thereto are likewise repealed in their entirety.

1489 **SECTION 8.15.**

1490 General repealer.

1491 All laws and parts of laws in conflict with this Act
are repealed.

APPENDIX A