

House Bill 297 (AS PASSED HOUSE AND SENATE)

By: Representatives Bryant of the 160th, Stephens of the 164th, Carter of the 159th, Stephens of the 161st, and Gordon of the 162nd

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act creating a new charter for the City of Garden City, approved April 17, 1973
2 (Ga. L. 1973, p. 3581), as amended, so as to reconstitute the governing authority of the city;
3 to provide for council districts; to provide for definitions and inclusions; to provide for
4 continuation in office of the mayor and current council members; to change the provisions
5 relating to the regular expiration of terms of office of certain council members; to provide
6 for election and terms of office of subsequent council members; to provide for a
7 council-manager form of government vesting all powers of the city in a popularly elected
8 council that appoints a professional city manager who is continuously responsible and
9 removable at will by the council; to provide compensation for council members; to provide
10 for the operation of administrative and service departments; to provide for the appointment
11 of boards, commissions, authorities, and the city attorney; to change the effect of abstention
12 voting by council members; to provide for elections; to provide for qualification, nomination,
13 and election of candidates; to provide for districting; to provide for qualifications; to provide
14 for the submission of the city's operating and capital budgets to the city council by the city
15 manager; to provide for action on the budget; to provide for submission of this Act for
16 preclearance under the federal Voting Rights Act of 1965, as amended; to provide for
17 severability; to repeal conflicting laws; and for other purposes.

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

19 **SECTION 1.**

20 An Act creating a new charter for the City of Garden City, approved April 17, 1973 (Ga. L.
21 1973, p. 3581), as amended, is amended by striking in its entirety Article II and inserting in
22 lieu thereof the following:

23 "ARTICLE II
 24 LEGISLATIVE BRANCH
 25 SECTION 2.01.

26 Power and Authority Vested in the City Council.

27 All powers of the city shall be vested in the city council except as otherwise provided by law
 28 or this charter, and the city council shall provide for the exercise thereof and for the
 29 performance of all duties and obligations imposed on the city by law.

30 SECTION 2.02.

31 Eligibility, Terms, and Composition.

32 (a) Eligibility. No person shall be eligible to serve as mayor or council member unless he
 33 or she has been a resident of the city for a period of one year immediately prior to the date
 34 of the election of the mayor or member of council; continues to reside therein during his or
 35 her period of service; is registered and qualified to vote in municipal elections of Garden
 36 City; and meets the qualifications required of members of the Georgia House of
 37 Representatives, as are now or may in the future be prescribed by the Constitution of
 38 Georgia.

39 (b) Terms. The term of office of elected officials shall be four years. Elections shall be in
 40 accordance with Article VI of this charter.

41 (c) Composition. The council shall be composed of one member, excluding the mayor,
 42 elected by the voters of the city at large and one member from each of the five the city
 43 council districts elected by the voters of those districts, as provided in Article VI of this
 44 charter. The mayor shall be elected as provided in subsection (b) of Section 2.03 of this
 45 charter.

46 SECTION 2.03.

47 Mayor.

48 (a) Powers and duties. The mayor shall be a voting member of the city council and shall
 49 attend and preside at meetings of the city council, represent the city in intergovernmental
 50 relationships, appoint with the advice and consent of the city council the members of citizen
 51 advisory boards and commissions, present an annual state of the city message, appoint the
 52 members and officers of the city council committees, assign subject to the consent of the city
 53 council agenda items to committees, and perform other duties specified by the city council.

54 The mayor shall be recognized as head of the city government for all ceremonial purposes
55 and by the Governor for purposes of military law but shall have no administrative duties.
56 (b) Election. Commencing with the general election on the Tuesday following the first
57 Monday in November, 2011, the city shall elect a mayor at large for a term of four years.
58 After each regular election, the city council shall meet for organization at its first regular
59 meeting next following the meeting where the oath of office has been administered. If the
60 at-large city council member has been elected at the recent election, such member shall be
61 appointed as mayor pro tempore and shall serve in such capacity for a term of four years and
62 until his or her successor is elected and qualified. The mayor pro tempore shall act as mayor
63 during any absence or disability of the mayor but shall only vote once on matters before the
64 council, and, if a vacancy occurs in the office of mayor, shall become mayor for the
65 remainder of the unexpired term. The city council shall also, by majority vote of all the
66 members, elect one of their number, other than the mayor or mayor pro tempore, to be
67 president of council who shall temporarily assume the mayor's position in the event that the
68 mayor and mayor pro tempore are both unavailable, but who shall not, by virtue of being
69 president of council, become mayor in the event that any vacancy occurs in such office. The
70 president of council shall serve for a term of two years and until his or her successor is
71 elected and qualified. If either the mayor pro tempore or president of council leaves office
72 before his or her respective term has expired, he or she shall be replaced by a majority vote
73 of the city council at any regular meeting of council.

74 SECTION 2.04.

75 Compensation and Expenses.

76 (a) Effective January 1, 2010, the mayor shall receive monthly compensation in the amount
77 of \$500.00 and council members shall each receive monthly compensation in the amount of
78 \$300.00 for their respective services which may thereafter be increased or decreased by
79 ordinance passed pursuant to the applicable provisions of the O.C.G.A..
80 (b) The mayor and the city council members shall receive their actual and necessary
81 expenses incurred in the performance of their duties of office.

82 SECTION 2.05.

83 Prohibitions.

84 (a) Holding other office. Except where authorized by law, no city council member shall
85 hold any other elected public office during the term for which the member was elected to the
86 council. No city council member shall hold any other city office or employment during the

87 term for which the member was elected to the city council. No former the city council
 88 member shall hold any compensated appointive office or employment with the city until one
 89 year after the expiration of the term for which the member was elected to the city council,
 90 unless granted a waiver by the city's ethics board. Nothing in this section shall be construed
 91 to prohibit the city council from selecting any current or former the city council member to
 92 represent the city on the governing board of any regional or other intergovernmental agency.

93 (b) Appointments and removals. Neither the city council nor any of its members shall in any
 94 manner control or demand the appointment or removal of any city administrative officer or
 95 employee whom the city manager or any subordinate of the city manager is empowered to
 96 appoint, but the city council may express its views and fully and freely discuss with the city
 97 manager anything pertaining to appointment and removal of such officers and employees.

98 (c) Interference with administration. Except for the purpose of inquiries and investigations
 99 under Section 2.09 of this charter, the city council and its members shall deal with city
 100 officers and employees who are subject to the direction and supervision of the city manager
 101 solely through the city manager, and neither the city council nor its members shall give
 102 orders to any such officer or employee, either publicly or privately.

103 (d) Conflict of interest. No member of the city council shall vote upon any question in which
 104 he or she is financially interested.

105 SECTION 2.06.

106 Vacancies; Forfeiture of Office; Filling of Vacancies.

107 (a) Vacancies. The office of a council member shall become vacant upon the member's
 108 death, resignation, forfeiture of office, or occurrence of any event specified by the
 109 Constitution of the State of Georgia, Title 45 of the O.C.G.A., or such other applicable laws
 110 as are or may hereafter be enacted.

111 (b) Forfeiture of office. A council member shall forfeit that office if the council member:
 112 (1) Fails to meet the residency requirements;
 113 (2) Violates any express prohibition of this charter;
 114 (3) Is convicted of a crime involving moral turpitude; or
 115 (4) Fails to attend three consecutive regular meetings of the city council without being
 116 excused by the council.

117 (c) Removal from office.
 118 (1) A council member shall be removed from office for any one or more of the causes
 119 provided in Title 45 of the O.C.G.A. or such other applicable laws as are or may hereafter
 120 be enacted.

121 (2) Removal of a council member pursuant to paragraph (1) of this subsection shall be
 122 accomplished one of the following methods:

123 (A) Following a hearing at which an impartial panel shall render a decision. In the
 124 event an elected officer is sought to be removed by an action of the city council, such
 125 officer shall be entitled to a written notice specifying the ground or grounds for removal
 126 and to a public hearing which shall be held not less than ten days after the service of
 127 such written notice. The city council shall provide by ordinance for the manner in
 128 which such hearings shall be held. Any elected officer sought to be removed from
 129 office as herein provided shall have the right of appeal from the decision of the city
 130 council to the Superior Court of Chatham County, Georgia. Such appeal shall be
 131 governed by the same rules as govern appeals to the superior court from the probate
 132 court; or

133 (B) By an order of the Superior Court of Chatham County, Georgia, following a
 134 hearing on a complaint seeking such removal brought by any resident of the city.

135 (d) Filling of vacancies. Subject to Section 2.03 of this charter providing that the mayor pro
 136 tempore shall fill any vacancy in the mayor's office, in the event that the office of a council
 137 member shall become vacant for any cause whatsoever, said vacancy in office shall be filled
 138 by appointment by the remaining members of council.

139 SECTION 2.07.

140 Judge of Qualifications.

141 The city council shall be the judge of the election and qualifications of its members and of
 142 the grounds for forfeiture of their office. In order to exercise these powers, the city council
 143 shall have power to subpoena witnesses, administer oaths, take testimony, and require the
 144 production of evidence. A member charged with conduct constituting grounds for forfeiture
 145 of office shall be entitled to a public hearing on demand, and notice of such hearing shall be
 146 published in one or more newspapers of general circulation in the city at least one week in
 147 advance of the hearing.

148 SECTION 2.08.

149 Clerk of Council.

150 The city manager shall appoint, subject to confirmation by the city council, an officer of the
 151 city who shall have the title of clerk of council. The clerk of council shall give notice of the
 152 city council meetings to its members and the public, keep the journal of its proceedings, and
 153 perform such other duties as are assigned by this charter or by the council or by state law.

154 SECTION 2.09.

155 Investigations.

156 Following the adoption of an authorizing resolution, the city council is authorized to make
157 inquiries and investigations into the affairs of the city and the conduct of any department,
158 office, or agency thereof, and for this purpose may subpoena witnesses, administer oaths,
159 take testimony, and require the production of evidence. The inquiries and investigations
160 authorized may only be conducted by the council, not individual council members, and only
161 for the purpose of an official investigation. Additionally, these powers shall be limited to use
162 by the city council and shall not be delegated to boards or panels composed of private
163 citizens. A person's failure or refusal to obey a lawful order issued in the exercise of these
164 powers by the council shall be punished as provided by ordinance.

165 SECTION 2.10.

166 Independent Audit.

167 The city council shall provide for an independent annual audit of all city accounts and may
168 provide for more frequent audits as it deems necessary. Such audits shall be carried out in
169 accordance with Code Section 36-81-7 of the O.C.G.A..

170 SECTION 2.11.

171 General Power and Authority of the Council.

172 (a) Except as otherwise provided by law or by this charter, the city council shall be vested
173 with all the powers of government of Garden City as provided in Article I of this charter.

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

181 (c) The city council may by ordinance create, change, alter, abolish, or consolidate offices,
182 agencies, and departments of the city and may assign additional functions to any of the
183 offices, agencies, and departments expressly provided for by this charter.

184 (d) The city council may, by ordinance or resolution, delegate or assign to a city manager
185 such powers, functions, and duties as are conferred upon the council by this charter and such

186 delegation of powers may, by ordinance or resolution, be terminated, altered, or otherwise
187 changed as the city council shall deem necessary, expedient, or helpful in the conduct of the
188 affairs of the city.

189 SECTION 2.12.

190 Organization.

191 (a) On the first Monday after January 1 following each regular city election, the city council
192 shall hold a special meeting at which the oath of office shall be administered to the mayor
193 and council members as follows:

194 'I do solemnly (swear)(affirm) that I will faithfully perform the duties of (mayor) (council
195 member) of this city and that I will support and defend the charter thereof as well as the
196 Constitution and laws of the State of Georgia and of the United States of America. I am
197 not the holder of any unaccounted for public money due this state or any political
198 subdivision or authority thereof. I am not the holder of any office of trust under the
199 government of the United States, any other state, or any foreign state which I by the laws
200 of the State of Georgia am prohibited from holding. I am otherwise qualified to hold said
201 office according to the Constitution and laws of Georgia. I have been a resident [of my
202 district and] of the City of Garden City for the time required by the Constitution and laws
203 of this state and by the municipal charter. I will perform the duties of my office in the best
204 interest of the City of Garden City to the best of my ability without fear, favor, affection,
205 reward, or expectation thereof.'

206 (b) The city council shall meet for organization at its first regular meeting next following the
207 meeting where the oath of office has been administered. If the at-large the city council
208 member has been elected at the recent election, such member shall be designated mayor pro
209 tempore who shall serve for a term of four years and until his or her successor is elected and
210 qualified. In addition, the city council by majority vote of all the members thereof shall elect
211 one of their number to be president of council who shall serve for a term of two years and
212 until his or her successor is elected and qualified.

213 (c) The city manager, subject to confirmation by city council, shall appoint a clerk of council
214 to keep a journal of its proceedings and to maintain in a safe place all records and documents
215 pertaining to the affairs of the city and to perform such other duties as may be required by
216 law or as the council may direct.

217 (d) The city council may appoint a tax collector to collect all taxes, licenses, fees, and other
218 moneys belonging to the city subject to the provisions of this charter and the ordinances of
219 the city consistent therewith. The tax collector shall diligently comply with and enforce all
220 general laws of Georgia relating to the collection, sale, or foreclosure of taxes by
221 municipalities.

222 (e) The city council may appoint a city accountant to perform the duties of an accountant.

223 SECTION 2.13.

224 Regular and Special Meetings.

225 (a) The city council shall hold regular meetings at such times and places as prescribed by
226 ordinance. The council may recess any regular meeting and continue such meeting on any
227 weekday or hour it may fix and may transact any business at such continued meeting that
228 may be transacted at any regular meeting.

229 (b) Special meetings of the city council may be held on call of the mayor or four members
230 of the city council. Notice of such meetings shall be served on all other members personally,
231 or by telephone personally, or shall be left at their residence at least 24 hours in advance of
232 the meeting. Such notice shall not be required if the mayor and all council members are
233 present when the special meeting is called. Notice of any special meeting may be waived in
234 writing before or after such a meeting, and attendance at the meeting shall also constitute a
235 waiver of notice of any special meeting. Only the business stated in the call may be
236 transacted at the special meeting.

237 (c) All meetings of the council shall be public, except where otherwise provided by law, and
238 notice to the public of special meetings shall be made fully as is reasonably possible pursuant
239 to Code Section 50-14-1 of the O.C.G.A. or other such applicable laws as are or may
240 hereafter be enacted.

241 SECTION 2.14.

242 Rules of Procedure.

243 The city council shall adopt its rules of procedure and order of business consistent with the
244 provisions of this charter and shall provide for keeping a journal of its proceedings, which
245 shall be a public record.

246 SECTION 2.15.

247 Quorum; Voting.

248 (a) Four council members shall constitute a quorum and shall be authorized to transact
249 business of the city council. Voting on the adoption of ordinances shall be taken by voice
250 vote and the ayes and nays shall be recorded in the journal, but any member of council shall
251 have the right to request a roll-call vote. Except as otherwise provided in this charter, a

252 majority vote of the quorum shall be required for the adoption of any ordinance, resolution,
253 or motion.

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

261 SECTION 2.16.

262 Action Requiring an Ordinance.

263 (a) Except as herein provided, every official action of the city council which is to become
264 law shall be by ordinance. Each proposed ordinance or resolution shall be introduced in
265 writing and in the form required for final adoption. No ordinance shall contain a subject
266 which is not expressed in its title. The enacting clause shall be 'The council of Garden City
267 hereby ordains....'

268 (b) An ordinance may be introduced by any member of the city council and read at a regular
269 or special meeting of the city council. Ordinances shall be considered and adopted or
270 rejected by the council in accordance with the rules which it shall establish; provided,
271 however, ordinances shall not be adopted until the next regular meeting of the council
272 following the meeting of their initial introduction, except ordinances may be adopted at the
273 first meeting where they are originally introduced upon the affirmative vote of all council
274 members present. The clerk of council shall read the heading of the ordinance and shall file
275 a copy in the office of the clerk of council. As soon as practicable after adoption, the clerk
276 of council shall have the ordinance and a notice of its adoption published and made available
277 to the public at a reasonable price.

278 (c) Except as otherwise provided in this charter, every adopted ordinance shall become
279 effective upon adoption or at any later date specified therein.

280 (d) As used in this section, the term 'publish' means to print in the contemporary means of
281 information sharing, which includes but is not limited to, one or more newspapers of general
282 circulation in the city, and, if available, in a website: (1) the ordinance or a brief summary
283 thereof and (2) the places where copies of it have been filed and the times when they are
284 available for public inspection and purchase at a reasonable price.

285

SECTION 2.17.

286

Emergency Ordinances.

287 (a) To meet a public emergency affecting life, health, property or the public peace, the city
 288 council may adopt one or more emergency ordinances, but such ordinances may not levy
 289 taxes; grant, renew, or extend a franchise; regulate the rate charged by any public utility for
 290 its services; or authorize the borrowing of money except for loans to be repaid within 30
 291 days. An emergency ordinance shall be introduced in the form and manner prescribed for
 292 ordinances generally, except that it shall be plainly designated as an emergency ordinance
 293 and shall contain, after the enacting clause, a declaration stating that an emergency exists and
 294 describing it in clear and specific terms. An emergency ordinance may be adopted with or
 295 without amendment or rejected at the meeting at which it is introduced, but the affirmative
 296 vote of at least five council members shall be required for adoption. After its adoption, the
 297 ordinance shall be published and printed as prescribed for other adopted ordinances. It shall
 298 become effective upon adoption or at such later time as it may specify. Every emergency
 299 ordinance except one authorizing the borrowing the money shall automatically stand repealed
 300 as of the sixty-first day following the date on which it was adopted, but this shall not prevent
 301 reenactment of the ordinance in the manner specified in this section if the emergency still
 302 exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance
 303 in the same manner specified in this section for adoption of emergency ordinances.

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

308

SECTION 2.18.

309

Codes of Technical Regulations.

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

313 (1) The requirements of Section 2.16 of this charter for distribution and filing of copies
 314 of the ordinance shall be construed to include copies of any code of technical regulations,
 315 as well as the adopting ordinance; and

316 (2) A copy of each adopted code of technical regulations, as well as the adopting
 317 ordinance, shall be authenticated and recorded by the clerk of council pursuant to Section
 318 2.19 of this charter.

319 (b) Copies of any adopted code of technical regulations shall be made available by the clerk
320 of council for distribution or for purchase at a reasonable price.

321 **SECTION 2.19.**

322 **Authentication and Recording;**

323 **Codification; Printing of Ordinances and Resolutions.**

324 (a) Authentication and recording. The clerk of council shall authenticate by signing and
325 shall record in full in a properly indexed book kept for the purpose all ordinances and
326 resolutions adopted by the city council.

327 (b) Codification. The city council shall provide for the preparation of a general codification
328 of all city ordinances and resolutions having the force and effect of law. The general
329 codification shall be adopted by the council by ordinance and shall be published together
330 with this charter and any amendments thereto, pertinent provisions of the Constitution and
331 other laws of the state, and such codes of technical regulations and other rules and
332 regulations as the council may specify. This compilation shall be known and cited officially
333 as the Garden City Code. Copies of the code shall be furnished to city officers, placed in
334 libraries and public offices, and, if available, on a website for free public reference and made
335 available for purchase by the public at a reasonable price fixed by the council.

336 (c) Printing of ordinances and resolutions. The city council shall cause each ordinance and
337 resolution having the force and effect of law and each amendment to this charter to be printed
338 promptly following its adoption, and the printed ordinances, resolutions, and charter
339 amendments shall be distributed or sold to the public at reasonable prices as fixed by the
340 council. Following publication of the first city code and at all times thereafter, the
341 ordinances, resolutions, and charter amendments shall be printed in substantially the same
342 style as the code currently in effect and shall be suitable in form for integration therein. The
343 council shall make such further arrangements as it deems desirable with respect to
344 reproduction and distribution of any current changes in or additions to the codes of technical
345 regulations and other rules and regulations included in the code."

346 **SECTION 2.**

347 Said Act is further amended by striking in its entirety Article III and inserting in lieu thereof
348 the following:

349 "ARTICLE III
350 EXECUTIVE BRANCH
351 SECTION 3.01.

352 Appointment of the City Manager; Qualifications; Compensation.

353 The city council by a majority vote of its total membership shall appoint a city manager for
354 an indefinite term and fix the manager's compensation. The city manager shall be appointed
355 solely on the basis of education and experience in the accepted competencies and practices
356 of local government management. Minimum qualifications for the city manager shall be a
357 master's degree with a concentration in public administration, public affairs, or public policy
358 and two years' experience in an appointed managerial or administrative position in a local
359 government or a bachelor's degree and five years of such experience. The manager need not
360 be a resident of the city or state at the time of appointment but may reside outside the city
361 while in office only with the approval of the council.

362 SECTION 3.02.
363 Removal of City Manager.

364 The city manager is employed at will and may be summarily removed from office at any time
365 by the city council.

366 SECTION 3.03.
367 Acting City Manager.

368 By letter filed with the clerk of council, the city manager shall designate a city officer or
369 employee to exercise the powers and perform the duties of city manager during the manager's
370 temporary absence or disability; the city council may revoke such designation at any time
371 and appoint another officer of the city to serve until the city manager returns.

372 SECTION 3.04.
373 Powers and Duties of the City Manager.

374 The city manager shall be the chief executive officer of the city, responsible to the city
375 council for the management of all city affairs placed in the manager's charge by or under this
376 charter. The city manager shall:

377 (1) Appoint and suspend or remove all city employees and appointed administrative
378 officers provided for by or under this charter, except as otherwise provided by law, this

379 charter, or personnel rules adopted pursuant to this charter. The city manager may
380 authorize any administrative officer subject to the manager's direction and supervision
381 to exercise these powers with respect to subordinates in that officer's department, office,
382 or agency;

383 (2) Direct and supervise the administration of all departments, offices and agencies of
384 the city, except as otherwise provided by this charter or by law;

385 (3) Attend all the city council meetings. The city manager shall have the right to take
386 part in discussion but shall not vote;

387 (4) See that all laws, provisions of this charter, and acts of the city council, subject to
388 enforcement by the city manager or by officers subject to the manager's direction and
389 supervision, are faithfully executed;

390 (5) Prepare and submit the annual budget to the city council and implement the final
391 budget approved by the city council to achieve the goals of the city;

392 (6) Submit to the city council and make available to the public a complete report on the
393 finances and administrative activities of the city as of the end of each fiscal year;

394 (7) Make such other reports as the city council may require concerning operations;

395 (8) Keep the city council fully advised as to the financial condition and future needs of
396 the city;

397 (9) Make recommendations to the city council concerning the affairs of the city and
398 facilitate the work of the city council in developing policy;

399 (10) Provide staff support services for the mayor and council members;

400 (11) Assist the council to develop long term goals for the city and strategies to
401 implement these goals;

402 (12) Encourage and provide staff support for regional and intergovernmental
403 cooperation;

404 (13) Promote partnerships among council, staff, and citizens in developing public policy
405 and building a sense of community; and

406 (14) Perform such other duties as are specified in this charter or may be required by the
407 city council.

408 SECTION 3.05.

409 Administrative and Service Departments.

410 (a) Except as otherwise provided in this charter, the city council may establish, abolish,
411 merge, alter, leave vacant, or consolidate offices, positions of employment, departments, and
412 agencies of the city as it shall deem necessary for the proper administration of the affairs and
413 government of the city. The council shall prescribe the functions and duties of existing

414 departments, offices, and agencies or of any departments, offices, and agencies hereafter
415 created or established; may provide that the same person shall fill any number of offices and
416 positions of employment; and may transfer or change the function or duties of offices,
417 positions of employment, departments, and agencies of the city.

418 (b) The operations and responsibilities of each department now or hereafter established in
419 the city shall be distributed among such divisions or bureaus as may be provided by the
420 council. Each department shall consist of such officers, employees, and positions as may be
421 provided by this charter or by ordinance consistent therewith and shall be subject to the
422 general supervision and guidance of the city manager.

423 (c) Except as otherwise provided by this charter or by law, the directors of departments and
424 other appointed officers of the city shall serve at the pleasure of the appointing authority.
425 Vacancies occurring in an appointive office shall be filled in the same manner as prescribed
426 by this charter for an original appointment.

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

430 (e) All appointed officers and directors of departments shall receive such compensation as
431 prescribed by the city council.

432 (f) There shall be a director of each department or agency who shall be its principal officer.
433 Each director shall, subject to the direction and supervision of the city manager, be
434 responsible for the administration and direction of the affairs and operations of that director's
435 department or agency.

436 (g) All appointed officers and directors under the supervision of the city manager shall be
437 selected by the city manager and shall be employees at will and subject to removal or
438 suspension at any time by the city manager unless otherwise provided by law or ordinance.

439 SECTION 3.06.

440 Boards, Commissions, and Authorities.

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

445 (b) All members of boards, commissions, and authorities of the city shall be appointed by
446 the city council in such manner and for such terms of office as provided by ordinance, except
447 where other appointing authority, term of office, or manner of appointment is prescribed by
448 this charter or by applicable state law.

449 (c) No member of any board, commission, or authority of the city shall hold any elective
450 office in the city.

451 (d) Any vacancy in office of any member of a board, commission, or authority of the city
452 shall be filled for the unexpired term in the manner prescribed herein for original
453 appointment, except as otherwise provided by this charter or any applicable state law.

454 (e) No member of any board, commission, or authority shall assume office until he or she
455 shall have executed and filed with the clerk of council an oath obligating himself or herself
456 to faithfully and impartially perform the duties of his or her office, such oath to be
457 administered by the mayor.

458 (f) All members of a board, commission, or authority serve at will and may be removed from
459 office for cause by a vote of four members of the council.

460 (g) Members of boards, commissions, and authorities may receive expenses in the
461 performance of their official duties as approved by the council.

462 (h) The qualifications required of members of boards, commissions, and authorities shall be
463 as prescribed by ordinance.

464 (i) Except as otherwise provided by this charter or by applicable state law, each board,
465 commission, and authority of the city government shall elect one of its members as
466 chairperson and one member as vice chairperson for terms of one year and may elect as its
467 secretary one of its own members or may appoint as secretary as employee of the city. Each
468 board, commission, or authority of the city government may establish such bylaws, rules, and
469 regulations, not inconsistent with this charter, ordinances of the city, or applicable state law,
470 as it deems appropriate and necessary for the conduct of its affairs, copies of which shall be
471 filled with the clerk of council.

472 SECTION 3.07.

473 City Attorney.

474 The city council shall appoint a city attorney, together with such assistant city attorneys as
475 may be authorized by ordinance, and shall provide for the payment of such attorney or
476 attorneys for services rendered to the city. The city attorney shall be responsible for
477 representing and defending the city in all litigation in which the city is a party; may be the
478 judge in the municipal court; shall attend the meetings of the council as directed; shall advise
479 the council, mayor, and other officers and employees of the city concerning legal aspects of
480 the city's affairs; and shall perform such other duties as may be required of him or her by
481 virtue of his or her position as city attorney.

482 SECTION 3.08.
483 Consolidation of Functions.

484 The city council may consolidate any two or more of the positions of clerk of council, city
485 tax collector, and city accountant or any other positions or may assign the functions of any
486 one or more of such positions to the holder or holders of any other positions.

487 SECTION 3.09.
488 Personnel Policies.

489 All employees serve at will and may be removed from office at any time unless otherwise
490 provided by ordinance. The council shall adopt rules and regulations consistent with the
491 charter concerning personnel policies as may be necessary to provide for adequate and
492 systematic handling of the personnel affairs of Garden City."

493 SECTION 3.

494 Said Act is further amended by striking in its entirety Article V and inserting in lieu thereof
495 the following:

496 ARTICLE V

497 ELECTIONS

498 SECTION 5.10.

499 Applicability of General Laws.

500 The procedures and requirements for election of all elected officials of Garden City as to
501 primary, special, or general elections shall be in conformity with the provisions of Chapter
502 2 of Title 21, the 'Georgia Election Code.'

503 SECTION 5.11.

504 Qualifying; Nomination and Election of Candidates; Absentee Ballots.

505 The city council may, by ordinance, prescribe rules and regulations consistent with law
506 governing qualifying fees, nomination of candidates, absentee ballots, write-in votes,
507 challenge of votes, purging of registration lists, and such other rules and regulations as may
508 be necessary for the conduct of elections in Garden City.

509 SECTION 5.12.

510 Effect of 2009 Charter Amendment on Current and Future Elections.

511 (a) The method of electing the mayor and the city council which existed immediately prior
512 to the effective date of this Act shall stay in effect, but on and after the first Monday after
513 January 1, 2012, the mayor and council shall be constituted as provided in this Act. The
514 mayor and the city council of Garden City, Georgia, so constituted shall continue to have the
515 same powers, duties, rights, obligations, and liabilities as existed immediately prior to the
516 first Monday after January 1, 2012, subject to the provisions in this section.

517 (b) At the municipal election in November, 2009, those four candidates receiving the most
518 votes for the four at-large council member positions which are to be filled pursuant to the
519 terms of the charter in effect immediately prior to the effective date of this Act shall be
520 elected to serve terms of two years or until the election and qualification of their respective
521 successors.

522 (c) The mayor whose term regularly expires on December 31, 2011, and any person selected
523 to fill a vacancy in any such office shall continue to serve as such until the regular expiration
524 of that term of office and upon the election and qualification of the mayor's successor.

525 (d) Those members of the city council whose terms regularly expire on December 31, 2011,
526 and any persons selected to fill a vacancy in any such office shall continue to serve as such
527 members until the regular expiration of their respective terms of office and upon the election
528 and qualification of their respective successors.

529 (e) On and after the first Monday after January 1, 2012, the city council shall consist of
530 seven members, one being the mayor. Five members shall be elected from council districts
531 described in Section 5.13 of this charter. One member shall be elected at large as provided
532 in Sections 5.14 and 5.15 of this charter. The mayor shall be elected at large as provided in
533 Sections 5.13 and 5.15 of this charter.

534 SECTION 5.13.

535 Districting.

536 (a) For purposes of electing members of the city council other than the mayor and the
537 at-large council member, the city shall be divided into five council districts. One member
538 of the council shall be elected from each such district. The five council districts shall be and
539 correspond to those five numbered districts described in the plan attached to and made a part
540 of this Act and further identified as Plan Name: gc08p5 Plan Type: Local User: Staff
541 Administrator: Garden City.

542 (b) When used in the above-mentioned attachment, the terms 'Tract' and 'BG (Block Group)'
 543 shall mean and describe the same geographical boundaries as provided in the report of the
 544 Bureau of the Census for the United States decennial census of 2000 for the State of Georgia.
 545 The separate numeric designations in a Tract description which are underneath a 'BG'
 546 heading shall mean and describe individual Blocks within a Block Group as provided in the
 547 report of the Bureau of the Census for the United States decennial census of 2000 for the
 548 State of Georgia. Any part of the City of Garden City which is not included in any such
 549 district described in that attachment shall be included within that district contiguous to such
 550 part which contains the least population according to the United States decennial census of
 551 2000 for the State of Georgia. Any part of the City of Garden City which is described in that
 552 attachment as being in a particular district shall nevertheless not be included within such
 553 district if such part is not contiguous to such district. Such noncontiguous part shall instead
 554 be included within the district contiguous to such part which contains the least population
 555 according to the United States decennial census of 2000 for the State of Georgia.

556 SECTION 5.14.

557 Qualifications for mayor and the city council members.

558 (a) No persons shall be mayor or a member of the city council if that person is ineligible for
 559 such office pursuant to O.C.G.A. Code Section 45-2-1 of the O.C.G.A., any other general
 560 law applicable to that office, or any provision of this charter.

561 (b) In order to be elected or appointed as a member of the city council from a district, that
 562 person must have resided in that council district for at least six months prior to the election
 563 or appointment thereto and, if elected, must receive a plurality of votes cast for that office
 564 in that district only and not at large. Only electors who are residents of the council district
 565 may vote for a member of the council for that district. At the time of qualifying for election
 566 as a member of the city council for a council district, each candidate for such office shall
 567 specify the council district for which that person is a candidate. A person elected or
 568 appointed as a member of the city council from a council district must continue to reside in
 569 that district during that person's term of office or that office shall become vacant.

570 (c) In order to be elected or appointed as an at-large member of the city council, a person
 571 must have resided in the city for at least one year prior to the election or appointment thereto
 572 and, if elected, must receive a plurality of votes cast in the entire city. Only electors who are
 573 residents of the city may vote for an at-large member of the council. A person elected or
 574 appointed as an at-large member of the city council must continue to reside in the city during
 575 that person's term of office or that office shall become vacant.

576 (d) In order to be elected or appointed as mayor, a person must have resided in the city for
577 at least one year prior to election or appointment thereto and, if elected, must receive a
578 plurality of votes cast for that office in the entire city. The mayor must continue to reside
579 within the city during that person's term of office or that office shall become vacant.

580 SECTION 5.15.

581 Election of the City Council Reconstituted Pursuant to the 2009 Charter Amendment.

582 The mayor and members of council reconstituted pursuant to this Act shall be elected as
583 follows:

584 (1) The first members from Council Districts 1, 2, 3, 4, and 5 shall be elected at the
585 general election on the Tuesday following the first Monday in November, 2011. Those
586 members of the city council elected thereto from Council Districts 1 and 5 in 2011 shall
587 take office the first Monday after the first day of January immediately following that
588 election and shall serve for initial terms of office which expire December 31, 2013, and
589 upon the election and qualification of their respective successors;

590 (2) Members of the city council elected thereto from Council Districts 2, 3, and 4 in 2011
591 shall take office the first Monday after the first day of January immediately following an
592 election and shall serve for initial terms of office which expire December 31, 2015, and
593 upon the election and qualification of their respective successors;

594 (3) The first at-large member shall be elected at the general election on the Tuesday
595 following the first Monday in November, 2011. The at-large member so elected shall
596 take office the first Monday after the first day of January immediately following that
597 election. The at-large member shall serve for an initial term of office which expires on
598 December 31, 2013;

599 (4) The mayor shall be elected at the general election on the Tuesday following the first
600 Monday in November, 2011. The mayor shall take office on the first Monday after the
601 first day of January immediately following that election and shall serve for an initial term
602 of office which expires on December 31, 2015, and upon the election and qualification
603 of the mayor's successor; and

604 (5) Those and all future successors to the mayor and members of the city council whose
605 terms of office are to expire shall be elected at the time of the municipal general election
606 immediately preceding the expiration of such terms, shall take office the first Monday
607 after the first day of January immediately following that election and shall serve for terms
608 of office of four years each. The mayor and members of the city council shall serve for
609 the terms of office specified in this section and until their respective successors are
610 elected and qualified.

611 SECTION 5.16.

612 Registration of Electors.

613 (a) The council may elect either to maintain its own registration or provide for the
 614 registration of electors by resolution or other appropriate measure stating that any person
 615 who is a resident of the city and who is registered as an elector with the Board of Registrars
 616 of Chatham County and meets the municipal residency requirements shall be eligible to vote
 617 in a primary or election.

618 (b) In the event the council does not elect to maintain its own registration, it may
 619 nevertheless appoint registrars as provided by law whose duties shall include the purging of
 620 the city's list of electors under the provisions of Chapter 2 of Title 21 of the O.C.G.A., the
 621 'Georgia Election Code.'

622 (c) No person shall vote in any Garden City primary or election unless he or she shall be a
 623 registered voter, qualified to vote in Chatham County elections, and qualified as required by
 624 law to vote in municipal elections in Garden City.

625 SECTION 5.17.

626 Primary Election for Selection of Mayor and Council by Political Parties Prohibited.

627 No political party shall conduct primaries for the purpose of nominating candidates for the
 628 municipal election to elect the mayor and council members. Any person having the
 629 qualifications prescribed to be eligible to serve as mayor or council member shall become
 630 a candidate in the regular general election by filing his or her notice of candidacy with the
 631 municipal superintendent of elections in accordance with Section 21-2-132 of the O.C.G.A.

632 SECTION 5.18.

633 Voter qualifications.

634 Any person who is a resident of the city and who is registered as an elector with the Board
 635 of Registrars of Chatham County and meets the municipal residency requirements shall be
 636 eligible to vote in the regular city election. No person shall vote in any city election unless
 637 he or she is a registered voter, qualified to vote in Chatham County elections, and qualified
 638 as required by law to vote in municipal elections in the city."

639 SECTION 4.

640 Said Act is further amended by striking in their entirety Sections 6.31 and 6.32 of Article VI
 641 and inserting in lieu thereof the following:

642 "SECTION 6.31.

643 Submission of Operating Budget to the City Council.

644 On or before a date fixed by the city council, but not later than 30 days prior to the beginning
 645 of each fiscal year, the city manager shall submit to the city council a proposed operating
 646 budget for the ensuing fiscal year. The budget shall provide a complete financial plan of all
 647 city funds and activities for the ensuing fiscal year and, except as required by law or this
 648 charter, shall be in such form as the city manager deems desirable or the city council may
 649 require for effective management and an understanding of the relationship between the
 650 budget and the city's strategic goals. The budget shall begin with a clear general summary
 651 of its contents; shall show in detail all estimated income, indicating the proposed property
 652 tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year;
 653 and shall be so arranged as to show comparative figures for actual and estimated income and
 654 expenditures of the current fiscal year and actual income and expenditures of the preceding
 655 fiscal year. It shall indicate in separate sections the following:

656 (1) The proposed goals and expenditures for current operations during the ensuing fiscal
 657 year, detailed for each fund by department or by other organization group, and program,
 658 purpose or activity, method of financing such expenditures, and methods to measure
 659 outcomes and performance related to the goals;

660 (2) Proposed longer term goals and capital expenditures during the ensuing fiscal year,
 661 detailed for each fund by department or by other organization unit when practicable, the
 662 proposed method of financing each such capital expenditure, and methods to measure
 663 outcomes and performance related to the goals; and

664 (3) The proposed goals, anticipated income and expense, and profit and loss for the
 665 ensuing year for each utility or other enterprise fund or internal service fund operated by
 666 the city and methods to measure outcomes and performance related to the goals. For any
 667 fund, the total of proposed expenditures shall not exceed the total of estimated income
 668 plus carried forward fund balances exclusive of reserves.

669 SECTION 6.32.

670 The City Council Action on Budget.

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

676 (b) The city council shall adopt the final operating budget for the ensuing fiscal year not
677 later than seven days prior to the beginning thereof. If the city council fails to adopt the
678 budget by this date, the amounts appropriated for operation for the current fiscal year shall
679 be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items
680 prorated accordingly, until such time as the council adopts the budget for the ensuing fiscal
681 year. Adoption of the budget shall take the form of an appropriations ordinance or resolution
682 setting out the estimated revenues in detail by sources and making appropriations according
683 to fund and by organizational unit, purpose, or activity.

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

688 (d) Prior to council's adoption of the budget, the requirements for advertising and public
689 hearings on the proposed budget shall be as follows:

690 (1) On the day the proposed budget is submitted to the city council for consideration, a
691 copy of the budget shall be placed in a public location which is convenient to the
692 residents of the city. The city council shall provide convenient access to the location
693 during reasonable business hours so as to provide the public with ample opportunity to
694 review the budget prior to its adoption. A copy of the proposed budget must also be
695 made available, upon request, to the news media;

696 (2) A statement advising the city's residents of the availability of the proposed budget
697 shall be published during the week in which the proposed budget is submitted to the city
698 council. The statement shall advise the residents that a public hearing will be held on the
699 proposed budget at which time any persons wishing to be heard on the budget may
700 appear. The statement published in the newspaper having general circulation within the
701 city shall be a prominently displayed advertisement or news article, and it shall not be
702 placed merely in the section of the newspaper reserved for legal notices;

703 (3) At least one week prior to the meeting of the city council at which adoption of the
704 budget ordinance or resolution shall be considered, the city council shall conduct a public
705 hearing, at which time any person wishing to be heard on the budget may appear; and

706 (4) The city council shall publish notice of the time and place of the required budget
707 hearing at least one week before the hearing date. The notice which is published in a
708 newspaper having general circulation within the city shall be a prominently displayed
709 advertisement or news article, and it shall not be placed in the section of the newspaper
710 reserved for legal notices.

711 (e) On a date after the conclusion of the hearing required in paragraph (3) of subsection (c)
712 of this section, the city council shall adopt a budget ordinance or resolution setting out the

713 estimated revenues in detail by sources and making appropriations according to fund and by
 714 organizational unit, purpose, or activity in such sums as the council may deem sufficient,
 715 whether greater or less than the sums presented in the proposed budget. The budget
 716 ordinance or resolution shall be adopted at a public meeting which shall be advertised in
 717 accordance with the procedures set forth in such paragraph at least one week prior to the
 718 meeting.

719 (f) The budget may be prepared in any form that the city council deems most efficient in
 720 enabling it to make the fiscal policy decisions embodied in the budget, but such budget shall
 721 be subject to the provisions of this charter, any applicable city ordinance, and state law."

722 **SECTION 5.**

723 Said Act is further amended by adding to Article VI a new section to read as follows:

724 "SECTION 6.35.

725 Capital Budget.

726 (a) On or before the date fixed by the city council but no later than 30 days prior to the
 727 beginning of each fiscal year, the city manager shall submit to the city council a proposed
 728 capital improvements plan with a recommended capital budget containing the means of
 729 financing the improvements proposed for the ensuing fiscal year. The city council shall have
 730 power to accept, with or without amendments, or reject the proposed plan and proposed
 731 budget. The city council shall not authorize an expenditure for the construction of any
 732 building, structure, work, or improvement, unless the appropriations for such project are
 733 included in the capital budget, except to meet a public emergency.

734 (b) The city council shall adopt by ordinance or resolution the final capital budget for the
 735 ensuing fiscal year not later than seven days prior to the beginning thereof. No appropriation
 736 provided for in a prior capital budget shall lapse until the purpose for which the appropriation
 737 was made shall have been accomplished or abandoned; provided, however, the city manager
 738 may submit amendments to the capital budget at any time during the fiscal year,
 739 accompanied by recommendations. Any such amendments to the capital budget shall
 740 become effective only upon adoption by ordinance or resolution."

741 **SECTION 6.**

742 All ordinances, resolutions, and rules and regulations now in force in the city not inconsistent
 743 with this Act hereby declared valid and of full effect and force until amended or repealed by
 744 the city council.

745 **SECTION 7.**

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

752 **SECTION 8.**

753 The governing authority of Garden City shall through its legal counsel cause this Act to be
754 submitted for preclearance under the federal Voting Rights Act of 1965, as amended; such
755 submission shall be made to the United States Department of Justice or filed with the
756 appropriate court no later than 45 days after the date on which this Act is approved by the
757 Governor or otherwise becomes law without such approval.

758 **SECTION 9.**

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