

House Bill 1133 (AS PASSED HOUSE AND SENATE)

By: Representative Greene of the 151<sup>st</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To provide a new charter for the City of Lumpkin; to provide for incorporation, boundaries,  
2 powers, and construction; to provide for a governing authority, its number, elections, terms,  
3 qualifications, filling of vacancies, compensation and expenses, conflicts of interest, inquiries  
4 and investigations, power and authority, eminent domain, meetings, procedural rules,  
5 quorum, voting and abstention, ordinances, emergencies, technical codes, powers and duties  
6 of the mayor, a mayor pro tempore, powers and duties of a city manager, removal of the city  
7 manager, limitations on interference with administration by the city council; to provide for  
8 city departments, boards, commissions, authorities, a city attorney, a city clerk, a chief of  
9 police, and personnel policies; to provide for a municipal court, municipal judges, convening,  
10 jurisdiction and powers, certiorari, rules, and indigent defense; to provide for elections,  
11 special elections, and removal of officers; to provide for taxes, regulatory fees and permits,  
12 franchises, service charges, special assessments, collection of delinquent taxes and fees,  
13 bonds, short-term loans, lease-purchase contracts, a fiscal year, budgets, tax levies, changes  
14 in appropriations, audits, contracting procedures and purchasing, and sale and lease of  
15 property; to provide for bonds for officials, prior ordinances, and existing personnel and  
16 officers; to provide for pending matters; to provide for construction and severability; to  
17 provide for other matters relative to the foregoing; to provide a specific repealer; to provide  
18 an effective date; to repeal conflicting laws; and for other purposes.

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

20 ARTICLE I  
21 INCORPORATION AND POWERS

22 SECTION 1.10.

23 Incorporation.

24 This city and the inhabitants thereof are reincorporated by the enactment of this charter and  
25 are hereby constituted and declared a body politic and corporate under the name and style  
26 "City of Lumpkin" and by that name shall have perpetual existence.

27

**SECTION 1.11.**

28

Corporate boundaries.

29 (a) The boundaries of this city shall be those existing on the effective date of the adoption  
 30 of this charter with such alterations as may be made from time to time in the manner  
 31 provided by law. The boundaries of this city at all times shall be shown on a map to be  
 32 retained permanently in the city hall and shall be identified by the city clerk as the 'Official  
 33 Map of the Corporate Limits of the City of Lumpkin, Georgia.' Photographic, typed, or other  
 34 copies of such map or description certified by the city clerk shall be admitted as evidence in  
 35 all courts and shall have the same force and effect as with the original map or description.

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

39

**SECTION 1.12.**

40

Powers and construction.

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

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

48

**SECTION 1.13.**

49

Specific powers.

50 The city shall have the following powers:

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

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

58 authorized by this charter or for municipalities by the laws of the State of Georgia; and  
59 to provide for the payment of expenses of the city;

60 (3) Building regulation. To regulate and to license the erection and construction of  
61 buildings and all other structures; to adopt building, housing, plumbing, electrical, gas,  
62 and heating and air conditioning codes; and to regulate all housing and building trades;

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

69 (5) Condemnation. To condemn property inside or outside the corporate limits of the  
70 city for present or future use and for any corporate purpose deemed necessary by the  
71 governing authority, utilizing procedures provided by the Official Code of Georgia  
72 Annotated as the same shall exist from time to time;

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

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

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

84 (9) Fire regulations. To fix and establish fire limits and from time to time to extend,  
85 enlarge, or restrict the same; to prescribe fire safety regulations not inconsistent with  
86 general law relating to fire prevention and detection and to fire fighting; and to prescribe  
87 penalties and punishment for violations thereof;

88 (10) Garbage fees. To levy, fix, assess, and collect a garbage, refuse, and trash collection  
89 and disposal and other sanitary service charge, tax, or fee for such services as may be  
90 necessary in the operation of the city from all individuals, firms, and corporations  
91 residing in or doing business within the city and benefiting from such services or to  
92 whom such services are available; to enforce the payment of such charges, taxes, or fees;  
93 and to provide for the manner and method of collecting such service charges;

- 94 (11) General health, safety, and welfare. To define, regulate, and prohibit any act,  
95 practice, conduct, or use of property which is detrimental to the health, sanitation,  
96 cleanliness, welfare, and safety of the inhabitants of the city and to provide for the  
97 enforcement of such standards;
- 98 (12) Gifts. To accept or refuse gifts, donations, bequests, or grants from any source for  
99 any purpose related to powers and duties of the city and the general welfare of its citizens  
100 on such terms and conditions as the donor or grantor may impose;
- 101 (13) Health and sanitation. To prescribe standards of health and sanitation and to  
102 provide for the enforcement of such standards;
- 103 (14) Jail sentences. To provide that persons given jail sentences in the city's court may  
104 work out such sentences in any public works or on the streets, roads, drains, and other  
105 public property in the city; to provide for commitment of such persons to any jail; or to  
106 provide for commitment of such persons to any county work camp or county jail by  
107 agreement with the appropriate county officials;
- 108 (15) Motor vehicles. To regulate the operation of motor vehicles and exercise control  
109 over all traffic, including parking upon or across the streets, roads, alleys, and walkways  
110 of the city;
- 111 (16) Municipal agencies and delegation of power. To create, alter, or abolish  
112 departments, boards, offices, commissions, and agencies of the city and to confer upon  
113 such agencies the necessary and appropriate authority for carrying out all the powers  
114 conferred upon or delegated to the same;
- 115 (17) Municipal debts. To appropriate and borrow money for the payment of debts of the  
116 city and to issue bonds for the purpose of raising revenue to carry out any project,  
117 program, or venture authorized by this charter and the laws of the State of Georgia;
- 118 (18) Municipal property ownership. To acquire, dispose of, lease, option, and hold in  
119 trust or otherwise any real, personal, or mixed property, in fee simple or lesser interest,  
120 inside or outside the property limits of the city;
- 121 (19) Municipal property protection. To provide for the preservation and protection of  
122 property and equipment of the city and the administration and use of the same by the  
123 public, and to prescribe penalties and punishment for violations thereof;
- 124 (20) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose  
125 of public utilities, including, but not limited to, a system of waterworks, sewers and  
126 drains, sewage disposal, gas works, electric power plants, cable television and other  
127 telecommunications, transportation facilities, public airports, and any other public utility;  
128 and to fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties and  
129 to provide for the withdrawal of service for refusal or failure to pay the same;

- 130 (21) Nuisance. To define a nuisance and provide for its abatement whether on public or  
131 private property;
- 132 (22) Penalties. To provide penalties for violation of any ordinances adopted pursuant to  
133 the authority of this charter and the laws of the State of Georgia;
- 134 (23) Planning and zoning. To provide comprehensive city planning for development by  
135 zoning; and to provide subdivision regulations and the like as the city council deems  
136 necessary and reasonable to insure a safe, healthy, and aesthetically pleasing community;
- 137 (24) Police and fire protection. To exercise the power of arrest through duly appointed  
138 police officers and to establish, operate, or contract for police and fire-fighting agencies;
- 139 (25) Public hazards removal. To provide for the destruction and removal of any building  
140 or other structure which is or may become dangerous or detrimental to the public;
- 141 (26) Public improvements. To provide for the acquisition, construction, building,  
142 operation, and maintenance of public ways, parks and playgrounds, recreational facilities,  
143 cemeteries, markets and market houses, public buildings, libraries, public housing,  
144 airports, hospitals, terminals, docks, parking facilities, or charitable, cultural, educational,  
145 recreational, conservation, sport, curative, corrective, detentional, penal, and medical  
146 institutions, agencies, and facilities; to provide any other public improvements, inside or  
147 outside the corporate limits of the city; to regulate the use of public improvements; and  
148 for such purposes, property may be acquired by condemnation under procedures provided  
149 by the Official Code of Georgia Annotated as the same shall exist from time to time;
- 150 (27) Public peace. To provide for the prevention and punishment of drunkenness, riots,  
151 and public disturbances;
- 152 (28) Public transportation. To organize and operate such public transportation systems  
153 as are deemed beneficial;
- 154 (29) Public utilities and services. To grant franchises or make contracts for or impose  
155 taxes on public utilities and public service companies; and to prescribe the rates, fares,  
156 regulations and standards, and conditions of service applicable to the service to be  
157 provided by the franchise grantee or contractor, insofar as not in conflict with valid  
158 regulations of the Public Service Commission;
- 159 (30) Regulation of roadside areas. To prohibit or regulate and control the erection,  
160 removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any  
161 and all other structures or obstructions upon or adjacent to the rights-of-way of streets and  
162 roads or within view thereof, within or abutting the corporate limits of the city; and to  
163 prescribe penalties and punishment for violation of such ordinances;
- 164 (31) Retirement. To provide and maintain a retirement plan and other employee benefit  
165 plans and programs for officers and employees of the city;

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

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

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

185 (35) Special areas of public regulation. To the extent allowed by general law, to regulate  
186 or prohibit junk dealers, pawn shops, and the manufacture, sale, or transportation of  
187 intoxicating liquors; to regulate the use and sale of firearms; to regulate the  
188 transportation, storage, and use of combustible, explosive, and flammable materials and  
189 the use of lighting and heating equipment; to regulate any other business or situation  
190 which the city may deem to be dangerous to persons or property; to regulate and control  
191 the conduct of peddlers and itinerant traders and theatrical performances, exhibitions, and  
192 shows of any kind, by taxation or otherwise; and to license, tax, regulate, or prohibit  
193 professional fortunetelling, palmistry, adult bookstores, and massage parlors.

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

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

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

200 (39) Taxicabs. To the extent allowed by general law, to regulate and license vehicles  
201 operated for hire in the city; to limit the number of such vehicles; to require the operators

202 thereof to be licensed; to require public liability insurance on such vehicles in the  
 203 amounts to be prescribed by ordinance; and to regulate the parking of such vehicles;  
 204 (40) Urban redevelopment. To organize and operate an urban redevelopment program;  
 205 and  
 206 (41) Other powers. To exercise and enjoy all other powers, functions, rights, privileges,  
 207 and immunities necessary or desirable to promote or protect the safety, health, peace,  
 208 security, good order, comfort, convenience, or general welfare of the city and its  
 209 inhabitants; to exercise all implied powers necessary or desirable to carry into execution  
 210 all powers granted in this charter as fully and completely as if such powers were fully  
 211 stated herein; and to exercise all powers now or in the future authorized to be exercised  
 212 by other municipal governments under other laws of the State of Georgia; and no listing  
 213 of particular powers in this charter shall be held to be exclusive of others, nor restrictive  
 214 of general words and phrases granting powers, but shall be held to be in addition to such  
 215 powers unless expressly prohibited to municipalities under the Constitution or applicable  
 216 laws of the State of Georgia.

217 **SECTION 1.14.**

218 Exercise of powers.

219 All powers, functions, rights, privileges, and immunities of the city and its officers, agencies,  
 220 or employees shall be carried into execution as provided by this charter. Regarding any  
 221 matter for which this charter makes no provisions, such shall be carried into execution as  
 222 provided by ordinance or as provided by pertinent laws of the State of Georgia.

223 **ARTICLE II**

224 **GOVERNMENT STRUCTURE**

225 **SECTION 2.10.**

226 City council creation; number; election.

227 The legislative authority of the government of this city, except as otherwise specifically  
 228 provided in this charter, shall be vested in a city council to be composed of a mayor and six  
 229 councilmembers. The city council established shall in all respects be a successor to and  
 230 continuation of the governing authority under prior law. The mayor and councilmembers  
 231 shall be elected in the manner provided by general law and this charter.

232

**SECTION 2.11.**

233

City council terms and qualifications for office.

234 (a) The six members of the city council shall serve for terms of four years and until their  
 235 respective successors are elected and qualified. The councilmembers who hold Posts 1, 2,  
 236 and 3 shall be elected in the same odd-numbered year. The mayor and councilmembers who  
 237 hold Posts 4, 5, and 6 shall be elected in the alternating odd-numbered year.

238 (b) Post 1 is the office currently held by Flossie Brown. Post 2 is the office currently held  
 239 by Debbie Stone. Post 3 is the office currently held by Nikita Seay. Post 4 is the office  
 240 currently held by Barbara Culleter. Post 5 is the office currently held by Mitzi House. Post  
 241 6 is the office currently held by Daryl Wilson.

242 (c) No person shall be eligible to serve as councilmember unless that person shall have been  
 243 a resident of the city for one year prior to the date of election, and such person shall continue  
 244 to reside within the city during that member's period of service and shall be registered and  
 245 qualified to vote in municipal elections of this city.

246 (d) No person shall be eligible to serve as councilmember unless that person is at least 21  
 247 years of age, has obtained a high school diploma or its equivalent, and has no prior felony  
 248 convictions at the time of qualification.

249

**SECTION 2.12.**

250

Vacancy; filling of vacancies.

251 (a) The office of mayor or councilmember shall become vacant upon the occurrence of any  
 252 event specified by the Constitution of the State of Georgia, Title 45 of the Official Code of  
 253 Georgia Annotated, or such other applicable laws as are or may hereafter be enacted.

254 (b) A vacancy in the office of mayor or councilmember shall be filled for the remainder of  
 255 the unexpired term, if any, by appointment by the remaining councilmembers if less than six  
 256 months remain in the unexpired term. Otherwise, such vacancy shall be filled by an election  
 257 as provided for in Section 5.14 of this charter and in accordance with Titles 21 and 45 of the  
 258 Official Code of Georgia Annotated, or other such laws as are or may hereafter be enacted.

259 (c) This section shall also apply to a temporary vacancy created by the suspension from  
 260 office of the mayor or any councilmember.



261

**SECTION 2.13.**

262

Compensation and expenses.

263

The mayor and councilmembers shall receive compensation and expenses for their services

264

as provided by ordinance.

265

**SECTION 2.14.**

266

Conflicts of interest.

267

(a) Elected and appointed officers of the city are trustees and servants of the residents of the

268

city and shall act in a fiduciary capacity for the benefit of such residents.

269

(b) Neither the mayor nor any member of the city council shall vote upon, sign, or veto any

270

ordinance, resolution, contract, or other matter in which that person is financially interested.

271

(c) No person who is an elected officer, appointed officer, or employee of the city or any

272

agency or political entity to which this charter applies shall knowingly:

273

(1) Engage in any business or transaction or have a financial or other personal interest,

274

direct or indirect, which is incompatible with the proper discharge of that person's official

275

duties or which would tend to impair the independence of the official's judgment or action

276

in the performance of those official duties;

277

(2) Engage in or accept private employment or render services for private interests when

278

such employment or service is incompatible with the proper discharge of that person's

279

official duties or would tend to impair the independence of the official's judgment or

280

action in the performance of those official duties;

281

(3) Disclose confidential information obtained at meetings which are closed pursuant to

282

Chapter 14 of Title 50 of the Official Code of Georgia Annotated concerning the

283

property, governance, or affairs of the governmental body by which the person is engaged

284

without proper legal authorization or use such information to advance the financial or

285

other private interests of the person or others;

286

(4) Accept any valuable gift, whether in the form of service, loan, object, or promise,

287

from any person, firm, or corporation which to the person's knowledge is interested,

288

directly or indirectly, in any manner whatsoever, in business dealings with the

289

governmental body by which the person is engaged; provided, however, that an elected

290

official who is a candidate for public office may accept campaign contributions and

291

services in connection with any such campaign;

292

(5) Represent other private interests in any action or proceeding against this city or any

293

portion of its government; or

- 294 (6) Vote or otherwise participate in the negotiation or in the making of any contract with  
295 any business or entity in which the person has a financial interest.
- 296 (d) Any elected officer, appointed officer, or employee who shall have any private financial  
297 interest, directly or indirectly, in any contract or matter pending before or within any  
298 department of the city shall disclose such private interest to the city council. The mayor or  
299 any councilmember who has a private financial interest in any matter pending before the city  
300 council shall disclose such private interest and such disclosure shall be entered on the records  
301 of the city council, and he or she shall disqualify himself or herself from participating in any  
302 decision or vote relating thereto. Any elected officer, appointed officer, or employee of any  
303 agency or political entity to which this charter applies who shall have any private financial  
304 interest, directly or indirectly, in any contract or matter pending before or within such entity  
305 shall disclose such interest to the governing body of such agency or entity.
- 306 (e) No elected officer, appointed officer, or employee of the city or any agency or entity to  
307 which this charter applies shall use property owned by such governmental entity for personal  
308 benefit or profit but shall use such property only in their capacity as an officer or employee  
309 of the city.
- 310 (f) Any violation of this section which occurs with the knowledge, express or implied, of a  
311 party to a contract or sale shall render such contract or sale voidable at the option of the city  
312 council.
- 313 (g) Unless authorized by law, neither the mayor nor any councilmember shall hold any other  
314 elective or appointive office in the city or otherwise be employed by such government or any  
315 agency thereof during the term for which he or she was elected. No former mayor and no  
316 former councilmember shall hold any appointive office in the city until one year after the  
317 expiration of the term for which he or she was elected.
- 318 (h) No appointed officer of the city shall continue in such employment upon qualifying as  
319 a candidate for nomination or election to any public office. No employee of the city shall  
320 continue in such employment upon qualifying for or election to any public office in this city  
321 or any other public office which is inconsistent, incompatible, or in conflict with the duties  
322 of the city employee. Such determination shall be made by the mayor and the city council  
323 either immediately upon election or at any time such conflict may arise.
- 324 (i) Any city officer or employee who knowingly conceals a financial interest or knowingly  
325 violates any of the requirements of this section shall be guilty of malfeasance in office or  
326 position and shall be deemed to have forfeited that person's office or position. Any officer  
327 or employee of the city who shall forfeit an office or position as described in this section  
328 shall be ineligible for appointment or election to or employment in a position in the city  
329 government for a period of three years thereafter.

330 **SECTION 2.15.**

331 Inquiries and investigations.

332 The city council may, following the adoption of an authorizing resolution, request an official  
 333 inquiry or investigation into the affairs of the city and of any department, office, or agency  
 334 of the city and for this purpose may subpoena witnesses, administer oaths, take testimony,  
 335 and require the production of evidence. Any person who fails or refuses to obey a lawful  
 336 order issued in the exercise of these powers by the city council shall be punished as provided  
 337 by ordinance.

338 **SECTION 2.16.**

339 General power and authority of the city council.

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

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

349 **SECTION 2.17.**

350 Eminent domain.

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

359

**SECTION 2.18.**

360

## Organizational meetings.

361 Newly elected councilmembers, at a regularly scheduled meeting, shall be presented to the  
 362 city council to have the oath of office administered. The meeting shall be called to order by  
 363 the city clerk and the oath of office shall be administered to the newly elected mayor and  
 364 councilmembers by a judicial officer authorized to administer oaths and shall, to the extent  
 365 that it comports with federal and state law, be as follows:

366 "I do solemnly swear or affirm that I will faithfully execute the office of [councilmember  
 367 or mayor, as the case may be] of the City of Lumpkin, and will to the best of my ability  
 368 support and defend the Constitution of the United States, the Constitution of Georgia, and  
 369 the charter, ordinances, and regulations of the City of Lumpkin. I am not the holder of any  
 370 unaccounted for public money due this state or any political subdivision or authority  
 371 thereof. I am not the holder of any office of trust under the government of the United  
 372 States, any other state, or any foreign state which I, by the laws of the State of Georgia, am  
 373 prohibited from holding. I am otherwise qualified to hold said office according to the  
 374 Constitution and laws of Georgia. I have been a resident of the City of Lumpkin for the  
 375 time required by the Constitution and laws of this state and by the municipal charter. I will  
 376 perform the duties of my office in the best interest of the City of Lumpkin to the best of my  
 377 ability without fear, favor, affection, reward, or expectation thereof."

378

**SECTION 2.19.**

379

## Regular and special meetings.

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

382 (b) Special meetings of the city council may be held on call of the mayor or three members  
 383 of the city council. Notice of such special meetings shall be served on all other members  
 384 personally or by telephone at least 48 hours in advance of the meeting. Such notice to  
 385 councilmembers shall not be required if the mayor and all councilmembers are present when  
 386 the special meeting is called. Such notice of any special meeting may be waived by a  
 387 councilmember in writing before or after such a meeting, and attendance at the meeting shall  
 388 also constitute a waiver of notice on any business transacted in such councilmember's  
 389 presence. Only the business stated in the call may be transacted at the special meeting.

390 (c) All meetings of the city council shall be public to the extent required by law, and notice  
 391 to the public of special meetings shall be made as fully as is reasonably possible as provided

392 by Chapter 14 of Title 50 of the Official Code of Georgia Annotated or such other applicable  
393 laws as are or may be hereafter enacted.

394 **SECTION 2.20.**

395 Rules of procedure.

396 (a) The city council shall adopt its rules of procedure and order of business consistent with  
397 the provisions of this charter and shall provide for keeping a journal of its proceedings, which  
398 shall be of public record.

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

402 **SECTION 2.21.**

403 Quorum; voting; abstention.

404 (a) The mayor and three councilmembers or four councilmembers other than the mayor shall  
405 constitute a quorum and shall be authorized to transact business of the city council. Voting  
406 on the adoption of ordinances shall be by oral vote, and the vote shall be recorded in the  
407 journal; but any member of the city council shall have the right to request a roll-call vote, and  
408 such vote shall be recorded in the journal. Except as otherwise provided in this charter, the  
409 affirmative vote of four councilmembers or three councilmembers and the mayor shall be  
410 required for the adoption of any ordinance, resolution, or motion. The mayor shall vote only  
411 in the event of a tie or when an affirmative or negative vote by the mayor constitutes a  
412 majority of three votes. An abstention shall not be counted as either an affirmative or  
413 negative vote.

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

421

**SECTION 2.22.**

422

Ordinance form; procedures.

423 (a) Every proposed ordinance shall be introduced in writing and in the form required for  
 424 final adoption. No ordinance shall contain a subject which is not expressed in its title. The  
 425 enacting clause shall be "It is hereby ordained by the governing authority of the City of  
 426 Lumpkin," and every ordinance shall so begin.

427 (b) An ordinance may be introduced by any councilmember and be read at a regular or  
 428 special meeting of the city council. Ordinances shall be considered and adopted or rejected  
 429 by the city council in accordance with the rules which it shall establish. Except for  
 430 emergency ordinances, all ordinances shall have two separate readings; provided, however,  
 431 the city council may dispense with the second reading with the unanimous consent of the  
 432 members present. Upon introduction of any ordinance, the city clerk shall as soon as  
 433 possible distribute a copy to the mayor and each councilmember and shall file a reasonable  
 434 number of copies in the office of the city clerk and at such other public places as the city  
 435 council may designate.

436

**SECTION 2.23.**

437

Action requiring an ordinance.

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

439

**SECTION 2.24.**

440

Emergencies.

441 (a) To meet a public emergency affecting life, health, safety, property, or public peace, the  
 442 city council may convene on call of the mayor or two councilmembers and promptly adopt  
 443 an emergency ordinance, but such ordinance may not levy taxes; grant, renew, or extend a  
 444 franchise; regulate the rate charged by any public utility for its services; or authorize the  
 445 borrowing of money except for loans to be repaid within 30 days. An emergency ordinance  
 446 shall be introduced in the form prescribed for ordinances generally, except that it shall be  
 447 plainly designated as an emergency ordinance and shall contain, after the enacting clause,  
 448 a declaration stating that an emergency exists and describing the emergency in clear and  
 449 specific terms.

450 (b) An emergency ordinance may be adopted, with or without amendment, or rejected at the  
 451 meeting at which it is introduced, but the affirmative vote of at least four councilmembers

452 shall be required for adoption. It shall become effective upon adoption or at such later time  
453 as it may specify.

454 (c) Every emergency ordinance shall automatically stand repealed 30 days following the  
455 date upon which it was adopted, but this shall not prevent reenactment of the ordinance in  
456 the manner specified in this section if the emergency still exists. An emergency ordinance  
457 may also be repealed by adoption of a repealing ordinance in the same manner specified in  
458 this section for adoption of emergency ordinances.

459 (d) Emergency meetings shall be open to the public to the extent required by law, and notice  
460 to the public of such meetings shall be made as fully as is reasonably possible in accordance  
461 with Chapter 14 of Title 50 of the Official Code of Georgia Annotated, or such other  
462 applicable laws as are or may hereafter be enacted.

463 **SECTION 2.25.**

464 Codes of technical regulations.

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

468 (1) The requirements of Section 2.22 of this charter pertaining to distribution and filing of  
469 copies of the ordinance shall be construed to include copies of any code of technical  
470 regulations, as well as the adopting ordinance; and

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

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

476 **SECTION 2.26.**

477 Signing; authenticating; recording; codification; printing.

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

480 (b) The city council shall provide for the preparation of a general codification of all the  
481 ordinances of the city having the force and effect of law. The general codification shall be  
482 adopted by the city council by ordinance and shall be published promptly, together with all  
483 amendments thereto and such codes of technical regulations and other rules and regulations  
484 as the city council may specify.

485 (c) This compilation shall be known and cited officially as "The Code of the City of  
 486 Lumpkin, Georgia." Copies of the code shall be furnished to all officers, departments, and  
 487 agencies of the city and made available for purchase by the public at a reasonable price to  
 488 be fixed by the city council.

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

498 **SECTION 2.27.**

499 Election of mayor; eligibility; forfeiture of office.

500 The mayor shall be elected and serve for a term of four years and until a successor is elected  
 501 and qualified. The mayor shall be a qualified elector of this city, be at least 21 years of age,  
 502 have obtained a high school diploma or its equivalent, have no prior felony convictions at the  
 503 time of qualification, and have been a resident of the city for one year preceding the election.  
 504 The mayor shall continue to reside in this city during his or her period of service. The mayor  
 505 shall forfeit the office on the same grounds and under the same procedure as for  
 506 councilmembers.

507 **SECTION 2.28.**

508 Powers and duties of mayor.

509 The mayor shall:

- 510 (1) Preside at all meetings of the city council, participate in the discussion of all matters  
 511 brought before the city council, count toward a quorum of members, and vote in the event  
 512 of a tie vote of the councilmembers;
- 513 (2) Be the head of the city for the purpose of service of process and for ceremonial  
 514 purposes, and be the official spokesperson for the city and the chief advocate of policy;
- 515 (3) Have the power to administer oaths and to take affidavits;



516 (4) Sign as a matter of course on behalf of the city all written and approved contracts,  
 517 ordinances, and other instruments executed by the city which by law are required to be  
 518 in writing;

519 (5) Appoint all committees, commissions, and authorities of the city unless otherwise  
 520 provided by law or ordinance; and

521 (6) Fulfill such other executive and administrative duties as the city council shall  
 522 establish by ordinance.

523 **SECTION 2.29.**

524 Mayor pro tempore; selection; duties.

525 By a majority vote, the city council shall elect a councilmember to serve as mayor pro  
 526 tempore. In the mayor's absence, the mayor pro tempore shall preside at meetings of the city  
 527 council and shall assume the duties and powers of the mayor upon the mayor's physical or  
 528 mental disability; provided that the mayor pro tempore shall vote as a member of the city  
 529 council at all times when serving as provided in this section.

530 **SECTION 2.30.**

531 City manager; appointment; qualifications; compensation.

532 The city council shall appoint a city manager for an indefinite term and shall fix the city  
 533 manager's compensation. The city manager shall be appointed solely on the basis of  
 534 executive and administrative qualifications.

535 **SECTION 2.31.**

536 Duties of the city manager.

537 The city manager shall be the chief executive and administrative officer of the city. The city  
 538 manager shall be responsible to the city council for the administration of all city affairs  
 539 placed in his or her charge by or under this charter. As the chief executive and administrative  
 540 officer, the city manager shall:

541 (1) Appoint all city employees and administrative officers and, when the city manager  
 542 deems it necessary for the good of the city, suspend or remove such employees or officers,  
 543 except as otherwise provided by law or ordinances adopted pursuant to this charter. The  
 544 city manager may authorize any administrative officer who is subject to the city manager's  
 545 direction and supervision to exercise these powers with respect to subordinates in such  
 546 officer's department, office, or agency;

- 547 (2) Direct and supervise the administration of all departments, offices, and agencies of the  
 548 city, except as otherwise provided by this charter or by law;
- 549 (3) Attend all city council meetings except for closed meetings held for the purpose of  
 550 deliberating on the appointment, discipline, or removal of the city manager and have the  
 551 right to take part in discussion but shall not vote;
- 552 (4) See that all laws, provisions of this charter, and acts of the city council subject to  
 553 enforcement by the city manager or by officers subject to the city manager's direction and  
 554 supervision are faithfully executed;
- 555 (5) Prepare and submit the annual operating budget and capital budget to the city council;
- 556 (6) Submit to the city council and make available to the public a complete report on the  
 557 finances and administrative activities of the city as of the end of each fiscal year;
- 558 (7) Make such other reports as the city council may require concerning the operations of  
 559 city departments, offices, and agencies subject to the city manager's direction and  
 560 supervision;
- 561 (8) Keep the city council fully advised as to the financial condition and future needs of  
 562 the city and make such recommendations to the city council concerning the affairs of the  
 563 city as the city manager deems desirable; and
- 564 (9) Perform such other duties as are specified in this charter or as may be required by the  
 565 city council.

566 **SECTION 2.32.**

567 Removal of city manager.

- 568 (a) The city manager shall be employed at-will and may be summarily removed from office  
 569 at any time by the city council.
- 570 (b) The city council may remove the city manager from office in accordance with the  
 571 following procedures:
- 572 (1) The city council shall adopt by affirmative vote of a majority of all its members a  
 573 preliminary resolution which shall state the reasons for removal and may suspend the city  
 574 manager from duty for a period not to exceed 45 days. A copy of the resolution shall be  
 575 delivered promptly to the city manager.
- 576 (2) Within five days after a copy of the resolution is delivered to the city manager, he or  
 577 she may file with the city council a written request for a public hearing. This hearing  
 578 shall be held within 30 days after the request is filed. The city manager may file with the  
 579 city council a written reply not later than five days before the hearing.
- 580 (3) If the city manager has not requested a public hearing within the time specified in  
 581 paragraph (2) of this subsection, the city council may adopt a final resolution for removal,

582 which shall be made effective immediately by an affirmative vote of a majority of all its  
 583 members. If the city manager has requested a public hearing, the city council may adopt  
 584 a final resolution for removal at any time after the public hearing, which removal shall  
 585 be made effective immediately upon an affirmative vote of a majority of all its members.  
 586 (c) The city manager may continue to receive a salary until the effective date of a final  
 587 resolution of removal.

588 **SECTION 2.33.**

589 City council interference with administration.

590 Except for the purpose of inquiries and investigations under Section 2.15 of this charter, the  
 591 city council or its members shall deal with city officers and employees who are subject to the  
 592 direction and supervision of the city manager solely through the city manager, and neither  
 593 the city council nor its members shall give orders to any such officer or employee either  
 594 publicly or privately.

595 **ARTICLE III**

596 **ADMINISTRATIVE AFFAIRS**

597 **SECTION 3.10.**

598 Administrative and service departments.

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

603 (b) Except as otherwise provided by this charter or by law, the directors of departments and  
 604 other appointed officers of the city under the supervision of the city manager shall be  
 605 appointed by the city manager solely on the basis of their respective administrative and  
 606 professional qualifications. All directors of departments and other appointed officers of the  
 607 city under the supervision of the city manager shall be nominated by the city manager with  
 608 confirmation of appointment by the city council and shall be employees at-will subject to  
 609 removal or suspension at any time. The city manager shall have the authority to remove  
 610 employees under his or her control, and the city council shall have the authority to remove  
 611 individuals it appoints.

612 (c) All appointed officers and directors of departments and agencies shall receive such  
 613 compensation as prescribed by ordinance.

614 (d) There shall be a director of each department or agency who shall be its principal officer.  
615 Each director shall, subject to the direction and supervision of the city council, be responsible  
616 for the administration and direction of the affairs and operations of that director's department  
617 or agency.

618 **SECTION 3.11.**

619 **Boards, commissions, and authorities.**

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

624 (b) All members of boards, commissions, and authorities of the city shall be appointed by  
625 the city council for such terms of office and in such manner as shall be provided by  
626 ordinance, except where other appointing authority, terms of office, or manner of  
627 appointment is prescribed by this charter or by law.

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

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

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

635 (f) No member of a board, commission, or authority shall assume office until that person has  
636 executed and filed with the city clerk an oath obligating that member to faithfully and  
637 impartially perform the duties of that member's office, such oath to be prescribed by  
638 ordinance and administered by the mayor.

639 (g) All members of any board, commission, or authority shall serve at-will and may be  
640 removed at any time by a vote of four members of the city council unless otherwise provided  
641 by law.

642 (h) Except as otherwise provided by this charter or by applicable state law, each board,  
643 commission, or authority of the city shall elect one of its members as chairperson and one  
644 member as vice chairperson for terms of one year and may elect as its secretary one of its  
645 own members or may appoint as secretary an employee of the city. Each board, commission,  
646 or authority of the city may establish such bylaws, rules, and regulations not inconsistent  
647 with this charter, ordinances of the city, or applicable state law as it deems appropriate and  
648 necessary for the conduct of its affairs, copies of which shall be filed with the city clerk.

649 **SECTION 3.12.**

650 City attorney.

651 The city council shall appoint a city attorney, together with such assistant city attorneys as  
652 may be authorized, and shall provide for the payment of such attorney or assistant attorneys  
653 for services rendered to the city. The city attorney shall be responsible for providing for the  
654 representation and defense of the city in all litigation in which the city is a party; may be the  
655 prosecuting officer in the municipal court; shall attend the meetings of the city council as  
656 directed; shall advise the city council, mayor, and other officers and employees of the city  
657 concerning legal aspects of the city's affairs; and shall perform such other duties as may be  
658 required by virtue of the person's position as city attorney.

659 **SECTION 3.13.**

660 City clerk.

661 The city council shall appoint a city clerk who shall not be a councilmember. The city clerk  
662 shall be custodian of the official city seal and city records; maintain city council records  
663 required by this charter; and perform such other duties as may be required by the city  
664 council. The city clerk shall be under the supervision of the city manager.

665 **SECTION 3.14.**

666 Police chief.

667 The police chief shall be the executive officer of the Lumpkin Police Department,  
668 subordinate only to the mayor and the city council, and as such shall be responsible for the  
669 day-to-day management and operation of the police department. The police chief shall have  
670 the authority to discharge or suspend any employee of the police department, including  
671 without limitation police officers, after notifying the mayor of the intention to do so.

672 **SECTION 3.15.**

673 Personnel policies.

674 All employees serve at-will and may be removed from office at any time unless otherwise  
675 provided by ordinance. The city shall adopt a personnel policy which shall be provided to  
676 all employees.

677                                   ARTICLE IV  
 678                                   JUDICIAL BRANCH  
 679                                   **SECTION 4.10.**  
 680                                   Municipal court creation.

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

682                                   **SECTION 4.11.**  
 683                                   Chief judge; associate judge.

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

686   (b) No person shall be qualified or eligible to serve as a judge on the municipal court unless  
 687   that person has attained the age of 21 years and possesses all qualifications required by law.  
 688   All judges shall be appointed by the city council and shall serve until a successor is appointed  
 689   and qualified.

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

691   (d) Judges serve at-will and may be removed from office at any time by the city council  
 692   unless otherwise provided by ordinance.

693   (e) Before assuming office, each judge shall take an oath, administered by the mayor, that  
 694   the judge will honestly and faithfully discharge the duties of the office to the best of that  
 695   person's ability and without fear, favor, or partiality. The oath shall be entered upon the  
 696   minutes of the city council journal as required in Section 2.20 of this charter.

697                                   **SECTION 4.12.**  
 698                                   Convening.

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

700                                   **SECTION 4.13.**  
 701                                   Jurisdiction; powers.

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

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

706 (c) For each offense committed within its jurisdiction, the municipal court may impose a  
707 punishment consisting of a fine not exceeding \$1,000.00, imprisonment for 180 days, or it  
708 may impose punishment by fine, imprisonment, or alternative sentencing as now or hereafter  
709 provided by law.

710 (d) The municipal court shall have authority to establish a schedule of reasonable fees to  
711 defray the cost of operation, including but not limited to administrative court costs, probation  
712 supervisory fees, and the cost of meals, transportation, and caretaking of prisoners bound  
713 over to superior courts for violations of state law.

714 (e) The municipal court shall have authority to establish bail and recognizances to ensure  
715 the presence of those charged with violations before said court and shall have discretionary  
716 authority to accept cash or personal or real property as surety for the appearance of persons  
717 charged with violations. Whenever any person shall give bail for that person's appearance  
718 and shall fail to appear at the time fixed for trial, the bond shall be forfeited by the judge  
719 presiding at such time, and an execution issued thereon by serving the defendant and the  
720 defendant's sureties with a rule nisi, at least two days before a hearing on the rule nisi. In the  
721 event that cash or property is accepted in lieu of bond for security for the appearance of a  
722 defendant at trial, and if such defendant fails to appear at the time and place fixed for trial,  
723 the cash so deposited shall be on order of the judge declared forfeited to the city, or the  
724 property so deposited shall have a lien against it for the value forfeited which lien shall be  
725 enforceable in the same manner and to the same extent as a lien for city property taxes.

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

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

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

736 **SECTION 4.14.**

737 **Certiorari.**

738 The right of certiorari from the decision and judgment of the municipal court shall exist in  
739 all criminal cases and ordinance violation cases, and such certiorari shall be obtained under

740 the sanction of a judge of the Superior Court of Stewart County under the laws of the State  
741 of Georgia regulating the granting and issuance of writs of certiorari.

742 **SECTION 4.15.**

743 Rules for court.

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

751 **SECTION 4.16.**

752 Indigent defense and prosecutor.

753 The mayor and city council shall have the power and authority to provide for a system of  
754 defense for indigent persons charged in the municipal court with violations of ordinances or  
755 state laws and for the prosecution of such cases by a prosecutor. The mayor and city council  
756 is further authorized to provide for the expense of indigent defense and prosecution by  
757 prorating the estimated cost over all criminal cases disposed of by the court and bond  
758 forfeitures in the criminal cases. A bond amount shall be imposed by the municipal court  
759 judge and collected in all criminal cases. Bond forfeitures in such cases shall be collected  
760 as costs in addition to fines, penalties, and all other costs.

761 **ARTICLE V**

762 **ELECTIONS**

763 **SECTION 5.10.**

764 Applicability of general law.

765 All primaries and elections shall be held and conducted in accordance with Chapter 2 of Title  
766 21 of the Official Code of Georgia Annotated, the "Georgia Election Code," as now or  
767 hereafter amended.



768 **SECTION 5.11.**

769 Election districts.

770 (a) On the Tuesday next following the first Monday in November, 2017, and every four  
771 years thereafter, successors to the Post 1, Post 2, and Post 3 councilmembers shall be elected  
772 for a term of office of four years and until their respective successors are elected and  
773 qualified.

774 (b) On the Tuesday next following the first Monday in November, 2019, and every four  
775 years thereafter, the mayor and successors to the Post 4, Post 5, and Post 6 councilmembers  
776 shall be elected for a term of office of four years and until their respective successors are  
777 elected and qualified.

778 (c) All persons elected to such offices shall take office on January 1 immediately following  
779 the date of the municipal election.

780 **SECTION 5.12.**

781 Nonpartisan elections.

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

784 **SECTION 5.13.**

785 Elections by majority.

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

787 **SECTION 5.14.**

788 Special elections; vacancies.

789 In the event that the office of mayor or councilmember shall become vacant as provided in  
790 Section 2.12 of this charter, the city council, or those councilmembers remaining, shall  
791 appoint a successor for the remainder of the term, provided that less than six months remain  
792 in the unexpired term. If six months or more remain, a special election shall be held and  
793 conducted in accordance with the Chapter 2 of Title 21, the "Georgia Election Code," as now  
794 or hereafter amended.

795 **SECTION 5.15.**

796 Other provisions.

797 Except as otherwise provided by this charter, the city council shall by ordinance prescribe  
 798 such rules and regulations it deems appropriate to fulfill any options and duties under  
 799 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, the "Georgia Election  
 800 Code," as now or hereafter amended.

801 **SECTION 5.16.**

802 Removal of officers.

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

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

808 (1) Following a hearing at which an impartial panel shall render a decision: In the event  
 809 an elected officer is sought to be removed by the action of the city council, such officer  
 810 shall be entitled to a written notice specifying the ground or grounds for removal and to a  
 811 public hearing which shall be held not less than ten days after the service of such written  
 812 notice. The city council shall provide by ordinance for the manner in which such hearings  
 813 shall be held. Any elected officer sought to be removed from office as herein provided  
 814 shall have the right of appeal from the decision of the city council to the Superior Court of  
 815 Stewart County. Such appeal shall be governed by the same rules as govern appeals to the  
 816 superior court from the probate court; or

817 (2) By an order of the Superior Court of Stewart County following a hearing on a  
 818 complaint seeking such removal brought by any resident of the city.

819 **ARTICLE VI**820 **FINANCE**821 **SECTION 6.10.**

822 Property tax.

823 The city council may assess, levy, and collect an ad valorem tax on all real and personal  
 824 property within the corporate limits of the city that is subject to such taxation by the state and  
 825 county. This tax shall be for the purpose of raising revenues to defray the costs of operating  
 826 the city government and providing governmental services, the repayment of principal and

827 interest on general obligations, and any other public purpose as determined by the city  
828 council in its discretion.

829 **SECTION 6.11.**

830 Millage rate; due dates; payment methods.

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

835 **SECTION 6.12.**

836 Occupational and business taxes.

837 The city council by ordinance shall have the power to levy such occupational or business  
838 taxes as are not denied by law. The city council may classify businesses, occupations, or  
839 professions for the purpose of such taxation in any way which may be lawful and may  
840 compel the payment of such taxes as provided in Section 6.18 of this charter.

841 **SECTION 6.13.**

842 Regulatory fees; permits.

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

848 **SECTION 6.14.**

849 Franchises.

850 (a) The city council shall have the power to grant franchises for the use of the city's streets,  
851 roads, alleys, and walkways for the purposes of railroads, street railways, telephone  
852 companies, electric companies, electric membership corporations, cable television and other  
853 telecommunications companies, gas companies, transportation companies, and other similar  
854 organizations. The city council shall determine the duration of, terms, whether the same  
855 shall be exclusive or nonexclusive, and the consideration for such franchises; provided,

856 however, that no franchise shall be granted for a period in excess of 35 years, and no  
 857 franchise shall be granted unless the city receives just and adequate compensation therefor.  
 858 The city council shall provide for the registration of all franchises with the city clerk in a  
 859 registration book kept by the city clerk. The city council may provide by ordinance for the  
 860 registration within a reasonable time of all franchises previously granted.

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

866 **SECTION 6.15.**

867 Service charges.

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

872 **SECTION 6.16.**

873 Special assessments.

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

878 **SECTION 6.17.**

879 Construction; other taxes and fees.

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

883 **SECTION 6.18.**

884 Collection of delinquent taxes and fees.

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

892 **SECTION 6.19.**

893 General obligation bonds.

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

898 **SECTION 6.20.**

899 Revenue bonds; sinking fund.

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

903 **SECTION 6.21.**

904 Short-term loans.

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

907 **SECTION 6.22.**

908 Lease-purchase contracts.

909 The city may enter into multiyear lease, purchase, or lease-purchase contracts for the  
 910 acquisition of goods, materials, real and personal property, services, and supplies, provided

911 that the contract terminates without further obligation on the part of the city at the close of  
912 the calendar year in which it was executed and at the close of each succeeding calendar year  
913 for which it may be renewed. Contracts must be executed in accordance with the  
914 requirements of Code Section 36-60-13 of the Official Code of Georgia Annotated, or such  
915 other applicable laws as are or may hereafter be enacted.

916 **SECTION 6.23.**

917 Fiscal year.

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

921 **SECTION 6.24.**

922 Preparation of budgets.

923 The city council shall provide by ordinance for the procedures and requirements for the  
924 preparation and execution of an annual operating budget, a capital improvement plan, and  
925 a capital budget, including requirements as to the scope, content, and form of such budgets  
926 and plans.

927 **SECTION 6.25.**

928 Submission of operating budget to city council.

929 On or before a date fixed by the city council, but not later than 60 days prior to the beginning  
930 of each fiscal year, the city manager shall submit to the city council a proposed operating  
931 budget for the ensuing fiscal year. The operating budget shall be accompanied by a message  
932 from the mayor containing a statement of the general fiscal policies of the city, the important  
933 features of the budget, explanations of major changes recommended for the next fiscal year,  
934 a general summary of the budget, and such other pertinent comments and information  
935 deemed necessary. The operating budget and the capital budget required by this article, the  
936 budget message, and all supporting documents shall be filed in the office of the city clerk and  
937 shall be open to public inspection.

938

**SECTION 6.26.**

939

Action by city council on budget.

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

945 (b) The city council by ordinance shall adopt the final operating budget for the ensuing fiscal  
 946 year not later than the first day of such fiscal year. If the city council fails to adopt the  
 947 budget by this date, the amounts appropriated for operation for the past fiscal year shall be  
 948 deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items  
 949 prorated accordingly until such time as the city council adopts a budget for the ensuing fiscal  
 950 year. Adoption of the budget shall take the form of an appropriations ordinance setting out  
 951 the estimated revenues in detail by sources and making appropriations according to fund and  
 952 by organizational unit, purpose, or activity as set out in the budget preparation ordinance  
 953 adopted pursuant to Section 6.24 of this charter.

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

958

**SECTION 6.27.**

959

Tax levies.

960 The city council shall levy by ordinance such taxes as are necessary. The taxes and tax rates  
 961 set by any such ordinance shall be such that reasonable estimates of revenues from such levy  
 962 shall at least be sufficient, together with other anticipated revenues, fund balances, and  
 963 applicable reserves, to equal the total amount appropriated for each of the several funds set  
 964 forth in the annual operating budget for defraying the expenses of the general government  
 965 of the city.

966

**SECTION 6.28.**

967

Change in appropriations.

968 The city council by ordinance may make changes in the appropriations contained in the  
 969 current operating budget at any regular, special, or emergency meeting called for such

970 purpose, but any additional appropriations may be made only from an existing unexpended  
971 surplus.

972 **SECTION 6.29.**

973 Independent audit.

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

979 **SECTION 6.30.**

980 Contracting procedures.

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

982 (1) It is in writing;

983 (2) It is drawn by or submitted to and reviewed by the city attorney and, as a matter of  
984 course, is signed by the city attorney to indicate such drafting or review; and

985 (3) It is made or authorized by the city council, and such approval is entered in the city  
986 council journal of proceedings in accordance with Section 2.20 of this charter.

987 **SECTION 6.31.**

988 Centralized purchasing.

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

991 **SECTION 6.32.**

992 Sale and lease of city property.

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

995 (b) To the extent authorized by Chapter 7 of Title 32 of the Official Code of Georgia  
996 Annotated and Chapter 37 of Title 36 of the Official Code of Georgia Annotated, the city  
997 council may quitclaim any rights it may have in property not needed for public purposes  
998 upon report by the mayor and adoption of a resolution, both finding that the property is not



999 needed for public or other purposes and that the interest of the city has no readily  
1000 ascertainable monetary value.

1001 (c) To the extent authorized by Chapter 7 of Title 32 of the Official Code of Georgia  
1002 Annotated and Chapter 37 of Title 36 of the Official Code of Georgia Annotated, whenever  
1003 in opening, extending, or widening any street, avenue, alley, or public place of the city a  
1004 small parcel or tract of land is cut off or separated by such work from a larger tract or  
1005 boundary of land owned by the city, the city council may authorize the mayor to sell and  
1006 convey said cut-off or separated parcel or tract of land to an abutting or adjoining property  
1007 owner or owners where such sale and conveyance facilitates the enjoyment of the highest and  
1008 best use of the abutting owner's property. Included in the sales contract shall be a provision  
1009 for the rights of way of said street, avenue, alley, or public place. Each abutting property  
1010 owner shall be notified of the availability of the property and given the opportunity to  
1011 purchase said property under such terms and conditions as set out by ordinance. All deeds  
1012 and conveyances heretofore and hereafter so executed and delivered shall convey all title and  
1013 interest the city has in such property, notwithstanding the fact that no public sale after  
1014 advertisement was or is hereafter made.

1015 **ARTICLE VII**

1016 **GENERAL PROVISIONS**

1017 **SECTION 7.10.**

1018 Bonds for officials.

1019 The officers and employees of the city, both elected and appointed, shall execute such surety  
1020 or fidelity bonds in such amounts and upon such terms and conditions as the city council may  
1021 from time to time require by ordinance or as may be provided by law.

1022 **SECTION 7.11.**

1023 Prior ordinances.

1024 All ordinances, resolutions, rules, and regulations now in force in the city and not  
1025 inconsistent with this charter are hereby declared valid and of full effect and force until  
1026 amended or repealed by the city council.

**SECTION 7.12.**

1027

1028

Existing personnel and officers.

1029 Except as specifically provided otherwise by this charter, all personnel and officers of the  
 1030 city and their rights, privileges, and powers shall continue beyond the time this charter takes  
 1031 effect for a period of 180 days, before or during which the existing city council shall pass a  
 1032 transition ordinance detailing the changes in personnel and appointed officers required or  
 1033 desired and arranging such titles, rights, privileges, and powers as may be required or desired  
 1034 to allow a reasonable transition.

**SECTION 7.13.**

1035

1036

Pending matters.

1037 Except as specifically provided otherwise by this charter, all rights, claims, actions, orders,  
 1038 contracts, and legal or administrative proceedings shall continue, and any such ongoing work  
 1039 or cases shall be completed by such city agencies, personnel, or offices as may be provided  
 1040 by the city council.

**SECTION 7.14.**

1041

1042

Construction.

1043 (a) Section captions in this charter are informative only and are not to be considered as a part  
 1044 thereof.

1045 (b) The word "shall" is mandatory and the word "may" is permissive.

1046 (c) The singular shall include the plural, the masculine shall include the feminine, and vice  
 1047 versa.

**SECTION 7.15.**

1048

1049

Severability.

1050 If any article, section, subsection, paragraph, sentence, or part thereof of this charter shall be  
 1051 held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect  
 1052 or impair other parts of this charter unless it clearly appears that such other parts are wholly  
 1053 and necessarily dependent upon the part held to be invalid or unconstitutional, it being the  
 1054 legislative intent in enacting this charter that each article, section, subsection, paragraph,  
 1055 sentence, or part thereof be enacted separately and independent of each other.

1056 **SECTION 7.16.**

1057 Specific repealer.

1058 An Act to provide a new charter for the City of Lumpkin, approved May 11, 2009 (Ga. L.  
1059 2009, p. 4317), is hereby repealed.

1060 **SECTION 7.17.**

1061 Effective date.

1062 This Act shall become effective on July 1, 2016.

1063 **SECTION 7.18.**

1064 General repealer.

1065 All laws and parts of laws in conflict with this Act are repealed.