

**Chapter 99**

**CHARTER**

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**AN ACT**

To provide a new charter for the City of Thomasville, Georgia; to provide for name, reincorporation, boundaries, and powers of the city; to provide for a governing authority of such city and the powers, duties, authority, election, terms, method of filling vacancies, compensation, qualifications, oaths, prohibitions, and removal from office relative to members of such governing authority; to provide for inquiries and investigations; to provide for council districts; to provide for organization, meetings, and

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procedures; to provide for ordinances and codes; to provide for the office of mayor and the office of vice chairman and certain duties and powers relative to such offices; to provide for administrative responsibilities; to provide for boards, commissions, and authorities; to provide for a city manager, a city attorney, a city clerk, a city treasurer, and other personnel and their powers and duties; to provide for personnel administration; to provide for rules and regulations; to provide for a municipal court and the judge or judges thereof and their qualifications, compensation, removal, and oath; to provide for practices and procedures and jurisdiction and powers of the court; to provide for elections; to provide for finances, taxation, fees, and licenses; to provide for franchises, service charges, assessments, and collection thereof; to provide for bonded and other indebtedness; to provide for accounting and budgeting; to provide for purchases; to provide for a municipal airport; to provide for municipal pensions and taxes and conditions and procedures relating thereto; to provide for social security; to provide for a municipal utilities system and commission; to provide for a municipal gas system; to provide for an independent school system; to provide for a board of education and its composition, election, terms, vacancies, qualifications, and districts; to provide for its organization, meetings, power, and authority; to provide for taxation for education; to provide for street and other public improvements and assessments and liens therefor and collection thereof; to provide a text of the constitutional amendment relating to the Thomasville Payroll Development Authority and for the statutory construction of certain terms; to provide for the acquisition and disposition of property; to provide for bonds for officials; to provide for eminent domain; to provide for prior ordinances and pending matters; to provide for penalties; to provide for definitions and construction; to provide for other matters relative to the foregoing; to provide for severability; to repeal specific acts; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

Section 99-01 ARTICLE I. INCORPORATION AND POWERS

### **Section 1.10. Name.**

This City of Thomasville, in Thomas County, Georgia, is reincorporated by the enactment of this charter and is constituted and declared a body politic and corporate under the name and style Thomasville, Georgia, and by that name shall have perpetual succession.

### **Section 1.11. Corporate boundaries.**

(a) The boundaries of this city shall be those existing on the effective date of the adoption of this charter with such alterations as may be made from time to time in the manner provided by law. The boundaries of this city at all times shall be shown on a map, a written description, or any combination thereof, to be retained permanently in the office of the city clerk and to be designated, as the case may be: "Official Map (or Description) of the corporate limits of the City of Thomasville, Georgia." Photographic, typed, or other copies of such map or description certified by the city clerk shall be admitted as evidence in all courts and shall have the same force and effect as with the original map or description.

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

### **Section 1.12. Powers and construction.**

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

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general law.

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

(c) The powers of government of the city to be exercised by the city council shall include, but not be limited to, the following:

- (1) *Air and Water Pollution.* To regulate the emission of smoke or other exhaust which pollutes the air and to prevent the pollution of natural streams or bodies of water within the corporate limits of the city;
- (2) *Animal Regulations.* To regulate and license or to prohibit the keeping or running at large of animals and fowl and to provide for the impoundment of same if in violation of any ordinance or lawful order; to provide for the disposition by sale, gift, or humane destruction of animals and fowl when not redeemed as provided by ordinance; and to provide punishment for violation of ordinances enacted hereunder;
- (3) *Appropriations and Expenditures.* To make appropriations for the support of the government of the city; to authorize the expenditure of money for any purposes authorized by this charter and for any purpose for which a municipality is authorized by the laws of the State of Georgia; and to provide for the payment of expenses of the city;
- (4) *Building Regulation.* To regulate and to license the erection and construction of buildings and all other structures; to adopt building, housing, plumbing, electrical, gas, fire, and heating and air conditioning codes; and to regulate all housing and building trades;
- (5) *Business Regulation and Taxation.* To levy and to provide for collection of license fees and taxes on privileges, occupations, trades, and professions; to license and regulate the same; to provide for the manner and method of payment of such licenses and taxes; and to revoke such licenses after due process for failure to pay any city taxes or fees;
- (6) *Condemnation.* To condemn property, inside or outside the corporate limits of the city, for present or future use and for any corporate purpose deemed necessary by the governing authority, utilizing procedures enumerated in Title 22 of the Official Code of Georgia Annotated, or such other applicable laws as are or may hereafter be enacted;
- (7) *Contracts.* To enter into contracts and agreements with other governmental entities and with private persons, firms, and corporations;
- (8) *Emergencies.* To establish procedures for determining and proclaiming that an emergency situation exists within or without the city and to make and carry out all reasonable provisions deemed necessary to deal with or meet such an emergency for the protection, safety, health, or well-being of the citizens of the city;
- (9) *Fire Regulations.* To fix and establish fire districts and from time to time to extend, enlarge, or restrict the same; to prescribe fire safety regulations not inconsistent with general law, relating to both fire prevention and detection and to firefighting; and to prescribe penalties and punishment for violations thereof;
- (10) *Garbage Fees.* To levy, fix, assess, and collect a garbage, refuse and trash collection and disposal, and other sanitary service charge, tax, or fee for such services as may be necessary in the operation of the city or otherwise from all individuals, firms, and corporations benefiting from such services; to enforce the payment of such charges, taxes or fees; and to provide for the manner and method of collecting such service charges;
- (11) *General Health, Safety and Welfare.* To define, regulate, and prohibit any act, practice, conduct, or use of property which is detrimental to health, sanitation, cleanliness, welfare, and safety of the inhabitants of the city and to provide for the enforcement of such standards;
- (12) *Gifts.* To accept or refuse gifts, donations, bequests or grants from any source for any purpose related to powers and duties of the city and the general welfare of its citizens, on such terms and conditions as the donor or grantor may impose;
- (13) *Health and Sanitation.* To prescribe standards of health and sanitation and to provide for

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- the enforcement of such standards;
- (14) *Jail Sentences.* To provide that persons given jail sentences in the city court may work out such sentences in any public works or on the streets, roads, drains and squares, or other public property in the city; to provide for commitment of such persons to any jail, or to provide for commitment of such persons to any county work camp or county jail by agreement with the appropriate county officials;
  - (15) *Motor Vehicles.* To regulate the operation of motor vehicles and exercise control over all traffic, including parking, upon or across the streets, roads, alleys, and walkways of the city;
  - (16) *Municipal Agencies and Delegation of Power.* To create, alter, or abolish departments, boards, offices, commissions and agencies of the city, and to confer upon such agencies the necessary and appropriate authority for carrying out all the powers conferred upon or delegated to the same;
  - (17) *Municipal Debts.* To appropriate and borrow money for the payment of debts of the city and to issue bonds for the purpose of raising revenue to carry out any project, program, or venture authorized by this charter or the laws of the State of Georgia;
  - (18) *Municipal Property Ownership.* To acquire, dispose of, and hold in trust or otherwise any real, personal, or mixed property, in fee simple or lesser interest, inside or outside the property limits of the city;
  - (19) *Municipal Property Protection.* To provide for the preservation and protection of property and equipment of the city and the administration and use of same by the public; and to prescribe penalties and punishment for violations thereof;
  - (20) *Municipal Utilities.* To acquire, lease, construct, operate, maintain, sell, and dispose of public utilities, including but not limited to, a system of waterworks, sewers and drains, sewage disposal, gas works, cable television systems, and other telecommunication systems, electric generating plants, transportation facilities, public airports, and any other public utility; and to fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties and to provide for the withdrawal of service for refusal or failure to pay the same; and to authorize the extension of water, sewerage, cable television, and other telecommunications systems, and electrical distribution systems, and all necessary appurtenances by which such utilities are distributed, inside and outside the corporate limits of the city as provided by ordinance;
  - (21) *Nuisance.* To define a nuisance and provide for its abatement whether on public or private property;
  - (22) *Ordinances, Rules and Regulations.* To make, establish, and adopt such bylaws, ordinances, policies, and rules and regulations as shall appear necessary for the security, welfare, convenience, and interest of the city and the inhabitants thereof and for preserving the health, peace, order, and good government of the city;
  - (23) *Penalties.* To provide penalties for violation of any ordinances adopted pursuant to the authority of this charter and the laws of the State of Georgia;
  - (24) *Planning and Zoning.* To provide comprehensive city planning for development by zoning; and to provide subdivision regulation and the like as the city council deems necessary and reasonable to ensure a safe, healthy, and aesthetically pleasing community;
  - (25) *Police and Fire Protection and Emergency Medical Services.* To exercise the power of arrest through duly appointed police officers; to establish, operate or contract for a police agency and a fire-fighting agency; and to establish and operate separately or as part of another agency an emergency medical services system, including without limitation an ambulance service providing emergency care and transportation for wounded, injured, sick, invalid or incapacitated persons.
  - (26) *Public Hazards: Removal.* To provide for the destruction and removal of any building or other structure which is or may become dangerous or detrimental to the public;

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- (27) *Public Improvements.* To provide for the acquisition, construction, building, operation, and maintenance of public ways, parks and playgrounds, recreational facilities, cemeteries, markets and market houses, public buildings, libraries, public housing, airports, hospitals, terminals, docks, parking facilities, or charitable, cultural, educational, recreational, conservation, sport, curative, corrective, detentional, penal, and medical institutions, agencies, and facilities; and to provide any other public improvements, inside or outside the corporate limits of the city; to regulate the use of public improvements; and for such purposes, property may be acquired by condemnation under Title 22 of the Official Code of Georgia Annotated, or such other applicable laws as are or may hereafter be enacted;
- (28) *Public Peace.* To provide for the prevention and punishment of drunkenness, riots, and public disturbances;
- (29) *Public Transportation.* To organize and operate such public transportation systems as are deemed beneficial;
- (30) *Public Utilities and Services.* To grant franchises or make contracts for public utilities and public services; and to prescribe the rates, fares, regulations and standards and conditions of service applicable to the service to be provided by the franchise grantee or contractor, insofar as [they are] not in conflict with valid regulations of the State of Georgia Public Service Commission;
- (31) *Regulation of Roadside Areas.* To prohibit or regulate and control the erection, removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any and all other structures or obstructions upon or adjacent to the rights-of-way of streets and roads or within view thereof, within or abutting the corporate limits of the city; and to prescribe penalties and punishment for violation of such ordinances;
- (32) *Retirement.* To provide and maintain a retirement plan for officers and employees of the city;
- (33) *Roadways.* To lay out, open, extend, widen, narrow establish or change the grade of, abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and walkways within the corporate limits of the city; and to negotiate and execute leases over, through, under or across any city property or the right-of-way of any street, road, alley, and walkway or portion thereof within the corporate limits of the city, for bridges, passageways, or any other purpose or use between buildings on opposite sides of the street and for other bridges, overpasses, and underpasses for private use at such location, and to charge a rental therefor in such manner as may be provided by ordinance; and to authorize and control the construction of bridges, overpasses, and underpasses within the corporate limits of the city; and to grant franchises and rights-of-way throughout the streets and roads and over the bridges and viaducts for the use of public utilities and for private use; and to require real estate owners to repair and maintain in a safe condition the sidewalks adjoining their lots or lands and to impose penalties for failure to do so;
- (34) *Sewer Fees.* To levy a fee, charge, or sewer tax as necessary to assure the acquiring, constructing, equipping, operating, maintaining, and extending of a sewage disposal plant and sewerage system and to levy on those to whom sewers and sewerage systems are made available a sewer service fee, charge or sewer tax for the availability or use of the sewers; to provide for manner and method of collecting such service charges and for enforcing payment of the same; and to charge, impose, and collect a sewer connection fee or fees to those connected with the system;
- (35) *Solid Waste Disposal.* To provide for the collection and disposal of garbage, rubbish, and refuse and to regulate the collection and disposal of garbage, rubbish, and refuse by others; and to provide for the separate collection of glass, tin, aluminum, cardboard, paper, and other recyclable materials and to provide for the sale of such items;

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- (36) *Special Areas of Public Regulation.* To regulate or prohibit junk dealers, pawn shops, the manufacture, sale, or transportation of any distilled spirits, mixed alcoholic concoctions, wine, or beer that require payment of Georgia excise taxes on alcoholic beverages, and the use and sale of firearms; to regulate the transportation, storage and use of combustible, explosive and inflammable materials, the use of lighting and heating equipment, and any other business or situation which may be dangerous to persons or property; to regulate and control the conduct of peddlers and itinerant traders, theatrical performances, exhibitions, and shows of any kind, by taxation or otherwise; and to license, tax, regulate or prohibit professional fortunetelling, palmistry, adult bookstores, and massage parlors;
- (37) *Special Assessments.* To levy and provide for the collection of special assessments to cover the costs for any public improvements;
- (38) *Taxes: Ad Valorem.* To levy and provide for assessment, valuation, revaluation, and collection of taxes on all property subject to taxation;
- (39) *Taxes: Other.* To levy and collect such other taxes as may be allowed now or in the future by law;
- (40) *Taxicabs.* To regulate and license vehicles operated for hire in the city; to limit the number of such vehicles; to require the operators thereof to be licensed; to require public liability insurance on such vehicles in the amounts to be prescribed by ordinance; and to regulate the parking of such vehicles;
- (41) *Urban Redevelopment.* To organize and operate an urban redevelopment program;
- (42) *Non-Profit Corporations.* To the extent allowed by law, to organize and create nonprofit corporations and entities in order to accomplish any of the powers set forth in this charter;
- (43) *Public Authorities.* To organize, create and activate any public corporation or public authority authorized under the laws of the State of Georgia;
- (44) *Other Powers.* To exercise and enjoy all other powers, functions, rights, privileges and immunities necessary or desirable to promote or protect the safety, health, peace, security, good order, comfort, convenience, or general welfare of the city and its inhabitants; and to exercise all implied powers necessary to execute all powers granted in this charter as fully and completely as if such powers were fully stated herein; and to exercise all powers now or in the future authorized to be exercised by other municipal governments under other laws of the State of Georgia; and no listing of particular powers in this charter shall be held to be exclusive of others, nor restrictive of general words and phrases granting powers, but shall be held to be in addition to such powers unless expressly prohibited to municipalities under the constitution or applicable laws of the State of Georgia.

(Ord. of 6-12-95(1), §§ I(A), (B), (G), (I), (J), (P))

### **Section 1.13. Exercise of powers.**

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

(2001(Article12), Amended, 09/24/2001, Revise assessment process for street improvements; 2001(2-27), Amended, 09/24/2001, provides for publication of Code on Internet; 1999(2-13), Amended, 08/23/1999, changed council compensation)

## Section 99-02 ARTICLE II. GOVERNMENT STRUCTURE

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### **Section 2.10. City Council creation; number; election.**

The legislative authority of the government of this City, except as otherwise specifically provided in this charter, shall be vested in a City Council to be composed of five Councilmembers. The City Council established in this charter shall in all respects be a successor to and continuation of the City governing authority under prior law. The City Council shall be elected in the manner provided by this charter. The City Council may also be referred to as the Council of the City of Thomasville or the Council of Thomasville, Georgia.

### **Section 2.11. City Councilmembers. Terms and Qualifications for Office.**

The members of the City Council shall serve for terms of four (4) years and until their respective successors are elected and qualified. No person shall be eligible to serve as Councilmember unless he shall have been a resident of the City for a period of time as provided in Code Section 45-2-1 [O.C.G.A. § 45-2-1]; each shall continue to reside therein during his period of service and to be registered and qualified to vote in municipal elections of this City.

### **Section 2.12. Vacancy; filling of vacancies; suspensions.**

(a) *Vacancies*--The office of Councilmember shall become vacant upon the incumbent's death, resignation, forfeiture of office or removal from office in any manner authorized by this charter or the general laws of the State of Georgia. A vacancy in the office of Councilmember shall be filled for the remainder of the unexpired term, if any, as provided for in this charter.

(b) *Suspension*--Upon the suspension from office of a Councilmember in any manner authorized by the general laws of the State of Georgia, the City Council or those remaining shall appoint a successor for the duration of the suspension. If the suspension becomes permanent, then the office shall become vacant and shall be filled for the remainder of the unexpired term, if any, as provided for in this charter.

### **Sec. 2.13. Salary of Mayor and Councilmembers.**

Following the effective date of this ordinance each Councilmember, with the exception of the Councilmember designated as mayor, shall receive a salary of \$650.00 per month, payable monthly out of the treasury of the City, and the Councilmember designated as Mayor shall receive a salary of \$750.00 per month, payable monthly out of the treasury of the City. In addition to the compensation provided in this section, for each day during which a Councilmember attends a meeting of a City Council committee to which a Councilmember is assigned or a meeting with another governmental unit or body where the presence of one (1) or more Councilmembers is required, each Councilmember so attending shall receive an amount for each such day equal to the daily expense allowance to which members of the General Assembly are authorized pursuant to general law except for travel within Thomas County; provided, however, that each Councilmember shall be entitled to receive such amount for no more than six (6) meetings per month, and the Mayor shall be allowed to receive such amount for no more than seven (7) meetings per month. The Mayor and members of the City Council shall be entitled to receive the per mile allowance authorized for state employees by general law for attending such meetings. Rules prescribing the kinds of meetings which will qualify for purpose of this section, along with attendance requirements, shall be established in writing by the mayor, after consultation with the City Council, prior to the effective date of this section.

(Ord. of 6-12-95(1), Ord. of 8-23-99 § I(K))

### **Section 2.14. Conflicts of interest; holding other offices.**

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

- (1) Be directly or indirectly interested in any contract, job, service with or for the City, nor in the profits or emoluments thereof, and any contract on the part of the City which violates this section may be declared null and void by the City Council;
- (2) Engage in or accept private employment, or render services for private interests when such employment or service is incompatible with the proper discharge of his official duties or would tend to impair the independence of his judgment or action in the performance of his official duties;
- (3) Disclose confidential information concerning the property, government, or affairs of the governmental body by which he is engaged without proper legal authorization; or use such information to advance the financial or other private interest of himself or others;
- (4) Accept any valuable gift, whether in the form of service, loan, thing, or promise, from any person, firm or corporation which to his knowledge is interested, directly to indirectly, in any manner whatsoever, in business dealings with the governmental body by which he is engaged; provided, however, that an elected official who is a candidate for public office may accept campaign contributions and services in connection with any such campaign;
- (5) Represent other private interests in any action or proceeding against this City or any portion of its government.

(b) Disclosure--Any elected official, appointed officer, or employee who shall have any private financial interest, directly or indirectly, in any contract or matter pending before or within any department of the City shall disclose such private interest to the City Council. The Mayor or any Councilmember who has a private interest in any matter pending before the City Council shall disclose such private interest and such disclosure shall be entered on the records of the City Council, and he shall disqualify himself from participating in any decision or vote relating thereto. Any elected official, appointed officer, or employee of any agency or political entity to which this charter applies who shall have any private financial interest, directly or indirectly, in any contract or matter pending before or within such entity shall disclose such private interest to the governing body of such agency or entity. Nothing contained in this subsection shall authorize any activity prohibited by subsection (a) above.

(c) Use of Public Property--Elected officials, appointed officers, or employees of the City or any agency or entity to which this charter applies shall not use property owned by such governmental entity for personal benefit, convenience, or profit except in accordance with policies promulgated by the City Council or the governing body of such agency or entity.

(d) Contracts Voidable and Rescindable--Any violation of this section which occurs with the knowledge, express or implied, of a party to a contract or sale shall render such contract or sale voidable at the option of the City Council.

(e) Ineligibility of Elected Official--Except where authorized by law, neither the Mayor nor any Councilmember shall hold any other elective or compensated appointive office in the City or otherwise be employed by the government or any agency thereof during the term for which he was elected.

(f) Political Activities of Certain Officers and Employees--Appointive officers and employees of the City shall not continue in such employment upon qualifying as a candidate for nomination or election to any public office.

(g) Penalties for Violation--

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

(Ord. of 6-12-95(1), § I(L))

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### **Section 2.15. Inquiries and investigations.**

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

### **Section 2.16. General power and authority of the City Council.**

Except as otherwise provided by the charter the City Council shall be vested with all the powers of government of this City as provided by Article I.

### **Section 2.17. Eminent domain.**

The City Council is hereby empowered to acquire construct, operate and maintain public ways, parks, public grounds cemeteries, markets, market houses, public buildings, libraries, sewers, drains, sewage treatment, waterworks, electrical systems, gas systems, cable television systems, all data and telecommunications systems, airports, hospitals, and charitable, educational, recreational, sport, curative, corrective, detentional, penal and medical institutions, agencies and facilities, and any other public improvements inside or outside the City, and to regulate the use thereof. For such purposes set forth herein, property may be condemned under procedures established under general law applicable now or as provided in the future. (Ord. of 6-12-95(1), § I(H))

### **Section 2.18. Fire district.**

The City Council may enact any and all bylaws, ordinances and regulations necessary to lay out a fire district in the City and enlarge, change, or modify its limits from time to time.

### **Section 2.19. Zoning and planning authorized.**

The City Council shall have authority to enact zoning and planning laws whereby such City will be zoned or districted for various uses and other or different uses prohibited therein and regulating the uses for which such zones or districts may be set apart, and regulating the plans for the development and improvement of real estate therein.

In exercising the powers herein granted, the City Council shall be further authorized to adopt by ordinance a plan or plans for the zoning of the City, in the interest of public health, safety, order, convenience, comfort, aesthetics, prosperity, and general welfare, and for the purpose of regulating the location of trades, industries, apartment houses dwellings, or other uses of property; or for the purpose of regulating the height and location of the buildings, fences or other structures; or for the purpose of regulating the alignment of buildings or other structures near street frontages; or for the purpose of preserving buildings, structures or areas having national, regional, state or local historic significance; or for the purpose of maintaining or improving the aesthetic appearance of any buildings, structures or areas. The zoning regulations may be based upon any one (1) or more of the purposes above described. The City may be divided into such number of zones or districts, and such districts may be of such shape and area as the City Council shall deem best to accomplish the purposes of the zoning regulations.

### **Section 2.20. Organizational meetings.**

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The City Council shall hold an organizational meeting at the first regular meeting in January following each general municipal election. The meeting shall be called to order and the oath of office shall be administered to the newly elected members as follows: "I swear (or affirm) that I will faithfully and impartially demean myself and perform my duties as a member of the City Council for the City of Thomasville during my continuance in office, and in all things pertaining to my office. So help me God." In addition, at the first regular meeting held in January following each municipal election, all members of the City Council, including the Mayor, shall be administered the oath required by O.C.G.A. §45-3-1

### **Section 2.21. Regular and special meetings.**

(a) The City Council shall meet at least once a month at stated intervals and shall hold their meetings in public. The Council shall keep reports of its meetings and shall record all its actions. The City Clerk is hereby named as the official secretary of the City Council and is charged with the duty of attending and keeping the minutes of all meetings of the City Council, which record and minutes shall be open to the inspection of the general public in the office of the City Clerk in the City hall at all reasonable hours. All votes shall be taken by "aye" and "nay" and shall appear in the minutes.

(b) The City Council shall be required to meet in special session as often as the Mayor or any two (2) Councilmembers or the City Manager may request. Special meetings of the City Council shall be called by the mayor, or the necessary Councilmembers, or the City Manager, filing a written request for the same with the City Clerk, stating the time for the meeting. Upon such notice being filed with the City Clerk it shall thereupon be the duty of the Clerk to serve notice upon every member of the City Council and the City Manager, whose names are not attached to the request for such meeting to be called, such notice to be served in writing, orally, or by telephone upon such members of the City Council who are to be found within the City limits of the City. Upon the Clerk's failure to locate any member of the City Council for service of notice as provided in this section, a written notice of such meeting shall be left at his place of business or residence. The same rule of service shall apply to the City Manager or anyone else with whom the board has special business to transact.

### **Section 2.22. Rules of procedure.**

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

(b) All committees and committee chairmen and officers of the City Council shall be appointed by the Mayor and shall serve at his pleasure. The Mayor shall have the power to appoint new members to any committee at any time.

### **Section 2.23. Quorum: voting.**

Three (3) Councilmembers shall constitute a quorum and shall be authorized to transact business of the Council. Voting on the adoption of ordinances shall be by voice vote and the vote shall be recorded in the minutes, but any member of the City Council shall have the right to request a roll call vote and such vote shall be recorded in the minutes.

### **Section 2.24. Ordinance form; procedures.**

(a) Every proposed ordinance should be introduced in writing and in the form required for final adoption. No ordinance shall contain a subject which is not expressed in its title. The enacting clause shall be "Be it ordained by the Council of the City of Thomasville Georgia..." and every ordinance shall so begin.

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(b) An ordinance may be introduced by any Councilmember and read at a regular or special meeting of the City Council. Ordinances shall be considered and adopted or rejected by the City Council in accordance with the rules which it shall establish; provided, however, an ordinance shall not be adopted the same day it is introduced except for emergency ordinances as provided by ordinance. Upon introduction of any ordinance, the Clerk shall make a copy available of the ordinance by U.S. Mail, by email or by facsimile to any member of the public who requests a copy and shall otherwise keep on file a copy of the ordinance in the office of the Clerk for inspection by any member of the public.

### **Section 2.25. Action requiring an ordinance.**

Acts of the City Council which have the force and effect of law shall be enacted by ordinance.

### **Section 2.26. Codes of technical regulations.**

(a) The City Council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such adopting ordinance shall be as prescribed for ordinances generally except that: (1) the requirements of Section 2.24(b) for distribution and filing of copies of the ordinance shall be construed to include copies of any code of technical regulations, as well as the adopting ordinance; and (2) a copy of each adopted code of technical regulations, as well as the adopting ordinance shall be authenticated and recorded by the City Clerk pursuant to Section 2.27.

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

### **Section 2.27. Signing; authenticating; recording; codification; publication.**

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

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

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

### **Section 2.28. City Manager; appointment; qualifications; compensation.**

The City Council shall appoint a City Manager for an indefinite term and he shall hold office at the pleasure of the City Council, The Manager shall be appointed solely on the basis of his executive and administrative qualifications, and his compensation shall be fixed by the City Council.

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### **Section 2.29. Assistant City Manager.**

The City Manager shall have the authority to designate such assistant City Manager or assistant City Managers as he deems appropriate, with such assistant City Manager or managers to have such duties and to exercise such authority as specified by the City Manager, so long as such designation of duties and authority does not violate other provisions of the charter or state law.

### **Section 2.30. Powers and duties of the City Manager.**

(a) The City Manager shall be the chief administrative officer of the City. He shall be responsible to the City Council for the administration of all City affairs placed in his charge by or under this charter with the exception of the City utilities department. He shall devote his entire time to the duties of his office. He shall have the following powers and duties.

- (1) See that all laws and ordinances of the City are enforced.
- (2) With the exception of the City utilities department (which includes the City gas system), exercise control over all of the departments and divisions of the City general government now created, or that may hereafter be created.
- (3) Attend all meetings of the City Council, with the right to take part in the discussions, but he shall have no right to vote on propositions under consideration.
- (4) Recommend to the City Council for adoption such matters as he may deem necessary and expedient.
- (5) Prepare and submit to the City Council an annual operating budget and capital budget of all departments of the City, except the utilities department, setting forth the probable needed expenditures and estimated revenue for such year.
- (6) Keep the City Council advised as to the financial condition and needs of the City.
- (7) Supervise and direct the conduct of all officers and employees, except as otherwise provided herein.
- (8) Supervise the performance of all contracts for all work done for the City general government and to make all purchases or contracts for same under such rules and regulations as the City Council may adopt.
- (9) As personnel manager, he shall appoint, discharge and fix the salaries of employees in all departments and divisions of the general government with the exception of the City utilities department, provided that all such terms of employment shall be made only at the pleasure of the City Manager in accordance with duly established personnel policy. All such appointments shall be made upon merit and fitness for the performance of the duties required.
- (10) Perform additional duties as the City Council may by ordinance or resolution prescribe.

(b) The City Council may require the City Manager to go before them at any time and answer questions, either orally or in writing, and may require of the City Manager, at any time they see fit, any reports on any matter involving the City that they deem proper.

(c) The City Manager shall be purchasing agent for the City general government, and by him all purchases or contracts shall be made in accordance with rules and regulations adopted by the City Council by resolution in any official meeting of the City Council. In the capacity of purchasing agent for the City general government he shall conduct all sales of personal property of the City which the City Council may authorize to be sold and which may have become unnecessary or unfit for the City use. The City Council may by resolution or ordinance prescribe who shall sign vouchers for the payment out of the City funds, and under what rules and regulations.

(Ord. of 6-12-95(1), § I(B))

### **Section 2.31. City Council's interference with administration.**

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Except for the purpose of inquiries and investigations under Section 2.15, the City Council or its members shall deal with City officers and employees who are subject to the direction and supervision of the manager solely through the manager, and neither the City Council nor its members shall give orders to any such officer or employee, either publicly or privately.

### **Section 2.32. Selection of Mayor and Mayor Pro Tempore.**

By a majority vote of all its members, the City Council shall elect a Councilmember to serve as Mayor and a Councilmember to serve as Mayor Pro Tempore for terms of two (2) years and until their successors are elected and qualified. Both shall continue to vote and otherwise participate as Councilmembers but shall have no veto power. The Mayor and Mayor Pro Tempore serving as such when this charter first becomes effective shall serve out the remainder of their terms of office as Mayor and Mayor Pro Tempore and until their respective successors to such officers are elected and qualified. If either office becomes vacant, the City Council shall elect one (1) of the other Councilmembers to serve as such officer.

### **Section 2.33. Powers and duties of Mayor.**

The Mayor shall:

- (a) Preside at all meetings of the City Council;
- (b) Be the head of the City for the purpose of service of process and for ceremonial purposes, and be the official spokesman for the City and the chief advocate of policy;
- (c) Have power to administer oaths and to take affidavits; and
- (d) Sign as a matter of course on behalf of the City all written and approved contracts, ordinances, and other instruments executed by the City which by law are required to be in writing.

### **Section 2.34. Mayor Pro Tempore.**

During the absence or disability of the Mayor for any cause, the Mayor Pro Tempore of the City Council, or in his absence or disability for any reason, any one (1) of the Councilmembers chosen by a majority vote of the City Council shall be clothed with all the rights and privileges of the Mayor and shall perform the duties of the office of the Mayor so long as such absence or disability shall continue.

### **Section 2.35. Devotion of time to duties.**

The Mayor and each of the Councilmembers shall devote as much time as may be necessary to the duties of the office held.

(99-2-13, effective, 01/02/2006, raise in salary approved 2-9-2004 takes effect ; 99-2-34, Amended, 02/09/2004; 99-2-32, Amended, 02/09/2004; 99-2-29, Amended, 02/09/2004; 99-2-24, Amended, 02/09/2004; 99-2-20, Amended, 02/09/2004; 99-2-13Charter, Amended, 09/24/2001)

## Section 99-03 ARTICLE III. ADMINISTRATIVE AFFAIRS

### **Section 3.10. Administrative and service departments.**

Except as otherwise provided in this charter, the City Manager shall prescribe the functions or duties and establish, abolish, or alter all nonelective offices, positions of employment, departments, and agencies of the city, as necessary for the proper administration of the affairs and government of this city.

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### **Section 3.11. Boards, commissions, and authorities.**

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

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

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

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

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

(f) [deleted by ordinance of 2-09-04]

(g) Any member of a board, commission, or authority may be removed from office for cause by a vote of four (4) members of the City Council.

(h) Except as otherwise provided by this charter or by law, each board, commission, or authority of the City shall elect one (1) of its members as chairman and one (1) member as vice chairman, and may elect as its secretary one (1) of its own members or may appoint as secretary an employee of the city. Each board, commission, or authority of the City government may establish such bylaws, rules and regulations, not inconsistent with this charter, ordinances of the city, or law, as it deems appropriate and necessary for the fulfillment of its duties or the conduct of its affairs. Copies of such bylaws, rules and regulations shall be filed with the clerk of the city.

### **Section 3.12. Chief of police and marshal, appointment.**

The office of the chief of police and marshal shall be filled by appointment by the City Manager.

### **Section 3.13. City attorney.**

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

### **Section 3.14. City clerk.**

The City Manager shall appoint a City Clerk who shall not be a councilmember. The City Clerk shall be custodian of the official City seal; maintain City Council's records and minutes required by this charter; and perform such other duties as may be required by the City Council.

### **Section 3.15. City treasurer.**

The City Manager shall appoint a City treasurer to collect all taxes, licenses, fees, and other moneys

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belonging to the City subject to the provisions of this charter and the ordinances of the City and to enforce all laws of Georgia relating to the collection of delinquent taxes and sale or foreclosure for nonpayment of taxes by the city. The City treasurer shall also be responsible for the general duties of a treasurer and fiscal officer.

### **Section 3.16. Authority to combine offices of City Clerk and City treasurer.**

The City Manager may, should he deem the same expedient and in the interest of economy, appoint one and the same person to both offices of the City Clerk and the City treasurer and such person is hereby expressly authorized to serve in both official capacities for the city.

### **Section 3.17. Regulation of liquor licenses and sale of alcoholic beverages.**

The City Council shall have the exclusive right to license, regulate, control, and tax the sale of alcoholic beverages inside the City limits.

### **Section 3.18. Position classification and pay plans.**

The City Manager shall be responsible for the preparation of a position classification and pay plan. Such plan may apply to all employees of the city, except the Utilities Department, and any of its agencies, departments, boards, commissions, or authorities. For purposes of this section, all elected and appointed City officials are not City employees.

(Ord. of 6-12-95(1), § I(B))

### **Section 3.19. Personnel policies.**

The City Manager shall promulgate rules and regulations consistent with this charter concerning: (1) the method of employee selection and probationary periods of employment; (2) the administration of the position classification and pay plan, methods of promotion and application of ratings thereto, and transfer of employees within the classification plan; (3) hours of work, vacation, sick leave, and other leaves of absence and overtime pay; (4) such other personnel notices as may be necessary to provide for adequate and systematic handling of personnel affairs. Nothing contained in this charter shall be construed to create any contract of employment between the City and any employee of the city.

(99-3-11, Amended, 02/09/2004, (f) deleted)

## Section 99-04 ARTICLE IV. JUDICIAL BRANCH

### **Section 4.10. Creation; name.**

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

### **Section 4.11. Chief judge; associate judge.**

(a) The municipal court shall be presided over by a chief judge and such part-time, full-time, or substitute judges as shall be appointed by the City Council. The method of selection and terms of such judges shall be fixed by the City Council.

(b) Compensation of the judges shall be fixed by the City Council.

(c) Judges may be removed for cause by a vote of four (4) members of the City Council.

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(d) Before assuming office, each judge shall take an oath that he will honestly and faithfully discharge the duties of his office to the best of his ability without fear, favor, or partiality.

### **Section 4.12. Convening.**

The municipal court shall be convened at regular intervals as set by the chief judge.

### **Section 4.13. Jurisdiction; powers.**

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

(b) The municipal court shall have authority to punish those in its presence for contempt, provided that such punishment shall not exceed two hundred dollars (\$200.00) or three (3) days in jail or three (3) days community service.

(c) The municipal court may fix punishment for offenses within its jurisdiction not exceeding a fine of one thousand dollars (\$1,000.00) or imprisonment for six (6) months or both such fine and imprisonment or may fix punishment by fine, imprisonment, or alternative sentencing, as now or hereafter provided by law.

(d) The municipal court shall have authority to establish a schedule of fees to defray the cost of operations and shall be entitled to reimbursement of the cost of meals, transportation, and caretaking of prisoners bound over to superior courts for violations of state law.

(e) The municipal court shall have authority to establish bail and recognizance to ensure the presence of those charged with violations before such court and shall have discretionary authority to accept cash or personal or real property as surety for the appearance of persons charged with violations. Whenever any person shall give bail for his appearance and shall fail to appear at the time fixed for trial, his bond shall be forfeited by the judge presiding at such time and an execution issued thereon by serving the defendant and his sureties with a rule nisi at least two (2) days before a hearing on the rule nisi. In the event that cash or property is accepted in lieu of bond for security for the appearance of a defendant at trial, and if such defendant fails to appear at the time and place fixed for trial, the cash so deposited shall be on order of the judge declared forfeited to the city, or the property so deposited shall have a lien against it for the value forfeited which lien shall be enforceable in the same manner and to the same extent as a lien for city property taxes.

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

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

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

(i) The municipal court is specifically vested with all the jurisdiction and powers throughout the geographic area of this city granted by law to recorder's and police courts, and particularly by such laws as authorize the abatement of nuisances and prosecution of traffic violations.

### **Section 4.14. Appeal and certiorari.**

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

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granting and issuance of writs of certiorari.

### **Section 4.15. Rules for court.**

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

### **Section 4.16. Power and duties of clerks; service of summons.**

The clerks of the municipal court shall also be officers of the court. Any person charged with the violation of an ordinance, rule or regulation of the city, unless the offense is of such nature as to require the arrest and taking into custody of the person, shall be served with a summons by any City police officer or code enforcement officer so designated by the City Manager. The summons shall be signed by the clerk and shall bear authority in the name of the judge of municipal court or the presiding officer for that case, setting out in a plain, summary manner the nature of the offense charged, the ordinance, rule or regulation under which the charge was made, and the time when and the place where the summoned party is required to appear and stand trial. Otherwise, in any circumstance where an arrest and taking into custody of a person is appropriate, whether a summons has been issued or not, the arrest shall be made only by a City police officer.

### **Section 4.17. Disposition of bond on failure to appear.**

Any party under bond who shall fail to appear at the time and place named in the bond shall be liable to arrest and imprisonment, and the court may declare the bond forfeited, giving written notice to the securities thereon that unless they produce their principal within one (1) week, judgment will be entered up against them for the amount of such bond, and judgment issued against the principal and his securities for the amount of the judgment and costs. Nothing in this section shall be construed to prevent the arrest without warrant or summons of any person when it is necessary to preserve the peace, good order, or security of the city, or to prevent the commission of a crime.

(99-4-16, Amended, 07/25/2005, code enforcement officers may issue summons for violations of Code; 99-4-16, Amended, 02/09/2004)

## Section 99-05 ARTICLE V. ELECTIONS

### **Section 5.10. Applicability of general law.**

All primaries and elections shall be held and conducted in accordance with Chapter 3 of Title 21 of the O.C.G.A., the Georgia Municipal Election Code as now or hereafter amended.

### **Section 5.11. Regular elections; time for holding.**

The City Council shall cause an election to be held at such places in the City as the City Council shall direct and designate by ordinance prior to each election. The date of all general municipal elections occurring before January 1, 1993, shall be specified by municipal ordinance. All general municipal elections held subsequent to the above date shall be held on the Tuesday next following the first Monday

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in November in 1993 and on such day biennially thereafter. Notwithstanding any provision of this charter, no term of office to which a person has been elected prior to the effective date of this charter shall be shortened or lengthened except pursuant to the procedures established by state law.

### **Section 5.12. Use of voting machines.**

The use of voting machines in all City elections is hereby authorized in accordance with the provisions of the Georgia Municipal Election Code, as amended including, but not limited to, the use of voting equipment provided by the state to Thomas County as provided for in O.C.G.A. §21-2-300, and by contracting with Thomas County for the use of such voting equipment as provided for in that section. This authorization to use voting machines does not preclude the use of paper ballots where, due to circumstances beyond the control of the City, it will be impractical, impossible, or inadvisable to secure or use voting machines, and the City Council makes declaration of such fact and enters same upon the minutes of any regular or special City Council meeting and thereupon authorizes the use of paper ballots in such election.

### **Section 5.13. Qualifying; absentee ballots; other provisions.**

Except as otherwise provided by this charter, the City Council, by ordinance, may prescribe rules and regulations governing qualifying fees, absentee ballots, write-in votes, challenge of votes, and such other rules and regulations as it deems necessary to fulfill any options and duties under Chapter 3 of Title 21 of the O.C.G.A., the "Georgia Municipal Election Code," as now or hereinafter amended.

### **Section 5.14. Election by majority vote.**

The City Council shall be elected by a majority vote of the votes cast for each position. The procedures and requirements for election of all elected officers of the City shall be in conformity with the provisions of Chapter 3 of Title 21 of the O.C.G.A., the "Georgia Municipal Election Code," as now or hereafter amended.

### **Section 5.15. Special election; vacancies.**

(a) In the event of a vacancy in the membership of the City Council, whether that vacancy is in the office of mayor or any other member, and that vacancy occurs for any reason other than expiration of term, that vacancy shall be filled as provided in this section:

(1) If the unexpired term is six months or less, the remaining members of the City Council, within ten days after the occurrence of the vacancy, shall appoint a qualified person to fill the vacancy for the unexpired term and until a successor is elected and qualified;

(2) If the vacancy occurs within the first two years of the term of the vacated office and a general municipal election will be held within 180 days but not less than 35 days after the occurrence of that vacancy, then the remaining members of the City Council shall appoint, within ten days after the vacancy occurs, a successor to fill that vacancy until it is filled for the remaining unexpired term by a person who shall be elected at a special election held upon the same date as that general municipal election. The remaining members of the City Council shall order that special election to be held on the same date as that general municipal election and the election superintendent of the City shall issue the call therefor not less than 30 days nor more than 45 days prior to that date. The person elected at such special election to fill that vacancy shall take office within ten days after the results of that election are certified and shall serve out the remaining unexpired term and until a successor is elected and qualified;

(3) If the vacancy occurs at a time other than as provided for in paragraph (1) or (2) of this subsection, then within 15 days after the occurrence of said vacancy, the remaining members of the City Council or those remaining shall order that a special election be called and the election

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superintendent of the City shall issue the call for a special election for the purpose of electing a qualified person to fill the vacancy for the unexpired term. That superintendent shall set the date of that special election for a day not less than 30 nor more than 45 days after the date of the issuance of the call. The person elected to fill that vacancy shall take office within ten days after the results of that election are certified and shall serve out the remaining unexpired term and until a successor is elected and qualified.

(b) The residency requirements set forth in section 5.21 of this charter shall apply to any successor appointed or elected to fill a vacancy pursuant to this section. In all other respects, the special election shall be held and conducted in accordance with the Georgia Municipal Election Code, Chapter 3 of Title 21 of the Official Code of Georgia Annotated, as now or hereafter amended.

### **Section 5.16. Designation of City Clerk as City registrar, absentee ballot clerk, municipal elections superintendent.**

The City Clerk is hereby designated as the official City registrar to receive from the board of registrars of Thomas County, prior to all City elections, the list of voters residing within the corporate limits of the City who, according to the records of the board, at that time are fully qualified and registered to vote in state and county elections at polling places within the City limits. Unless already accomplished by other duly acting election officials, the City registrar shall, upon receipt of such list, purge same in accordance with the provisions of the Georgia Municipal Election Code and certify such list to the City Clerk as the official voters list to be used in pending elections.

The City Clerk is hereby designated as the absentee ballot clerk and, unless already accomplished by other duly acting election officials, shall conduct such absentee balloting in accordance with the provisions of the Georgia Municipal Election code, as amended.

The City Clerk is hereby designated as municipal elections superintendent and shall conduct all City elections in accordance with the provisions of the Georgia Municipal Election Code, as amended. The superintendent shall serve without compensation. Provided further, however, that such City elections may be conducted by Thomas County election officials in cooperation with and in conjunction with the City's municipal elections superintendent.

In the event of disability or other disqualification of the City Clerk, the City Council may by official declaration of such fact and the entering of same upon the minutes of any regular or special Council meeting thereupon designate such other person as such registrar, absentee ballot clerk, or municipal elections superintendent, and such person shall immediately assume the discharge of all such responsibilities in accordance with the provisions of the Georgia Municipal Election Code, and no such action at any time in the election or run-off process shall be cause to invalidate any subsequent act of such person or persons.

### **Section 5.17. Registration of voters.**

All persons residing in the City who are qualified to vote and have a valid voter registration on file with the board of registrars of Thomas County, for the purpose of voting in state and county elections at polling places within the City limits, shall be the duly qualified and registered voters of the City and entitled to vote in all City elections for which they are not otherwise disqualified.

### **Section 5.18. Allocation and designation of Council districts.**

Councilmembers shall be elected as follows: Two (2) members shall be elected from and by the voters of Council District No. 1 and these Councilmembers shall be designated as representing Council District No. 1, Post 1 and Council District No. 1, Post 2. Two (2) Councilmembers shall be elected from and by the voters of Council District No. 2 and these Councilmembers shall be designated as representing Council District No. 2, Post 1 and Council District No. 2, Post 2. One (1) member shall be elected from and by the voters of the City at large and this Councilmember shall be designated as the Councilmember

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at large.

### **Section 5.19. Length of term.**

The Councilmembers representing Council District No. 1, Post 1, and Council District No. 2, Post 1, when this charter first becomes effective shall continue to serve out their terms of office, which shall expire December 31, 1991, and upon the election and qualification of their respective successors. The Councilmember at large and the Councilmembers representing Council District No. 1, Post 2 and Council District No. 2, Post 2 when this charter first becomes effective shall continue to serve out their terms of office, which shall expire December 31, 1993, and upon the election and qualification of their successors. The Councilmembers so continued in office shall be the governing authority of the City until their respective successors are elected and qualified pursuant to this charter. After January 1, 1991, successors to each Councilmember whose term of office is to expire shall be elected at the general municipal election immediately preceding the expiration of such terms and shall take office the first day of January following that election for terms of office of four years each and until their respective successors are elected and qualified.

### **Section 5.20. Councilmembers elected by voters in their district.**

Councilmembers elected to represent Council District No. 1 shall be elected only by the qualified voters of the City residing within Council District No. 1; Councilmembers elected to represent Council District No. 2 shall be elected only by the qualified voters of the City residing within Council District No. 2. Councilmembers at large shall be elected by all the qualified voters of the City. Each candidate for election to the City Council shall, in the manner provided by O.C.G.A. Section 21-3-93, clearly, designate the specific office he is seeking. No candidate shall be elected to the office of Councilmember unless such candidate shall have received a majority of the votes cast to fill such office.

### **Section 5.21. Residency requirement.**

In order to be eligible for election as a Councilmember to represent 'Council District No. 1, a candidate must, in addition to all other requirements imposed by law, be a resident of Council District No. 1; and if a Councilmember representing Council District No. 1 removes his residence from Council District No. 1, his office shall be immediately vacated as provided by O.C.G.A. Section 45.5.1. In order to be eligible for election as a Councilmember to represent Council District No. 2, a candidate must, in addition to all other requirements imposed by law, be a resident of Council District No. 2; and if a Councilmember representing Council District No. 2 removes his residence from Council District No. 2, his office shall be immediately vacated as provided by O.C.G.A. Section 45-5-1. If any Councilmember removes his residence from the City, his office shall be immediately vacated as provided by O.C.G.A. Section 45-5.1.

### **Section 5.22. Boundaries of Council districts.**

For purposes of electing members of the City Council, the City is divided into two (2) Council districts as follows:

*Council District No. 1.* All that portion of the City which lies west of a line through the approximate center of the City, such line being more particularly described as follows: For a point of beginning commence at the intersection of the northerly margin of the right-of-way of Pinetree Boulevard and the center line of the right-of-way of Glenwood Drive, and run south along the center line of Glenwood Drive to its intersection with the center line of the right-of-way of Edgewood Circle; run thence in a southerly direction along the center line of Edgewood Circle to its intersection with the center

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line of the right-of-way of Mitchell Street; run thence in a southeasterly direction along the center line of the right-of-way of Mitchell Street to its intersection with the center line of the right-of-way of Clay Street; run thence in a southwesterly direction along the center line of the right-of-way of Clay Street to its intersection with the center line of the right-of-way of Broad Street; run thence in a southeasterly direction along the center line of the right-of-way of Broad Street to its intersection with the center line of the right-of-way of Monroe Street; run thence southwesterly along the center line of the right-of-way of Monroe Street to its intersection with the center line of Madison Street; run thence southeasterly along the center line of the right-of-way of Madison Street to its intersection with the center line of the right-of-way of Remington Avenue; run thence in a northeasterly direction along the center line of the right-of-way of Remington Avenue to its intersection with the center line of the right-of-way of Broad Street; run thence in a southeasterly direction along the center line of the right-of-way of Broad Street to its intersection with the center line of the right-of-way of the former Seaboard Coastline Railroad, now CSX Transportation Inc.; run thence in an easterly direction along the center line of the right-of-way of such railroad to its intersection with the center line of Hansell Street; run thence in a southerly direction along the center line of the right-of-way of Hansell Street to its intersection with the center line of the right-of-way of Metcalf Avenue; run thence in an easterly direction along the center line of the right-of-way of Metcalf Avenue to its intersection with the center line of the right-of-way of Loomis Street; run thence in a southwesterly direction along the center line of the right-of-way of Loomis Street to its intersection with the center line of the right-of-way of South Street; run thence in a southerly direction along the center line of the right-of-way of South Street to its intersection with the center line of the right-of-way of Augusta Avenue; run thence in an easterly direction along the center line of the right-of-way of Augusta Avenue to its intersection with the center line of the right-of-way of Orange Street; run thence south along the center line of the right-of-way of Orange Street to its intersection with the southerly margin of the right-of-way of Pinetree Boulevard. All property within the limits of the City which lies west of the line described above and all property within the limits of the City due west of a line created by extending in a northerly direction the northern terminus of the line described above, and all property within the limits of the City which lies due west of a line created by extending in a southerly direction the southern terminus of the line described above shall be deemed to lie within Council District No. 1.

*Council District No. 2.* All that portion of the City which lies east of a line through the approximate center of the City, such line being more particularly described as follows: For a point of beginning commence at the intersection of the northerly margin of the right-of-way of Pinetree Boulevard and the center line of the right-of-way of Glenwood Drive, and run south along the center line of Glenwood Drive to its intersection with the center line of the right-of-way of Edgewood Circle; run thence in a southerly direction along the center line of Edgewood Circle to its intersection with the center line of the right-of-way of Mitchell Street; run thence in a southeasterly direction along the center line of the right-of-way of Mitchell Street to its intersection with the center line of the right-of-way of Clay Street; run thence in a southwesterly direction along the center line of the right-of-way of Clay Street to its intersection with the center line of the right-of-way of Broad Street; run thence in a southeasterly direction along the center line of the right-of-way of Broad Street to its intersection with the center line of the right-of-way of Monroe Street; run thence southwesterly along the center line of the right-of-way of Monroe Street to its intersection with the center line of Madison Street; run thence southeasterly along the center line of the right-of-way of Madison Street to its intersection with the center line of the right-of-way of Remington Avenue; run thence in a northeasterly direction along the center line of the right-of-way of Remington Avenue to its intersection with the center line of the right-of-way of Broad Street; run thence in a southeasterly direction along the center line of the right-of-way of Broad Street to its intersection with the center line of the former Seaboard Coastline Railroad, now CSX Transportation, Inc.; run thence in an easterly direction along the center line of the right-of-way of such railroad to its intersection with the center line of Hansell Street; run thence in a southerly direction along the center line of the right-of-way of Hansell Street to its intersection with the center line of the right-of-way of Metcalf Avenue; run thence in an easterly direction along the center line of the right-of-way of Metcalf Avenue to its intersection with

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the center line of the right-of-way of Loomis Street; run thence in a southwesterly direction along the center line of the right-of-way of Loomis Street to its intersection with the center line of the right-of-way of South Street; run thence in a southerly direction along the center line of the right-of-way of South Street to its intersection with the center line of the right-of-way of Augusta Avenue; run thence in an easterly direction along the center line of the right-of-way of Augusta Avenue to its intersection with the center line of the right-of-way of Orange Street; run thence south along the center line of the right-of-way of Orange Street to its intersection with the southerly margin of the right-of-way of Pinetree Boulevard. All property within the limits of the City which lies east of the line described above and all property within the limits of the City due east of a line created by extending in a northerly direction of the northern terminus of the line described above, and all property within the limits of the City which lies due east of a line created by extending in a southerly direction the southern terminus of the line described above shall be deemed to lie within Council District No. 2.

(Ord. of 5-10-93, § I(A))

(99-5-16, Amended, 02/09/2004; 99-5-12, Amended, 02/09/2004)

### Section 99-06 ARTICLE VI. FINANCE

#### **Section 6.10. Funds deposited in City treasury.**

The City Council may by resolution or ordinance provide that all moneys and funds coming into any department or the hands of any official or employee, and belonging to the city, shall be turned into the city treasury as often as may be practicable, for which the city treasurer shall keep accurate records and issue valid receipts to the department or official making such deposits. Wherever practicable, such deposits shall be made with the city treasurer daily, and the city treasurer may be required by the City Council or the city manager at any time to prepare a financial statement of his affairs.

#### **Section 6.11. Property tax.**

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

#### **Section 6.12. Millage rate; due dates; payment methods.**

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

#### **Section 6.13. Occupation and business taxes.**

The City Council by ordinance shall have the power to levy such occupation or business taxes as are not denied by law. Such taxes may be levied on both individuals and corporations who transact business in this city or who practice or offer to practice any profession or calling therein to the extent such persons have a constitutionally sufficient nexus to this city to be so taxed. The City Council may classify businesses, occupations, professions or callings for the purpose of such taxation in any way which may be lawful and may compel the payment of such taxes as provided in Section 6.19.

**Section 6.14. Licenses; permits; fees.**

The City Council by ordinance shall have the power to require any individuals or corporations who transact business in this city or who practice or offer to practice any profession or calling therein to obtain a license or permit for such activity from the city and pay a reasonable fee for such license or permit where such activities are not now regulated by general law in such a way as to preclude city regulations. Such fees may reflect the total cost to the city of regulating the activity and, if unpaid, shall be collected as provided in Section 6.19. The City Council by ordinance may establish reasonable requirements for obtaining or keeping such licenses as the public health, safety, and welfare necessitate.

**Section 6.15. Franchises.**

The City Council shall have the power to grant franchises for the use of this city's streets and alleys for the purposes of railroads, street railways, telephone companies, electric companies, cable television, gas companies, transportation companies and other similar organizations. The City Council shall determine the duration, terms, whether the same shall be exclusive or nonexclusive, and the consideration for such franchises; provided, however, no franchise shall be granted for a period in excess of twenty (20) years and no franchise shall be granted unless the city receives just and adequate compensation therefor.

**Section 6.16. Service charges; credit allowed for sewer connections.**

(a) The City Council by ordinance shall have the power to assess and collect fees charges, and tolls for sewers, sanitary and health services, or any other services provided or made available within and without the corporate limits of the city for the total cost to the city of providing or making available such services. If unpaid, such charges shall be collected as provided in Section 6.19.

(b) Any person desiring to tap on to the sewerage system of the city may do so subject to the rules and regulations prescribed elsewhere in this charter and applicable ordinances adopted by the City Council for that purpose. The City Council is hereby authorized to collect the charges for such connection in cash in advance or on an amortized basis with the terms of payment and interest rates to be established from time to time by the City Council and within the authority contained in this section. The city is hereby given the power to charge legal rates of interest on all amortized payments and to make the terms of such payments extend over as many months or years as the city may by ordinance prescribe.

The passage of an ordinance for the connection of an individual property sewer line to any existing sewer lateral of the city, together with an ordinance determining the cost of the same and assessing the charges against the property of any person not paying in full his tapping fee, as prescribed by ordinance, shall, when properly entered on the minutes of the City Council, be notice of such lien from the date of the approval of such ordinance for such sewerage tap as full and completely as if the same were in the shape of an execution and entered on a docket of the clerk of the superior court under the general registration law. The clerk of the city shall maintain an assessment roll for all unpaid sewer tap fees.

(Ord. of 6-12-95(1), § I(O))

**Section 6.17. Special assessments.**

The City Council by ordinance shall have the power to assess and collect the cost of constructing, reconstructing, widening, or improving any public way, street, sidewalk, curbing, gutters, sewers, or other utility mains and appurtenances from the abutting property owners under such terms and conditions as are reasonable. If unpaid, such charges shall be collected as provided in Section 6.19.

**Section 6.18. Construction; other taxes.**

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

### **Section 6.19. Collection of delinquent taxes and fees.**

The City Council by ordinance may provide generally for the collection of delinquent taxes, fees, or other revenue due the city under Sections 6.11 through 6.18 by whatever reasonable means as are not precluded by law. This shall include providing for the dates when the taxes or fees are due; late penalties or interest; issuance and execution of fi.fas.; creation and priority of liens; making delinquent taxes and fees personal debts of the persons required to pay the taxes or fees imposed; revoking city licenses for failure to pay any city taxes or fees; and providing for the assignment or transfer of tax executions.

### **Section 6.20. General obligation bonds.**

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

### **Section 6.21. Revenue bonds.**

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

### **Section 6.22. Short term loans.**

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

### **Section 6.23. Fiscal year.**

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

### **Section 6.24. Budgets.**

(a) The City Council shall approve annually a budget on all operations and capital improvements of the city and the total appropriations from any funds shall not exceed the estimated fund balance, reserves and revenues.

(b) Public review and comment on said budgets shall be conducted in accordance with Article 1 of Chapter 81 of the Official Code of Georgia Annotated, relating to budgets and audits.

### **Section 6.25. Independent audit.**

There shall be an annual independent audit of all city accounts, funds and financial transactions by a certified public accountant selected by the City Council. The audit shall be conducted according to generally accepted accounting principles. Copies of all audit reports shall be available at printing costs to the public.

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### **Section 6.26. Bonding of employees.**

Any city officials handling funds or authorizing payment of funds shall be bonded in an amount provided by resolution of the City Council or as may be provided by law. The city shall pay for such bond or bonds.

(99-6-11, Amended, 02/09/2004)

## Section 99-07 ARTICLE VII. AIRPORT

### **Section 7.10. Authority to acquire land for airport.**

The City Council is authorized to acquire by purchase, lease, or gift, whether within or without the present corporate limits of the city, but within the County of Thomas and within reasonable distance of the city, sufficient land for the establishment and operation of a municipal airport as may be needed in the conduct and advancement of aviation.

### **Section 7.11. Bond issues authorized.**

The City Council shall have the right if found necessary to carry into effect the provisions of Section 7.10 of this article to issue bonds in such amounts as may be necessary for the purchase, equipment, and operation of the municipal airport by complying with the laws of the state relative to the issue of bonds by municipalities. The amounts, date of maturity, and rate of interest thereon are to be fixed by the City Council.

### **Section 7.12. Control over airport.**

The City Council shall have and exercise entire control in the matter of construction, operation, police, government, and rules and general management of the airport, whether located within or without the present corporate limits of the city.

## Section 99-08 ARTICLE VIII. PENSIONS

### **Section 8.10. Pensions authorized.**

The City Council shall have the power and authority to grant a pension to employees in any, each, and all departments of the city, except such as are hereby expressly excluded.

### **Section 8.11. General powers.**

The City Council shall have the power to provide for and grant pensions or other compensation to employees in each and all departments thereof (except as herein expressly excluded) where and when such employees have performed such services and made such contributions as shall be prescribed by the City Council. The City Council shall have the further authority to provide for the return of contributions made by employees under any plan adopted hereunder, to such employees, or, in case of their death[s], to such other persons as the city through its governing body may prescribe.

### **Section 8.12. Authority to be exercised by ordinance.**

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The City Council, by proper ordinance, except as otherwise provided in this article, is hereby vested with full and complete power, authority, and discretion to determine when and what amount of pension is to be paid and to determine any and all facts relating to the granting, refusal, suspension, or revocation of pensions, compensation, or other gratuities under this article.

(Ord. of 6-12-95(1), § I(M))

### **Section 8.13. Board of Trustees.**

The City Council is empowered to establish, to serve without pay, a board of trustees whose duty it shall be to manage the pension fund. This board shall make all rules and regulations for the payment of such funds to those entitled to receive them, not in conflict with this article or any lawful ordinance passed in pursuance thereof.

### **Section 8.14. Tax on salary of employees, ad valorem tax to match salary tax.**

The City Council is authorized and empowered to levy and collect a tax on the salaries of all its employees in all departments affected by this article, and the city treasurer is hereby authorized to retain such sums from the salaries of the employees. The City Council is authorized and empowered to levy a tax on all the taxable property of the city, ad valorem, not to exceed but to equal all revenue raised or received from city employees by reason of the tax herein authorized. The City Council may, in its sole discretion, appropriate from any revenues of the city, not specifically directed by law to be applied to other purposes, a sum equal to all revenue and contributions raised or received from all city employees and such further sums as may be deemed necessary for the sound inauguration and administration of the system authorized by this article. All of such funds shall be turned over to the city treasurer and shall be kept in a separate fund and shall be disbursed under the terms of this article, and all valid ordinances passed and adopted in pursuance thereof.

### **Section 8.15. Relation between city and employees not contractual.**

This article, or any ordinance passed in pursuance thereof shall not create a contractual relation between the city and any employee thereof. In case there shall at any time be less funds on hand than are needed to carry out the terms of this article, the actual funds on hand shall be prorated among the beneficiaries.

### **Section 8.16. Funds not subject to attachment, not assignable.**

None of the funds herein mentioned shall be subject to attachment, garnishment, judgment, or other legal process; nor shall such funds be assignable but shall be paid to the beneficiary

### **Section 8.17. Investment of excess funds.**

In case there should accumulate more funds than should be needed for immediate use, the authority entrusted with the pension fund is empowered to invest and reinvest such funds held by it in any investments which are legal investments of domestic insurance companies under the laws of this state.

### **Section 8.18. Employee, defined.**

The term "employee" as used in this article shall be deemed to embrace and include all persons performing regular service in the employ of the city, in any, each and all departments thereof, except the mayor, members of the City Council, the city attorney, the city auditor, the municipal court judge, all employees of the public school system, and any casual or part-time employees. "Casual or part-time

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employees" or certain classes thereof may be clearly defined and may or may not be included by the City Council as it may determine and prescribe by proper ordinance from time to time.

### **Section 8.19. Legislative intent.**

The intention of this article is to authorize and empower the City Council to provide a pension system for employees of such city, and to prescribe by ordinance the conditions and methods by which the pension system shall be handled, and to prescribe all of the regulations with respect to same not in conflict with the provisions of this article.

### **Section 8.20. Group insurance.**

The City Council may, in its discretion, in providing the pension system, insure such pension payments by purchasing group annuity and disability insurance.

### **Section 8.21. Social security in lieu of pension plan.**

The City Council may, in its discretion, substitute, in whole or in part, social security payments by the municipality and employees and the benefits accruing therefrom, in lieu of such pension plan as outlined herein.

## Section 99-09 ARTICLE IX. UTILITIES SYSTEM

### **Section 9.10. Utilities system authorized.**

The City, by and through its City Council is hereby authorized and empowered to operate an electric utility system in the City for the purpose of furnishing electric power for the streets and buildings of the City; to operate an electric power plant for its own benefit; to sell electric power to consumers, and to contract with any person, firm or corporation for the furnishing of electric lights, electric power and all other purposes for which electricity generated by such plants is now, or hereafter to be used in or on streets, roads, buildings or other sites in and on any territory as permitted by the Georgia Territorial Electric Service Act, O.C.G.A. 46-3-1 et seq., or as otherwise permitted by law. The Thomasville Utilities Department is further authorized and empowered to operate a water system, a sanitary sewer system, a cable television system, any and all data transmission and telecommunications systems, whether by fiberoptic cable or otherwise, and any additions that may be added thereto from time to time or that otherwise are allowed under the general laws of the State of Georgia, and for all purposes and uses as specified for the furnishing of electric power set forth above. The Thomasville Utilities Department shall also be authorized and empowered to operate and maintain a gas (natural or manufactured) generating and distribution system, all as set forth in Section 10.1 of Article X of this charter.  
(Ord. of 6-12-95(1), § I(C))

### **Section 9.11. Employment of necessary personnel.**

The City Council is hereby authorized and empowered to employ all necessary officers and employees to operate Thomasville's utilities system and to control the same.  
(Ord. of 6-12-95(1), § I(E))

### **Section 9.12. Superintendent of utilities department, appointment.**

The City Council may appoint a General Superintendent of the Utilities department at its January

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meeting or at such other time as it may then designate.  
(Ord. of 6-12-95(1), § I(B))

### **Section 9.13. Utilities department general reserve fund; water and sewer reserve fund.**

A fund shall be created and maintained to be known as the City of Thomasville Utilities Department General Reserve Fund. The City, from revenues derived from the operations of its electric system now owned or which it may hereafter acquire, shall pay into such fund twenty (20) percent of the net income from its systems before depreciation charges are made. The moneys in such fund shall be used and applied solely for improvements, extensions, and replacements of the lands, buildings, equipment, and distribution systems now owned and used or which may hereafter be acquired by the City in connection with the operation of its electric system and shall not be used or applied for ordinary operation and maintenance nor for ordinary service connections.

There shall also be created and maintained a fund to be known as the City of Thomasville Water and Sewer Reserve Fund. The City, from revenues derived from the operations of its water and sewer systems now owned or which it may hereafter acquire, shall pay into such fund twelve percent (12%) of the net income from its systems before depreciation charges are made. The monies in such fund shall be used and applied solely for improvements, extensions, and replacements of the lands, buildings, equipment, and distribution systems now owned and used or which may hereafter be acquired by the City in connection with the operation of its water and sewer systems and shall not be used or applied for ordinary operation and maintenance nor for ordinary service connections for the City's water and sewer systems.

(Ord. of 6-12-95(1))

### **Section 9.14. Utilities commission--Creation, officers, duties.**

A board is hereby created to be known as the City of Thomasville Utilities Commission, composed of the members of the City Council and their successors in office and who shall serve without additional compensation to that received as councilmembers. The Mayor shall be the Chairman of such utilities commission. The Treasurer and Clerk of the City shall serve respectively as Treasurer and Clerk for such utilities commission and without additional compensation. It shall be the duty of such utilities commission to create and maintain the City of Thomasville Utilities Department General Reserve Fund as herein provided. All sums in such fund, in excess of amounts required for immediate disbursement regularly ordered, shall be invested. Investments shall be limited to direct and general obligations of the United States government or its agencies, or guaranteed by the United States government or its agencies as to both principal and interest, municipal and state bonds, bank certificates if protected by escrow of an equal value of the above type investments, or federal savings and loan to the limit covered by insurance, except that the fund shall not be invested in bonds of the City. All interest accumulations from such bonds in the fund shall be invested in such fund. All bonds bought for the fund shall be on approval first hand from the City Council. Of the bonds held there may be sold at any time a sufficient amount to pay for any expense incurred for any of the purposes for which the fund was created and which has been duly ordered paid. No expenditure of money or proceeds from the sale of any bonds held in the fund shall be ordered for any purpose other than those specified in Section 9.14 hereof, and except upon approval of the utilities commission and a resolution carried by majority vote of the entire City Council, which approval and resolution must first be fully entered on the minutes of the City Council. No money shall be paid out of the fund except by voucher signed by the treasurer and countersigned by the chairman of the utilities commission and the general Superintendent of the Utilities department. The Utilities Commission shall, with approval of the City Council, designate a depository for the fund, and the treasurer shall make bond in an amount set by the Utilities Commission, payable to the City and approved by the City Council, for the proper protection of the fund. The Utilities Commission shall, with approval of the City Council, designate a box in a safety-deposit vault for the keeping of the bonds and securities held in such fund,

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which box shall not be opened and gone into except by a person or persons designated by the City Council.

(Ord. of 6-12-95(1), §§ I(B), (F))

### **Section 9.15. Same--Composition.**

The City Council and their successors in office shall constitute the City of Thomasville Utilities Commission.

(Ord. of 6-12-95(1), §§ I(B), (F))

### **Section 9.16. Same--Reports.**

At the request of the City Council, the Superintendent of the Utilities department shall make such written reports to the City Council as the City Council may require with respect to the acts, transactions and operations of the Utilities Commission or the Utilities department. Any such reports provided by the Superintendent of the Utilities department pursuant to such request shall be examined by the City Council and recorded in the minutes of the City Council.

(Ord. of 6-12-95(1); Ord. of 2-9-04)

### **Section 9.17. Election prerequisite to sale or lease of utilities system.**

The utilities plants and systems now owned by the City or hereafter acquired shall not be sold or leased without first being authorized by a two-thirds majority of the registered voters of the City voting in an election held for that purpose, which election, if held, must be by resolution of the City Council, and after notice thereof shall have been published by the City Clerk for thirty (30) days in each consecutive issue of a weekly or daily newspaper published in the City, and within fifteen (15) days after the last publication of such notice.

(Ord. of 6-12-95(1), §§ I(B), (F))

(99-9-16, Amended, 02/09/2004; 99-9-12, Amended, 02/09/2004)

## Section 99-10 ARTICLE X. GAS SYSTEM

### Section 10.1. Gas system authorized.

The City is hereby empowered to buy, lease, construct, or otherwise acquire, extend, operate, and maintain gas (natural or manufactured) generating and distribution systems, together with all necessary appurtenances thereof, and to buy gas (natural or manufactured), and to sell such gas to consumers in the City and surrounding territory and to do any and all other things necessary or incidental thereto.

### Section 10.2. Gas system renewal and extension reserve fund.

(a) A fund shall be created and maintained to be known as the City of Thomasville Gas System Renewal and Extension Reserve Fund. The City, from revenues derived from the operation of its gas system shall pay into such fund twelve (12) percent of the net income from the gas system before depreciation charges are made. The moneys in the fund shall be used and applied solely for:

(1) Improvements, extensions, and replacements of lands, building, equipment and distribution systems now owned and used or which may hereafter be acquired by the City in connection with the operations of its gas system, and shall not be used or applied for ordinary operation and maintenance nor for ordinary service connections.

(2) In case of an emergency having a major effect upon the gas system caused by some extraordinary occurrence and which makes it necessary to use funds of the gas system for the alleviation

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or removal of such effects and an insufficiency of money exists in the revenue fund to meet such emergency.

(b) No expenditure of money shall be made from this fund except upon approval by the City Council.

(c) All sums in the fund, in excess of amounts required for immediate disbursement may be invested in securities which are direct and general obligations of the United States government or its agencies, or guaranteed by the United States government or its agencies as to the principal and interest, municipal and state bonds, bank certificates if protected by escrow of an equal value of the above-type investments, or federal savings and loan to the limit covered by insurance, except that the fund shall not be invested in bonds of the City. All interest accumulations from such funds in the fund shall be invested in the fund.

(d) All depositories and all signatures for disbursement of funds shall be designated by resolution of the City Council.

### Section 99-11 ARTICLE XI. SCHOOLS AND BOARD OF EDUCATION

#### Section 11.1. Public school system established.

There shall be established, conducted, maintained, supported, and provided for by local taxation and otherwise, in the manner hereinafter provided in this article, a system of public schools in and for the City of Thomasville, Thomas County, Georgia.

#### Section 11.2. Tax for support of schools.

The Board of Education shall determine, as early as practicable in each year what amount of money will be necessary to raise by taxation to defray the expenses of the public schools for the ensuing year and shall lay the same before the City Council for city. The City Council for the City is hereby authorized, and shall be required, to levy a tax annually in addition to that now authorized by the law on all the taxable property of the city, not to exceed two (2) percent on the same. When collected, the collecting officers of the City shall pay the same over to the treasurer of the Board of Education, to be disbursed for the maintenance of the public schools and be paid out under order of the Board under such regulations as they may prescribe. Such taxes shall be collected by levy and sale as other taxes of the City are collected.

#### Section 11.3. Composition and election.

The Board of Education of the independent school district of the City shall consist of seven (7) members. The Board of Education elected under this section shall in all respects be a successor to and continuation of the Board of Education elected under prior law. Members of the Board of Education shall be elected at the general municipal election conducted by the City in 1991 and biennially thereafter at the general municipal election in each odd-numbered year.

#### Section 11.4. Election of successors.

(a) Successors to members in office shall be elected as follows: Three (3) members shall be elected from and by the voters of Education District No. 1 and these members shall be designated as representing Education District No. 1. Three (3) members shall be elected from and by the voters of Education District No. 2 and these members shall be designated as representing Education District No. 2. One (1) member shall be elected from and by the voters of the Thomasville school district at large and this member shall be designated as the member at large. These members shall be elected as provided in

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this Section.

(b) The member at large and those two members of the Board of Education representing Education District No. 1 and the one member of the Board of Education representing Education District No. 2, all of whom are serving as such members when this charter first becomes effective and whose terms of office expire December 31, 1991, shall continue to serve out their terms of office and until their respective successors are elected and qualified. Those two members of the Board of Education representing Education District No. 2 and the one member of the Board of Education representing Education District No. 1, all of whom are serving as such members when this charter first becomes effective and whose terms of office expire December 31, 1993, shall continue to serve out their terms of office and until their respective successors are elected and qualified. After January 1, 1991, successors to members of the Board of Education whose terms of office are to expire shall be elected at the general municipal election immediately preceding such expiration of terms and shall take office the first day of January following that election for terms of office of four years each and until their respective successors are elected and qualified.

Section 11.5. Members to be elected by voters in their district.

Members elected to represent Education District No. 1 shall be elected only by the qualified voters of the Thomasville school district residing within Education District No. 1; and members elected to represent Education District No. 2 shall be elected only by the qualified voters of the Thomasville school district residing within Education District No. 2. Members at large shall be elected by all the qualified voters of the Thomasville school district.

Section 11.6. Candidates to designate district; exceptions.

Each candidate for election to the Board of Education shall clearly designate whether he is seeking election to represent Education District No. 1 or to represent Education District No. 2 or at large. However, in any election at which two (2) or more members are to be elected to represent either Education District No. 1 or No. 2, a candidate shall not be required to designate a specific post or designate a specific member he seeks to succeed, so that in any such election all candidates to represent such education district shall run against all other candidates to represent such education district. If there are to be elected two (2) members to represent an education district, the two (2) candidates receiving the highest numbers of votes shall be elected; and if there are to be elected three (3) members to represent an education district, the three (3) candidates receiving the highest numbers of votes shall be elected. In the election of members to represent an education district, an elector of that education district shall vote for the same number of candidates seeking election from such education district as the number of members to be elected to represent such education district; and such an elector shall not cast more than one (1) vote for any such candidate.

Section 11.7. Candidates elected by plurality vote.

All candidates shall be elected to the Board of Education by plurality vote, without regard to whether any candidate receives a majority of the votes cast; and no run-off election shall be held except in the case of a tie vote. All elections under this section shall be nonpartisan elections.

Section 11.8. Vacancies.

Any vacancy on the Board of Education shall be filled as provided in Code Section 20-2-54.1 of the O.C.G.A. or as hereafter provided by general law.

Section 11.9. Residency requirement.

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In order to be eligible for election as a member to represent Education District No. 1, a candidate must, in addition to all other requirements imposed by law, be a resident of Education District No. 1; and if a member representing Education District No. 1 removes his residence from Education District No. 1, his office shall be immediately vacated as provided by Code Section 45-5-1 of the O.C.G.A. In order to be eligible for election as a member to represent Education District No. 2, a candidate must, in addition to all other requirements imposed by law, be a resident of Education District No. 2; and if a member representing Education District No. 2 removes his residence from Education District No. 2, his office shall be immediately vacated as provided by Code Section 45-5-1 of the O.C.G.A. If any member removes his residence from the Thomasville school district, his office shall be immediately vacated as provided by Code Section 45-5-1 of the O.C.G.A.

### Section 11.10. Boundaries of districts defined.

For purposes of electing members of the Board of Education, the Thomasville school district is divided into two (2) education districts as follows:

Education District No. 1. All that portion of the City which lies west of a line through the approximate center of the city, such line being more particularly described as follows: For a point of beginning commence at the intersection of the northerly margin of the right-of-way of Pinetree Boulevard and the center line of the right-of-way of Glenwood Drive, and run south along the center line of Glenwood Drive to its intersection with the center line of the right-of-way of Edgewood Circle; run thence in a southerly direction along the center line of Edgewood Circle to its intersection with the center line of the right-of-way of Mitchell Street; run thence in a southeasterly direction along the center line of the right-of-way of Mitchell Street to its intersection with the center line of the right-of-way of Clay Street; run thence in a southwesterly direction along the center line of the right-of-way of Clay Street to its intersection with the center line of the right-of-way of Broad Street; run thence in a southeasterly direction along the center line of the right-of-way of Broad Street to its intersection with the center line of the right-of-way of Monroe Street; run thence southwesterly along the center line of the right-of-way of Monroe Street to its intersection with the center line of Madison Street; run thence southeasterly along the center line of the right-of-way of Madison Street to its intersection with the center line of the right-of-way of Remington Avenue; run thence in a northeasterly direction along the center line of the right-of-way of Remington Avenue to its intersection with the center line of the right-of-way of Broad Street; run thence in a southeasterly direction along the center line of the right-of-way of Broad Street to its intersection with the center line of the right-of-way of the former Seaboard Coastline Railroad, now CSX Transportation Inc.; run thence in an easterly direction along the center line of the right-of-way of such railroad to its intersection with the center line of Hansell Street; run thence in a southerly direction along the center line of the right-of-way of Hansell Street to its intersection with the center line of the right-of-way of Metcalf Avenue; run thence in an easterly direction along the center line of the right-of-way of Metcalf Avenue to its intersection with the center line of the right-of-way of Loomis Street; run thence in a southwesterly direction along the center line of the right-of-way of Loomis Street to its intersection with the center line of the right-of-way of South Street; run thence in a southerly direction along the center line of the right-of-way of South Street to its intersection with the center line of the right-of-way of Augusta Avenue; run thence in an easterly direction along the center line of the right-of-way of Augusta Avenue to its intersection with the center line of the right-of-way of Orange Street; run thence south along the center line of the right-of-way of Orange Street to its intersection with the southerly margin of the right-of-way of Pinetree Boulevard. All property within the limits of the City which lies west of the line described above and all property within the limits of the City due west of a line created by extending in a northerly direction the northern terminus of the line described above, and all property within the limits of the City which lies due west of a line created by extending in a southerly direction the southern terminus of the line described above shall be deemed to lie within Education District No. 1.

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Education District No. 2. All that portion of the City which lies east of a line through the approximate center of the city, such line being more particularly described as follows: For a point of beginning commence at the intersection of the northerly margin of the right-of-way of Pinetree Boulevard and the center line of the right-of-way of Glenwood Drive, and run south along the center line of Glenwood Drive to its intersection with the center line of the right-of-way of Edgewood Circle; run thence in a southerly direction along the center line of Edgewood Circle to its intersection with the center line of the right-of-way of Mitchell Street; run thence in a southeasterly direction along the center line of the right-of-way of Mitchell Street to its intersection with the center line of the right-of-way of Clay Street; run thence in a southwesterly direction along the center line of the right-of-way of Clay Street to its intersection with the center line of the right-of-way of Broad Street; run thence in a southeasterly direction along the center line of the right-of-way of Broad Street to its intersection with the center line of the right-of-way of Monroe Street; run thence southwesterly along the center line of the right-of-way of Monroe Street to its intersection with the center line of Madison Street; run thence southeasterly along the center line of the right-of-way of Madison Street to its intersection with the center line of the right-of-way of Remington Avenue; run thence in a northeasterly direction along the center line of the right-of-way of Remington Avenue to its intersection with the center line of the right-of-way of Broad Street; run thence in a southeasterly direction along the center line of the right-of-way of Broad Street to its intersection with the center line of the right-of-way of the former Seaboard Coastline Railroad, now CSX Transportation, Inc.; run thence in an easterly direction along the center line of the right-of-way of such railroad to its intersection with the center line of Hansell Street; run thence in a southerly direction along the center line of the right-of-way of Hansell Street to its intersection with the center line of the right-of-way of Metcalf Avenue; run thence in an easterly direction along the center line of the right-of-way of Metcalf Avenue to its intersection with the center line of the right-of-way of Loomis Street; run thence in a southwesterly direction along the center line of the right-of-way of Loomis Street to its intersection with the center line of the right-of-way of South Street; run thence in a southerly direction along the center line of the right-of-way of South Street to its intersection with the center line of the right-of-way of Augusta Avenue; run thence in an easterly direction along the center line of the right-of-way of Augusta Avenue to its intersection with the center line of the right-of-way of Orange Street; run thence south along the center line of the right-of-way of Orange Street to its intersection with the southerly margin of the right-of-way of Pinetree Boulevard. All property within the limits of the City which lies east of the line described above and all property within the limits of the City due east of a line created by extending in a northerly direction the northern terminus of the line described above, and all property within the limits of the City which lies due east of a line created by extending in a southerly direction the southern terminus of the line described above shall be deemed to lie within Education District No. 2. (Ord. of 5-10-93, § I(B))

### Section 11.11. Officers, quorum, meetings.

The officers of the Board shall be a president, vice-president, and secretary and treasurer. The office of secretary and treasurer shall be filled by one (1) and the same person, who shall before entering upon the duties of his office take and subscribe an oath to faithfully discharge the duties of his office and shall give bond in such sum as may be fixed by the Board to faithfully account for all moneys coming into his hands as such officer, which such bond shall be made payable to the Board of Education, and the Board of Education is hereby empowered to bring suit and to maintain upon such bond in any courts of this state for a breach of such bond by the secretary and treasurer, and the proceeds of such suit shall be applied to the public schools of this city. The secretary and treasurer shall not pay out any moneys except by order of the board. No officer of the Board shall receive any compensation except the secretary and treasurer, whose compensation shall be fixed by the board. His books shall be open for inspection by the members of such board. The secretary may or may not be a member of the Board of Education. A quorum of the Board of Education shall consist of a majority of the members. The Board of Education shall have

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regular monthly meetings, the time of such meetings shall be fixed by them, and they shall meet more often as the public school interests may require. Their officers shall be elected by ballot and shall hold their office for one (1) year and until their successors are elected and qualified.

### Section 11.12. Power and authority.

The Board of Education shall have authority to establish and from time to time modify a system of public schools for the city, to be open not less than eight (8) and not more than ten (10) scholastic months in each year. The Board of Education, as soon after their election as practicable, shall make provisions for the opening of the public schools. The Board of Education shall have authority to purchase, build, engage, and rent buildings for school purposes and to accept gifts and donations of property, money, and other things for school purposes under this article; and all deeds taken to real property shall inure to the Board of Education for the City and their successors in office. The Board shall have the authority to employ a superintendent and other teachers for the public schools and to prescribe their duties and to suspend or discharge them for good causes, to prescribe the terms upon which pupils shall be admitted to such public schools, and to make such rules and regulations and bylaws as they deem right and proper for maintaining a system of public schools for the city. The Board of Education shall have the power to fix the compensation of all teachers employed in such public schools and to pay same. The Board shall keep the minutes of each meeting, which shall be open to the inspection of the City Council for the City or any citizen of the city. The Board of Education shall regulate the curriculum and the books to be used in such school. Whenever the Board of Education shall determine that any real or personal property is not needed for school purposes, the Board shall have the authority to rent or lease the property upon such terms and conditions as the Board shall deem advisable or to sell such property at public or private sale in the discretion of the Board and to convey such property by warranty deed. A copy of the action of the Board in this connection shall be spread upon the minutes.

### Section 11.13. Jurisdiction and powers unaffected by adoption of charter.

The jurisdiction and the powers and duties of the Board of Education are hereby expressly preserved and shall in no way be affected by the adoption of this charter.  
(SB309-Act40, Amended, 04/15/2005, Change to 11-8 enacted by State Legislature)

## Section 99-12 ARTICLE XII. STREET IMPROVEMENTS

### Section 12.1. Power and discretion of City Council.

It is expressly intended by this article to confer upon the City Council the power to order the paving, re-paving or improvement of any streets, avenues, lanes, public alleys or other public places in the city, including, but not limited to, curbing, guttering and draining the same, installing sidewalks, manholes, catch basins and necessary drainage pipes, whenever in the judgment and discretion of the City Council it may be necessary for the public good, and whenever the City Council deems that it has or will have enough revenue to so order, including without limitation certain revenues from a Special Purpose Local Option Sales Tax (SPLOST), assistance from the Georgia Department of Transportation, along with assessments of a fixed dollar amount per linear front foot against the abutting property owners. In addition to assessment against the property owner(s), the City and the Georgia Department of Transportation may divide the balance the costs of the street improvements, with the city's utilizing SPLOST revenues. The City Council then shall have the power to enact all ordinances and to establish all rules and regulations as may be necessary to require the owners of all abutting property subject to assessment to pay the costs of such improvements by per linear front foot assessment, and shall have the power to cause to be constructed all water, gas or sewer pipe connections to connect with any existing water, gas or sewer pipes in and underneath the streets, avenues, lanes, public alleys or other public places

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where public improvements are to be made. All costs and expenses for making water, gas or sewer connections shall be taxed against abutting property and shall be included in the general assessment to cover the cost of connection, in addition to the basis of linear foot frontage.

### Section 12.2. Authority for public necessity paving; written protests.

On and after September 24, 2001, the City Council shall prioritize those streets, avenues, lanes, public alleys or other public places that need public improvements (initial paving and other related improvements), and the City Council shall declare, by resolution such public improvements to be necessary according to the priority list. In the event the City Council declares by resolution such public improvements to be necessary, the resolution shall be published in ten (10) consecutive issues of a daily newspaper published and having a general circulation within the city. If the owners of a super majority (deemed to be at least 75%) of the linear foot frontage to be improved, who are to be liable for an assessment to pay a portion of such public improvements, do not, within fifteen (15) days after the last publication of the resolution, file with the City Clerk their written protest against the proposed public improvements, then the City Council shall have power to cause the improvements to be made and to contract for the improvements, and to levy assessments, and liens, if necessary, as provided for in Section 12.1. Any number of streets, avenues, alleys, lanes and other public places or parts thereof to be improved may be included in one(1) resolution, but a separate written protest must be made for each street, avenue, alley, lane or other public place or part thereof.

In the event of a timely filed written protest by the owners of a super majority of the linear foot frontage to be improved, the following procedures shall take place: The City Council shall appoint a time for the holding of a session or shall designate a regular meeting of its body for the hearing of any timely filed written protest or objection that may be made by any interested person concerning the City Council's declaration of necessity for public improvement. Notice of such session or regular meeting for the hearing shall be published by the City Clerk once a week for two (2) weeks in a newspaper having a general circulation in the city. The time fixed for the hearing shall be not less than five (5) nor more than ten (10) days from the date of the last publication of the notice. At the session or regular meeting for the hearing, the City Council shall have the power and duty to review and correct any part or all of its declaration of necessity for public improvements, to hear objections to the same, and to confirm the declaration of necessity either as originally made by the City Council or as corrected by the City Council. The City Council, by ordinance, shall fix the assessment, as confirmed, against the several tracts of land liable for the assessment. If any timely filed written protest is upheld by the City Council, and any portion of the public improvements previously declared as necessary by the City Council are deemed by the City Council not to be necessary, and the assessment for such improvements is thereby voided and made of no further force or effect, then the abutting landowners along the unimproved street, avenue, alley, lane or other public place shall be assessed a maintenance fee by the City to cover the cost to the City related to maintaining the unpaved or otherwise unimproved street, avenue, alley, lane or other public place. The maintenance fee may be revised by the City from time to time at its discretion in accordance with the changes in its costs of maintaining the unimproved public place.

### Section 12.3. [Reserved]

### Section 12.4. Assessment of abutting real estate, creation of lien, payment.

After passage of a resolution providing for the public improvements set forth in Sections 12.1 and 12.2, above, all property owners whose property abuts the subject street, avenue, alley, lane or other public place, on any side or boundary thereof, shall be assessed a fixed dollar amount set by the City Council for each paving project, which amount will be based upon the linear foot frontage of each respective property owner. After written notice of the City Council's declaration of necessity as to such public improvements provided for above, and if no written protest is timely filed with the City Clerk, it shall be conclusively

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presumed that all abutting property owners have accepted the terms of the resolution and have agreed to the assessment. Upon such acceptance and agreement, it shall be the duty of the City Council to cause such public improvements to be made in accordance with the plans and specifications prepared for such improvements.

The City and the Georgia Department of Transportation will pay the difference between the cost of any such improvement project and the assessments to be paid by the subject abutting property owners.

Upon the completion of the public improvements contemplated in Sections 12.1 and 12.2, the assessing ordinance shall assert lien rights in favor of the city. If any abutting property owner fails to pay any assessment when due, the City Council shall have the authority to collect the same as authorized by law, including, without limitation, the interest accruing at the legal rate on any such assessment and the expenses of collection, which assessment, interest and expenses of collection are declared to be a lien against the lots and tracts of land so assessed, from the date of the ordinance approving and levying the same, co-equal with the lien of other taxes and prior to and superior to all other liens against such lots or tracts. Such liens shall continue until the assessment and the interest thereon are fully paid and shall be enforced in the same manner as are liens for City taxes.

It shall be the duty of the City treasurer, within fifteen (15) days after the date of the maturity of any assessment or interest thereon, to issue an execution against the lot or tract of land assessed for the improvement or against the party or person owning the same for the amount of the assessment or interest. The treasurer shall turn over the execution to the marshal or chief of police of the city, who shall levy upon the abutting real estate liable for the assessment and previously assessed for the improvements. After advertisement and other proceedings, as in case of sales for City taxes, the real estate shall be sold at public auction to the highest bidder. Such sales shall vest an absolute title in the purchaser, subject to the lien of the remaining unpaid assessments with interest and also subject to the right of redemption as provided by applicable law.

(99-12, Amended, 08/24/2001)

### Section 99-13 ARTICLE XIII. THOMASVILLE PAYROLL DEVELOPMENT AUTHORITY

#### **Section 13.1. Constitutional amendment.**

That constitutional amendment creating the Thomasville Payroll Development Authority having been continued in force and effect by an Act approved March 27, 1985 (Ga. L. 1985, p. 4552), pursuant to the authority of Article XI, Section I, Paragraph IV(b) of the Constitution, the text of such amendment is as provided in Section 13.2 of this article. Since such continued amendment may not be amended, for purposes of that amendment only, the City Council of Thomasville established by this charter shall be deemed to be the Commissioners of the City of Thomasville referred to in that amendment.

#### **Section 13.2.** [Text of amendment.]

A. There is hereby created a body corporate and politic to be known as the Thomasville Payroll Development Authority; which shall be deemed to be an instrumentality of the City of Thomasville and a public corporation, and in that name, style and title such body may contract and be contracted with, sue and be sued, plead and be interpleaded, and complain and defend in all courts of law and equity. In the event the name of said Authority shall ever become the subject of change same may be accomplished by an Act of the General Assembly.

B. The said Authority is created for the purpose of expanding and developing industry in the City of

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Thomasville and County of Thomas and for improving the general welfare of said county.

C. The Authority shall consist of five (5) members one of whom shall be the Mayor of the City of Thomasville; one of whom shall be the Chairman of the Board of Commissioners of Roads and Revenues of Thomas County; one of whom shall be the President of the Thomasville-Thomas County Chamber of Commerce; the remaining two members shall be appointed by the Council of the City of Thomasville.

- (1) The terms of office of the members representing the Mayor of the City of Thomasville, the Chairman of the Board of Commissioners of Roads and Revenues of Thomas County, and the President of the Thomasville-Thomas County Chamber of Commerce, shall run concurrently with their tenure[s] of office and their successor[s] in such respective offices shall succeed them as members of the said Authority.
- 2) The term of office as a member of the Authority with respect to the two remaining members shall be three years and until their successor[s] is [are] elected and qualified. In case of a vacancy the Council of the City of Thomasville shall elect a successor whose term shall be for three years, and until his successor is elected and qualified.
- (3) Upon election or qualifying by virtue of holding the office of Mayor of the City of Thomasville, President of the Thomasville-Thomas County Chamber of Commerce or Chairman of the Board of Commissioners of Roads and Revenues of Thomas County the members shall subscribe to the following oath which shall be filed in the office of the Clerk of the City of Thomasville, to-wit: "I do solemnly swear that I will fully and fairly perform the duties as a member of the Thomasville Payroll Development Authority without remuneration, So Help Me God."
- (4) In the event the Mayor of the City of Thomasville, The President of the Thomasville-Thomas County Chamber of Commerce, or the Chairman of the Board of Commissioners of Roads and Revenues of Thomas County shall resign as a member of said authority during their [his] term of office, or fail and refuse to qualify and take the prescribed oath, then there shall be deemed a vacancy which may be filled by the Council of the City of Thomasville by election of a member whose term shall run concurrently with the term of office of such official refusing to qualify and serve.
- (5) The members of the said Authority shall be entitled to no compensation.

D. As used herein, the following words and terms shall have the following meanings, unless a different meaning clearly appears from the context:

- (1) The word "Authority" shall mean the "Thomasville Payroll Development Authority," created hereby.
- (2) The word "Project" shall be deemed to mean and include the acquisition of lands, properties and improvements for development, expansion and promotion of jobs and payrolls in industry, commerce, agriculture and natural resources; the construction of buildings and plants or the acquisition of equipment for the purpose of selling, leasing or renting such structures or equipment to private persons, firms or corporations.
- (3) The term "cost of project" shall embrace the cost of construction, cost of lands, properties, easements, rights and franchises acquired, the cost of machinery and equipment, financing charges, interest prior to and during construction, architectural and legal expenses, and plans and specifications and other expenses necessary or incident to determining the feasibility or practicability of the project, administrative expenses, and such other expenses as may be necessary or incident to the financing herein authorized, the construction of any project and placing the same in operation; provided, however, that in no event shall entertainment or promotional expenses be considered a part of the cost of any project.

E. The County of Thomas and the City of Thomasville are expressly authorized to enter into contracts with the Authority as a public corporation.

F. Any three (3) members shall constitute a quorum for the transaction of ordinary business of the Authority; however, any action with respect to any project of the Authority must be approved by not less than three (3) affirmative votes.

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- G. The powers of the Authority herein created shall include, but not be limited to, the power:
- (1) To have a seal and alter the same at pleasure.
  - (2) To contract and be contracted with, sue and be sued, implead or be impleaded, and complain and defend in all courts of law and equity, to contract with the City of Thomasville and the County of Thomas, and other municipalities and other political subdivisions and with private persons and corporations.
  - (3) To acquire, hold and dispose of personal property, including the stock of other corporations, for its corporate purposes.
  - (4) To buy, acquire, receive as gifts, improve, own, operate, maintain, sell, lease as lessor and lessee, and mortgage as well as execute deeds to secure debt to and for land, buildings, and property of all kinds within the County of Thomas.
  - (5) To enter into contracts for periods of time not in excess of one hundred (100) years.
  - (6) To acquire in its own name by purchase on such terms and conditions, and in such manner as it may deem proper, or by condemnation in accordance with the provisions of any and all existing laws applicable to the condemnation of property for public use, real property or rights of easement therein or franchises necessary or convenient for its corporate purposes, and to use the same so long as its corporate existence shall continue and to lease or make contracts with respect to the use of or dispose of the same in any manner it deems to the best advantage of the Authority, the Authority being under no obligation to accept and pay for any property condemned under the authority hereby granted except from funds provided under the authority hereby granted, and in any proceedings to condemn, such orders may be made by the court having jurisdiction of the suit, action or proceeding as may be just to the Authority and to the owners of the property to be condemned. If the Authority shall deem it expedient to construct any project or use any project already constructed on lands, the title to which shall be in the County of Thomas and/or the City of Thomasville, the governing authorities of the County of Thomas and the City of Thomasville are authorized in their discretion to convey title to such lands, including any improvements thereon, to the Authority.
  - (7) To encourage and promote the expansion of industry, trade, agriculture, commerce and recreation in the City of Thomasville, County of Thomas, and to make a long range plan therefor.
  - (8) To appoint and select officers, agents, and employees, including engineering, architectural and construction experts, fiscal agents and attorneys, and to fix their compensation.
  - (9) To make contracts, and to execute all instruments necessary or convenient, including contracts for construction of projects, and leases, and rental and sale of projects, or contracts with respect to the use of projects, which it erects or acquires.
  - (10) To construct, erect, acquire, own, repair, remodel maintain, extend, improve, sell, equip, expand, add to, operate and manage projects and to pay the costs of any such project from the proceeds of revenue-anticipation certificates or bonds or any other income of the Authority, or from any contribution or loans by persons, firms, or corporations, all of which the Authority is hereby authorized to receive and accept and use.
  - (11) To elect its own officers from the membership of the Authority; to elect an executive director who is not required to be a member of the Authority; and to authorize and empower such officers to act for the Authority generally or in any specific matter.
  - (12) To issue revenue-anticipation certificates for the purpose of paying all or any part of the cost of any project of the Authority. To exercise all of the rights, powers and privileges and be subject to the same liabilities as a municipality under the provisions of the Revenue Certificate Law of 1937 (Ga. L. 1937, pp. 761-774), and as subsequently amended, with reference to the issuance of such revenue-anticipation certificates and validation of same insofar as such pertain to the corporate purposes of the Authority.
  - (13) To borrow money for any of its corporate purposes and to issue negotiable revenue bonds

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payable solely from funds or property pledged for that purpose and to provide for the payment of the same and for the rights of the holders thereof.

- (14) To use the rents, profits and proceeds from the projects erected, leased or sold, to provide maintenance for such projects, and to discharge the principal and interest of revenue bonds or certificates issued by the Authority.
- (15) To borrow money for any of its corporate purposes and to execute debentures, bonds, notes, mortgages, deeds to secure debt, trust deeds and other such instruments as may be necessary or convenient to evidence and secure such borrowing.
- (16) To do all things within its powers to encourage industrial growth and agricultural development in Thomas County, and to encourage the location of new industries in said county.
- (17) To exercise any power granted by the laws of the State of Georgia to public or private corporations performing similar functions, which is not in conflict with the Constitution and laws of this State.
- (18) To accumulate its funds from year to year and to invest accumulated funds in any manner that public funds of the State of Georgia or any of its political subdivisions may be invested.
- (19) To receive and administer gifts, grants and donations and to administer trusts.
- (20) To do all things necessary and convenient to carry out the powers expressly conferred by this Resolution, upon the Authority.
- (21) To adopt, alter or repeal its own by-laws, rules and regulations governing the manner in which its business may be transacted and in which the power granted to it may be enjoyed, as the Authority may deem necessary or expedient in facilitating its business.

H. The City of Thomasville is hereby authorized to levy and collect an annual ad valorem tax not to exceed one (1) mill for developing and promoting industry and agriculture, and is hereby directed to pay the Authority all funds derived from such levy to be used for the purposes provided herein.

I. It shall be the duty of the Authority to have all persons handling funds of the Authority fully and adequately bonded for their faithful accounting for such funds.

J. The Authority shall not be allowed to create in any manner any debt, liability or operation, against the City of Thomasville, the State of Georgia, nor Thomas County.

K. The property, obligations and interest on the obligations of the Authority shall have the same exemptions from taxation as the property, obligations and interest on the obligations of the City of Thomasville.

L. The exemptions from taxation herein provided shall not extend to tenants nor lessees of the Authority; and shall not include exemptions from sale and use taxes on property purchased by the Authority or for use by the Authority.

M. All projects of the Authority shall be on a self-liquidating basis, and the Authority shall not make gifts, directly or indirectly, to any persons, firm or corporation.

N. Should said Authority for any reason be dissolved, title to all property of every kind and nature, real and personal, held by the Authority at the time of such dissolution, shall revert to the City of Thomasville subject to any mortgages, liens, leases or other encumbrances outstanding against or in respect to said property.

O. The books and records of the Authority shall be audited at least annually, at the expense of the Authority, by a competent independent auditor; and a copy of the same shall be filed with the Clerk of the City of Thomasville, and shall be available for public inspection; the City of Thomasville may at any time, at its own expense, have such books and records audited. (Ord. of 6-12-95(1), § I(N))

### Section 99-14 ARTICLE XIV. GENERAL PROVISIONS

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### **Section 14.10. Prior ordinances.**

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

### **Section 14.11. Pending matters.**

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

### **Section 14.12. Construction.**

- (a) Section captions in this charter are informative only and are not to be considered as a part thereof.
- (b) The word "shall" is mandatory and the word "may" is permissive.
- (c) The singular shall include the plural, the masculine shall include the feminine, and vice versa.
- (d) The word "City" means the City of Thomasville.

### **Section 14.13. Severability.**

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

### **Section 14.14. Specific repealer.**

An Act incorporating the City of Thomasville in the County of Thomas, approved October 3, 1889 (Ga. L. 1889, p. 854), and the Act approved March 15, 1943 (Ga. L. 1943, p. 1601), are repealed in their entirety and all amendatory acts thereto are likewise repealed in their entirety.

### **Section 14.15. Effective date.**

This Act shall become effective upon July 1, 1990.

### **Section 14.16. Repealer.**

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

**\*Editor's note--**Printed herein is the Charter of the City of Thomasville, Georgia, as enacted by the General Assembly of Georgia on March 30, 1990. It may be cited as 1990 Ga. Laws (Act No. 1118), page 5051. The format of the charter, including section numbers, has been retained. A uniform system of punctuation and capitalization has been used. Obvious misspellings have been corrected without notation and material in brackets has been added for clarity. Section I(B) of an ordinance adopted June 12, 1995, replaced the phrase "water & light" and substituting therefor the word "utilities."