

Government

Governmental Units—Consolidation
Consolidation: Columbus/Muscogee
County Governments, Columbus, GA
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CHARTER OF THE
CONSOLIDATED GOVERNMENT
COLUMBUS, GEORGIA

PUBLISHED AT THE DIRECTION

of the

MAYOR AND COUNCIL

of

COLUMBUS, GEORGIA

AS AMENDED THROUGH JULY 20, 1982



MUNICIPAL CODE CORPORATION

Tallahassee, Florida

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PART I

CHARTER

ARTICLE I

CREATION, FORM, BOUNDARIES AND SERVICES OF CONSOLIDATED GOVERNMENT*

- Sec. 1-100. Consolidation of city and county; creation of consolidated government; name.
Sec. 1-101. Form of government.
Sec. 1-102. Boundaries of the consolidated government.
Sec. 1-103. Taxing districts.
Sec. 1-104. Limitations.

- Sec. 1-100. Consolidation of city and county; creation of consolidated government; name.

The governmental and corporate powers, duties and functions now vested in the City of Columbus, a municipal corporation created by an Act of the General Assembly approved December 19, 1928 (Ga. L. 1828, p. 153) as amended, and particularly but not in limitation as amended by an Act of the General Assembly approved August 5, 1921 (Ga. L. 1921, p. 800) as amended, are hereby consolidated with the governmental and corporate powers, duties and functions of the County of Muscogee, such consolidation of the governments of the City of Columbus and the County of Muscogee being purusant to constitutional power granted by Article XI, Section I, Paragraph VII of the Constitution of Georgia of 1945, as amended, particularly by an amendment ratified at the general election held on November 5, 1968 (Ga. L. 1968, p. 1508), and in accordance with an Act of the General Assembly approved April 25, 1969 (Ga. L. 1969, p. 3571). Said consolidation shall result in the establishment of a single countywide government with powers and jurisdiction throughout the territorial limits of Muscogee county, which single

*Editor's note—The Charter of the Consolidated Government was ratified at an election on November 3, 1970. Ex Act No. 2 of 1971, H.B. No. 13-Ex, approved Oct. 5, 1971, ratified said Charter nunc pro tunc, and confirmed, enacted and incorporated it into the Acts of the General Assembly.

government shall supersede and replace the governments of the City of Columbus and the County of Muscogee, and to the extent provided in this Charter, shall also supersede and replace any public authorities and special service districts located and operating within Muscogee County. All areas of Muscogee County outside of Bibb City and the Fort Benning Reservation are hereby annexed as a part of the City of Columbus and shall become hereby a part of the City of Columbus which is hereby consolidated with Muscogee County, and the single government hereby created shall be considered for all purposes as being a consolidation of the governments of Columbus as defined hereby with the County of Muscogee, and the single government which supersede[s] and replaces the governments of the City of Columbus and County of Muscogee shall be considered as a consolidation of the City of Columbus with boundaries to the Muscogee County line with the exception of Bibb City and the Fort Benning Reservation. It is the express intention of the General Assembly in enacting this provision to declare as a city and as a part of the City of Columbus all the area of Muscogee County with the exception of Bibb City and the Fort Benning Reservation. Said county-wide government shall be a new political entity, a body politic and corporate, and a political subdivision of the State, to be known as "Columbus, Georgia," (herein at times called "the consolidated government"), having all of the governmental and corporate powers, duties and functions heretofore held by and vested in the City of Columbus and Muscogee County, and also the powers, duties and functions provided in this Charter. The consolidated government shall be a public corporation; shall have perpetual succession; shall, without the necessity or formality of a deed, bill of sale or other instrument of transfer, own, possess and hold all the properties (of whatsoever kind or nature), assets, contracts, franchises, things, rights, privileges, immunities, real and personal property theretofore owned, possessed, enjoyed or held by the City of Columbus and the County of Muscogee; and by the name of Columbus, Georgia shall be able to contract and be contracted with, sue and be sued as provided by this Charter, plead and be impleaded, in all courts of this State, and do all

other acts relating to its corporate capacity; and shall be able in law and equity to purchase, have and hold, receive, enjoy, accept, possess and retain for the use and benefit of said Columbus, Georgia, in perpetuity or for any term of years, any estate or estates (real or personal), lands, tenements, hereditaments of whatsoever kind or nature within or without the territorial limits of the consolidated government, as may be devised, bequeathed, sold or by any manner conveyed or dedicated to or otherwise acquired by the consolidated government, and to use, manage, and improve, sell and convey, rent or lease same; and to have and use a common seal. From and after the effective date of this Charter, the political subdivision known as Muscogee County, Georgia, and the municipal corporation known as the City of Columbus, Georgia shall be merged into the said new political entity herein created. (Ga. Laws 1979, p. —, Act No. 212; § 1)

Sec. 1-101. Form of government.

The consolidated government provided by this Charter shall be known as the Mayor-Council-City Manager form of government. The mayor shall be aided by a city manager, who, in the performance of his duties, shall be responsible to the mayor.

Sec. 1-102. Boundaries of the consolidated government.

The territory embraced in the consolidated government shall be the total area of Muscogee County, as the same may be now or hereafter fixed and established by law.

Sec. 1-103. Taxing districts.

(1) The consolidated government shall, within the geographic limits thereof, comprise two or more taxing districts, (herein called "services districts"), wherein taxes shall be assessed, levied, and collected by the consolidated government in accordance with the kind, character, type, degree, and level of services provided by said government within said services districts, and the rate and manner of taxation may vary in any one district from that in another or other districts. The powers, authority, duties, liabilities, and functions of the consolidated government may vary in any district from that in another or other districts, as provided by ordinance.

(2) The Council of the consolidated government shall, pursuant to the applicable provisions of Article IX, Section 9-102 hereof,* divide the territory of the consolidated government into two or more taxing districts (herein called "services districts"); provided however, at least one of such districts shall be known as the General Services District and shall consist of the total area of Muscogee County as fixed and established on the effective date of this Charter or as thereafter modified according to law; and provided further the council shall establish at least one or more urban services districts which shall embrace such territory or territories for which provision is made by the council for additional or higher levels of services than are provided uniformly throughout the territory of the consolidated government on the effective date of this Charter. In the establishment of the first urban services district or districts,

*Editor's note—It should be noted that Ga. Laws 1980, Act No. 1230, deleted in its entirety Art. IX, entitled "Interim Provisions," from the Charter of Columbus, Georgia.

the council shall hold one or more public hearings thereon at which all interested persons affected thereby shall have an opportunity to be heard. Notice of the time, place and date of such hearings shall be published in one or more newspapers of general circulation in Muscogee County at least twice during the week immediately preceding the date of the hearing.

(3) The consolidated government is hereby empowered to exercise and provide within the General Services District and within any urban services district established by this Charter or by ordinance of the council those powers, functions and services which have theretofore been exercised and provided by Muscogee County or the City of Columbus, or both; all powers, functions and services authorized by this Charter, and any amendments thereto; and all powers, functions and services which counties and municipal corporations, or both, are now or hereafter authorized to exercise under the Constitution and laws of the State of Georgia.

(4) The consolidated government shall perform within the General Services District those governmental duties, functions and services which are generally available and accessible to all residents throughout the total area of said government.

(5) The consolidated government shall perform within its urban services districts those additional, more comprehensive and intensive and higher levels of governmental duties, functions and services which benefit primarily the residents of such urban services districts.

(6) Except as otherwise provided by this Charter, urban services districts of the consolidated government shall be created, expanded, merged, consolidated or reduced only by ordinance duly adopted by the council under such general rules, procedures, regulations, requirements and specifications as established by the Council; provided however, no new urban service district shall be created or existing urban services districts expanded, abolished, merged, consolidated or reduced without providing an opportunity for interested persons to be heard by publishing a notice of a public hearing on the proposed expansion, consolidation, reduction or creation of an

urban services district in one or more newspapers of general circulation in Columbus, Georgia for a period of once each week for at least two successive weeks prior to the date of the hearing. Such rules and regulations shall set forth the manner and method for creation of new urban services districts, expansion, consolidation, reduction or merger of existing urban services districts, requirements for defining functions and policies for rendering services, changes in levels of services within existing services districts, transferring territory from one services district to another, requirements for defining boundaries of services districts, procedures, expansion, reduction or consolidation of existing services districts and requirements for defining boundaries of services districts. (Ga. Laws 1980, Act. No. 1235, § 1)

Sec. 1-104. Limitations.

Nothing contained in this Charter shall be construed so as to affect the status of any incorporated municipality located within Muscogee County other than the City of Columbus, and the status or relationship that such incorporated municipalities bear to Muscogee County and the City of Columbus prior to the adoption of this Charter shall continue to the same extent with the consolidated government.

ARTICLE II

POWERS AND DUTIES

Sec. 2-100. Powers and duties.

Sec. 2-100. Powers and duties.

(1) The consolidated government shall have and be vested with, to the same extent as if herein repeated, all rights, powers, duties, privileges and authority that the City of Columbus or Muscogee County, or both, has under the Constitution, and general and special laws of Georgia at the time of the adoption of this Charter, except as herein expressly modified.

(2) In addition to the foregoing, the consolidated government shall have all rights, powers, duties, privileges and authority herein conferred or herein enlarged, and such other rights, powers, duties, privileges and authority as may be necessary and proper for carrying the same into execution, and also all rights, powers, duties, privileges and authority, whether express or implied, that may be now vested in or hereafter granted to counties or municipal corporations, or both, by the Constitution of Georgia and laws of this state, including the powers vested in the consolidated government by this Charter.

(3) The consolidated government, in addition to the rights, duties, powers, privileges and authority expressly conferred upon it by this Charter, shall have the right, duty, power, privilege and authority to exercise and enjoy all other powers, duties, functions, rights, privileges, and immunities necessary and proper to promote or protect the safety, health, peace, security and general welfare of said government and its inhabitants and to exercise all implied powers necessary to carry into execution all powers granted in this Charter as fully and completely as if such powers were fully enumerated herein and to do and perform all of the acts pertaining to its local affairs, property and government, which are necessary or proper in the legitimate exercise of its corporate powers and governmental duties and functions.

(4) No enumeration of any right, power, privilege or authority hereinafter made shall be construed as limiting or abolishing any right, power, privilege or authority hereinabove set forth.

(5) No repeal of any law under which the consolidated government derives any right, power, privilege or authority, except by amendment of this Charter as herein provided, shall be construed as limiting or abolishing any such right, power, privilege or authority hereinabove set forth.

ARTICLE III

LEGISLATIVE BRANCH

Chapter 1. The Council

- Sec. 3-100. Number; terms of councilmen; election.
- Sec. 3-101. Qualification of councilmen.
- Sec. 3-102. Compensation and expenses.
- Sec. 3-103. Organization of the Council; officers; rules; quorum; meetings; employees.
- Sec. 3-104. Powers of Council.

Chapter 2. Legislative Procedure

- Sec. 3-200. Legislation by ordinance.
- Sec. 3-201. Manner of introduction, consideration and passage of ordinances.
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- Sec. 3-302. Rights of witnesses and others.
- Sec. 3-303. Conduct of proceedings.

Chapter 1. The Council

Sec. 3-100. Number; terms of councilmen; election.

(1) The Council shall consist of ten members, of whom four shall be known as district councilmen and six shall be known as councilmen-at-large. The terms of Councilmen shall be four years commencing on the first regular meeting held during the first week following the first Monday in January next following their election except that a councilman selected to fill a vacancy shall serve only for the remainder of the unexpired term. Councilmen shall be elected as provided in Article VI of this Charter.

(2) Each council post shall be numbered. The district councilmen posts shall be designated respectively as Post No. 1, Post No. 2, Post No. 3 and Post No. 4, such numbers to correspond with the numbering of the respective council districts hereinafter created in Section 6-101; and the council-Supp. No. 8

men-at-large posts shall be designated respectively as Post No. 5, Post No. 6, Post No. 7, Post No. 8, Post No. 9 and Post No. 10. (Ga. Laws 1974, Act No. 1069, § 2)

Sec. 3-101. Qualifications of councilman.

A councilman shall be a citizen of the United States, shall have been a resident and qualified elector of the consolidated government for at least two years prior to the date of his election, and shall be at least twenty-one years of age when elected to office. In addition to such qualifications, a district councilman shall have been a resident of the district from which elected for a period of at least one year prior to the date of his election and shall continue to reside therein during his term of office. Any councilman who removes his residence from the consolidated government or in the case of a district councilman, from the district from which elected, shall thereby vacate his office. No person holding the office of councilman shall hold any other elective public office or any appointive position of employment within the consolidated government. (Ga. Laws 1972, Act No. 957, § 1)

Sec. 3-102. Compensation and expenses.

Council members shall receive as compensation for their services, an amount fixed by ordinance. Each council member shall receive the same salary and no increase or decrease in the annual compensation of council members shall become effective until the day of the commencement of the terms of council members elected at the next regular election following any increase or decrease in their annual compensation. The council shall by ordinance establish a policy for reimbursement of the actual necessary expenses incurred by its members in the performance of their official duties. (Ga. Laws 1980, Act No. 1236, § 1)

Sec. 3-103. Organization of the Council; officers; rules; quorum; meetings; employees.

(1) The council shall meet at its usual meeting place for organization at the regular meeting time set by the council

within seven (7) days following the first Monday in January next following its election, at which time it shall elect by six (6) votes one of its members as mayor pro tem to serve until the next organizational meeting. It shall also elect a clerk of Council who shall not be selected from its own membership. All appointments, elections and confirmations by the Council shall be viva voce and this vote recorded in the official journal.

(2) The mayor and members of the Council, before entering upon their duties shall take and subscribe before a Judge of the Superior Court the following oath of office:

"I do solemnly swear that I will well and truly perform the duties of Mayor (or Councilman as the case may be) of Columbus, Georgia and that I will support and defend the Charter thereof as well as the Constitution and laws of the State of Georgia and of the United States of America. So help me God."

(3) The Council shall adopt rules of procedure governing the transaction of its business consistent with the provisions of this Charter and shall provide for keeping a journal of its proceedings which shall be a public record. Six members of the Council shall constitute a quorum for the transaction of business, provided a smaller number may adjourn from time to time.

(4) The rules of the Council shall provide for regular meetings which shall be held at least once in every week, and shall fix the date and place of all regular meetings; provided, however, that any regular meeting may be cancelled upon the adoption of a resolution by a majority vote of the Council at least seven (7) days prior to the meeting. In no event shall less than two (2) regular meetings be held in any month. Special meetings of the Council may be called by the Mayor or by any six members of the total membership of the Council upon no less than twelve hours written notice to each member served personally or left at the usual place of business or residence of such member. Such notice of the special meeting may be waived in writing

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either before or after the meeting. Special meetings may be held at any time without notice upon attendance at such meeting of or waiver of notice by all members of the council.

(5) All meetings of the Council shall be public and any citizen may have access to the minutes and records thereof at reasonable times.

(6) For each absence of a councilman from a regular meeting of the Council, there shall be deducted from the pay of such councilman a sum equal to two per cent of the annual salary of the councilman; provided however, there shall be no deductions from the pay of a councilman for absences from regular meetings where such absences have been excused by the Council by resolution setting forth the reason thereof and entered upon the journal. Absence from five consecutive regular meetings shall operate to vacate the seat of a councilman, unless the absence is excused by the Council by resolution setting forth the reason thereof and entered upon the journal.

(7) The clerk of Council shall give notice of Council meetings to its members, to the mayor and to the public as provided by ordinance, keep the journal of its proceedings, maintain a current and comprehensive index of all ordinances and resolutions and perform such other duties as may be assigned him by this Charter or by the Council. (Ga. Laws 1974, Act. No. 1069, § 1; Ga. Laws 1980, Act. No. 1238, § 1)

Sec. 3-104. Powers of Council.

(1) All legislative power of the consolidated government including any such power which may hereafter be conferred on the consolidated government by amendment of this Chapter, or by the Constitution or laws of Georgia, shall be vested in and exercised by the Council in accordance with the provisions of this Charter. Where the Council has determined that a state of emergency exists, it may delegate its legislative powers to the mayor to rule the city by proclamations and such proclamations shall have the force and effect of ordinances adopted by the Council and violators shall be

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punished by fine and imprisonment in like manner as violators of ordinances adopted by the Council of Columbus.

(2) In the exercise of its powers, the Council shall adopt and provide for the execution of such ordinances, rules and regulations, not inconsistent with this Charter, as may be necessary or proper for the purpose of carrying into effect the powers conferred by this Charter and for the promotion and protection of the safety, health, peace, security and general welfare of the inhabitants of the consolidated government and may enforce such ordinances, rules and regulations by imposing penalties for violations thereof, by a fine not exceeding two hundred fifty dollars (\$250.00) or imprisonment not exceeding ninety (90) days, or both.

(3) The Council may by ordinance create, change, alter, combine, abolish and consolidate bureaus, boards, commissions, departments, divisions, authorities, offices, and agencies of the consolidated government including positions of public employment and may transfer and delete functions and assign additional functions to any of the bureaus, offices, agencies, departments, divisions, boards, authorities, commissions and positions of public employment existing under this Charter.

(4) The Council may bring charges against any appointed officer or employee not in the merit service of the consolidated government for lack of qualifications, incompetence, neglect of duty, gross misconduct in reference to his duties, or violation of the Code of Ethics provided in Appendix Two hereof which is hereby made a part of this Charter. The charges shall be presented in writing to the appointing authority, and if he does not remove the accused, the Council may order a public hearing thereon, at which the official shall have the right to be heard, to be represented by counsel, and to require the attendance of witnesses and the production of relevant books and papers. If, after hearing, the accused be found guilty as charged, he may be suspended or dismissed from the service of the consolidated government by the affirmative vote of seven members of the Council.

(5) Except as otherwise provided by this Charter, the Council and its members shall deal with the executive branch of the consolidated government, including all appointive officers, directors of departments and employees thereof only through the mayor and any such action by the Council may take the form of an ordinance or resolution. (Ga. Laws 1971, Ex Act No. 3, § 1)

Chapter 2. Legislative Procedure

Sec. 3-200. Legislation by ordinance.

Every official act of the Council which is to become law shall be by ordinance and shall begin with the words: "The Council of Columbus, Georgia hereby ordains." All other acts of the Council shall be by resolution or shall take such other form as prescribed by its rules.

Sec. 3-201. Manner of introduction, consideration, and passage of ordinances.

(1) Every proposed ordinance must be complete and in writing and may be introduced by any member at any meeting of the Council. Every ordinance shall embrace but one subject which shall be clearly expressed in the title, except ordinances making appropriations or authorizing the contracting of indebtedness or issuance of bonds or other evidence of debt.

(2) Ordinances making appropriations or authorizing the contracting of indebtedness or the issuance of bonds or other obligations and appropriating the money to be raised thereby shall be confined to those subjects respectively. Nothing herein shall be construed to prevent the Council from authorizing in and by the same ordinance the making of any one public improvement and the issuance of bonds therefor.

(3) No ordinance shall be passed and adopted until it has been read at two regular meetings not less than one week apart. The requirement of such reading may be dispensed with at either or both of such meetings by the affirmative vote of six members of the Council. Where the Council determines

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that a state of emergency exists due to natural disaster, foreign enemies, or civil disobedience, an ordinance may be passed declaring that such emergency exists and such ordinance may be adopted on one reading, effective immediately, and effective prior to advertisement.

(4) No ordinance or section thereof shall be revised or amended by its title or section number only, but the new ordinance shall contain the entire ordinance or section as revised or amended.

(5) Each proposed ordinance may be read only by title when called for final passage.

(6) Voting upon the passage of all ordinances shall be taken by "ayes" and "nays" and the names of the councilmen voting for and against each proposed ordinance or amendment shall be entered upon the journal of the proceedings of the Council.

(7) No proposed ordinance shall be adopted except by the affirmative vote of at least six members of the Council.

(8) No member of the Council present at any meeting shall be excused from voting upon passage of an ordinance except on matters involving the consideration of the official conduct of such member or when the financial interests of such member are involved. (Ga. Laws 1971, Ex Act No. 3, § 2; Ga. Laws 1980, Act No. 1229, § 1)

Sec. 3-202. Submission of ordinances to the mayor.

(1) Every ordinance adopted by the Council shall be presented by the clerk to the mayor for his signature as promptly as possible following its adoption.

(2) Within five days after such presentation, the mayor shall return the ordinance to the clerk with or without his signature. If the ordinance has been signed by the mayor, it shall become law upon its return to the clerk; if the ordinance has not been signed, it shall be resubmitted to the Council through the clerk with the mayor's written motion that the ordinance be reconsidered. The clerk shall record upon the ordinance the date of its delivery to and receipt from the

mayor. An ordinance penal in nature, providing for punishment or fine, shall become law ten (10) days after it has been signed by the mayor and returned to the clerk.

(3) In the event the mayor fails to sign the ordinance in accordance with subsection[s] (1) and (2) hereof or does not resubmit the ordinance with his written motion for reconsideration as provided in subsection (2) hereof, the ordinance shall become law upon the expiration of said five day period following its adoption. In the event the mayor fails to sign an ordinance penal in nature providing for punishment or fine, or does not resubmit such penal ordinance with his written motion for reconsideration, the ordinance shall become law upon the expiration of fifteen (15) days following its adoption.

(4) Each ordinance resubmitted by the mayor with his written motion for reconsideration shall be presented by the clerk to the Council at its next regular meeting, and should the Council after discussion on the merits then reaffirm its action by a vote of six members, the ordinance shall become law. An ordinance penal in nature, providing for punishment or fine, reaffirmed by such votes of six (6) members, shall become effective ten (10) days after such vote of reaffirmation. (Ga. Laws 1974, Act No. 1186, §§ 1—3)

Sec. 3-203. Authentication; recording; effective date.

All ordinances which have become law shall immediately be deposited in the official archives of the clerk of Council. The clerk shall note on the face of the ordinance the date and time it has become law and the ordinance shall become effective at noon on the day following its becoming law or at such later time as it may specify. The clerk shall authenticate by his signature each ordinance which has become law. Except as otherwise provided in this Charter, the clerk shall cause each ordinance which has become law to be recorded in full in a properly indexed official journal maintained for such purpose.

Sec. 3-204. Codes of technical regulations.

(1) The 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:

- (a) The requirements of Section 3-201 (4) for distribution and filing of copies of the ordinance shall be construed to include copies of the code of technical regulations, as well as the adopting ordinance; and
- (b) A copy of each adopted code of technical regulations, as well as the adopting ordinance, shall be authenticated and recorded by the clerk pursuant to Section 3-203.

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

Sec. 3-205. Codification and printing of ordinances.

(1) The council shall, within three years of the effective date of this Charter, provide for the preparation of a general codification of all ordinances of a general or permanent nature. Such code shall be adopted by the Council by ordinance and shall be published promptly in loose-leaf form, together with all amendments thereto, this Charter, any amendments hereto, and such codes of technical regulations and other rules and regulations as the Council may specify. This compilation shall be known and cited officially as the "Columbus, Georgia Code." As determined by the Council, copies of the Code shall be furnished to officers, departments and agencies; placed in libraries and public offices for public reference and made available for purchase by the public at a reasonable price.

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(2) Copies of ordinances and Charter amendments shall be made available for purchase by the public at reasonable prices to be fixed by the Council. Following publication of the first Columbus, Georgia Code and from time to time thereafter, the ordinances and Charter amendments shall be printed in substantially the same style as the Code currently in effect, and shall be suitable in form for integration therein.

Sec. 3-206. Publication; prima facie evidence.

(1) Every ordinance of a general or permanent nature shall be published in full once within ten days after its becoming law in a newspaper or newspapers of general circulation published in Columbus, Georgia; provided however, the foregoing requirements as to publication shall not apply to an ordinance re-ordained in or by a general compilation or codification of ordinances printed by authority of the Council or to codes of technical regulations and amendments thereto adopted by reference, but it shall be sufficient to publish in a newspaper the ordinance which adopts said code of technical regulations or amendments by reference thereto.

(2) A record or entry made by the clerk of Council or a copy of such record or entry, duly certified by such clerk, shall be prima facie evidence of the terms of the ordinance and its due publication.

Chapter 3. Council Inquiries and Investigations

Sec. 3-300. Inquiries and investigations.

(1) The Council shall have the power to conduct or cause to be conducted inquiries and investigations of the operation of any office, department, or agency or the conduct of any officer or employee thereof administering the affairs of the consolidated government.

(2) In conducting inquiries and investigations, the Council shall have the right to administer oaths, subpoena witnesses, documents, records or other evidence, take testimony, and require the production of evidence. Any subpoena shall be is-

sued by the Clerk at direction of the Council. Any person who fails or refuses to obey a lawful order, subpoena or summons issued in the exercise of these powers by the Council shall appear before the recorder or recorder pro tem. of the recorder's court, who shall hear the reasons or excuses for such failure and the recorder or recorder pro tem. shall have authority to impose such punishment as for a contempt as he may deem proper, not to exceed a fine of one hundred dollars (\$100.00) or imprisonment not to exceed ten days or both in the discretion of the court, with the right of appeal to the City Court of Columbus, Georgia, as hereinafter provided.

Sec. 3-301. Investigations to be public.

All inquiries and investigations conducted by the Council shall be open to the public, except when in the opinion of the Council executive sessions are required.

Sec. 3-302. Rights of witnesses and others.

Any witness appearing before the Council may be represented by counsel. Any person whose character shall have been impugned in the course of an inquiry or investigation by the Council shall be given the opportunity to appear with or without counsel, to present evidence, to cross-examine witnesses, and to call witnesses of his own, and the Council shall, upon application being made, exercise its subpoena power to compel the attendance of such persons and witnesses.

Sec. 3-303. Conduct of proceedings.

The conduct of proceedings at Council inquiries and investigations shall be subject to such rules as the Council may prescribe.

ARTICLE IV

EXECUTIVE BRANCH

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- Sec. 4-628. Board of elections.
- Sec. 4-629. Columbus Building Authority.

Chapter 1. Organization and General Provisions**Sec. 4-100. Executive powers.**

All executive and administrative powers of the consolidated government shall be vested in and exercised by the executive branch.

Sec. 4-101. Organization.

The executive branch shall initially consist of the office of the mayor; the office of city manager; the directors of departments; and the following departments, boards, commissions and authorities, all of which are hereby created and established or continued and recognized:

(1) Departments.

- (a) Staff and administrative departments.
1. Department of administration
 2. Department of finance
 3. Department of community development
 4. Department of engineering
- (b) Operating and service departments.
1. Department of public safety
 2. Department of public works
 3. Department of utilities
 4. Department of transportation
 5. Department of parks and recreation

6. Department of public health
7. Department of family and children services
8. Department of cooperative extension service
9. Department of civil defense

(2) *Boards and commissions.*

(a) Departmental.

1. Board of water commissioners
2. Board of public health
3. Board of family and children services

The foregoing boards and commissions shall be departmental agencies with responsibilities for general administration with respect to their respective departments as required by this Charter, by ordinance of the Council, or by applicable state law.

(b) Attached to departments.

1. To the department of administration: Personnel review board
2. To the department of community development: Planning advisory commission
3. To the department of parks and recreation: Recreation advisory board
4. To the department of cooperative extension service: Cooperative extension advisory board

The foregoing boards and commissions shall be attached to but shall not be a part of the departments, as indicated. The responsibilities of the boards and commissions with respect to such departments shall be as provided by this Charter, by ordinance of the Council, or by applicable state law.

(c) Nondepartmental.

1. Housing authority
2. Hospital authority
3. Medical center board of commissioners
4. Columbus industrial and port development commission
5. Board of tax assessors
6. Board of tax appeals

7. Columbus racial relations advisory commission
8. Airport commission
9. Board of elections
10. Columbus building authority

The foregoing boards, commissions and authorities specified in (c) hereof shall be independent of any department of the consolidated government and shall have no responsibility for the operation and management thereof. The functions and responsibilities of such boards, commissions, and authorities shall be as provided by this Charter, by ordinance of the Council, or by applicable state law.

Sec. 4-102. General provisions concerning departments.

(1) The operations and responsibilities of each department now or hereafter established in the consolidated government shall be distributed among such divisions or bureaus as may be provided for by this Charter or by ordinance of the Council. Each department shall consist of such officers, employees, and positions as may be provided by this Charter or by ordinance.

(2) There shall be a director of each department who shall be the principal officer thereof, except the department of public safety, the director and principal officer of which shall be the mayor. Except as otherwise provided by law or this Charter, each director shall, subject to the supervision and direction of the city manager, be responsible for the conduct of the affairs and operations of his department and shall exercise general management and control of the several divisions, bureaus or other units of the Departments as may be established by ordinance of the Council.

(3) All directors of departments shall be appointed and may be removed by the city manager with the advice and consent of the Council, except where other appointing authority is designated by this Charter or by applicable state law.

(4) Except as otherwise provided by this Charter the directors of departments and other appointed officers of the consolidated government shall serve at the pleasure of the

appointing authority. Vacancies occurring in an appointive office shall be filled in the same manner as prescribed by this Charter for an original appointment.

(5) Except as otherwise provided by law, the directors of departments and other appointed officers of the consolidated government shall be appointed on the basis of their respective executive, administrative and professional qualifications.

(6) All appointive officers and directors of departments shall receive such compensation as prescribed by ordinance of the Council. (Ord. No. 82-55, § 1, 7-20-82, approved at referendum 11-2-82)

Sec. 4-103. General provisions concerning boards, commissions and authorities.

(1) Except as otherwise provided by this Charter or applicable state law, all boards, commissions and authorities of the consolidated government shall be composed of five (5) members. All members of boards, commissions and authorities of the consolidated government shall be appointed by the Council for such term of office and by such manner of appointment as provided by ordinance, except where other appointing authority, term of office or manner of appointment is prescribed by this Charter or by applicable state law.

(2) Any vacancy in office of any member of a board, commission and authority of the consolidated government shall be filled for the unexpired term in the manner prescribed herein for original appointment, except as otherwise provided by this Charter or by applicable state law.

(3) No member of any board, commission or authority shall assume office until he shall have executed and filed with the clerk of the Council an oath obligating himself to faithfully and impartially perform the duties of his office, such oath to be prescribed by ordinance of the Council and administered by the mayor.

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

(5) Except as otherwise provided by law, members of boards, commissions and authorities may receive such compensation as may be prescribed by ordinance. The Council may by ordinance establish a policy for reimbursement of the actual and necessary expenses incurred by such members in the performance of their official duties.

(6) The qualifications, if any, required of members of boards, commissions, and authorities shall be as prescribed by ordinance.

(7) Except as otherwise provided by this Charter or by applicable state law, each board, commission or authority of the consolidated government shall elect one of its members as chairman and one member as vice-chairman for terms of one year. The members of each board, commission, or authority of the consolidated government may elect as its secretary one of its own members or it may appoint as secretary an employee of the consolidated government. Each board, commission, or authority of the consolidated government may establish such bylaws, rules and regulations, not inconsistent with this Charter, ordinance of the Council, or applicable state law, as it deems appropriate and necessary for the conduct of its affairs, copies of which shall be filed with the clerk of the Council.

(8) All meetings of boards, commissions and authorities shall be public and any citizen shall have access to the minutes and records thereof at reasonable times.

Chapter 2. The Mayor

Sec. 4-200. Term; qualification; compensation; election.

(1) The mayor of the consolidated government (herein referred to as the "mayor") shall be elected for a term of four years and shall assume office on the first Monday in January

next following his election and shall serve until his successor is elected and qualified. The mayor shall be elected as provided in Article VI of this Charter.

(2) The mayor shall be a citizen of the United States, shall have been a resident and qualified elector of the consolidated government for at least two years prior to the date of his election, and shall be at least twenty-five years of age when elected to office. If the mayor shall cease to be a resident and qualified elector during his term of office he shall forthwith forfeit the office and the Council shall declare his office vacant.

(3) The annual salary of the mayor shall be fixed by ordinance of Council; provided, however, that such compensation shall not be diminished during his term of office. (Ga. Laws 1980, Act No. 1236, § 2)

Sec. 4-201. Powers and duties.

The mayor shall have the power and it shall be his duty:

- (1) To be the official spokesman for the consolidated government and its chief advocate of policy, and to see that the ordinances, resolutions, and regulations of the Council and laws of this state, subject to enforcement by him or by officers subject to his direction and supervision, are faithfully executed and enforced;
- (2) To preside at all meetings of the Council and to have a voice in its proceedings;
- (3) a. To nominate the city manager and the city attorney. Such nominations shall become effective when confirmed by the affirmative vote of six members of the Council;
b. To recommend the removal of the city manager and the city attorney. Such recommendations shall become effective when confirmed by the affirmative vote of six members of the Council;
- (4) To have the right to vote only in the case of a tie, and for such purpose only to be deemed a member of the Council;
- (5) Except as provided in subsection (9) hereof, to sign ordinances on their final passage; to sign deeds, bonds,

- contracts, and other instruments and documents in any case in which the execution of legal instruments of writing or of other necessity, arising where the general laws of the state, or provisions of this Charter, or ordinance or resolution of the Council so require;
- (6) To be recognized as the official head of the consolidated government by the courts for the purpose of receiving service of civil process, by the Governor for the purpose of military law and for all ceremonial purposes;
 - (7) To take, with consent of the Council, command of the police and govern the consolidated government by proclamation and maintain order and enforce laws in times of danger or emergency, such consent may be given by an emergency ordinance adopted as set forth in Section 3-201 (3) of the Charter, and in the event the President of the United States or the Governor of the State of Georgia declares such emergency to exist, to take command of the police and govern the consolidated government and maintain order and enforce laws until such time as the Council is able to act;
 - (8) To call special meetings of the Council as provided by Article III, Chapter 1, Section 3-103 (4) of this Charter;
 - (9) To require reconsideration of ordinances passed by the Council as provided by Article III, Chapter 2, Section 3-202 of this Charter;
 - (10) To submit to the Council the recommended annual operating and capital budget and capital improvement program as required by Article VII, Chapter 4 of this Charter;
 - (11) To conduct studies and to make recommendations to the Council for legislation concerning all matters relating to the consolidated government and the welfare of its citizens;
 - (12) To represent the consolidated government in its inter-governmental relations, particularly where questions of public policy are at issue;
 - (13) To appoint for his information and assistance, advisory boards, commissions, and committees which

shall be answerable only to him, but whose actions shall be advisory in nature;

- (14) To perform such other duties as may be required by law, this Charter, ordinance or resolution. (Ga. Laws 1971, Ex Act No. 3, § 3; Ga. Laws 1980, Act. No. 1229, § 1; Ord. No. 82-55, § 1, 7-20-82, approved at referendum 11-2-82)

Sec. 4-202. Limitation on terms of service; other elective office.

Any mayor who is elected for two (2) consecutive four-year terms shall not be eligible to be elected for the succeeding term. During his term of office, the mayor shall not hold any other elective public office or any appointive position of employment within the consolidated government.

Sec. 4-203. Mayor pro tem; powers, duties.

During the absence or disability of the mayor for any cause, the mayor pro tem shall exercise all the powers and discharge all the duties of the mayor, until such vacancy has been regularly filled, or until the return of the mayor or the removal of his disability. In the event of the absence or disability of both the mayor and mayor pro tem for any cause, the Council shall designate one of their number to preside over their meetings, and discharge the duties of mayor until either the return or removal of the disability of the mayor or mayor pro tem. The monthly salary of the mayor pro tem shall be six hundred dollars (\$600.00), unless changed by ordinance of Council.

Chapter 3. City Officers

Subchapter A. City Manager

Sec. 4-300. Appointment and removal.

The city manager shall be appointed and removed in accordance with the requirements of Section 4-201 (3) of this Charter. The city manager shall not be removed without

having been first served with written notice setting out the grounds for his removal and given an opportunity to be heard by the Council. The Council without the recommendation of the mayor shall be authorized to remove the city manager upon the affirmative vote of seven members. Vacancies occurring in the office of the city manager shall be filled in the same manner as prescribed by this Charter for original appointment.

Sec. 4-301. Residence and compensation.

The city manager need not be a resident of the consolidated government or of the State of Georgia at the time of his appointment, but residence in the consolidated government must be acquired within 3 months thereafter and thereafter retained during his term of office. He shall receive such compensation as fixed by ordinance of the Council.

Sec. 4-302. Powers and duties.

The city manager, under and subject to the direction of the mayor shall:

- (1) With the advice and consent of the Council, appoint and remove all heads of departments in the administrative service of the consolidated government who are subject to his control and direction as provided for by this Charter or personnel rules adopted pursuant to this Charter and by ordinance;
- (2) Direct and supervise the administration of all departments, offices and agencies of the consolidated government except as otherwise provided by law, this Charter, or ordinance;
- (3) Prepare and submit to the mayor the annual operating and capital budget and capital improvement program;
- (4) Submit to the mayor and make available to the public a complete report on the finances and administrative activities of the consolidated government as of the end of each fiscal year and at such other times as the mayor may direct;
- (5) Prepare and make such other reports concerning the operations of departments, offices and agencies of the

consolidated government subject to his direction and supervision as may be required by the mayor or by the Council;

- (6) Keep the mayor and Council fully advised as to the financial condition and future needs of the consolidated government and make such recommendations to the mayor and the Council concerning the affairs of the government as he deems desirable;
- (7) Have care and custody of all buildings and of all real and personal property of the government;
- (8) Direct and supervise the administration of the construction, maintenance, and operation of public streets, roads, bridges, drains and buildings, and other public works;
- (9) Confer with and assist the directors of all departments, such as the department of health and department of family and children services whose responsibilities and activities are not under direct control and jurisdiction of the Council but who are dependent upon appropriations therefrom;
- (10) Confer with and advise all elected and appointed officials of the consolidated government who are not under the immediate control or jurisdiction of the Council but who receive financial support therefrom, such as sheriff, clerk of court, and ordinary*;
- (11) Examine regularly accounts, records and operations of every board, commission, authority, department, office and agency which receive appropriations from the Council;
- (12) Provide general liaison between the mayor, the Council and all departments, boards, commissions and employees of the consolidated government;
- (13) Perform such other duties as may be required by law, this Charter, ordinance, or resolution of the Council.

*Editor's note—Section 1 of Act No. 1232, Ga. Laws 1980, amended § 4-302(9) by deleting the word "ordinary" and substituting the words "Judge of Probate Court." Inasmuch as the word "ordinary" does not appear in (9) of this section, presumably said amendment applies to (10) hereof.

Subchapter B. City Attorney

Sec. 4-310. Appointment and removal.

The city attorney shall be appointed and removed in accordance with the requirements of Section 4-201 (3) of this Charter. The city attorney shall not be removed without having been first served with written notice setting out the grounds for his removal and given an opportunity to be heard by the Council. The Council without the recommendation of the mayor shall be authorized to remove the city attorney upon the affirmative vote of seven members. Vacancies occurring in the office of the city attorney shall be filled in the same manner as prescribed by this Charter for original appointment.

Sec. 4-311. Qualifications; compensation.

The city attorney shall be a resident of the consolidated government, an active member of the State Bar of Georgia in good standing, and shall have had at least five years' experience in active practice of the law. The compensation of the city attorney shall be fixed by ordinance.

Sec. 4-312. Duties.

The city attorney shall:

- (1) Act as the legal adviser to and attorney and counsel to the consolidated government and all its officers in matters relating to their official duties;
- (2) Prepare all contracts, bonds and other instruments in writing in which the consolidated government is concerned, and shall endorse on each approval of the form and correctness thereof, and no such written contract with the consolidated government shall take effect until the approval of the city attorney is endorsed thereon;
- (3) Be the prosecutor in the recorder's court;
- (4) Perform such other duties as may be required by law, this Charter, ordinance, or resolution of the Council.

Subchapter C. Public Safety

Secs. 4-320, 4-321. Reserved.

Editor's note—Section 1 of Ord. No. 82-55, adopted on July 20, 1982 and approved at referendum on Nov. 2, 1982, repealed former §§ 4-320 and 4-321 which pertained to the appointment and removal and residence and compensation of the director of public safety.

Sec. 4-322. Duties of mayor.

The mayor, shall:

- (1) Direct, supervise and coordinate the administration and activities of the department of public safety;
- (2) Appoint and remove division heads such as the police and fire chief and such other officers as prescribed by ordinance;
- (3) Supervise and direct all matters pertaining to civil defense, including civil defense planning, training, coordination, implementation and such other civil defense functions and activities, as required by ordinance.
- (4) Perform such other functions and duties as required by law, this Charter, or ordinance, or resolution of the Council. (Ga. Laws 1980, Act No. 1186, § 1; Ord. No. 82-55, § 1, 7-20-82, approved at referendum 11-2-82)

Chapter 4. Staff and Administrative Departments: Functions

Sec. 4-400. Department of administration.

The department of administration shall initially include the divisions of budget and management, data processing, personnel and central services:

- (1) The budget and management division shall be responsible for budget preparation and control, budget execution, management studies, management reporting, and

such other budget and management activities as may be required by ordinance.

- (2) The data processing division shall be responsible for the furnishing of data processing services to the consolidated government, systems design and analysis, forms design, computer programming, data preparation, machine operation, and such other data processing activities as may be required by ordinance.
- (3) The personnel division shall be responsible for administering a comprehensive system of personnel administration for the consolidated government, based on merit principles, and which provides an equal opportunity to all qualified citizens to compete for employment on a basis of demonstrated merit and fitness. Within the framework of this system, the division shall prepare and administer personnel rules and regulations, including a position classification and pay plan, all of which shall be adopted by ordinance of the Council; shall be responsible for examination of applicants for jobs in the merit service, selection of personnel, establishment and maintenance of classification and compensation plans for jobs in the merit service, and training of employees and for such other personnel functions and duties as may be required by ordinance.
- (4) The central services division shall be responsible for building maintenance, printing and duplicating services, custodial and janitorial services, messenger service, records management, and motor pool and motor vehicle services, and for such other general support services as may be required by ordinance.

Sec. 4-401. Department of finance.

The department of finance shall initially include the division of revenue collection, accounting, treasury and purchasing:

- (1) The revenue collection division shall be responsible for collecting and receiving all revenues, income and

moneys due the consolidated government except as otherwise provided by Section 8-102 of this Charter. The division shall perform such other revenue functions as required by ordinance.

- (2) The accounting division shall be responsible for the maintenance of a general accounting system for the consolidated government, including budgeting control records, cost accounting records and procedures, pre-auditing of all claims on all funds, and a current audit of cash receipts. The division shall perform such other accounting functions as may be required by ordinance.
- (3) The treasury division shall be responsible for the investment, custody, and disbursement of all funds of the consolidated government in accordance with procedures and standards established by the Council, and for such other functions as required by ordinance.
- (4) The purchasing division shall be responsible for administering a system of centralized purchasing for the consolidated government, the procedure of which shall be prescribed by ordinance of the Council as may be best suited to obtain the greatest economic value and savings to the consolidated government in the procurement of all necessary and appropriate supplies, materials, equipment and other personal property, contractual services, and insurance and surety bonds. The division shall perform such other functions as may be required by ordinance.

Sec. 4-402. Department of community development.

The department of community development shall initially include the divisions of planning, environmental improvement, inspections and code enforcement, and urban renewal and re-development:

- (1) The planning division shall be responsible for the performance of the functions, powers and duties which either municipal planning commissions, county planning commissions, or municipal-county planning commissions are now, or may hereafter be, authorized or required to exercise, as specifically set forth in an Act

of the General Assembly, approved March 13, 1957, (Ga. L. 1957, p. 420), as amended. The terms "municipal planning commission," "county planning commission," or "municipal-county planning commission" as used in said Act, as amended, shall be construed to include the planning division of the department of community development of Columbus, Georgia. The Council is hereby vested with all the functions, powers and duties which governing authorities of municipalities or governing authorities of counties are now, or may hereafter be, authorized or required to exercise under the provisions of an Act of the General Assembly, approved March 13, 1957, (Ga. L. 1957, p. 420) as amended. The terms "governing authority of the municipality or governing authority of the county" as found in said Act, as amended, shall be construed to include the Council of Columbus, Georgia. In addition to all other powers and duties herein conferred, the following powers and duties are hereby granted:

- (a) The division shall furnish the city manager with such information and data as shall be necessary for preparation of the capital budget and capital improvements program as provided for in Article VII, Chapter 4 of this Charter.
 - (b) The division shall perform such other planning functions and duties as may be required by ordinance.
- (2) The environmental improvement division shall be responsible for performing all the powers, functions and duties necessary for insuring and coordinating programs of water resources protection; air pollution control, including establishment of standards and development of solutions to the problems of air pollution; noise abatement and control, including the establishment of noise level standards and other activities associated with audio conditions; aesthetics and visual improvement, including the initiation and conduct of programs to improve aesthetic conditions within the territory of the consolidated government, elimination

of unsightly conditions that affect the urban environment, development and administration of beautification programs, and fostering of visual design standards to enhance living conditions within the consolidated government; and such other powers and duties as required by ordinance.

- (3) The inspections and code enforcement division shall be responsible for the enforcement of building, plumbing, electrical, heating and air-conditioning, and minimum housing codes readopted or hereinafter adopted by Council, the issuance of permits, inspection of premises and for such other functions as required by ordinance.
- (4) The urban renewal and redevelopment division shall be responsible for formulating and carrying out a workable program for utilizing appropriate private and public resources to eliminate and prevent the development or spread of slums, to encourage needed urban rehabilitation, to provide for the redevelopment of slum areas, or to undertake such of the aforesaid activities or other feasible municipal activities as may be suitably employed to achieve the objectives of a workable program. Subject to the provisions of this Charter and procedures adopted by ordinance of the Council, the division is hereby vested with all those functions, powers, and duties as set forth by an Act of the General Assembly, approved March 3, 1955 (Ga. L. 1955, p. 354 et seq.), known as the "Urban Redevelopment Law"; except as used in said Act, the term "municipality" shall be construed to include Columbus, Georgia, and the term "local governing body" shall be construed to include the Council of Columbus, Georgia. Notwithstanding the foregoing provisions of this paragraph, the consolidated government, if and to the extent determined by ordinance of the Council to be in the public interest, may only upon the affirmative recommendation of the mayor elect to have any or all of such urban redevelopment powers exercised by the Housing Authority as authorized by Section 15 of said Urban Redevelopment Law.

Sec. 4-403. Department of engineering.

The department of engineering shall have the power and its duty shall be to provide engineering services to all departments of the consolidated government. Such services shall include surveying, mapping, traffic engineering, general municipal engineering, inspection, monitoring of engineering contracts and other services that may be required by ordinance.

Chapter 5. Operating and Service Departments**Sec. 4-500. Department of public safety.**

The department of public safety, headed by the mayor, shall initially include the divisions of police, fire, and rehabilitation and detention:

- (1) The police division shall be responsible for general law enforcement in the consolidated government, including preservation of public peace, prevention and detection of crime, protection of persons and property, enforcement of the laws of the United States and Georgia and ordinances of the Council, and for such other functions and duties as may be required by ordinance.
- (2) The fire division shall be responsible for the provision of fire protection, fire prevention, safety and for such other functions and duties as may be required by ordinance.
- (3) The rehabilitation and detention division shall be responsible for housing and rehabilitating all prisoners under the jurisdiction of the consolidated government or assigned to the consolidated government by the Georgia State Department of Corrections. Such responsibility shall not include those prisoners under the jurisdiction of the sheriff. The division shall perform such other rehabilitation and detention activities as required by ordinance. (Ord. No. 82-55, § 1, 7-20-82, approved at referendum 11-2-82)

Sec. 4-501. Department of public works.

The department of public works shall initially include the divisions of street maintenance, street construction, refuse collection, and disposal and maintenance:

- (1) The street maintenance division shall be responsible for maintenance and cleaning of highways, roads, streets, alleys, sidewalks, bridges and viaducts and storm sewers and drains incidental thereto and for such other functions as required by ordinance.
- (2) Reserved.
- (3) The refuse collection and disposal division shall be responsible for collection and disposal of all garbage and other refuse and for such other functions as required by ordinance.
- (4) The maintenance division shall be responsible for the maintenance of all public grounds, including parks, cemeteries, median strips and other physical areas of the consolidated government that require maintenance and care, and for such other maintenance functions as may be required by ordinance.

Sec. 4-502. Department of utilities.

The department of utilities shall be under the control and supervision of the board of water commissioners until such time as otherwise provided by the Council in accordance with Section 4-600 (2) of this Charter. The department shall have the power and its duty shall be to perform the following functions:

- (1) Treatment and distribution of water, collection and treatment of sewage;
- (2) Such other functions as required by the board of water commissioners or by ordinance.

Sec. 4-503. Department of transportation.

The department of transportation shall have the power and its duty shall be to perform the following functions:

- (1) Ground transportation, which shall include the management, operation and maintenance of the Columbus Transportation System;
- (2) Such other functions as required by ordinance.

Sec. 4-504. Department of parks and recreation.

The department of parks and recreation shall initially include the divisions of special recreation facilities and recreation activities and programs:

- (1) The special recreation facilities division shall be responsible for assuring the maximum satisfactory public use, management and operation of special recreational facilities in the consolidated government, including the Memorial Stadium, Golden Baseball Park, Three Arts Theater, municipal auditorium, golf course, marina and other special recreational facilities requiring primarily management rather than activity leadership, and for such other functions as required by ordinance.
- (2) The recreation activities and programs division shall be responsible for instituting and conducting a comprehensive and coordinated program of cultural and physical recreation activities for all age groups throughout the territory of the consolidated government and for such other functions as required by ordinance.

Sec. 4-505. Department of public health.

On the effective date of this Charter, the Muscogee County Department of Public Health, created by an Act of the General Assembly of Georgia, approved March 27, 1941 (Ga. L. 1941, p. 937, et seq.), as amended, shall be redesignated as the "Columbus Department of Public Health" and said department shall continue its operation without interruption resulting from the adoption of this Charter. As of said date, the provisions of said Act shall apply to the consolidated government, except that as used in said Act, the term "chairman of the board of commissioners of roads and revenues of Muscogee County" shall mean mayor of Columbus, Georgia; the term "city commissioners" shall mean Council of Columbus, Georgia; and the term "county board of health" shall mean the Columbus Board of Health. The department shall be responsible for the performance of such functions and duties as now or hereafter required by law and as may be required by ordinance.

Sec. 4-506. Department of family and children services.

The department of family and children services of Muscogee County shall be redesignated as the department of family and children services of Columbus, Georgia, and said department shall continue its operation without interruption resulting from the adoption of this Charter and is hereby continued as a department of the consolidated government. The department shall be responsible for the performance of functions and duties imposed upon such departments by the applicable laws of Georgia and for the performance of such other functions as may be required by this Charter and by ordinance.

Sec. 4-507. Department of cooperative extension service.

The department of cooperative extension service shall have the power to plan, develop and administer programs of the University of Georgia Extension Service in the City of Columbus. Its duties shall include the execution of powers granted to the department and as directed by the University of Georgia Extension Service and to coordinate the functions which are now or may hereafter be granted by the federal and state laws relating to the educational activities of the extension service.

Sec. 4-508. Department of civil defense.

The department of civil defense shall have the power and its duty shall be to handle all matters pertaining to civil defense, including civil defense planning, training, coordination, implementation, and such other civil defense functions and activities, as required by ordinance.

**Chapter 6. Boards, Commissions, and Authorities:
Functions****SUBCHAPTER A. DEPARTMENTAL****Sec. 4-600. Board of water commissioners; laws continued in force; terms construed.**

(1) On the effective date of this Charter, the board of water commissioners, established pursuant to an Act of the

General Assembly of Georgia, approved December 3, 1902 (Ga. L. 1902, p. 370 et seq.), as amended, shall continue its operations without interruption resulting from the adoption of this Charter and said Act as now or hereafter amended is hereby continued in unimpaired force and effect; provided however, that as used in said Act the terms "City of Columbus" or "Muscogee County" shall be construed to mean Columbus, Georgia, and the term "mayor and board of aldermen" shall mean Council of Columbus, Georgia.

(2) The Council of the consolidated government shall be authorized to redefine the manner of appointment, membership and powers and duties of said board of water commissioners after the expiration of a period of eighteen months following the effective date of this Charter. At such time, the Council shall also be authorized to modify, change or repeal any or all of the provisions of the Act of the General Assembly, approved December 3, 1902 (Ga. L. 1902, p. 370 et seq.).

Sec. 4-601. Board of health; redesignation; application of law; terms construed.

On the effective date of this Charter, the county board of health established by virtue of an Act of the General Assembly of Georgia, approved March 27, 1941 (Ga. L. 1941, p. 937 et seq.), as amended, and pursuant to an amendment to Paragraph VI, Section I, Article XI of the Constitution of Georgia, as amended (Ga. L. 1947, p. 1780), shall be redesignated as the board of health of Columbus, Georgia and it shall continue its operation without interruption resulting from the adoption of this Charter. As of that date the provisions of the Act establishing said board of health shall continue in unimpaired force and effect and shall apply to the consolidated government; except as used in said Act, the terms "City of Columbus," or "Muscogee County" shall be construed to mean Columbus, Georgia; the term "chairman of the board of commissioners of roads and revenues of Muscogee County" shall mean mayor of Columbus, Georgia; the term "city commissioners" shall mean Council of Columbus, Georgia; and the term "county board of health" shall mean Columbus Board of Health.

Sec. 4-602. Board of family and children services; redesignation; application of law; terms construed.

On the effective date of this Charter, the board of family and children services of Muscogee County, established pursuant to an Act of the General Assembly of Georgia, approved February 26, 1937 (Ga. L. 1937, p. 355), as amended, shall be redesignated as the board of family and children services of Columbus, Georgia and said board, as herein redesignated, shall continue its operation without interruption resulting from the adoption of this Charter. As of that date, the provisions of an Act of the General Assembly of Georgia, approved February 26, 1937 (Ga. L. 1937, p. 355), as amended, and as may hereafter be amended, shall apply to the consolidated government. As used in said Act, as amended, or as may hereafter be amended, the term "county" shall be construed to include Columbus, Georgia and the terms "county commissioner" or "board of commissioners" shall be construed to include the Council of Columbus, Georgia.

Subchapter B. Attached to Departments

Sec. 4-610. Personnel review board.

The personnel review board shall make recommendations on personnel rules and regulations; hear appeals from employees under procedures established by ordinance of the Council pertaining to classification, reclassification and allocation of positions within the merit service; hear appeals from disciplinary actions; investigate conditions of employment in the service of the consolidated government and report thereon at least annually to the Council; and perform such other functions and duties as may be required by ordinance. (Ga. Laws 1981, Act. No. 310, § 1)

Secs. 4-611—4-613. Reserved.

Editor's note—Sections 4-611—4-613 were deleted by § 1 of Act No. 1183, Ga. Laws 1980, and § 1 of Act No. 1237, Ga. Laws 1980, deleted §§ 4-610—4-613. Said deleted sections 4-610—4-613 pertained respectively to the personnel review board, the planning advisory commission, the recreation advisory board and the cooperative extension advisory board.

SUBCHAPTER C. NONDEPARTMENTAL

Sec. 4-620. Housing authority; redesignation; application of law; terms construed.

(1) On the effective date of this Charter, the housing authority of the City of Columbus shall be redesignated as the housing authority of Columbus, Georgia and it shall continue its operations without interruption resulting from the adoption of this Charter. As of that date, the provisions of an Act of the General Assembly of Georgia, approved March 30, 1937 (Ga. L. 1937, p. 210), as amended, shall apply to the consolidated government. As used in said Act, as amended, or as may hereafter be amended, the terms "authority" or "housing authority" shall be construed to include the housing authority of Columbus, Georgia; the term "county" shall be construed to include Columbus, Georgia; the term "governing body" shall be construed to include the Council of Columbus, Georgia; the term "mayor" shall be construed to include the mayor of Columbus, Georgia, and the term "clerk" shall be construed to include the clerk of the Council of Columbus, Georgia.

(2) Every act of the City of Columbus heretofore done or performed under the Housing Authorities Law (Chapter 99-11 of the Code of Georgia), the Housing Cooperation Law (Chapter 99-12 of the Code of Georgia), the Redevelopment Law (Chapter 99-12A of the Code of Georgia), or the Urban Redevelopment Law (Chapter 69-11 of the Code of Georgia), or laws amendatory thereof, or under any state or federal law relating to the subject matters thereof, are affirmed and ratified and are continued in unimpaired force and effect to the same extent as if such respective governments had continued to exist and function as separate political entities, and nothing herein contained shall affect the status of the housing authority created for the City of Columbus pursuant to said laws, or any of them, nor shall any cooperation agreement or other obligation entered into or undertaken by the governing authorities of either of said governments be impaired or otherwise affected. Any and all agreements made by such authority are approved and ratified, including, without

limiting the generality of the foregoing, all bonds or notes or other monetary commitments issued or made by such authority, and including any and all agreements made by such authority with the federal government, or any agency thereof, pertaining in any way to the functions of such authority. By this section the corporate existence, functions and powers of the Columbus Housing Authority are expressly recognized and are continued in unimpaired force and effect notwithstanding anything herein elsewhere contained.

Sec. 4-621. Hospital authority; redesignation; application of law; terms construed.

On the effective date of this Charter, the hospital authority of Muscogee County shall be redesignated as the hospital authority of Columbus, Georgia, and it shall continue its operation without interruption resulting from the adoption of this Charter. As of that date, the provisions of Chapter 88-18 of the Code of Georgia of 1933, referred to as the "Hospital Authorities Law", as now or hereafter amended, particularly as amended and provided for by an Act of the General Assembly approved March 18, 1964 (Ga. L. 1964, p. 499, et seq.) shall apply to the consolidated government. As used in said Act, as amended, or as may hereafter be amended, the term "authority" shall be construed to include the hospital authority of Columbus, Georgia; the term "governing body" shall be construed to include the Council of Columbus, Georgia; and the term "area of operations" shall be construed to include the area within but not limited to the territorial limits of Columbus, Georgia. Any and all agreements made by such authority are hereby approved and ratified, including, without limiting the generality of the foregoing, all bonds and notes or other monetary commitments issued or made by such authority and including any and all agreements made by such authority with the federal government, or any agency thereof, or the state government or any agency thereof, pertaining in any way to the functions of such authority. By this section the corporate existence, functions and powers of the hospital authority of Columbus, Georgia are hereby expressly recognized and continued in unimpaired force and effect until

abolished as herein provided. The Council may, by ordinance, abolish the hospital authority within a period of five years following the effective date of this Charter, and transfer all the powers and functions of such authority to a department or instrumentality of the consolidated government which shall have the power and its duty shall be to perform and exercise all the functions and powers theretofore performed and exercised by the hospital authority under the Hospital Authorities Law as set forth in Chapter 88-18 of the Code of Georgia of 1933, as amended.

Secs. 4-622, 4-623. Reserved.

Editor's note—Section 1 of Act No. 1237, Ga. Laws 1980, deleted in their entireties former §§ 4-622 and 4-623. Section 4-622 pertained to the medical center board of commissioners, which provisions derived from this Charter and Ga. Laws 1963, p. 2916 and Ga. Laws 1975, Act No. 340, § 1. Section 4-623 pertained to the Columbus Industrial and Port Development Commission which provisions derived from this Charter and were amended by § 2 of Act No. 1183, Ga. Laws 1980.

Sec. 4-624. Board of tax assessors.

There is hereby created a board of tax assessors for the consolidated government, which shall consist of three members elected by the Council for six-year staggered terms of office as specified by ordinance of the Council so that the term of one member will expire every two years. It shall be the duty of the board to equalize and assess tax returns on all property, real and personal, in Columbus, Georgia, subject to taxation, in such manner as to provide that each property owner will pay a tax in proportion to the value of his, her or its property. The board of tax assessors shall perform such functions as are conferred upon county boards of tax assessors generally by the Constitution and laws of Georgia, and it shall exercise and perform such other powers, functions and duties as may be required by ordinance or resolution of the Council. The board shall annually elect one of its members as chairman and its members shall receive such compensation as fixed by ordinance of the Council. After three years following the effective date of this Charter, no person shall hold or perform the duties of tax assessor unless his qualifications shall meet

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the requirements as prescribed by the International Association of Assessing Officers' designation of "Certified Assessment Evaluator," or such other standards as determined by the Council.

Secs. 4-625, 4-626. Reserved.

Editor's note—Act No. 1183, § 1, Ga. Laws 1980 and § 1 of Act No. 1237, Ga. Laws 1980, deleted in their entirety §§ 4-625 and 4-626 which pertained respectively to the board of tax appeals and the Columbus racial relations advisory commission.

Sec. 4-627. Airport commission; redesignation; application of law; terms construed.

(1) The Muscogee County airport commission created by an amendment to Article V, Section IV, Paragraph I, of the Constitution of the State of Georgia of 1945, as amended, and ratified at the general election held on November 5, 1968 (Ga. L. 1968, p. 1655) is hereby redesignated as the Columbus airport commission which shall continue its operation without interruption resulting from the adoption of this Charter, and

except as herein provided, the provisions of said constitutional amendment shall continue in unimpaired force and effect, except that as used in said amendment the term "County of Muscogee" shall mean Columbus, Georgia; and the term "Muscogee County airport commission" shall mean Columbus airport commission; the term "board of commissioners of Muscogee County" shall mean Council of Columbus, Georgia; and the term "clerk of commissioners" shall mean the clerk of Council of the consolidated government; provided however, the Council may, by ordinance within a period of five years following the effective date of this Charter, transfer the administrative and operational powers and functions of the commission to the department of transportation created by Section 4-503 of this Charter.

Sec. 4-628. Board of elections.

The board of elections provided for by an Act of the General Assembly of Georgia, approved March 19, 1970, Act No. 1072 shall continue its operations without interruption resulting from the adoption of this Charter, and said Act is hereby continued in full force and effect in the consolidated government; provided, however, that as used in said Act the term "county" shall mean the consolidated government, and the term "governing authority" shall mean the Council of the consolidated government. In addition to the duties conferred by said Act, the board of elections shall perform such other duties as required by ordinance.

Sec. 4-629. Columbus building authority.

The Columbus and Muscogee County building commission created by an amendment to Article VII, Section VI, Paragraph I of the Constitution of Georgia of 1945, as amended and ratified at the general election held on November 5, 1968 (Ga. L. 1966, p. 946), is hereby redesignated as the Columbus building authority which shall continue its operations notwithstanding the adoption of this Charter, and said constitutional amendment is hereby continued in unimpaired force and

effect; provided however, that as used in said amendment the term "mayor and commissioners of the City of Columbus" shall be construed to mean the Council of Columbus, Georgia; the term "commissioners of roads and revenues of Muscogee County" shall mean the Council of Columbus, Georgia; the terms "mayor of the City of Columbus" and "Muscogee County" shall mean Columbus, Georgia.

ARTICLE V

JUDICIAL BRANCH

- Chapter 1. Superior Court
 - Sec. 5-100. Unaffected by Charter.
- Chapter 2. Probate Court
 - Sec. 5-200. Unaffected by Charter.
- Chapter 3. State Court
 - Sec. 5-300. Redesignated.
 - Sec. 5-301. Laws continued in force; terms construed.
- Chapter 4. Municipal Court
 - Sec. 5-400. Redesignation.
 - Sec. 5-401. Laws continued in force; terms construed.
 - Sec. 5-402. Jurisdiction.
- Chapter 5. Juvenile Court
 - Sec. 5-500. Unaffected by Charter; laws continued in force.
- Chapter 6. Recorder's Court
 - Sec. 5-600. Redesignation; laws continued in force.
 - Sec. 5-601. Jurisdiction.
 - Sec. 5-602. Appeal bond; trial de novo.
 - Sec. 5-603. Appointment of recorders and recorders pro tem.
 - Sec. 5-604. Term; qualification; compensation.
 - Sec. 5-605. Rules; procedures; personnel.

Chapter 1. Superior Court

Sec. 5-100. Unaffected by Charter.

The Superior Court of Muscogee County shall continue its operations without interruption resulting from the adoption of this Charter, and nothing herein shall be construed as affecting the status of said court.

Chapter 2. Probate Court*

Sec. 5-200. Unaffected by Charter.

The Probate Court of Muscogee County shall continue its operations without interruption resulting from the adoption of this Charter and nothing herein shall be construed as affecting the status of said court. (Ga. Laws 1980, Act No. 1232, § 3)

*Editor's note—Act No. 1232, § 2, of Ga. Laws 1980, changed the caption of Art. V, Ch. 2 from "Court of Ordinary" to "Probate Court."

Chapter 3. State Court

Sec. 5-300. Redesignation.

The city court of Columbus, created by an act of the General Assembly of Georgia, approved December 20, 1884 (Ga. L. 1884-85, p. 455, et seq.), as now or hereafter amended, and which by the charter of the consolidated government of Columbus, Georgia, was named "City Court of Columbus, Georgia", shall be and is hereby designated as "State Court of Columbus, Georgia", and wherever the term "City Court of Columbus" shall appear in said act and all amendatory acts thereof, it shall be construed to mean the State Court of Columbus, Georgia. (Ga. Laws 1971, 2532.3, Act No. 214, § 2)

Sec. 5-301. Laws continued in force; terms construed.

Said court, as herein redesignated, shall continue its operation without interruption resulting from the adoption of this Charter and the Act creating said court approved December 20, 1884 (Ga. L. 1884-85, p. 455, et seq.), and all acts amendatory thereof are hereby continued in unimpaired force and effect, except that as used in said Act and any amendments thereof, the terms "City of Columbus" and "County of Muscogee" or "Muscogee County" shall be construed to mean Columbus, Georgia.

Chapter 4. Municipal Court

Sec. 5-400. Redesignation.

On the effective date of this Charter, the municipal court of the City of Columbus, created by an Act of the General Assembly of Georgia, approved August 12, 1915 (Ga. L. 1915, p. 63 et seq.) as now or hereafter amended shall be redesignated as the municipal court of Columbus, Georgia, so that wherever the term "Municipal Court of Columbus" shall appear in said Act and all amendatory acts thereof, they shall be construed to mean the municipal court of Columbus, Georgia.

Sec. 5-401. Laws continued in force; terms construed.

Except as otherwise provided by this Charter, the municipal court as herein redesignated shall continue its operation with-
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out interruption resulting from the adoption of this Charter and said Act creating said court (Ga. L. 1915, p. 63 et seq.) and all amendatory acts thereof are hereby continued in unimpaired force and effect. As used in said Act and all

amendatory acts thereof the terms "City of Columbus" and "County of Muscogee" or "Muscogee County" shall be construed to mean Columbus Georgia; and the term "commissioners of roads and revenues of Muscogee County, Georgia" shall be construed to mean the Council of Columbus, Georgia.

Sec. 5-402. Jurisdiction.

(1) The municipal court of Columbus, Georgia shall have jurisdiction throughout the territorial limits of the consolidated government, concurrent with the Superior Court, to try and dispose of all civil cases or proceedings, of whatever nature, whether arising ex-contractu or ex-delicto, under the common law or by statute, in which the principal sum claimed to be due, or the value of the property in dispute does not exceed the sum of five thousand dollars, and of which jurisdiction is not now vested by the Constitution and laws of the State of Georgia exclusively in other courts, which jurisdiction shall include, concurrent with the Superior Court, the right and power to try and determine finally all dispossessory warrant and eviction cases, where proper pleadings are filed and returns made to said municipal court of Columbus, Georgia.

(2) The criminal jurisdiction of the municipal court of Columbus, Georgia shall remain as authorized by law prior to the effective date of this Charter.

Chapter 5. Juvenile Court

Sec. 5-500. Unaffected by Charter; laws continued in force.

On the effective date of this Charter, the juvenile court of Muscogee County shall continue its operations without interruption resulting from the adoption of this Charter. The provisions of an Act of the General Assembly of Georgia, approved February 19, 1951 (Ga. L. 1951, p. 291), as amended, or as may hereafter be amended, or any future act of the General Assembly of Georgia relating to the procedures, powers and jurisdiction of juvenile courts shall apply to the juvenile court of Columbus, Georgia to the extent not in con-

flict with this Charter. The term "county" as used in said Act, or as may be used in any future such act, shall be construed to include Columbus, Georgia.

Chapter 6. Recorder's Court

Sec. 5-600. Redesignation; laws continued in force.

On the effective date of this Charter, the mayor's court of the City of Columbus established pursuant to an Act of the General Assembly approved November 29, 1890 (Ga. L. 1890-1891, Vol. Two, p. 489, et seq.) as amended and continued as the police court of said city by an Act of the General Assembly of Georgia approved August 5, 1921, (Ga. L. 1921, p. 823, et seq.), as amended, shall be redesignated as the recorder's court of Columbus, Georgia so that wherever the term "mayor's court" appears in said Act and all amendatory acts thereof, it shall be construed to mean the recorder's court of Columbus, Georgia. Said court, as herein renamed shall continue its operation without interruption resulting from the adoption of this Charter and except as otherwise provided by this Charter, those provisions of the Act continuing said court (Ga. L. 1921, p. 823, et seq.) as now or hereafter amended are hereby continued in unimpaired force and effect. As used in the provisions of said Act continuing said court, the term "mayor's court of the City of Columbus" shall be construed to mean the recorder's court of Columbus, Georgia; the term "city commission" shall mean the Council of Columbus, Georgia; the term "mayor and council" shall mean Council of Columbus, Georgia; the term "commissioners" shall mean Council of Columbus, Georgia; and the term "mayor" shall mean mayor of Columbus, Georgia.

Sec. 5-601. Jurisdiction.

The recorder's court shall continue with all the rights, authority, power and jurisdiction now possessed under all present laws applicable to said court; and in addition thereto, the recorder's court shall be and is hereby empowered and authorized and given jurisdiction to accept pleas of guilty or nolo contendere and to impose punishment and penalties provided by laws of the State of Georgia, but not greater than

penalties and punishment the recorder's court may now or hereafter be authorized to impose for violations of ordinances, in cases involving defendants charged with violating any and all criminal laws of the State of Georgia relating to traffic upon the public roads, streets and highways of this state; violations of the laws of the State of Georgia contained in the Uniform Act Regulating Traffic on Highways (Acts 1953, Nov. Session, p. 556, et seq.), as now amended and as hereafter amended by the State of Georgia; violations of laws of the State of Georgia requiring the registration and licensing of motor vehicles as required by Section 68-2 of the Code of Georgia, as now amended and as hereafter amended by the State of Georgia; violations of laws of the State of Georgia relating to inspection of motor vehicles as contained in Georgia Laws 1963, p. 33, et seq. as now amended and as hereafter amended by the State of Georgia, and violations of laws of the State of Georgia relating to motor vehicle drivers' licenses as contained in Georgia Laws 1937, p. 322, et seq., as now amended and as hereafter amended by the State of Georgia and all other state laws relating to motor vehicle drivers' licenses; where the penalty for these offenses does not exceed that of the grade of misdemeanors, where a preliminary hearing is waived in writing by the accused and a plea of guilty or nolo contendere is entered by the accused in writing. The jurisdiction and powers of the recorder's court shall extend throughout the territory of the consolidated government.

Sec. 5-602. Appeal bond; trial de novo.

Any person or persons found guilty by the recorder upon a plea of not guilty, when charged in violation of an ordinance of the consolidated government, shall have the right of appeal to the city court from the recorder's court in the same manner and under the same procedure as now prescribed by law for such appeals.

Sec. 5-603. Appointment of recorders and recorders pro tem.

On the effective date of this Charter, any incumbent recorders and recorders pro tem. who were serving as recorders or

recorders pro tem. in the former City of Columbus shall continue to serve in that office for a term of four (4) years. Any incumbent recorders or recorders pro tem. shall be eligible for reappointment by the Council of the consolidated government upon the expiration of such term. The Council shall be authorized to appoint such recorders or recorders pro tem. for a term of four (4) years, as they deem necessary to efficiently conduct the duties of the recorder's court.

Sec. 5-604. Term; qualification; compensation.

The term of office of recorders and recorders pro tem. shall be four (4) years and until a successor is appointed and qualified. A recorder or recorder pro tem. shall be not less than 30 years of age, an active member of the State Bar of Georgia in good standing, a resident of the territory of the consolidated government, and shall have practiced law for a period of not less than five years prior to the commencement of the duties of office. Compensation of the recorders and recorders pro tem. shall be fixed by the Council.

Sec. 5-605. Rules; procedures; personnel.

The Council shall by ordinance fix rules and regulations governing the time, place and number of sessions of the court. The court shall have a clerk and one or more clerks pro tem. to be appointed by the chief of police. The clerk or clerk pro tem. shall prepare the court dockets, maintain all court records and serve as the court's chief administrative officer.

ARTICLE VI

ELECTION AND RECALL

Chapter 1. Representation: General Provisions.

- Sec. 6-100. Regular elections; time for holding; voting.
- Sec. 6-101. Council districts.
- Sec. 6-102. Reapportionment of council districts.

Chapter 2. Conduct of Elections

- Sec. 6-200. Applicability of general laws.
- Sec. 6-201. Special elections.
- Sec. 6-202. Automatic recount.

Chapter 3. Recall Elections

- Sec. 6-300. Officers subject to recall.
- Sec. 6-301. Recall procedure.
- Sec. 6-302. Limitations.

Chapter 4. Initiative and Referendum

- Sec. 6-400. Petition for enactment; circulation, etc.
- Sec. 6-401. Approval of ordinance form; drafting.
- Sec. 6-402. Effect; manner of repealing.
- Sec. 6-403. Repeal by referendum; petition; contents; filing.
- Sec. 6-404. Expenditure measures; action before election.

Chapter 5. Removal of Elective Officers

- Sec. 6-500. Grounds for removal.
- Sec. 6-501. Procedures for removal.

Chapter 1. Representation: General Provisions

Sec. 6-100. Regular elections; time for holding; voting.

(1) The regular election of the consolidated government shall be held on the Tuesday next following the first Monday in November in each even numbered year. Except for special elections to fill vacancies in office, all officers who are required by this Charter to be elected shall be elected at the regular election of the consolidated government.

(2) The entire electorate of the consolidated government shall be entitled to vote in elections for mayor and councilmen-at-large. The entire electorate of each of the four council districts shall be entitled to vote in elections for the district councilman from such districts. (Ga. Laws 1980, Act No. 1234, § 1)

Sec. 6-101. Council districts.

The territory of the consolidated government shall comprise four council districts to be designated respectively as District No. 1, District No. 2, District No. 3, and District No. 4. The Supp. No. 8

designation and boundaries of the initial council districts shall be as specifically described and set forth in Appendix One hereof.

Sec. 6-102. Reapportionment of council districts.

(1) The grand jury shall, after each official United States Census, nominate four (4) qualified voters from each of the four council districts as nominees to comprise a districting commission. The mayor and the Council shall each appoint one member of the districting commission from the nominees submitted by the grand jury for each council district. The voters chosen shall neither hold any elective office nor be employed by the consolidated government in any capacity. In the event of vacancy in office of a member of the commission for any cause, the vacancy shall be filled in the manner for original appointment. The Judge of Probate Court shall be an ex officio member of the districting commission, with the same voting rights, privileges and duties as other members thereof.

(2) Within six months after the publication of each federal census of population for Columbus, Georgia, following the 1970 federal census of population, the districting commission shall file with the Council a report containing a recommended plan for reapportionment of the council district boundaries to comply with the following specifications:

- (a) Each district shall be formed of contiguous, and to the extent reasonably possible, compact territory, and its boundary lines shall be the center lines of streets or other well defined boundaries.
- (b) Each district shall contain as nearly as is reasonable the same population.

The report shall include a map and description of the districts recommended and shall be drafted as a proposed ordinance. Once filed with the clerk, the report shall be treated as an ordinance introduced by a Council member.

(3) The procedure for the Council's consideration of the report shall be the same as for other ordinances, provided that the provisions of Section 3-206 of this Charter pertaining to publications shall require both the map and the description of the recommended districts to be published.

(4) The Council shall enact a redistricting ordinance within six months after receiving such report. If the Council fails to enact a redistricting ordinance within said six months, the redistricting plan submitted by the districting commission shall become effective without enactment by the Council, as if it were a duly enacted ordinance.

(5) Such redistricting ordinance shall not apply to any primary or regular or special election held within six months after its becoming effective. No incumbent councilman or member of a board or commission shall be deprived of his unexpired term of office because of such redistricting. (Ga. Laws 1980, Act No. 1232, § 4)

Chapter 2. Conduct of Elections

Sec. 6-200. Applicability of general laws.

Primary, regular and special elections shall be conducted in accordance with the provisions of an Act entitled "The Georgia Election Code" approved June 24, 1964 (Ga. L. Ex. Sess. 1964, p. 26), as heretofore and hereafter amended, any other applicable laws of Georgia not in conflict therewith. As used in said Act, as now or hereafter amended, the terms "election or general election" shall be construed to include the term "regular election" as defined in Section 6-100 of this Charter; the term "governing authority" shall include the Council of Columbus, Georgia; the term "municipal", "municipality" or "county" shall include Columbus, Georgia; the term "public office" shall include elective offices of the consolidated government.

Sec. 6-201. Special elections.

In the event the office of mayor or councilman shall become vacant for any cause whatsoever, the board of elections shall within ten (10) days after the occurrence of such vacancy, call a special election to fill the balance of the unexpired term of such office by giving notice in one or more newspapers of general circulation in Columbus, Georgia; provided however, if a regular election for the office of mayor or councilman is to be held within six (6) months after such vacancy occurs, Supp. No. 8

the vacancy shall be filled by the majority vote of the total membership of the Council. The special election required herein shall be held on the date specified in the advertisement, but not less than thirty (30) days nor more than forty-five (45) days after the publication of the call of the election. In all other respects, every special election shall be held and conducted in accordance with those provisions of the applicable laws of Georgia as provided in Section 6-200 of this Charter.

Sec. 6-202. Automatic recount.

Whenever the difference between the number of votes received by a candidate who has been declared elected to an office in a regular or special election and the number of votes received by any other candidate or candidates not declared so elected shall be not more than one per cent of the total votes which were cast for such office therein, the board of elections shall order a recount of such votes to be made forthwith unless such other candidate or candidates shall waive a recount in writing.

Chapter 3. Recall Elections

Sec. 6-300. Officers subject to recall.

Any person holding an elective office of Columbus, Georgia whether by election, succession or appointment to fill a vacancy, shall be subject to removal from office at a recall election in the manner provided in this chapter.

Sec. 6-301. Recall procedure.

(1) A recall of an incumbent of an elective office shall be initiated upon petition signed by registered voters. In the case of an elective office to which a candidate is elected from Columbus, Georgia, at large, the petition shall contain signatures of at least fifteen per cent (15%) of the electors qualified to vote in the preceding regular election, but signatures from any one district in excess of one-third of the total number required of a petition shall not be counted. In the

case of an elective office to which a candidate is elected solely from a council district of Columbus, Georgia, the petition shall contain signatures of registered electors in the district equal in number to at least fifteen per cent (15%) of the electors qualified to vote in the preceding regular election. Every recall petition shall name the officer against whom it is directed.

(2) Each elector signing a recall petition shall add to his signature his residence, stating his council district and the date of his signing. Signatures on a recall petition may be on separate sheets but each sheet shall have appended to it the affidavit of some person, not necessarily a signer of the petition, that to the best of the affiant's knowledge and belief the persons whose signatures appear on the sheets are registered electors of Columbus, Georgia, or of the district, as the case may be, that they signed with full knowledge of the contents of the petition, and that their residences are correctly given.

(3) A recall petition shall be tendered for filing to the Judge of Probate Court of Columbus, Georgia. The Judge of Probate Court shall examine it to see whether it contains a sufficient number of apparently genuine signatures. The Judge of Probate Court may question the genuineness of any signature or signatures appearing on the recall petition, and if he shall find that any such signature or signatures are not genuine, he shall disregard them in determining whether the petition contains a sufficient number of signatures. He shall also disregard any signature dated more than sixty days before the date the petition was tendered for filing and shall count only one signature of each elector who has signed the petition. The Judge of Probate Court shall eliminate any sheet of the petition which is not accompanied by the required affidavit. The invalidity of any sheet of the petition shall not affect the validity of the petition if a sufficient number of signatures remains after eliminating such an invalid sheet. The Judge of Probate Court shall complete his examination of the petition within twenty (20) days and shall thereupon file the petition with the clerk of Council if valid or reject it if invalid.

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(4) As soon as the Judge of Probate Court has accepted a recall petition for filing, he shall notify the incumbent named in the petition that the petition has been filed. Upon receipt of such notice, the incumbent may resign from his office and thereupon the recall proceedings shall terminate.

(5) If the incumbent against whom a recall petition is directed does not resign from his office within ten (10) days after notice of the filing of such petition shall have been given to him, the Judge of Probate Court shall arrange a recall election. If a regular or special election is to be held not less than thirty (30) days nor more than ninety (90) days after the ten (10) days have expired, the recall question shall be placed before the electors at such an election. Otherwise, a special recall election shall be fixed for a date not earlier than thirty (30) days nor later than sixty (60) days after the ten (10) days have expired. The incumbent against whom a recall petition is directed may resign at any time prior to the recall election and thereupon the election shall not be held.

(6) The following question shall be presented to each elector in a recall election:

"Shall (name of officer) be recalled and removed from the office of (name of office)?"

The above question shall appear as to every officer whose recall is to be voted upon and provision shall be made for the elector to vote "Yes" or "No" on the question.

(7) If a majority of the registered electors who vote on the question at a recall election shall vote "Yes", the incumbent shall be deemed recalled and removed from office, but if a majority of the registered electors shall vote "No", he shall remain in office. (Ga. Laws 1980, Act No. 1232, § 5)

Sec. 6-302. Limitations.

No recall petition shall be filed against any incumbent of an elective office within the first year or the last six months of the term of his office or within six months after an unsuccessful recall election against him; but an officer who has been re-elected for a successive term shall be subject to recall also during the first year of such term.

Chapter 4. Initiative and Referendum

Sec. 6-400. Petition for enactment; circulation; etc.

(1) Any proposed ordinances, including ordinances for the repeal or amendment of any ordinance then in effect, may be submitted to the Council by petition signed by at least five per cent of the total number of registered voters in the consolidated government as shown by the official registration list filed for the regular election of councilmen last held. All petitions circulated with respect to any proposed ordinance shall be uniform in character, shall contain the proposed ordinance in full, and shall have printed or written thereon the names and addresses of at least five qualified voters who shall be officially regarded as filing the petition and shall constitute a committee of the petitioners for the purpose hereinafter named. Each signer of a petition shall sign his name in ink or indelible pencil and shall place on the petition opposite his name the date of his signature and his place of residence by street and number. The signatures of any such petition need not all be appended to one paper, but to each paper there shall be attached an affidavit by the circulator thereof, stating the number of signers to such part of the petition and that each signature appended to the paper is the genuine signature of the person whose name it purports to be and that it was made in the presence of the affiant on the date indicated.

(2) All papers comprising a petition shall be assembled and filed with the clerk as one instrument within sixty (60) days from the date of the first signature thereon; and when so filed, the clerk shall submit the same to the Council at its next regular meeting and provisions shall be made for public hearings upon the proposed ordinance.

(3) The Council shall at once proceed to consider such petition and shall take final action thereon within thirty (30) days from the date of submission. If the Council rejects the proposed ordinance, or passes it in a different form from that set forth in the petition, or fails to act finally upon it within the time stated, then, if within five days thereafter the committee of the petitioners files with the clerk written

demand so to do, the clerk shall at once upon the expiration of said five days cause three printed or typewritten copies of such petition, without the signatures, to be made. He shall cause said three copies of such petition to be placed on file in his office, and provide facilities for their signing the same, and shall immediately cause notice of the placing of such copies of such petition to be published in some newspaper of general circulation in Columbus, Georgia. Such copies shall remain on file in the office of the clerk for a period of twenty days, during which time any of them may be signed by a qualified voter of the consolidated government in person, but not by agent or attorney. Each signer of any such copy shall sign his name in ink or indelible pencil and shall place thereafter his residence by street and number. If during said time qualified voters equal to or exceeding twenty-five per cent of the qualified voters in the consolidated government as shown by the official registration list filed for the regular election of councilmen last held shall sign such copies of said petition, the clerk shall forthwith certify such fact to the Council.

(4) If an election is to be held not more than three months nor less than thirty days after the aforesaid certification by the clerk, such proposed ordinance shall be submitted to a vote of the qualified voters at such election. If no election is to be held within the time aforesaid, the Council shall provide for submitting the proposed ordinance to the qualified voters at a special election to be held not later than sixty days nor earlier than thirty days after the publication of such notice, if the petition for such ordinances and the petition for such election so demand, and if the signers of the said copies of said petition amount in the aggregate to at least thirty per cent of the registered voters of the consolidated governments; otherwise the same shall be submitted at the next regular or special election. At least ten days before any such election the clerk shall cause such proposed ordinance to be published.

(5) The ballots used when voting upon any such proposed ordinance shall state the title of the ordinance to be voted on and below it the two propositions, "For the Ordinance"

and "Against the Ordinance," and those voting against the ordinance shall draw a mark through the words "For the Ordinance". If a majority of the qualified voters voting on any such proposed ordinance shall vote in favor thereof, it shall thereupon become an ordinance of the consolidated government.

Sec. 6-401. Approval of ordinance form; drafting.

Before any ordinance so proposed shall be submitted to the Council, it shall first be approved as to its form and legal validity by the city attorney, whose duty it shall be to draft such proposed ordinance in the proper legal language, and to render such other service to persons desiring to propose such ordinances as shall be necessary to make the same proper for consideration of the Council.

Sec. 6-402. Effect; manner of repealing.

No ordinance adopted by an electoral vote as hereinbefore provided, can be repealed or amended except by an electoral vote. But an ordinance to repeal or amend any such ordinances may, by resolution of the Council, be submitted to an electoral vote at any regular election, or at any special election called for some other purpose, provided notice of the intention so to do be published by the Council not more than sixty days nor less than thirty days prior to such election. If an amendment is proposed such notice shall contain the proposed amendment in full. Such submission shall be in the same manner, and the vote shall have the same effect as in cases of ordinances submitted to an election by popular petition.

Sec. 6-403. Repeal by referendum; petition; contents; filing.

(1) If, at any time within thirty days after an ordinance passed by the Council becomes law, an unsigned petition requesting that such ordinance be repealed or amended as stated in the petition, be filed with the clerk, and said petition after the filing of the same and within said thirty days, as therein the office of said clerk signed by qualified voters amounting to or exceeding twenty-five per cent of the qualified voters

as shown by the official registration list filed for the regular election of councilmen last held, the clerk shall thereupon certify said fact to the Council, and the ordinance shall no longer be operative until the steps indicated herein have been taken. Such petition shall have stated therein the names and addresses of at least five qualified voters as a committee to represent the petitioners. Referendum petitions need not contain the text of the ordinance or ordinances the repeal of which is sought, but shall contain the proposed amendment, if an amendment is demanded, and shall be subject in all other respects to the requirements for petitions submitting proposed ordinances to the Council. Ballots used in referendum elections shall conform in all respects to those provided for in Section 6-400 (5) herein.

(2) At the next meeting of the Council after said certification by the clerk, the Council shall proceed to reconsider the ordinance. If within thirty days after the date of such certification by the clerk, the ordinance be not repealed or amended as requested, the Council shall provide for submitting the proposed repeal or amendment to a vote of the qualified voters, provided a majority of the committee named in the petition to represent the petitioners shall, by writing filed with the clerk within twenty days after the expiration of said thirty days, so require. In so doing the Council shall be governed by the provisions of Section 6-400 (4) herein respecting the time of submission and the manner of voting on ordinances proposed to the Council by petition, excepting that the Council may call, and fix the time for a special election for such purposes if in its judgment the public interests will be prejudiced by delay. If, when submitted to a vote of the qualified voters, such repeal or amendment be approved by a majority of those voting thereon, it shall thereupon go into effect as an ordinance of the consolidated government; but if any such amendment is clearly separable from the remainder of the ordinance and does not materially affect the other provisions of such ordinance, all sections of the ordinance except that sought to be amended and those dependent thereon shall be in effect as though no referendum of any portion of the ordinance had been contemplated; or if any such amend-

ment or repeal of the ordinance is not approved by a majority of those voting therein, then the ordinance passed by the Council shall at once take effect.

(3) Ordinances submitted to the Council by initiative petition and passed by the Council without change or passed in an amended form and not required to be submitted to a vote of the qualified voters by the committee of the petitioners, shall be subject to the referendum in the same manner as other ordinances. If the provisions of two or more ordinances adopted or approved at the same election conflict, the ordinance receiving the highest affirmative vote shall prevail.

Sec. 6-404. Expenditure measures; action before election.

In case a petition be filed requiring that a measure passed by the Council providing for an expenditure of money, a bond issue, or a public improvement be submitted to a vote of the qualified voters, all steps preliminary to such actual expenditures, actual issue of bonds, or actual execution of a contract for such improvement, may be taken prior to the election.

Chapter 5. Removal of Mayor or Councilman

Sec. 6-500. Grounds for removal.

The mayor or any councilman shall be subject to removal from office for any one or more of the following causes:

- (a) Incompetence, misfeasance or malfeasance in office;
- (b) Conviction of a crime involving moral turpitude, or a crime punishable as a felony;
- (c) Failure at any time to possess any of the qualifications of office as provided by this Charter or by law;
- (d) Violation of the Code of Ethics and Prohibited Practices provided in Appendix Two hereof which is hereby made a part of this Charter;
- (e) Abandonment of office or neglect to perform the duties thereof; or
- (f) Failure for any other cause to perform the duties of office as required by this Charter or by law.

Sec. 6-501. Procedure for removal.

Removal of an elected officer provided for in this Chapter from office may be accomplished by one of the following methods:

- (a) By affirmative vote of eight (8) members of the Council. In the event an elected officer is sought to be removed by the action of the Council, such officer shall be first entitled to a written notice specifying the grounds for removal and to a public hearing which shall be held not less than thirty (30) days after the service of such written notice. Any elected officer sought to be removed from office as herein provided shall have the right of appeal from the decision of the Council to the superior court for a jury trial de novo. Such appeal shall be governed by the same rules as govern appeals to the superior court from the court of ordinary.
- (b) By an information filed in the superior court as authorized by Section 64-206 of the Code of Georgia of 1933, as amended.

ARTICLE VII

REVENUE AND FINANCIAL ADMINISTRATION

Chapter 1. Revenue and Appropriations

- Sec. 7-100. Levy and collection of taxes; appropriations.
- Sec. 7-101. Tax and service districts; taxation therein.
- Sec. 7-102. Millage limitation.
- Sec. 7-103. Homestead exemptions.

Chapter 2. Borrowing and Indebtedness

- Sec. 7-200. Issuance of general obligation bonds.
- Sec. 7-201. Debt limitation; general obligation bonds.
- Sec. 7-202. Revenue bonds.
- Sec. 7-203. Use of bond proceeds.
- Sec. 7-204. Allocation of indebtedness.
- Sec. 7-205. Other indebtedness.
- Sec. 7-206. Street improvements.

Chapter 3. Property Tax Administration

- Sec. 7-300. Assessing and collecting property taxes.

Chapter 4. Budgeting

- Sec. 7-400. Fiscal year.
- Sec. 7-401. Budget preparation and adoption.
- Sec. 7-402. Consideration and adoption of budgets by Council.
- Sec. 7-403. Levy of property tax.
- Sec. 7-404. Additional appropriations.
- Sec. 7-405. Post audit.

Chapter 5. Procurement and disposition of property

- Sec. 7-500. Contracting procedures.
- Sec. 7-501. Sale and disposition of property.

Chapter 1. Revenue and Appropriations

Sec. 7-100. Levy and collection of taxes; appropriations.

(1) The Council shall have full power and authority to levy and collect taxes, license fees or other charges, and to appropriate funds, for any and all purposes and upon any and all subjects of taxation, license fees and other charges for which the City of Columbus or Muscogee County has previously been authorized to levy and collect taxes, license fees and other charges, and to so appropriate funds for any and all purposes, under the Constitution and laws of the State of Georgia, under any present general or special law of the State of Georgia specifically applicable to the City of Columbus or Muscogee County, or under any general law or any special law specifically applicable to the consolidated government which may be hereafter enacted, as well as the power

to levy and collect taxes, license fees and other charges and appropriate funds for any of the powers, duties, obligations, liabilities and functions specified in this Charter.

(2) In addition thereto, the Council shall have full power and authority to assess, charge, and collect rentals, interests, fees, penalties, fines, and costs; to assess and collect fees, charges and tolls for sewer and water services under such rules and regulations as prescribed by ordinance; to levy and collect the garbage, trash, refuse and rubbish collection service charges and sanitary taxes under such rules and regulations as prescribed by ordinance; to collect income on investments and to accept funds, services or property from other political subdivisions and public agencies, either local, state or national, and from private persons, firms or corporations.

Sec. 7-101. Tax and service districts; taxation therein.

(1) The general services district as defined and authorized in Article I, Section 1-103 (2) of this Charter shall constitute a general services tax district wherein the Council shall levy and collect taxes and shall appropriate money to perform and discharge those powers, functions and services provided therein by the consolidated government.

(2) The urban services district as authorized in Article I, Section 1-103 (2) of this Charter together with any enlargement or modification thereof pursuant to the provisions of this Charter, and any additional urban services districts as established or modified by ordinance of the Council, shall constitute urban services tax districts wherein the Council may levy and collect additional taxes and may appropriate additional money therefrom to perform and discharge those additional powers, functions and additional services provided therein by the consolidated government.

(3) The assessment of real and personal property for ad valorem tax purposes shall be upon a uniform basis throughout the entire area of the consolidated government; provided however, the rate and manner of additional taxation in urban services districts may vary in any urban services tax district

from that in another or other urban services tax districts in such a way as to reasonably reflect the kind, character, type, degree and level of services afforded to such urban services taxing district or districts.

Sec. 7-102. Millage limitation; [budget and expenditure ceilings].

For the purpose of paying the ordinary current expenses of the consolidated government, as such term "ordinary current expenses" is defined in Section 94-4102 of the Code of Georgia of 1933, as amended, the Council is hereby empowered and authorized to levy and collect an ad valorem tax upon all property within said government subject to taxation. As related to such taxation however, the total annual budget and expenditures of the consolidated government of the City of Columbus beginning with the fiscal year 1982-1983 shall not exceed the sum of fifty million dollars (\$50,000,000.00). In any year in which revenues exceed the sum of fifty million dollars (\$50,000,000.00), the surplus shall be applied in the succeeding year to reduce ad valorem taxes. Any reduction within the various departments made necessary by this budget limitation shall not be applied to affect police, fire (including emergency medical service) or sanitation departments of said government, nor any tax to which this reduction may not be applicable under the law. Provided further, that since there is in effect a local sales tax collected by the Government of Columbus, the prior millage limitation of nine (9) mills fixed pursuant to the enactment of said sales and use tax legislation shall remain in effect. For the purpose of effecting any reductions resulting from the limitation of budget herein set forth, the same shall be approved by a Budget Review Committee composed in even years of the Tax Commissioner of Muscogee County and Council Members for Posts I and III, and in odd years by said Tax Commissioner and Council Members for Posts II and IV. If any clause, provision or phrase of this Ordinance [section] is held illegal, void or unconstitutional it is the intention of petitioners and voters that all other clauses, phrases or provisions shall remain in effect. For the purpose of acting as a member of said Budget Review Committee, such function is included in the provisions of section 8-102 of this Charter headed "Tax Commissioner." (Ord. No. 75-85, § 1, 9-9-75; Ref. of 2-2-82)

Sec. 7-103. Homestead exemptions.

(1) The homestead exemptions provided under the Constitution and laws of Georgia presently in force or as hereafter amended shall be applicable to all such property subject to ad valorem taxes within the territory of the consolidated government as defined in Article I, section 1-102 of this Charter; provided however, that such homestead exemptions (except for persons 65 years of age or older) shall not apply to taxes levied for the retirement of bonds or for the support of the Muscogee County school district.

(2) The exemptions authorized by this section include the individual citizen homestead exemption, the disabled veteran homestead exemption, the homestead exemption applying to persons 65 years of age or older and any other homestead and personal property exemptions as now or hereafter authorized by the Georgia Constitution. (Ga. Laws 1973, Act No. 716, § 1)

Chapter 2. Borrowing and Indebtedness**Sec. 7-200. Issuance of general obligation bonds.**

(1) The Council shall be authorized to issue and sell general obligation bonds under the provisions of the general laws of the state for any public purpose for the benefit of the consolidated government or any tax district or services district thereof; provided however, that for the purpose of issuing and selling such general obligation bonds, the consolidated government shall be deemed a county and the provisions of the Constitution and laws of the State of Georgia governing the limitations, terms and procedures for the issuance and sale of bonds by counties shall apply to the consolidated government unless otherwise provided by this Charter.

(2) All general obligation bonds shall be issued in the name of Columbus, Georgia and shall be an obligation thereof, and the full faith and credit of the consolidated government shall be pledged for all general obligation bonds issued thereunder which are payable from ad valorem

taxes. Anything herein to the contrary notwithstanding, the Council shall have the authority to levy and collect ad valorem taxes without limit as to rate or amount on all taxable property within the territorial limits of the consolidated government.

Sec. 7-201. Debt limitation; general obligation bonds.

The total general obligation bond indebtedness of the consolidated government payable from ad valorem taxes (including all outstanding general obligation bonds of the former City of Columbus and Muscogee County on the effective date of this Charter) shall not exceed ten per centum (10%) of the assessed value of all taxable property within the territorial limits of the consolidated government. (Ga. Laws 1980, Act No. 1233, § 1)

Sec. 7-202. Revenue bonds.

The Council is hereby empowered and authorized to issue revenue bonds for the purposes and in the manner now or hereafter provided by an Act of the General Assembly of Georgia, approved March 31, 1937, known as the Revenue Bond Law (Ga. L. 1937, p. 761; Ga. L. 1957, p. 36) as now or hereafter amended.

Sec. 7-203. Use of bond proceeds.

All revenue derived by the consolidated government from the issuance and sale of bonds shall be used exclusively for the purposes for which such bonds were issued, and all ad valorem taxes collected for the purpose of servicing or retiring such bonds shall be used exclusively for the payment of principal and interest thereof.

Sec. 7-204. Allocation of indebtedness.

(1) The Council shall establish a debt service fund for the general services district and a debt service fund for each urban services district created by the Council pursuant to Section 1-103 of this Charter for the amortization of general obligation bonds issued for the benefit thereof, including bonds issued prior to the effective date of this Charter by the County of Muscogee and the City of Columbus which have been allocated to such districts under the provisions of this section. Such debt service funds shall consist of the cash and securities in the debt service funds for bonds issued by the County of Muscogee and the City of Columbus prior to Supp. No. 8

the effective date of this Charter and such funds hereinafter required to be paid into such funds and the interest earned on the investment thereof. The debt service funds for the bonds heretofore issued by the County of Muscogee and the City of Columbus shall be transferred to the debt service fund of the district to which such bonds are allocated by this section. Nothing contained herein, however, shall affect any debt service funds for any revenue bonds or other bonds which are required by the proceedings which authorized such bonds to be maintained as separate and segregated debt service funds for such bonds, and such sinking funds shall be transferred to the consolidated government and segregated and maintained in the manner provided in the proceedings which authorized the issuance of such bonds.

(2) All such debt service funds shall be invested in accordance with the applicable provisions of the Constitution and laws of Georgia governing investment of sinking funds of municipalities and counties.

(3) The annual tax levy ordinances for the general services district and the urban services districts shall provide, in addition to all other taxes assessed therein, a tax levy sufficient to pay the principal and interest charges on all outstanding general obligation bonds due or to be paid in the ensuing fiscal year.

(4) All moneys paid into any debt service fund shall be used exclusively for the purchase, retirement or payment of the outstanding bonds for which such debt service funds are created and maintained, and the treasurer shall keep a record of all receipts and disbursements of the debt service funds. (Ga. Laws 1980, Act No. 1185, § 1)

Sec. 7-205. Other indebtedness.

The Council is hereby empowered and authorized to incur other and additional indebtedness in accordance with the provisions of the Constitution and laws of Georgia relating to temporary loans to meet casual deficiencies of revenue, additional debt, and temporary loans payable within the year, and related matters.

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Sec. 7-206. Street improvements.

Nothing in this Charter shall be construed as affecting the power of the Council to issue bonds for street improvements and otherwise, exercise the rights, powers and procedures set forth in Georgia Laws 1929, page 979 et seq.

Chapter 3. Property Tax Administration**Sec. 7-300. Assessing and collecting property taxes.**

(1) The assessment and collection of property taxes by the Consolidated Government shall be as provided by state law.

(2) The Council shall provide by ordinance when taxes levied and imposed by the consolidated government shall become due and payable and when the same shall become delinquent. The Council by ordinance may authorize the payment of taxes due the government in installments, at the option of the taxpayer, and when and how and upon what terms such installments shall be due and payable. The Council may also authorize the payment of taxes prior to the time when due.

(3) The Council shall provide by ordinance for the manner and method of collecting delinquent taxes due the consolidated government. (Ga. Laws 1980, Act No. 1352, § 1)

Chapter 4. Budgeting**Sec. 7-400. Fiscal year.**

The fiscal year of the consolidated government shall begin on the first day of July of each year and shall end on the thirtieth day of June next following. Said fiscal year shall constitute the budget year and the year for financial accounting and reporting of each and every office, department or institution, agency and activity of the consolidated government, unless otherwise provided by state or federal law.

Sec. 7-401. Budget preparation and adoption.

(1) The Council shall prescribe by ordinance the procedures and requirements for the preparation, adoption and execution of an annual operating budget, a capital improvement program and a capital budget. Such ordinance shall require the use of program budgeting by the consolidated government.

(2) A proposed annual operating and capital budget for the ensuing fiscal year shall be prepared by the city manager to be submitted by the mayor to the Council on or before a date fixed by ordinance, but not less than sixty (60) days prior to the beginning of the fiscal year. Such budgets shall be accompanied by a budget message from the mayor containing explanations of general fiscal policies, explanations of major changes recommended for the next fiscal year, a general summary of the budgets and other information deemed appropriate. Copies of the annual operating and capital budgets shall be filed in the office of the clerk of Council and shall be open to public inspection. A summary of the proposed annual operating and capital budgets shall be published in one or more newspapers of general circulation within the consolidated government.

(3) The annual operating and capital budgets shall consist of two parts. Part I of the annual operating and capital budgets shall set forth in detail the revenue, expenditure and program information for those services, functions and capital improvement projects appertaining to the general services district. Part II of the annual operating and capital budgets shall set forth in detail the revenue, expenditure and program information for those services, functions and capital improvements appertaining only to urban services districts. Said Part II of the annual operating and capital budgets shall contain a separate section for each urban services district established pursuant to this Charter and by ordinance of the Council in order to reflect in detail the revenue, expenditure and program information for those additional services, functions and capital improvement projects rendered and furnished by the consolidated government in each of its urban services districts.

(4) Each of the above described sections of the annual operating budget shall contain with respect to each of the operating funds of the consolidated government to which they are applicable:

- (a) An estimate of the unencumbered fund balance or deficit at the beginning of the ensuing fiscal year, and the amount of reserves for designated purposes or activities includable in the operating budget;
- (b) A reasonable estimate of cash revenues to be received during the ensuing fiscal year, classified according to source, including a reasonable reserve for contingencies;
- (c) Proposed expenditures detailed by each department, board, commission, office, agency, and activity in accordance with an established classification of accounts, including those capital outlays which are to be financed from the revenues of the ensuing year, and including all debt service requirements in full for such fiscal year payable from such funds;
- (d) Work programs and performance data in justification of proposed expenditures for each department, board, commission, office, or agency; and
- (e) Such other information as may be considered necessary or desired by the Council.

(5) In no event shall the total proposed expenditures from any fund exceed the total anticipated revenues plus the estimated unappropriated surplus or fund balance, and applicable reserves and less any estimated deficit at the end of the current fiscal year.

(6) The capital program shall embrace all physical public improvements and any preliminary studies and surveys relative thereto, the acquisition of property of a permanent nature, and the purchase of equipment for any public improvement when first erected or acquired that are to be financed, in whole or in part, from funds subject to control or appropriation by the Council. It shall show the capital expenditures which are planned for each of the six ensuing fiscal years. For each separate purpose, project, facility, or other property

there shall be shown the amount, if any, and the source of the money that has been spent, encumbered, or is intended to be spent or encumbered, prior to the beginning of the ensuing fiscal year, and also the amounts and the sources of the money that are intended to be spent during each of the ensuing six years.

Sec. 7-402. Consideration and adoption of budgets by Council.

(1) The Council shall, upon receipt of the proposed budgets, schedule and hold one or more public hearings thereon, notice of which shall be published in a newspaper of general circulation in Columbus, Georgia at least seven (7) days prior to the date set for such public hearing or hearings. The hearings may be adjourned from time to time.

(2) The Council may amend the proposed operating budget, except that the budget as finally amended and adopted must provide for all expenditures required by law or by other provisions of this Charter and for all debt service requirements for the ensuing fiscal year, and the total appropriations from any fund shall not exceed the estimated fund balance, reserves, and revenues, constituting the fund availability of such fund.

(3) The Council shall adopt the final annual operating budget for the ensuing fiscal year not later than the thirtieth (30th) day of June of each year and such budget shall be effective for the fiscal year beginning on July first. In the event the Council fails to adopt the budget by this date, the amounts appropriated for current operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items prorated accordingly until such time as the Council shall adopt a budget for the ensuing fiscal year. Adoption of the annual operating budget shall take the form of an appropriation ordinance setting out estimated revenues in detail by source and making appropriations according to fund by organizational unit, purpose or activity as set forth in the budget document.

(4) The amount set out in the adopted operating budget for each organizational unit, purpose, or activity shall con-

stitute the annual appropriation for such item, and no expenditure shall be made or encumbrance created in excess of the otherwise unencumbered balance of the appropriation, or allotment thereof, to which it is chargeable.

(5) The Council may delete projects from the capital program as submitted to it, but it shall not otherwise amend the capital program until it has requested through the mayor the recommendations of the department of community development. The Council shall not be bound by such recommendations and may act without them if they are not received within thirty days from the date they were requested. The Council shall adopt by ordinance the capital improvement program and capital budget for the ensuing fiscal year not later than the thirtieth (30th) day of June of each year. The capital budget ordinance shall show in detail the capital expenditures intended to be made or incurred in the ensuing fiscal year that are to be financed from funds subject to control or appropriation by the Council, and shall be in full conformity with that part of the capital program applicable to the year which it covers. Amounts specified as intended to be spent out of new appropriations shall, upon enactment of the capital budget ordinance, constitute appropriations of such amounts. The Council may amend the capital budget ordinance but no amendment shall be valid which does not conform to the capital improvement program.

Sec. 7-403. Levy of property tax.

As the next order of business following the adoption of the operating and capital budgets:

- (1) The Council shall levy by ordinance a general services district tax on all real and personal property within the general services tax district as provided by this Charter. The tax rate set by such ordinance shall be such that a reasonable estimate of cash revenues from such levy allowing an amount not less than the previous year's delinquent taxes and other uncollectibles, shall be at least sufficient, together with other anticipated revenues, fund balances and applicable reserves, to equal the total amount of the annual operat-

ing budget for defraying the expenses of the general services district for services to be rendered throughout the entire area of the consolidated government, and for such other purposes, functions and services as may be authorized by the laws of the State of Georgia, by this Charter, or by ordinance.

- (2) The Council shall levy by ordinance a separate urban services district tax on all real and personal property within each urban services tax district established by this Charter or created by the Council. The tax rates set by such ordinance for each district shall be such that a reasonable estimate of cash revenues from such levy, allowing an amount not less than the previous year's delinquent taxes and other uncollectibles, shall be at least sufficient, together with other anticipated revenues, fund balances, and applicable reserves, to equal the total amount of the annual operating budget for defraying the expenses of the higher level of additional functions and services to be rendered in each such urban services district. (Ga. Laws 1972, Art. No. 956, §§ 1, 2)

Amendment note—Ga. Laws 1972, Art. No. 956, §§ 1 and 2, amended § 7-403 (1) and (2) by deleting provisions setting 10% of the total levy as the allowance for delinquent taxes and other uncollectibles and substituting therefor an allowance in an amount not less than delinquent taxes and other uncollectibles for the preceding year.

Sec. 7-404. Additional appropriations.

The Council may make appropriations in addition to those contained in the current operating budget or capital budget, at any regular or special meeting called for such purpose.

Sec. 7-405. Post audit.

- (1) The Council shall provide annually for an independent audit of the accounts and other evidences of financial transactions of the consolidated government and of its every office, department, board, authority, commission or agency. The audit shall be made by an accountant or an accounting firm, the members of which have no pecuniary, personal interest, direct or indirect, in the fiscal affairs of the consolidated government or of its departments, offices, boards, commissions or agencies. The designated accountant shall be a certified public accountant, or if an accounting firm is employed,

the members thereof shall be so certified and thoroughly qualified by training and experience in governmental accounting to perform the audit.

(2) The audit may be conducted on a quarterly or continuing basis and the final report of the annual audit shall be completed as soon as practicable after the close of the fiscal year, and in no event later than four months after the close of the fiscal year. The audit report shall be available to the public.

(3) The Council may at any time order an examination or special audit of any office, department, board, commission, or other agency of the consolidated government.

Chapter 5. Procurement and Disposition of Property

Sec. 7-500. Contracting procedures.

The Council shall prescribe by ordinance rules and regulations to be followed in the making of contracts in order to bind the consolidated government. All contracts, and all ordinances or resolutions which make or authorize contracts shall be approved by the city attorney. Except where otherwise provided by law or by ordinance, all contracts of the consolidated government shall be signed by the mayor or by some person designated by him with the approval of the Council, and shall be authenticated by the clerk of Council.

Sec. 7-501. Sale and disposition of property.

(1) The Council shall be authorized to sell any real or personal property owned or held by the consolidated government for governmental or other public purposes under such rules and regulations as the Council may establish; provided however, any public utility owned by the consolidated government may only be sold when such sale has been approved by a majority vote of the electors of Columbus, Georgia, voting in a regular or in a special election called for such purpose. Except as otherwise provided by this Charter, any sale of real property shall be made only after the receipt of sealed bids and due advertisement of such sale in a newspaper of general circulation in Columbus, Georgia, once a week for a

period of two (2) weeks preceding the date at which such sale is to be made. All sales of real property shall be subject to confirmation by the Council.

(2) The Council is empowered to authorize the following transactions:

- (a) A transfer of any real or personal property owned by the consolidated government to another governmental entity upon a finding that such transfer is in the public interest;
- (b) A sale of any such property to another governmental entity; and
- (c) An exchange of such property for property that is owned either privately or by some other governmental entity.

In each such instance, when the property is sold or exchanged or transferred, a statement shall be published in a newspaper of general circulation in Columbus, Georgia, on each Monday of the two (2) weeks which precede the week in which such transaction is to be concluded. Such statement shall contain a description of the property or properties involved and the prices and estimated values as to each item of property.

(3) The consolidated government may quitclaim any rights it may have in property not needed for public purposes, upon a report by the mayor, and the adoption of a resolution by the Council, finding that the property is not needed for public purposes and that the interest of the consolidated government therein has no appreciable monetary value.

(4) Whenever in opening, extending or widening any street, avenue, alley or public place of Columbus, Georgia, a small parcel or tract of land is cut off and is not needed by the consolidated government, the Council may authorize the execution and delivery in the name of the consolidated government of a deed conveying said cut-off or separated parcel or tract of land to an abutting or adjoining property owner or owners in exchange for rights-of-way in said street, avenue, alley or public place, or in settlement of any alleged damages sustained by said abutting or adjoining property owners or for other consideration.

ARTICLE VIII
GENERAL PROVISIONS

Chapter 1. County Officers and Agencies

- Sec. 8-100. Sheriff.
- Sec. 8-101. Judge of Probate Court.
- Sec. 8-102. Tax commissioner.
- Sec. 8-103. Coroner.
- Sec. 8-104. County agencies.
- Sec. 8-105. Budgets of county officers and agencies.

Chapter 2. Laws Applicable to Consolidated Government

- Sec. 8-200. Application of laws; laws in force.
- Sec. 8-201. Limitation of claims and service.
- Sec. 8-202. Tort liability.
- Sec. 8-203. Conflict of laws.
- Sec. 8-204. Executions.
- Sec. 8-205. Authority to deal with federal and state agencies.
- Sec. 8-206. Federal and state aid.

Chapter 3. Pensions and Personnel.

- Sec. 8-300. Existing pension rights protected.
- Sec. 8-301. Establishment of new pension systems; merging of existing pension systems.
- Sec. 8-302. Merit service.
- Sec. 8-303. Personnel rules and regulations.
- Sec. 8-304. Classification and pay plan.
- Sec. 8-305. Residence of employees.

Chapter 4. Amending Charter

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Chapter 1. County Officers and Agencies

Sec. 8-100. Sheriff.

The sheriff of Muscogee County in office upon the effective date of this Charter and his successors in office shall be the sheriff of the consolidated government. He shall serve for the same term and his compensation shall be fixed as heretofore provided by law. Subsequent elections for sheriff shall be upon the same basis as provided by law for sheriffs generally. The sheriff shall perform the same duties and exercise the same powers as are conferred upon sheriffs generally by the Constitution and laws of Georgia. Nothing in this Charter

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shall be construed so as to affect the eligibility of the sheriff or his deputies for membership in the Peace Officers' Annuity and Benefit Fund. In addition to the powers and duties conferred upon the sheriff by law, the sheriff of the consolidated government shall be authorized to maintain a crime prevention unit independent of any such unit or activity maintained or provided by the department of public safety.

Sec. 8-101. Judge of Probate Court.

The Judge of Probate Court of Muscogee County in office upon the effective date of this Charter and his successors in office shall be the Judge of Probate Court of the consolidated government. He shall serve for the same term and his compensation shall be fixed as heretofore provided by law. Subsequent elections for Judge of Probate Court shall be upon the same basis as provided by law for Judges of Probate Court generally. The Judge of Probate Court shall perform the same duties and exercise the same powers as conferred upon Judges of Probate Court generally by the Constitution and laws of Georgia. (Ga. Laws 1980, Act No. 1232, § 6)

Editor's note—Inasmuch as § 6 of Act No. 1232, Ga. Laws 1980, amended § 8-101 by substituting the words "Judge of Probate Court" for the word "ordinary" wherever the term appears in the caption and throughout the section, the word "ordinaries" was also amended by the editor to read "Judges of Probate Court."

Sec. 8-102. Tax commissioner.

The tax commissioner of Muscogee County in office on the effective date of this Charter and his successors in office shall be the tax commissioner of the consolidated government. His election, term of office and compensation shall be as provided by an Act of the General Assembly of Georgia, approved July 25, 1927 (Ga. L. 1927, p. 638), as amended. The tax commissioner shall collect all ad valorem taxes and all intangible taxes and shall perform the same duties and exercise the same powers as are conferred upon county tax receivers and county tax collectors by the laws of Georgia not in conflict with this Charter, and such other or additional duties and powers as may be prescribed by ordinance of the Council.

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Sec. 8-103. Coroner.

The office of coroner of Muscogee County shall continue as an office of the consolidated government until such time as it may be discontinued or abolished by the Council in accordance with the provisions of this section, and all laws applicable thereto shall continue in full force and effect until such date. On the effective date of this Charter the incumbent coroner of Muscogee County shall be the coroner of the consolidated government and his election, term of office and compensation shall be as provided by law. At any time following the adoption of this Charter, but not less than twelve months prior to the expiration of the term of office of the then incumbent coroner, the Council shall be authorized by ordinance to provide for the creation and establishment of a medical examiner system in the consolidated government to become effective and operative upon the expiration of such term of office at which time the office of coroner shall stand abolished and all emoluments appertaining thereto shall cease. Such system shall have the power to perform the same duties and exercise the same powers as are conferred upon coroners generally by the laws of Georgia. Said ordinance shall specify such other powers, duties and functions as may be required for establishing a medical examiner system within the consolidated government, including the manner of appointment of a chief medical examiner as head of the medical examiner system and provision for offices, facilities, laboratories, personnel and finances.

Sec. 8-104. County agencies.

The grand juries in and for Muscogee County, the Superior Court for Muscogee County, the City Court of Columbus, the Probate Court, the Municipal Court of Columbus, the Juvenile Court of Muscogee County, the Muscogee County department of public health, and the Muscogee County department of family and children services shall continue to function, unaffected except as redesignated by this Charter. The personnel of those bodies shall be selected as heretofore selected, and those officials heretofore elected by the people shall hereafter be so elected. Nothing herein contained shall

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be construed as altering the status of the Muscogee County school district; provided however, that the Muscogee County school board shall consist of fifteen members who shall be residents of the consolidated government. Such courts, boards, personnel, officers and officials shall continue to occupy the same status with respect to the consolidated government in the same position as previously occupied with respect to Muscogee County. Similarly, the Council shall succeed to such rights, duties and obligations with regard to such courts, boards, officers, offices and agencies and the employed personnel thereof as heretofore possessed by either the board of commissioners of Muscogee County or the mayor and city commission of the City of Columbus, or both specifically including but not limited to any right and authority to name and designate personnel. (Ga. Laws 1980, Act No. 1232, § 7)

Sec. 8-105. Budgets of county officers and agencies.

All elective officers such as the sheriff, tax commissioner, Judge of Probate Court, coroner and other elective officers, and all agencies not under the direct control and jurisdiction of the Council such as the board of health and board of family and children services, which receive appropriations from the Council, shall prior to the commencement of each fiscal year prepare and submit to the city manager annual operating and capital budget requests for the ensuing fiscal year. Such budget requests shall be incorporated into the overall consolidated government budget for submission by the mayor to the Council. The Council shall grant a hearing to any such officer or agency on such proposed budgets. (Ga. Laws 1980, Act No. 1232, § 8)

Chapter 2. Laws Applicable to Consolidated Government

Sec. 8-200. Application of laws; laws in force.

(1) The general laws of the State of Georgia of a criminal nature shall be applicable to and within the limits of the consolidated government. Except as provided in Chapter 4 of this Article with regard to Charter amendments, the Supp. No. 8

Constitution and general laws of the State of Georgia relating to the jurisdiction, powers, authority, duties, and responsibilities of or otherwise referring to, municipal corporations or counties, or both, which are not in conflict herewith shall be applicable to the consolidated government. General laws of local application through classification by population, not in conflict with this Charter:

- (a) Which at the adoption of this Charter apply to the City of Columbus and Muscogee County shall be applicable to the consolidated government;
- (b) Which apply to the consolidated government, as either a city or a county at the time of their enactment or thereafter shall be effective; but
- (c) Which did not apply to the City of Columbus or Muscogee County or the consolidated government at the time of their enactment;

shall not become applicable to the consolidated government except through the adoption of a resolution to that effect by the Council.

(2) In construing the applicability of provisions of the Constitution of Georgia and the general laws of the State of Georgia which apply in general terms to either counties or municipalities or both, the following terms as used in such laws shall be construed to include the consolidated government as follows:

- (a) "County" shall be construed to include Columbus, Georgia.
- (b) "City", "town", "municipal corporation" or "municipality" shall be construed to include Columbus, Georgia.
- (c) "Commissioners of roads and revenues" and "board of county commissioners" shall be construed to include the Council of Columbus, Georgia.
- (d) "Council", "mayor and council", "aldermen" and "board of aldermen" shall be construed to include the Council of Columbus, Georgia.
- (e) "Chairman of the commissioners of roads and revenues", "chairman of the board of county commissioners", and "mayor" shall be construed to include the mayor of Columbus, Georgia.
- (f) Any other terms and provisions as used in such laws to refer specifically to counties, municipalities, or both and the officers, employees, departments and agencies thereof, shall be construed to include Columbus, Georgia, and its officers, employees, departments and agencies.

(3) Local Acts of the State of Georgia which apply specifically to either Muscogee County, the City of Columbus, or both, shall be applicable to the consolidated government. In construing the applicability of local Acts of the State of Georgia which apply specifically to either Muscogee County, the City of Columbus, or both, the following terms as used in such Acts shall be construed to mean the consolidated government as follows:

- (a) "Muscogee County", "Town of Columbus" and "City of Columbus" shall be construed to mean Columbus, Georgia.
 - (b) "Commissioners of roads and revenues", "board of county commissioners" and "city commission" shall be construed to mean Council of Columbus, Georgia.
 - (c) "Chairman of the commissioners of roads and revenues", "chairman of the board of county commissioners" and "mayor" shall be construed to mean mayor of Columbus, Georgia.
 - (d) Any other terms and provisions as used in such acts to refer specifically to Muscogee County, the City of Columbus, or both and the officers, employees, departments and agencies thereof shall be construed to mean Columbus, Georgia and its officers, employees, departments and agencies.
- (4) In construing the applicability of laws in force to the consolidated government, the following order shall prevail:
- (a) The Constitution of the State of Georgia, as amended by a constitutional amendment ratified at the general election held on November 5, 1968 (Ga. L. 1968, p. 1508).
 - (b) An Act of the General Assembly approved April 25, 1969 (Ga. L. 1969, p. 3571).
 - (c) The general laws of uniform application now in force or hereafter enacted by the General Assembly (as distinguished from general laws of local application through classification by population) applicable to municipal corporations, or counties, or both, not in conflict with this Charter.

- (d) Special laws applicable to the former City of Columbus and Muscogee County, or both, not in conflict herewith.
- (e) The general laws of local application through classification by population as and to the extent provided in Section 8-200 (1) hereof.
- (f) This Charter and all ordinances passed pursuant thereto.
- (g) Existing ordinances of the former City of Columbus and existing resolutions of the former County of Muscogee not in conflict with this Charter. (Ga. Laws 1980, Act No. 1231, § 1)

Sec. 8-201. Limitation of claims and service.

(1) All claims contractual against the consolidated government must be presented within twelve (12) months after they accrue or become payable or the same are claimed, unless held by minors or other persons laboring under disabilities, who are allowed twelve (12) months after the removal of such disability.

(2) Service on the consolidated government of any suit, process or order of court shall be served upon the mayor. (Ga. Laws 1974, Act No. 1185, § 1)

Sec. 8-202. Tort liability.

The tort liability of the consolidated government shall be that of a municipality, except in the case of that area of the territorial limits of the consolidated government located outside all urban service districts which shall follow the rules of tort liability applicable to counties.

Sec. 8-203. Conflict of laws.

For purposes of all applicable laws, the consolidated government shall constitute a municipality and a county or both. If a law applicable to municipalities and the same or another law applicable to counties are in conflict, the urban services district shall be considered a municipality, and the general services district shall be considered a county.

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Sec. 8-204. Executions.

Whenever any tax or special assessment is authorized or empowered to be levied or imposed by this Charter which is required to be collected by the department of finance and such is not paid within the time period specified by the Council and no specific provision is elsewhere provided in this Charter for its collection, then the director of the department of finance shall issue execution in the name of the consolidated government against such person, firm or entity liable therefor or property subject thereto for such sums as may be due with interest at the legal rate from due date, and penalties and costs, and the consolidated government shall have the right to enforce payment of such execution by levy and sale as in the case of county taxes, and the purchaser at such sale shall acquire the same title and rights as a purchaser at a sale for county taxes. Executions issued by the tax commissioner and levy and sale thereunder shall be governed by general law.

Sec. 8-205. Authority to deal with federal and state agencies.

Subject to the provisions of this Charter, the consolidated government shall have the power and authority to participate in, cooperate in and take all necessary action with respect to any and all projects, programs and undertakings of any nature whatsoever authorized by any statute, rule or regulation of the United States or the State of Georgia, or any federal or state agency or instrumentality, including but not limited to, urban renewal, highways, aviation, aviation terminals, airports, airport facilities, municipal area or regional development, sewers and sewage disposal, public housing, housing for the aged, transportation or mass transit or any phase thereof and ecology and environment or any aspect thereof; to borrow money and issue promissory notes, general obligation bonds or revenue bonds, or a combination thereof, for any such purposes; and to execute mortgages or deeds of trust in favor of any federal agency, secured by property of which the consolidated government is the legal or beneficial or equitable owner, or in favor of any private agency where the loan is guaranteed by a federal agency.

Sec. 8-206. Federal and state aid.

(1) The consolidated government shall be deemed a county and shall also be deemed an incorporated city or municipality for the purpose of determining its right to receive, and for the purpose of receiving, state aid or grant-in-aid from the State of Georgia or from the United States or from any other agency or instrumentality thereof or from any other source, public or private. The consolidated government shall be entitled to receive and shall receive as state aid or as grant-in-aid from the State of Georgia under any state law or from the United States under any federal law or from any other agencies or instrumentality thereof or from any other source, public or private, all funds to which a county is, or may hereafter be, entitled and also all funds to which an incorporated city or municipality is, or may hereafter be entitled and to receive the same without diminution or loss by reason of consolidation of the County of Muscogee and City of Columbus.

(2) The consolidated government shall be authorized to receive and shall receive all funds which Muscogee County is or may hereafter be entitled to receive from state funds made available by appropriations of the General Assembly to be distributed to the several counties to be used exclusively for the construction and maintenance of the public roads as provided by Subsections (F), (G) and (H), Section 92-1404 of the Code of Georgia of 1933, as amended and as specifically set forth in an Act of the General Assembly of Georgia, approved March 8, 1945, (Ga. L. 1945, p. 316), and the provisions of such law shall apply in full force and effect to the consolidated government. The consolidated government shall be authorized to receive and shall receive all state funds which Muscogee County is or may hereafter be entitled to receive as grants to counties appropriated as a part of the highway department appropriation designated as follows: "for grants to counties for aid in county road construction and maintenance," as initially authorized by an Act of the General Assembly of Georgia, approved February 21, 1951 (Ga. L. 1951, p. 428), and hereafter all such acts providing for grants to counties which are appropriated as a part of the highway department appropriation designation: "for grants to counties

for aid in county road construction and maintenance", shall apply in full force and effect to the consolidated government. The consolidated government shall be authorized to receive and shall receive all funds which Muscogee County is or may hereafter be entitled to receive from state funds made available by law and distributed to the governing authorities of counties of this state to be expended for any public purposes as authorized by an Act of the General Assembly of Georgia, approved April 21, 1967, (Ga. L. 1967, p. 888) or by any future laws for the purposes set out in Section 1 of said Act and the provisions of said Act or any future such acts shall apply in full force and effect to the consolidated government.

(3) The consolidated government shall be authorized to receive and shall receive all funds which the City of Columbus is or may hereafter be entitled to receive as grants to certain incorporated municipalities under the provisions of an Act of the General Assembly of Georgia, approved March 31, 1965, (Ga. L. 1965, p. 458 et seq.), as amended, and the provisions of said Act as amended shall apply in full force and effect to the consolidated government. For the purpose of distributing such funds under the provisions of said Act as amended, the population of the City of Columbus on January 1, 1970 as determined by the United States decennial census of 1970 shall be used in calculating and determining the basis of the distribution of such funds to Columbus, Georgia. When state aid or other grant-in-aid is distributed to any incorporated municipality on the basis of population which the City of Columbus would hereafter be entitled to receive under any state or federal law following the United States decennial census of 1970, then the total population of the urban services district or districts shall be used in calculating and determining the basis of the distribution of such funds to the consolidated government.

(4) The consolidated government shall be authorized to receive and shall receive all funds which the City of Columbus is or may hereafter be entitled to receive as grants to certain incorporated municipalities to be used for any public purposes under the provisions of an Act of the General Assembly of Georgia, approved April 1, 1967, (Ga. L. 1967, p. 889 et seq.),

and the provisions of said Act shall apply in full force and effect in the consolidated government. For the purpose of distributing such funds under the provisions of said Act as amended, the population of the City of Columbus on January 1, 1970 as determined by the United States decennial census of 1970 shall be used in calculating and determining the basis of the distribution of such funds to Columbus, Georgia. When state aid or other grant-in-aid is distributed to any incorporated municipality on the basis of population which the City of Columbus would hereafter be entitled to receive under any state or federal law following the United States decennial census of 1970, then the total population of the urban services district or districts shall be used in calculating and determining the basis of the distribution of such funds to the consolidated government.

Chapter 3. Pensions and Personnel

Sec. 8-300. Existing pension rights protected.

(1) Persons who, at the time this Charter takes effect, are employed by any office, department, board, commission or agency of the former City of Columbus shall retain all rights which have accrued to them under the "Employees' Retirement Fund," established pursuant to an Act of the General Assembly of Georgia, approved February 21, 1951 (Ga. L. 1951, p. 2790, et seq.), as amended. Pending the establishment of a new pension system as hereinafter provided in Section 8-301, the consolidated government shall continue in force and effect the said employees' retirement fund for city employees covered thereby who are employed by the consolidated government, and the services of such employees shall not be deemed to have been interrupted by the adoption of this Charter.

(2) Persons who, at the time this Charter takes effect, are employed by any office, department, board, commission or agency of the former County of Muscogee shall retain all rights which have accrued to them under the "Muscogee County, Georgia Pension System," established pursuant to an Act of the General Assembly, approved March 9, 1945 (Ga. L.

1945, p. 1100, et seq.), as amended. Pending the establishment of a new pension system as hereinafter provided in Section 8-301, the consolidated government shall continue in force and effect the said Muscogee County, Georgia pension system for county employees covered thereby who are employed by the consolidated government, and the services of such employees shall not be deemed to have been interrupted by the adoption of this Charter.

Sec. 8-301. Establishment of new pension systems; merging of existing systems.

The Council is hereby authorized and empowered to establish and maintain a new pension system or pension systems affecting new employees and such other employees as desired to be covered thereby and to revise, combine and consolidate any pension system in effect at the time of adoption of this Charter, and further, is specifically authorized, whenever Social Security provisions are legally available to employees or any group of employees of the consolidated government, to provide for the integration of such Social Security provisions with any existent or new pension system; provided however, that in no event shall any revision, combination or consolidation of any existing pension system in effect when this Charter is adopted, result in the curtailment or diminishment of any right accrued under any existing pension system to any person heretofore employed by the City of Columbus, Muscogee County, or of any agency of such former governments.

Sec. 8-302. Merit service.

(1) All positions in the service of the consolidated government shall be in the merit service except the following:

- (a) Officers elected by the people and persons appointed to fill vacancies in elective offices;
- (b) The members of boards, commissions and authorities;
- (c) The city manager, city attorney, director of public safety, recorders and recorders pro tem., clerk of Council, and heads and directors of departments;

- (d) Persons temporarily employed in a professional or scientific capacity or to conduct a special inquiry, investigation, examination or installation;
- (e) Temporary or part-time employees; and
- (f) Such other positions as may be excepted by ordinance of the Council.

(2) All officers and employees in the merit service shall be governed by and subject to the Code of Ethics and Prohibited Practices set forth in Appendix Two hereof, which appendix is hereby made a part of this Charter.

Sec. 8-303. Personnel rules and regulations.

The department of administration or other agency designated by ordinance of the Council shall prepare and recommend to the city manager such personnel rules and regulations as may be necessary to carry out the provisions of this Charter with respect to persons in the merit service. When approved by the city manager, such rules and regulations shall be submitted to the mayor who shall propose them to the Council for adoption with such changes as he deems desirable. The Council may by ordinance adopt them with or without amendment and may amend the same from time to time. The rules and amendments thereof so adopted shall, to the extent that they are consistent with the terms of this Charter, have the force of law. Among other things, they shall provide for the method of holding competitive examinations; establishment, maintenance, consolidation and cancellation of eligibility lists for the merit service; method of certifying lists for the merit service; method of certifying eligibles for appointment in the merit service; administration of the classification plan and pay plan; methods of promotion and application of service ratings thereto; probationary periods of employment; transfers of employees within the classification plan; hours of work, attendance regulations, vacations, sick leave, and other leaves of absence; overtime pay; the order and manner in which layoffs shall be effected; procedure on appeals to the personnel review board from orders of suspension or

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removal or other disciplinary action; conduct of in-service training programs; and such other matters as may be necessary to provide adequate and systematic handling of the personnel affairs of the consolidated government. (Ga. Laws 1980, Act No. 1187, § 1)

Sec. 8-304. Classification and pay plan.

(1) The department of administration or other agency designated by ordinance of the Council shall prepare and recommend to the city manager a plan of classification and grading for all positions in the classified service according to similarity of authority, duties, and responsibilities. When approved by the city manager such classification plan shall be submitted to the mayor, who shall propose it to the Council for adoption with such changes as he deems desirable. The Council may adopt the plan by ordinance with or without amendment. Such plan shall take effect when adopted by the Council, or on the thirtieth day after it is submitted to the Council if prior thereto the Council has not disapproved it by resolution. Changes in the classification plan may be recommended from time to time in the same manner as herein provided for original adoption of the plan.

(2) The department of administration or other agency designated by ordinance of the Council shall prepare and submit to the city manager a pay plan consisting of a salary range for each class of positions in the classification plan following its adoption. Such pay plan shall provide for regular increments of salary increases within such range to be earned by length of service and satisfactory service ratings. Each such range shall be determined with due regard to the salary ranges for other classes and to the relative difficulty and responsibility of characteristic duties of positions in the class, the minimum qualification required, the prevailing rate paid for similar employment outside the service of the consolidated government, and any other factors that may properly be considered to have a bearing upon the fairness or adequacy of the range. The city manager shall submit the pay plan to the mayor who shall

propose it to the Council for adoption with such changes as he deems desirable and such pay plan shall take effect when adopted by the Council, or on the thirtieth day after it is submitted if prior thereto the Council has not disapproved it by resolution. The pay plan adopted by the Council shall include a minimum and maximum and such intermediate rates as may be deemed desirable for each class of positions. Amendments to the pay schedule may be recommended from time to time in the same manner as herein provided for original adoption of the plan. (Ga. Laws 1980, Act No. 1187, § 2)

Sec. 8-305. Residence of employees.

Except as otherwise provided in this Charter, the Council shall have the power to provide by ordinance from time to time whether the regular, permanent officers and employees of the consolidated government in the merit service, must reside within Columbus, Georgia, during their continuance in such office or employment.

Chapter 4. Amending Charter

Sec. 8-400. Proposal of amendment.

Except as provided in subsection (2) hereof:

- (1) This Charter may be modified, rescinded, changed or amended only by the following methods:
 - (a) An act of the General Assembly of Georgia;
 - (b) An ordinance of the Council duly adopted by the affirmative vote of not less than six of its members favoring such amendment and ratification thereof by the affirmative vote of a majority of the qualified electors of the consolidated government voting in a referendum election as provided in Section 8-401 hereof;
 - (c) A petition of ten per cent (10%) of the electors qualified to vote in the last preceding regular election for offices of the mayor and councilmen filed with the clerk of the Council and ratification thereof by the affirmative vote of a majority of

the qualified electors of the consolidated government voting in a referendum election as provided in Section 8-401 hereof. Any petition filed with the clerk of Council under this section shall be validated by the board of elections in the same manner as provided in Section 6-301 (3) of this Charter for petitions for recall.

- (2) Any proposal for an amendment, modification or rescission of this Charter, the effect of which provides for an abolishment of the consolidated government shall not become effective until approved by a majority of the qualified electors of the consolidated government voting in a referendum election as provided in Section 8-401 and such time as the General Assembly of Georgia has provided for and established a successor government to replace and supersede the consolidated government established by this Charter, and until such event the consolidated government herein created shall continue in full force and effect as if such amendment, modification or rescission had not been adopted. (Ga. Laws 1980, Act No. 1231, § 2)

Sec. 8-401. Election.

When an amendment to this Charter has been properly proposed, either by ordinance or by petition, the board of elections shall call a referendum election not less than 30 days and not more than 45 days after the date of the adoption of the ordinance or the validation of the petition, as the case may be, at which the electorate of Columbus, Georgia will vote to ratify or reject the amendment or amendments proposed; provided however, if a regular election is to be held not less than 30 nor more than 120 days after the adoption of the resolution or the validation of the petition then such referendum election shall be held at the same time as the regular election. The ballot shall be prepared so as to sufficiently set forth the subject matter of each proposed amendment, numbered as the same is numbered in the resolution of the Council or in the petition, and to provide the voters a choice to vote "For Ratification" and "Against Ratification"

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of each proposed amendment. Each proposed amendment shall be ratified when a majority of the votes cast at the special referendum election shall be in favor of ratification, and each proposed amendment shall be rejected when a majority of said votes shall be against ratification. Said election shall be held in accordance with applicable laws governing elections as provided in Chapter 2 of Article VI of this Charter, and the costs of said election shall be paid out of the general funds of Columbus, Georgia. The Judge of Probate Court shall canvass the returns and certify the results to the Secretary of State of Georgia, who shall issue a proclamation showing the results of said election on the ratification or rejection of each proposed amendment to this Charter. One copy of the proclamation shall be attached to the copy of this Charter previously certified to said secretary of state, and one copy shall be delivered to the clerk of the Council who shall attach the same to the copy of the Charter in his custody. (Ga. Laws 1980, Act No. 1232, § 9)

Sec. 8-402. Limitation.

Once a Charter amendment is proposed on a particular subject either by ordinance or by valid petition as provided in Section 8-400 (1), no amendment on the same subject shall be proposed by ordinance or petition within 12 months after the referendum election thereon.

Chapter 5. Miscellaneous Provisions

Sec. 8-500. Fidelity bonds.

All officers and employees of the consolidated government both elective and appointive, shall execute such official bonds in such amounts, and upon such terms and conditions as the law or the Council may from time to time require.

Sec. 8-501. Existing rights and interests.

No provision of this Charter is intended, nor shall be construed, to affect in any way any rights or interests, public or private:

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- a. Vested or accrued as of the effective date of the provision, in whole or in part, the validity of which might be sustained or preserved by reference to any provisions of law repealed by this Charter, except any right or interest in any public elective office, not conferred by this Charter.
- b. Derived from, or which might be sustained or preserved in reliance upon, action taken (including the adoption of ordinances or resolutions) pursuant to or within the scope of any provision of law repealed by this Charter.

Sec. 8-502. Section captions.

The captions to the several sections of this Charter are informative only and are not to be construed as a part thereof.

Sec. 8-503. Effect of repeals.

No law heretofore repealed, expressly or by implication, shall be revived by the repeal herein of the repealing act, or by any provision of this Charter that disclaims an intention to repeal or affect enumerated laws.

Sec. 8-504. Severability clause.

If any section, subsection, paragraph, sentence, clause or phrase of this Charter, or the application thereof to any person or circumstance, should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions or other applications of this Charter, which shall remain in full force and effect; and to this end the provisions of this Charter and the applications thereof are hereby declared to be severable.

Sec. 8-505. Repeal of conflicting laws.

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

**ARTICLE IX
RESERVED***

***Editor's note—Section 1 of Act No. 1230, Ga. Laws 1980, deleted Art. IX, "Interim Provisions," in its entirety. Said article consisted of §§ 9-100—9-110 which pertained to such matters as initial elections, effective date of the Charter, transitional provisions and the like, which sections were unchanged since the adoption of this Charter.**

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APPENDIX ONE

COUNCIL DISTRICTS*

District One.

Beginning at a point where an extension of the center line of 17th Street intersects the west bank of the Chattahoochee River; thence running southwesterly down stream following the meanderings of the west bank of the Chattahoochee to a point where said west bank of the Chattahoochee River is intersected by an extension of the center line of the Upatoie Creek (said line being the Muscogee County and Chattahoochee County boundary line); thence following the Upatoie Creek meanderings to the point of intersection of the United States Military Reservation boundary line with the intersection of the center line of Upatoie Creek; thence running northerly along the United States Military Reservation boundary line to a point where said boundary line turns east; thence running southeasterly along the boundary line of the United States Military Reservation to a point where said boundary line turns north; thence running north along the boundary of the United States Military Reservation to a point where said line intersects with the center line of Cusseta Road; thence running east along the boundary line of the United States Military Reservation to the intersection of the center line of Tiger Creek; thence running north along the center line of Tiger Creek to its intersection with the center line of St. Marys Road; thence running northwesterly along the center line of St. Marys Road to its point of intersection with the center line of Buena Vista Road; thence running northwesterly along the center line of Buena Vista Road to its point of intersection with the center line of the Central of Georgia Railroad; thence running southwest-erly along the center line of the Central of Georgia Railroad to its point of intersection with the center line of Brown Avenue;

*Editor's note—Ordinance No. 81-120, adopted on Oct. 6, 1981, enacted the plan submitted by the Council Districting Commission redistricting the Council districts, which new districts are described herein. The former Council districts had not been amended since the enactment of the Charter.

thence running north along the center line of Brown Avenue to its point of intersection with the center line of Shepherd Drive; thence running westerly along the center line of Shepherd Drive to its point of intersection with the center line of 18th Avenue; thence running north along the center line of 18th Avenue to its point of intersection with the center line of Murray Street; thence running west along the center line of Murray Street to its point of intersection with the center line of Talley Street; thence running north along the center line of Talley Street to its point of intersection with the center line of Collier Street; thence running west along the center line of Collier Street to its point of intersection with the center line of Palmetto Avenue; thence running north-easterly along the center line of Palmetto Avenue to its point of intersection with the center line of Coffee Court; thence running northwesterly along the center line of Coffee Court to its point of intersection with the center line of Ragland Street; thence running westerly along the center line of Ragland Street to its point of intersection with the center line of Magnolia Avenue; thence running northwesterly along the center line of Magnolia Avenue to its point of intersection with the center line of 9th Street; thence running easterly along the center line of 9th Street to its point of intersection with the center line of Oakview Avenue; thence running northwesterly along the center line of Oakview Avenue to its point of intersection with the center line of Wynnton Road; thence running northeasterly along the center line of Wynnton Road to its point of intersection with the center line of Buena Vista Road; thence turning northwesterly along the center line of Buena Vista Road (which becomes 13th Avenue) to its point of intersection with the center line of Midway Drive; thence running southeasterly along the center line of Midway Drive to its point of intersection with the center line of 12th Street; thence running westerly along the center line of 12th Street to its point of intersection with the center line of 10th Avenue; thence running north along the center line of 10th Avenue to its point of intersection with the center line of 13th Street; thence running west along the center line of 13th Street to its point of intersection with the center line of 6th Avenue; thence running north along the center line of 6th Avenue to a point where a northerly extension of the center line of 6th Avenue intersects the center line of the Southern Railroad; thence running northwesterly along

the center line of the Southern Railroad to a point where the center line of the Southern Railroad intersects with the center line of 4th Avenue; thence running north along the center line of 4th Avenue to its point of intersection with the center line of 17th Street; thence running west along the center line of 17th Street extended, to a point which is the point of beginning.

District Two.

Beginning at a point where the center line of St. Marys Road intersects with the center line of Tiger Creek; thence running northwesterly along St. Marys Road to its intersection with the center line of Buena Vista Road; thence running northwesterly along the center line of Buena Vista Road to the center line of the Central of Georgia Railroad; thence running southwesterly along the center line of the Central of Georgia Railroad to a point where the center line of the Central of Georgia Railroad intersects with the center line of Brown Avenue; thence running north along the center line of Brown Avenue to a point where the center line of Brown Avenue intersects with the center line of Shepherd Drive; thence running west along the center line of Shepherd Drive to a point where the center line of Shepherd Drive intersects with the center line of 18th Avenue; thence running north along the center line of 18th Avenue to a point where the center line of 18th Avenue intersects with the center line of Murray Street; thence running west along the center line of Murray Street to a point where the center line of Murray Street intersects with the center line of Talley Avenue; thence running north along the center line of Talley Avenue to a point where the center line of Talley Avenue intersects with the center line of Collier Street; thence running west along the center line of Collier Street to a point where the center line of Collier Street intersects with the center line of Palmetto Avenue; thence running north along the center line of Palmetto Avenue to a point where the center line of Palmetto Avenue intersects with the center line of Coffee Court; thence running northwesterly along the center line of Coffee Court to a point where the center line of Coffee Court intersects with the center line of Ragland Street; thence running westerly along the center line of Ragland Street to a point where the center line of Ragland Street intersects with

the center line of Magnolia Avenue; thence running northwesterly along the center line of Magnolia Avenue to a point where the center line of Magnolia Avenue intersects with the center line of 9th Street; thence running easterly along the center line of 9th Street to a point where the center line of 9th Street intersects with the center line of Oakview Avenue; thence running northwesterly along the center line of Oakview Avenue to a point where the center line of Oakview Avenue intersects with the center line of Wynnton Road; thence running westerly along the center line of Wynnton Road to a point where the center line of Wynnton Road intersects with the center line of 18th Avenue; thence running north along the center line of 18th Avenue to a point where the center line of 18th Avenue intersects with the center line of 13th Street; thence running westerly along the center line of 13th Street to a point where the center line of 13th Street intersects with the center line of Cherokee Avenue; thence running northeasterly along the center line of Cherokee Avenue to a point where the center line of Cherokee Avenue intersects with the center line of 17th Street; thence running east along the center line of 17th Street to a point where the center line of 17th Street intersects with the center line of Dell Drive; thence running southeasterly along the center line of Dell Drive to a point where the center line of Dell Drive intersects with the center line of Macon Road; thence running northeasterly along the center line of Macon Road to a point where the center line of Macon Road intersects with the center line of the Lindsey Creek Bypass; thence running southeasterly along the center line of the Lindsey Creek Bypass to a point where the center line of the Lindsey Creek Bypass intersects with the center line of Buena Vista Road; thence running northeasterly along the center line of Buena Vista Road to a point where the center line of Buena Vista Road intersects with the center line of Floyd Road; thence running northeasterly along the center line of Floyd Road to a point where the center line of Floyd Road intersects with the center line of Forrest Road; thence running northwesterly along the center line of Forrest Road to a point where the center line of Forrest Road intersects with the center line of the Bull Creek; thence running along the center line of the Bull Creek along its meanderings in a northeasterly direction until it intersects with the boundary line of the United States Military Reservation;

thence running south along the boundary line of the military reservation to a point where said line turns east; thence running east along the boundary line of the United States Military Reservation to a point where the boundary line of the military reservation turns south; thence running south along the boundary line of the United States military Reservation to a point where the boundary line of the United States Military Reservation turns west; thence running west along the boundary line of the United States Military Reservation to a point where the boundary line of the United States Military Reservation turns south; thence running south along the boundary line of the United States Military Reservation to a point where the boundary line of the United States Military Reservation turns west; thence running west along the boundary line of the United States Military Reservation to a point where the boundary line of the United States Military Reservation turns south; thence running south along the boundary line of the United States Military Reservation to a point where the boundary line of the United States Military Reservation turns east; thence running east along the boundary line of the United States Military Reservation to a point where the boundary line of the United States Military Reservation meets the center line of the Tiger Creek; thence running southerly along the center line of Tiger Creek to a point where the center line of Tiger Creek intersects the center line of St. Marys Road, which is the point of beginning.

District Three.

Beginning at the point of intersection of the center line of Buena Vista Road with the center line of the Lindsey Creek Bypass; thence running northeasterly along the center line of Buena Vista Road to its intersection with the center line of Floyd Road; thence running northeasterly along the center line of Floyd Road to a point where the center line of Floyd Road intersects with the center line of Forrest Road; thence running northwesterly along the center line of Forrest Road to a point where the center line of Forrest Road intersects with the center line of the Bull Creek; thence running northeasterly along the meanderings of the Bull Creek to a point where the center line of Bull Creek intersects with the boundary line of the United States Military

Reservation; thence running generally in a northerly and north-easterly direction along the boundary line of the United States Military Reservation and then easterly along the boundary line of the United States Military Reservation to the Muscogee County and Talbot County line; thence following the Muscogee County line along its boundary with the Talbot County line to a point where the Muscogee County line meets the Harris County line; thence running west along the Muscogee County line to a point where the Muscogee County line turns north; thence running north along the Muscogee County line to a point where the Muscogee County line turns west; thence running west along the Muscogee County line to a point where the Muscogee County line intersects with the center line of Hamilton Road; thence running south-westerly along the center line of Hamilton Road (which becomes the Beallwood Connector) to a point where the center line of the Beallwood Connector intersects the center line of Airport Thruway; thence running easterly along the center line of Airport Thruway to a point where the center line of Airport Thruway intersects with the center line of the Lindsey Creek Bypass; thence running southeasterly along the Lindsey Creek Bypass to a point where the center line of the Lindsey Creek Bypass intersects with the center line of Buena Vista Road, which is the point of beginning.

District Four.

Beginning at a point where the center line of the Lindsey Creek Bypass intersects with the center line of Macon Road; thence running along the center line of Macon Road in a south-westerly direction to a point where the center line of Macon Road intersects with the center line of Dell Drive; thence running northwesterly along the center line of Dell Drive to a point where the center line of Dell Drive intersects with the center line of 17th Street; thence running west along the center line of 17th Street to a point where the center line of 17th Street intersects with the center line of Cherokee Avenue; thence running south-westerly along the center line of Cherokee Avenue to a point where the center line of Cherokee Avenue intersects with the center line of 13th Street; thence running westerly along the center line of 13th Street to a point where the center line of 13th

Street intersects with the center line of 18th Avenue; thence running south along the center line of 18th Avenue to a point where the center line of 18th Avenue intersects with the center line of Wynnton Road; thence running southwesterly along the center line of Wynnton Road to a point where the center line of Wynnton Road intersects with the center line of Buena Vista Road; thence running northwesterly along the center line of Buena Vista Road (which becomes 13th Avenue) to a point where the center line of 13th Avenue intersects with the center line of Midway Drive; thence running southwesterly along the center line of Midway Drive to a point where the center line of Midway Drive intersects with the center line of 12th Street; thence running west along the center line of 12th Street to a point where the center line of 12th Street intersects with the center line of 10th Avenue; thence running north along the center line of 10th Avenue to a point where the center line of 10th Avenue intersects with the center line of 13th Street; thence running west along the center line of 13th Street to a point where the center line of 13th Street intersects with the center line of 6th Avenue; thence running north along the center line of 6th Avenue to a point where a northerly extension of 6th Avenue would intersect with the center line of the Southern Railroad; thence running northwesterly along the center line of the Southern Railroad to a point where the center line of the Southern Railroad intersects with the center line of 4th Avenue; thence north along the center line of 4th Avenue to a point where the center line of 4th Avenue intersects with the center line of 17th Street; thence running west along the center line of 17th Street to a point where an extension of the center line of 17th Street intersects with the west bank of the Chattahoochee River; thence running northwesterly following the meanderings of the west bank of the Chattahoochee River to a point which is the Muscogee County and Harris County boundary line; thence running east along the Muscogee County line to a point where the boundary line of Muscogee County and Harris County intersects with the center line of Hamilton Road; thence running southerly and southwest-erly along the center line of Hamilton Road (which becomes the Beallwood Connector) to a point where the Beallwood Connector intersects with the center line of the Airport Thruway; thence

running easterly along the center line of the Airport Thruway to a point where the center line of the Airport Thruway intersects the center line of the Lindsey Creek Bypass; thence running southeasterly along the center line of the Lindsey Creek Bypass to a point where the center line of the Lindsey Creek Bypass intersects with the center line of Macon Road, which is the point of beginning.

APPENDIX TWO

CODE OF ETHICS AND PROHIBITED PRACTICES

1. Conflict of Interest.
2. Disclosure.
3. Use of Public Property.
4. Testimony of Public Officials Relating to Public Affairs.
5. Contracts Voidable and Rescindable.
6. Ineligibility of Elected Officials.
7. Political Activities of Certain Officers and Employees.
8. Penalties for Violation.

1. Conflict of Interest.

No elected official, appointed officer or employee of the consolidated government or any office, department or agency thereof shall knowingly:

- (a) Engage in any business or transaction or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his official duties or which would tend to impair his independence of judgment or action in the performance of his official duties;
- (b) 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 his independence of judgment or action in the performance of his official duties;
- (c) Disclose confidential information concerning the property, government or affairs of the consolidated government or any office, department or agency thereof without proper legal authorization, or use such information to advance the financial or other private interest of himself or others;
- (d) 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 or indirectly in any manner whatsoever in business dealings with the consolidated government or any office, department or agency thereof; provided, how-

ever, that an elected official who is a candidate for public office may accept campaign contributions and services in connection with any such campaign;

- (e) Represent private interests in any action or proceeding against the consolidated government or any office, department or agency thereof;
- (f) Vote or otherwise participate in the negotiation or the making of any contract with any business or entity in which he has a financial interest.

2. Disclosure.

Any elected official, appointed officer or employee of the consolidated government who shall have any private financial interest, directly or indirectly, in any contract or matter pending before or within any office department or agency thereof shall disclose such private interest to the Council. The mayor or any councilman who has a private interest in any matter pending before the Council shall disclose such private interest and such disclosure shall be entered on the records of the Council and he shall disqualify himself from participating in any decision or vote relating thereto. Any elected official, appointed officer or employee of any office, department or agency to which this code of ethics applies who shall have any private financial interest, directly or indirectly, in any contract or matter pending before or within such office, department or agency shall disclose such private interest of the Council.

3. Use of public property.

No elected official, appointed officer or employee of the consolidated government or of any office, department or agency thereof to which this code of ethics applies shall use property owned by the consolidated government for personal benefit, convenience or profit except in accordance with policies promulgated by the Council.

4. Testimony of public officials relating to public affairs.

Any office or employee of the consolidated government who is duly and properly called as a witness before any con-

solidated government, state or federal judicial or administrative tribunal, and who shall before such tribunal fail to answer any proper question concerning the performance of his official duties, shall be guilty of a violation of this code of ethics.

5. Contracts voidable and rescindable.

Any contract between the consolidated government or any agency or entity to which this code of ethics applies and another party shall be voidable or rescindable at the option of the consolidated government at any time if any elected official, appointed officer or employee of the consolidated government or any office, department or agency thereof has any interest in such contract and does not disclose such interest in accordance with paragraph 2 hereof.

6. Ineligibility of elected officials.

Except where authorized by law or as expressly provided in this Charter, neither the mayor nor any councilman shall hold any other elective office during the time for which he was elected unless such councilman or mayor, prior to qualifying for election to such elective office shall submit his resignation from his position as councilman or mayor, to be irrevocably effective on or before the date on which the tenure of office for which he offers is scheduled to begin. No former mayor and no former councilman shall hold any compensated appointive office in the government until one (1) year after the expiration of the term for which he was elected. (Ga. Laws 1974, Act No. 1070, § 1)

7. Political activities of certain officers and employees.

(a) No appointive officer or employee of the consolidated government shall continue in such employment upon qualifying as a candidate for nomination or election to any public office, nor shall any appointive officer or employee thereof electioneer for a candidate or take any part in the management of the affairs of any political party or in any political campaign, except to exercise his right as a citizen privately to express his opinions and cast his vote.

(b) No appointive officer or employee of the government shall be granted any leave of absence for the purpose of engaging in any of the activities set forth in paragraph (a) hereof.

8. Penalties for violation.

Officials, officers and employees of the consolidated government may be punished for violation of paragraphs 1 through 7 hereof as follows:

- (a) The Mayor and members of the Council shall be subject to removal from office as provided in Article VI of this Charter;
- (b) All appointed officers and department heads not in the merit service shall be subject to removal from office as provided in Article III, Chapter 1, Section 3-104 (4) of this Charter;
- (c) Members of the merit service, upon violation of the code of ethics as provided for herein, shall be subject to dismissal in accordance with the personnel rules and regulations adopted by the Council.

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CHARTER COMPARATIVE TABLE

(Disposition of provisions incorporated into Charter, Ex Act No. 2
of 1971, H.B. No. 13-Ex)

Year and Number	Date of Approval	Section	Disposition	
1971, Ex Act No. 3	10- 5-71	1	3-104(1)	
		2	3-201(4)	
		3	4-201(7)	
Ga. Laws	Act No.	Section	Disposition	
1971	214	1	Art. V, Ch. 3(title)	
		2	5-300	
1972	956	1, 2	7-403(1), (2)	
	957	1	3-101	
1973	716	1	7-103(1)	
1974	1069	1	3-103(1)	
		2	3-100(1)	
	1070	1	App. II, § 6	
	1185	1	8-201(1)	
	1186	1—3	3-302(2)—(4)	
1975	340	1	4-622	
1979	212	1	1-100	
1980	1183	1	Rpld 4-611—4-613, 4-625, 4-626	
		2	Rpld 4-623(3), (4)	
	1185	1	Rpld 7-204(5)—(10)	
	1186	1	Rnbd 4-322(3) as (4)	
		Added	4-322(3)	
	1187	1, 2	8-303, 8-304	
	1229	1	Rpld 3-201(3)	
		Rnbd	3-201(4)—(9) as (3)—(8)	
		2	4-201(7)	
	1230	1	Rpld Art. IX, 9-100—9-110	
				8-200(1)
	1231		1	8-400(1)
			2	4-302 ed. note
	1232		1	Art. V, Ch. 2(title)
			2	5-200
		3	6-102(1)	
		4	6-301	
		5	8-101	
		6	8-104, 8-105	
		7, 8	8-401	
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Ga. Laws	Act No.	Section	Disposition
	1233	1	7-201
	1234	1	8-100(1)
	1235	1	1-103(2)
	1236	1	3-102
		2	4-200(3)
	1237	1	Rpld 4-610—4-613, 4-622, 4-623, 4-625, 4-626
	1238	1	3-103(4)
	1352	1	7-300(1)
1981	310	1	4-610

Ordinance Number	Date of Adoption	Date of Referendum	Section	Disposition
75-84	9- 2-75		1	4-622(note)
75-85	9- 9-75		1	7-102
		2- 2-82		7-102
81-120	10- 6-81			App. One
82-55	7-20-82	11- 8-82	1	4-102(2), 4-201(3)a., b., 4-322, 4-500
			Rpld	4-320, 4-321

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