

## **Charter for Columbus, Georgia** <sup>(1)</sup>

[ARTICLE I. - CREATION, FORM, BOUNDARIES AND SERVICES OF CONSOLIDATED GOVERNMENT](#)

[ARTICLE II - POWERS AND DUTIES](#)

[ARTICLE III - LEGISLATIVE BRANCH](#)

[ARTICLE IV - EXECUTIVE BRANCH](#)

[ARTICLE V - JUDICIAL BRANCH](#)

[ARTICLE VI - ELECTION AND RECALL](#)

[ARTICLE VII - REVENUE AND FINANCIAL ADMINISTRATION](#)

[ARTICLE VIII - GENERAL PROVISIONS](#)

[ARTICLE IX. - RESERVED](#)

[APPENDIX ONE - RESERVED](#)

[APPENDIX TWO - CODE OF ETHICS AND PROHIBITED PRACTICES](#)

[CHARTER COMPARATIVE TABLE](#)

<sup>(1)</sup> **Editor's note**— Printed herein is the Charter, as approved by the Governor on April 5, 1993, numbered Act. No. 279 (H.B. 634). Amendments to the Charter are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original Charter. Obvious misspellings have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines and citations to state statutes has been used. Additions made for clarity are indicated by brackets.

[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 pursuant 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 county-wide government with powers and jurisdiction throughout the territorial limits of Muscogee County, which single 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 supersedes 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 the 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.

[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 or her 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 (2) 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 (1) 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 (2) or more taxing districts (herein called "services districts"); provided, however, at least one (1) 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 (1) 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, the Council shall hold one (1) 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 (1) or more newspapers of general circulation in Muscogee County at least twice during the week immediate 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 (1) or more newspapers of general circulation in Columbus, Georgia for a period of once each week for at least two (2) 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 (1)

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.

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.**

(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 power 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

Chapter 2. - Legislative Procedure

Chapter 3. - Council Inquiries and Investigations

### **Chapter 1. - The Council**

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

Sec. 3-101. - Qualifications of councilors

Sec. 3-102. - Compensation and expenses.

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

Sec. 3-104. - Powers of Council.

[Sec. 3-100.](#) - Number; terms of councilors; election.

(1)

The members of the council who are serving as such on January 1, 1993, and any person selected to fill a vacancy in any such offices shall continue to serve as such members for the remainder of their terms of office.

(2)

The council shall consist of ten (10) members. The terms of councilors shall be four (4) years commencing on the regular meeting time set by the council within seven (7) days following the first Monday in January next following their election except that a councilor selected to fill a vacancy shall serve only for the remainder of the unexpired term. Councilors shall be elected as provided in Article VI of this charter. Councilors shall serve until the expiration of their terms of office and until their successors are elected and qualified.

(3)

Each council post shall be numbered. Members of the council serving on January 1, 1993, and any successor to such a member filling a vacancy for an unexpired term shall continue their respective post designations in effect on January 1, 1993, for the remainder of the term of office. Beginning with the regular elections in 1994 and 1996, the post numbers shall correspond with the numbering of the respective council districts as members are elected to the eight (8) council districts provided for in Section. 6-101 of this charter. The member elected to the council as an at-large member in 1994 shall continue to be, the designated Post 9 councilor and the member elected to the council as an at-large member in 1996 shall continue to be the designated Post 10 councilor. After the regular elections in 1994 and 1996, the council shall have eight (8) district councilors and two (2) councilors at large.

[Sec. 3-101.](#) - Qualifications of councilors

A councilor shall be a citizen of the United States; shall have been a resident and qualified elector of the consolidated government for a least two (2) years prior to the date of his or her election; and shall be at least twenty-one (21) years of age when elected to office. In addition to such qualifications, a district councilor shall have been a resident of the district from which elected for a period of at least one (1) year prior to the date of his or her election and shall continue to reside therein, during his or her term of office. Any councilor who removes his or her residence from the consolidated government or in the case of a district councilor, from the district from which elected, shall thereby vacate his or her office. No person holding the office of councilor shall hold any other elective public office or any appointive position of employment within the consolidated government.

[Sec. 3-102.](#) - Compensation and expenses.

Councilors shall receive as compensation for their services an amount fixed by ordinance. Except as otherwise provided by Section 4-203 of this Charter, each councilor shall receive the same salary and no increase or decrease in the annual compensation of councilors shall become effective until the day of the commencement of the terms of councilors 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.

[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 (1) 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 councilor 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 (6) 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 canceled 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 fewer 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 (6) members of the total membership of the Council upon no less than twelve (12) 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 either before or after the meeting. Special meetings may be held at any time without notice upon attendance at such meeting 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 councilor from a regular meeting of the Council, there shall be deducted from the pay of such councilor a sum equal to two (2) percent of the annual salary of the councilor; provided however, there shall be no deductions from the pay of a councilor 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 (5) consecutive regular meetings shall operate to vacate the seat of a councilor, 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 or her by this Charter or by the Council.

[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 Charter, 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 proclamation and such proclamations shall have the force and effect of ordinances adopted by the Council and violators shall be 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, as set forth in section 1-8 of this Code.

(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 or her duties, or violation of the Code of Ethics provided in Appendix Two of this Charter. The charges shall be presented in writing to the appointing authority, and if he or she 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 or she may be suspended or dismissed from the service of the consolidated government by the affirmative vote of seven (7) 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.

## **Chapter 2. - Legislative Procedure**

Sec. 3-200. - Legislation by ordinance.

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

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

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

Sec. 3-204. - Codes of technical regulations.

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

Sec. 3-206. - Publication of ordinances by caption only; publication in full.

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, add 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 (1) 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 (1) public improvement and the issuance of bonds therefor.

(3)

No ordinance shall be passed and adopted until it has been read at two (2) regular meetings not less than one (1) week apart. The requirement of such reading may be

dispensed with at either or both of such meetings by the affirmative vote of six (6) members of the Council. Where the Council determines 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 (1) 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 councilors 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 (6) 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.

[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 or her signature as promptly as possible following its adoption.

(2)

Within five (5) days after such presentation, the mayor shall return the ordinance to the clerk with or without his or her 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 subsections (1) and (2) hereof or does not resubmit the ordinance with his or her 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 or her 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 or her 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 (6) 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.

[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 or her signature each ordinance which had 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, by October 5, 1974, 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.

(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 of ordinances by caption only; publication in full.

The caption of every ordinance showing its general contents shall be published once, within ten (10) days after becoming law, in the newspaper having the largest circulation in Columbus, Georgia, and this publication will include notice of the office of consolidated government in which the full text of the ordinance is available for public inspection, except that if the cost of publishing the full text of the ordinance does not exceed ninety-nine dollars (\$99.00), the full text and not just the caption shall be published as provided in this section, and no notice of the office in which the full text is available shall then be required to be published.

## **Chapter 3. - Council Inquiries and Investigations**

Sec. 3-300. - Inquiries and investigations.

Sec. 3-301. - Investigations to be public.

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

Sec. 3-303. - Conduct of proceedings.

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 issued 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 or she may deem proper, not to exceed a fine of one hundred dollars (\$100.00) or imprisonment not to exceed ten (10) days or both in the discretion of the court, with the right of appeal to the State Court of Columbus, Georgia, as hereinafter provided.

Sec. 3-301. - Investigations to be public.

All inquiries and investigation 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 or her 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**

[Chapter 1. - Organization and General Provisions](#)

[Chapter 2. - The Mayor](#)

[Chapter 3. - City Officers](#)

[Chapter 4. - Reserved.](#)

[Chapter 5. - Reserved.](#)

[Chapter 6. - Boards, Commissions, and Authorities: Functions](#)

[EXECUTIVE BRANCH](#) >> [Chapter 1. - Organization and General Provisions](#) >>

### **Chapter 1. - Organization and General Provisions**

[Sec. 4-100.](#) - Executive powers.

[Sec. 4-101.](#) - Organization.

[Sec. 4-102.](#) - General provisions concerning departments.

[Sec. 4-103.](#) - General provisions concerning boards, commissions and authorities.

[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 consist of the office of the mayor; the office of city manager; the directors of departments; and departments, boards, commissions and authorities ordained by the Council or established by law.

[Sec. 4-102.](#) - General provisions concerning departments.

(1)

The operations and responsibilities of each department in the consolidated government shall be distributed among such divisions or bureaus as may be provided for by ordinance of Council. Each department shall consist of such officers, employees, and positions as may be provided 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 or her 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.

[Sec. 4-103.](#) - General provisions concerning boards, commissions and authorities.

(1)

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 or she shall have executed and filed with the Clerk of the Council an oath obligating himself or herself to faithfully and impartially perform the duties of his or her 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 (6) 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.

## **Chapter 2. - The Mayor**

[Sec. 4-200.](#) - Term; qualification; compensation; election.

[Sec. 4-201.](#) - Powers and duties.

[Sec. 4-202.](#) - Limitation on terms of service; other elective office.

[Sec. 4-203. - Mayor pro tem; powers; duties.](#)

[Sec. 4-200. - Term; qualification; compensation; election.](#)

(1)

(A)

The mayor who is serving as such on January 1, 1993, and any person selected to fill a vacancy in such office shall continue to serve as mayor for the remainder of the unexpired term of office.

(B)

The mayor of the consolidated government (herein referred to as the "mayor") shall be elected for a term of four (4) years and shall assume office on the first Monday in January next following his or her election and shall serve until a 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 (2) years prior to the date of his or her election, and shall be at least twenty-five (25) years of age when elected to office. If the mayor shall cease to be a resident and qualified elector during his or her term of office he or she shall forthwith forfeit the office and the Council shall declare the 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 or her term of office.

[Sec. 4-201. - Powers and duties.](#)

The mayor shall have the power and the duty:

(1)

To be the official spokesperson 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 the mayor or by officers subject to the mayor's 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 (6) 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 (6) 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 legal 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 intergovernmental relations, particularly where questions of public policy are at issue;

(13)

To appoint for his or her information and assistance, advisory boards, commissions, and committees which shall be answerable only to the mayor, but whose actions shall be advisory in nature;

(14)

To direct, supervise and coordinate the administration and activities of the department of safety;

(15)

Subject to the approval of six (6) members of the Council, to appoint and remove division heads such as the police and fire chief and such other officers as prescribed by ordinance;

(16)

To 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; and

(17)

To perform such other functions and duties as required by law, this Charter, or ordinance, or resolution of the Council.

[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 or her 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 the mayor's 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 (1) 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 councilor who serves as mayor pro tem shall receive an annual salary equal to the annual salary of councilors plus such additional compensation as may be fixed from time to time by ordinance of the Council.

## **Chapter 3. - City Officers**

### Subchapter A. City Manager

[Sec. 4-300.](#) - Appointment and removal.

[Sec. 4-301.](#) - Residence and compensation.

[Sec. 4-302.](#) - Powers and duties.

[Sec. 4-310.](#) - Appointment and removal.

[Sec. 4-311.](#) - Qualifications; compensation.

[Sec. 4-312.](#) - Duties.

[Secs. 4-320, 4-321. - Reserved.](#)

[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 or her 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 (7) 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 or her appointment, but residence in the consolidated government must be acquired within three (3) months thereafter and thereafter retained during his or her term of office. The city manager 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 or her 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 the city manager's 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 or she 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 probate judge;

(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.

#### 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 ground for his or her 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 (7) 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 (5) 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.

### **Chapter 4. - Reserved.**

### **Chapter 5. - Reserved.**

### **Chapter 6. - Boards, Commissions, and Authorities: Functions**

#### Subchapter A. Departmental

Sec. 4-600. - Board of water commissioners; laws continued in force; terms construed.

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

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

Sec. 4-610. - Personnel review board.

Secs. 4-611—4-613. - Reserved.

Sec. 4-620. - Housing authority (reserved)

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

Sec. 4-622. - Reserved.

Sec. 4-623. - Industrial and port development commission.

[Sec. 4-624. - Board of tax assessors.](#)

[Secs. 4-625, 4-626. - Reserved.](#)

[Sec. 4-627. - Airport commission; redesignation; application of law; terms construed.](#)

[Sec. 4-628. - Reserved.](#)

[Sec. 4-629. - Columbus building authority.](#)

[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), 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 "Muscookee 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 (18) months following October 5, 1971. 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.

[Sec. 4-601. - Board of health; redesignation; application of law; terms construed.](#)

On October 5, 1971, 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), 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 "Muscookee County" shall be construed to mean Columbus, Georgia; the term "chairman of the board of commissioners of roads and revenues of Muscookee

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 October 5, 1971, 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.

(1)

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.

(2)

Pursuant to the authority of Code Section 36-1-21 of the O.C.G.A., the personnel review board shall hear appeals by employees of elected county officers and employees of other commissions, boards, or bodies of the county when said county officers or commissions or boards or bodies make written application for the inclusion of their employees in the merit system of the consolidated government, and such appeals shall be heard under the provisions of the Columbus Personnel Regulations or under such other provisions as may be ordained by the Council.

(3)

The personnel review board shall consist of five (5) regular members and five (5) alternate members. Each alternate member shall be designated as the alternate for a particular regular member. In the absence of any regular member, the alternate so designated for his or her place shall sit as a substitute for said absent member and shall be empowered to act as a regular member until such time as the proceedings begun in the absence of the regular member are concluded.

[Secs. 4-611—4-613.](#) - Reserved.

#### Subchapter C. Nondepartmental

[Sec. 4-620.](#) - Housing authority (reserved)

[Sec. 4-621.](#) - Hospital authority; redesignation; application of law; terms construed.

On October 5, 1971, 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 Article 4 of Chapter 7 of Title 31 of the O.C.G.A., the "Hospital Authorities Law," as now or hereafter amended, shall apply to the consolidated government. As used in said article, 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 (5) years following October 5, 1971, 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 Article 4 of Chapter 7 of Title 31 of the O.C.G.A., the "Hospital Authorities Law," as amended.

[Sec. 4-622.](#) - Reserved.

[Sec. 4-623.](#) - Industrial and port development commission.

(1)

There is hereby created for Columbus, Georgia, an agency to be known as the "Columbus Industrial and Port Development Commission." Said Commission shall be a separate public entity and a public corporation.

(2)

The Commission shall consist of seven (7) members who shall be appointed by the Council of Columbus, Georgia, and they shall serve for a term of five (5) years and may be reappointed. Vacancies shall be filled for the unexpired term by the said Council. A majority of the members shall constitute a quorum, and a majority may act for the Commission in any matter. No vacancy shall impair the power of the Commission to act.

(3)

On October 5, 1971, the Muscogee County Industrial Development Authority, created by an amendment to Article VII, Section V, Paragraph I of the Constitution of Georgia of 1945, as amended, and as ratified at the general election held on November 5, 1968 (Ga. L. 1967, p. 947), shall stand abolished. Thereupon, the Columbus Industrial and Port Development Authority created by this section shall succeed, replace, and have the powers and duties in every respect and shall perform every function as were formerly possessed and performed by the Muscogee County Industrial Development Authority and all rights, privileges, obligations and powers heretofore vested therein by said constitutional amendment (Ga. L. 1967, p. 947) are hereby transferred to and vested in the Columbus Industrial and Port Development Commission and to such extent said constitutional amendment is continued in unimpaired force and effect.

(4)

On October 5, 1971, the Muscogee County Port Development Commission, created pursuant to an amendment to Article VII, Section VII, Paragraph V of the Constitution of the State of Georgia of 1945, as amended, and as ratified at the general election held on November 8, 1966, (Ga. L. 1965, p. 702), shall stand abolished. Thereupon the Columbus Industrial and Port Development Commission created by this section shall succeed, replace, and have the powers and duties in every respect and shall perform every function as were formerly possessed and performed by the Muscogee County Port Development Commission, and all rights, privileges, obligations and powers heretofore vested therein by said constitutional amendment (Ga. L. 1965, p. 702) are hereby transferred to and vested in the Columbus Industrial and Port Development Commission and to such extent said constitutional amendment is continued in unimpaired force and effect.

(5)

Property, real or personal, acquired, constructed, equipped or installed from the proceeds of any revenue bonds issued by the Commission shall not be exempt from ad valorem property taxation without the approval of the Council, and in the event such property shall be owned by the Commission, the person, firm or corporation leasing such property

from the Commission shall make payments to Columbus, Georgia, in lieu of ad valorem property taxes which would have been owed had the property been owned by such person, firm or corporation, unless such payment shall be waived by the Council. The revenue bonds of the Commission, their transfer and the income therefore (therefrom) shall at all times be exempt from taxation within the State of Georgia.

[Sec. 4-624.](#) - Board of tax assessors.

There is created a board of tax assessors for the consolidated government, which shall consist of five (5) members appointed by the Council for six-year staggered terms of office as specified by ordinance of the Council. 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 (1) of its members as chairperson and its members shall receive such compensation as fixed by ordinance of the Council. No person shall hold or perform the duties of tax assessor unless his or her qualifications shall meet the requirements established by Code Section 48-5-291 of the O.C.G.A.

[Secs. 4-625, 4-626.](#) - Reserved.

[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 1 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 (5) years following October 5, 1971, transfer the administrative and operational powers and functions of the commission to the department of transportation under this charter.

[Sec. 4-628.](#) - Reserved.

[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](#)

[Chapter 2. - Probate Court](#)

[Chapter 3. - State Court](#)

[Chapter 4. - Municipal Court](#)

[Chapter 5. - Juvenile Court](#)

[Chapter 6. - Recorder's Court](#)

### **Chapter 1. - Superior Court**

[Sec. 5-100. - Unaffected by Charter.](#)

[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.](#)

[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.

## **Chapter 3. - State Court**

[Sec. 5-300. - Redesignation.](#)

[Sec. 5-301. - Laws continued in force; terms construed.](#)

[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), 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.

[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.**

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

### **Sec. 5-402. - Jurisdiction.**

### **Sec. 5-400. - Redesignation.**

On October 5, 1971, 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), 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, it 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 without interruption resulting from the adoption of this Charter and said Act creating said court (Ga. L. 1915, p. 63) 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 (\$5,000.00), 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.

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 conflict 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.

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.

Sec. 5-606. - [Department of Transportation/METRA to have jurisdiction to collect fines from uncontested parking citations.]

[Sec. 5-600.](#) - Redesignation; laws continued in force.

On October 5, 1971, the mayor's court of the City of Columbus established pursuant to an Act of the General Assembly approved November 29, 1890 (Ga. L. 1890-1691, Vol. Two, p. 469), 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), 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 the Charter and except as otherwise provided by this Charter, those provisions of the Act continuing said court (Ga. L. 1921, p. 823), 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; and 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 the 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 Chapter 6 of Title 40 of the O.C.G.A., as now amended and as hereafter amended by the State of Georgia; violations of the laws of the State of Georgia requiring the registration and licensing of motor vehicles as required by Chapter 2 of Title 40 of the O.C.G.A., 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 Chapter 5 of Title 40 of the O.C.G.A., 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 October 5, 1971, 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 thirty (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 (5) 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 (1) or more clerks pro tempore who shall prepare the court dockets, maintain all court records, and serve as the court's chief administrative officer.

[Sec. 5-606.](#) - [Department of Transportation/METRA to have jurisdiction to collect fines from uncontested parking citations.]

Notwithstanding the foregoing provisions contained in this Chapter, the Department of Transportation/METRA shall have jurisdiction to collect fines from uncontested parking citations for violations of ordinances regulating parking in Columbus, Georgia.

# **ARTICLE VI - ELECTION AND RECALL**

[Chapter 1. - Representation: General Provisions](#)

[Chapter 2. - Conduct of Elections](#)

[Chapter 3. - Recall Elections. Reserved.](#)

[Chapter 4. - Initiative and Referendum](#)

[Chapter 5. - Removal of Mayor or Councilor](#)

## **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.](#)

[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 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 the elections for mayor and councilors at large. The mayor and councilors at large shall be residents of the consolidated government. Each district councilor shall be a resident of the council district he or she represents and shall be elected only by the voters of the district he or she represents.

[Sec. 6-101. - Council districts.](#)

(1)

For the purpose of electing the district councilors, the territory of the consolidated government shall be divided into eight (8) council districts as follows:

*Council District: 1*

MUSCOGEE COUNTY

VTD: 0006 WYNNTON

VTD: 0007 BRITT

VTD: 0008 CARVER (Part)

Tract: 0022.

Block(s): 311, 312, 313, 314, 315, 316, 317, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 414, 416

Tract: 0028.

Block(s): 301, 302, 303, 304, 305, 306, 405, 406, 501, 502, 503, 504, 505, 506, 601, 602, 603, 604, 801, 802, 803, 805, 806, 808

Tract: 0029.01

Block(s): 101, 102, 103, 104, 106, 107, 108, 109, 110, 111, 112, 114, 115, 116, 117

VTD. 0009 RIGDON

VTD: 0010 DIMON (Part)

Tract: 0029.01

Block(s): 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 221, 222, 223, 224, 225

Tract: 0107.01

Block(s): 117, 119, 120, 134, 201, 202, 203, 204, 205, 208, 209, 210, 212, 213, 215, 216, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230

Tract: 0107.02

Block(s): 113, 114, 115, 116, 117, 118, 119, 136, 137, 201, 202, 221, 222, 223, 224, 225, 226, 228

*Council District: 2*

MUSCOGEE COUNTY

VTD: 0017 BRITT DAVID

VTD: 0018 BLANCHARD (Part)

Tract: 0102.02

Block(s): 103, 109, 110, 139, 140, 141, 142, 149

VTD: 0020 MORNINGSIDE (Part)

Tract: 0102.02

That part of Block 102 which lies west of New Moon Road

VTD: 0031 BEALLWOOD

VTD: 0032 DOUBLE CHURCHES

VTD: 0033 FORTSON

VTD: 0035 32B

*Council District: 3*

MUSCOGEE COUNTY

VTD: 0003 EDDY (Part)

Tract: 0031.

Block(s): 101, 105, 106, 107, 110, 111, 202, 203, 206, 207, 208, 209

Tract: 0034.

Block(s): 101, 102, 103, 104, 105, 106, 107, 108, 109, 201, 202, 203, 204, 205, 206, 207, 208, 301, 302, 303, 304, 305, 306, 307, 308, 401, 402, 403, 404, 405, 406, 407, 408, 409

Tract: 0109.

Block(s): 901

VTD: 0004 BAKER

VTD: 0005 SAINT MARY S (Part)

Tract: 0029.02



Block(s): 102, 103, 104, 105, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 120C, 121, 124, 128A, 128B, 130B, 130C, 131

Tract: 0107.03

Block(s): 124, 125, 201B, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 218

VTD: 0008 CARVER (Part)

Tract: 0028.

*Block(s):* 401, 402, 403, 404, 407, 408

Tract: 0029.02

Block(s): 101

VTD: 0010 DIMON (Part)

Tract: 0029.01

Block(s): 212, 213, 214, 215, 216, 217, 218, 219, 220, 227, 229

Tract: 0107.02

Block(s): 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 227, 229, 230

*Council District: 4*

MUSCOGEE COUNTY

VTD: 0005 SAINT MARY S (Part)

Tract: 0107.03

Block(s): 102, 103, 104, 105, 106, 107, 108, 109, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 219

VTD: 0011 DAWSON

VTD: 0012 WESLEY HEIGHTS

VTD: 0013, REGENCY HEIGHTS

*Council District: 5*

MUSCOGEE COUNTY

VTD: 0014 ROTHSCHILD

VTD: 0015 EDGEWOOD

VTD: 0016 GENTIAN

VTD: 0019 REESE ROAD

VTD: 0027 CLUBVIEW (Part)

Tract: 0011.

Block(s): 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 126, 127, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 301, 303, 304, 318, 319, 320, 321, 322

*Council District: 6*

MUSCOGEE COUNTY

VTD: 0018 BLANCHARD (Part)

Tract: 0104.01

Block(s): 101

That part of Block 102 which lies east of New Moon Road

Block(s): 103, 104, 105, 106, 107, 108, 109, 110, 112, 115, 116, 117, 118, 119, 120, 121

VTD: 0020 MORNINGSIDE (Part)

Tract: 0102.02

Block(s): 101, 102, 104, 105, 106, 107, 108, 111, 112, 113, 117, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 131, 133, 134, 135, 137, 144, 145, 147, 148, 150, 151, 152, 153, 301, 318

Tract: 0104.02

Block(s): 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 127, 201, 202, 203, 204, 902

VTD: 0021 MIDLAND

VTD: 0022 UPATOI

VTD: 0034 21A

*Council District: 7*

MUSCOGEE COUNTY

VTD: 0001 COURTHOUSE

VTD: 0002 NORTH LUMPKIN

VTD: 0003 EDDY (Part)

Tract: 0031.

*Block(s):* 102, 103, 104, 108, 109, 112, 113, 201, 204, 205, 210, 211, 212, 213, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 415, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 901, 907

Tract: 0109.

*Block(s):* 101, 102, 103, 104, 105, 106, 107, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912

VTD: 0024 NORTH HIGHLAND (Part)

Tract: 0015.

*Block(s):* 101, 102, 112, 122, 201, 202, 203, 310

Tract: 0016.

*Block(s):* 101, 108, 111, 113, 123, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 304, 305, 310, 311, 312, 313, 404, 405, 406, 409, 410, 412, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 601, 602, 603, 604, 606, 615

VTD: 0025 EAST HIGHLAND (Part)

Tract: 0013.

*Block(s):* 206, 207, 208

Tract: 0014.

Block(s): 301, 302, 303, 304, 305, 307, 309, 310, 311, 312, 313, 401, 402, 403, 404, 405

Tract: 0015.

Block(s): 103, 110, 111, 113, 114, 115, 117, 118, 120, 121, 123, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 301, 302, 303, 304, 305, 306, 307, 308, 309, 312, 313, 314, 315, 316, 317, 323, 324

Tract: 0018.

Block(s): 101, 115, 405, 406, 409, 410, 414

VTD: 0026 SAINT ELMO (Part)

Tract: 0013.

Block(s): 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 201, 202, 203, 204, 205, 209

Tract: 0018.

Block(s): 105

*Council District: 8*

MUSCOGEE COUNTY

VTD: 0023 WOOD

VTD: 0024 NORTH HIGHLAND (Part)

Tract: 0005.

Block(s): 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 201, 202, 203, 204, 205, 207, 208, 209, 210, 213, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314

Tract: 0006.

Block(s): 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 118, 119, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218

Tract: 0016.

Block(s): 102, 103, 104, 105, 106, 109, 110, 301, 302, 303, 306, 307, 308, 309, 401, 402, 403, 407, 408, 411, 414

Tract: 0110.

Block(s): 119B, 122

VTD: 0025 EAST HIGHLAND (Part) 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 901, 907

Tract: 0109.

Block(s): 101, 102, 103, 104, 105, 106, 107, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912

VTD: 0024 NORTH HIGHLAND (Part)

Tract: 0015.

Block(s): 101, 102, 112, 122, 201, 202, 203, 310

Tract: 0016.

Block(s): 101, 108, 111, 113, 123, 201, 202, 203, 204, 205, 296, 207, 208, 209, 210, 211, 212, 213, 304, 305, 310, 311, 312, 313, 404, 405, 406, 409, 410, 412, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 601, 602, 603, 604, 606, 615

VTD: 0025 EAST HIGHLAND (Part)

Tract: 0013.

Block(s): 206, 207, 208

Tract: 0014.

Block(s): 301, 302, 303, 304, 305, 307, 309, 310, 311, 312, 313, 401, 402, 403, 404, 405

Tract: 0015.

Block(s): 103, 110, 111, 113, 114, 115, 117, 118, 120, 121, 123, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 301, 302, 303, 304, 305, 306, 307, 308, 309, 312, 313, 314, 315, 316, 317, 323, 324

Tract: 0018.

Block(s): 101, 115, 405, 406, 409, 410, 414

VTD: 0026 SAINT ELMO (Part)

Tract: 0013.

Block(s): 102, 103, 104, 105, 106, 107, 108, 109, 110, III, 112, 113, 201, 202, 203, 204, 205, 209

Tract: 0018.

Block(s): 105

*Council District: 8*

MUSCOGEE COUNTY

VTD: 0023 WOOD

VTD: 0024 NORTH HIGHLAND (Part)

Tract: 0005.

Block(s): 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 201, 202, 203, 204, 205, 207, 208, 209, 210, 213, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314

Tract: 0006.

Block(s): 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 118, 119, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218

Tract: 0016.

Block(s): 102, 103, 104, 105, 106, 109, 110, 301, 302, 303, 306, 307, 308, 309, 401, 402, 403, 407, 408, 411, 414

Tract: 0110.

Block(s): 119B, 122

VTD: 0025 EAST HIGHLAND (Part)

Tract: 0008.

Block(s): 202, 203, 204, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321

Tract: 0014.

Block(s): 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 406, 407, 408, 409, 410, 411, 412, 413, 414

Tract: 0015.

Block(s): 104, 105, 106, 107, 108, 109, 124, 125

Tract: 0018.

Block(s): 102, 103, 104, 107, 108, 109, 110, 111, 112, 202, 403, 404, 407, 408, 411, 412, 413

VTD: 0026 SAINT ELMO (Part)

Tract: 0012.

Block(s): 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 121, 122, 123, 133, 201, 203, 204, 205, 206, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219

Tract: 0013.

Block(s): 101, 210

Tract: 0018.

Block(s): 106, 113, 114, 201

Tract: 0019.

Block(s): 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 132

VTD: 0027 CLUBVIEW (Part)

Tract: 0011.

Block(s): 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 302, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317

VTD: 0028 BIBB CITY

VTD: 0029 JOHNSON

VTD: 0030 ARNOLD

(2)

For the purposes of this section:

(a)

The terms "tract," "block," and "VTD" shall mean and describe the same geographical boundaries as provided in the report of the Bureau of the Census for the United States decennial census of 1990 for the State of Georgia;

(b)

The term "Precinct" is synonymous with the term "voting precinct" and means a geographical area designated by Article 7 of Chapter 2 or 3 of Title 21 of the O.C.G.A., within which all electors vote at one (1) polling place;

(c)

Precinct names and designations following VTD designations are included for convenience only; and in the event the description of any council district contains a conflict between the geographical boundaries of any VTD and the boundaries of the following named precinct, the geographical boundary of the VTD as shown on the census maps for the United States decennial census of 1990 for the State of Georgia shall control;

(d)

Any part of the consolidated government which is not included in any council district described in this section shall be included within that council district contiguous to such part which contains the least population according to the United States decennial census of 1990 for the State of Georgia; and

(e)

Any part of the consolidated government which is described in this section as being included in a particular council district shall nevertheless not be included within such council district if such part is not contiguous to such council district. Such noncontiguous part shall instead be included within that council district contiguous to such part which contains the least population according to the United States decennial census of 1990 for the State of Georgia.

(3)

At the regular election in 1994, the (a) mayor shall be elected and the members shall be elected to the council from Council Districts 1, 3, 5, and 7 and the at-large member shall be elected to Post 9. From the commencement of their terms of office as provided in



subsection (2) of Section 3-100 and until the expiration of the terms of members elected to the council in 1992, the council shall consist of the five (5) members elected at the 1994 regular election as provided in this paragraph and the five (5) members elected to the council in 1992 or any successor to such a member who is filling a vacancy for an unexpired term.

(b)

At the regular election in 1996, members shall be elected to the council from Council Districts 2, 4, 6, and 8 and the at large member shall be elected to Post 10. From the commencement of their terms of office as provided in subsection (2) of Section 3-100 and thereafter, the council shall consist of eight (8) district councilors and two (2) councilors at large.

(c)

The mayor and the members elected to the council as provided for in paragraphs (a) and (b) of this subsection and their respective successors shall be elected at the general election held immediately preceding the expiration of their respective terms of office.

[Sec. 6-102.](#) - Reapportionment of council districts.

(1)

The grand jury shall, after each official United States decennial census, nominate four (4) qualified voters from each of the eight (8) council districts as nominees to comprise a districting commission. The mayor and the Council shall each appoint one (1) 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 (6) months, after the publication of each federal census of population of Columbus, Georgia, 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; and

(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 (6) months after receiving such report. If the Council fails to enact a redistricting ordinance with said six (6) 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 (6) months after its becoming effective. No incumbent councilor or member of a board or commission shall be deprived of his or her unexpired term of office because of such redistricting.

## **Chapter 2. - Conduct of Elections**

Section 6-200. - Applicability of general laws.

Sec. 6-201. - Special elections.

Sec. 6-202. - Automatic recount.

[Section 6-200.](#) - Applicability of general laws.

Except as otherwise provided by this charter, regular and special primaries and elections shall be conducted in accordance with provisions of Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," as amended. Pursuant to the authority of Code Section 21-2-139 of the O.C.G.A., elections for Mayor and Council of the Consolidated Government shall be conducted in nonpartisan primaries and elections. As used in said Code, the terms, "election" and "general election" shall be construed to include the term "regular election" as provided in Section 6-100 of this charter; the term "governing authority" shall include the Council, of Columbus, Georgia; the terms "municipal," "municipality" or "county" shall include Columbus, Georgia; the term "public office" shall include elective offices of the consolidated government."

(Ga. Law 1994, Act. No. 941, § 1)

[Sec. 6-201.](#) - Special elections.

In the event the office of mayor or councilor shall become vacant for any cause whatsoever, then such vacancy shall be filled in the manner provided for in this section. If a vacancy occurs within one and one-half (1½) years after the date of a regular election for the office of mayor or councilor, then 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 (1) or more newspapers of general circulation in Columbus, Georgia. If vacancy occurs more than one and one-half (1½) years after the date of a regular election for the office of mayor or councilor, then a person shall be appointed by a majority vote of the total membership of the council to serve until a successor is elected and qualified at a special election held concurrently with the next regular election for the office of mayor or councilor. The successor elected at such special election shall serve the remainder of the unexpired term of such office. 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 (1) percent 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. Reserved.

### 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.

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 (5) percent of the total number of registered voters in the consolidated government as shown by the official registration list filed for the regular election of councilors 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 (5) 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 or her name in ink or indelible pencil and shall place on the petition opposite his or her name the date of his or her signature and his or her place of residence by street and number. The signatures of any such petition need not all be appended to one (1) 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 (1) 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 (5) 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 (5) days cause three (3) printed or typewritten copies of such petition, without the signatures, to be made. The clerk shall cause said three (3) copies of such petition to be placed on file in the clerk's 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 (20) 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 or her name in ink or indelible pencil and shall place thereafter his or her residence by street and number. If during said time qualified voters equal to or exceeding twenty-five (25) percent of the qualified voters in the consolidated government as shown by the official registration list filed for the regular election of councilors 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 (3) months nor less than thirty (30) 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 (60) days nor earlier than thirty (30) days after the publication, of such notice on a date authorized under Code Section 21-2-540 of the O.C.G.A., 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 (30) percent of the registered voters of the consolidated government; otherwise the same shall be submitted at the next regular or special election. At least ten (10) 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 (2) 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 (60) days nor less than thirty (30) 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 (30) 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 is filed with the clerk, and said petition after the filing of the same and within said thirty (30) days, is signed by qualified voters amounting to or exceeding twenty-five (25) percent of the qualified voters as shown by the official registration list filed for the regular election of councilors 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 (5) 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 (30) days after the date of such

certification by the clerk, the ordinance is 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 (20) days after the expiration of said thirty (30) 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. If, when submitted to a vote of the qualified voters, such repeal or amendment is 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 amendment 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 (2) 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 contract for such improvement may be taken prior to the election.

## **Chapter 5. - Removal of Mayor or Councilor**

[Sec. 6-500.](#) - Grounds of removal.

[Sec. 6-501.](#) - Procedure for removal.

[Sec. 6-500.](#) - Grounds of removal.

The mayor or any councilor shall be subject to removal from any office for any one (1) 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 (1) 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 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 probate court; or

(b)

By information filed in the superior court as authorized by Code Section 9-6-64 of the O.C.G.A., as amended.

## **ARTICLE VII - REVENUE AND FINANCIAL ADMINISTRATION**

[Chapter 1. - Revenue and Appropriations](#)

[Chapter 2. - Borrowing and Indebtedness](#)

[Chapter 3. - Property Tax Administration](#)

[Chapter 4. - Budgeting](#)

[Chapter 5. - Procurement and Disposition of Property](#)

### **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.](#)

[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 1, 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.

(1)

As used in this section, the term "ordinary current expenses" means all current expenses, excepting only expenditures for education, for paving or macadamizing streets, and for payment of the principal and interest of the public debt, which shall be known as extraordinary expenses.

(2)

For the purpose of paying the ordinary current expenses of the consolidated government, the Council is hereby empowered and authorized to levy and collect an ad valorem tax upon all property within said government subject to taxation, not to exceed eighteen (18) mills upon the assessed value of said property for the year 1971, and eighteen (18) mills upon the assessed value of said property for each year thereafter; provided, however, that this limitation shall not be deemed to apply to an additional ad valorem tax for hospital purposes as authorized by an Act of the General Assembly, approved February 17, 1949, (Ga. L. 1949, p. 801), as now or hereafter amended, nor to any tax to which such limitation is not applicable under the law. In the event that a local option sales and use tax is enacted by the Council of Columbus, Georgia, said eighteen (18) mills limitation shall be reduced to nine (9) mills for the year following the initial year in which the sales and use tax is enacted and for each year thereafter.

[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 sixty-five (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 exemption as now or hereafter authorized by the Georgia Constitution.

## **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.

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 have shall 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 October 5, 1971, shall not exceed ten (10) percent of the assessed value of all taxable property within the territorial limits of the consolidated government.

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 Chapter 82 of Title 36 of the O.C.G.A., 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 bonds shall be used 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 October 5, 1971, 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 October 5, 1971, 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.

[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.

[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 an Act approved August 9, 1929 (Ga. L. 1929, p. 979).

### **Chapter 3. - Property Tax Administration**

[Sec. 7-300.](#) - Assessing and collecting property taxes.

[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.

## **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.

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, explanation 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 (1) or more newspapers of general circulation within the consolidated government.

(3)

The annual operating and capital budgets shall consist of two (2) 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 improvement 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 of 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 (6) 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 (6) 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 (1) 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 day of June of each year and such budget shall be effective for the fiscal year beginning on July 1. In the event, the Council fail 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 constitute 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 project 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 (30) 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 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 operating 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.

[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 (4) 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.

Sec. 7-501. - Sale 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 or her 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, Council may authorize the execution and delivery in the name of the consolidated government of a deed conveying said cut-off or separate 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

Chapter 2. - Laws Applicable to Consolidated Government

Chapter 3. - Pensions and Personnel

Chapter 4. - Amending Charter

Chapter 5. - Miscellaneous 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.

Sec. 8-100. - Sheriff.

The sheriff of Muscogee County in office on October 5, 1971, and his or her successors in office shall be the sheriff of the consolidated government. The sheriff shall serve for the same term and his or her 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 shall be construed so as to affect the eligibility of the sheriff or sheriff's 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 on October 5, 1971, and his or her successors in office shall be the Judge of Probate Court of the consolidated government. He or she shall serve for the same term and his or her 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.

[Sec. 8-102.](#) - Tax commissioner.

The tax commissioner of Muscogee County in office on October 5, 1971, and his or her successors in office shall be the tax commissioner of the consolidated government. The tax commissioner's 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.

[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 October 5, 1971, the incumbent coroner of Muscogee County shall be the coroner of the consolidated government and his or her 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 (12) 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 be construed as altering the status of the Muscogee County School District; provided, however, that the Muscogee County school board shall consist of fifteen (15) 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.

[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.

## **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.](#)

[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 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 on October 5, 1971, 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.

(b)

An Act of the General Assembly approved April 23, 1969 (Ga. L. 1969, p. 3356).

(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 or 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.

[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.

[Sec. 8-202.](#) - Tort liability.

The tort liability, expressly including liability based on a theory of nuisance, of the consolidated government shall be the tort liability applicable to counties. Such tort liability shall be uniform throughout the territorial limits of the consolidated government.

[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.

[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 there for 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 purpose; 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 grants-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 grants-in-aid from the State of Georgia under any state law or from the United States under any federal law or from any other agency 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 Code Section 48-14-3 of the O.C.G.A., 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 Article 1 of Chapter 17 of Title 36 of the O.C.G.A., as amended, or by any future laws for the purposes set out in Code Section 36-17-1 of the O.C.G.A., as amended, and the provisions of said article or any future such general laws 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 Article 3 of Chapter 40 of Title 36 of the O.C.G.A., as amended, and the provisions of said article, as amended, shall apply in full force and effect to the consolidated government. When state aid or other grants-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 or any future such census, 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 Article 2 of Chapter 40 of Title 36 of the O.C.G.A., as amended, and the provisions of said article shall apply in full force and effect in the consolidated government. When state aid or other grants-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 or any future such census, 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.](#)

[Sec. 8-301. - Establishment of new pension systems; merging of existing 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.](#)

[Sec. 8-300. - Existing pension rights protected.](#)

(1)

Persons who, on October 5, 1971, 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), 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, on October 5, 1971, 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), 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 on October 5, 1971, 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 or she 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 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.

[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 or she 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 or she 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.

[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.

[Sec. 8-401.](#) - Election.

[Sec. 8-402.](#) - Limitation.

[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 fewer than six (6) 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 (10) percent of the electors qualified to vote in the last preceding regular election for offices of the mayor and councilors 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 formerly 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.

[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 and conduct a referendum election on a date and in the manner provided for under Code Section 21-2-540 of the O.C.G.A. 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 thirty (30) nor more than one hundred twenty (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" 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 (1) copy of the proclamation shall be attached to the copy of this Charter previously certified to said Secretary of State, and one (1) copy shall be delivered to the Clerk of the Council who shall attach the same to the copy of the Charter in his or her custody.

[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 twelve (12) months after the referendum election thereon.

## **Chapter 5. - Miscellaneous Provisions**

[Sec. 8-500. - Fidelity bonds.](#)

[Sec. 8-501. - Existing rights and interests.](#)

[Sec. 8-502. - Section captions.](#)

[Sec. 8-503. - Effect of repeals.](#)

[Sec. 8-504. - Severability clause.](#)

[Sec. 8-505. - Repeal of specific law.](#)

[Sec. 8-506. - Repeal of conflicting laws.](#)

[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:

(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, nor by any provision of this Charter that disclaims an intention to repeal or affect enumerated laws.

[Sec. 8-504.](#) - Severability clause.

In 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 specific law.

An Act providing a charter for the county-wide government of Columbus, Georgia, approved October 5, 1971 (Ga. L. 1971, Ex. Sess., p. 2007), as amended, is repealed in its entirety.

[Sec. 8-506.](#) - Repeal of conflicting laws.

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

## **ARTICLE IX. - RESERVED**

### **APPENDIX ONE - RESERVED**

### **APPENDIX TWO - CODE OF ETHICS AND PROHIBITED PRACTICES**

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 or her official duties or which would tend to impair his or her independence of judgment or action in the performance of his or her 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 or her official duties or would tend to impair his or her independence of judgment or action in the performance of his or her 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 herself 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 or her 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, however, 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 or she 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 councilor who has a private interest in any matter pending before Council shall disclose such private interest and such disclosure shall be entered on the records of the Council and he or she shall disqualify himself or herself from participating in any decision or vote relating thereto. Any elected official, appointed officer or employee of any 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 [to] 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 officer or employee of the consolidated government who is duly and properly called as a witness before any consolidated 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 or her 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 Section 2 hereof.

6.

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

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 or her right as citizen privately to express his or her opinions and cast his or her 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.*

(1)

Officials, officers and employees of the consolidated government may be punished for violation of Sections 1 through 7 of this Appendix 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.

(2)

The Council may provide by ordinance that violations of Sections 1 through 7 of this Appendix shall be punishable by a fine not to exceed six hundred dollars (\$600.00), by imprisonment not to exceed sixty (60) days, or by both. Any punishment so provided by ordinance may be imposed without regard to whether punishment is imposed as provided in part (1) of this section.

## CHARTER COMPARATIVE TABLE

**Editor's note**— (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		5-71 10-	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—9110
	1231	1	8-200(1)
		2	8-400(1)
	1232	1	4-302 ed. note
		2	Art. V, Ch. 2(title)
		3	5-200
		4	6-102(1)
		5	6-301
		6	8-101
		7, 8	8-104, 8-105
		9	8-401
	1233	1	7-201
	1234	1	6-100(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	110	3	4-623
		4	4-623(note)
	310	1	4-610
1983	76	1	3-104(2)
	460	1	8-202
1984	603	1	3-206
	732	1	5-605

	734	1	4-103(1)
1985	94	1	3-100, 3-101,
			3-103, 3-201,
			6-100(2), 6-102(5)
			6-201, 6-400(1),
			(3), 6-403(1),
			Art. VI, Ch. 5 Title,
			6-500, 8-400(1)(c),
			App. Two, §§ 2, 6
1986	993	1	App. Two, § 8
	1089	1	6-201
1988	860	1	4-624
1989	Ex 7	1, 2	3-102
	88	1	3-100(1)
		1	4-610
1993	279		1-100—1-104
			2-100
			3-100—3-104
			3-200—3-206
			3-300—3-303
			4-100—4-103
			4-200—4-203
			4-300—4-302
			4-310—4-312
			4-600—4-602
			4-621, 4-623,
			4-624, 4-627,
			4-629
			5-100
			5-200
			5-300, 5-301
			5-400—5-402

				5-500
				5-600—5-605
				6-100—6-102
				6-200—6-202
				6-400—6-404
				6-500, 6-501
				7-100—7-102
				7-200—7-206
				7-300
				7-400—7-405
				7-500—7-501
				8-100—8-105
				8-200—8-206
				8-300—8-305
				8-400—8-402
				8-500—8-506
				Apps. 1, 2
1994	941	1		6-200
Ordinance Number	Date of Adoption	Date of Referendum	Section	Disposition
75-84	2-75 9-		1	4-622(note)
75-85	9-75 9-		1	7-102
		2-82 2-		7-202 <sup>[2]</sup>
81-120	6-81 10-			App. One
82-55	7-20-82	8-82 11-	1	4-102(2),
				4-201(3)a., b.,
				4-322, 4-500
			.....Rpld	4-320, 4-321
83-96	12-20-83		1	4-501 ed. note
85-136	12-17-85			4-400(1) ed. note,
				4-401(4) ed. note
86-40	4-22-86		1	App. Two, § 8(note)

86-103	9-86 9-	11-4-86	1	4-610
91-106	11-19-91		2	App. One
00-86	9-12-00	7-00 11-	1 .....Added	5-606

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FOOTNOTE(S):

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<sup>(2)</sup> **Editor's note**— Referendum declared invalid by order of superior court of Muscogee County entered on Aug. 1, 1983. ([Back](#))