

CHAPTER 3: ADMINISTRATION

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ARTICLE I. IN GENERAL

Section 3-101 Exercise of Governmental Authority

In addition to the other powers which it may have, the governing body of any municipal corporation shall have the following powers, under this chapter, relating to the administration of municipal government:

1. The power to establish municipal offices, agencies, and employments;
2. The power to define, regulate, and alter the powers, duties, qualifications, compensation, and tenure of all municipal officers, agents, and employees, provided that the members of the municipal governing body shall not have the right to fix or change their own terms or the terms of their successors, nor to alter their own salaries or compensation, except pursuant to the authority of *O.C.G.A.* § 36-35-4, nor to alter such duties or responsibilities as are specifically given to a particular elective official by charter;
3. The power to authorize any of the offices, agents, and employees of the municipal corporation to serve, in any manner prescribed by applicable law; any process, summons, notice, or order on all persons, as defined in *O.C.G.A.* § 1-3-3 therein named, when:
 - A. The paper to be served arises out of or relates to an activity or condition conducted or maintained by such person within the territorial jurisdiction of the municipal corporation in violation of an applicable law or ordinance; and
 - B. The paper to be served originates in or is issued under the authority of the department or branch of municipal government employing such officer, agent, or employee.

Where any such paper names one or more persons who reside outside the territorial jurisdiction of the municipal corporation, the several sheriffs, marshals, and constables of the several counties of this state are authorized and directed to serve any such paper and make appropriate return of such service by them, as other process is served and returned, on such named persons residing in their respective jurisdictions, upon receipt of a written request to make such service, for the fees allowed for service of process issued by the superior courts of this state;

4. The power to establish merit systems, retirement systems, and insurance plans for all municipal employees and to establish insurance plans for school employees of independent municipal systems and to provide the method or methods of financing such systems and plans;
5. The power to contract with any state department or agency or any other political subdivision for joint services or the exchange of services; to contract with such agencies or subdivisions for the joint use of facilities or equipment; and to contract with any state agency or political subdivision to perform any service or execute any project for such agency or subdivision in which the municipal corporation has an interest;
6. The power to legislate, regulate, and administer all matters pertaining to absentee voting in municipal elections; and

7. The power to grant franchises to or make contracts with railroads, street railways, or urban transportation companies, electric light or power companies, gas companies, steam-heat companies, telephone and telegraph companies, water companies, and other public utilities for the use and occupancy of the streets of the city, for the purpose of rendering utility services, upon such conditions and for such time as the governing authority of the municipal corporation may deem wise and subject to the Constitution and the general laws of this state.

Section 3-102 Code of Ethics

1. **Prohibited Conduct.** Public officials and employees of the city shall treat all citizens with courtesy, impartiality, fairness, and equality under the law, and shall avoid both actual potential conflicts between their private self-interest and the public interest. Prohibited conduct of each such official and employee shall include, but not be limited to, the following:
- A. Granting or making available to any person any special consideration, treatment, advantage, or favor beyond that which it is the general practice to grant or make available to the public large;
 - B. Requesting, using, or permitting the use of any publicly-owned or publicly-supported property, vehicle, equipment, labor, or service for the personal convenience or the private advantage of himself or any other person, except as otherwise allowed by law;
 - C. Participating in the deliberation of or voting on any matter involving his financial or personal interest;
 - D. Engaging in private employment with, or rendering services for, any private person who has business transactions with the city, unless he has made full public disclosure of the nature and extent of such employment or services;
 - E. Appearing on behalf of any private persons, other than himself, before any public body in the city;
 - F. Accepting any gift, whether in the form of money, thing, favor, loan, or promise, that would not be offered or given to him if he were not an official or employee;
 - G. Disclosing any confidential information concerning any official or employee, or any other person, or any property or governmental affairs of the city, without prior formal authorization of the governing body;
 - H. Using or permitting the use of confidential information to advance the financial or personal interest of himself or any other person; or
 - I. Appointing or voting for the appointment of any person related to him by blood or marriage to fill an office, position, employment, or duty, when the salary, wages, pay, or compensation is to be paid out of public funds.
2. **Hearings and Determinations.** Upon the sworn complaint of any person alleging facts which if true would constitute a violation of this section, the City Council shall conduct a public hearing at which the accused shall be given an opportunity to be heard, either personally or through City Council. At the conclusion of said hearing, the City Council shall, in written findings of fact and conclusions based thereon, make a determination concerning the propriety of the conduct of the official or employee in question.

Section 3-103 Administrative Policy and Procedures

1. **Officers.** Each officer shall perform all duties required of his office by state law, the charter, and this code, and such other duties not in conflict therewith as may be required by the Mayor.
2. **Department Heads.** All department heads shall:
- A. Be immediately responsible to the Mayor for the effective administration of their respective department and all activities assigned thereto;
 - B. Keep informed as to the latest practices in their particular field and inaugurate, with the approval of the Mayor, such new practices as appear to be of benefit to the service and to the public;
 - C. Submit quarterly and annual reports of the activities of their respective department to the Mayor;
 - D. Establish and maintain a system of filing and indexing records and reports in sufficient detail to furnish all information necessary for proper control of departmental activities and to form a basis for the periodic reports to the Mayor;
 - E. Have power, when authorized by the Mayor, to appoint and remove, subject to personnel regulations, all subordinates under him; and

F. Be responsible for the proper maintenance of all city property and equipment used in their respective departments.

3. **Departments.** Each department shall cooperate with every other department and shall furnish, upon the direction of the Mayor, any other department such service, labor, and materials as may be requisitioned by the head of each department, as its own facilities permit.

4. **Records.** All municipal records, except those which by order of a state court or by law are prohibited from being open to public inspection, shall be open for personal inspection by any citizen of Georgia during the hours of operation of the administrative service herein below prescribed.

5. **Operation of Administrative Service.** All units in the administrative service shall:

A. **Office Hours.** Be open between the hours of 8:00 a.m. and 5:00 p.m. on weekdays and shall be closed Saturday, Sunday, and legal holidays. The office is closed from noon until 1:00 p.m. weekdays.

B. **Make Daily Deposit.** Made a daily deposit with the City Treasurer of any monies received directly from the public.

C. **Payment of Monies.** Pay out monies belonging to the city only in the manner prescribed herein.

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Section 3-104 Oaths

1. All officers and employees required by charter or some other provision of law to take an oath shall, before entering upon the discharge of their respective duties, take and subscribe the following oath before an officer authorized by law to administer oaths:

"I do solemnly swear that I will well and truly demean myself as Mayor (or Councilman as the case may be) of the City of Bowman for the ensuing term, and that I will faithfully enforce the charter and ordinances of said city to the best of my ability, without fear of favor; so help me God."

2. In addition to the above oath all officers and employees shall take the following oath:

A. Take the oath of office;

B. Take any oath prescribed by the Constitution of Georgia;

C. Swear that he or she is not the holder of any unaccounted for public money due this state or any political subdivision or authority thereof;

D. Swear that he or she is not the holder of any office of trust under the government of the United States, any other state, or any foreign state which he or she is by the laws of the State of Georgia prohibited from holding;

E. Swear that he or she is otherwise qualified to hold said office according to the Constitution and laws of Georgia;

F. Swear that he or she will support the Constitution of the United States and of this state; and

G. If elected by any circuit or district, swear that he or she has been a resident thereof for the time required by the Constitution and laws of this state.

Section 3-105 Bonds

Except as otherwise provided by law, the Mayor and City Council may require any department head, city official, or employee, before entering upon the discharge of his duties to give good and sufficient bond in any amount decided by the Mayor and City Council. Said bond shall be payable to the City of Bowman for the faithful performance of said duties and to secure against corruption, malfeasance, misappropriation, or unlawful expenditures in office. Said surety bonds shall be obtained from a surety company licensed to do business in the State of Georgia and approved by the Mayor and City Council. The premiums thereon shall be paid by the city.

Section 3-106 Compensation

Each officer and employee of the city shall receive such compensation as be provided from time to time by resolution.

ARTICLE II. THE MAYOR AND CITY COUNCIL GENERALLY

Section 3-201 Election

All municipal offices shall be for terms of two (2) years unless otherwise provided by local law in accordance with O.C.G.A. § 21-3-64. *changed to 4 yr*

Section 3-202 Qualifications for Office

Any person whose principal place of residence is within the corporate limits of the city and who is both a qualified voter of the city and at least eighteen (18) years of age at the time of election shall be eligible for the office of mayor or city council member. Should the Mayor or any member of City Council cease to maintain his principal place of residence within the city during his term of office, his office shall thereby become vacant.

Section 3-203 Vacancies

In case of a vacancy in the office of mayor or city council from failure to elect, death, removal, or any cause whatsoever, such vacancy shall be filled in accordance with Section 2.12 of the City Charter. Any special election shall be held and conducted in accordance with Chapter 3, Title 21 of the O.C.G.A.

Section 3-204 Meetings

1. **Meetings.** The City Council shall hold regular meetings on the fourth Monday of the month at seven (7) p.m. at the City Hall, unless otherwise ordered by the City Council; provided, that the Mayor may convene the City Council whenever in his opinion the public business requires it, and he shall do so upon the application of three (3) members of the City Council. All meetings at which official actions are to be taken shall be open to the public.
 - A. **Notice.** The Mayor and City Council shall prescribe the time, place, and dates of regular meetings of the Mayor and City Council. Such information shall be available to the general public and a notice containing such information shall be posted and maintained in a conspicuous place available to the public at the regular meeting place of the agency. Meetings shall be held in accordance with a regular schedule, but nothing in this subsection shall preclude an agency from canceling or postponing any regularly scheduled meeting. Whenever any meeting required to be open to the public is to be held at a time or place other than at the time and place prescribed for regular meeting, the Mayor and City Council shall give due notice thereof. "Due notice shall be the posting of a written notice for at least twenty-four (24) hours at the place of regular meetings and giving of written or oral notice at least twenty-four (24) hours in advance of the meeting to the legal organ in which notices of sheriff's sales are published in the county where regular meetings are held or at the option of the Mayor and City Council to a newspaper having a general circulation in said county at least equal to that of the legal organ; provided, however, that in counties where the legal organ is published less often than four times weekly "due notice" shall be the posting of a written notice for at least twenty-four (24) hours at the place of regular meetings and, upon written request from any local broadcast or print media outlet whose place of business and physical facilities are located in the county, notice by telephone or facsimile to that requesting media outlet at least twenty-four (24) hours in advance of the called meeting. When special circumstances occur and are so declared by the Mayor and City Council, the Mayor and City Council may hold a meeting with less than twenty-four (24) hours' notice upon giving such notice of the meeting and subjects expected to be considered at the meeting as is reasonable under the circumstances including notice to said county legal organ or a newspaper having a general circulation in the county at least equal to that of the legal organ, in which event the reason for holding the meeting within twenty-four (24) hours and the nature of the notice shall be recorded in the minutes. Whenever notice is given to a legal organ or other newspaper, that publication shall immediately make the information available upon inquiry to any member of the public. Any oral notice required or permitted by this subsection may be given by telephone.

- B. Agenda and Minutes.** An agenda of the subjects acted on and those members present at a meeting of the Mayor and City Council shall be written and made available to the public for inspection within two (2) business days of the adjournment of a meeting of the Mayor and City Council. The minutes of a meeting of the Mayor and City Council shall be promptly recorded and such records shall be open to public inspection once approved as official by the agency, but in no case later than immediately following the next regular meeting of the Mayor and City Council; provided, however, nothing contained in this chapter shall prohibit the earlier release of minutes, whether approved by the Mayor and City Council or not. Said minutes shall, at a minimum, include the names of the members present at the meeting, a description of each motion or other proposal made, and a record of all votes. In the case of a roll-call vote, the name of each person voting for or against a proposal shall be recorded and in all other cases it shall be presumed that the action taken was approved by each person in attendance unless the minutes reflect the name of the persons voting against the proposal or abstaining. Official minutes of the meetings of a county governing authority shall be maintained in the offices of the county governing authority. Copies of contracts, maps, or similar material or documents related to actions taken by a county governing authority may be included in the minutes or incorporated by reference to an alternate location. Where incorporated by reference, such documents shall be stored in a central location or locations identified by ordinance or resolution of the county governing authority.

NOTE: "Meeting" means the gathering of a quorum of the members of the governing body of an agency or of any committee of its members created by such governing body, whether standing or special, pursuant to schedule, call, or notice of or from such governing body or committee or an authorized member, at a designated time and place at which any public matter, official business or policy of the agency is to be discussed or presented or at which official action is to be taken or, in the case of a committee, recommendations on any public matter, official business or policy to the governing body are to be formulated or discussed. The assembling together of a quorum of the members of a governing body or committee for the purpose of making inspections of physical facilities under the jurisdiction of such agency or for the purposes of meeting with the governing bodies, officers, agents, or employees of other agencies at places outside the geographical jurisdiction of an agency and at which no final official action is to be taken shall not be deemed a "meeting."

C. Closed Meetings.

- (1) When any meeting of the City Council is closed to the public pursuant to Georgia Law, the specific reasons for such closure shall be entered upon the official minutes, the meeting shall not be closed to the public except by a majority vote of a quorum present for the meeting, the minutes shall reflect the names of the members present and the names of those voting for closure, and that part of the minutes shall be made available to the public as any other minutes. Where a meeting of the City Council is devoted in part to matters within the exceptions provided by law, any portion of the meeting not subject to any such exception, privilege, or confidentiality shall be open to the public, and the minutes of such portions not subject to any such exception shall be taken, recorded, and open to public inspection as provided in Georgia Law.
- (2) When any meeting of the City Council is closed to the public pursuant to subsection (1) of this section, the chairperson or other person presiding over such meeting shall execute and file with the official minutes of the meeting a notarized affidavit stating under oath that the subject matter of the meeting or the closed portion thereof was devoted to matters within the exceptions provided by law and identifying the specific relevant exception.

- 2. Duty to Attend.** It shall be the duty of each member of the City Council to attend each meeting of the City Council, unless he or she is prevented by some unavoidable circumstance.

Section 3-205 Standing Committees

Standing committees shall be appointed by the City Council as necessary.

Section 3-206 Rules for the Conduct of Business

Except as otherwise provided in this section, Roberts' Rules of Order shall govern the conduct of city council meetings.

1. **Call to Order.** All meetings of the City Council shall be open to the public. The Mayor, or in his absence, the Mayor pro tempore, shall take the chair at the hour appointed for any regular, temporarily adjourned, special, or called meeting; and shall immediately call the city council meeting to order.
2. **Roll Call.** Before proceeding with the business of the City Council, the City Clerk or his deputy shall call the roll of the members, and the names of those present shall be entered in the minutes.
3. **Quorum.** A majority of all the members elected to the City Council shall constitute a quorum at any regular or special meeting of the City Council and an affirmative vote of a majority of such number shall be sufficient to permit the conduct of all business except that for which a larger vote has been mandated by this code.
4. **Order of Business.** The business of the City Council shall be taken up for consideration and disposition in the following order:
 - A. call to order by presiding officer
 - B. roll call
 - C. approval of minutes of previous meeting
 - D. petitions and communications
 - E. reports of standing committees
 - F. reports of special committees
 - G. unfinished business
 - H. new business
 - I. adjournment
5. **Reading of Minutes.** Unless a reading of the minutes of a city council meeting is requested by a member of the City Council, such minutes may be approved without a reading if the City Clerk has previously furnished each member with a copy thereof.
6. **Reports By Committees.** Any business coming before the City Council concerning the subject matter of which any standing or special committee has jurisdiction, may be referred to the proper committee for investigation and report. It shall be the duty of each standing or special committee, whenever required by the Mayor or by the City Council, or any member of the City Council, to examine any matter referred to such committee, and make a report thereof at the next regular meeting of the City Council, or show good cause why no report is made. Such reports shall not be in writing unless so directed by the presiding officer.

Each standing committee shall examine the matters within its jurisdiction, and make such reports and recommendations from time to time as may be necessary.

7. **Manner of Addressing Council.** No member, while the City Council is in session, shall speak on any subject unless recognized by the presiding officer. Every speaker shall address the chair, and no member shall interrupt anyone who is speaking, except to call him to order or for explanation.
8. **Limitations on Addressing City Council.** Any person not a member of City Council who desires to address the City Council shall first secure the permission of the presiding officer, and then shall step up in front of the rail, give his name and address in an audible tone of voice for the record, and direct his remarks to the City Council as a body rather than to any particular member, limiting such remarks to five (5) minutes unless additional time is granted by City Council.
9. **Ordinances, Resolutions, Regulations, Contracts and Inter-local Agreements.** Unless otherwise provided in this code, all ordinances, resolutions, contracts, and inter-local agreements of the city shall be prepared, approved, introduced, and adopted in the following manner:
 - A. **Preparation.** All ordinances shall be prepared by the City Attorney. No ordinance shall be prepared for presentation to the City Council unless ordered by a majority vote of the City Council, or requested in writing by the Mayor, or prepared by the City Attorney on his own initiative.

in a way Council recognize any member to speak or by a member of Council to speak

- B. Administrative Staff Approval.** All ordinances, resolutions, and contract documents shall, before presentation to the City Council, have been approved as to form and legality by the City Attorney or his authorized representative, and shall have been examined and approved for administration by the Mayor or his authorized representative where there are substantive matters of administration involved. All such instruments shall have first been referred to the head of the department under whose jurisdiction the administration of the subject matter of the ordinance, resolution, or contract document would involve and be approved by said department head; provided, however, that if approval is not given, then the same shall be returned to the Mayor with a written memorandum of the reasons why such approval is withheld. In the event the questioned instrument is not redrafted to meet a department head objection, or objection is not withdrawn and approval in writing given, then the Mayor shall so advise the City Council and give the reasons advanced by the department head for withholding approval.
- C. Introduction and Adoption.**
- (1) Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain a subject which is not expressed in its title. The enacting clause shall be "the Council of the City of Bowman hereby ordains. . ." and every ordinance shall so begin.
 - (2) An ordinance may be introduced by any member of the City Council and be read at a regular or special meeting of the City Council. Upon introduction of any ordinance, the City Clerk shall, as soon as possible, distribute a copy to the Mayor and to each member of the City Council and shall file a reasonable number of copies in the office of the city clerk and at such other public places as the City Council may designate.
 - (3) No ordinance shall be put on its final passage on the same day it is introduced.
 - (4) All ordinances shall have three (3) separate readings, but the second and third readings shall never be had on the same day.
 - (5) No ordinance shall relate to more than one (1) subject, which shall be clearly expressed in its title, and no ordinance, or section thereof, shall be amended or repealed unless the new ordinance contains the title of the ordinance or section amended or repealed, and when practicable all ordinances shall be introduced as amendments to this code.
 - (6) An ordinance, resolution, or contract shall be deemed, adopted, or rejected by the City Council in accordance with the rules which the City Council shall establish. Such ordinances adopted by the City Council shall have the full force and effect of law.
- D. Effective Date.** Except where applicable in Section 3-206(9)(E) of this chapter, no ordinance shall take effect until five (5) days after the date of its publication, except a public emergency ordinance necessary for the protection of public health, public safety, public property, or the public peace, may be made effective upon adoption.
- E. Emergencies.** To meet a public emergency affecting life, health, property, or public peace, the City Council may convene on call of the Mayor or three (3) members of the City Council and may promptly adopt an emergency ordinance, but such ordinance shall not levy taxes; grant, renew, or extend a franchise; regulate the rate charged by any public utility for its services; or authorize the borrowing of money except for loans to be repaid within thirty (30) days. An emergency ordinance shall be introduced in the form prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing the emergency in clear and specific terms. An emergency ordinance may be adopted, with or without amendment, or rejected at the meeting at which it is introduced, but the affirmative vote of at least three (3) members of the City Council shall be required for adoption. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance shall automatically stand repealed thirty (30) days following the date upon which it was adopted, but this shall not prevent reenactment of the ordinance in the manner specified in this section if the emergency continues to exist. An emergency ordinance shall also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.
- 10. Recording Vote.** Whenever any member shall request it the yeas and nays of the members present shall be recorded on the minutes on any question taken.
- 11. Questions of Order.** The presiding officer shall decide all questions of order, but any council member who is dissatisfied with the decision may appeal to the City Council in the manner provided by Roberts' Rules of Order for appealing from decisions of presiding officers.

12. **Elections.** All elections by the City Council shall be by ballot, and a majority vote of the whole City Council shall be necessary to an election.
13. **Executive Session.** The City Council may, at any time, upon call therefore by the presiding officer or upon motion duly carried by a council member, meet in executive session. Attendance at such sessions shall be limited to the Mayor and members of City Council and such invites as shall be invited with the unanimous consent of the Mayor and City Council.

Section 3-207 Legislative Authority Generally

The City Council shall exercise the legislative functions of the city, and may pass any ordinance or resolution that deems best for the government of the city in the manner set forth in this chapter; provided, that same is not in conflict with the charter of the city, the Constitution or laws of the State of Georgia, or the Constitution or laws of the United States.

ARTICLE III. THE MAYOR

Section 3-301 General Authority

The Mayor shall be the chief executive and administrative officer of the city government, shall enforce the laws of the city, and shall require the faithful performance of all administrative duties.

Section 3-302 Duties

The Mayor shall have the following duties:

1. **Preside at Meeting.** To preside at all meetings of the City Council and to vote on matters before the City Council and be counted toward a quorum.
2. **Head of the City.** To act as the head of the city for the purpose of service of process and for ceremonial purposes and be the official spokesperson for the city and the chief advocate of policy;
3. **Oaths and Affidavits.** To administer oaths and to take affidavits;
4. **Appointment of Standing Committees.** To appoint at the first meeting each year, or as soon thereafter as expedient, standing committees for that year; but the Mayor may at any time alter the committees and make such changes as the interest of the city may require;
5. **Appointment of Officers and Employees.** To appoint, by and with the advice and consent of the City Council, all officers and employees of the city whose election or appointment is not otherwise provided for;
6. **Dismissal, Suspension, and Discipline of Officers and Employees.** To dismiss, suspend, or discipline for cause all officers and employees appointed or elected by the Mayor and City Council provided that for the purposes of this section "cause" shall be construed to mean:
 - A. negligence or inefficiency in performing the duties of the position held;
 - B. unfitness to perform assigned duties;
 - C. insubordination;
 - D. misconduct;
 - E. conduct reflecting discredit on the department;
 - F. failure to report for work without justifiable cause;
 - G. chronic absenteeism; or
 - H. political activity in violation of municipal regulations;
7. **Preparation of Annual Report.** To prepare and present to the City Council an annual report of the city's affairs including a summary of reports of department heads, and such other reports as the City Council shall require; and
8. **Executing Legal Documents.** To sign on behalf of the city all contracts, deeds, codes, ordinances, and other instruments executed by the city which by law are required to be in writing.

Section 3-303 Powers

The Mayor shall have the following powers:

1. **Rule Making.** To prescribe such rules and regulations as may be deemed necessary or expedient for the conduct of administrative agencies subject to his authority, and to revoke, suspend or amend any rule or regulation of the administrative service by whomever prescribed;
2. **Investigation.** To investigate and to examine or inquire into, either by himself or by any officer or person designated for the purpose by him, the affairs or operation of any department, including the power to employ consultants and professional counsel when so authorized by the City Council to aid in such investigations, examinations, or inquiries;
3. **Overriding.** To set aside any action taken by a department head and to supersede him in the functions of his office; and
4. **Delegation.** To direct any department to perform the work for any other department, and to authorize any department head or officer responsible to him to appoint and remove subordinates serving under such person.

Section 3-304 Mayor pro tempore

During a temporary absence or disability of the Mayor, the City Council shall elect one (1) of its members to act as Mayor pro tempore, who during such absence or disability shall possess the powers of Mayor.

Section 3-305 Acting Mayor

In the event of a vacancy in the office of mayor the City Council may appoint one (1) of its members as acting mayor to serve until the vacancy is filled at a regular or special election as provided by law.

Section 3-306 Removal

The Mayor may be removed from office for any one or more of the following causes:

1. By an order of the Elbert County Superior Court following a hearing on a complaint seeking such removal brought by any resident of the City of Bowman;
2. By recall pursuant to Georgia Law; or
3. Pursuant to the terms of general law.

Section 3-307 Procedure for Removal

Removal of any elected officer from office shall be brought about in accordance with *O.C.G.A.* § 45-11-4 and shall be brought in the Elbert County Superior Court.

Section 3-308 Compensation

The Mayor shall receive compensation, expenses, and benefits as provided by ordinance and in accordance with Chapter 35, Title 36 of the *O.C.G.A.*

Change to limits for Council Approval w/ limits

ARTICLE IV. THE CITY CLERK/TREASURER

Section 3-401 Election

The Mayor and City Council shall appoint an individual as City Clerk/Treasurer to serve at the pleasure of the Mayor and Council or until their successor is appointed.

Section 3-402 Term of Office

The City Clerk/Treasurer serve at the pleasure of the Mayor and Council, subject to removal for cause, and until his successor is elected and qualified.

Section 3-403 Bond

Before entering upon the duties of his office, the City Clerk/Treasurer shall give a good and sufficient bond, payable to the City Council, such bond to be fixed and approved by the City Council.

Section 3-404 Duties of City Clerk

The City Clerk/Treasurer shall have the following duties in his capacity as City Clerk:

1. To attend all meetings of the City Council;
2. To keep correct and full minutes of the proceedings of City Council together with all ordinances and resolutions passed by it, in a properly indexed book or register kept for that purpose;
3. To receive all applications or petitions made to the city and to place them before the Mayor and City Council at the meeting of the City Council next succeeding the receipt thereof;
4. To issue all licenses, and keep a record thereof, and all badges and permits authorized by the City Council;
5. To attend all sessions of the Municipal Court;
6. To keep an execution docket, in which he shall enter the names of all persons tried and fined by the Municipal Court, the nature of the offense, date of trial, amount of fine, and return of the police officer thereon;
7. To issue all summonses, processes, and subpoenas to witnesses that may be necessary in the enforcement of this code or other rules, regulations, and ordinances of the City Council;
8. To be the custodian of the city seal and affix its impression on documents whenever required; and
9. To carefully preserve the records and documents belonging to the city which are not assigned to the custody of some other office, and to maintain a proper index to all such records and documents so that ready access thereto and use thereof may be had.

Section 3-405 Duties of City Treasurer

The City Clerk/Treasurer shall have the following duties in his capacity as City Treasurer:

1. To receive all money due the City Council, including taxes, licenses, fees, and other moneys belonging to the city and pay out the same only upon orders passed by the City Council and signed by the Mayor, or in his absence, the Mayor pro tempore;
2. To keep a book of accounts showing all money received on behalf of the city and the source and disposition thereof, which book shall be open for inspection by the public and members of the City Council;
3. To maintain a uniform system of accounts and keep such other records and accounts as may be required by statute or ordinance;
4. To furnish the City Council with quarterly statements detailing all receipts and payments of funds for the quarter; and
5. To enforce all laws of Georgia relating to the collection of delinquent taxes and sale or foreclosure for nonpayment of taxes to the city.

Section 3-406 Compensation

The City Council shall provide for the compensation of the City Clerk/Treasurer.

ARTICLE V. RESERVED

ARTICLE VI. OFFICERS AND EMPLOYEES

Section 3-601 The City Attorney

1. **Appointment and Qualifications.** The City Attorney shall be appointed by the Mayor, by and with the advice and consent of the City Council, and shall serve until a successor is appointed and has qualified. No person shall be so appointed unless he is a member in good standing of the State Bar of Georgia and has been actively engaged in the practice of law for at least three (3) years preceding his appointment.

2. **Oath.** Before entering upon the duties of his office, the City Attorney shall take the oath prescribed by this code for city officers.
3. **Powers and Duties.** The City Attorney shall be the legal advisor and representative of the city and in such capacity shall:
 - A. Advise the City Council or its committees or any city officer, when thereto requested, upon all legal questions arising in the conduct of city business;
 - B. Prepare or revise ordinances when so requested by the City Council or any committee thereof, and keep the code of ordinances of the city up-to-date and properly indexed;
 - C. Give his opinion upon any legal matter or question submitted to him by the City Council, or any of its committees, or by any city officer;
 - D. Attend all meetings of the City Council as directed for the purpose of giving the City Council any legal advice requested by its members;
 - E. Prepare for execution all contracts and instruments to which the city is a party and approve, as to form, all bonds required to be submitted to the city;
 - F. Prepare, when authorized by the City Council, all charges and complaints against, and appear in the Municipal Court in the prosecution of every person charged with a violation of this code or city charter, and see to the full enforcement of all judgments or decrees rendered or entered in favor of the city;
 - G. Represent and defend any and all suits and actions at law or equity brought against the city, unless otherwise directed by the City Council;
 - H. Make immediate reports to the Mayor and City Council of the outcome of any litigation in which the city has an interest;
 - I. Make an annual report to the Mayor and City Council of all pending litigation in which the city has an interest and the status thereof;
 - J. Have the power to adjust, settle, compromise or submit to arbitration, any action, causes of action, accounts, debts, claims, demands, disputes, and matters in favor of or against the city or in which the city is concerned as debtor or creditor, now existing or which may hereafter arise not involving or requiring payment to exceed an amount as determined by the Mayor and Council;
 - K. Keep complete and accurate records of the following, which records shall forever remain the property of the city:
 - (1) all suits in which the city had or has an interest, giving the names of the parties, the nature of the action, the disposition of the case or its status, if pending, and the briefs of counsel; and
 - (2) all written opinions prepared by the City Attorney and all certificates or abstracts of titles furnished by him to the city, or any department or official thereof.
 - L. Render such other legal services as may be required by the Mayor or City Council.
4. **Compensation.** The City Attorney shall submit to the City Council a monthly bill for his services, itemizing the type of work performed for the city and the number of hours engaged in each type of work during the month.

Section 3-602 The City Engineer

1. **Appointment.** The City Engineer shall be appointed by the Mayor, by and with the advice and consent of the City Council, and shall serve until a successor is appointed and has qualified.
2. **Oath.** Before entering upon the duties of his office, the City Engineer shall take the oath prescribed by this code for city officers.
3. **Duties.** The City Engineer shall advise the City Council and city officials on all engineering matters referred to him and shall, from time to time as required by the Mayor or City Council, make reports regarding public improvement, repairs of streets, bridges, and sidewalks; and prepare such other reports as the Mayor or City Council may request. He shall keep accurate maps, plats, and records of all public works, lands, or property owned by the city, and perform such other duties as may be imposed upon him by the Mayor or City Council.
4. **Compensation.** The City Engineer shall submit to the City Council a monthly bill for his services, itemizing the type of work performed for the city and the number of hours engaged in each type of work during the month.

Section 3-603

Public Officers and Employees - Labor Practices; Strikes by Public Employees Prohibited

1. As used in this section, the term:
 - A. **Public Employee.** Any person holding a position by appointment or employment in the government of this state or any person holding a position which provides essential public services without which the public health, safety, welfare, or morals would be without which the public health, safety, welfare, or morals would be endangered, by appointment or employment in the government of a county, municipality, school system, or other political subdivision of this state or in any agency, authority, board, commission, or public institution of this state or political subdivision thereof.
 - B. **Public Employment.** The appointment or employment in the government of this state or the government of a county, municipality, school system, or other political subdivision of this state or in any agency, authority, board, commission, or public institution of this state or political subdivision thereof.
 - C. **Strike.** The failure to report for duty, the willful absence from one's position, the stoppage or deliberate slowing down of work, or the withholding in whole or in part of the full, faithful, and proper performance of the duties of employment for the purpose of inducing, influencing, or coercing change in the conditions, compensation, rights, privileges, or obligations of public employment; provided, however, that nothing in this article shall limit or impair the right of any public employee to express or communicate a complaint or opinion on any matter related to the conditions of public employment so long as the same is not designed to and does not interfere with the full, faithful, and proper performance of the duties of employment.
2. No public employee shall promote, encourage, or participate in any strike. Provided, however, that no right to collective bargaining currently recognized by law is abridged by this act.
3. No person exercising any authority, supervision, or direction over any public employee shall have the power to authorize, approve, or consent to a strike by one or more public employees; and such person shall not authorize, approve, or consent to such strike.
4. Any public employee who violates Code Section 45-19-2 shall be deemed to have terminated his or her employment; shall forfeit his or her civil service status, job rights, seniority, and emoluments, if any; and subsequent to such violation shall not be eligible for appointment or reappointment or employment or preemployment in public employment for a period of three (3) years after such violation except upon the following conditions:
 - A. His or her direct or indirect compensation shall in no event exceed that received by him or her immediately prior to the time of such violation;
 - B. His or her direct or indirect compensation shall not be increased for three (3) years after such subsequent appointment or reappointment or employment or preemployment; and
 - C. He or she shall be on probation for period of five (5) years following such appointment or reappointment or employment or preemployment, during which period he or she shall serve without tenure and at the pleasure of the appointing or employing officer of body.
5. Any person who is not a public employee and who shall knowingly incite, agitate, influence, coerce, persuade, or picket to urge a public employee to strike shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by imprisonment not to exceed one year, or by a fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00) or both.

Section 3-604

Personnel Policies for Bowman, Georgia

The official Personnel Policies for Bowman, Georgia, adopted July 11, 1983, are incorporated by reference as if fully set out herein.

ARTICLE VII. RESERVED

ARTICLE VIII. BOARDS, AGENCIES, AND COMMISSIONS

Section 3-801 Appointment of Revolving Loan Fund Board of Directors

1. The City of Bowman has an established Revolving Loan Fund (RLF) as a part of its community and economic development program; and
2. The RLF is also a part of a program under the general direction and guidance of the Department of Community Affairs; and
3. The program guidelines call for the appointment of a Board of Directors to oversee and manage the RLF and its activities.
4. The following persons be appointed, by virtue of their positions in the community, to serve on the Board of Directors:

Granite city Branch Manager
 First National Branch Manager
 City Auditor
 City Attorney
 Business Owner

Betty Harper *reassigned*
 Alvin Whitmire
 Phil Pitts - *School Board*
 Robert Lavender - *District*
 Ellen Cromer - *mayor*

(Appointed May 6, 1991)

Section 3-802 Tree Board

1. **Definitions.** Street trees are herein defined as trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all streets, avenues, or ways within the city.
2. **Creation and Establishment of a City Tree Board.** There is hereby created and established a City Tree Board for the City of Bowman Georgia, which shall consist of members, citizens and residents of this city, who shall be appointed by the Mayor with the approval of the City Council.
3. **Term of Office.** The term of the five persons to be appointed by the Mayor shall be three years except dial the term of two of the members appointed of the first board shall be for two years. In the event that a vacancy shall occur during the term of any member, his successor shall be appointed for the unexpired portion of the term.
4. **Compensation.** Members of the board shall serve without compensation.
5. **Duties and Responsibilities.** It shall be the responsibility of the board to study, investigate, counsel, and develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs, along streets and in other pubic areas. Such plan will be presented annually to the City Council and upon their acceptance and approval shall constitute Hie official comprehensive City of Bowman Tree Plan. The board, when requested by the City Council, shall consider, investigate, make finding, report and recommend upon any special matter of question coming within the scope of its work.
6. **Operation.** The board shall choose its own officers, make its own rules and regulations and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business.
7. **List of Trees.** The tree board shall make a list of desirable and undesirable trees to plant in the city. These should be listed as small, medium and large trees.
8. **Spacing.** The spacing of street trees may not be closer together than the following: small trees, 30 feet; medium trees, 40 feet; large trees, 50 feet; except in special planting designed or approved by a landscape architect.
9. **Distance from Curb and Sidewalk.** The distance trees may be planted from the curbs or curblines and sidewalks shall not be closer than the following: small trees, 2 feet; medium trees, 3 feet; large trees, 4 feet.
10. **Distance from Street Corners and Fire Hydrants.** No street tree shall be planted closer than 35 feet from any street corner, measured from the point of nearest intersecting curbs or curblines. No street tree shall be planted closer than 10 feet from any fire hydrant.
11. **Utilities.** No street tree may be planted under or within 10 lateral feet of my overhead utility wire, or over or within 5 feet of any underground water line, sewer line, transmission line or other utility.
12. **Public Tree Care.** The city shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

The City Tree Board may remove or cause or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or oilier public improvements, or is affected will) any injurious fungus, insect or oilier pest. This section docs not prohibit (lie planting of street trees by adjacent property owners providing that the selection and location of said trees is in accordance with paragraphs 7 through 10 of this section.

13. **Tree Topping.** It shall be unlawful as a normal practice for any person, firm, or city department to top any street tree, park tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three (3) inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this ordinance at the determination of the City Tree Board.
14. **Pruning, Corner Clearance.** Every owner of any tree overhanging any street or right-of-way within the city shall prune the branches so that such branches shall not obstruct the light from any street light or obstruct the view of any street intersection and so that there shall be a clear space of eight (8) feet above (he surface of the street or sidewalk. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The city shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or interferes with visibility of any traffic control device or sign.
15. **Removal of Dead or Diseased Trees.** The city shall have the right to cause the removal of any dead or diseased trees on private property within the city, when such trees constitute a hazard to the and property, or harbor insects or disease which constitute a potential threat to other trees within the city. The City Tree Board will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within sixty (60) days alter the date of service of notice. In the event of failure of owners to comply with such provisions, the city shall have the authority to remove such trees and charge the cost of removal to the owners.
16. **Interference with City Tree Board.** It shall be unlawful for any person to prevent, delay, or interfere with the City Tree Board, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any street trees, park trees, or trees on private grounds, as authorized in this ordinance.
17. **Arborists License and Bond.** It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing street or park trees within the city without first procuring a license. The license fee shall be paid annually in advance; provided, however, that no license shall be required of any public service company or city employee doing such work in the pursuit of their public service endeavors. Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of fifty thousand dollars (\$50,000) or bodily injury or one hundred thousand dollars (\$100,000.00) property damage indemnifying the city or any personal injured or damaged resulting from the pursuit of such endeavors as herein described.
18. **Review by City Council.** The City Council shall have the right to review the conduct, acts, and decisions of the City Tree Board. Any person may appeal from any ruling or order the City Tree Board to the City Council who may hear the matter and make a final decision.
19. **Penalty.** Any person violating any provision of this ordinance shall be, upon conviction or a plea of guilty, subject to a fine not to exceed one hundred dollars (\$100.00).

ARTICLE IX. LOCAL GOVERNMENT AUTHORITIES

Section 3-901 Registration of Local Government Authorities

1. This Code Section shall be known and may be cited as the "Local Government Authorities Registration Act."
2. The General Assembly finds that there is a need for the state to create and maintain a record of all local government authorities. Such a record can best be maintained through annual registration of all local government authorities.
3. The purpose of this Code section is to prescribe a registration process for all local government authorities authorized to operate in the State of Georgia by general statute, local law, or local constitutional amendment.
4. As used in this Code section, the term:

- A. **Debt** includes all long-term or short-term credit obligations including, but not limited to, mortgages, bonds, loans, notes, interest bearing warrants, and advances. For the purposes of this Code section, debt shall also include lease-purchase obligations.
 - B. **Local Government Authority** includes without limitation instrumentalities of one or more local governments created to fulfill a specialized public purpose or any other legally created organization that has authority to issue debt for a public purpose independent of a county or municipality, not to include state authorities. Local government authorities include joint authorities, regional authorities, hospital authorities, housing authorities, residential care facilities for the elderly authorities, resource recovery development authorities, solid waste management authorities, downtown development authorities, airport authorities, industrial, payroll and other development authorities, transit authorities, water and sewer authorities, parking authorities, recreation authorities, stadium and coliseum authorities, building authorities, public service authorities, or any other local government authority regardless of name. Such local government authorities may have been created by local constitutional amendment, general statute, or local law.
- 5. All local government authorities authorized to operate in the State of Georgia must register annually with the Department of Community Affairs.
 - 6. Any local government authority which fails to register with the Department of Community Affairs shall not incur any debt or credit obligations until such time as it meets the registration requirement. Failure to register shall not have any adverse affect on any outstanding debt or credit obligation.
 - 7. The Department of Community Affairs shall establish registration and reporting procedures for local government authorities. Such procedures shall include, but are not limited to, information on the authority's legal name, function, date and means of creation, contact person, address, and telephone number.
 - 8. The Department of Community Affairs shall establish reasonable fees for the work related to administration and enforcement of this Code section; provided, however, no fee shall be charged or allowed for the annual registration as required in this Code section.
 - 9. The Department of Community Affairs shall maintain a certified list of registered local government authorities, available on request. The department shall forward annually to the judge of the probate court in any affected county the registration information for all authorities operating in that county.
 - 10. Local government authorities shall initially register on or before January 1, 1996, and shall register on or before January 1 of each year thereafter.

ARTICLE X. MUNICIPAL PROPERTY

Section 3-1001 Motor Vehicles

Every motor vehicle which is owned or leased by any county, municipality, regional development center, county or independent school system commission, board, or public authority or which has been purchased or leased by any public official or public employee with public funds shall have affixed to the front door on each side of such vehicle a clearly visible decal or seal containing the name of or otherwise identifying such governmental entity. The requirements of *O.C.G.A.* § 36-89-1 shall not apply to: (1) any vehicle used for law enforcement or prosecution purposes; or (2) any vehicle owned or leased by a county or municipality expressly excepted from the provisions of *O.C.G.A.* § 36-89-1 by a resolution or ordinance adopted by the governing authority of a county or municipality following a public hearing on the subauthority of a county or municipality following a public hearing on the subject held no more than fourteen (14) days prior to the adoption of the ordinance or resolution.