

House Bill 417 (AS PASSED HOUSE AND SENATE)

By: Representatives Smyre of the 135th, Smith of the 134th, Hugley of the 136th, Buckner of the 137th, and Pezold of the 133rd

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act providing for a new charter for the county-wide government of Columbus,
2 Georgia, approved April 5, 1993 (Ga. L. 1993, p. 4978), as amended, so as to make certain
3 stylistic changes to said charter; to repeal conflicting laws; and for other purposes.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

5 style="text-align:center">**SECTION 1.**

6 An Act providing for a new charter for the county-wide government of Columbus, Georgia,
7 approved April 5, 1993 (Ga. L. 1993, p. 4978), as amended, is amended by revising
8 paragraphs (2) and (6), respectively, of Section 1-103 as follows:

9 "(2) The Council of the consolidated government shall, pursuant to the applicable
10 provisions of Article IX, Section 9-102 hereof divide the territory of the consolidated
11 government into two or more taxing districts (herein called "services districts"); provided,
12 however, at least one of such districts shall be known as the general services district and
13 shall consist of the total area of Muscogee County as fixed and established on the
14 effective date of this Charter or as thereafter modified according to law; and provided,
15 further, the Council shall establish at least one or more urban services districts which
16 shall embrace such territory or territories for which provision is made by the Council for
17 additional or higher levels of services than are provided uniformly throughout the
18 territory of the consolidated government on the effective date of this Charter. In the
19 establishment of the first urban services district or districts, the Council shall hold one or
20 more public hearings thereon at which all interested persons affected thereby shall have
21 an opportunity to be heard. Notice of the time, place, and date of such hearings shall be
22 published in one or more newspapers of general circulation in Columbus, Georgia, which
23 shall include the newspaper having the largest circulation in Columbus, Georgia, at least
24 twice during the week immediately preceding the date of the hearing."

25 "(6) Except as otherwise provided by this Charter, urban services districts of the
26 consolidated government shall be created, expanded, merged, consolidated, or reduced

27 only by ordinance duly adopted by the Council under such general rules, procedures,
 28 regulations, requirements, and specifications as established by the Council; provided
 29 however, no new urban service district shall be created or existing urban services districts
 30 expanded, abolished, merged, consolidated, or reduced without providing an opportunity
 31 for interested persons to be heard by publishing a notice of a public hearing on the
 32 proposed expansion, consolidation, reduction, or creation of an urban services district in
 33 one or more newspapers of general circulation in Columbus, Georgia, which shall include
 34 the newspaper having the largest circulation in Columbus, Georgia, for a period of once
 35 each week for at least two successive weeks prior to the date of the hearing. Such rules
 36 and regulations shall set forth the manner and method for creation of new urban services
 37 districts, expansion, consolidation, reduction, or merger of existing urban services
 38 districts, requirements for defining functions and policies for rendering services, changes
 39 in levels of services within existing services districts, transferring territory from one
 40 services district to another, requirements for defining boundaries of services districts,
 41 procedures, expansion, reduction, or consolidation of existing services districts and
 42 requirements for defining boundaries of services districts."

43 **SECTION 2.**

44 Said Act is further amended by revising paragraph (14) of Section 4-201 as follows:

45 "(14) To direct, supervise, and coordinate the administration and activities of the
 46 department of public safety;"

47 **SECTION 3.**

48 Said Act is further amended by revising Section 5-602 as follows:

49 "Section 5-602. Appeal bond; trial de novo. Any person or persons found guilty by the
 50 recorder upon a plea of not guilty, when charged in violation of an ordinance of the
 51 consolidated government, shall have the right of appeal to the State Court of Muscogee
 52 County from the recorder's court in the same manner and under the same procedure as now
 53 prescribed by law for such appeals."

54 **SECTION 4.**

55 Said Act is further amended by revising Section 6-201 as follows:

56 "Section 6-201. Special elections. In the event the office of mayor or councilor shall become
 57 vacant for any cause whatsoever, then such vacancy shall be filled in the manner provided
 58 for in this section. If a vacancy occurs within one and one-half years after the date of a
 59 regular election for the office of mayor or councilor, then the board of elections shall, within
 60 ten days after the occurrence of such vacancy, call a special election to fill the balance of the

61 unexpired term of such office by giving notice in one or more newspapers of general
 62 circulation in Columbus, Georgia, which shall include the newspaper with the largest
 63 circulation in Columbus, Georgia. If vacancy occurs more than one and one-half years after
 64 the date of a regular election for the office of mayor or councilor, then a person shall be
 65 appointed by a majority vote of the total membership of the Council to serve until a successor
 66 is elected and qualified at a special election held concurrently with the next regular election
 67 for the office of mayor or councilor. The successor elected at such special election shall serve
 68 the remainder of the unexpired term of such office. The special election required herein shall
 69 be held on the date specified in the advertisement, but not less than 30 days nor more than
 70 45 days after the publication of the call of the election. In all other respects, every special
 71 election shall be held and conducted in accordance with those provisions of the applicable
 72 laws of Georgia as provided in Section 6-200 of this Charter."

73

SECTION 5.

74 Said Act is further amended by revising paragraph (3) of Section 6-400 as follows:

75 "(3) The Council shall at once proceed to consider such petition and shall take final
 76 action thereon within 30 days from the date of submission. If the Council rejects the
 77 proposed ordinance, or passes it in a different form from that set forth in the petition, or
 78 fails to act finally upon it within the time stated, then, if within five days thereafter the
 79 committee of the petitioners files with the clerk written demand so to do, the clerk shall
 80 at once upon the expiration of such five days cause three printed or typewritten copies of
 81 such petition, without the signatures, to be made. The clerk shall cause such three copies
 82 of such petition to be placed on file in the clerk's office, and provide facilities for their
 83 signing the same, and shall immediately cause notice of the placing of such copies of
 84 such petition to be published in one or more newspapers of general circulation in
 85 Columbus, Georgia, which shall include the newspaper with the largest circulation in
 86 Columbus, Georgia. Such copies shall remain on file in the office of the clerk for a
 87 period of 20 days, during which time any of them may be signed by a qualified voter of
 88 the consolidated government in person, but not by agent or attorney. Each signer of any
 89 such copy shall sign his or her name in ink or indelible pencil and shall place thereafter
 90 his or her residence by street and number. If during such time qualified voters equal to
 91 or exceeding 25 percent of the qualified voters in the consolidated government as shown
 92 by the official registration list filed for the regular election of councilors last held shall
 93 sign such copies of such petition, the clerk shall forthwith certify such fact to the
 94 Council."

95 **SECTION 6.**

96 Said Act is further amended by revising paragraph (2) of Section 7-401 as follows:

97 "(2) A proposed annual operating and capital budget for the ensuing fiscal year shall be
 98 prepared by the city manager to be submitted by the mayor to the Council on or before
 99 a date fixed by ordinance, but not less than 60 days prior to the beginning of the fiscal
 100 year. Such budgets shall be accompanied by a budget message from the mayor
 101 containing explanations of general fiscal policies, explanations of major changes
 102 recommended for the next fiscal year, a general summary of the budgets, and other
 103 information deemed appropriate. Copies of the annual operating and capital budgets shall
 104 be filed in the office of the clerk of Council and shall be open to public inspection. A
 105 summary of the proposed annual operating and capital budgets shall be published in one
 106 or more newspapers of general circulation in Columbus, Georgia, which shall include the
 107 newspaper having the largest circulation in Columbus, Georgia."

108 **SECTION 7.**

109 Said Act is further amended by revising paragraphs (1) and (2), respectively, of Section
 110 7-501 as follows:

111 "(1) The Council shall be authorized to sell any real or personal property owned or held
 112 by the consolidated government for governmental or other public purposes under such
 113 rules and regulations as the Council may establish; provided, however, that any public
 114 utility owned by the consolidated government may only be sold when such sale has been
 115 approved by a majority vote of the electors of Columbus, Georgia, voting in a regular or
 116 in a special election called for such purpose. Except as otherwise provided by this
 117 Charter, any sale of real property shall be made only after the receipt of sealed bids and
 118 due advertisement of such sale in the newspaper with the largest general circulation in
 119 Columbus, Georgia, once a week for a period of two weeks preceding the date at which
 120 such sale is to be made. All sales of real property shall be subject to confirmation by the
 121 Council.

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

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

128 In each such instance, when the property is sold or exchanged or transferred, a statement
 129 shall be published in the newspaper with the largest general circulation in Columbus,
 130 Georgia, on each Monday of the two weeks which precede the week in which such

131 transaction is to be concluded. Such statement shall contain a description of the property
132 or properties involved and the prices and estimated values as to each item of property."

133 **SECTION 8.**

134 Said Act is further amended by revising Section 8-104 as follows:

135 "Section 8-104. County agencies. The grand juries in and for Muscogee County, the
136 Superior Court for Muscogee County, the Probate Court, the Municipal Court of Columbus,
137 the Juvenile Court of Muscogee County, the Muscogee County department of public health,
138 and the Muscogee County department of family and children services shall continue to
139 function, unaffected except as redesignated by this Charter. The personnel of those bodies
140 shall be selected as heretofore selected, and those officials heretofore elected by the people
141 shall hereafter be so elected. Nothing herein contained shall be construed as altering the
142 status of the Muscogee County School District; provided, however, that the Muscogee
143 County school board shall consist of nine members who shall be residents of the consolidated
144 government. Such courts, boards, personnel, officers, and officials shall continue to occupy
145 the same status with respect to the consolidated government in the same position as
146 previously occupied with respect to Muscogee County. Similarly, the Council shall succeed
147 to such rights, duties, and obligations with regard to such courts, boards, officers, offices, and
148 agencies and the employed personnel thereof as heretofore possessed by either the board of
149 commissioners of Muscogee County or the mayor and city commission of the City of
150 Columbus, or both, specifically including, but not limited to, any right and authority to name
151 and designate personnel."

152 **SECTION 9.**

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