

Chapter 2

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State law references – Supplemental powers of municipalities and counties enumerated, Ga. Const. art. 9, sec. 2, par. 3; powers relating to administration of government generally, O.C.G.A., Section 36-34-2, The Municipal Home Rule Act of 1965, O.C.G.A. Section 36-35-1 et seq.

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ARTICLE I. IN GENERAL

Secs. 2-1 – 2-25. Reserved.

ARTICLE II. CITY COUNCIL*

Sec. 2-26. Regular Meetings.

The regular monthly meetings of the Mayor and Council shall be held on the first Monday in each month at such hour as the Council may agree upon, except that if such day is a legal holiday such meeting shall be held on the following Monday.

(Code 1968, Section 2-20)

State Law Reference – Requirement to prescribe the time, place and dates of regular meetings of governing authority, O.C.G.A. Section 50-14-1(d).

Sec. 2-27. Called Meetings.

Whenever a called meeting of the Council is to be held, the Mayor shall have the power to immediately call the Council together, after due notice to members of the Council.

(Code 1968, Section 2-21).

State Law Reference – Due notice requirements for other than regular meetings, O.C.G.A. Section 50-14-1(d).

Sec. 2-28. Special committees; Mayor to appoint.

The Mayor shall appoint such special committees from time to time as he may deem necessary.

(Code 1968, Section 2-22).

Sec. 2-29. Mayor's duties as presiding officer.

The Mayor shall perform the following duties relative to meetings of the City Council:

- (1) The Mayor shall call the Council to order at the hour appointed for any regular, adjourned or called meeting.

(2) The Mayor shall preserve order and shall, in his discretion, suspend irrelevant debate and command silence whenever he may deem it needful.

(3) The Mayor shall appoint all committees, unless otherwise ordered by the Council, in which case appointment shall be made by ballot.

(4) The Mayor shall preside at all meetings. In the absence or disqualification of the Mayor, the Mayor pro-tem shall exercise all of the functions of the office of Mayor.

(5) The Mayor shall decide all points of order, but an appeal may be had from his decision to the Council.

(6) The method of stating question or any motion by the Mayor after the same has been ready the clerk shall be as follows: "All you who are in favor of the motion will say aye; all who are against it will say no." When a decision may seem doubtful to the Mayor or a division is demanded by any member of the Council, the Mayor shall call upon the members in favor of the motion to rise, and, after a count is had by the clerk, he shall upon the members who oppose the motion to rise, and the Mayor will announce the result.

(Code 1968, Section 2-23)

Sec. 2-30. Meetings open; exceptions.

All meetings of the Council shall be in public, except where the public good will be manifestly jeopardized, when the Council shall, by unanimous vote, sit with closed doors. Code 1968, Section 2-48).

State Law Reference – Meetings of Council to be open to the public, O.C.G.A. Section 50-14-1.

Sec. 2-31. Rules governing introduction, passage of ordinances.

The following rules shall apply to the introduction, passage, amendment or repeal of ordinances of the city:

(1) It shall be in order at each regular monthly meeting of the Council to introduce ordinances, or other matters without any previous notice having been given for that purpose.

(2) Every ordinance before its introduction must be reduce to writing, and before its passage must be read twice.

(3) No ordinance shall be entertained by the Council which contains more than one subject matter, provide, however, this rule shall not apply to the adoption of a Code of Ordinances for the city.

(4) No ordinance shall be declared passed and become a law of the city unless it receives at least three votes in favor of its passage.

(5) No ordinance or resolution appropriating money shall be passed unless upon its passage the yeas and nays are recorded. All proceedings touching the appropriation of money shall be first considered in committee of the whole Council.

(6) No ordinance or section of an ordinance shall be amended or repealed by mere reference to its title or to the number of a section of the ordinance, but the amending or repealing ordinance shall distinctly describe the ordinance or code section to be amended or repealed, as well as the alteration to be made.

(Code 1968, Section 2-39)

Charter reference – Necessary votes for passage of an ordinance, Section 11.

Sec. 2-32. Parliamentary Rules.

When any question arises which is not provided for in the rules contained in this article, the question, as far as practicable shall be controlled by Robert's Rules of Order, Newly Revised.

(Code 1968, Section 2-50).

Sec. 2-33. Changing Rules.

No change of, or addition to, these rules shall be made, unless such proposed change or addition is first referred to a committee on rules and reported back to the council, and such change or addition shall then require a majority vote of the council for adoption.

(Code 1968, Section 2-51)

Sec. 2-34. Suspending Rules; change order of business.

The rules of the council shall in no case be suspended, nor shall the order of business be changed, except by a vote of a majority of Council.

(Code 1968, Section 2-52)

Sec. 2-35 – 2-55. Reserved.

ARTICLE III. OFFICERS AND EMPLOYEES*

DIVISION 1. GENERALLY

Sec. 2-56. Official Oath or Affirmation.

The Mayor, Mayor Pro tem, Clerk and Treasurer, Municipal Court Judge, and each Councilman, before entering upon their official duties, shall each take the following Oath or Affirmation:

"I, _____, do solemnly swear (or affirm) that I will, to the utmost of my ability, discharge the duties of (here insert office) of the City of Elberton, Georgia, during my term of office and until my successor is elected and qualified, and that I will support the Constitution of the United States and the State of Georgia, SO HELP ME GOD."

(Code 1968, Section 2-2)

Charter Reference – Oaths of office to be prescribed by Ordinance, Section 7.

State Law Reference – City's power to define, regulate and alter the powers, duties, qualifications, compensation and tenure of all Municipal Officers, Agents and Employees, O.C.G.A. §36-34-2(2).

Sec. 2-57. Approval of Surety on Official Bonds.

All officers of the city who are required to give official bond to the city shall have as surety on all such bonds some surety company to be approved by the Mayor and Council. All premiums therefore shall be paid by the city.

(Code 1968, Section 2-3)

Sec. -58 – 2-70. Reserved

DIVISION 2. CITY ATTORNEY

Secs. 2-71. Election; Duties.

The City Council shall elect a City Attorney each year as soon as practicable after their organization. The duties of the City Attorney shall be to:

- (1) Represent the city in any court when directed to do so by the Mayor and City Council;
- (2) Advise the Mayor and City Manager in the proper discharge of their duties and to attend the Municipal Court in person when so directed by the Mayor and City Manager;
- (3) Advise the City Council whenever called upon to do so and attend the regular meetings of Council and direct and advise such officers in the proper discharge of their duties;
- (4) Furnish written opinions to the City Council or the Board of Education when called upon for the same; and
- (5) Draw all legal papers and do all legal office work necessary to the proper discharge of his duties.

(Code 1968, Section 2-4)

Secs. 2-72 – 2-80. Reserved.

DIVISION 3. SOCIAL SECURITY

Sec. 2-81. Declaration of Policy.

It is declared to be the policy and purpose of the city to extend, under the agreement entered into by the state and the federal Social Security Administration, to the employees and officials thereof, and its instrumentalities, not excluded by law or by this article, the benefits of the system of Old-age and Survivors' insurance as authorized by the federal Social Security Act, the State Enabling Act, and amendments thereto. In pursuance of such policy, and for that purpose, the city shall take such action as may be required by applicable state or federal laws or regulations.

(Code 1968, Section 2-79)

Sec. 2-82. Authorization to Execute Agreements – Original.

The Mayor is authorized and directed to execute all necessary agreements and amendments thereto with the state employees' retirement system and officials to include any employee that are in positions covered by a public retirement system. In the manner provided by the law.

(Code 1968, Section 2-80)

Sec. 2-83. Same – Ineligible Employees excluded.

There is excluded from this article any authority to make any agreement with respect to any position or any employee or official not authorized to be covered by applicable state and federal laws and regulations.

(Code 1968, Section 2-81)

Sec. 2-84. Same – Amendatory; Release of Deposits.

The City Manager is authorized and directed to execute an agreement amending The original plan and agreement with the state employees' retirement system, providing for the release of social security escrow deposits.

(Code 1968, Section 2-82)

Sec. 2-85. Salary Deductions.

Withholdings from salaries or wages of employees and officials for the purpose provided for in this article are authorized to be made in the amounts and at such times as may be required by applicable state and federal laws and regulations, and shall be paid to the state agency.

(Code 1968, Section 2-83)

Sec. 2-86. City Contributions – Appropriation; records.

There shall be appropriated from the city operating funds such amounts at such times as may be required by applicable state and federal laws and regulations for employers contributions, administrative expenses, and a guaranty fund to ensure that the state will not incur any debt or loss as a result of the agreement referred to in this Article. Such funds shall be paid over to the state employees' retirement system in accordance with regulations established by the agency.

(Code 1968, Section 2-84)

Sec. 2-87. Same – Pledge of State Grant Funds.

The city pledges an amount which it would receive in state grant funds as security for ensuring that it will make collections from its employees, submit required reports and remit payments to the state agency as agreed to in its plan of coverage of employees for social security benefits. The city further agrees that if the amount of state grant funds which it is entitled to receive in a calendar year is less than its annual payment to the state agency, as may be determined by the state agency, then the city shall deposit in escrow, when so notified in writing by the state agency and in accordance with its rules and regulations, an amount which,

when added to the city's state grant funds, would total an amount sufficient to meet its obligations of reporting and remitting collections to the state agency.
(Code 1968, Section 2-85)

Sec. 2-88. Records; Reports; Payment – Required.

The city shall keep such records and make such reports and payments as may be required by applicable state and federal laws and regulations.
(Code 1968, Section 2-86)

Sec. 2-89. Same – Agreement to abide by state agency rules.

The city agrees to abide by the rules and regulations of the state employees' retirement system in regard to collections from city employees and in making reports and payments to the state agency.
(Code 1968, Section 2-87)

Secs. 2-90 – 2-100. Reserved.

DIVISION 4. WORKERS' COMPENSATION

Sec. 2-101. Program Established.

The city does hereby establish the city's workers' compensation Program and will finance and administer this program for the benefit and protection of the citizens and employees of the city.
(Ord. No. 1028, Section 1,10-4-93)

Sec. 2-102. City Manager authorized to execute documentation for creation.

The Mayor and Council hereby authorize the City Manager to execute all applicable documentation germane to the creation of this program.
(Ord. No. 1028, Section 1, 10-4-93)

Sec. 2-103. Reserves for compensation to be restricted.

The City Manager shall ensure that the correct dollar amount of reserves required by the State Workers' Compensation Board are properly restricted.
(Ord. No. 1028, Section 1, 10-4-93)

Secs. 2-104 – 2-125. Reserved.

ARTICLE IV. BOARDS, COMMISSIONS AND COMMITTEES*

DIVISION 1. GENERALLY

Sec. 2-126-2-135. Reserved.

DIVISION 2. PLANNING COMMISSION

Sec. 2-136. Created; Membership.

There is created a Planning Commission to consist of five members, who shall be residents of the city, and shall be appointed by the City Council. The terms of the members shall be for five years, the term of one member expiring each year. Any vacancy in the membership shall be filled for the unexpired term by the City Council, which shall also have the authority to remove any member for cause, on written charges, after a public hearing. All members shall serve without compensation but may be reimbursed for actual expenses incurred in connection with their official duties.

(Code 1968, Section 2-5)

Sec. 2-137. Organization; Rules; Staff; Finances.

The Planning Commission shall elect its chairman from among its members. The term of the chairman shall be one year with eligibility for re-election. The Planning Commission shall appoint a secretary, who may be an officer or employee of the city. The Planning Commission shall make its own rules of procedure and determine its time of meeting. All meetings of the Planning Commission at which official action is taken shall be open to the public, and all records of the Planning Commission shall be public records. The Planning Commission may appoint such employees and staff as it may deem necessary for its work and may contract with the State Planning Commission and city planners and other consultants for such services as it may require. The expenditure of the Planning Commission exclusive of gifts, shall be within the amounts appropriated for the purpose by the City Council.

(Code 1968, Section 2-6)

***Cross references** – Zoning Board of Adjustment, Section 22-196 et seq; Historic Preservation Commission, Section 22-301 et seq.

Sec. 2-138. Powers under state law.

The Planning Commission shall have all the powers, duties and responsibilities set forth in state law.

(Code 1968, Section 2-7)

Secs. 2-139 – 2-144. Reserved.

DIVISION 3. RECREATION BOARD*

Sec. 2-145. Purpose.

Recreation comprises the programs, activities, events, and facilities that strengthen a community by serving and addressing the leisure needs of all age groups. In addition, a viable

recreation program can become a source of pride and lend itself to attracting person, businesses and industries into the community.

With this in mind, we the Mayor and Council of the city of Elberton do approve, adopt and endorse this division for the betterment of our community and for the mutual benefit of our citizens.

(Ord. No. 1032, Section I, 12-6-93)

Sec. 2-146. Authority.

(a) Pursuant to Ga. Const., art. IX, sec. II, par. I(a) and O. C. G. A. Title 36, Chapter 64, the Mayor and Council of the City of Elberton does enter into and adopts this ordinance to provide for the establishment and operation of a recreation system within Elbert County and in cooperation with the governing bodies of the City of Bowman and Elbert County, Georgia.

(b) Each governing body shall adopt this ordinance in the manner prescribed for the adoption of its ordinances. This ordinance shall become effective upon its adoption or at the adoption of a like ordinance by the governing bodies of the City of Bowman and Elbert County, Georgia, whichever event occurs last.

(c) Each governing body, by adoption of its respective ordinance, warrants that it shall diligently seek to perform its respective duties as set forth herein.

(Ord. No. 1032, Section II, 12-6-93)

Sec. 2-147. Board created; members, officers.

(a) Creation of the board. The title of the board shall be "The Elbert County Recreation Board".

(b) Board Members. Number, appointment, terms and compensation. The Elbert County Recreation Board hereinafter referred to as the "board" shall consist of nine members who shall serve without pay. The members of the board shall be appointed by the governing bodies of the City of Elberton, the City of Bowman, and Elbert County with each body having three appointments to the board. Terms of office shall be for a five-year period, or until their successors are appointed and qualified, provided however that initial appointments are to be made as follows:

- (1) City of Elberton: First appointment expires December 31, 1994; second appointment expires December 31, 1995; third appointment expires December 31, 1996.
- (2) City of Bowman: First appointment expires December 31, 1994; second appointment expires December 31, 1995; third appointment expires December 31, 1996.
- (3) Elbert County: First appointment expires December 31, 1994, second appointment expires December 31, 1995; third appointment expires December 31, 1996.

Successors to the initial appointments, including reappointments it be the desire of the appointing body, shall serve five-year terms. Appointees need not reside within the appointing governmental body's jurisdiction but must reside within Elbert County.

Members, as previously stated, do not receive a salary although they may be reimbursed for expenses incurred as a result of their duties and responsibilities.

(c) Officers. Immediately after its appointment the board shall meet and organize by electing a President, Vice-president, Secretary and a Treasurer, and any such other officers as it may deem necessary.

(d) Ex Officio Members. Persons filing the following positions are authorized to serve the board in any advisory capacity only and are not empowered to vote on any matters before the board:

Elberton City Manager
Elbert County Manager
Mayor of Bowman or designee
Recreation Director
Youth Sports Board President or designee
Superintendent, Elbert county Schools or designee

(Ord. No. 1032, Section III, 12-6-93)

Sec. 2-148-Scope of Powers.

(a) Responsibility and authority. The board shall have the responsibility and authority over all activities pertaining to public recreation as heretofore provided by the City of Elberton Recreation Department and City of Bowman Recreation Department. It shall be the sole and exclusive responsibility of the authority to promulgate programs, policies and procedures in order to carry out a full and thorough recreation program to satisfy the recreation and park needs of Elbert county, Georgia, to establish a dynamic and cost-effective recreation and parks program to ensure full utilization of all recreational resources within the City of Elberton, the city of Bowman and Elbert County, Georgia, and to improve those resources where necessary, and to unite and supervise all three communities' recreation and park resources.

(b) Members appointed for tribunal purposes. The board shall appoint three of its members to serve as a tribunal in all matters relating to the discipline, conduct and behavior of participants, coaches and any other persons associated with any recreation event. Hearings before the tribunal are subject to the open records and meeting requirements prescribed by the laws of the State of Georgia.

(c) Adoption of rules; appointment of meetings, quorum. The board is empowered to adopt rules for the transactions of its business; shall provide for the time and place of regular meetings, and for the calling of special meetings. The board shall have the flexibility to adopt rules of procedure without amendment to this ordinance. A quorum shall consist of a majority of the members. The latest edition of Roberts' Rules of Order at the time of any meeting shall determine the order of business at all meetings.

(d) Meetings open to public. All meetings of the board shall be open to the public as required by the laws of the State of Georgia. In addition, a public record as required by such laws shall be maintained by the board's resolutions, proceedings and actions.

(e) Empowered to receive input, recommendations from other organizations. The board is empowered to receive input, recommendations and advice from any and all organizations within Elbert county which have any connection with recreation, to include but not be limited to 4-H, Elbert County Board of Education, civic service groups and church affiliated groups. (Ord. No. 1032, Section IV (12-6-93))

Sec. 2-149. Personnel.

(a) All full time positions of the recreation service shall be employees of the Recreation Board. Unless and until this section is amended by ordinance, duly adopted by the three governing bodies, all employees of the recreation service shall be subject to the personnel management system policies of the City of Elberton, Georgia, as adopted by the Mayor and Council on November 10, 1986, the Charter of the City of Elberton, Georgia, and the Code of Ordinances of the City of Elberton, Georgia.

(b) The board is empowered to make recommendations regarding personnel to the City Manager of the City of Elberton. (Ord. No. 1032, Section V, 12-6-93)

Sec. 2-150. Funding

(a) The board shall be empowered to accept contributions and/or appropriations from the City of Elberton, the City of Bowman, and Elbert County. The board may also accept funds raised through other means and intended to be used for recreational purposes only.

(b) The board may accept any grant or devise of real estate or any gift or bequest of money or other personal property or any donation, the principal or income of which is to be applied for either temporary or permanent use for playgrounds or recreation purposes. If the acceptance thereof for such purposes will subject the county or municipality to additional expense for improvements, maintenance, or renewal, the acceptance of any grant or devise of real estate shall be subject to the approval of the governing body of the county or municipality. Money received for such purposes, unless otherwise provided by the terms of the gift or bequest, shall be deposited with the Treasurer of the city of Elberton to the account of the recreation board; and it shall be withdrawn and paid out by such body in the same manner as money appropriated for recreation purposes.

(c) The governing body of any municipality or county, pursuant to law, may provide that the bonds of the municipality or county may be issued, in the manner provided by law for the issuance of bonds for other purposes, for the purpose of acquiring lands or buildings for parks, playgrounds, recreation centers, and other recreational purposes and for the equipment thereof.

(d) All funds received from any source are subject to annual audit, but additional audits may be performed if directed by majority vote and each of the three governing bodies.

(e) The board shall review on at least an annual basis the operation of all recreational programs in an effort to determine future financial needs. The board shall be presented a budget estimate by the recreation director for the upcoming fiscal year, such estimate to be presented no later than April 15th of each year.

The budget estimate by the Recreation Director shall be reviewed and a budget adopted by the board before its submission to the three governing bodies for their final consideration.

(f) The governing authority of the Cities of Elberton and Bowman and of Elbert County may appropriate funds for and provide for the establishment, maintenance and conduct of a supervised recreation system, or if a special tax is necessary, upon its own motion may cause the question of the establishment, maintenance, and conduct of such supervised recreation system to be submitted to the voters to be voted upon at the next general or special election of the municipality or county, provided such motion and has been made at least 30 days prior to the date of such election.

(g) Each local government's contribution and/or appropriation shall be reviewed annually by the board, and the board shall make recommendations as to (each government's equitable share in funding recreation programs, activities, events and facilities).

(h) The board shall be responsible for the collection and depositing of all funds received and for all disbursements made in accordance with generally accepted governmental accounting principles and the current recreation budget as adopted by the three governing bodies.

(i) The City of Elberton shall serve as fiscal agent for the board.

(j) The cost and expense of the establishment, maintenance and conduct of a supervised recreation system of parks, playgrounds, recreation centers, and other recreational facilities and activities shall be paid out of taxes or other money received for this purpose. The recreation board shall have exclusive control of all moneys collected or donated to the credit of the "recreation funds".

(Ord. No. 1032, Section VI, 12-6-93)

Sec. 2-151. Property.

Title to all property, real and personal, designated and used for recreational purposes shall remain with the current owners and all parties shall assist with the maintenance and upkeep of such properties. Transfer of title shall be in accordance with applicable provisions of the Official Code of Georgia Annotated.

(Ord. No. 1032, Section VII, 12-6-93)

Secs. 2-152-2-159. Reserved

ARTICLE V. FINANCE*

DIVISION 1. GENERALLY

Sec. 2-160. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Budget and/or budget estimate. means a plan of financial operation embodying an estimate of proposed expenditures during a budget period and the proposed means of financing them.

Budget period. means the period from July 1st to June 30th for which a budget resolution is adopted.

Budget Resolution. means that governmental action which appropriates revenues and fund balances for specified purposes, functions or activities for a budget period.

Capital Projects Fund. means a fund used to account for financial resources to be used for the acquisition or construction of major capital facilities other than those financed by resources from proprietary type activities which are accounted for in enterprise funds or those financed with funds held by the local government in a trustee capacity.

Debt Service Fund. means a fund used to account for the accumulation of resources for and the payment of general long-term debt principal and interest.

Enterprise Fund. means a fund used to account for operations that are financed and operated in a manner similar to private business enterprises where the intent of the Mayor and Council is that the costs of providing goods and services to the general public on a continuing basis be financed or recovered primarily through user charges or where the governing authority has decided that periodic determination of revenues earned, expensed incurred, or net income is appropriate for capital maintenance, public policy, management control, accountability, or other purposes. For purposes of this paragraph, the term “costs” means expenses, including depreciation.

***State law reference** – Power of expenditure, Ga. Const. art. 9, sec. 4, par. 2.

Fiduciary Fund. means those trust and agency funds used to account for assets held by the city in a trustee capacity or as an agent for individuals, private organizations, other governmental units, or other funds.

Fiscal Year. means the period form July 1st to June 30th for which a budget resolution is adopted for the general fund, each special revenue fund, if any, and each debt service fund, if any.

Fund. means a fiscal and accounting entity with a self-balancing set of accounts recording cash and other financial resources, together with all related liabilities and residual equities or balances, and changes therein, which is segregated for the purpose of carrying on specific activities or attaining certain objectives in accordance with special regulations, restrictions, or limitations.

General Fund. means the fund used to account for all financial resources except those required to be accounted for in another fund.

Internal Service Fund. means a fund used to account for the financing of goods or services provided by one department to other departments of the city or to other governmental units on a cost-reimbursement basis.

Legal Level of Control. means the lowest level of budgetary detail at which the budget officer may not reassign resources without approval of the Mayor and Council. The legal level of control shall be expenditures for each department for each fund for which a budget is required.

Special Revenue Fund. means a fund used to account for the proceeds of specific revenue sources, other than those for major capital projects or those held by the city in a trustee capacity, that are legally restricted to expenditure for specified purposes.
(Ord. No. 2080, Section 1, 12-4-00)

Sec. 2-161. Fiscal Year.

The fiscal year of the city in all matters of accounts, receipts, expenditures, estimates, and appropriations shall commence on July 1st of each year and extend to June 30th of the following year. All business matters of the city shall be transacted accordingly.
(Code 1968, Section 2-1)

State law reference – Requirement of governing body to establish a fiscal year, O.C.G.A., Section 36-81-3.

Sec. 2-162. Uniform Chart of Accounts.

The city will utilize the State of Georgia's uniform chart of accounts and any subsequent revisions thereto.
(Ord. No. 2081, Section 1, 4-12-00)

Secs. 2-163-2-170. Reserved.

DIVISION 2. CENTRALIZED PURCHASING SYSTEM

Sec. 2-171. City Manager designated purchasing agent; to establish system for purchases and sales.

The City Manager shall be the purchasing agent for the city, and as such, it shall be his duty to establish and administer a system for the centralized purchasing of all supplies, materials, equipment, and services required by any department of the city government, and for the sale of unusable or surplus property other than real property, owned by the city, subject to the limitations contained in this article and other applicable law.
(Code 1968, Section 2-63).

Sec. 2-172. Bids; soliciting; accepting; requiring surety.

(a) Where the dollar amount of the purchase or sale is less than \$2,500.00, the city manager may solicit bids at his discretion. Competitive bids shall be required on any purchase or sale in the amount of \$2,500.00 or more. Competitive bids may be obtained in writing, by facsimile transmission, by electronic mail, from current catalog price lists, or from online web sites. The city shall in no way be obligated to accept the lowest bid, but shall take into consideration quality, delivery date, discounts and other factors in determining the lowest best bid which is in the interest of the city. The city council or the city manager may at their discretion require surety in the form of certified check, cash, or bond to ensure fulfillment of purchase, contract or sale.

(b) Joint Purchasing and Collaborative Purchasing. The purchasing agent may use State of Georgia contracts for purchasing any products that are available to local governments. In addition, favorable contract pricing obtained by any organization or agency of which the city is a member may be used for purchasing any products that are available. Such memberships include, but are not limited to, the Municipal Electric Authority of Georgia, the Municipal Gas Authority of Georgia, and the National Cable Television Cooperative. The city may also engage in collaborative purchasing agreements with other governmental entities in Elbert County through combined purchasing power and economies of scale.

(c) Brand name purchases. The purchasing agent may elect the purchase of a brand name product or service when the goods comprise a major brand system, program, or service previously selected by the city and due to operational effectiveness, future enhancements or additions, or maintenance and storage of spare parts preclude the mixing of brands, manufactures, etc.

(d) Sole source purchases. A contract may be awarded or a purchase made without competition when the city determines that there is only one source for the required products, supply service, or construction item. The purchasing agent shall conduct negotiations as appropriate, as to price, delivery, and terms.

(e) Modification of specifications. Once a contract is bid and awarded by city officials in accordance with this section, the city reserves the right to further negotiate all terms of the contract if the city determines that it is in the city's best interest to do so without the necessity of rebidding any such contract.

(Ord 2151, amended Dec. 7, 2007)

Sec. 2-173. Limitations on City Manager's purchase and sale authority.

The city manager is authorized to make purchases or to sell excess property, other than real estate, in the name of the city in amounts less than \$10,000.00, provided it is within the limitations of budget appropriations. Approval by the city council shall be required of any purchase or sale in an amount of \$10,000.00 or more, and in the purchase or sale of any real property. The Mayor and Council shall be notified of all such purchases in an amount above \$5,000.00 but less than \$10,000.00 in a report by the city manager no less than quarterly.

(Ord 2151, amended Dec. 7, 2007)

Sec. 2-174. Purchases subject to approval of Council where above budget appropriation; exception.

Except in cases of emergency, and with the approval of the City Council, no purchase shall be made unless there is sufficient unencumbered balance of budget appropriation to cover the entire cost of the goods or services to be procured.

(Code 1968, Section 2-66)

Sec. 2-175. Purchase Rules and Procedures; Establishing.

The City Manager shall establish the necessary rules and procedures regulating emergency purchases, open market, stock levels, issuance and accountability for supplies, materials and equipment, to serve and protect the best interest of the city.

(Code 1968, Section 2-67)

Sec. 2-176. Unauthorized transactions void.

Any sale or contract made in conflict with the provisions of this article shall be void and of no effect.

(Code 1968, Section 2-68).

Sec. 2-177. Purchases from elected officials, appointed officials, or employees.

The provisions of Section 16-10-6 of the Official Code of Georgia Annotated shall apply to all purchases by the City of Elberton from any elected official of the City of Elberton, and all employees and appointed members of any boards, committees or authorities of the City of Elberton, and shall be binding upon the city manager and any other person having the authority of the City of Elberton to make purchases. For purposes hereof, the provisions of Section 16-10-6 of the Official Code of Georgia are incorporated by reference herein as if set forth verbatim.

It shall be prohibited to make purchases of any personal property, which shall include supplies and equipment, from any elected official, employee or appointed member of any board, committee or authority of the City of Elberton, in an aggregate amount of more than \$200.00 per calendar quarter; EXCEPT AND PROVIDED HOWEVER, that this prohibition shall not apply to sales of such personal property made pursuant to sealed competitive bid. The Mayor and Council shall be notified of all such purchases from an elected official, an employee, or appointed officials in a report by the city manager no less than quarterly.

The city manager shall provide and implement such policies and procedures as may be necessary and appropriate to assure compliance with the provisions hereof.

(Ord 2151, amended Dec. 7, 2007)

Secs. 2-177-2-179. Reserved.

DIVISION 3. BUDGET PROCEDURES

Sec. 2-180. Budget Officer designated.

The Budget Officer for the city is the City Manager or his/her designee.

(Ordinance 2080, Section 1, 12-4-00)

Sec. 2-181. Balanced Budget required.

(a) All funds of the city will operate under balanced budgets. A budget is balanced when the sum of the estimated revenues and the appropriated fund balances is equal to appropriations.

(b) The city shall adopt by resolution and operate under an annual balanced budget for the general fund, each special revenue fund, and each debt service fund. Any capital projects fund shall require the city to operate under a project length balanced budget adopted by resolution in the year that the project begins. All capital projects fund expenditures will be appropriated for the duration of the capital project.

(c) Amendments to the budget of any funds may be made during the fiscal

year. The Mayor and Council may act to amend a budget at the legal level of control either as a result of increase in anticipated revenues or by transferring appropriations among departments. Transfers of appropriations within a department may be approved and made by the budget officer.

(Ord. No. 2080, Section 1, 12-4-00)

Sec. 2-182. Budget estimate process; required hearings and notice thereof.

(a) The City Manager shall recommend a budget schedule of pertinent events for consideration and adoption by the Mayor and Council. The budget schedule shall include recommended planning session dates, periods for departmental input, public hearings, and a period for adoption.

(b) The Finance Department of the city will disburse the necessary information and forms to each department as defined by the budget schedule. Each department shall submit budget requests including projections of anticipated revenues to the finance department in the period defined by the budget schedule. The finance department will submit the departmental budget including projections of anticipated revenue requests and its budget request recommendations including projections of anticipated revenues to the City Manager in the period defined by the budget schedule.

(c) The City Manager will issue a budget estimate to the Mayor and Council no later than 40 days prior to the beginning of the fiscal year, which is May 22nd of each year. The City Manager shall prepare a budget estimate which he shall transmit to Council, and which shall set forth all proposed expenditures for the administration, operation and maintenance of all departments and agencies of the city for which appropriations are required to be made or taxes levied by the city government; all expenditures for capital projects to be undertaken or executed during the fiscal year; all interest and debt redemption charges during the fiscal year; and the actual or estimated operating deficits from prior years. In addition thereto, the budget estimate shall set forth the anticipated income and other means of financing the total proposed expenditures of the city government for the fiscal year. The Mayor and Council shall review this estimate prior to enactment of a budget resolution. As soon thereafter as possible, the Council shall adopt the budget by resolution and pass the tax levy ordinance and such other ordinances as may be required to make the budget effective.

(d) A copy of the City Manager's budget estimate shall be placed in the office of the City Clerk for inspection by the residents of Elberton. The budget estimate will be available for public inspection Monday through Friday, from the hours of 8:00 a. m. until 5:00 p. m. A copy of the budget estimate shall also be made available to the news media upon request.

(e) A notice shall be placed in the legal organ of Elberton advertising the availability of the budget estimate for public inspection the same week the budget estimate is delivered to the Mayor and Council. The notice shall include the time and date for the public hearing as scheduled in the adopted budget calendar. The notice will be prominently displayed within the legal organ, not displayed as a legal notice or on the section of the legal organ where legal notices appear.

(f) A public hearing will be held at least one week prior to the meeting of the Mayor and Council at which the budget resolution will be considered for adoption. The hearing will be advertised in the manner prescribed in paragraph (e). Additional public hearings may be held at the discretion of the Mayor and Council.

(Ord. No. 2080, Section 1, 12-4-00)

Sec. 2-183. Budget Resolution adoption.

(a) A budget resolution will be adopted at a public meeting. The proposed adoption meeting date will be advertised prominently displayed within the legal organ of Elberton, not displayed as a legal notice or in the section of the legal organ where legal notices appear, at least one week prior to the meeting.

(b) The budget resolution will include the amount of anticipated revenues and appropriations for each operating fund of the city as well as the combined anticipated revenues and appropriations for all operating funds.

(Ord. No. 2080, Section 1, 12-4-00)

Secs. 2-184 – 2-199. Reserved.

Sec. 2-200. Freeport tax exemption.

A Freeport tax exemption for industries within the Corporate Limits of Elberton passed by public referendum at a general election held on November 2, 1999. The citizens of the city voted to enact a Freeport tax exemption in all three classes:

- (1) Goods in process of manufacture or production which include partly finished goods and raw materials held for direct use or consumption on the ordinary course of the taxpayer's manufacturing or production business;
- (2) Finished goods held by the manufacturer;
- (3) Finished goods held by distributors, wholesalers and manufacturers destined for out of state shipment. As allowed by state law, the Mayor and Council have set a Freeport tax exemption for the city of Elberton at 100 percent as stated by law.

(Ord. No. 2058, Section 1, 1-3-00)