

ORDINANCE

AN ORDINANCE PROVIDING FOR AMENDMENT OF THE CITY CHARTER AND REPEALING ALL OTHER ORDINANCES AND SECTIONS OF ORDINANCES IN CONFLICT THEREWITH:

An ordinance having previously been adopted providing for the amendment of the city charter, and legislative council having suggested additional changes as set forth herein, the previous ordinance is hereby amended to include the additional changes as provided herein

It is hereby ordained by the governing authority of the City of Alamo, Georgia as follows:

SECTION I. AMENDMENT OF CHARTER.

The charter of the City of Alamo is hereby amended in those particular sentences, paragraphs and sections as set forth more fully in Exhibit A which is attached hereto and made a part hereof. The charter as so amended is restated in its entirety as set forth in the copy attached hereto as Exhibit B.

SECTION II. SUBMISSION TO LEGISLATURE.

Upon final approval of this ordinance, the amended and restated charter shall be submitted to the legislature for approval.

SECTION II. REPEAL.

This ordinance shall be cumulative of all other ordinances which may govern the subject matter hereof except to the extent that such ordinances or parts of ordinances are in conflict with the provisions of this ordinance. To the extent of any such conflict, such prior ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed.

SECTION III. EFFECTIVE DATE.

This ordinance shall take effect from and after the 18th day of

February, 2019.

Attest: Maria Canillo
CITY CLERK

[Signature]
MAYOR or MAYOR PRO TEMPORE

Exhibit A

Statement of Amendments to City Charter

Section 2.02 is amended by deleting "serve for terms" in the first sentence and inserting "be elected by the voters of the city at large and shall serve a term" so that it will read "The Mayor and members of the City Council shall be elected by the voters of the city at large and shall serve a term of four (4) years ...".

Section 2.02 second sentence is amended by putting a period after the second appearance of the word "City" and capitalizing the word "Each" in the next sentence. The third sentence is amended by deleting the word "therein" and replacing it with the words "the City".

Section 2.02 is amended by adding the following new provisions at the end of the section:

"No person shall be eligible to qualify as a candidate for the office of mayor or council member while holding any other elective public office nor while a candidate for nomination or election to any other public office. No person shall be eligible to qualify as a candidate for the office of mayor or council member while indebted to the City for delinquent property taxes, water, sewer and garbage collection fees, fines or any other delinquent indebtedness of any kind. After election to the office of mayor or council, any officer indebted to the City for property taxes, water, sewer and garbage collection fees, fines or any other indebtedness of any kind which is six months past due shall be disqualified to serve; and the office may, in the discretion of the remaining members of the council, be declared vacant, and the vacancy filled as provided in Section 2.03."

Section 2.03(a) is amended by adding after the words "become vacant upon" the following additional words "the incumbent's death or resignation or".

Section 2.05 is amended by adding new subparagraphs (e) through (k) as follows:

"(e) Conflict of Interest - No elected official, appointed officer, or employee of the city or any agency or political entity to which this charter applies shall knowingly:

(1) Engage in any business or transaction, or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of that person's official duties or which would tend to impair the independence of the official's judgment or action in the performance of those official duties;

(2) Engage in or accept private employment, or render services for private interests when such employment or service is incompatible with the proper discharge of that person's official duties or would tend to impair the independence of the official's judgment or action in the performance of those official duties;

(3) Disclose confidential information, including information obtained at meetings which are closed pursuant to Title 50, chapter 14 of the Official Code of Georgia Annotated, concerning the property, government, or affairs of the governmental body by which the official is engaged without proper legal authorization; or use such information to advance the financial or other private interest of the official or others;

(4) Accept any valuable gift, whether in the form of service, loan, thing, or promise, from any person, firm or corporation which to the official's knowledge is interested, directly or indirectly, in any manner whatsoever, in business dealings with the governmental body by which the official is engaged; provided, however, that an elected

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

(5) Represent other private interests in any action or proceeding against this city or any portion of its government; or

(6) Vote or otherwise participate in the negotiation or in the making of any contract with any business or entity in which the official has a financial interest.

(f) Disclosure - Any elected official, appointed officer, or employee who shall have any financial interest, directly or indirectly, in any contract or matter pending before or within any department of the city shall disclose such interest to the city council. The mayor or any councilmember who has a financial interest in any matter pending before the city council shall disclose such interest and such disclosure shall be entered on the records of the city council, and that official shall disqualify himself or herself from participating in any decision or vote relating thereto. Any elected official, appointed officer, or employee of any agency or political entity to which this charter applies who shall have any financial interest, directly or indirectly, in any contract or matter pending before or within such entity shall disclose such interest to the governing body of such agency or entity.

(g) Use of Public Property - No elected official, appointed officer, or employee of the city or any agency or entity to which this charter applies shall use property owned by such governmental entity for personal benefit or profit but shall use such property only in their capacity as an officer or employee of the city.

(h) Contracts Voidable and Rescindable - Any violation of this section which occurs with the knowledge, express or implied, of a party to a contract or sale shall render said contract or sale voidable at the option of the city council.

(i) Ineligibility of Elected Official - Except where specifically authorized by law, neither the mayor nor any council member shall hold any other elective or appointive office in the city or otherwise be employed by said government or any agency thereof during the term for which that official was elected.

(j) Political Activities of Certain Officers and Employees - No employee of the city shall continue in such employment upon election to any public office in this city or any other public office which is inconsistent, incompatible or in conflict with the duties of the city employee. Such determination shall be made by the City Council either immediately upon election or at any time such conflict may arise.

(k) Penalties for Violation

(1) Any city officer or employee who knowingly conceals such financial interest or knowingly violates any of the requirements of this section shall be guilty of malfeasance in office or position and shall be subject to forfeiture of that person's office or position.

(2) Any officer or employee of the city who shall forfeit an office or position as described in paragraph (1) above, shall be ineligible for appointment or election to or employment in a position in the city government for a period of three years thereafter."

Section 2.07 is amended by adding paragraph designation "(a)" at the beginning thereof and adding a new subparagraph (b) as follows:

"(b) In addition to all other powers conferred upon it by law, the council shall have the authority to adopt and provide for the execution of such ordinances, resolutions, rules, and regulations, not inconsistent with this charter and the Constitution and the laws of the State of Georgia, which it shall deem necessary, expedient, or helpful for the peace, good order, protection of life and property, health, welfare, sanitation, comfort, convenience, prosperity, or well-being of the inhabitants of the City of Alamo and may enforce such ordinances by imposing penalties for violation thereof."

Section 2.09 is amended in the first sentence by deleting the word "on" and inserting the word "at" after the words "organizational meeting" and before the words "the first regular meeting".

Section 2.09 is amended in the second sentence by inserting after the words "City Clerk" the additional words "or in the absence of a city clerk, by the mayor or mayor elect", and after the words "newly elected members" adding the words "by a judicial officer or notary public authorized to administer oaths. The oath shall be". The oath is revised to read as follows:

"I do solemnly (swear)(affirm) that I will faithfully perform the duties of (mayor) (Council member) of this City and that I will support and defend the charter thereof as well as the constitution and laws of the State of Georgia and the United States of America. I am not the holder of any unaccounted for public money due this state or any political subdivision or authority thereof. I am not the holder of any office of trust under the government of the United States, any other state, or any foreign state which I by the laws of the State of Georgia am prohibited from holding. I am otherwise qualified to hold said office according to the Constitution and laws of Georgia. I have been a resident of the City of Alamo for the time required by the Constitution and laws of this state and by the municipal charter to qualify for this office. I will perform the duties of my office in the best interest of the City of Alamo to the best of my ability without fear, favor, affection, reward, or expectation thereof."

Section 2.10 (b) is amended by adding at the end of the fourth sentence thereof the following additional language: "except where the council member attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened."

Section 2.10 (b) is amended by adding at the end of the fifth sentence thereof the following additional language: "unless the council members present at such meeting (other than the mayor) unanimously agree to consider other matters."

Section 2.11 (b) is amended by deleting the word "mayor" and inserting the word "council" in its place in both sentences of that section.

Section 2.12 is amended in the last sentence thereof by deleting the word "either" and "make or break" and adding the words "so as to decide the question in the event of" and "but not otherwise" so that the sentence will read as follows:

"The Mayor pro tem, while acting as such in the Mayor's absence, shall have the right to vote so as to decide the question in the event of a tie vote, but not otherwise."

Section 2.19 is deleted in its entirety and a new section 2.19 is added as follows:

"Section 2.19. Powers and Duties of Mayor.

The mayor shall:

- (a) preside at all meetings of the city council;
- (b) be the head of the city for the purpose of service of process and for ceremonial purposes, and be an official spokesperson for the city and an advocate of policy;
- (c) have power to administer oaths and to take affidavits; and
- (d) sign as a matter of course on behalf of the city all written and approved contracts, ordinances and other instruments executed by the city which by law are required to be in writing.
- (e) vote so as to decide the question in the event of a tie vote, but not otherwise;

- (f) assist the city manager to prepare and submit to the city council a recommended annual operating budget and recommended capital budget; and
- (g) fulfill such other executive and administrative duties as the city council shall by ordinance establish.”

Section 2.20 and Section 2.21 are deleted in their entirety.

Section 2.22 is renumbered as Section 2.20 and substantially revised so as to read as follows:

“Section 2.20. Mayor Pro Tempore; Selection; Duties.

By a majority vote, the City Council shall elect a Council Member to serve as mayor pro tempore each year who shall serve at the pleasure of City Council. Except when presiding at a meeting or acting as mayor, the mayor pro tempore shall continue to vote and otherwise participate as a council member. Upon the mayor’s physical or mental disability, disqualification, suspension from office or absence for any cause, the mayor pro tempore shall preside at meetings of the City Council and shall assume the duties and powers of the mayor. During the mayor’s physical or mental disability, disqualification, suspension from office or absence for any cause, the mayor pro tempore shall be clothed with all the rights, powers and privileges of the mayor and shall perform the duties of the office of the mayor so long as such absence, disqualification, suspension or disability shall continue. The mayor pro tempore shall sign all contracts and ordinances in which the mayor has a disqualifying financial interest as provided in Section 2.05. When acting as mayor, the mayor pro tem shall continue to have only one vote as a member of the council. The City Council by a majority vote shall elect a new presiding officer from among its members for any period in which the mayor pro tempore is disabled, disqualified or absent. Any such absence or disability of the mayor or mayor pro tempore shall be declared by majority vote of all Council members.”

Section 3.01(d) is amended in the second sentence by deleting the word “mayor” and inserting in its place the words “city manager”

Section 3.01(e) is amended by deleting the word “mayor” in three places and inserting in its place the words “city manager” in each place.

Section 3.04 is amended by adding at the end of that section a new sentence as follows: “If the position of city manager is vacant, City Council shall be authorized to appoint the City Clerk as temporary city manager for such time period as City Council shall determine.”

Section 3.06 is renumbered as 3.06.1.

Section 3.06 is amended by deleting the word “administrator” throughout the entire section and substituting the word “manager” in its place.

Section 3.06(a) is amended at the end of the first sentence by deleting the word “Mayor” and substituting the words “city council” in its place; and in the second sentence of subsection (a), a period is inserted after the word “Alamo” and the remainder of that sentence is deleted.

Section 3.06(b) is amended by rewriting the subsection as follows:

“(b) The city manager shall be appointed for an indefinite term, and the manager may be removed at any time by a majority vote of the city council with or without cause. The city council shall fix the manager’s compensation.”

Section 3.06(e) is deleted in its entirety.

Section 3.06.2 is added as follows:

"Section 3.06.2 Acting City Manager.

By letter filed with the city clerk, the manager may designate, subject to approval of the city council, a qualified city administrative officer to exercise the powers and perform the duties of manager during the manager's temporary absence. During such absence, the city council may revoke such designation at any time and appoint another officer of the city to serve until the manager shall return."

Section 3.06.3 is added as follows:

"Section 3.06.3. Powers and Duties of the City Manager.

The city manager shall be the chief executive and administrative officer of the city. The manager shall be responsible to the city council for the administration of all city affairs placed in the manager's charge by or under this charter. As the chief executive and administrative officer, the manager shall:

(a) appoint and, when the manager deems it necessary for the good of the city, suspend or remove all city employees and administrative officers the manager appoints, except as otherwise provided by law or personnel ordinances adopted pursuant to this charter. The manager may authorize any administrative officer who is subject to the manager's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency;

(b) direct and supervise the administration of all departments, offices and agencies of the city, except as otherwise provided by this charter, by law or by ordinances or policies approved by city council;

(c) attend all city council meetings except for closed meetings held for the purposes of deliberating on the appointment, discipline or removal of the city manager and have the right to take part in discussion but not vote;

(d) see that all laws, provisions of this charter, and acts of the city council, subject to enforcement by the manager or by officers subject to the manager's direction and supervision, are faithfully executed;

(e) prepare and submit to the city council a recommended annual operating budget and recommended capital budget;

(f) submit to the city council and make available to the public a complete report on the finances and administrative activities of the city as of the end of each fiscal year;

(g) make such other reports as the city council may require concerning the operations of city departments, offices and agencies subject to the manager's direction and supervision;

(h) keep the city council fully advised as to the financial condition and future needs of the city, and make such recommendations to the city council concerning the affairs of the city as the manager deems desirable; and

(i) perform other such duties as are specified in this charter or as may be required by the city council."

Section 3.06.4 is added as follows:

"Section 3.06.4. Council Interference with Administration.

Except for the purpose of inquiries and investigations under Section 2.06 of this charter, the city council or its members shall deal with city officers and employees who are subject to the direction and supervision of the manager solely through the manager, and neither the city

council nor its members shall give orders to any such officer or employee, either publicly or privately.”

Section 4.02(b) is amended by deleting the last sentence and by revising the first sentence to read as follows:

“No person shall be qualified or eligible to serve as a judge on the municipal court unless that person shall be licensed to practice law in the State of Georgia and an active member in good standing of the State Bar of Georgia and shall possess all other qualifications required by law.”

Section 4.02(c) and (d) are amended to read as follows:

“(c) All judges shall be appointed by the city council and shall receive such compensation as shall be fixed by ordinance of the city council.”

“(d) Judges serve a minimum term of one year and until a successor is appointed unless earlier removed as provided by law.”

Section 4.02(e) is amended by adding the phrase “or mayor pro tempore” after the word “mayor” in the first line.

Section 4.04(c) is amended by changing the phrase “one year” to “six months”.

Section 5.03 is amended by inserting a new sentence at the beginning of said section as follows:

“Elections for city offices shall be non-partisan.”

Section 6.06 is amended by adding the word “maintaining” after the word “providing” and before the words “or making available”.

Section 6.13 is amended by changing the word “acquisitions” to “acquisition”.

Section 6.16 is amended by adding “and city manager” after the word “mayor” in the first sentence of such section; and by adding the words “and/or city manager” after the word “mayor” in the first appearance of the word “mayor” in the second sentence of the section. Said section is further amended by deleting the word “deems” near the end of the second sentence and adding the words “city manager deem” so that the phrase shall then read “mayor and city manager deem appropriate”.

Section 6.17(a) is amended by adding the words “and city manager” after the word “mayor” in the first sentence.

Section 6.19(a) is amended by adding the words “and city manager” after the word “mayor” in the first sentence.

Section 6.19(b) is amended by adding the words “and city manager” after the word “mayor” in the second sentence.

Section 6.21 is amended by deleting the sentence numbered (2) in that subsection which reads in part as follows: “It is drawn by or submitted to and reviewed by the city attorney...”.

Section 6.22(b) is amended by adding the words "or city manager" after the word "mayor".

Section 6.22(c) is amended by adding the words "or city manager" after the word "mayor".

Section 7.08 is amended by changing the effective date so that the section reads: "This charter, as amended, shall become effective on July 1, 2019."

Except as so amended, the remainder of the charter shall remain in effect and unchanged.

CITY OF ALAMO

CHARTER

Article I

INCORPORATION AND POWERS

SECTION 1.01.

Name

This City and the inhabitants thereof, are reincorporated by the enactment of this charter and are hereby constituted and declared a body politic and corporate under the name and style "City of Alamo, Georgia", and by that name shall have perpetual succession.

SECTION 1.02.

Corporate boundaries.

(a) The boundaries of this City shall be those existing on the effective date of the adoption of this charter with such alterations as may be made from time to time in the manner provided by law. The boundaries of this City at all times shall be shown on a map, a written description or any combination thereof, to be retained permanently in the office of the City Clerk and to be designated, as the case may be: "Official Map (or Description) of the Corporate Limits of the City of Alamo, Georgia." Photographic, typed, or other copies of such map or description certified by the City of Alamo shall be admitted as evidence in all courts and shall have the same force and effect as with the original map or description.

(b) The City Council may provide for the redrawing of any such map by ordinance to reflect lawful changes in the corporate boundaries. A redrawn map shall supersede for all purposes the entire map or maps which it is designated to replace.

SECTION 1.03.

Powers and construction.

(a) This City shall have all powers possible for a City to have under the present or future constitution and laws of this state as fully and completely as though they were specifically enumerated in this charter. This City shall have all the powers of self-government not otherwise prohibited by this charter or by general law.

(b) The powers of this City shall be construed liberally in favor of the City. The specific mention or failure to mention particular powers shall not be construed as limiting in any way the powers of this City. These powers shall include, but not be limited to, the following:

(1) Animal Regulations. To regulate and license or to prohibit the keeping or running at-large of animals and fowl, and to provide for the impoundment of same if in violation of any ordinance or lawful order; to provide for the disposition by sale, gift, or humane destruction of animals and fowl when not redeemed as provided by ordinance; and to provide punishment for violation of any ordinance enacted hereunder;

(2) Appropriations and Expenditures. To make appropriations for the support of the government of the City; to authorize the expenditure of money for any purpose authorized by this charter and for any purpose for which a municipality is authorized by the laws of the State of Georgia; and to provide for the payment of expenses of the City;

(3) Building Regulation. To regulate and to license the erection and construction of buildings and all other structures; to adopt building, housing, plumbing, electrical, gas, and heating and air conditioning codes; and to regulate all housing and building trades.

(4) Business Regulation and Taxation. To levy and to provide for the collection of regulatory fees and taxes on privileges, occupations, trades and professions as authorized by Title 48 of the Official Code of Georgia Annotated, or other such applicable laws as are or may hereafter be enacted; to permit and regulate the same; to provide for the manner and method of payment of such regulatory fees and taxes; and to revoke such permits after due process for failure to pay any city taxes or fees or for violation of any lawful regulation;

(5) Condemnation. To condemn property, inside and outside the corporate limits of the city, for present or future use and for any corporate purpose deemed necessary by the governing authority utilizing procedures enumerated in Title 22 of the Official Code of Georgia Annotated, or such other applicable laws as are or may hereafter be enacted;

(6) Contracts. To enter into contracts and agreements with other governmental entities and with private persons, firms and corporations;

(7) Emergencies. To establish procedures for determining and proclaiming that an emergency situation exists within or without the City, and to make and carry out all reasonable provisions deemed necessary to deal with or meet such an emergency for the protection, safety, health or well-being of the citizens of the City;

(8) Environmental Protection. To protect and preserve the natural resources, environment and vital areas of the state through the preservation and improvement of the air quality, the restoration and maintenance of water resources, the control of erosion and

sedimentation, the management of solid and hazardous waste, and other necessary actions for the protection of the environment;

(9) Fire Regulations. To fix and establish fire limits and from time to time to extend, enlarge or restrict the same; to prescribe fire safety regulations not inconsistent with general law, relating to both fire prevention and detection and to fire fighting; and to prescribe penalties and punishment for violations thereof;

(10) Garbage Fees. To levy, fix, assess, and collect a garbage, refuse and trash collection and disposal and other sanitary service charge, tax, or fee for such services as may be necessary in the operation of the city from all individuals, firms, and corporations residing in the city or doing business therein and benefiting from such services; to enforce the payment of such charges, taxes or fees; and to provide for the manner and method of collecting such service charges;

(11) General Health and Welfare. To define, regulate and prohibit any act, practice, conduct or use of property which is detrimental to the health, sanitation, cleanliness, welfare, and safety of the inhabitants of the city, and to provide for the enforcement of such standards;

(12) Gifts. To accept or refuse gifts, donations, bequests or grants from any source for any purpose related to powers and duties of the city and the general welfare of its citizens, on such terms and conditions as the donor or grantor may impose;

(13) Health and Sanitation. To prescribe standards of health and sanitation and to provide for the enforcement of such standards;

(14) Jail Sentences. To provide that persons given jail sentences in the city's court may work out such sentences in any public works or on the streets, roads, drains

and other public property in the city, to provide for commitment of such persons to any jail, or to provide for commitment of such persons to any county work camp or county jail by agreement with the appropriate county officials;

(15) Motor Vehicles. To regulate the operation of motor vehicles and exercise control over all traffic, including parking upon or across the streets, roads, alleys and walkways of the City;

(16) Municipal Agencies and Delegation of Power. To create, alter or abolish departments, boards, offices, commissions and agencies of the City, and to confer upon such agencies the necessary and appropriate authority for carrying out all the powers conferred upon or delegated to the same;

(17) Municipal Debts. To appropriate and borrow money for the payment of debts and expenses of the city or for other lawful purposes and to issue bonds for the purpose of raising revenue to carry out any project, program or venture authorized by this charter or the laws of the State of Georgia;

(18) Municipal Property Ownership. To acquire, dispose of, lease, and hold in trust or otherwise, any real, personal, or mixed property, in fee simple or lesser interest, inside or outside the property limits of the City;

(19) Municipal Property Protection. To provide for the preservation and protection of property and equipment of the city, and the administration and the use of same by the public; and to prescribe penalties and punishment for violations thereof;

(20) Municipal Utilities. To acquire, lease, construct, operate, maintain, sell and dispose of public utilities, including but not limited to a system of waterworks, sewers and drains, sewage disposal, gas works, electric light plants, cable television and other

telecommunications, transportation facilities, public airports, and any other public utility; and to fix the taxes, charges, rates, fares, fees, assessments, regulations and penalties for such utilities and to provide for the withdrawal of service for refusal or failure to pay the same;

(21) Nuisance. To define a nuisance and provide for its abatement whether on public or private property;

(22) Penalties. To provide penalties for violation of any ordinances adopted pursuant to the authority of this charter and the laws of the State of Georgia;

(23) Planning and Zoning. To provide comprehensive city planning for development by zoning; and to provide subdivision regulation and the like as the city council deems necessary and reasonable to ensure a safe, healthy, and esthetically pleasing community;

(24) Police and Fire Protection. To exercise the power of arrest through duly appointed police officers, and to establish, operate, or contract for a police and a fire-fighting agency, including, but not limited to, a volunteer fire-fighting agency.

(25) Public Hazards; Removal. To provide for the destruction and removal of any building or other structure which is unfit for human habitation or commercial, industrial or business occupancy or use or which is or may become dangerous or detrimental to the public health, safety and welfare.

(26) Public Improvements. To provide for the acquisition, construction, building, operation and maintenance of public ways, parks and playgrounds, recreational facilities, cemeteries, markets and market houses, public buildings, libraries, public housing, airports, hospitals, terminals, docks, parking facilities, or charitable, cultural, educational,

recreational, conservation, sport, curative, corrective, detentional, penal and medical institutions, agencies and facilities; and to provide any other public improvements, inside or outside the corporate limits of the city; to regulate the use of public improvements; and, for such purposes, property may be acquired by condemnation under Title 22 of the Official Code of Georgia Annotated, or such other applicable laws as are or may hereafter be enacted;

(27) Public Peace. To provide for the prevention and punishment of drunkenness, riots, and public disturbances;

(28) Public Transportation. To organize and operate such public transportation systems as are deemed beneficial;

(29) Public Utilities and Services. To grant franchises or make contracts for, or impose taxes on public utilities and public service companies; and to prescribe the rates, fares, regulations and standards and conditions of service applicable to the service to be provided by the franchise grantee or contractor, insofar as not in conflict with regulations of the Public Service Commission;

(30) Regulation of Roadside Areas. To prohibit or regulate and control the erection, removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings and any and all other structures or obstructions upon or adjacent to the rights of way of streets and roads or within view thereof, within or abutting the corporate limits of the city; and to prescribe penalties and punishment for violation of such ordinances;

(31) Retirement. To provide and maintain a retirement plan for officers and employees of the city;

(32) Roadways. To lay out, open, extend, widen, narrow, establish or change the grade of, abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and walkways within the corporate limits of the city; to grant franchises and rights of way throughout the streets and roads, and over bridges and viaducts for the use of public utilities; and to require real estate owners to repair and maintain in a safe condition the sidewalks adjoining their lots or lands to curb or street, and to impose penalties for failure to do so.

(33) Sewer Fees. To levy a fee, charge, or sewer tax as necessary to assure the acquiring, constructing, equipping, operating, maintaining, and extending of a sewage disposal plant and sewage system, and to levy on real estate owners to whom sewers and sewerage systems are made available a sewer service fee, charge or sewer tax for the availability or use of the sewers; to provide for the manner and method of collecting such service charges and for enforcing payment of the same; and to charge, impose and collect a sewer connection fee or fees to those connected with the system;

(34) Solid Waste Disposal. To provide for the collection and disposal of garbage, rubbish and refuse, and to levy a fee, charge, or tax for such services; to regulate the collection and disposal of garbage, rubbish and refuse by others; and to provide for the separate collection of glass, tin, aluminum, cardboard, paper, and other recyclable materials, and to provide for the sale of such items;

(35) Special Areas of Public Regulation. To regulate or prohibit junk dealers, pawn shops, the manufacture, sale or transportation of intoxicating liquors, and the use of firearms; to regulate the transportation, storage and use of combustible, explosive and

inflammable materials, the use of lighting and heating equipment, and any other business or situation which may be dangerous to persons or property; to regulate and control the conduct of peddlers and itinerant traders, theatrical performances, exhibitions, and shows of any kind, by taxation or otherwise; and to license, tax, regulate or prohibit professional fortune telling, palmistry, adult bookstores, and massage parlors;

(36) Special Assessments. To levy and provide for the collection of special assessments to cover the costs for any public improvements;

(37) Taxes: Ad Valorem. To levy and provide for the assessment, valuation, revaluation, and collection of taxes on all property subject to taxation;

(38) Taxes: Other. To levy and collect such other taxes as may be allowed now or in the future by law;

(39) Taxicabs. To regulate and license vehicles operated for hire in the City; to limit the number of such vehicles; to require the operators thereof to be licensed; to require public liability insurance on such vehicles in the amounts to be prescribed by ordinance; and to regulate the parking of such vehicles;

(40) Urban Redevelopment. To organize and operate an urban redevelopment program; and

(41) Other Powers. To exercise and enjoy all other powers, functions, rights, privileges and immunities necessary or desirable to promote or protect the safety, health, peace, security, good order, comfort, convenience, or general welfare of the city and its inhabitants; to exercise all implied powers necessary or desirable to carry into execution all powers granted in this charter as fully and completely as if such powers were fully stated herein; and to exercise all powers now or in the future authorized to be exercised

by other municipal governments under other laws of the State of Georgia; and no listing of particular powers in this charter shall be held to be exclusive of others, nor restrictive of general words and phrases granting powers but shall be held to be in addition to such powers unless expressly prohibited to municipalities under the construction or applicable laws of the State of Georgia.

SECTION 1.04.

Exercise of powers.

All powers, functions, rights, privileges, and immunities of the city, its officers, agencies, or employees shall be carried into execution as provided in this charter. If this charter makes no provisions, such shall be carried into execution as provided by ordinance or as provided by pertinent laws of the State of Georgia.

ARTICLE II

GOVERNMENTAL STRUCTURE

SECTION 2.01.

City council creation; number; election.

The legislative authority of the government of this City, except as otherwise specifically provided in this charter, shall be vested in a City Council to be composed of a mayor and six council members. The City Council established shall in all respects be a successor to and continuation of the governing authority under prior law. The mayor and council members shall be elected in the manner provided by general law and this charter.

SECTION 2.02

Mayor or city council terms and qualifications for office.

The Mayor and members of the City Council shall be elected by the voters of the city at large and shall serve a term of four years and until their respective successors are elected and qualified. No person shall be eligible to serve as mayor or council member unless that person shall have been a resident of the City for 12 months prior to the date of election of the mayor or member of the council and be registered and qualified to vote in municipal elections of this City. Each shall continue to reside in the City during that person's period of service and be registered and qualified to vote in municipal elections of this City. No person shall be eligible to qualify as a candidate for the office of mayor or council member while holding any other elective public office nor while a candidate for nomination or election to any other public office. No person shall be eligible to qualify as a candidate for the office of mayor or council member while indebted to the City for delinquent property taxes, water, sewer and garbage collection fees, fines or any other delinquent indebtedness of any kind. After election to the office of mayor or council, any officer indebted to the City for property taxes, water, sewer and garbage collection fees, fines or any other indebtedness of any kind which is six months past due shall be disqualified to serve; and the office may, in the discretion of the remaining members of the council, be declared vacant, and the vacancy filled as provided in Section 2.03.

SECTION 2.03.

Vacancy; filling of vacancies.

(a) Vacancies – The office of mayor or council member shall become vacant upon the incumbent's death or resignation or the occurrence of any event specified by the Constitution of the State of Georgia, Title 45 of the Official Code of Georgia Annotated, or such other applicable laws as are or may hereafter be enacted.

(b) Failure to perform duties or disqualification for office - Should the Mayor or any member of council fail or refuse to perform the duties of his or her office for a period of three consecutive months, or should any officer-elect refuse to qualify, the office may be, in the discretion of the remaining members of the council, declared vacant, and the vacancy filled as provided in subsection (c) of this section. Failure to perform duties of an office shall include, but not be limited to, the failure to attend council meetings, both regular and special, for three months in succession.

(c) Filling of vacancies – A vacancy in the office of mayor or council member shall be filled for the remainder of the unexpired term, if any, by appointment by the council if less than 12 months remain in the unexpired term, otherwise by an election, as provided for in Section 5.05 of this charter and in accordance with Titles 21 and 45 of the Official Code of Georgia Annotated, or other such laws as are or may hereafter be enacted.

SECTION 2.04.

Compensation and expenses.

The mayor and council members shall receive compensation and expenses for their services as provided by ordinance.

SECTION 2.05.

Holding other office; voting when financially interested.

(a) Elected and appointed officers of the city are trustees and servants of the residents of the city and shall act in a fiduciary capacity for the benefit of such residents.

(b) Except as authorized by law, the mayor or any council member shall not hold any other city office or city employment during the term for which that person was elected.

(c) Neither the mayor nor any member of the city council shall vote upon, sign, preside during discussions of or veto any ordinance, resolution, contract or other matter in which that person is financially interested. "Financially interested" shall mean that the interested person will directly or indirectly receive a personal financial benefit, accruing to such person individually or to any corporation, company or entity in which the person has an interest as sole owner, partner, shareholder or other ownership interest or in which the person is an officer or director, and which does not provide a similar financial benefit to the general population of the city or to a substantial segment of the general population. An ownership interest as partner, shareholder or other similar interest shall not disqualify the interested person unless it exceeds 1 percent of the total ownership of the partnership, corporation, company or other entity.

(d) Neither the mayor nor any member of the city council shall vote upon, sign, preside during discussions of or veto any ordinance, resolution, contract or other matter in which that person's family member is financially interested or which directly involves that person's family member in connection with any zoning, condemnation, license, permit, fines, penalties, claims, petitions, appeals or other matters in which the family member is subject to some action by the City or is seeking some private remedy from the city which does not directly involve the general population of the City or a substantial segment of the general population. The mayor or council member whose family member is interested in any action as provided in this section shall disclose the nature and extent of any such relationship and interest to the city council and refrain from voting on such action, engaging in council discussions thereof, presiding during discussions thereof or otherwise seeking to influence the outcome of such action. "Family member" shall mean the spouse, parent, brother, sister, child, grandparent, grandchild, uncle, aunt, nephew, niece, first cousin or second cousin, whether by blood or by marriage.

(e) Conflict of Interest - No elected official, appointed officer, or employee of the city or any agency or political entity to which this charter applies shall knowingly:

(1) Engage in any business or transaction, or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of that person's official duties or which would tend to impair the independence of the official's judgment or action in the performance of those official duties;

(2) Engage in or accept private employment, or render services for private interests when such employment or service is incompatible with the proper

discharge of that person's official duties or would tend to impair the independence of the official's judgment or action in the performance of those official duties;

(3) Disclose confidential information, including information obtained at meetings which are closed pursuant to Title 50, chapter 14 of the Official Code of Georgia Annotated, concerning the property, government, or affairs of the governmental body by which the official is engaged without proper legal authorization; or use such information to advance the financial or other private interest of the official or others;

(4) Accept any valuable gift, whether in the form of service, loan, thing, or promise, from any person, firm or corporation which to the official's knowledge is interested, directly or indirectly, in any manner whatsoever, in business dealings with the governmental body by which the official is engaged; provided, however, that an elected official who is a candidate for public office may accept campaign contributions and services in connection with any such campaign;

(5) Represent other private interests in any action or proceeding against this city or any portion of its government; or

(6) Vote or otherwise participate in the negotiation or in the making of any contract with any business or entity in which the official has a financial interest.

(f) Disclosure - Any elected official, appointed officer, or employee who shall have any financial interest, directly or indirectly, in any contract or matter pending before or within any department of the city shall disclose such interest to the city council. The mayor or any councilmember who has a financial interest in any matter pending before the city council shall disclose such interest and such disclosure shall be entered on the

records of the city council, and that official shall disqualify himself or herself from participating in any decision or vote relating thereto. Any elected official, appointed officer, or employee of any agency or political entity to which this charter applies who shall have any financial interest, directly or indirectly, in any contract or matter pending before or within such entity shall disclose such interest to the governing body of such agency or entity.

(g) Use of Public Property - No elected official, appointed officer, or employee of the city or any agency or entity to which this charter applies shall use property owned by such governmental entity for personal benefit or profit but shall use such property only in their capacity as an officer or employee of the city.

(h) Contracts Voidable and Rescindable - Any violation of this section which occurs with the knowledge, express or implied, of a party to a contract or sale shall render said contract or sale voidable at the option of the city council.

(i) Ineligibility of Elected Official - Except where specifically authorized by law, neither the mayor nor any council member shall hold any other elective or appointive office in the city or otherwise be employed by said government or any agency thereof during the term for which that official was elected.

(j) Political Activities of Certain Officers and Employees - No employee of the city shall continue in such employment upon election to any public office in this city or any other public office which is inconsistent, incompatible or in conflict with the duties of the city employee. Such determination shall be made by the City Council either immediately upon election or at any time such conflict may arise.

(k) Penalties for Violation

(1) Any city officer or employee who knowingly conceals such financial interest or knowingly violates any of the requirements of this section shall be guilty of malfeasance in office or position and shall be subject to forfeiture of that person's office or position.

(2) Any officer or employee of the city who shall forfeit an office or position as described in paragraph (1) above, shall be ineligible for appointment or election to or employment in a position in the city government for a period of three years thereafter.

SECTION 2.06.

Inquiries and investigations.

Following the adoption of an authorizing resolution, the city council may make inquiries and investigations into the affairs of the city and conduct of any department, office, or agency thereof and for this purpose may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. Any person who fails or refuses to obey a lawful order issued in the exercise of these powers by the city council shall be punished as provided by ordinance.

SECTION 2.07.

General power and authority of the city council.

(a) Except as otherwise provided by law or this charter, the City Council shall be vested with all the powers of government of this City.

(b) In addition to all other powers conferred upon it by law, the council shall have the authority to adopt and provide for the execution of such ordinances, resolutions, rules, and regulations, not inconsistent with this charter and the Constitution and the laws of the State of Georgia, which it shall deem necessary, expedient, or helpful for the peace, good order, protection of life and property, health, welfare, sanitation, comfort, convenience, prosperity, or well-being of the inhabitants of the City of Alamo and may enforce such ordinances by imposing penalties for violation thereof.

SECTION 2.08.

Eminent domain.

The city council is empowered to acquire, construct, operate and maintain public ways, parks, public grounds, cemeteries, markets, market houses, public buildings, libraries, sewers, drains, sewage treatment, waterworks, electrical systems, gas systems, airports, hospitals, and charitable, educational, recreational, sport, curative, corrective, detentional, penal and medical institutions and agencies and cable systems, facilities, and any other public improvements inside or outside the City, and to regulate the use thereof, and for such purposes, property may be condemned under procedures established under general law applicable now or as provided in the future.

SECTION 2.09.

Organizational meetings.

The city council shall hold an organizational meeting at the first regular meeting following each municipal general election. The meeting shall be called to order by the

city clerk or, in the absence of a city clerk, by the mayor or mayor elect and the oath of office shall be administered to the newly elected members by a judicial officer or notary public authorized to administer oaths. The oath shall be as follows:

“I do solemnly (swear)(affirm) that I will faithfully perform the duties of (mayor) (Council member) of this City and that I will support and defend the charter thereof as well as the constitution and laws of the State of Georgia and the United States of America. I am not the holder of any unaccounted for public money due this state or any political subdivision or authority thereof. I am not the holder of any office of trust under the government of the United States, any other state, or any foreign state which I by the laws of the State of Georgia am prohibited from holding. I am otherwise qualified to hold said office according to the Constitution and laws of Georgia. I have been a resident of the City of Alamo for the time required by the Constitution and laws of this state and by the municipal charter to qualify for this office. I will perform the duties of my office in the best interest of the City of Alamo to the best of my ability without fear, favor, affection, reward, or expectation thereof.”

SECTION 2.10.

Regular and special meetings.

(a) The City Council shall hold regular meetings at such times and places as shall be prescribed by ordinance.

(b) Special meetings of the City Council may be held on call of the mayor or two members of the city council. Notice of such special meetings shall be served on all other

members personally, or by telephone personally, at least 48 hours in advance of the meeting. Such notice to council members shall not be required if the mayor and all council members are present when the special meeting is called. Such notice of any special meeting may be waived by a council member in writing before or after such a meeting, and attendance at the meeting shall also constitute a waiver of notice on any business transacted in such council member's presence except where the council member attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened. Only the business stated in the call may be transacted at the special meeting unless the council members present at such meeting (other than the mayor) unanimously agree to consider other matters.

(c) All meetings of the city council shall be public to the extent required by law and notice to the public of special meetings shall be made fully as is reasonably possible as provided by Chapter 14 of Title 50 of the Official Code of Georgia Annotated, or other such applicable laws as are or may hereafter be enacted.

SECTION 2.11.

Rules of procedure.

(a) The city council shall adopt its rules of procedure and order of business consistent with the provisions of this charter and shall provide for keeping a journal or minutes of its proceedings, which shall be a public record.

(b) All committees and committee chairpersons and officers of the city council shall be appointed by the council and shall serve at the pleasure of the council. The council shall have the power to appoint new members to any committee at any time.

SECTION 2.12.

Quorum; voting.

The mayor or the mayor pro tempore and four council members shall constitute a quorum and shall be authorized to transact business of the city council. Voting on the adoption of ordinances shall be by voice vote and the vote shall be recorded in the journal or minutes, but the presiding officer or any member of the city council shall have the right to request a roll-call vote and such vote shall be recorded in the journal or minutes. Except as otherwise provided in this charter, so long as a quorum is present, the affirmative vote of a majority of those council members present and voting shall be required for the adoption of any ordinance, resolution, or motion. An abstention shall not be counted as a vote, either for or against adoption. The mayor shall have the right to vote so as to decide the question in the event of a tie vote, but not otherwise. The Mayor pro tempore, while acting as such in the mayor's absence, shall have the right to vote so as to decide the question in the event of a tie vote, but not otherwise.

SECTION 2.13.

Ordinance form; procedures.

(a) Every proposed ordinance shall be introduced in writing. No ordinance shall contain a subject which is not expressed in its title. The enacting clause shall be "It is hereby ordained by the governing authority of the City of Alamo" and every ordinance shall so begin.

(b) An ordinance may be introduced by the mayor or any council member and be read at a regular or special meeting of the city council. Ordinances shall be considered and adopted or rejected by the city council in accordance with the rules which it shall establish; provided, however, an ordinance shall not be adopted the same day it is introduced, except for emergency ordinances provided in Section 2.15 of this charter. Upon introduction of any ordinance, the clerk shall within five working days distribute a copy to the mayor and to each council member and shall file a reasonable number of copies in the office of the clerk and at such other public places as the city council may designate.

SECTION 2.14.

Action Requiring An Ordinance.

Acts of the city council which have the force and effect of law shall be enacted by ordinance.

SECTION 2.15.

Emergencies.

(a) To meet a public emergency affecting life, health, property or public peace, the city council may convene on call of the mayor or two council members and promptly adopt an emergency ordinance, but such ordinance may 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 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 a majority of those council members present and voting shall be required for adoption as provided in Section 2.12 of this charter. The mayor and mayor pro tempore shall have the right to vote as provided in Section 2.12 of this charter. The emergency ordinance shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance shall automatically stand repealed 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 still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

(b) Such meetings shall be open to the public to the extent required by law and notice to the public of emergency meetings shall be made as fully as reasonably possible in accordance with Chapter 14 of Title 50 of the Official Code of Georgia Annotated or such other applicable laws as are or may hereafter be enacted.

SECTION 2.16.

Codes of technical regulations.

(a) The city council may adopt any standard code of technical regulations by reference thereof in an adopting ordinance. The procedure and requirements governing such adopting ordinance shall be as prescribed for ordinances generally except that: (1)

the requirements of subsection (b) of Section 2.13 of this charter for distribution and filing of copies of the ordinance shall be construed to include the adopting ordinance but shall only require that the code of technical regulations be made available for review in the office of the city clerk; and (2) a copy of each adopted code of technical regulations, as well as the adopting ordinance, shall be authenticated and recorded by the clerk pursuant to Section 2.17 of this charter.

(b) Any adopted code of technical regulations shall be made available by the clerk for inspection by the public.

SECTION 2.17.

Signing; authenticating; recording; codification; printing.

(a) The clerk shall authenticate by the clerk's signature and record in full in a properly indexed book kept for that purpose all ordinances adopted by the council.

(b) The city council shall provide for the preparation of a general codification of all the ordinances of the city having the force and effect of law. The general codification shall be adopted by the city council by ordinance and shall be published promptly, together with all amendments thereto and such codes of technical regulations and other rules and regulations as the city council may specify. The compilation shall be known and cited officially as "The Code of the City of Alamo, Georgia." Copies of the code shall be furnished to all officers, departments and agencies of the city, and made available for purchase by the public at a reasonable price fixed by the city council.

(c) The city council shall cause each ordinance and each amendment to this charter to be printed promptly following its adoption, and the printed ordinances and

charter amendments shall be made available for purchase by the public at reasonable prices to be fixed by the city council. Following publication of the first code under this charter and at all times thereafter, the ordinances and charter amendments shall be printed in substantially the same style as the code currently in effect and shall be printed for incorporation therein. The City Council shall make such further arrangements as deemed desirable with respect to reproduction and distribution of any current changes in or additions to codes of technical regulations and other rules and regulations included in the code.

SECTION 2.18.

Election of mayor; forfeiture; compensation.

The mayor shall be elected and serve for a term of four years and until a successor is elected and qualified. The mayor shall be a qualified elector of this city and shall have been a resident of the city 12 months preceding the election. The mayor shall continue to reside in this city during the period of service. The mayor shall forfeit the office on the same grounds and under the same procedure as for council members. The compensation of the mayor shall be established in the same manner as for council members.

SECTION 2.19.

Powers and duties of mayor.

The mayor shall:

- (a) preside at all meetings of the city council;

(b) be the head of the city for the purpose of service of process and for ceremonial purposes, and be an official spokesperson for the city and an advocate of policy;

(c) have power to administer oaths and to take affidavits; and

(d) sign as a matter of course on behalf of the city all written and approved contracts, ordinances and other instruments executed by the city which by law are required to be in writing.

(e) vote so as to decide the question in the event of a tie vote, but not otherwise;

(f) assist the city manager to prepare and submit to the city council a recommended annual operating budget and recommended capital budget; and

(g) fulfill such other executive and administrative duties as the city council shall by ordinance establish.

SECTION 2.20.

Mayor pro tempore; selection; duties.

By a majority vote, the city council shall elect a council member to serve as mayor pro tempore each year who shall serve at the pleasure of city council. Except when presiding at a meeting or acting as mayor, the mayor pro tempore shall continue to vote and otherwise participate as a council member. Upon the mayor's physical or mental disability, disqualification, suspension from office or absence for any cause, the mayor pro tempore shall preside at all meetings of the city council and shall assume the duties and powers of the mayor. During the mayor's physical or mental disability, disqualification, suspension from office or absence for any cause, the mayor pro tempore shall be clothed with all the rights, powers and privileges of the mayor and shall perform

the duties of the office of the mayor so long as such absence, disqualification, suspension or disability shall continue. The mayor pro tempore shall sign all contracts and ordinances in which the mayor has a disqualifying financial interest as provided in Section 2.05 of this charter. When acting as mayor, the mayor pro tempore shall continue to have only one vote as a member of the council. The city council by a majority vote shall elect a new presiding officer from among its members for any period in which the mayor pro tempore is disabled, disqualified or absent. Any such absence or disability of the mayor or mayor pro tempore shall be declared by majority vote of all council members.

ARTICLE III

ADMINISTRATIVE AFFAIRS

SECTION 3.01.

Administrative and service departments.

(a) Except as otherwise provided in this charter, the city council, by ordinance shall prescribe the functions or duties, and establish, abolish, alter, consolidate or leave vacant all nonelective offices, positions of employment, departments, and agencies of the city, as necessary for the proper administration of the affairs and government of this city.

(b) Except as otherwise provided by this charter or by law, the directors of departments and other appointed officers of this city shall be appointed solely on the basis of their respective administration and professional qualifications.

(c) All appointed officers, directors of departments, and employees shall receive such compensation as prescribed by ordinance.

(d) There may be a director of each department or agency who shall be its principal officer. Each director shall, subject to the direction and supervision of the city manager, be responsible for the administration and direction of the affairs and operations of that director's department or agency.

(e) All appointed officers, directors and employees under the supervision of the city manager shall be nominated by the city manager with confirmation of appointment by the City Council. All appointed officers, directors and employees shall be employees at will and subject to removal or suspension at any time by the city manager unless otherwise provided by law or ordinance. The city council may adopt such personnel policies and procedures as it deems appropriate for the employment, retention, promotion, demotion, discipline, suspension and termination of officers, department heads and employees, and the filing of grievances and appeals by such personnel.

SECTION 3.02.

Boards, commissions and authorities.

(a) The City Council shall create by ordinance such boards, commissions and authorities to fulfill any investigative, quasi-judicial or quasi-legislative function the city council deems necessary, and shall by ordinance establish the composition, period of existence, duties and powers thereof.

(b) All members of boards, commissions and authorities of the city shall be appointed by the city council for such terms of office in such a manner as shall be provided by ordinance, except where other appointing authority, terms of office, or manner of appointment is prescribed by this charter or by law.

(c) The city council, by ordinance, may provide for the compensation and reimbursement for actual and necessary expenses of the members of any board, commission or authority.

(d) Except as otherwise provided by charter or by law, no member of any board, commission or authority shall hold any elective office in the city.

(e) Any vacancy on a board, commission or authority shall be filled for the unexpired term in the manner prescribed in this charter for original appointment, except as otherwise provided by this charter or by law.

(f) No member of a board, commission or authority shall assume office until that person has executed and filed with the clerk of the city an oath obligating himself or herself to faithfully and impartially perform the duties of that member's office, such oath to be prescribed by ordinance and administered by the mayor.

(g) All board members serve at will and may be removed at any time by a majority vote of the city council as provided in Section 2.12 of this charter, unless otherwise provided by law.

(h) Except as otherwise provided by this charter or by law, each board, commission or authority of the city shall elect one of its members as chairperson and one member as vice chairperson and may elect as its secretary one of its own members or may appoint as secretary an employee of the city. Each board, commission or authority of the city government may establish such bylaws, rules and regulations, not inconsistent with this charter, ordinances of the city, or law, as it deems appropriate and necessary for the fulfillment of its duties or the conduct of its affairs. Copies of such bylaws, rules and regulations shall be filed with the clerk of the city.

SECTION 3.03.

City attorney.

The city council shall appoint each year a city attorney, together with such assistant city attorneys as may be authorized, and shall provide for the payment of such attorney or attorneys for services rendered to the city. The city attorney shall be responsible for providing for the representation and defense of the city in all litigation in which the city is a party; may be the prosecuting officer in the municipal court; shall attend the meetings of the council as directed; shall advise the city council, mayor, and other officers and employees of the city concerning legal aspects of the city's affairs; and shall perform such other duties as may be required by virtue of the person's position as city attorney.

SECTION 3.04.

City clerk.

The city council shall hire a city clerk who shall not be a council member. The city clerk shall be custodian of the official city seal and city records; maintain city council records required by this charter; and perform such other duties as may be required by the council. If the position of city manager is vacant, city council shall be authorized to appoint the city clerk as temporary city manager for such time period as city council shall determine.

SECTION 3.05.

Employees at will.

All employees serve at will and may be removed from office at any time unless otherwise provided by ordinance.

SECTION 3.06.1

City manager.

(a) The city council, in its sole discretion, may name a city manager to administer the day-to-day operations of the city, subject to direction from the city council. The manager shall be selected on the basis of his or her executive and administrative qualifications and need not be a resident of the City of Alamo. The mayor and city council members of the City of Alamo shall be ineligible to serve as city manager during their respective terms of office.

(b) The city manager shall be appointed for an indefinite term, and the manager may be removed at any time by a majority vote of the city council with or without cause. The city council shall fix the manager's compensation.

(c) The city manager may also be the clerk, treasurer and recorder, or any one or more of said officers as may be authorized by city council.

(d) Before any city manager shall be qualified, he or she shall give a surety bond payable to the city in such amount as city council shall deem appropriate to secure and indemnify the city by reason of his or her default, misfeasance or nonfeasance in the performance of his or her duties, and shall be required to take the same oath as provided for council members.

SECTION 3.06.2

Acting city manager.

By letter filed with the city clerk, the manager may designate, subject to approval of the city council, a qualified city administrative officer to exercise the powers and perform the duties of manager during the manager's temporary absence. During such absence, the city council may revoke such designation at any time and appoint another officer of the city to serve until the manager shall return.

SECTION 3.06.3.

Powers and duties of the city manager.

The city manager shall be the chief executive and administrative officer of the city. The manager shall be responsible to the city council for the administration of all city affairs placed in the manager's charge by or under this charter. As the chief executive and administrative officer, the manager shall:

(a) appoint and, when the manager deems it necessary for the good of the city, suspend or remove all city employees and administrative officers the manager appoints, except as otherwise provided by law or personnel ordinances adopted pursuant to this charter. The manager may authorize any administrative officer who is subject to the manager's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency;

(b) direct and supervise the administration of all departments, offices and agencies of the city, except as otherwise provided by this charter, by law or by ordinances or policies approved by city council;

(c) attend all city council meetings except for closed meetings held for the purposes of deliberating on the appointment, discipline or removal of the city manager and have the right to take part in discussion but not vote;

(d) see that all laws, provisions of this charter, and acts of the city council, subject to enforcement by the manager or by officers subject to the manager's direction and supervision, are faithfully executed;

(e) prepare and submit to the city council a recommended annual operating budget and recommended capital budget;

(f) submit to the city council and make available to the public a complete report on the finances and administrative activities of the city as of the end of each fiscal year;

(g) make such other reports as the city council may require concerning the operations of city departments, offices and agencies subject to the manager's direction and supervision;

(h) keep the city council fully advised as to the financial condition and future needs of the city, and make such recommendations to the city council concerning the affairs of the city as the manager deems desirable; and

(i) perform other such duties as are specified in this charter or as may be required by the city council.

SECTION 3.06.4.

Council interference with administration.

Except for the purpose of inquiries and investigations under Section 2.06 of this charter, the city council or its members shall deal with city officers and employees who are subject to the direction and supervision of the manager solely through the manager, and neither the city council nor its members shall give orders to any such officer or employee, either publicly or privately.

ARTICLE IV

JUDICIAL BRANCH

SECTION 4.01.

Creation; name.

There shall be a court to be known as the Municipal Court of the City of Alamo,

SECTION 4.02.

Chief judge; associate judge.

(a) The municipal court shall be presided over by a chief judge and such part-time, full-time, or stand-by judges as shall be provided by ordinance.

(b) No person shall be qualified or eligible to serve as a judge on the municipal court unless that person shall be licensed to practice law in the State of Georgia and an active member in good standing of the State Bar of Georgia and shall possess all other qualifications required by law.

(c) All judges shall be appointed by the city council and shall receive such compensation as shall be fixed by ordinance of the city council.

(d) Judges serve a minimum term of one year and until a successor is appointed unless earlier removed as provided by law.

(e) Before assuming office, each judge shall take an oath, given by the mayor or mayor pro tempore, that the judge will honestly and faithfully discharge the duties of the office to the best of that person's ability and without fear, favor or partiality. The oath shall be entered upon the minutes of the city council journal required in Section 2.11 of this charter.

SECTION 4.03.

Convening

The municipal court shall be convened at regular intervals as provided by ordinance.

SECTION 4.04.

Jurisdiction; powers.

(a) The municipal court shall have the power to enforce ordinances of the city and, to the extent permitted by the Constitution and the general laws of the State of Georgia, to enforce the laws of this state; to try and punish violations of this charter, all city ordinances, and such other violations as provided by law; and to hear and determine all other matters committed to such court by ordinance or by law.

(b) The municipal court shall have authority to punish those in its presence for contempt, provided that such punishment shall not exceed a fine of \$200.00 or ten days in jail, or both such fine and incarceration, for each separate offense.

(c) The municipal court may fix punishment for offenses within its jurisdiction not exceeding a fine of \$1,000.00 or imprisonment for more than six months, or both such fine and imprisonment, or may fix punishment by fine, imprisonment or alternative sentencing as now or hereafter provided by law.

(d) The municipal court shall have authority to establish a schedule of fees to defray the cost of operation of such court and to reimburse the city for the cost of prisoners' meals, transportation, medical costs, confinement, and other expenses of taking care of prisoners, including but not limited to, those bound over to superior courts for violations of state law.

(e) The municipal court shall have authority to establish bail and recognizance to ensure the presence of those charged with violations before said court and shall have discretionary authority to accept cash or personal or real property as surety for the appearance of persons charged with violations. Whenever any person shall give bail for that person's appearance and shall fail to appear at the time fixed for trial, the bond shall be forfeited in the following manner:

(1) Any person charged with a violation of an ordinance or other offense against the municipality who gives a cash bond for his or her personal appearance in court at a designated time and place and who fails to appear at said time and place shall forfeit the cash bond upon the call of the case for trial. It shall not be necessary for the

municipality to take any further action to forfeit the cash bond. Forfeiture of a cash bond shall not be a bar to a subsequent prosecution of the accused for the violation; and

(2) In all other cases, whenever any person shall give bail for that person's appearance and shall fail to appear at the time fixed for trial, the bond shall be forfeited by the judge presiding at such time, and an execution issued thereon in accordance with the procedures set forth in Article 3 of Chapter 6 of Title 17 of the Official Code of Georgia Annotated, as now or hereafter amended.

(f) The municipal court shall have the same authority as superior courts to compel the production of evidence in the possession of any party; to enforce obedience to its orders, judgments and sentences; and to administer such oaths as are necessary.

(g) The municipal court may compel the presence of all parties necessary to a proper disposal of each case by the issuance of summonses, subpoenas, and warrants which may be served and executed by any officer as authorized by this charter or by law.

(h) Each judge of the municipal court shall be authorized to issue warrants for the arrest of persons charged with offenses against any ordinance of the city, and the judge of the municipal court shall have the same authority as a magistrate of the state to issue warrants for offenses against state laws committed within the city.

SECTION 4.05.

Certiorari.

The right of certiorari from the decision and judgment of the municipal court shall exist in all criminal cases and ordinance violation cases, and such certiorari shall be

obtained under the sanction of a judge of the Superior Court of Wheeler County under the laws of the State of Georgia regulating the granting and issuance of writs of certiorari.

SECTION 4.06.

Rules of court.

With the approval of the city council, the judge shall have full power and authority to make reasonable rules and regulations necessary and proper to ensure the efficient and successful administration of the municipal court; provided, however, that the city council may adopt in part or in toto the rules and regulations applicable to municipal courts. The rules and regulations made or adopted shall be filed with the city clerk, shall be available for public inspection, and, upon request, a copy shall be furnished to all defendants in municipal court proceedings at least 48 hours prior to said proceedings.

ARTICLE V

ELECTIONS AND REMOVAL

SECTION 5.01.

Applicability of general law.

Voters shall be registered and all elections shall be held and conducted in accordance with Chapter 2 of Title 21 of the Official Code of Georgia Annotated, the "Georgia Election Code," as now or hereafter amended.

SECTION 5.02.

Election of the mayor and city council

(a) On the Tuesday next following the first Monday in November 2007, an election shall be held for the election of the mayor and those three council members whose terms will expire at the end of 2007. At such election, the candidate for mayor receiving the highest number of votes shall be elected by plurality vote. At such election, the three candidates for council receiving the highest number of votes shall be elected by plurality vote. The mayor and council members elected at such election shall serve terms of four years as provided in Section 2.02 of this charter.

(b) On the Tuesday next following the first Monday in November 2009, an election shall be held for the election of those three council members whose terms will expire at the end of 2009. At such election, the three candidates for council receiving the highest number of votes shall be elected by plurality vote. The council members elected at such election shall serve terms of four years as provided in Section 2.02 of this charter.

(c) Thereafter, a municipal general election shall be held biennially in odd-numbered years on the Tuesday next following the first Monday in November of each such year for the purpose of electing candidates for mayor and council members, or council members only, whose terms will expire at the end of such year.

(d) The term of office of each candidate so elected shall begin on January 1 next following the November election.

SECTION 5.03.

Nonpartisan elections.

Elections for city offices shall be nonpartisan. Political parties shall not conduct primaries for city offices and all names of candidates for city offices shall be listed without party designations.

SECTION 5.04.

Election by plurality.

The person receiving a plurality of the votes cast for any city office shall be elected.

SECTION 5.05.

Special elections; vacancies.

In the event that the office of mayor or council member shall become vacant as provided in Section 2.03 of this charter, the city council or those remaining shall order a special election to fill the balance of the unexpired term of such official; provided, however, if such vacancy occurs within 12 months of the expiration of the term of that office, the city council or those remaining shall appoint a successor for the remainder of the term. In all other respects, the special election shall be held and conducted in accordance with Chapter 2 of Title 21 of the Official Code of Georgia Annotated, the "Georgia Election Code," as now or hereafter amended.

SECTION 5.06.

Other provisions.

Except as otherwise provided in this charter, the city council shall, by ordinance, prescribe such rules and regulations as it deems appropriate to fulfill any duties and any discretionary or optional provisions under Chapter 2 of Title 21 of the Official Code of Georgia Annotated, the "Georgia Election Code".

SECTION 5.07.

Removal of officers.

(a) The mayor and council members shall be removed from office for any one or more of the causes provided in Title 45 of the Official Code of Georgia Annotated, this charter or such other applicable laws as are or may hereafter be enacted.

(b) Removal of an officer pursuant to subsection (a) of this section shall be accomplished by one of the following methods:

(1) Following a hearing at which an impartial panel, selected by the mayor and the council, shall render a decision. In the event an elected officer is sought to be removed by the action of the city council, such officer shall be entitled to a written notice specifying the ground or grounds for removal and to a public hearing which shall be held not less than ten days after the service of such written notice. The city council shall provide by ordinance for the manner of selecting the impartial panel and the manner in which such hearings shall be held. Any elected officer sought to be removed from office as provided in this section shall have the right of appeal from the decision of the city council to the Superior Court

of Wheeler County. Such appeal shall be governed by the same rules as govern appeals to the superior court from the probate court; or

(2) By writ of quo warranto, recall petition, or such other means as may be prescribed by general law.

ARTICLE VI

FINANCE

SECTION 6.01.

Property tax.

The city council may assess, levy and collect an ad valorem tax on all real and personal property within the corporate limits of the city that is subject to such taxation by the state and county. This tax is for the purpose of raising revenues to defray the costs of operating the city government, of providing governmental services, for the repayment of principal and interest on general obligations, and for any other public purpose as determined by the city council at its discretion.

SECTION 6.02.

Millage rate; due dates; payment methods.

The city council, by ordinance, shall establish a millage rate for the city property tax, a due date, and time period within which these taxes must be paid. The city council, by ordinance, may provide for the payment of these taxes by installments or in one lump sum, as well as authorize the voluntary payment of taxes prior to the time when due.

SECTION 6.03.

Occupation and business taxes.

The city council by ordinance shall have the power to levy such occupation or business taxes as are not denied by law. The city council may classify businesses, occupations or professions for the purpose of such taxation in any way which may be lawful and may compel the payment of such taxes as provided in Section 6.09 of this charter.

SECTION 6.04.

Regulatory fees; permits.

The city council by ordinance shall have the power to require businesses or practitioners doing business within this city to obtain a permit for such activity from the city and pay a reasonable regulatory fee for such permit as provided in general law or otherwise fixed by council. Such fees shall reflect the total cost to the city of regulating the activity and, if unpaid, shall be collected as provided in Section 6.09 of this charter.

SECTION 6.05.

Franchises.

(a) The city council shall have the power to grant franchises for the use of this city's streets and alleys for the purposes of railroads, street railways, telephone companies, electric companies, electric membership corporations, cable television and other telecommunications companies, gas companies, transportation companies and other similar organizations. The city council shall determine the duration, terms, whether the

same shall be exclusive or nonexclusive, and the consideration for such franchises; provided, however, no franchise shall be granted for a period in excess of 35 years, and no franchise shall be granted unless the city receives just and adequate compensation therefor. The city council may provide for the registration of all franchises with the city clerk in a registration book kept by the clerk. The city council may provide by ordinance for the registration within a reasonable time of all franchises previously granted.

(b) If no franchise agreement is in effect, the city council has the authority to impose a tax on gross receipts for the use of this city's streets and alleys for the purposes of railroads, street railways, telephone companies, electric companies, electric membership corporations, cable television and other telecommunications companies, gas companies, transportation companies and other similar organizations.

SECTION 6.06.

Service charges.

The city council by ordinance shall have the power to assess and collect fees, charges, and tolls for sewers, sanitary and health services, garbage and refuse collection or any other services provided or made available within and outside the corporate limits of the city for the total cost to the city of providing, maintaining or making available such services. If unpaid, such charges shall be collected as provided in Section 6.09 of this charter.

SECTION 6.07.

Special assessments.

The city council by ordinance shall have the power to assess and collect the cost of constructing, reconstructing, widening, or improving any public way, street, sidewalk, curbing, gutters, sewers, or other utility mains and appurtenances from the abutting property owners under such terms and conditions as are reasonable. If unpaid, such charges shall be collected as provided in Section 6.09 of this charter.

SECTION 6.08.

Construction; other taxes and fees.

This city shall be empowered to levy any other tax or fee allowed now or hereafter by law, and the specific mention of any right, power, or authority in this article shall not be construed as limiting in any way the general powers of this city to govern its local affairs.

SECTION 6.09.

Collection of delinquent taxes and fees.

The city council, by ordinance, may provide generally for the collection of delinquent taxes, fees, or other revenue due the city under Sections 6.01 through 6.08 of this charter by whatever reasonable means as are not precluded by law. This shall include providing for the dates when the taxes or fees are due; late penalties or interest; issuance and execution of fi.fa.'s; creation and priority of liens; making delinquent taxes and fees personal debts of the persons required to pay the taxes or fees imposed; revoking city

permits for failure to pay any city taxes or fees; and providing for the assignment or transfer of tax executions.

SECTION 6.10.

General obligation bonds.

The city council shall have the power to issue bonds for the purpose of raising revenue to carry out any project, program or venture authorized under this charter or the laws of the state. Such bonding authority shall be exercised in accordance with the laws governing bond issuance by municipalities in effect at the time said issue is undertaken.

SECTION 6.11.

Revenue bonds.

Revenue bonds may be issued by the city council as state law now or hereafter provides. Such bonds are to be paid out of any revenue produced by the project, program, or venture for which they were issued.

SECTION 6.12.

Short term loans.

The city may obtain short-term loans and must repay such loans not later than December 31 of each year, unless otherwise provided by law.

SECTION 6.13.

Lease-purchase contracts.

The city may enter into multiyear lease, purchase or lease purchase contracts for the acquisition of goods, materials, real and personal property, services, and supplies, provided the contract terminates without further obligation on the part of the municipality at the close of the calendar year in which it was executed and at the close of each succeeding calendar year for which it may be renewed. Contracts must be executed in accordance with requirements of Code Section 36-60-13 of the Official Code of Georgia Annotated, or other such applicable laws as are or may hereafter be enacted.

SECTION 6.14.

Fiscal year.

The city council shall set the fiscal year by ordinance. This fiscal year shall constitute the budget year and the year for financial accounting and reporting of each and every office, department, agency and activity of the city government.

SECTION 6.15.

Preparation of budgets.

The city council shall provide an ordinance on the procedures and requirements for the preparation and execution of an annual operating budget, a capital improvement plan and a capital budget, including requirements as to the scope, content and form of such budgets and plans.

SECTION 6.16.

Submission of operating budget to city council.

On or before a date fixed by the city council but not later than 60 days prior to the beginning of each fiscal year, the mayor and city manager shall submit to the city council a proposed operating budget for the ensuing fiscal year. The budget shall be accompanied by a message from the mayor and/or city manager containing a statement of the general fiscal policies of the City, the important features of the budget, explanations of major changes recommended for the next fiscal year, a general summary of the budget, and such other pertinent comments and information as the mayor and city manager deem appropriate. The operating budget and the capital budget provided for in Section 6.19 of this charter, the budget message, and all supporting documents shall be filed in the office of the city clerk and shall be open to public inspection.

SECTION 6.17.

Action by city council on budget.

(a) The city council may amend the operating budget proposed by the mayor and city manager; except, that the budget as finally amended and adopted must provide for all expenditures required by state law or by other provisions of this charter and for all debt service requirements for the ensuing fiscal year, and the total appropriations from any fund shall not exceed the estimated fund balance, reserves, and revenues.

(b) The city council by ordinance shall adopt the final operating budget for the ensuing fiscal year not later than the last day of the current fiscal year. If the city council fails to adopt the budget by this date, the amounts appropriated for operation for the

current fiscal year shall be deemed adopted for the ensuing year on a month-to-month basis, with all items prorated accordingly until such time as the city council adopts a budget for the ensuing fiscal year. Adoption of the budget shall take the form of an appropriations ordinance setting out the estimated revenues in detail by sources and making appropriations according to fund and by organizational unit, purpose, or activity as set out in the budget preparation ordinance adopted pursuant to Section 6.15 of this charter.

(c) The city council shall levy by ordinance such taxes as are necessary. The taxes and tax rates set by such ordinance shall be such that reasonable estimates of revenues from such levy shall at least be sufficient, together with other anticipated revenues, fund balances and applicable reserves, to equal the total amount appropriated for each of the several funds set forth in the annual operating budget for defraying the expenses of the general government of this city.

SECTION 6.18.

Changes in appropriations.

The city council by ordinance may make changes in the appropriations contained in the current operating budget, at any regular meeting or special or emergency meeting called for such purpose.

SECTION 6.19.

Capital budget.

(a) On or before the date fixed by the city council but no later than 60 days prior to the beginning of each fiscal year, the mayor and city manager shall submit to the city council a proposed capital improvements plan with a recommended capital budget containing the means of financing the improvements proposed for the ensuing fiscal year. The city council shall have the power to accept, with or without amendments, or reject the proposed plan and proposed budget. The city council shall not authorize an expenditure for the construction of any building, structure, work, or improvement, unless the appropriations for such project are included in the capital budget, except to meet a public emergency as provided in Section 2.15 of this charter.

(b) The city council shall adopt by ordinance the final capital budget for the ensuing fiscal year not later than the last day of the current fiscal year. No appropriation provided for in a prior capital budget shall lapse until the purpose for which the appropriation was made shall have been accomplished or abandoned; provided, however, the mayor and city manager may submit amendments to the capital budget at any time during the fiscal year, accompanied by recommendations. Any such amendments to the capital budget shall become effective only upon adoption by ordinance.

SECTION 6.20.

Independent audit.

There shall be an annual independent audit of all the city accounts, funds, and financial transactions by a certified public accountant selected by the city council. The

audit shall be conducted according to generally accepted auditing principles. Any audit of any funds by the state or federal governments may be accepted as satisfying the requirements of this charter. Copies of annual audit reports shall be available at printing costs to the public.

SECTION 6.21.

Contracting procedures.

No contract with the City shall be binding on the City unless:

- (1) it is in writing;
- (2) it is made or authorized by the city council and such approval is entered in the city council journal of proceedings pursuant to Section 2.12 of this charter; and
- (3) it is signed by the Mayor or the Mayor pro tempore.

SECTION 6.22.

Sale and lease of city property.

(a) The city council may sell and convey or lease any real or personal property owned or held by the city for governmental or other purposes as now or hereafter provided by law.

(b) The city council may quitclaim any rights it may have in property not needed for public purposes upon report by the mayor or city manager and adoption of a resolution, both finding that the property is not needed for public or other purposes and that the interest of the city has no readily ascertainable monetary value.

(c) Whenever in opening, extending or widening any street, avenue, alley, or public place of the city, a small parcel or tract of land is cut-off or separated by such work from a larger tract or boundary of land owned by the city, the city council may authorize the mayor or city manager to sell and convey said cut-off or separated parcel or tract of land to an abutting or adjoining property owner or owners where such sale and conveyance facilitates the enjoyment of the highest and best use of the abutting owner's property. Included in the sales contract shall be a provision for the rights of way of said street, avenue, alley, or public place. Each abutting property owner shall be notified of the availability of the property and given the opportunity to purchase said property under such terms and conditions as set out by ordinance. All deeds and conveyances heretofore and hereafter so executed and delivered shall convey all title and interest the city has in such property, notwithstanding the fact that no public sale after advertisement was or is hereafter made.

ARTICLE VII

GENERAL PROVISIONS

SECTION 7.01.

Bonds for officials.

The officers and employees of the city, both elected and appointed, shall execute such surety and fidelity bonds in such amounts and upon such terms and conditions as the city council shall from time to time require by ordinance or as may be provided by law.

SECTION 7.02.

Existing ordinances, resolutions, rules and regulations.

Existing ordinances, resolutions, rules, and regulations of this city not in conflict with this charter shall continue in force, unless repealed or amended, for two years from the effective date of this charter. During such two-year period, the city council shall review all such provisions and shall readopt, repeal, or amend each, so that a codification as provided by subsection (b) of Section 2.17 of this charter is accomplished.

SECTION 7.03.

Existing personnel and officers.

Except as specifically provided otherwise by this charter, all personnel and officers of the City and their rights, privileges and powers shall continue beyond the time this charter takes effect for a period of 90 days before or during which the existing city council shall pass a transition ordinance detailing the changes in personnel and appointed officers required or desired and arranging such titles, rights, privileges and powers as may be necessary or desired to allow a reasonable transition.

SECTION 7.04.

Pending matters.

Except as specifically provided otherwise by this charter, all rights, claims, actions, orders, contracts, and legal or administrative proceedings shall continue and any such ongoing work or cases shall be completed by such city agencies, personnel, or offices as may be provided by the city council.

SECTION 7.05.

Construction.

(a) Section captions in this charter are informative only and are not to be considered as a part thereof.

(b) The word "shall" is mandatory and the word "may" is permissive.

(c) The singular shall include the plural, the masculine shall include the feminine, and vice versa.

SECTION 7.06.

Severability.

If any article, section, subsection, paragraph, sentence, or part thereof of this charter shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair other parts of this charter unless it clearly appears that such other parts are wholly and necessarily dependent upon the part held to be invalid or unconstitutional, it being the legislative intent in enacting this charter that each article, section, subsection, paragraph, sentence or part thereof be enacted separately and independent of each other.

SECTION 7.07.

Specific repealer.

An Act incorporating the Town of Alamo in the County of Wheeler, approved August 17, 1909 (Ga. L. 1909, p. 498), is hereby repealed in its entirety and all

amendatory acts thereto are likewise repealed in their entirety and all amendatory Acts thereto are likewise repealed in their entirety.

SECTION 7.08.

Effective date.

This charter, as amended, shall become effective on July 1, 2019.

SECTION 7.09

General repealer

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