

**OFFICIAL MINUTES
COMMISSION OF THE CITY OF BRUNSWICK, GEORGIA
REGULAR MEETING
7:00 P. M., SEPTEMBER 19, 1990**

PRESENT: His Honor Mayor Homer L. Wilson, Commissioners James A. Stephens,
Thomas P. Williams, Ken Tollison
and Larry Credle.

INVOCATION

The invocation was given by Commissioner James A. Stephens.

APPROVAL OF MINUTES

Commissioner Williams moved that the minutes of September 5, 1990 be approved. Motion was seconded by Commissioner Stephens and was unanimously carried.

DELEGATIONS

Williams A. Taylor was present to discuss the 911 Emergency telephone system. He stated that there is no new law that states that the City and County can raise the charges for 911. Mr. Taylor questioned whether anyone knew how much money has been collected for the 911 system and suggested that the City and County lower the 911 rates.

Mr. Taylor next discussed consolidation. He stated that in 1986 he was against consolidation and now is wholeheartedly for Consolidation and gave reasons for same. Mr. Taylor then asked Commissioners Credle and Tollison to make a motion and second it to have the Legislature form a Charter Commission and give the citizens a chance to vote on this issue. Each Commissioner expressed his view on consolidation. Commissioner Tollison moved that the City request the Legislature to reintroduce a bill enacting the Charter Commission at it's next session in Atlanta, and that these appointees represent both City and County government. Motion was seconded by Commissioner Credle to bring issue to a vote. On call for question the motion failed by vote of 3 to 2. Commissioners Williams, Stephens and Mayor Wilson voting No. Commissioners Tollison and Credle voting Yes.

Ernie Craft was present to discuss the restoration and use of Old City Hall. Mr. Craft introduced members that were present who served on the Use Study Committee. The Commission commended the Committee for a job well done and gave them their support. Commissioner Tollison questioned where the Municipal Court would be located. LaRon Bennett was present and stated that the Recorder's Court was not included in their preliminary report, but residents requested that the court remain in Old City Hall. The Commission next discussed handicap accessibility in Old City Hall. Mr. Craft stated that the Building must be handicap accessible and the Committee is dealing with that issue. Commissioner Stephens moved that the City accept the recommendations from Mr. Craft for the Use of Old City Hall with proper modifications and consent of all parties involved. Motion was seconded by Commissioner Credle and was unanimously carried. Funding of the project was not discussed at this time.

Commissioner Stephens moved that the Charter Commission issue be placed on the agenda for the Joint City/County meeting on October 9. Motion was seconded by Commissioner Tollison and carried by vote of 3 to 2. Commissioner Stephens, Credle and Tollison voting Yes and Mayor Wilson and Commissioner Williams voting No.

Mrs. Watkins appeared before the Commission to request that

she be placed on City Sewer. The City Manager and Staff was instructed to meet with Mrs. Watkins and bring back recommendation to the Commission.

The following bids were received on Computer System for Engineering Services:

Vendor	Comments	Bids
Club America Technologies Fremont, CA	Incomplete Bid - No Printer= To add Printer @ \$725.00 =	6,783.00 7,508.00
Cadd Development Jacksonville, FL		7,405.00
Northgate Computer Systems, Inc. Minneapolis, MN	Incomplete Bid - No Printer= To add Printer @ \$725.00 =	9,699.00 10,424.00
Gateway 2000 North Sioux City, SD	Incomplete Bid - No Printer= To add Printer @ \$725.00 =	6,090.00 6,815.00
CompuAdd Corporation Jacksonville, FL		7,019.00
CompuAdd Corporation Austin, TX		6,885.00
Computer Professionals Waynesville, GA		Bid #1 10,975.00 #2 9,835.00 #3 9,784.00 #4 8,644.00
Mr. Floppy Computers Brunswick, GA		\$ 7,775.00
Microcity Computers Jacksonville, FL		7,449.00
Dell Computer Corporations Austin, TX	Incomplete Bid - No Printer= To add Printer @ \$725.00 =	7,123.00 7,848.00
Transource Phoenix, AZ		6,549.00

Staff recommended that the low bid of Transource be accepted. Commissioner Tollison moved that the recommendation of staff be approved. Motion was seconded by Commissioner Credle and was unanimously carried.

The Following bids were received on ten ton Air Conditioning Unit for the Recreation Department:

Vendor	Comments	Bids
Roth Air Conditioning & Heating Brunswick, GA		\$11,740.00*
Shearouse Heating & Air Cond. Brunswick, GA	An Alternate bid of \$10,633.00 has been submitted, proposing to utilize certain existing components	14,533.00

J. Gray and Assoc., Inc. Brunswick, GA	13,900.00
Georgia Refrigeration, Inc. Brunswick, GA	12,887.00
Certified Electric, Inc. Brunswick, GA	17,960.00
Beckham Heating & Air Brunswick, GA	15,895.00
Boatright & Associates, Inc. Brunswick, GA	18,135.00

Following review of bids Commissioner Stephens moved that the low bid be accepted. Motion was seconded by Commissioner Williams. Commissioner Tollison questioned the alternate bid of Shearhouse Heating and Air and discussed the service contract and warranty of the system.

On call for question the motion carried by vote of 4 to 0. Commissioner Tollison abstaining.

The following bids were received on 10 ton Air Conditioning Unit for Police Department:

Vendor	Comments	Bids
Roth Air Conditioning & Heating Brunswick, GA		\$ 6,874.00
Shearouse Heating & Air Cond. Brunswick, GA		6,477.00*
J. Gray & Assoc., Inc. Brunswick, GA		6,950.00
Georgia Refrigeration, Inc. Brunswick, GA		7,125.00
Certified Electric, Inc. Brunswick, GA		7,250.00
Beckham Heating & Air Brunswick, GA		8,525.00

Following review of bids Commissioner Williams moved that the low bid be accepted. Motion was seconded by Commissioner Credle and was unanimously carried.

The following bids were received on 70 pairs of Uniform shoes for Police Department:

Vendor	Comments	Bids
Banner Uniforms N. Charleston, SC	Men's - \$48.50 Women's - 46.50	\$ 3,379.00
Frank's Uniforms Savannah, GA	Men's - 42.50 Women's - 40.50	2,959.00
GT Distributors Rossville, GA	Men's - 43.85 Women's - 41.60	3,051.00

International Tactical Brunswick, GA	Men's - 45.50	3,168.0 Prod.	Women's - 43.40
Martin's Service Uniforms Atlanta, GA	Men's - 54.25 Women's - 52.25	3,781.50	
R & R Uniforms, Inc. Orlando, FL	Men's - 50.63 Women's - 48.13	3,524.00	
Uniforms by Patrick Savannah, GA	Men's - 42.50 Women's - 39.95	2,954.00*	

Staff recommended that the low bid of Uniforms by Patrick be accepted. Commissioner Williams moved that the recommendation of staff be approved. Motion was seconded by Commissioner Credle. Commissioner Tollison questioned the bidding procedures used with local and out of town vendors. On call for question the motion carried by vote of 4 to 1. Commissioner Tollison voting No.

The following bids were received on Pick Up Truck for Meter Readers:

Vendor	Comments	Bids
Brunswick Nissan Brunswick, GA	Nissan	\$ 9,482.00
Golden Isles Motors Brunswick, GA	Dodge Ram 50	8,957.28
Steve James Mazda Brunswick, GA	Mazda B2200	8,740.00*
King's Colonial Ford Brunswick, GA	Ranger	10,464.00
Pitts Toyota Brunswick, GA	Toyota	9,976.00
Dan Vaden Chevrolet- Oldsmobile Brunswick, GA	Isuzu S-14	8,840.00

Following discussion Commissioner Williams moved that the low bid be accepted. Motion was seconded by Commissioner Tollison and was unanimously carried.

SURPLUS EQUIPMENT

Commissioner Stephens moved that the list submitted by the City Manager of City Equipment be declared surplus items for Auction. Motion was seconded by Commissioner Credle and was unanimously carried.

REDEMPTION DEED

Redemption requested in the name of present owner Alice Collins on N-3/5 of W-1/2 of Town Commons Lot No. 47 between Lee and Gordon. All taxes, interest and costs in the amount of \$85.07 have been paid. On motion of Commissioner Williams seconded by Commissioner Credle, the Mayor was authorized to execute quit claim deed.

CEMETERY DEED

Petition received from John Blackerby to transfer Lot No. 5, Section No. 143 in Palmetto Cemetery to J. M. Blackerby. Original deed surrendered. Commissioner Williams moved that petition be granted. Motion was seconded by Commissioner Credle and was unanimously carried.

MONTHLY REPORTS

The following reports for the month of August, 1990 were received and ordered filed as information: (1) General Fund (2) Recorder's Court (3) Metro Drug Squad and (4) Community Development. Uncollectible Water and Sewer Accounts in the amount of \$918.34 and Uncollectible Water Accounts paid in the said month in the amount of \$272.25.

ADOPTION OF CITY CHARTER

The City Attorney reported that the proposed City Charter had been duly advertised as required. Commissioner Williams moved adoption of the City Charter. Motion was seconded by Commissioner Credle and was unanimously carried.

AN ORDINANCE TO AMEND AND CODIFY PROVISIONS OF THE MUNICIPAL CHARTER OF THE CITY OF BRUNSWICK; TO CONTINUE IN EFFECT CURRENT PROVISIONS OF SAID CHARTER, AS AMENDED FROM TIME TO TIME, AFFECTING THE COMPOSITION AND FORM OF THE MUNICIPAL GOVERNING AUTHORITY, THE PROCEDURE FOR ELECTION OF THE MEMBERS THEREOF, AND THE CONTINUANCE IN OFFICE AND LIMITATION THEREON FOR SUCH MEMBERS; TO AMEND SAID CHARTER SO AS TO PROVIDE FOR A CITY MANAGER AND OTHER OFFICERS, TO PROVIDE FOR BOUNDARIES AND POWERS OF THE CITY, AND TO PROVIDE FOR FISCAL MANAGEMENT, ADMINISTRATION OF MUNICIPAL BUSINESS AND RELATED MATTERS; TO CONTINUE IN EFFECT THE PROVISIONS OF SAID CHARTER, AS AMENDED, PARTICULARLY AS AMENDED BY AN ACT APPROVED FEBRUARY 17, 1950, AUTHORIZING THE LEVY AND COLLECTION OF TAXES; TO REPEAL PROVISIONS OF SAID CHARTER WHICH HAVE BEEN SUPERSEDED BY GENERAL LAW, WHICH HAVE BECOME OBSOLETE OR WHICH ARE IN CONFLICT WITH THIS ORDINANCE; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

THE COMMISSION OF THE CITY OF BRUNSWICK HEREBY ORDAINS AS FOLLOWS:

SECTION 1. It is the intent of this ordinance to continue in effect fundamental provisions of the municipal charter of the City of Brunswick concerning the governing authority and taxation, in conformity with Official Code of Georgia Annotated Sec. 36-35-6, limiting the home rule powers of municipal corporations; to modernize the charter by amending it in other respects pursuant to the Municipal Home Rule Act of 1965, particularly Official Code of Georgia Annotated Sec. 36-35-3; to repeal charter provisions which have been superseded by general law, which have become obsolete or which are in conflict with this ordinance; and to codify the resulting charter.

SECTION 2. Those fundamental provisions of the current

charter which shall continue in effect are identified hereinafter by parenthetical references following such provisions.

SECTION 3. Those provisions of the current charter which are not identified hereinafter as provisions which shall continue in effect are hereby stricken in their entirety, provided, however, that this repealer shall not operate to affect vested rights, title to real property, the closure of streets or the names of streets as heretofore designated by the commission.

SECTION 4. Reference is hereby made to Section 2 of an Act approved August 11, 1920 (Ga. Laws 1920, pp. 757, 760) which provides: "The offices of Mayor and Aldermen and all other officers of said city created by legislative enactment, except as hereinafter provided for, are hereby abolished, and all laws creating such offices and defining the duties and authority pertaining thereto are hereby repealed, except as hereinafter provided for." The commission hereby finds that the foregoing effectively repealed that provision of an Act approved November 12, 1889 (Ga. Laws 1889, pp. 1010, 1015) subsequently codified as Section 15 of the charter as set forth in the Brunswick City Code, 1952. The 1889 provision, therefore, is not carried forward as a limitation of office in the charter as hereinafter set forth.

SECTION 5. If any provision of this ordinance or of the charter as hereinafter set forth is held invalid or unconstitutional for any reason by any court of competent jurisdiction, such provision shall be deemed a separate, distinct and independent provision, and such holding shall not affect the remaining provisions of the ordinance or charter.

SECTION 6. This ordinance and the charter set forth hereinafter shall become effective on January 1, 1991.

SECTION 7. As of said effective date the municipal charter of the City of Brunswick shall be as set forth in the pages appended hereto.

CHARTER OF THE CITY OF BRUNSWICK

ARTICLE I.
INCORPORATION, POWERS, FORM OF GOVERNMENT

Section 1.10. Name.

The City of Brunswick, heretofore incorporated by an Act of the General Assembly approved February 22, 1856, shall have perpetual succession as a municipal corporation of the State of Georgia.

Section 1.11. Corporate Boundaries.

The boundaries of the city shall be those existing on the effective date of this charter, with such alterations as may be made from time to time in the manner provided by law. The boundaries of the city shall be shown or described at all times on a map, a written description or any combination thereof, to be retained permanently in the office of the clerk of the city.

Section 1.12. Powers.

The city shall have all the powers of self-government which it is possible for a city to have under the present or future Constitution and laws of the State of Georgia as fully as though they were specifically enumerated in this charter, and the same shall be carried into execution as provided by pertinent general law, by this charter or by ordinance, resolution or regulation adopted as provided by Official Code of Georgia Annotated Sec. 36-35-3(a).

Section 1.13. Form of Government.

The City of Brunswick shall be governed by a commission and a manager. (Enacted by Ga. Laws 1920, pp. 757, 760.)

ARTICLE II.
CITY COMMISSION

Section 2.10. Commission; Election at Large.

Subject to the residence requirement set forth hereinafter, the members of the commission shall be elected at large, by all the electors voting in a municipal election, in the manner provided by this charter. (Construction of Ga. laws 1920, pp. 757, 761, as amended by Ga. laws 1927, pp. 929, 937.)

Section 2.11. Division of City into Wards.

For the purpose of elections to the commission the city is divided into two wards which shall be known as the "north ward" and "south ward", lying north and south, respectively, of a line running from the westerly terminus of "L" Street easterly to Stadium Street, thence along Stadium Street to "K" Street, thence along "K" Street to Glynn Avenue, thence southerly along Glynn Avenue to the Brunswick-St. Simons Causeway, thence easterly along the Causeway to the corporate limits of the city.

Section 2.12. Commission; Number; Residence Requirement.

The commission shall consist of five persons who shall have been citizens of said city for at least one year next preceding their election, two to be residents of the south ward, two from the north ward, and one from the city at large. Each commissioner must be at least twenty-five years of age. In the event the office of a commissioner shall become vacant, either by recall or for any other reason, then his successor for the unexpired term shall be a resident of the ward represented at the time of the election of the commissioner creating the vacancy. The term "resident" shall be held to mean a bona fide and continuous residence for a period of six months immediately preceding any election herein referred to. However, in the event of the removal of the residence of a member of the commission from one ward to another, the same shall not create a vacancy. (Enacted by Ga. Laws 1920, pp. 757, 761, as amended by Ga. Laws 1927, pp. 929, 937, and Ga. Laws 1949, pp. 339, 345.)

Section 2.13. Elections; Date of Regular Elections.

All regular and special elections shall be held and conducted in accordance with general law. The date of all regular elections occurring before January 1, 1993, shall be as heretofore provided, and thereafter the date of such elections shall be as provided by general law.

Section 2.14. Nomination of Candidates.

Candidates for election to the commission shall be nominated by petition. No political party shall conduct primaries for the purpose of nominating candidates. (Authorized by O.C.G.A. Sec. 21-3-95.)

Section 2.15. Terms of Office.

Except as otherwise provided by general law, the members of the commission shall serve for terms of four years and until their successors are elected and qualified. (In accord with O.C.G.A. Sec. 21-3-61(a) and 21-3-63.)

Section 2.16. Oath of Office.

The oath of office shall be administered to newly elected members of the commission as follows: "I do solemnly swear (or affirm) that I will faithfully perform the duties of commissioner (or mayor) of the City of Brunswick, and that I will support and defend the city charter as well as the constitution and laws of the State of Georgia and of the United States of America."

Section 2.17. Filling of Vacancies.

In the case of the death, resignation, removal from office, or vacation from office by removal from said city (and removal shall operate to create a vacancy just as if there should be a formal resignation) of any commissioner, the commission shall proceed to call an election to fill such vacancy. (Enacted by Ga. Laws 1920, pp. 757, 777, as amended by O.C.G.A. Sec. 21-3-14, 21-3-53.)

Section 2.18. Mayor.

The commissioner elected from the city at large shall be the chairman of the commission and shall be designated as mayor, and shall have only such powers as are prescribed by the charter. The commissioner at large may succeed himself for one term but shall not be eligible to run for the office of commissioner at large until there has been a lapse of three (3) years from the end of the second term in office. However, nothing herein shall be construed to keep the said commissioner at large from running for the office of commissioner from the ward in which he is a resident immediately after serving as commissioner at large. (Enacted by Ga. Laws 1963, p. 3249.)

Section 2.19. Mayor; Powers and Duties.

The mayor shall have no more authority than any of the other commissioners, except that he shall act as chairman at all meetings of the commission, shall approve the minutes of such meetings, shall act as mayor of said city on all ceremonial occasions, and shall have such other authority and duties as hereinafter provided. He shall be ex officio a member of all boards of which the mayor of said city is now ex officio a member. (Enacted by ga. Laws 1920, pp. 757, 765.)

Section 2.20. Mayor Pro Tem.

The commission shall elect a mayor pro tem at the first meeting in January of each year. During the absence or disability of the mayor for any cause, the mayor pro tem, or in his absence or disability any one of the commissioners designated by a majority of the commission, shall perform the duties of the office of mayor so long as such absence or disability shall continue.

Section 2.21. Quorum, Vacancies.

A majority of the commission shall constitute a quorum for the transaction of business. (construction of Ga. Laws, 1920, p. 757; cf, Ga. Laws 1989, pp. 1010, 1015.) In the event that for any cause there shall be a vacancy in the office of one or more commissioners, the commissioner or commissioners remaining in office shall perform all the duties and shall possess all the power and authority of the commission until the vacancy or vacancies shall be filled. (Enacted by Ga. Laws 1920, pp. 757, 768.)

Section 2.22. Compensation and Expenses.

City commissioner shall receive compensation and expenses for their services as provided by ordinance.

ARTICLE III.
CITY MANAGER AND OTHER OFFICERS

Section 3.10. City Manager; Appointment; Qualifications; Compensation.

The commission shall appoint a city manager to serve at will for an indefinite term and shall fix his compensation. The manager shall be appointed solely on the basis of his executive and administrative qualifications, and he shall be the city's chief administrative officer.

Section 3.22. Acting City Manager.

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

Section 3.12. City Attorney.

The commission shall appoint a city attorney, together with such assistant city attorneys as may be deemed necessary, who shall serve at will for an indefinite term. The city attorney shall be responsible for representing and defending the city in all litigation in which the city is a party, shall attend the meetings of the commission as directed and shall advise the commission and other officers and employees of the city concerning legal aspects of the city's affairs.

Section 3.13. City Clerk.

The commission shall appoint a city clerk who shall not be a member of the commission. The city clerk shall be custodian of the official city seal, shall maintain city commission records required by this charter and shall perform such other duties as may be required by the commission.

Section 3.14. Municipal Court.

The commission shall establish a municipal court by ordinance pursuant to Official Code of Georgia Annotated Sec. 36-32-1, which shall be known as the Municipal Court of the City of Brunswick, and shall provide for appointment of the judge or judges thereof.

ARTICLE IV.
COMMISSION MEETINGS AND PROCEDURE

Section 4.10. Regular and Special Meetings.

The commission shall hold regular meetings at such times as prescribed by ordinance. Special meetings of the commission may be held on call of the mayor or two members of the commission.

Section 4.11. Rules of Procedure.

The commission shall adopt rules governing procedure and order of business consistent with the provisions of this charter and shall provide for keeping minutes of all its proceedings.

Section 4.12. Action Requiring An Ordinance.

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

Section 4.13. Ordinance Form; Procedure.

(a) No ordinance shall be effective unless a notice of intent to enact or adopt the ordinance has been published once during the calendar week preceding enactment or adoption thereof in the newspaper in which the city's legal advertising is published, and no ordinance shall be enacted or adopted except at a regular or recessed regular meeting of the city commission.

(b) Every ordinance shall be in writing at the time of its adoption and shall be filed with the city clerk immediately upon adoption. No ordinance shall contain subject matter which is not expressed in its title. The enacting clause shall be, "The commission of the City of Brunswick hereby ordains...."

Section 4.14. Codes of Technical Regulations.

The commission may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such adopting ordinance shall be as prescribed for ordinances generally, provided that a copy of each adopted code of technical regulations as well as the adopting ordinance shall be filed with the city clerk pursuant to Section 4.13.

Section 4.15. Authentication; Recording; Codification.

(a) The city clerk shall authenticate by his signature all ordinances adopted by the commission and shall record them in a properly indexed book.

(b) The commission shall provide for the codification of all the ordinances of a general and permanent nature, including only such codes of technical regulations as the commission may specify, together with this charter and such related laws as the commission may specify. This compilation shall be known and cited officially as "The Code of the City of Brunswick, Georgia," and it shall be maintained continuously up to date.

ARTICLE V.
ADMINISTRATION

Section 5.10. Authority of City Manager.

The city manager shall have the following authority and duties:

(1) He shall direct and supervise the administration of all departments, offices and agencies of the city, except as otherwise provided by this charter or by law.

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

(3) He shall see that all laws, provisions of this charter and acts of the city commission subject to enforcement by him or by officers subject to his direction and supervision are faithfully executed.

(4) He shall attend all commission meetings and shall have the right to take part in discussion, but he may not vote.

(5) He shall prepare and submit the annual budget to the commission.

(6) He shall submit to the commission 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.

(7) He shall make such other reports as the commission may require concerning the operations of city departments, offices and agencies subject to his direction and supervision.

(8) He shall keep the commission fully advised as to the financial condition and future needs of the city and make such recommendations to the commission concerning the affairs of the city as he deems desirable.

(9) He shall prepare and promulgate a position classification and pay plan, subject to approval of the commission. The plan may apply to all employees of the city and any of its agencies, departments, boards,

commissions or authorities. When a pay plan has been adopted, the salary range applicable to any position shall not be increased or decreased except by amendment of the pay plan. For purposes of this subsection, the elected and some appointed city officials may not be deemed to be city employees.

(10) He shall prepare and promulgate rules and regulations concerning (1) the method of employee selection and probationary periods of employment, (2) the administration of the position classification and pay plan, methods of promotion and application of service ratings thereto and transfer of employees within the classification plan, (3) hours of work, vacation, sick leave and other leaves of absence, overtime pay and the order and manner in which layoffs shall be effected, (4) such personnel hearings as due process may require and (5) any other personnel matters, as may be necessary or appropriate to provide for adequate and systematic handling of personnel affairs.

In addition to the foregoing, the city manager shall have such additional authority and duties as the commission may lawfully assign to him.

Section 5.11. Administrative and Service Departments.

(a) Except as otherwise provided in this charter, the commission shall establish by ordinance the departments and agencies needed for the proper administration of the affairs and government of the city.

(b) There shall be a director of each department or agency who shall be its principal officer. Each director shall be responsible for the administration and direction of the affairs and operations of his department or agency subject to the direction and supervision of the city manager.

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

(d) All directors under the supervision of the city manager shall be nominated by the city manager with confirmation of appointment by the commission. The city manager may suspend or remove any director under his supervision for cause, provided that the director may appeal to the commission.

Section 5.12. Boards, Committees and Authorities.

(a) The commission shall create such boards, committees and authorities to fulfill any investigative, advisory or administrative function which the commission deems necessary and shall establish the composition, duties and powers thereof by ordinance or resolution as may be appropriate.

ARTICLE VI. FINANCE

Section 6.10. Taxation

The commission of the City of Brunswick is hereby vested with full authority and power to levy and collect such taxes on the inhabitants of said city, and those who hold taxable property within the same, and those who transact or offer to transact business therein, as said city commission may deem expedient for the safety, benefit, convenience and advantage of said city. Besides real and personal property, the said city commission may tax capital invested in said city, stocks in money corporations, choses in action, incomes and commissions derived from the pursuit of any profession, faculty, trade or calling, dividends, banks, insurance, express and other like companies or their agencies, and upon all other property or sources of profit not expressly prohibited or exempted by the laws of the State or of the United States, thus to raise such sum of money as may be necessary for the safety, convenience, benefit and interest of said city, the maintaining the municipal government and the payment of the debts thereof. (Enacted by Ga. Laws 1950, pp. 2770, 2772.)

Section 6.11. Construction; Other Taxes.

The commission shall be authorized to levy any other tax

now or hereafter allowed 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 the city to govern its local affairs.

Section 6.12. Fiscal Year; Budget Procedure.

The commission shall adopt an ordinance or ordinances to establish a fiscal year for the operations of municipal government, to establish a procedure for the preparation, review and adoption of an annual budget, and to provide for an annual audit of the financial affairs and transactions of all funds and activities of the city for each fiscal year, in accordance with general state law.

Section 6.13. Tax Levies.

After adoption of the budget, the commission shall adopt an ordinance to levy such ad valorem taxes as are necessary to operate the city under a balanced budget; that is, the sum of estimated net revenues and appropriated fund balances shall be equal to appropriations.

Section 6.14. Millage Rate; Due Date; Payment Methods.

The commission shall establish a millage rate for ad valorem taxes, the due date and the date of delinquency. The commission may provide for the payment of such taxes by installments or in one lump sum and may authorize voluntary payment

Section 6.15. Changes in Appropriations.

The commission shall be authorized to make changes in the appropriations contained in the current operations budget, provided that any additional appropriations may be made only from an existing unexpended surplus.

Section 6.16. Centralized Purchasing; Procurement and Contract Procedure.

The commission shall establish by ordinance a system of centralized purchasing for the city and a procedure for procurement and for the solicitation and consummation of contracts with the city.

ARTICLE VII.
GENERAL PROVISIONS

Section 7.10. Bonds of Officials.

City officers and employees, both elective and appointive, shall execute such surety or fidelity bonds in such amounts and upon such terms and conditions as the commission shall from time to time require by ordinance or as may be provided by general law.

Section 7.11. Prior Ordinances.

All ordinances, resolutions, rules and regulations now in force in the city no inconsistent with this charter are hereby declared valid and of full force and effect until amended or repealed by the commission.

Section 7.12. Existing Personnel and Officers.

Except as specifically provided otherwise by this charter or by appropriate action of the commission, all personnel and officers of the city and their rights, privileges and powers shall continue beyond the time this charter takes effect.

Section 7.13. Pending Matters.

Pending 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 commission.

Section 7.14. Severability.

If any provision of this charter is held invalid or

unconstitutional for any reason by any court of competent jurisdiction, such provision shall be deemed a separate, distinct and independent provision, and such holding shall not affect the remaining provisions of this charter.

Section 7.15. Effective Date.

This charter shall become effective on January 1, 1991.

ADOPTION AMENDED WATER AND WASTEWATER ORDINANCE

Commissioner Credle moved that the following Ordinance as submitted be adopted adding a new section providing for changes to cover capital requirements for Water and Wastewater Services. Motion was seconded by Commissioner Stephens and was carried by vote of 4 to 1.

AN ORDINANCE ENTITLED AN ORDINANCE TO AMEND ORDINANCE NO. 787 ADOPTED SEPTEMBER 1, 1982, AS AMENDED, PARTICULARLY AS AMENDED BY ORDINANCE NO. 869 ADOPTED SEPTEMBER 21, 1988, SO AS TO AMEND SECTION 18 OF SAID ORDINANCE NO. 787 PERTAINING TO THE USER CHARGE SYSTEM; TO ADD A NEW SECTION TO SAID ORDINANCE NO. 787, DESIGNATED SECTION 18A, SO AS TO PROVIDE FOR CHARGES TO COVER CAPITAL REQUIREMENTS WATER AND WASTEWATER SERVICES; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

BE IT AND IT IS HEREBY ORDAINED BY THE COMMISSION of the City of Brunswick, in lawful meeting assembled, as follows:

Section 1. Ordinance no. 787 creating and establishing the Water and Sewerage Department of the City of Brunswick, as amended, particularly as amended by Ordinance No. 869, adopted September 21, 1988, is hereby amended by striking in their entirety current subsections (g) and (h) of Section 18 thereof, pertaining to the User Charge System, and, for the purpose of future codification, by redesignating current subsections (i), (j) and (k) to be subsections (g), (h) and (i), respectively, of Section 18.

Section 2. Said Ordinance No. 787 is hereby further amended by adding a new section thereto, immediately following Section 18, to be designated Section 18A and to read as follows:

"SECTION 18A. Charges for Capital Requirements.

"(a) In addition to the foregoing EPA user charge, a charge to cover capital requirements shall be assessed against each customer, except industrial users having contractually reserved capacities, per month as follows:

- (1) Fixed charge. Each residential unit or residential equivalent unit inside city, per month 2.84
- (2) Each residential unit or residential equivalent unit outside city, per month 3.94
- (3) Plus a variable charge per 1,000 gallons of flow 0.225

"(b) In addition to foregoing EPA user charge, industrial users contracting for reserved allocation of plant capacities shall pay for the reservation of capacities such amounts as shall be provided by contract. In the absence of an agreement by the industrial user to make specified capital expenditures

for pretreatment, annual payments for reserved capacities shall be calculated according to the following annual unit charges: Flow, per 1,000 gallons, per day . . . \$10.25 BOD, per pound, per day 10.75 SS, per pound, per day 4.35

In contracting with an industrial user, the city may reduce the payments for reserved capacities over the term of the contract in a total amount approximately equivalent to the amount of capital expenditures which the industrial user will be required to make for pretreatment facilities during the term of the contract, but no reduction shall be made of more than twenty (20) percent of the foregoing unit charges. The city may also provide for reasonable credits against payments for reserved capacities in the event of excessive operations and maintenance charges. Such industrial users shall be assessed additional surcharges if an average of not less than five (5) valid samples on different days in any month exceeds the reserved capacities for BOD or SS or if the user exceeds the reserved capacity for flow. For any month in which such excess usage of BOD or SS occurs, the applicable surcharge shall be assessed for each day of the month in which the user discharged industrial process wastewater. Such surcharges shall be assessed in the following amounts: Flow, per 1,000 gallons \$0.0309 BOD, per pound 0.0325 SS, per pound 0.131

"(c) In addition to the foregoing charges, each customer receiving water service shall be assessed a charge of \$3.80 per month for residential unit or residential equivalent unit in order to cover additional capital requirements for the City of Brunswick Water and Sewerage Revenue Bonds Series 1990A and 1990B."

SECTION 3. In case any one or more of the provisions of this Ordinance shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions of this Ordinance, and this Ordinance shall be construed and enforced as if such illegal or invalid provisions had not been contained therein.

SECTION 4. Any and all other ordinances or parts of ordinances in conflict with this Ordinance shall be and the same are hereby repealed to the extent of such conflict.

SECTION 5. This Ordinance shall be in full force and effect from and after the date of its adoption and shall apply retrospectively to all fees and charges billed on or after September 19, 1990, notwithstanding that services for which such fees and charges are billed were furnished prior to said date.

MEETING ADJOURNED.

Mayor

Attest _____
Secretary of the City Commission