

AN ORDINANCE TO AMEND, STRIKE OR CHANGE CERTAIN SECTIONS OF PART II - CODE OF ORDINANCES, CHAPTER 2: ADMINISTRATION, ARTICLE IV – DEPARTMENTS; TO AMEND, STRIKE OR CHANGE CERTAIN SECTIONS OF PART II - CODE OF ORDINANCES, CHAPTER 70: PERSONNEL, ARTICLE I – IN GENERAL; TO REPEAL ALL CONFLICTING ORDINANCES, TO FIX AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Mayor and Council for the City of Calhoun seek to amend the former municipal code of ordinances to establish a more modern organizational structure for the overall management and administration of the day to day operations of the municipal corporation; and

WHEREAS, the Mayor and Council for the City of Calhoun seek to unify the two separate divisions of the present municipal organizational structure so that both the General and Utilities branches shall be consolidated into a singular administration for economy of oversight and accountability for the local governing authority;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF CALHOUN THAT THE CALHOUN CODE OF ORDINANCES, PART II, CHAPTER 2: ADMINISTRATION, ARTICLE IV – DEPARTMENTS AND CHAPTER 70: PERSONNEL, ARTICLE I – IN GENERAL SHALL BE MODIFIED, AMENDED OR CHANGED AS FOLLOWS:

SECTION ONE: *CHAPTER 2: ADMINISTRATION, ARTICLE IV – DEPARTMENTS*, including all discrete sections and subsections contained therein, is stricken in its entirety and replaced with *CHAPTER 2: ADMINISTRATION, ARTICLE IV – ORGANIZATIONAL STRUCTURE AND ADMINISTRATION OF MUNICIPAL OPERATIONS AND DEPARTMENTS* to read as follows:

**“ARTICLE IV – ORGANIZATIONAL STRUCTURE AND ADMINISTRATION OF
MUNICIPAL OPERATIONS AND DEPARTMENTS**

DIVISION 1. GENERALLY

**Sec. 2-91. Governing Authority and Administrative Structural
Chart.**

(a) As designated by the Charter of the City of Calhoun, Georgia, a municipal corporation charter established as approved by local act of the Georgia General Assembly on April 8, 1983 (Ga. L. 1983, p. 4710), the Mayor and the voting members of the City Council shall constitute the governing authority of the City in all matters generally affecting the health, safety and welfare for the citizens, and this shall include participation in the organizational structure of the local government, and designation or instruction for the City Administrator in matters concerning policy and administration as designated by this ordinance.

(b) For all purposes used under this article, the terms “municipal corporation” and “the City” shall refer to the City of Calhoun, a municipal corporation of the State of Georgia. Additionally, the term “City Charter” shall refer to the Charter of the City of Calhoun, Georgia, a municipal corporation charter established as approved by local act of the Georgia General Assembly on April 8, 1983 (Ga. L. 1983, p. 4710) as amended.

(c) Pursuant to the authority provided by Sections 4-101 and 4-102 of the City Charter, Appendix A hereto is hereby adopted by the governing authority to establish for personnel administration a primary architecture for “day to day” municipal operations, therefore enhancing the economic development and efficient operation for the benefit of its citizens, hereby putting in place a centralized form with management by the City Administrator, appointed agents as designated by the City Charter, and the established Department Heads and Superintendents for the divisions being governed by same.

(d) For the purposes of this ordinance, as set forth by the chart, the fundamental structure shall be divided into eight (8) separate and distinct Departments. Each municipal department shall be subject authority and general management by a Department Head which shall be appointed by Mayor and City Council based upon the recommendation of the City Administrator. These Departments shall be established for operational organization and budget considerations as follows:

- (1) Municipal Court;

- (2) Finance;
- (3) Planning and Development;
- (4) Recreation;
- (5) Public Safety;
- (6) Public Works;
- (7) Water and Wastewater; and
- (8) General Utilities Services.

(e) Each of these eight (8) municipal departments shall be further subdivided into separate and distinct Divisions, the minimum of which are hereby delineated in this article, and:

- (1) Each Division shall be subject to the supervision and oversight of individual employees by a Superintendent;
- (2) any Division Superintendent shall be appointed the City Administrator based upon the recommendation of the Department Head;
- (3) in addition to the minimum Divisions created by this ordinance, there shall be no prohibition to the creations of additional such Divisions and the appointment of a Superintendent of same, as may be agreed upon by the City Administrator and the Department Head for the benefit of the municipal corporation; and
- (4) Nothing in this ordinance shall be read to prevent the interaction and cooperation between Departments or individual Divisions with other Departments or Divisions to best accomplish the tasks and responsibilities necessary to serve the best interest of the municipal corporation and the citizens of the City.

(f) Unless required by exigent circumstances caused by a vacancy, any position that requires appointment by the Mayor and City Council shall occur at the organizational meeting mandated by Section 2-401(a) of the City Charter following each regular municipal election for Mayor or members of the City Council (unless otherwise established by amendment to the Charter and approved by Local Law, said elections are every two years).

Sec. 2-92. Amendment or modification to Administrative Structural Chart and organization.

Pursuant to the authority provided by Sections 4-101 and 4-102 of the City

Charter, the governing authority, by ordinance, may establish, abolish, merge or consolidate offices, positions of employment, departments, and agencies of the city in addition to those created by this charter as they shall deem necessary to administer the affairs of the government of the city. The council in such ordinance shall prescribe the functions and duties of any such department, offices and agencies created, except that no functions assigned by this charter to a particular department, office or agency, may be discontinued or, unless this charter specifically so provides, assigned to any other.

Sec. 2.93. Holding multiple positions; altering offices.

Except as otherwise provided herein, the council may by ordinance provide that the same person shall fill any number of offices and positions of employment whether as a Department Head or Division Superintendent; and may transfer or change the functions and duties of offices, positions of employment, departments and agencies of the city as deemed required for the benefit of the municipal citizens.

Sec. 2.94. City Clerk.

(a) It shall be the duty of the City Clerk, as designated by Section of Section 4-201 of the City Charter shall attend all meetings of the Mayor and City Council to keep the minutes and records of the same. This individual shall keep an index to the record and enter alphabetically therein the acts and doings of the Mayor and City Council, shall act at all times as the custodian with charge of all records, books and papers belonging to the City.

(b) The City Clerk shall maintain the present and approved municipal code for the city, issue all executions required by the ordinances or authorized by the Mayor and City Council, attesting thereto on behalf of the municipal corporation. This individual shall keep an execution docket and enter therein all executions issued by the Mayor and City Council.

(c) The City Clerk shall certify copies of any and all documents, ordinances, resolutions and records of the municipal corporation, attach the corporate seal of the city thereto where the same may be legitimately required, and attach the corporate seal of the city to all bonds issued by the city, to all deeds, contracts, notes, and documents of every kind, executed by the city or its proper officers, and to such other instruments as the Mayor and City Council may direct.

(d) The City Clerk shall issue all business, occupation and all other licenses required by the ordinances or regulations of the municipal corporation to be

issued by the clerk. This officer shall also act as the receiver and tax collector for the City, and shall be required to prepare and keep correct digests of all returns and assessments.

(e) The City Clerk shall perform all other duties required by the charter or by ordinance or resolution of the Mayor and City Council. This individual shall perform all other duties usually incident to the clerk and shall be removable for cause.

Sec. 2.95. City Attorney.

(a) The Mayor and City Council shall appoint a City Attorney as designated by Section of Section 4-202 of the City Charter, together with such Deputy City Attorneys as may be authorized by ordinance and recommended by the City Attorney.

(b) In addition to the responsibilities designated by Section of Section 4-202 of the City Charter, this individual shall:

- (1) be responsible for representing and defending the municipal corporation in all litigation in which the City is a part;
- (2) be the prosecuting officer in the Municipal Court;
- (3) attend the meetings of the Mayor and City Council as directed;
- (4) advise the Mayor and City Council, as well as the City Administrator, the City Clerk, the other municipal officers, the Department Heads, and any other employees of the City concerning the legal affairs for the municipal corporation;
- (5) draw all legal documents relating to the affairs of the City when requested by the Mayor and City Council, as well as the City Administrator, the City Clerk, the other municipal officers, the Department Heads, and any other employees of the City to do so;
- (6) inspect and give any applicable legal opinion, when requested by the Mayor and City Council, as well as the City Administrator, the City Clerk, the other municipal officers, the Department Heads, and any other employees of the City, on the legality and form of all agreements, contracts, franchises, and other legal instruments with which the municipal corporation may be concerned; and

- (7) perform such other duties as may be required by virtue of the position as City Attorney.

(c) The City Attorney shall at all times owe an ethical responsibility to represent the municipal corporation itself as the client regardless of the individual desires or action of any member of the governing authority, acting through the duly authorized constituents of the City, in accordance with Rule 1.13 ORGANIZATION AS CLIENT of the Georgia Rules of Professional Conduct as promulgated by the State Bar of Georgia.

Sec. 2.96. City Administrator; appointment; compensation; responsibilities.

(a) The Mayor and City Council shall appoint for an indefinite term an officer whose title shall be the City Administrator and who shall serve as the administrative head of the municipal corporation. The City Administrator shall be chosen by the Mayor and City Council on the basis of the individual's administrative qualifications with special reference to actual experience in, and knowledge of, the duties of the office as hereinafter prescribed. At the time of their appointment this individual need not be a municipal resident, but shall reside within the confines of Gordon County during entire tenure of office. The City Administrator shall serve at the pleasure of the Mayor and City Council, and compensation for this position shall be determined by the Mayor and City Council.

(b) The City Administrator shall be responsible to the Mayor and City Council for the proper administration of all affairs of the municipal corporation. As the primary administrator, the City Administrator shall have the power to appoint and remove all employees in the administrative service of the city, except the City Clerk or the City Attorney who shall be appointed as provided in this charter. The City Administrator shall recommend the employment of department heads, as defined by this ordinance, who shall be hired and fired only with the approval of the governing authority.

(c) It shall be the duty of the City Administrator to perform the following responsibilities:

- (1) supervise the "day-to-day" operations and administration of the affairs of the departments and subdivisions of the municipal corporation;

- (2) to see that the ordinances, resolutions, and regulations of the Mayor and City Council and the laws of the state are faithfully executed and enforced;
- (3) to make such recommendations to the Mayor and City Council concerning the affairs of the municipal corporation as the individual shall deem expedient;
- (4) to keep the Mayor and City Council advised of the financial condition and future financial needs of the municipal corporation;
- (5) to attend all meetings of the Mayor and City Council as directed by the governing authority, and to prepare and to submit to the Mayor and City Council such reports as this individual may deem expedient or as may be required of them by the Mayor and City Council; and
- (6) to perform all other duties as may be required of him by the Mayor and City Council.

Sec. 2.97. Assistant City Administrator; appointment; compensation; responsibilities.

- (a) The Assistant City Administrator shall serve under the direct supervision of the City Administrator, and shall perform such duties, and have such ordinary responsibilities as are assigned by the City Administrator.
- (b) The Assistant City Administrator shall be appointed by the City Administrator with the advice and consent of the Mayor and City Council, and compensation for this position shall be determined by the governing authority.
- (c) The Assistant City Administrator shall attend all meetings of the Mayor and City Council, as well as municipal boards and commissions as shall be required from time to time, to become familiar with the workings of the municipal corporation.
- (d) During the temporary absence of the City Administrator from the municipality, during the temporary illness or disability of the City Administrator preventing their ability from performing the assigned duties and responsibilities contained in Sec. 2-96 of this ordinance, then the Assistant City Administrator shall serve as the City Administrator and shall perform all of the duties of same.

Sec. 2.98. Municipal Public Defender.

(a) The Mayor and City Council shall appoint an attorney as the Municipal Public Defender to serve as legal counsel for the defense of indigent individuals in the Municipal Court. This individual shall be a member of the State Bar of Georgia in good standing, shall have no less than two years experience in the area of criminal defense, and shall be a resident of Gordon County.

(b) The Municipal Public Defender shall only be removed for cause, and compensation for this position shall be determined by the Mayor and City Council.

(c) The duties of the Municipal Public Defender shall be to serve as counsel, when directed by the Judge of Municipal Court, to represent indigent persons charged with violations of this Code or other ordinances of the municipal corporation which may be punished by imprisonment, and when such persons demonstrate to the satisfaction of the Judge of Municipal Court that they are indigent and unable to employ counsel and desire to have counsel appointed to represent them. Appointment shall be made by the Court upon request to:

- (1) ensure the legal representation of an indigent defendant at the earliest possible point in time during the criminal process; and
- (2) ensure the legal representation of an indigent defendant by the same attorney through the pendency of a criminal or ordinance matter to the greatest extent possible.

(d) The standard for making an individualized determination of indigency employed for appointment of the Municipal Public Defender by the Judge of Municipal Court shall be that established by O.C.G.A. § 36-32-1(f) and (g), as defined by O.C.G.A. § 17-2-2(6)(A) regarding an “indigent person” charged with a misdemeanor, violation of probation, or a municipal code offense punishable by imprisonment.

- (1) These legislative provisions have established an “indigent person” or “indigent defendant” for appointed legal counsel as one “earning less than 100 percent of the federal poverty guidelines, unless there is evidence that the person has other resources that might be reasonably used to employ a lawyer without undue hardship on the person or his or her dependents[.]”
- (2) For purposes of this ordinance, “100 percent of the federal poverty

guidelines” shall specifically mean the guidelines published in the Federal Register of January 22, 2015, Volume 80, Number 14 on ppgs 3237, 3238 (a copy of same being attached as Exhibit “B” hereto), and as may be further promulgated and adopted for subsequent years in the Federal Register.

Sec. 2.99. Director of Human Resources; personnel policies drafted.

(a) The City Administrator shall recommend the employment of and independent Director of Human Resources (DHR), as defined by this ordinance, who shall be hired and fired only with the approval of the governing authority. The DHR shall receive such salary as the governing authority shall fix.

(b) The duties of the DHR may be shared by any employees or other staff members assigned to the human resources operation. The duties of the DHR shall include, but are not limited to, the following:

- (1) Encourage and exercise leadership in the development of effective personnel administration of the City's employees.
- (2) Advise the City Administrator and Department Heads on matters affecting the most effective use of manpower resources.
- (3) Foster and develop programs for the improvements of employee effectiveness, including training, safety, health, counseling, and welfare.
- (4) Investigate from time to time the operation and effect of this article and of the policies made hereunder and report any findings and recommendations to the City Administrator and Department Heads.
- (5) Establish and maintain personnel records for each employee in all divisions of the city's operations including the employee's position, title, date of employment and other relevant data.
- (6) Establish written job descriptions for all city employment positions.
- (7) Make all reports as requested by the City Administrator,

Department Heads or the governing authority regarding the status of the human resources administration program.

- (8) Serve as the equal employment coordinator for the city, having the direct responsibility to maintain full compliance with the national policy of nondiscrimination in employment in accordance with section 503 of the Rehabilitation Act of 1973; Public Law 93-516, dated December 7, 1974; the Civil Rights Act of 1966; the Pregnancy Discrimination Act of 1968; the Age Discrimination Act of 1967; the Immigration Reform and Control Act of 1986; the Americans with Disabilities Act of 1990; and the Uniformed Services Employment and Reemployment Rights Act of 1994.
- (9) Apply and carry out this article and the policies hereunder and perform any other lawful acts which may be necessary, desirable or assigned by the elected or appointed officials to carry out the purposes and provisions of this article or other related personnel duties.

(c) *Personnel policies.* The DHR shall draft or cause to be drafted personnel policies, rules and regulations for consideration of Chapter 70 of this Code as approved by the Mayor and City Council. The policies shall then be submitted for adoption by resolution of the Mayor and City Council. The policies shall have the force and effect of rule or law, and may be amended by the mayor and council at any time. The policies shall provide for:

- (1) The preparation of pay recommendations based upon job performance, length of service and supervisor recommendations. It shall be the duty of director of human resources to assure equal pay for equal task assignments and performances, taking into consideration the above. Pay increase recommendations shall be based upon funds allocated and approved by the mayor and council during the annual budget process.
- (2) The announcement of vacancies, both verbal and written, and the acceptance of applications for employment.
- (3) Preparation and administration of examinations and/or evaluations.
- (4) Establishment and use of employment lists containing names of persons eligible for employment.

- (5) Establishment of promotion policies and procedures, giving appropriate consideration to the applicant's qualifications, record of performance, and ability.
- (6) Establishment of probationary period, not to exceed one year, for all appointments and promotions.
- (7) Certification of employment of persons from eligible lists to fill vacancies and the making of temporary and emergency appointments.
- (8) Procedures to ensure the city will make reasonable accommodations to employ disabled persons, provided all other job requirements have been met.
- (9) Transfer, promotion, and reinstatement of employees.
- (10) Performance evaluations of employees, including those serving a probationary period.
- (11) Establishment of a plan resolving employee grievances and complaints.
- (12) Development of employee morale, safety, and training programs.
- (13) Separation from the service of employees by resignation, layoff, suspension, dismissal or for inability to perform required duties.
- (14) Rules governing outside employment of employees, use of government vehicles, etc.
- (15) Maintenance and use of necessary employee records and personnel forms.
- (16) Establishment of hours of work, holidays, and attendance regulations.
- (17) Provisions for fringe benefits such as insurance programs, retirement, and leave policies.
- (18) Such other matters as may be necessary and proper to carry out the intent and purpose of this article.

Secs. 2-100 – 2-109. Reserved.

DIVISION 2. BUDGET AND BONDING PROCEDURES

Sec. 2-110. Fiscal year.

The fiscal year of the city shall commence on July 1 of each year and end of June 30 of the following year.

Sec. 2-111. Budget officer.

The City Administrator shall be and is hereby constituted city budget officer.

Sec. 2-112. Budget procedure.

(a) The city budget shall be prepared as a item budget for operating revenues and expenses on an annual basis, with a capital budget being prepared for the current year and for the next five years.

(b) It shall be the responsibility of the individual Department Heads to submit their unified departmental proposed budget listing the needs and requests to the city budget officer after having first met with the superintendents of each departmental subdivision.

(c) The city budget shall be adopted annually by ordinance of the Mayor and City Council.

(d) Two hearings shall be held prior to adoption of the city budget in order to receive public input.

(e) Amendments to the budget regarding increased and decreased revenues or expenses for a fund shall be approved by the mayor and council by resolution. Transfers of appropriations within a fund among line items shall be approved by the budget officer.

Sec. 2-113 Procedure for authorization of revenue bonds.

(a) All revenue bonds to finance, in whole or in part, the cost of the acquisition, construction, reconstruction, improvement, betterment, or extension of any legitimate undertaking; to refund or refinance, in whole or in part, all outstanding revenue bonds against any existing undertaking or any combination

thereof or its anticipated revenue; and to refund or refinance, in whole or in part, all obligations or debt of any nature, including outstanding revenue bonds or general obligation bonds, against any existing undertaking or any combination thereof or its anticipated revenue, are hereby authorized to be issued by resolution duly adopted by a majority vote of the city council and mayor (if necessary) as contemplated under O.C.G.A. § 36-82-63. Further, if in the past the issuance of any revenue bond for any of the purposes stated in this section was authorized by ordinance, any revenue bond to refund or refinance a prior bond issue may be authorized to be issued in accordance with this section (by resolution) and such resolution so adopted in accordance with this section shall have equal dignity with any prior ordinance adopted for the issuance of such prior revenue bond to be refunded or refinanced by such bonds issued subsequent to the effective date of the ordinance from which this section is derived.

(b) This ordinance provision is enacted pursuant to the authority provided by Article V. Finance and Fiscal, Chapter 2. Borrowing and Indebtedness of the City Charter, and in the event of any conflict with the provisions contained therein by the subsection above, then the language of the Charter shall control.

Secs. 2-114 – 2-119. Reserved.

DIVISION 3. DEPARTMENT OF MUNICIPAL COURT

Sec. 2-120. Municipal Court Department established.

(a) The Municipal Court of the City is established by Article VI. MUNICIPAL COURT of the City Charter.

(b) As the Municipal Court of the City is a separate judicial branch of the municipal corporation, it shall not have a designated department head to be appointed by the Mayor and City Council. In the absence of an individual appointed by the Mayor and City Council to the contrary, the City Clerk shall serve in the limited capacity of a department head for budget preparation function, and all other non-judiciary ministerial, administrative or operational purposes such as purchasing, etc.

Sec. 2-121. Clerk of Municipal Court.

(a) Pursuant to the authority provided by Section 6-105 of the City Charter the position of position of Clerk of the Municipal Court of the City is hereby created.

(b) The Clerk of the Municipal Court shall be appointed by the City Administrator pursuant to Section 6-105(a) of the City Charter.

(c) The Clerk of the Municipal Court shall perform such duties and have such authority as may be prescribed by statute, ordinance and court rule, or as may be otherwise prescribed by the presiding Chief Judge of Municipal Court of the City.

(d) The Clerk of the Municipal Court shall collect all fines, costs, and fees assessed by the court and, within the first 10 days of every month, shall pay to the city treasurer the full amount of all fines, costs, and fees collected during the preceding month if not previously paid to the city treasurer.

(e) Until modified or otherwise provided by a Supreme Court rule, Clerk of the Municipal Court shall, within the first 10 days of every month, make a list of all cases heard or tried before the municipal judge during the preceding month, giving in each case the name of the defendant, the fine imposed, if any, the amount of costs and fees, the names of defendants committed and the cases in which there was an application for trial de novo, respectively. Such list shall be filed forthwith with the city clerk and shall be verified by affidavit of the Clerk of the Municipal Court.

Sec. 2-122. City Marshal.

(a) Pursuant to the authority provided by Section 6-105(c) of the City Charter the position of position of City Marshal is hereby created, and shall this individual shall be appointed by the City Administrator. Any individual appointed to this position must be properly accredited by the Georgia Police Officers Standards and Training Council, and must maintain all appropriate and timely training to otherwise serve as if they were to serve as a qualified officer for the City Police Department pursuant to the current departmental operational policies and guidelines.

(b) It shall be the principle responsibility of the City Marshal to serve in the following capacity:

- (1) Personal service of all required court papers, such as summons and witness subpoenas;
- (2) Transportation of all incarcerated municipal defendants too and from the sessions of the Municipal Court of the City;
- (3) Attend all sessions of the Municipal Court of the City and serve as

security for said courtroom during all regularly scheduled sessions;
and

- (4) All other duties and responsibilities as designated by either the City Administrator or the Chief Judge of the Municipal Court of the City.

Secs. 2-122 – 2-129. Reserved.

DIVISION 4. DEPARTMENT OF FINANCE

Sec. 2-130. Department of Finance established.

(a) There is established the Department of Finance and office of Finance Director of the municipal corporation to serve as the Department Head. This individual shall be recommended by the City Administrator and appointed by the Mayor and City Council. The Finance Director shall also be responsible for supervising any and all employees of the finance department, including all Division Superintendents, and all other actions deemed necessary for the performance of their duties. At all times, the Finance Director shall be responsible directly to the City Administrator.

(b) The Finance Director shall serve as the principle accounting officer of the municipal corporation and shall maintain records reflecting the financial condition of the City.

(c) At the end of each fiscal year, the Finance Director shall prepare and present to the Mayor and City Council a summary statement of receipts and disbursements by individual departments and funds.

(d) The Finance Director shall exercise continuous scrutiny of the expenditures and revenues in conformance with the approved budgetary requirements and budget accounting and shall:

- (1) be responsible to notify the City Administrator to transfer monies within a fund to prevent over-expenditures of accounts;
- (2) assist the City Administrator in transferring monies from fund to fund where approved by the Mayor and City Council;

- (3) preparation of monthly budget reports by fund, by character and object, classification for use of city department heads and the Mayor and City Council
- (4) shall prepare and distribute working schedules to City Department Heads for the preparation of the ensuing year's budget; and
- (5) assist the City Administrator schedule and attend budget hearings to assist the Mayor and City Council, City Administrator and Department Heads in budgetary matters.

(e) The Finance Director shall monitor the daily financial transactions of the city; including, but not limited to, all revenue received by the city and with the City Administrator, city clerk and city department heads determine proper revenue coding classifications for all revenue in accordance with established chart of accounts and daily record revenue as established.

(f) The Finance Director shall review and monitor the processing of all bills of the city and in conjunction with the City Administrator and city clerk audit and determine their validity, certify as to the availability of funds, determine proper expenditure coding in accordance with the established charts of accounts and budget requirements; supervise the preparation and maintenance of ledgers and records with regard to these matters.

(g) At the close of each month, the Finance Director shall post revenue and expenditures to the general fund ledger and monthly and year-to-date totals.

Sec. 2-131. Duties and responsibilities of Finance Director.

- (a) The Finance Director shall perform the following additional duties:
 - (1) Encourage the use of efficient planning, budgeting, auditing, reporting, accounting and other fiscal management procedures in all aspects of city government.
 - (2) Encourage the full use of computer capabilities in all matters relating to the budget and finances of the city.
 - (3) Assist the City Administrator in preparing a proposed budget to be presented to the mayor and city council for consideration.

- (4) Monitor the current budget to determine whether the current year's expenditures comply with the budget.
- (5) Make spot checks and examinations on all financial books, records and data stored in computers relating to city finance and relating to any money collected, managed or held by the city.
- (6) Obtain information necessary to carry out the duties of the office from all city officers, employees, boards and commissions. All information shall include estimates and recommendations concerning future budgets.
- (7) Make estimates and recommendations concerning anticipated revenues and anticipated expenditures.
- (8) Establish procedures to maintain expenditures to make sure expenditures stay within the budget.
- (9) Establish accounting records and create and maintain active and inactive files for the transaction of city ordinances.
- (10) Assist the DHR and City Administrator the preparation of the payroll and payroll registers, prepare and certify all reports to other governmental agencies relating to payroll activities; also prepare and certify all other monthly, quarterly and annual reports.
- (11) To be available to the mayor and city council and its individual members for consultation and advice at all reasonable times.
- (12) Prepare a list of all capital improvements belonging to the city together with a projection of future capital needs and the possible financing costs of meeting those future needs.
- (13) To prepare or assist other city officers and employees in preparing projections of figures required in connection with proposed bond issues of all types.
- (14) To prepare or assist in the preparation of all annual financial reports, monthly financial reports and other financial reports required of any city officer or employee.
- (15) To, from time to time, perform inside audits of all city officers,

departments and employees.

- (16) To provide all requested information to any outside audit of the city as directed by the mayor and city council.
 - (17) To prepare and make projections for the future, including five-year, ten-year, twenty-year and fifty-year projections, concerning any financial matter or capital matter of the city. The Finance Director shall make projections necessary to assist the work of the planning commission, and whenever any annexation is proposed, prepare a report for the benefit of the planning commission and mayor and city council indicating projected annual costs, projected capital improvement costs, and projected revenues anticipated if the proposed annexation is approved.
 - (18) To prepare monthly reports for the City Administrator and the mayor and city council which include:
 - (A) Comparative state of estimated and actual revenues and expenditures;
 - (B) Monthly report of appropriations, encumbrances, expenditures and unencumbered balances; and
 - (C) Combined fund balance sheet.
 - (19) To perform all other duties usually incident to a Finance Director and/or accountant of municipalities in the state.
 - (20) To keep the city accounts and records in a manner consistent with modern municipal accounting practices.
 - (21) Prepare and submit an annual budget proposal for the entire department to the budget officer.
 - (22) To coordinate with the city clerk and City Administrator all financial matters and establish procedures for their monitoring and review.
- (b) The Finance Director shall perform all other duties required by the Charter or by ordinance or resolution of the Mayor and City Council.
- (c) The Finance Director shall perform such other duties as may be from time to time assigned to him by the mayor and city council.

Sec. 2-132. Establishment of Accounting Division.

(a) There is hereby created the Accounting Division of the Department of Finance and the administrative position of Superintendent of Accounting. This individual shall be appointed by the City Administrator based upon the Recommendation of the Director of Finance. The Superintendent of Accounting shall manage the administration/operation of this division with the responsibility for all tasks assigned to this division by the Department Head as approved by the City Administrator.

(b) The Superintendent of Accounting shall be responsible for the management and day-to-day operation of this division subject to the approval of the Department Head, and shall supervise the activities of any employees assigned duties and responsibilities for same.

Sec. 2-133. Establishment of Utility Billing Division.

(a) There is hereby created the Utilities Billing of the Department of Finance and the administrative position of Superintendent of Utilities Billing. This individual shall be appointed by the City Administrator based upon the Recommendation of the Director of Finance. The Superintendent of Utilities Billing shall manage the administration/operation of this division with the responsibility for all tasks assigned to this division by the Department Head as approved by the City Administrator.

(b) The Superintendent of Utilities Billing shall be responsible for the management and day-to-day operation of this division subject to the approval of the Department Head, and shall supervise the activities of any employees assigned duties and responsibilities for same.

Sec. 2-134. Establishment of Customer Service Division.

(a) There is hereby created the Customer Service Division of the Department of Finance and the administrative position of Superintendent of Customer Service. This individual shall be appointed by the City Administrator based upon the Recommendation of the Director of Finance.

(b) This individual shall manage the administration/operation of this division with the responsibility for all tasks assigned to this division by the Department Head as approved by the City Administrator. At all times relevant, this individual once appointed shall always act as the principal agent responsible for the City

with regard to the direct interaction with any individual citizen, or other consumer of water, sewer, solid waste disposal, electrical service, telecommunications service, or any other utility service otherwise provided for a fee by the City. At all times, this individual shall ensure that they and their staff shall best represent the municipal corporation with regard to the direct interaction with the citizens and consumers of municipal services.

(c) The Superintendent of Customer Service shall be responsible for the management and day-to-day operation of this division subject to the approval of the Department Head, and shall supervise the activities of any employees assigned duties and responsibilities for same.

(d) The Superintendent of Customer Service shall be responsible for ensuring timely and appropriate training for both themselves, and any employees of their division with regard to courteous and appropriate interaction with the municipal citizens and other consumers of municipal services, and shall ensure that at all times that there shall be a culture of courtesy and appropriate conduct involved with said direct interactions. This shall include, if necessary, guidance, advice or action from the DHR as might be required.

Sec. 2-135. Establishment of Collections Division.

(a) There is hereby created the Collections Division of the Department of Finance and the administrative position of Superintendent of Collections. This individual shall be appointed by the City Administrator based upon the Recommendation of the Director of Finance.

(b) The Superintendent of Collections shall manage the administration/operation of this division with the responsibility for all tasks assigned to this division by the Department Head. This division shall be specifically tasked with the collection of all outstanding fees owed by any individual citizen, or other consumer of water, sewer, solid waste disposal, electrical service, telecommunications service, or any other utility service otherwise provided for a fee by the City.

(c) The Superintendent of Collections shall always act as the principal agent responsible for the City with regard to the direct interaction with any individual citizen, or other consumer of water, sewer, solid waste disposal, electrical service, telecommunications service, or any other utility service otherwise provided for a fee by the City specifically for the purpose of collecting any over due or outstanding and owing to the municipal corporation. At all times, this individual shall ensure that they and their staff shall best represent the municipal corporation

with regard to the direct interaction with the citizens and consumers of municipal services.

(d) The Superintendent of Collections shall be responsible for the management and day-to-day operation of this division subject to the approval of the Department Head, and shall supervise the activities of any employees assigned duties and responsibilities for same.

(e) The Superintendent of Collections shall be responsible for ensuring timely and appropriate training for both themselves, and any employees of their division with regard to courteous and appropriate interaction with the municipal citizens and other consumers of municipal services, and shall ensure that at all times that there shall be a culture of courtesy and appropriate conduct involved with said direct interactions. This shall include, if necessary, guidance, advice or action from the DHR as might be required.

Sec. 2-136. Establishment of Purchasing Division.

(a) There is hereby created the Purchasing Division of the Department of Finance and the administrative position of Superintendent of Purchasing. This individual shall be appointed by the City Administrator based upon the Recommendation of the Director of Finance. The Superintendent of Purchasing shall manage the administration/operation of this division with the responsibility for all tasks assigned to this division by the Department Head as approved by the City Administrator.

(b) The Superintendent of Purchasing shall provide the services outlined in the purchasing policies as officially adopted by the Mayor and Council, in addition to the ordinance provisions set forth herein, and supervise all employees assigned thereto.

(c) In all purchases where quality as well as price is involved, the Superintendent of Purchasing shall exercise discretion in making the purchase.

Sec. 2-137. Purchases to be made through Purchasing Division; purchases to be made in accordance with provisions of City of Calhoun Purchasing Manual.

(a) The Superintendent of Purchasing shall act as the principle agent on behalf of the City for all purchases of materials, furnishings, equipment and other

capital items, etc.

(b) All purchases made by the Superintendent of Purchasing shall be performed in accordance with the accepted policies and procedures contained within the CITY OF CALHOUN PURCHASING MANUAL as approved by the Mayor and City Council from time to time

(C) In particular the Superintendent of Purchasing shall ensure at all times that all municipal corporate purchases shall follow the mandated requirements and prescribed methods for various purchases established by CHAPTER 2 - GENERAL POLICIES AND PROCEDURES and CHAPTER 3 - PROCESSING PURCHASE REQUISITIONS of the CITY OF CALHOUN PURCHASING MANUAL, Revision of 2008, Revised and Approved April 11, 2011, and Revised May 12, 2014, and as may otherwise be later amended with the approval of the governing authority.

(d) The Superintendent of Purchasing shall also serve as the principle municipal agent for any matters that shall involve public procurement requiring fair and open competition through any necessary bidding process as outlined and established by CHAPTER 3 - BIDDING PRACTICES of the CITY OF CALHOUN PURCHASING MANUAL, Revision of 2008, Revised and Approved April 11, 2011, and Revised May 12, 2014, and as may otherwise be later amended with the approval of the governing authority. Additionally, the Superintendent of Purchasing shall be the municipal agent to ensure enforcement of said procedures.

Sec. 2-138. Approval of the governing authority and City Administrator required for certain purchasing not otherwise addressed by the City of Calhoun Purchasing Manual, municipal code, municipal charter or applicable state law.

In the event a particular purchase of materials, furnishings, equipment and other capital items, etc. cannot be purchased in accordance with the policies, methods and procedures established by the CITY OF CALHOUN PURCHASING MANUAL for whatever reason, despite all best and reasonable efforts by the Superintendent of Purchasing to follow same, then such purchase shall be made upon the appropriate showing of need, necessity, and reasons for departing from the mandates of said manual to the governing authority and then approved by resolution of the Mayor and City Council at a regularly scheduled meeting.

Sec. 2-139. Reserved.

DIVISION 5. DEPARTMENT OF PLANNING AND DEVELOPMENT

Sec. 2-140. Department of Planning and Development established.

(a) There is established the Department of Planning and Development and office of Director of Planning and Development to serve as the Department Head. This individual shall be recommended by the City Administrator and appointed by the Mayor and City Council. The Director of Planning and Development shall also be responsible for supervising any and all employees of the department, including all Division Superintendents, and all other actions deemed necessary for the performance of their duties. At all times, the Director of Planning and Development shall be responsible directly to the City Administrator.

(b) The Director of Planning and Development shall serve as the principle planning officer of the municipal corporation and shall serve to advise the City Administrator and the governing authority on all matters affecting the physical and economic growth and development of the City when requested to do so. This individual shall also serve as a liaison with close working relationships with the other administrative departments and divisions within the City, and also with other local governmental and state agencies and institutions in order for the comprehensive plan to be maintained and observed.

(c) The Director of Planning and Development shall prepare and present to the Mayor and City Council an annual report covering the activities of all divisions and the status of development for the comprehensive plan, and attend all meetings of governing authority as well as any zoning board or agency to provide advice, opinion and information regarding the enforcement and adherence to both zoning ordinances and any comprehensive plan in place at the time.

(d) The Director of Planning and Development shall have the following additional duties in addition to management of the divisions under their authority and the employees thereof:

- (1) supervise the issuance of all permits, certificates, orders and notifications resulting from the decisions of any division on the ordinances and planning administered by the department;
- (2) integrate all individual projects or programs, and develop plans to insure the harmonious and integrated planning for any area concerned;

- (3) testify or provide evidence at any matter involving a zoning decision or litigation upon same in the Courts as the principle agent for the City;
- (4) undertake research studies and prepare and recommend changes to the comprehensive plan approved by the governing authority, including the development of more detailed plans and programs based upon same for area renewal, conservation, rehabilitation or redevelopment;
- (5) review all annexation and disconnection proposals and submit written recommendations made by the meeting of the Zoning Review Committee to the Zoning Advisory Board and the governing authority;
- (6) maintain the official municipal map and keep current at all times;
- (7) review and submit to the City Administrator written comments on all proposals to amend any zoning ordinance, official map, and shall from time to time make recommendations for the updating and revisions of said ordinances concerned or for the adoption of new ordinances related to same;
- (8) prepare and submit an annual budget proposal for the entire department to the budget officer; and
- (9) perform such other duties or responsibilities otherwise assigned by either the City Administrator or the governing authority.

Sec. 2-142. Establishment of Downtown Development Division.

(a) There is hereby created the Downtown Development Division of the Department of Planning and Development and the administrative position of Superintendent of Downtown Development. This individual shall be appointed by the City Administrator based upon the recommendation of the Director of Planning and Development. The Superintendent of Downtown Development shall manage the administration/operation of this division with the responsibility for all tasks assigned to this division by the Department Head as approved by the City Administrator including principle officer for supervision and administration of the Historic Preservation Commission as set forth in Chapter 60 of this Code.

(b) The Superintendent of Downtown Development shall be responsible for the management and day-to-day operation of this division subject to the approval of the Department Head, and shall supervise the activities of any employees assigned duties and responsibilities for same.

Sec. 2-143. Establishment of Code Enforcement Division.

(a) There is hereby created the Code Enforcement Division of the Department of Planning and Development and the administrative position of Superintendent of Code Enforcement. This individual shall be appointed by the City Administrator based upon the recommendation of the Director of Planning and Development. The Superintendent of Code Enforcement shall manage the administration/operation of this division with the responsibility for all tasks assigned to this division by the Department Head as approved by the City Administrator including serving as the principle officer for enforcement of all municipal ordinances, including but not limited to, Chapters 18, 46, 58, 60, 74, 78, and other provisions as might otherwise be approved and enacted by the Mayor and City Council.

(b) The Superintendent of Code Enforcement shall be responsible for the management and day-to-day operation of this division subject to the approval of the Department Head, and shall supervise the activities of any employees assigned duties and responsibilities for same.

Sec. 2-144. Establishment of Business Licences and Permits Division.

(a) There is hereby created the Business Licences and Permits Division of the Department of Planning and Development and the administrative position of Superintendent of Business Licenses and Permits. This individual shall be appointed by the City Administrator based upon the recommendation of the Director of Planning and Development. The Superintendent of Business Licenses and Permits shall manage the administration/operation of this division with the responsibility for all tasks assigned to this division, including but not limited to the applicable provisions of Chapter 22 of this Code.

(b) The Superintendent of Business Licenses and Permits shall be responsible for the management and day-to-day operation of this division subject to the approval of the Department Head, and shall supervise the activities of any employees assigned duties and responsibilities for same.

(c) The Superintendent of Business Licenses and Permits shall be the

principle agent on behalf of the City for the issuance of all required licenses and permits for any business operating within the municipal limits and as might be required by this Code, including the timely collection of all fees and costs, as well as the suspension of same should any business fail to abide by all requirements set forth by this Code. This shall include coordination with the Superintendent of Code Enforcement to ensure proper enforcement of same.

Sec. 2-145. Establishment of Building Permits Division.

(a) There is hereby created the Building Permits Division of the Department of Planning and Development and the administrative position of Superintendent of Building Permits. This individual shall be appointed by the City Administrator based upon the recommendation of the Director of Planning and Development. The Superintendent of Building Permits shall manage the administration/operation of this division with the responsibility for all tasks assigned to this division by the Department Head as approved by the City Administrator.

(b) The Superintendent of Building Permits shall be responsible for the management and day-to-day operation of this division subject to the approval of the Department Head, and shall supervise the activities of any employees assigned duties and responsibilities for same.

(c) The Superintendent of Building Permits shall be the principle agent on behalf of the City for the issuance of all required licenses and permits for any construction or other building project within the municipal limits and as might be required by this Code, including the timely collection of all fees and costs, as well as the suspension of same should any business fail to abide by all requirements set forth by this Code. This shall include coordination with the Superintendent of Code Enforcement to ensure proper enforcement of same.

Sec. 2-146. Establishment of Building Inspection Division.

(a) There is hereby created the Building Inspection Division of the Department of Planning and Development and the administrative position of Superintendent of Building Inspection. This individual shall be appointed by the City Administrator based upon the recommendation of the Director of Planning and Development. The Superintendent of Building Inspection shall manage the administration/operation of this division with the responsibility for all tasks assigned to this division by the Department Head as approved by the City Administrator including those as set forth in Chapter 18 of this municipal code.

(b) The Superintendent of Building Inspection shall be responsible for the management and day-to-day operation of this division subject to the approval of the Department Head, and shall supervise the activities of any employees assigned duties and responsibilities for same.

(c) The Superintendent of Building Inspection shall be the principle agent on behalf of the City for the adherence to all applicable local, state or federal building codes for any construction or other building project within the municipal limits. This shall include coordination with the Superintendent of Code Enforcement to ensure proper enforcement of same.

Secs. 2-147 – 2-149. Reserved.

DIVISION 6. DEPARTMENT OF RECREATION

Sec. 2-150. Department of Recreation established.

(a) There is established the Department of Recreation and office of Director of Recreation for the municipal corporation to serve as the Department Head. This individual shall be recommended by the City Administrator and appointed by the Mayor and City Council. The Recreation Director shall also be responsible for supervising any and all employees of the recreation department, including all Division Superintendents, and all other actions deemed necessary for the performance of their duties. At all times, the Recreation Director shall be responsible directly to the City Administrator.

(b) The Director of Recreation shall supervise the employees assigned to the recreation department as well as volunteers. This individual shall be responsible for maintaining all the recreation parks, programs, and properties located within the control of the city, and in adherence to the provisions of Chapter 66, Article IV of this Code.

(c) The Director of Recreation shall make operational and long range planning recommendations to the City Administrator.

(d) The Director of Recreation shall prepare and submit an annual budget proposal for the entire department to the budget officer.

Sec. 2-151. Establishment of Athletic Programs Division.

(a) There is hereby created the Athletic Programs Division of the Department of Planning and Development and the administrative position of Superintendent

of Athletic Programs. This individual shall be appointed by the City Administrator based upon the recommendation of the Director of Recreation. The Superintendent of Athletic Programs shall manage the administration/operation of this division with the responsibility for all tasks assigned to this division by the Department Head as approved by the City Administrator.

(b) The Superintendent of Athletic Programs shall be responsible for the management and day-to-day operation of this division subject to the approval of the Department Head, and shall supervise the activities of any employees assigned duties and responsibilities for same.

Sec. 2-152. Establishment of Recreation Maintenance and Facilities Division.

(a) There is hereby created the Recreation Maintenance and Facilities Division of the Department of Recreation and the administrative position of Superintendent of Recreation Maintenance and Facilities. This individual shall be appointed by the City Administrator based upon the recommendation of the Director of Recreation. The Superintendent of Recreation Maintenance and Facilities shall manage the administration/operation of this division with the responsibility for all tasks assigned to this division by the Department Head as approved by the City Administrator.

(b) The Superintendent of Recreation Maintenance and Facilities shall be responsible for the management and day-to-day operation of this division subject to the approval of the Department Head, and shall supervise the activities of any employees assigned duties and responsibilities for same.

Sec. 2-153. Establishment of Municipal Golf Division.

(a) There is hereby created the Municipal Golf Division of the Department of Recreation and the administrative position of Superintendent of Municipal Golf. This individual shall be appointed by the City Administrator based upon the recommendation of the Director of Recreation. The Superintendent of Municipal Golf shall manage the administration/operation of this division with the responsibility for all tasks assigned to this division by the Department Head as approved by the City Administrator. The provisions of this particular part of the municipal code shall not take effect until the full repayment and satisfaction of the currently outstanding municipal financing bond for the golf course.

(b) The Superintendent of Municipal Golf shall be responsible for the management and day-to-day operation of this division subject to the approval of

the Department Head, and shall supervise the activities of any employees assigned duties and responsibilities for same which shall include the following:

- (1) the position of golf maintenance superintendent who shall manage the maintenance and operation of the 18-hole municipal public golf course known as “Fields Ferry;”
 - (2) the position of golf professional shall supervise and manage the “pro shop” and provide the services designated by the Director of Recreation for the operation of the 18-hole municipal public golf course known as “Fields Ferry.”
- (c) The Superintendent of Municipal Golf shall coordinate the snack bar activities with the pro shop activities and shall make recommendations for operational improvements and long-term planning to the city administrator.

Sec. 2-154. Review of operation of Municipal Golf Division.

The City Administrator, the Director of Recreation, and the Superintendent of Municipal Golf shall meet and review the operations of the Municipal Golf Division on a quarterly basis with the Golf Advisory Commission who are appointed to serve by the governing authority. The recommendations of the Golf Advisory Commission shall be forwarded to the Mayor and City Council by the City Administrator and the Director of Recreation.

Secs. 2-155 – 2-159. Reserved.

DIVISION 7. DEPARTMENT OF PUBLIC SAFETY

Sec. 2-160. Department of Public Safety established.

- (a) The Department of Public Safety of the City is established for the municipal corporation to exercise those powers and authorities granted by the Georgia General Assembly for the local exercise of “police powers” necessary for the direct protection of the health, safety, and welfare of the Citizens of the City of Calhoun.
- (b) As this departmental division of the general municipal administrative organization structure serves as branch of the municipal corporation with distinct “departments,” it shall not have a designated department head to be appointed by the Mayor and City Council. In the absence of an individual appointed by the Mayor and City Council to the contrary, the Assistant City Administrator shall serve in the limited capacity of a department head for budget preparation

function.

Sec. 2-161. Police Department for the City established.

There is hereby created a Police Department for the City, which shall consist of the Chief of Police, who shall be ex officio superintendent of police, and such other members and officers as may be provided for by the Mayor and City Council upon recommendation of the City Administrator.

Sec. 2-162. Appointment of Chief of the Police Department for the City; duties.

(a) The Chief of Police shall be appointed by the Mayor and City Council upon recommendation of the City Administrator.

(b) The Chief of Police shall keep such records and make such reports concerning the activities of his department as may be required by statute or by the Mayor and City Council. The Chief shall be responsible for the performance by the Police Department of its functions, and all persons who are members of the Police Department shall serve subject to the order of the Chief of Police.

(c) The Chief of Police shall make or prescribe such rules and regulations as this individual shall deem advisable by the drafting of an Operations Manual and Departmental Policies. Such document, when approved by the Mayor and City Council upon recommendation of the City Administrator, shall be binding all such members or employees of the Department. Such rules and regulations shall cover the direct administrative procedures of the department including ranks and promotions, the conduct of the members, uniforms and equipment to be worn or carried, hours of service and all other similar matters necessary or desirable for the better efficiency of the department based upon the determination of the Chief of Police. However, the Police Department shall always additionally operate subject to the adopted municipal personnel policy and ordinance.

(d) It shall be the responsibility of any newly appointed Chief of Police to submit to the City Administrator and the Mayor and City Council, any new Operations Manual and Departmental Policies, subject to review by the City Attorney before any action or vote, within 12 months of their appointment to office. No provision of this administrative ordinance shall prevent the newly appointed Chief of Police from simply adopting the same Operations Manual and Department Policies in effect at the time of their appointment.

(e) It shall be the responsibility of the Chief of Police to coordinate with the

Georgia Police Officers Standards and Training Council and/or the Georgia Bureau of Investigations, any applicable national law enforcement agency or governmental agency such as the National Highway Traffic and Safety Administration, etc., as well as, the City Attorney to ensure that all departmental operational policies are in compliance with state and national standards, and shall be amended from time to time as might be required by same.

Sec. 2-163. Duties of members; conduct.

(a) It shall be the duty of the members of the Police Department to see to the enforcement of all of the ordinances of the city and all statutes applicable therein, and to preserve order and prevent infractions of the law and arrest violators thereof.

(b) It shall be the duty of every member of the police department to conduct himself in a proper and law-abiding manner, at all times, to avoid the use of unnecessary force, and in a manner that best represents reputation and character of an ambassador for the City with the general public at all times. Each member of the department shall obey the orders and directions of his or her superior.

Sec. 2-164. Fire Department for the City established.

(a) There is hereby created a Fire Department for the City, which shall consist of the Chief of the Fire Department (hereinafter also "Fire Chief"), who shall be ex officio superintendent of fire and emergency services/safety, and such other members and officers as may be provided for by the Mayor and City Council upon recommendation of the City Administrator.

(b) Nothing in these provisions of this administrative chapter of the municipal code shall be read to void or contradict any of the responsibilities for the Fire Department as are later set forth and established by Chapter 50 of this Code.

Sec. 2-165. Appointment of Chief of the Fire Department for the City; duties.

(a) The Fire Chief shall be appointed by the Mayor and City Council upon recommendation of the City Administrator.

(b) The Fire Chief shall keep such records and make such reports concerning the activities of his department as may be required by statute or by the mayor and council. The Fire Chief shall be responsible for the performance by the Fire Department of its functions, and all persons who are members of the Fire

Department shall serve subject to the order of the Fire Chief.

(c) The Fire Chief shall make or prescribe such rules and regulations as this individual shall deem advisable by the drafting of an Operations Manual and Departmental Policies. Such document, when approved by the Mayor and City Council upon recommendation of the City Administrator, shall be binding all such members or employees of the Department. Such rules and regulations shall cover the direct administrative procedures of the department including ranks and promotions, the conduct of the members, uniforms and equipment to be worn or carried, hours of service and all other similar matters necessary or desirable for the better efficiency of the department based upon the determination of the Fire Chief. However, the Fire Department shall always additionally operate subject to the adopted municipal personnel policy and ordinance.

(d) It shall be the responsibility of any newly appointed Fire Chief to submit to the City Administrator and the Mayor and City Council, any new Operations Manual and Departmental Policies, subject to review by the City Attorney before any action or vote, within 12 months of their appointment to office. No provision of this administrative ordinance shall prevent the newly appointed Fire Chief from simply adopting the same Operations Manual and Department Policies in effect at the time of their appointment.

(e) It shall be the responsibility of the Fire Chief to coordinate with the Georgia Fire Fighter Standards and Training Council and/or the Georgia Office of Insurance and Fire Safety Commissioner, any applicable national fire safety or code agency or advocacy group such as the National Fire Protection Association, etc., as well as the City Attorney to ensure that all departmental operational policies are in compliance with state and national standards, and shall be amended from time to time as might be required by same.

Sec. 2-166. Duties of members; conduct.

(a) It shall be the duty of the members of the Fire Department to see to the enforcement of all of the ordinances of the City and all statutes applicable therein, and to preserve general health, safety and welfare of the City's Citizens directly through fire prevention, fire suppression, and other emergencies generally necessary and attributed to this agency.

(b) It shall be the duty of every member of the Fire department to conduct himself in a proper and law-abiding manner, at all times, and in a manner that best represents reputation and character of an ambassador for the City with the general public at all times. Each member of the department shall obey the orders

and directions of his or her superior.

Sec. 2-167. Establishment of Animal Control Division.

(a) There is hereby created the Animal Control Division of the Department of Public Safety and the administrative position of Animal Control Officer as the superintendent of this division. This individual shall be appointed by the City Administrator. The Animal Control Officer shall manage the administration/operation of this division and the facilities associated therewith, and additionally have with the responsibility for all tasks assigned to this division by the City Administrator.

(b) As the Animal Control Officer shall have the power and responsibility to exercise specific law and code enforcement within the City for the safety and welfare of municipal citizens, any individual appointed to this position must be properly accredited by the Georgia Police Officers Standards and Training Council, and must maintain all appropriate and timely training to otherwise serve as if they were to serve as a qualified officer for the City Police Department pursuant to the current departmental operational policies and guidelines.

(c) The Animal Control Officer shall be responsible for the management and day-to-day operation of this division subject to the approval of the Department Head, and shall supervise the activities of any employees assigned duties and responsibilities for same.

Sec. 2-168. Duties and responsibilities of Animal Control Division.

(a) Authority is hereby granted to the Animal Control Officer and division, subject to approval by the City Administrator, to establish and maintain an animal control program, to employ additional personnel and such other employees as that shall be determined necessary to carry out all of the requirements as set forth in Chapter 14 of this Code.

(b) The Animal Control Division shall have the duty to keep or cause to be kept and maintained accurate and detailed records of:

- (1) seizure, impoundment, and disposition of all animals coming into the custody of the division;
- (2) all bite cases or incidents of a potentially dangerous animals, violations and complaints, and investigation of same; and

- (3) all monies collected and belonging to the City from impoundment fees, penalties, boarding fees, vaccination fees, or other sources of fees or costs.

(c) In addition to the requirements of Chapter 14, the Animal Control Officer and division shall have the following responsibilities and duties:

- (1) investigating allegations or complaints with regard to cruelty or animal abuse with regard to dogs, cats or other animals;
- (2) Seizing, humanely trapping, impounding, where deemed necessary, of any dog, cat or any other animal in the City involved in the violation of any municipal ordinance or state law;
- (3) investigating all reported animal bites or attacks, for the quarantine of any dog or cat involved and suspected of having rabies or other contagious/dangerous infection, for a period of not less than ten (10) days, and for reporting to the local county health department as soon as practicable the occurrence of any such animal bite and condition of any quarantined animal;
- (4) sanitary removal and disposal of any deceased animals of any kind on the municipal roads or right of ways; and
- (5) canvassing the City as necessary for the purpose of ascertaining compliance with this ordinance or state statute.

Secs. 1-169. Reserved.

DIVISION 8. DEPARTMENT OF PUBLIC WORKS

Sec. 2-170. Department of Public Works established.

(a) There is established the Department of Public Works and office of Director of Public Works for the municipal corporation to serve as the Department Head. This individual shall be recommended by the City Administrator and appointed by the Mayor and City Council. The Director of Public Works shall also be responsible for supervising any and all employees of the Public Works department, including all Division Superintendents, and all

other actions deemed necessary for the performance of their duties. At all times, the Public Works Director shall be responsible directly to the City Administrator.

(b) The Director of Public Works shall prepare and submit an annual budget proposal for the entire department to the budget officer.

Sec. 2-171. Establishment of Streets Division.

(a) There is hereby created the Streets Division of the Department of Public Works and the administrative position of Superintendent of Streets. This individual shall be appointed by the City Administrator based upon the recommendation of the Director of Public Works. The Superintendent of Streets shall manage the administration/operation of this division with the responsibility for all tasks assigned to this division by the Department Head as approved by the City Administrator, and in accordance with the requirements and standards established by Chapter 82 of this Code.

(b) The Superintendent of Streets shall be responsible for the management and day-to-day operation of this division subject to the approval of the Department Head, and shall supervise the activities of any employees assigned duties and responsibilities for same.

Sec. 2-172. Establishment of Grounds and Park Maintenance Division.

(a) There is hereby created the Grounds and Park Maintenance Division of the Department of Public Works and the administrative position of Superintendent of Grounds and Parks. This individual shall be appointed by the City Administrator based upon the recommendation of the Director of Public Works. The Superintendent of Grounds and Parks shall manage the administration/operation of this division with the responsibility for all tasks assigned to this division by the Department Head as approved by the City Administrator.

(b) The Superintendent of Grounds and Parks shall be responsible for the management and day-to-day operation of this division subject to the approval of the Department Head, and shall supervise the activities of any employees assigned duties and responsibilities for same.

Sec. 2-173. Establishment of Storm Water Division.

(a) There is hereby created the Storm Water Division of the Department of

Public Works and the administrative position of Superintendent of Storm Water. This individual shall be appointed by the City Administrator based upon the recommendation of the Director of Public Works. The Superintendent of Storm Water shall manage the administration/operation of this division with the responsibility for all tasks assigned to this division by the Department Head as approved by the City Administrator.

(b) The Superintendent of Storm Water shall be responsible for the management and day-to-day operation of this division subject to the approval of the Department Head, and shall supervise the activities of any employees assigned duties and responsibilities for same.

Sec. 2-174. Establishment of Cemeteries Division.

(a) There is hereby created the Cemeteries Division of the Department of Public Works and the administrative position of Superintendent of Cemeteries. This individual shall be appointed by the City Administrator based upon the recommendation of the Director of Public Works. The Superintendent of Cemeteries shall manage the administration/operation of this division with the responsibility for all tasks assigned to this division by the Department Head as approved by the City Administrator, and as shall be required by Chapter 26 of this Code.

(b) The Superintendent of Cemeteries shall be responsible for the management and day-to-day operation of this division subject to the approval of the Department Head, and shall supervise the activities of any employees assigned duties and responsibilities for same.

Sec. 2-175. Establishment of Solid Waste Division.

(a) There is hereby created the Solid Waste Division of the Department of Public Works and the administrative position of Superintendent of Solid Waste. This individual shall be appointed by the City Administrator based upon the recommendation of the Director of Public Works. The Superintendent of Solid Waste shall manage the administration/operation of this division with the responsibility for all tasks assigned to this division by the Department Head as approved by the City Administrator. Additionally, this division shall include the recycling activities of the municipal corporation.

(b) The Superintendent of Solid Waste shall be responsible for the management and day-to-day operation of this division subject to the approval of the Department Head, and shall supervise the activities of any employees

assigned duties and responsibilities for same.

Secs. 2-175 – 2-179. Reserved.

DIVISION 9. DEPARTMENT OF WATER AND WASTEWATER

Sec. 2-180. Department of Water and Wastewater established.

(a) There is established the Department of Water and Wastewater and office of Director of Water and Wastewater for the municipal corporation to serve as the Department Head. This individual shall be recommended by the City Administrator and appointed by the Mayor and City Council. The Director of Water and Wastewater shall also be responsible for supervising any and all employees of the Department of Water and Wastewater, including all Division Superintendents, and all other actions deemed necessary for the performance of their duties. At all times, the Director of Water and Wastewater shall be responsible directly to the City Administrator.

(b) The Director of Water and Wastewater shall prepare and submit an annual budget proposal for the entire department to the budget officer.

Sec. 2-181. Establishment of Water Treatment, Pumping, and Storage Division.

(a) There is hereby created the Water Treatment, Pumping and Storage Division of the Department of Water and the administrative positions of Plant Managers for each existing or future facility in lieu of a single director. These individuals shall be appointed as managers of assigned water treatment plants by the City Administrator based upon the recommendation of the Water and Wastewater Director. The Plant Managers shall manage the administration/operation of the water treatment plants as assigned with responsibility of all task including the pumping, intakes, and storage tanks associated with the respective plant, as assigned to each plant by the Department Head as approved by the City Administrator.

(b) The Plant Managers shall be responsible for the management and day-to-day operation of the respective plants of this division subject to the approval of the Department Head, and shall supervise the activities of any employee assigned duties and responsibilities for same.

(c) The Plant Managers shall have responsibility for the respective assigned plants, pumping systems, intakes, and storage tanks associated with the assigned

plant and in addition these individuals shall perform or perform the supervision of such duties as may be necessary or required for the treatment of municipal water and supply to the citizens and other customers of the municipal corporation for water service.

(d) All employees assigned to the performance and operation of the water treatment plants shall be under the supervision and direction of the respective Plant Manager for that individual facility.

Sec. 2-182. Establishment of Wastewater Treatment Division.

(a) There is hereby created the Waste Water Treatment Division of the Department of Water and Wastewater and the administrative position of Superintendent of Wastewater Treatment. This individual shall be appointed by the City Administrator based upon the recommendation of the Director of Water and Wastewater. The Superintendent of Wastewater Treatment shall manage the administration/operation of this division with the responsibility for all tasks and employees assigned to this division by the Department Head as approved by the City Administrator.

(b) The Superintendent of Wastewater Treatment shall be responsible for the management and day-to-day operation of the wastewater treatment plant of this division subject to the approval of the Department Head, and shall supervise the activities of any employee assigned duties and responsibilities for same.

(c) The Superintendent of Wastewater Treatment shall have responsibility for the operation the plant, industrial and commercial permitting, compliance with NPDES permit, and Bio-Solids disposal; in addition this individual shall perform or perform the supervision of such duties as may be necessary or required for the treatment of municipal wastewaters of the municipal corporation for wastewater service.

(d) All employees assigned to the performance and operation of the treatment plant shall be under the supervision and direction of the Superintendent of Wastewater Treatment.

Sec. 2-183. Establishment of Sewer and Water Construction Division.

(a) There is hereby created the Water Distribution System Division of the Department of Water and Wastewater and the administrative position of

Superintendent of Water Distribution and Wastewater Collection Systems. This individual shall be appointed by the City Administrator based upon the recommendation of the Director of Water and Wastewater. The Superintendent of Water Distribution and Wastewater Collection Systems shall manage the administration/operation of this division with responsibility for all tasks and employees assigned to this division by the Department Head as approved by the City Administrator.

(b) The Superintendent of Water Distribution and Wastewater Collection Systems shall have charge of the following:

- (1) installing all water connections, water line extensions not installed by independent contractors and maintenance of all existing lines, valves, meters, and fire hydrants owned by the City of Calhoun and supervision of all employees assigned hereto;
- (2) installation of all sewer connections, sewer line extensions not installed by independent contractors, maintenance of all existing lines and lift stations;
- (3) all other duties as may be assigned by the Director of Water and Wastewater.

(c) The Superintendent of Water Distribution and Wastewater Collection Systems shall be responsible for the management and day-to-day operation of this division subject to the approval of the Department Head, and shall have responsibility of the maintenance and operation of the water distribution and wastewater collection systems and equipment and supervise the activities of any employees assigned duties and responsibilities for same.

Secs. 2-184 – 2-189. Reserved.

DIVISION 10. DEPARTMENT OF ELECTRIC AND TELECOM UTILITIES

Sec. 2-190. Department of Electric and Telecom Utilities.

(a) There is established the Department of Electric and Telecom Utilities and the office of Director of Electric and Telecom Utilities for the municipal corporation to serve as the Department Head. This individual shall be recommended by the City Administrator and appointed by the Mayor and City Council. The Director of Electric and Telecom Utilities shall also be responsible for supervising any and all employees of the Electric and Telecom Utilities,

including all Division Superintendents, and all other actions deemed necessary for the performance of their duties. At all times, the Director Electric and Telecom Utilities shall be responsible directly to the City Administrator.

(b) The Director of Electric and Telecom Utilities shall prepare and submit an annual budget proposal for the entire department to the budget officer.

Sec. 2-191. Establishment of Electrical Utility, Construction, Restoration, Operation and Maintenance Division.

(a) There is hereby created the Electrical Utility Construction, Restoration, Operation and Maintenance Division of the Department of Electric and Telecom Utilities and the administrative position of Superintendent of Electrical Utility Construction, Restoration, Operation and Maintenance. This individual shall be appointed by the City Administrator based upon the recommendation of the Director of Electric and Telecom Utilities. The Superintendent of Electrical Utility Construction, Restoration, Operation and Maintenance shall manage the administration/operation of this division with the responsibility for all tasks assigned to this division by the Department Head as approved by the City Administrator.

(b) The Superintendent of Electrical Utility Construction, Restoration, Operation and Maintenance shall be responsible for the day-to-day operation of the city's electrical distribution system, load management, negotiations with the city's wholesale supplier (MEAG) and supervision of all employees assigned thereto.

(c) The Superintendent of Electric Utilities Service shall be responsible for the maintenance and construction of all current or necessary electrical lines or extensions, the restoration or establishment of residential service, the bidding for commercial service when applicable, design and planning, material acquisition through purchasing, inspection for code and local compliance and all other all tasks and employees assigned to this division by the Department Head as approved by the City Administrator.

(d) The Superintendent of Electrical Utility Construction, Restoration, Operation and Maintenance shall be responsible for the supervision of all employees working for this division and the day-to-day administration of same.

Sec. 2-192. Establishment of Electronic Plant Maintenance, Instrumentation, Construction and Power Generation Division.

(a) There is hereby created the Electronic Plant Maintenance, Instrumentation, Construction and Power Generation Division of the Department of Electric and Telecom Utilities and the administrative position of Superintendent of Electronic Plant Maintenance, Instrumentation, Construction and Power Generation. This individual shall be appointed by the City Administrator based upon the recommendation of the Director of Electric and Telecom Utilities. The Superintendent of Electronic Plant Maintenance, Instrumentation, Construction and Power Generation shall manage the administration/operation of this division with the responsibility for all tasks assigned to this division by the Department Head as approved by the City Administrator.

(b) The Superintendent of Electronic Plant Maintenance, Instrumentation, Construction and Power Generation shall be responsible for the day-to-day operation of the City's utility needs for the municipal plants and operations, meter installations, generation of power through local resources, and supervision of all employees assigned thereto. The superintendent shall be responsible for the city's generator and backup generation units for vital areas of city services.

(c) The Superintendent of Electronic Plant Maintenance, Instrumentation, Construction and Power Generation shall be responsible for the supervision of all employees working for this division and the day-to-day administration of same.

Sec. 2-193. Establishment of Internet, Telecom and G.I.S. Utilities Division.

(a) There is hereby created the Internet, Telecom and G.I.S. Utilities Division of the Department of General Utilities Services and the administrative position of Superintendent of Internet, Telecom and G.I.S. Utilities. This individual shall be appointed by the City Administrator based upon the recommendation of the Director of Internet, Telecom and G.I.S. Utilities. The Superintendent of Internet, Telecom and G.I.S. Utilities shall manage the administration/operation of this division with the responsibility for all tasks assigned to this division by the Department Head as approved by the City Administrator.

(b) The Superintendent of Telecommunication Service shall be responsible for the maintenance and construction of all current or necessary service lines or extensions, the restoration or establishment of residential, governmental and commercial service, the bidding for commercial service when applicable, the I.T. needs of the City, and the supervision and maintenance of the City's Geographic Information System, and all other responsibility for all tasks and employees assigned to this division by the Department Head as approved by the City

Administrator.

(c) The Superintendent of Internet, Telecom and G.I.S. Utilities shall be responsible for the supervision of all employees working for this division and the day-to-day administration of same.

Sec. 2-194. Establishment of Engineering Division.

(a) There is hereby created the Engineering Division of the Department of General Utilities Services and the administrative position of Superintendent of Engineering. This individual shall be appointed by the City Administrator based upon the recommendation of the Director of General Utilities Services. The Superintendent of Engineering shall manage the administration/operation of this division with the responsibility for all tasks assigned to this division by the Department Head as approved by the City Administrator.

(b) The Superintendent of Engineering shall be responsible for the shall be responsible for all engineering needs or services for the City as a whole, including drafting & design, review of proposed facility maintenance or construction plans, general construction plans or designs, land surveying and responsibility for all other tasks and employees assigned to this division by the Department Head as approved by the City Administrator.

(c) The Superintendent of Engineering shall be responsible for the supervision of all employees working for this division and the day-to-day administration of same.

Secs. 2-193 – 2-199. Reserved.”

SECTION TWO: The Mayor and City Council hereby acknowledge that Section 2-306.9-1-1 charge on prepaid wireless transactions. can be presently found in the current update of the printed versions of *CHAPTER 2: ADMINISTRATION, ARTICLE V – FINANCE* of the CODE OF CALHOUN, GEORGIA, as enacted by action of the municipal governing authority through the passing of Ord. No. 905, §§ 1–4 on December 19, 2011. The Mayor and City Council further hereby acknowledge the proper enactment of the new revenue provision in accordance with the provisions of O.C.G.A. § 46-5-134.2, the Commissioner of the Georgia Department of Revenue denied the filing of Ord. No. 905 for collection. As a basis for this denial, the Georgia Department of Revenue issued the opinion that as the City of Calhoun does not operate an

independent municipal 9-1-1 public safety answering point, and therefore collection of the statutory amount is not therefore authorized by applicable state law. Therefore, Section 2-306. 9-1-1 charge on prepaid wireless transactions. of *CHAPTER 2: ADMINISTRATION, ARTICLE V – FINANCE* is hereby struck from the CODE OF CALHOUN, GEORGIA in its entirety, and by action of fact and law therefore Ord. No. 905 **REPEALED**. This provision shall no longer appear in any version of the municipal code, whether in print, or as may be available through any “on-line” provider from this point forward.

SECTION THREE: “*CHAPTER 2: ADMINISTRATION, ARTICLE V – FINANCE*”, including the discrete sections and subsections, is hereby stricken in its entirety as the provisions of this article, Sections 2-301 through 2-305 have been moved to become Sections 2-110 through 2-113 of “*CHAPTER 2: ADMINISTRATION, ARTICLE IV – ORGANIZATIONAL STRUCTURE AND ADMINISTRATION OF MUNICIPAL OPERATIONS AND DEPARTMENTS DIVISION 2. BUDGET AND BONDING PROCEDURES.*” Therefore, “*CHAPTER 2: ADMINISTRATION, ARTICLE V – FINANCE*” is hereby replaced with the following:

“CHAPTER 2: ADMINISTRATION, ARTICLE V– Reserved

Secs. 2-301 – 2-330. Reserved.”

SECTION FOUR: *CHAPTER 70: ADMINISTRATION, ARTICLE II – PERSONNEL POLICIES* Section 70-32. - Coverage., including the discrete sections and subsections, is hereby stricken in its entirety is hereby replaced with the following:

“ **Sec. 70-32. - Coverage.**

(a) The Mayor and City Council shall constitute the governing authority of the City as established by the municipal charter, and they shall cause to be approved as shall be required from time to time an official personnel policy to govern the administration of employees and other personnel for all Departments and Divisions as established by Chapter to of this Code.

(b) All Department Heads, Division Superintendents, other offices and miscellaneous positions as shall be and are hereby allocated to the employee service except as listed in Chapter 2 of this Code. Employee service shall include positions of employment in the City now existing or hereinafter established, except as those offices or other positions as identified in Chapter 2 of this Code,

with the exception of the following:

- (1) the Mayor, the members of the City Council, and other elected positions;
- (2) appointed members of various municipal boards and commissions for the City as might now exist, or shall be later created;
- (3) persons employed to make or conduct a temporary or special inquiry, any individual appointed to serve as hearing officer for any administrative hearing or evidentiary proceeding, investigation or examination on behalf of the City Council, or a committee thereof; and
- (4) temporary or part-time positions unless specifically covered by action of the City Administrator.”

SECTION FIVE: *CHAPTER 70: ADMINISTRATION, ARTICLE II – PERSONNEL POLICIES* Section 70-33. - Administration., including the discrete sections and subsections, is hereby stricken in its entirety is hereby replaced with the following:

“ **Sec. 70-33. - Administration.**

(a) Administration of the City shall be as set forth in *CHAPTER 2: ADMINISTRATION, ARTICLE IV – ORGANIZATIONAL STRUCTURE AND ADMINISTRATION OF MUNICIPAL OPERATIONS AND DEPARTMENTS* of this Code, and the Mayor and City Council will retain final authority as set out in the municipal charter with the City Administrator serving as the agent of the entire municipal corporation in carrying out the day-to-day operations and administration of the City.

(B) The ultimate adoption of a policy for personnel shall be subject to the approval of the Mayor and City Council as may be from required from time to time as recommended by the Director of Human Resources as established in *CHAPTER 2: ADMINISTRATION, ARTICLE IV – ORGANIZATIONAL STRUCTURE AND ADMINISTRATION OF MUNICIPAL OPERATIONS AND DEPARTMENTS.*”

SECTION SIX: This ordinance shall become effective following enactment by the Mayor and Council of the City on January 1, 2017, the public health, safety, and welfare

requiring it for the best interest of the municipal corporation and the citizenry and recipients of public and utility services. From January 1, 2017, the City shall follow all provisions of Article IV of Chapter 2 from that day forward unless otherwise changed or amended by additional ordinance as approved by the Mayor and City Council at a later date in accordance with both the municipal charter and the GENERAL PROVISIONS of Chapter 1 of the Code of Calhoun.

SECTION SEVEN: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION EIGHT: It is hereby declared to be the intention of the Mayor and Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and if any section, paragraph, sentence, clause, or phrase shall be declared unconstitutional, or otherwise invalid by a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses, or phrases herein.

SO ADOPTED and ENACTED this the ____ day of _____, 2016.

ATTEST:

JAMES F. PALMER, MAYOR
CITY OF CALHOUN, GEORGIA

PAUL WORLEY, CITY CLERK

Date of First Reading: _____

Date of Second Reading: _____

Date of Public Reading: _____