

CHAPTER 2 - ADMINISTRATION

ARTICLE I. - IN GENERAL

Sec. 2-1. - Open records policy.

The Open Records Policy, as adopted and amended by the city, is adopted by reference as if fully set forth herein.

Sec. 2-2. - Records management plan.

- (a) *Adoption of records management plan.* Pursuant to the Georgia Records Act, O.C.G.A. § 50-18-90 et seq., the city adopts the records management plan and record retention schedules for local government recommended by the Georgia Secretary of State as amended from time to time by future resolutions of the mayor and council of the city.
- (b) *Video records.* All video tapes, other than video tapes taken from patrol car video cameras, which are taken from video cameras utilized by the city shall be retained for a period consistent with system capacity, but in no event less than 72 hours. If the records management plan administrator is notified in writing that a video record contains information relevant to an incident, investigation, or otherwise, such video record shall be retained for a period of five years.
- (c) *Records management plan administrator.* The city clerk is designated as the person responsible for administration of the records management plan and shall coordinate all records management for the city including storage, archiving, and destruction of records.
- (d) *Maintenance and security of records.* Records shall be maintained according to approved retention schedules. No record shall be destroyed except as provided in the approved retention schedule; provided, however, a written record may be destroyed if it is otherwise preserved by means of microfiche, scanning, or other reliable photographic or digital means. Changes to the retention schedules shall be adopted by resolution of the mayor and council. The city manager shall immediately prepare guidelines for the maintenance and security of all records covered by this section, and such guidelines shall, upon completion, become a part of the records management plan for the city.
- (e) *Open Records Act.* All requests for records made under the Georgia Open Records Act, O.C.G.A. § 50-18-70 et seq., shall be made pursuant to the City of Summerville open records policy.

Secs. 2-3—2-18. - Reserved.

ARTICLE II – CITY COUNCIL

DIVISION 1 – IN GENERAL

Sec. 2-19 – Per diem and travel.

City Council members shall receive such per diem as is set forth in the Employee Policy and Procedure Manual.

Sec. 2-20. - Subpoenas.

- (a) Any witness who shall fail to respond to a subpoena lawfully issued by or for the council, or who shall refuse to testify under oath, shall be guilty of contempt.
- (b) The subpoenas referenced in subsection (a) of this section shall bear witness in the name of the mayor; shall be issued by the city clerk; and shall be served by the chief of police, any police officer, or by such other person as the mayor may designate.
- (c) Should any person fail to respond to a subpoena of the council, after having been lawfully served, without good cause, or should the person refuse to testify under oath, then the council shall hold the person in contempt and, in its discretion, punish the person by the imposition of a fine according to the maximum allowed by state law. Each of the failures or refusals, herein described, shall constitute a separate contempt.

Secs. 2-21—2-44. – Reserved.

DIVISION 2. –MEETINGS AND PUBLIC HEARINGS; RULES AND PROCEDURES

Sec. 2-45. - Amendments to the rules.

Any amendments to the rules of order shall be submitted by a councilmember in writing to the city manager three business days before a regular meeting of the city council. The proposed amendment shall be included in the agenda for that meeting and distributed to all councilmembers. All amendments require a two-thirds vote of the council to be adopted.

Sec. 2-46. - Suspending the rules of order.

Rules of order may be suspended in the case of an emergency. A motion to suspend the rules requires a second, is debatable, and requires a two-thirds vote of the council. Rules governing quorums (section 2-53), voting methods and requirements (section 2-58), the notification to councilmembers of meetings (section 2-48) and rules necessary for compliance with state law or the City Charter may not be suspended; provided, however, that, in the event that a state of emergency is declared by the governor or other authorized state official, the city council may waive time-consuming procedures and formalities imposed by state law.

Sec. 2-47. - Regular meetings, rescheduling meetings.

Regular meetings of the city council shall be held at 5:00 p.m. on the second Monday of each month. If the regular meeting falls on a federal holiday, the council may reschedule the meeting to the next Monday and publish the time change. Any meeting of the council may be continued or adjourned from day to day, or for more than one day, but no adjournment shall be for a longer period than until the next regular meeting thereafter. All regular meetings shall be held at city hall in the council meeting room.

State law reference— Open and public meetings, O.C.G.A. § 50-14-1(d).

Sec. 2-48. - Rescheduled meetings.

A regular meeting may be canceled, rescheduled, recessed or moved to a new location within the city site by the mayor for any reason. In addition to the notice required by O.C.G.A. § 50-14-1, written or oral notice shall be given by the clerk at least 24 hours in advance of the meeting to the legal organ of the city, as well as to each member of the city council.

State law reference- Operation of government bodies during emergency, O.C.G.A. §§ 38-3-54, 38-3-55.

Sec. 2-49. - Executive sessions.

Executive sessions of the council may be held for the purpose of discussing topics exempted from public access requirements by O.C.G.A. title 50, ch. 14 (O.C.G.A. § 50-14-1 et seq.). Any portion of the meeting not subject to any such exemptions shall be open to the public.

- a) *Nonexempt topics.* If a councilmember attempts to discuss a nonexempt topic during an executive session, the mayor shall immediately rule that councilmember out of order and such discussion shall cease. If the councilmember persists in discussing the nonexempt topic, the mayor shall adjourn the meeting immediately.
- b) *Procedure for entering into executive sessions.* No executive session shall be held except pursuant to a majority affirmative vote of the city council taken in a public meeting. The minutes of the public meeting shall reflect the names of the councilmembers present, those voting for the executive session, and the specific reasons for the executive session. All votes taken on items discussed in executive session shall be taken in an open meeting.
- c) *Executive session minutes.* Minutes of executive sessions devoted to any topic other than land acquisition may be maintained by the clerk at the direction of the mayor. Any such minutes shall be maintained in a confidential file and shall not be subject to disclosure, except that disclosure of such portions of minutes identifying real estate to be acquired by the city council, may only be delayed until such time as the acquisition of the real estate has been completed, terminated, or abandoned or court proceedings have been initiated.
 - (1) *Executive sessions discussing real estate acquisition.* Minutes of an executive session in which the acquisition of real estate is discussed shall be taken in the same manner as minutes of an open

meeting and available for public inspection except that any portion of the minutes identifying the real estate shall be redacted until such time as the action for acquisition of the real estate is taken, or decision is reached that the proposed acquisition is to be terminated or abandoned or until court actions are to be initiated through the use of condemnation proceedings.

- (2) *Other executive sessions.* Minutes of executive sessions devoted to any topic other than land acquisition may be maintained by the clerk at the direction of the mayor. Any such minutes shall be maintained in a confidential file and shall not be subject to disclosure, except that disclosure of such portions of minutes identifying real estate to be acquired by the city council may only be delayed until such time as the acquisition of the real estate has been completed, terminated, or abandoned or court proceedings have been initiated.

d) *Mayor or presiding officer affidavit.* The mayor or other presiding officer shall execute an affidavit stating, under oath, that the executive session was devoted to topics exempt from the public access requirements. The affidavit shall include the specific exemption to the open meetings law. The affidavit shall be notarized and filed with the minutes of the open meeting.

(State law reference— Closed meetings, O.C.G.A. § 50-14-4)

Sec. 2-50. - Mayor; presiding officer.

The presiding officer of the city council shall be the mayor except as otherwise provided in the Charter. The presiding officer is responsible for the orderly conduct of the meeting. In order to fulfill this duty, the presiding officer shall enforce the rules of procedure that are adopted by the city council. The presiding officer shall be impartial and conduct the meetings in a fair manner. The mayor may not introduce motions or second motions except that the mayor may introduce or second a motion to go into executive session as authorized by section 2-49. The mayor shall vote only in the case of a tie or in the case where his vote will provide the third affirmative vote required for approval of a matter.

Sec. 2-51. - Mayor pro tempore.

Following the induction of the mayor and council members, the city council, by a majority vote of the councilmembers, shall elect a councilmember to be mayor pro tempore, who shall serve for a term of four years and until a successor is elected and qualified. The mayor pro tempore shall assume the duties and powers of the mayor during the mayor's disability or absence, except that the mayor pro tempore shall continue to vote as a councilmember and may not exercise the mayor's prerogative to vote in the case of a tie. During the mayor's disability or absence, the mayor pro tempore may veto any action of council. If the mayor pro tempore is absent because of sickness or disqualification, any one of the remaining councilmembers, chosen by the members present, shall be clothed with all the rights and privileges of the mayor and shall perform the mayor's duties in the same manner as the mayor pro tempore.

Sec. 2-52. - Parliamentarian.

The city attorney shall serve as the parliamentarian for city council meetings.

Sec. 2-53. - Quorum.

A quorum must be present for conducting meetings of the city council. A quorum is three (3) members of the city council. It is the duty of the mayor or presiding officer to enforce this rule. Any councilmember may raise a point of order directed to the mayor or presiding officer if he believes that a quorum is not present. If, during the course of a meeting, a councilmember or councilmembers leave and a quorum no longer exists, the meeting may not continue. If a quorum is not attained within 30 minutes, the meeting may be rescheduled by the mayor or presiding officer with the approval of the councilmembers present.

Sec. 2-54. - Order of business.

All regular city council meetings shall substantially follow an established order of business. The order shall be as follows:

- (1) Call to order.
- (2) Roll call.
- (3) Invocation.
- (4) Pledge of Allegiance.
- (5) Approval of meeting agenda.
- (6) Consent Agenda

- (7) Reports and presentations.
- (8) Unfinished business.
- (9) New business.
- (10) Public comment.
- (11) Adjournment.

Sec. 2-55. - Agenda.

The city manager shall prepare an agenda of subjects to be acted on for each meeting. Work session topics and council agenda items shall be submitted consistent with the attached process. The agenda shall be made available to the city council at least one business day before every city council meeting.

- (a) *Requests for agenda items.* Members of the public may request that a particular subject be placed on the agenda for a meeting. To be considered, this request shall be submitted in writing to the city manager.
- (b) *Changing the agenda.* The order of the agenda may be changed during a meeting by a majority vote of the city council. A new item, other than a zoning decision, may be added to the agenda by a majority vote of the city council, only if it becomes necessary to address the item during the meeting. An existing item may be removed from the agenda by the majority vote of the city council.
- (c) *Agenda must be made public.* The agenda of all matters to come before the city council shall be made available to the public upon request and shall be posted at the meeting site as far in advance as reasonably possible, but not more than two weeks prior to the meeting, not less than 24 hours prior to the start of the meeting.

*State law reference— Agendas, O.C.G.A. § 50-14-1.

Sec. 2-56. - Consent agenda.

A consent agenda may be prepared by the city manager for the city council to unanimously adopt motions on routine items. Any items of business that are expected to receive unanimous approval without debate may be placed on a consent agenda. At the appropriate time of the meeting, the mayor shall read all of the items on the consent agenda. If a councilmember objects to an item being on the consent agenda, the councilmember shall direct the move of that particular item to the regular agenda. Following the reading of the consent agenda, the mayor may ask for unanimous approval of the items on the consent agenda. If there are no objections, all the items on the consent agenda shall be approved by a majority vote of the city council.

Sec. 2-57. - Decorum.

All councilmembers shall conduct themselves in a professional and respectful manner. All remarks shall be directed to the mayor and not to individual councilmembers, staff, or citizens in attendance. Personal remarks are inappropriate and may be ruled out of order. A councilmember may not speak at a meeting until he has been recognized by the mayor. All comments made by a councilmember shall address the motion that is being discussed. The mayor shall enforce these rules of decorum. If a councilmember believes that a rule has been broken, he may raise a point of order. A second is not required. The mayor may rule on the question or may allow the city council to debate the issue and decide by majority vote.

Sec. 2-58. - Voting.

Passage of a motion shall require the affirmative vote of at least three persons voting, and must receive the affirmative vote of a majority of those voting at which a quorum is present. Unless otherwise specified in the Charter as it pertains to voting by the mayor, a majority shall mean at least one-half of the councilmembers present plus one councilmember, excluding abstentions. When a two-thirds majority is specified, a majority vote shall mean at least two-thirds of the councilmembers present excluding abstentions. In the event of a tie vote, the mayor shall vote to break the tie.

Sec. 2-59. – Reserved.

Sec. 2-60. - Public participation.

Public participation in meetings of the city council shall be permitted in accordance with the following provisions:

- (a) *Public comments.* The final agenda item of the meeting shall be reserved for comments from the public. All members of the public wishing to address the city council shall submit their name and the topic of their comments to the city clerk prior to the start of any meeting held by the city council; provided, however,

that if the applicants of rezoning actions or individual who wish to oppose a rezoning action has contributed more than \$250.00 to the campaign of a councilmember, the individual shall file a campaign disclosure form as required by O.C.G.A. § 36-67A-3 at least five calendar days prior to the first hearing by the city council. Individuals may be allotted five minutes to make their comments and those comments shall be limited to their chosen topic. These limits may be waived by a majority vote of the city council.

- (b) *Agenda items considered by council.* By a majority vote, the city council may allow public comment on an agenda item at the time the item is being considered by the city council. These comments shall be limited to the subject that is being debated. Members of the public may speak for five minutes and may speak only once. These limits may be waived by a majority vote of the city council. Anyone wishing to speak at any city council meeting must be recognized by the mayor before addressing the city council.
- (c) *Decorum.* Members of the public shall not make inappropriate or offensive comments at a city council meeting and are expected to comply with the rules of decorum that are established for councilmembers. Individuals violating any rules of the city council may be ruled out of order by the mayor or on a point of order made by a councilmember. A majority vote of the city council shall rule on the point out of order. An individual violating the rules of decorum may be removed from the meeting at the direction of the mayor.
- (d) *Public hearings.* The city council may schedule public hearings for the purpose of soliciting public comment on any subject of interest to the city council. Hearings may be held immediately prior to, during or following a meeting of the city council or at such other places and times as the city council may determine. Hearings require at least ten minutes per side. These limits may be waived by a majority vote of the city council. No official action shall be taken at any such public hearing. Hearings on zoning decisions shall be governed in accordance with the zoning policies and procedures.

State law reference— Notice and hearing regarding zoning decisions, O.C.G.A. §§ 36-66-4, 36-66-5.

Sec. 2-61. - Minutes.

- (a) More detailed information than required by O.C.G.A. § 50-14-1 may be included in the minutes at the request of the city council.
- (b) The city council shall approve the minutes before they may be considered as an official record of the city council. The minutes shall be open for public inspection once approved as official by the city council but in no case later than immediately following the next regular meeting of the city council. A copy of the minutes from the previous meeting shall be distributed to the city council at least one business day before the following meeting. The minutes of the previous meeting shall be corrected, if necessary, and approved by the city council at the beginning of each meeting. A majority vote is required for approval. Conflicts regarding the content of the minutes shall be decided by a majority vote. Upon being approved, the minutes shall be signed by the mayor and attested to by the clerk of the city council.

Sec. 2-62. – Rules and Procedures of City Council meetings.

The provisions of this division shall serve as the rules and procedures of the city council. In the absence of applicable rules and procedures, which may from time to time be encountered during the public meetings, the Georgia Municipal Association's Parliamentary Procedural Manual shall be followed.

Secs. 2-63—2-80. - Reserved.

ARTICLE III – RESERVED

Secs. 2-81 – 2-188 - Reserved.

ARTICLE IV – DEPARTMENTS

DIVISION 1. - IN GENERAL

Sec. 2-189. - Authorization.

The following departments are established by the council:

- (1) Administration.

- (2) Finance.
- (3) Community development.
- (4) Transportation.
- (5) Public works.
- (6) Police.
- (7) Fire
- (8) Parks and recreation.
- (9) Building.
- (10) Municipal court.

Sec. 2-190. - Oversight.

- (a) At the election of the city manager, each department may have a department head or its equivalent. That department head shall be responsible for the day-to-day management of each department and shall report and make recommendations to the city manager from time to time.
- (b) The city manager or his designate shall supervise each department.

Secs. 2-191—2-200. - Reserved.

DIVISION 2. - POLICE DEPARTMENT

Sec. 2-201. - Composition of police department.

The police force of the city shall consist of such officers and employees as shall be determined by the council.

Sec. 2-202. - Chief's duties.

- (a) The chief of police shall be the chief administrative officer of the police force and shall be responsible for the orderly and efficient operation of the police department.
- (b) The chief of police, in general, and department personnel under his or her direction shall:
 - (1) Attend any meetings of the council at the request of the council or the city manager;
 - (2) Execute all lawful orders and directions of the city manager;
 - (3) Abate or remove any nuisance when so directed by the city manager;
 - (4) Maintain the peace, good order and tranquility of the city through enforcement of all municipal ordinances and state or federal laws. The police officers shall have all patrol and arrest powers granted by state law;
 - (5) Under the general direction of the city manager, be in charge of the police department and have supervision over the personnel thereof in the exercise of their powers, duties and authority and in hiring, discharging or suspending any members within the parameters of the City Charter, ordinances, departmental rules and regulations, civil service laws and any other appropriate statute;
 - (6) Enter or cause to be entered on the city's uniform traffic citation, and into the official record, all available information pertaining to individuals charged or arrested for violation of ordinances and state law;
 - (7) Serve all subpoenas and warrants of the municipal court and the city council and as otherwise authorized by law;
 - (8) Issue and serve summons for violations of law or ordinance and serve all processes, executions, attachments for the city clerk, municipal court or the city council;
 - (9) Render such aid and assistance as may be necessary to enforce in the city all health laws of this state and regulations pertaining to health of the city.

Sec. 2-203. - Public safety personnel; prompt response to emergencies.

The purpose of this division is to ensure the prompt response of police personnel as defined herein in times of emergencies.

Sec. 2-204. - Police attendance at trials.

It shall be the duty of each police officer making an arrest or having knowledge of the case for or against the defendant to attend the trial of any person brought before the municipal court and other courts where a case may be heard.

Sec. 2-205. - Traffic violations; prosecution.

A citation issued by the police department can only be reduced by the city prosecutor or solicitor. Any citation that is voided must be done in city municipal court. The City may designate a non-lawyer as prosecutor provided he or she is a member of the Summerville Police Department.

Sec. 2-206. - Sale of unclaimed property.

- (a) Bicycles and other unclaimed personal property, except firearms and weapons, not marked as evidence, in the possession of the police department for a period of 90 days and after an effort has been made by the police department to ascertain the ownership of such property and to notify the owner, shall be sold at public auction to the highest bidder, after publishing notice of such sale as required by O.C.G.A. § 44-14-411. The proceeds of any sale made under this section shall be disbursed in accordance with O.C.G.A. § 44-14-412.
- (b) Unclaimed firearms and weapons in the possession of the police department for a period of 90 days, not marked as evidence and after an effort has been made to notify the owner, shall be disposed of as follows:
 - (1) Destroyed by the property and evidence custodian.
 - (2) Received to the police department for their use in training or operations.
 - (3) Disposed of in any other means allowed by law.

Secs. 2-207—2-218. - Reserved.

ARTICLE V – BOARDS, COMMISSIONS, AND ADVISORY COMMISSIONS

DIVISION 1 – GENERALLY

Secs. 2-219—2-244. - Reserved

DIVISION 2 – NONADVISORY BOARDS AND COMMISSIONS

Sec. 2-245. - Creation.

Unless stated otherwise, the provisions of this article apply to the board of appeals, design review board, historic preservation board, planning board, construction board of appeals, hospitality board and alcohol licensing and appeals board, which shall have the powers and duties and be subject to and governed by the regulations set forth in this article and this Code. The duties of each board are defined in the corresponding section of this Code.

Sec. 2-246. - Appointment of members.

All board members must be nominated by the mayor and confirmed by the council except as otherwise mandated by state law. This section applies to all boards created by the city.

Sec. 2-247. - Membership.

- (a) Members of boards may receive such compensation and expenses in the performance of their official duties as prescribed by ordinance.

- (b) Members must attend two-thirds of meetings in a calendar year. Failure to do so warrants removal from the board.

Sec. 2-248. - Terms.

- (a) Each board member shall serve a specified term of not more than four years. Consecutive terms are permissible. Each board member shall have equal terms of an amount to be specified by the council.
- (b) No member of any board shall hold any elective office in the city. Councilmembers and the mayor, however, may serve as ex officio members of such boards, commissions, or authorities, without a vote.
- (c) Any vacancy in office of any member of a board, commission, or authority of the city shall be filled for the unexpired term in the manner prescribed for original appointment, except as otherwise provided by the Charter or any applicable state law. A consecutive appointment is permissible.
- (d) Any member may be removed from office for cause, by a vote of a majority of the members of the council.

Sec. 2-249. - Quorum.

A majority of actual board members establishes a quorum. Any action taken requires a majority of affirmative votes of the quorum present.

Sec. 2-250. - Procedure.

- (a) Each of the boards shall make its rules of procedure and determine its time of meetings. The date and time of each meeting, as well as agenda items to be considered, shall be publicized in the same manner as meetings of the council.
- (b) Each of the boards shall elect, annually, at its first meeting of the calendar year, one of its members to serve as chairperson.
- (c) All meetings at which official action is taken shall be open to the public, and all records maintained by the committee shall be public records unless expressly excepted by O.C.G.A. title 50, ch. 18, art. 4 (O.C.G.A. § 50-18-70 et seq.). The boards shall keep minutes of their formal proceedings, showing the vote of each member upon each question, and records of their examinations and other official actions, all of which shall be filed in the office of the city clerk. Copies of the minutes shall be sent to the mayor and each member of the council. The minutes of the meetings shall be a public record. This section shall not be construed as prohibiting closed sessions when permitted by the Georgia Open Meetings Act (O.C.G.A. title 50, ch. 14 (O.C.G.A. § 50-14-1 et seq.)) and Open Records Act (O.C.G.A. title 50, ch. 18, art. 4 (O.C.G.A. § 50-18-70 et seq.)).

Secs. 2-251—2-278. - Reserved.

DIVISION 3 – ADVISORY COMMITTEES

Sec. 2-279. - Authorization.

The council may establish advisory committees. The mayor is an ex officio member of every committee. The city manager or a designee shall oversee the meetings of each committee and is an ex-officio, nonvoting, member of each.

Sec. 2-280. - Duties.

- (a) Each committee shall, from time to time, propose policies and ordinances to the council in the subjects germane to the committee.
- (b) This section shall not be interpreted to require committee approval for a measure to be heard before the council.
- (c) Members must attend two-thirds of meetings in a calendar year. Failure to do so warrants removal from the committee by the council.

Sec. 2-281. - Membership.

The council shall establish qualifications for members of each committee. Each committee person shall be nominated by the mayor and approved by the council.

Sec. 2-282. - Terms.

- (a) Each committee member shall serve a specified term of not more than four years or until the committee completes its business. Consecutive terms are permissible.
- (b) Members filling vacancies shall serve the remainder of the term to which they were appointed. A consecutive appointment is permissible.
- (c) Any member may be removed with or without cause by the mayor and a majority of the councilmembers.

Sec. 2-283. - Compensation.

Committee members may serve without compensation. Reasonable expenses for travel may be reimbursed, and committee members may be compensated pursuant to a policy to be established by the city manager and approved by the council.

Sec. 2-284. - Quorum.

A majority of actual committee members establishes a quorum. Any action taken requires a majority of affirmative votes of the quorum present.

Sec. 2-285. - Procedure.

- (a) Each of the committees shall make its rules of procedure and determine its time of meetings. The date and time of each meeting, as well as agenda items to be considered, shall be publicized in the same manner as meetings of the council.
- (b) All meetings at which official action is taken shall be open to the public and all records maintained by the committee shall be public records unless expressly excepted by a provision of Georgia Open Records Act, O.C.G.A. title 50, ch. 18, art. 4 (O.C.G.A. § 50-18-70 et seq.). The committees shall keep minutes of their formal proceedings, showing the vote of each member upon each question; and records of their examinations and other official actions, all of which shall be filed in the office of the city clerk. Copies of the minutes shall be sent to the mayor and each member of the city council. The minutes of the meetings shall be a public record.
- (c) Expenditures of the committees, if any, shall be within the amounts appropriated for the purpose intended by the council during the annual budgeting process.

Secs. 2-286—2-303. - Reserved.

ARTICLE VI. - FINANCE

Sec. 2-304. - Fiscal year.

The fiscal year of the city shall be July 1 through June 30.

Sec. 2-305. - Nonprofit funding.

The nonprofit funding policy, as amended from time to time and approved by the city council, is adopted by reference as if set forth in full herein.

Sec. 2-306. - Financial management plan.

The financial management plan, as amended from time to time and approved by the city council, is adopted by reference as if set forth in full herein.

Sec. 2-307. - Finance director to serve as city tax collector, city treasurer and city accountant; miscellaneous functions.

- (a) The functions of the city tax collector, city accountant and city treasurer shall be performed by the City Manager or his designee.

- (b) The finance director shall perform at least the following duties:
- (1) Managing, planning, directing, and maintaining the city's financial operations, including serving as chair of the city finance department, if such a department is established;
 - (2) Directing and supervising the work of personnel involved in performing the accounting, utility billing, property tax, payroll, and purchasing functions for the city;
 - (3) Providing technical leadership in budgeting, overseeing, and directing investment opportunities and debt administration, as well as ensuring proper record retention policies are strictly followed;
 - (4) Managing, planning, and directing the collection of all city taxes; and
 - (5) Notifying delinquent taxpayers of their status in accordance with state law.

The council may require the finance director to perform other duties.

Secs. 2-308—2-332. - Reserved

ARTICLE VII. - PURCHASING

Sec. 2-333. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Any terms not defined by this article shall have the meaning ascribed to them elsewhere in this Code.

City finance director means the city accountant, his agent, or the chair of the city finance department, if such a department is created or is in existence. Until subsequently appointed, the City Manager shall perform the duties of the finance director.

City manager means the top executive/administrative position appointed by the city council and has the authority to execute and approve contracts, purchase orders, and change orders within his delegated authority.

Construction means the process of building, altering, improving, or demolishing any public structure or building, or other public improvements of any kind to any public real property. The term "construction" does not include the routine operation, repair and/or maintenance of existing structures, buildings, or real property.

Contract means any city agreement, regardless of form or title, for the procurement or disposition of goods, commodities, and services.

Employee means an individual drawing a salary or wage from the city, whether on a full-time or part-time basis. The term shall encompass all members of the city council without regard to whether or not such individual is compensated.

Gifts or favors means anything or any service of value.

Goods or commodities means supplies, apparatus, materials, equipment, and other forms of tangible personal property.

Payment terms mean two percent net 20.

Purchase order means the document used by the city to obtain supplies, goods, commodities, and services from vendors.

Purchasing agent means the principal purchasing official of the city pursuant to section 2-334.

Vendor means one who sells goods or services; a supplier.

Sec. 2-334. - Purchasing agent.

The purchasing agent shall have the following duties and powers:

- (1) Arrange and negotiate the purchase or contract for all equipment, supplies, and contractual services for the city or any using agency; arrange and negotiate for the sale or otherwise dispose of all surplus equipment and supplies or real estate of the city or any using agency;
- (2) Maintain a perpetual or periodic inventory record of all materials, supplies, or equipment stored in city storerooms, warehouses, and elsewhere, including monthly reports that provide:
 - a. The titles of all requests for proposals and the method of source selections to be used;
 - b. All contracts authorized by the council, the method of source selection used, and the total dollar amount;
 - c. All emergency contracts awarded pursuant to this article;
 - d. All change orders or contract modifications authorized by the council, the dollar amount, and the reason;
 - e. All change orders or contract modifications authorized by the purchasing agent, the dollar amount, and the reason; and
 - f. An explanation of any changes, and the costs involved, in the scope of services made between the time a contract is awarded and the time that a resolution authorizing the contract is sent to the council for adoption;
- (3) Control and supervise all city storerooms and warehouses, unless otherwise provided in this Code;
- (4) Develop and maintain a purchasing policy and procedure manual which will be updated by the purchasing agent periodically;
- (5) Direct efforts to procure services through advertisements of bids as required by this article and by state law;
- (6) Require bonds, insurance, and other forms of protection for the city on the process of procuring goods and services for the city;
- (7) Terminate solicitations for bids for any goods or services when, in the opinion of the purchasing agent, it is in the city's best interest to do so, including termination for breach of contract or anticipated breach of contract;
- (8) Reject any and all bids when, in the opinion of the purchasing agent, it is in the city's best interest;
- (9) Consult with the city attorney if a contracting party breaches or is reasonably anticipated to breach its contract with the city.

Sec. 2-335. - Legal representation.

The city attorney represents the city in all legal matters and has the authority to provide standard terms and conditions of contracts and purchase orders and approves various negotiated terms and conditions as determined by the purchasing agent.

Sec. 2-336. - Purchasing policy.

The purchasing policy, as amended from time to time and approved by the city council, is adopted by reference as if set out at length in this Code.