

## Chapter 8

### FINANCE AND TAXATION

- Article I. In General.**  
Section 8.1 Fiscal Year.  
Section 8.2 Budget Procedures for Adoption.  
Section 8.3 Message.  
Section 8.4 Form and Content.  
Section 8.5 Capital Program.  
Section 8.6 Emergency Appropriations.  
Section 8.7 Transfer of Appropriations.  
Section 8.8 Lapse of Appropriations.  
Section 8.9 Publication of Financial Statement.  
Section 8.10 Disposition of Stolen, Abandoned, or Impounded Property.  
Sections 8.11 - 8.19 Reserved.
- Article II. Property Taxation.**  
Section 8.20 Rate of Levy as Fixed.  
Section 8.21 Appeal of Assessment.  
Section 8.22 When Taxes Due and Payable; Delinquency Interest.  
Section 8.23 Execution for Delinquent Taxes.  
Section 8.24 Against Whom Taxes Charged.  
Section 8.25 Exempted Property.  
Section 8.26 Municipal Tax Sales Time, Place, and Manner of Sale.  
Section 8.27 Same Sale of Parcels.  
Section 8.28 Same Purchases by City.  
Sections 8.29 - 8.39 Reserved.
- Article III. Municipal Bonds.**  
Section 8.40 Adoption of State Rules and Regulations.  
Section 8.41 Preliminary Review by Finance Committee.  
Section 8.42 Records to be Kept.  
Section 8.43 Registration/Application for Registration.  
Section 8.44 Same/Bond Register.  
Section 8.45 Same/Statement of Registration and Form.  
Section 8.46 Same/Procedure for transfer After Registration.  
Section 8.47 Disposition of Bonds and Coupons.  
Section 8.48 Sinking Fund/Establishment.  
Section 8.49 Same/Certification of Amount.  
Section 8.50 Same/Investment.
- Article IV Purchasing Cards**  
Section 8.51 Purchasing Cards  
Section 8.52 - 8.59 Reserved.

## **ARTICLE I. IN GENERAL**

### **Section 8.1            Fiscal Year.**

The City operates on a fiscal year which shall begin on the first day of July and end on the last day of June.

### **Section 8.2            Budget--Procedures for Adoption.**

The municipal budget shall be introduced, approved, amended, and adopted by ordinance passed by not less than a majority of the full membership of the City Council. The procedure shall be as follows:

a.     Introduction: On the date established by the City, the proposed budget shall be submitted to the City Council for review prior to enactment of the budget ordinance.

b.     Public examination: On the date that the proposed budget is submitted to the City Council for consideration, a copy of the budget shall be placed in City Hall during reasonable business hours in order to afford the public every opportunity to review the budget prior to adoption by the Council.

c.     Public advertisement: A statement advising the residents of the City of the availability of the proposed budget shall be published in a newspaper of general circulation within the City. The notice shall be published during the week in which the proposed budget is submitted to the governing authority. In addition, the statement shall also advise the residents that a public hearing will be held at which time any person wishing to be heard on the budget may appear. The hearing shall be conducted at least one week prior to the meeting at which the budget is to be adopted. The City shall give notice of the time and place of the hearing.

d.     Adoption: The municipal budget shall be adopted prior to the beginning of each fiscal year. Upon adoption, the budget shall constitute an appropriation for the purposes stated therein and an authorization of the amount to be raised by taxation for the purposes of the City. State law reference: O.C.G.A. " 36-81-5 and 36-81-6.

### **Section 8.3            Message.**

When introduced to the City Council for approval, the municipal budget shall be accompanied by a budget message which shall explain the budget both in fiscal terms and in terms of the work programs. The budget message shall outline the proposed financial policies of the City for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for each change, summarize the City's debt position, and include such other materials as will provide a complete synopsis of the financial condition of the City.

**Section 8.4**                    **Form and Content.**

a.        The municipal budget shall be prefaced by a clear general summary of its contents and shall show in detail all estimated income, indicating the proposed property tax levy, and all proposed expenditures for the ensuing fiscal year. It shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year. Separate items shall be included for at least the following:

1.        Administration, operation, and maintenance expenses of each department or office of the City, including a breakdown for salaries and wages for each such units;
2.        Interest and debt redemption charges;
3.        Proposed capital expenditures, detailed by departments and offices when practicable;
4.        Cash deficits of the preceding year;
5.        Contingent expenses in an amount not more than three percent of the total amount for administration, operation, and maintenance expenses;
6.        Such reserves as may be deemed advisable by the City Council.

b.        The total of proposed expenditures shall not exceed the total of anticipated revenue.

**Section 8.5**                    **Capital Program.**

a.        A five-year capital program may be submitted to the City Council at the same time that the budget and budget message are introduced for approval. Such capital program shall include:

1.        A clear general summary of its contents;
2.        A list of all capital improvements which are proposed to be undertaken for the five fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements;
3.        Cost estimates, method of financing and recommended time schedules for each such improvement; and

4. The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.
- b. The above information may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

**Section 8.6**                    **Emergency Appropriations.**

The City Council may make emergency appropriations after the adoption of a budget for a purpose which was not foreseen at the time of the adoption thereof, or for which adequate provision was not made therein. Such an appropriation shall be made only to meet a public emergency affecting life, health, safety, property, or the public peace, and shall be made only out of actual unappropriated revenues.

**Section 8.7**                    **Transfer of Appropriations.**

The Mayor may at any time during the fiscal year transfer part or all of any unencumbered appropriation balance among programs within a department or office, and the City Council may by ordinance transfer part or all of any unencumbered appropriation balance from one department or office to another, except that no appropriation for debt service or capital improvements may be reduced or transferred during any fiscal year.

**Section 8.8**                    **Lapse of Appropriations.**

Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned; the purpose of any such appropriation shall be deemed abandoned if three years pass without any disbursement from or encumbrance of the appropriation.

**Section 8.9**                    **Publication of Financial Statement.**

Within six months after the close of the fiscal year, a statement of revenues and expenditures that fairly represents the financial condition of the City and that shows all municipal accounts as of the close of such preceding fiscal year shall be published in a newspaper of general circulation in the municipality.

**Section 8.10**                    **Disposition of Stolen, Abandoned, or Impounded Property.**

a. All personal property which comes into the custody of the Police Department, where such property has been stolen or impounded or where the ownership is unknown shall be held for a period of 30 days awaiting claim by its owner. The owner of such property, upon proving ownership and paying all expenses and costs, including reasonable charges for storage, shall have the right to have such property returned to such person.

b. If after the expiration of 30 days the property is unclaimed, the Chief of Police shall advertise the property for sale in the newspaper in which the City's legal advertisements are printed. Such advertising shall take place at least 30 days before the date set for the sale and shall give a description of the property to be sold and specify the time and place of sale. If the property is still unclaimed by the time for the sale, it shall be sold as advertised, and the proceeds shall be placed in the City treasury.

**Sections 8.11 - 8.19**

**Reserved.**

**ARTICLE II. PROPERTY TAXATION.**

**Section 8.20**            **Rate of Levy as Fixed.**

The rate of levy shall be as provided by the City Council from time to time.

**Section 8.21**            **Appeal of Assessment.**

Any taxpayer may appeal from an assessment by the County Board of Tax Assessors to the County Board of Equalization as to matters of taxability, uniformity of assessment, and value, and the taxpayer or the County Board of Tax Assessors may appeal to the Superior Court of the County in which the property lies from a decision of the County Board of Equalization. All such appeals shall be made in the manner provided in O.C.G.A. ' 48-5-311.

**Section 8.22**            **When Taxes Due and Payable; Delinquency Interest.**

a. All ad valorem taxes on tangible property other than motor vehicles shall become due and payable on December 20 of each year. Notice of the amount due for such respective due date shall be mailed to each taxpayer on or about October 1 of each year for the December 20 payment.

b. Tax bills showing the assessed valuations, amount of taxes due, tax due dates, and information as to delinquency dates and penalties shall be sent to all taxpayers at least 30 days prior to the due date, but failure to send a tax bill shall not invalidate any tax.

c. Taxes and special assessments shall bear annual interest at the rate of 3% above the federal prime rate. This rate shall be assessed each month from the date the tax or assessment is due until the date the tax or assessment is paid. For purposes of this section, any period of less than one month shall be considered to be one full month. The city clerk may waive the collection of any interest, in whole or in part, due the city on unpaid taxes or assessments whenever or to the extent that he/she reasonably determines that the delay in payment was attributable to the action or inaction of his/her department

d. In any instance in which any taxpayer fails to pay a tax or assessment within 120 days of the due date, the taxpayer shall pay a penalty of five percent of the amount of the tax due, together with interest as specified herein. Where the taxpayer continues to fail to pay a tax or assessment beyond the initial 120 days, this penalty shall increase by 5% every 120 days, however the maximum penalty that may ever be imposed is 20% of the principle amount due.

**Section 8.23**            **Execution for Delinquent Taxes.**

The City shall forthwith issue an execution against any person who has defaulted in the payment of any ad valorem tax to be paid. The execution thus issued shall be a lien on all the

property of such person, both real and personal, and shall be placed in the hands of the City officer responsible for collection by levy and sale.

**Section 8.24**            **Against Whom Taxes Charged.**

Taxes are to be charged against the owner of the property, if known, or against the specific property itself if the owner is not known. Life tenants and those who enjoy the use of the property are chargeable with the tax thereon.

**Section 8.25**            **Exempted Property.**

The following property shall be exempt from ad valorem taxation:

1. All public property;
2. All places of religious worship and places of burial;
3. All buildings used as a college, university, or other seminary of learning;
4. All property exempted from municipal taxation by the laws of state.

State Law Reference: O.C.G.A. ' 48-5-41.

**Section 8.26**            **Municipal Tax Sales Time, Place, and Manner of Sale.**

The time, place, and manner of the sale of property, both real and personal, for taxes due this City shall be the same as that provided by law to Sheriffs= Sales for state and county taxes.

State Law Reference: Sale of property for taxes, O.C.G.A. ' 48-5-359.

**Section 8.27**            **Same Sale by Parcels.**

When not impracticable, all property sold for municipal taxes shall be so offered for sale that the smallest amount that will bring the amount of taxes and costs shall alone be sold.

**Section 8.28**            **Same Purchase by City.**

The City Treasurer shall attend all sales of property for taxes due the City, and in the event no one person bids for the property put up to be sold in an amount as much as the tax due thereon, the treasurer shall place a bid for such property for the City and, if the bid is accepted, take custody of the deed for the City. No property so purchased by the City shall ever be sold by the City except at a public sale thereof to the highest bidder.

**Sections 8.29 - 8.39**

**Reserved.**  
**ARTICLE III. MUNICIPAL BONDS.**

**Section 8.40**            **Adoption of State Rules and Regulations.**

The rules, regulations, and provisions contained in O.C.G.A. Chapters 36-38 and 36-82 relating to debts of municipalities, counties, and other political subdivisions are hereby adopted as the rules, regulations, and provisions governing the issuance of general obligation and revenue bonds by this City.

**Section 8.41**            **Preliminary Review by Finance Committee.**

Prior to any issue of bonds by the City, the proposal for such issue shall be referred to the standing finance committee which committee shall give careful consideration to the proposal and submit a recommendation to the City Council for approval or disapproval, with applicable reasons therefor.

**Section 8.42**            **Records to Be Kept.**

A complete description of each bond issued by the City shall be kept by the City Clerk in a suitable book, which book shall be open to public inspection.

**Section 8.43**            **Registration Application for Registration.**

Any holder of a bond issued by the City may register such bond as to principal and interest or as to principal only by making written application for such registration to the City Clerk and presenting the bond desired to be registered. Each application shall state: (1) the number of bonds presented, (2) of what issue, (3) the date, (4) the amount, (5) when due, and (6) to what extent the bonds are to be registered. Each application shall be signed by the applicant who, if holding the bonds in any capacity other than for such person=s self, shall sign the application in the name of the property for whose benefit such person holds the bonds, state the capacity in which such person signs, and attach proof of such capacity.

**Section 8.44**            **SameBond Register.**

A bond register shall be kept on file in the office of the City Clerk in which, upon written application and presentation of the bond by the holder thereof as hereinabove provided, shall be entered a description of each bond so presented, which description shall state: (1) the bond number, (2) the nature of the issue, (3) the face amount, (4) the date issued, (5) the date of maturity, (6) the rate and due dates of interest, (7) whether the bond is registered as to principal and interest or as to principal only, (8) the name and mailing address of the bond holder, (9) the name of the person registering the bond, and (10) the capacity in which such person registered the bond. All bonds registered in compliance with this section shall be nonnegotiable to the extent registered.



**Section 8.45**                    **Same Statement of Registration and Form..**

Upon registration of any bonds as hereinabove provided, the City Clerk shall stamp, print, or write upon each bond so registered a statement of the registration in substantially the following form, inserting in the blanks the matter applicable to each transaction: ARegistered by \_\_\_\_\_ . Nonnegotiable. Principal [and interest] to be paid only to \_\_\_\_\_ located at \_\_\_\_\_ or to such person=s legal representative located at \_\_\_\_\_. This \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

City of Barwick

\_\_\_\_\_  
City Clerk

**Section 8.46**                    **Same Procedure for Transfer after Registration.**

In order to transfer any bond which may have been registered under the provisions hereof, the holder thereof shall present the same to the City Clerk and shall authorize such transfer, in writing, giving the name of the transferee, the number of the bond, of what issue, and the dates of issue and maturity. Such authority shall be signed and acknowledged in the presence of a notary public or some other officer authorized by law to administer oaths, and such notary public or other officer shall certify, in writing and under seal of the office, that such authority was signed and acknowledged in such officer=s presence. In addition to giving such written authority, the holder shall enter a statement of the transfer on the face of each bond, properly dated, and signed. Thereupon the City Clerk shall enter the transfer of each bond opposite the original entry of registration in the bond register, giving the name of the transferee and date of the transfer, and shall enter the same on each bond over such person=s official signature. The transferee may thereafter, in the manner herein prescribed, also transfer such bond.

**Section 8.47**                    **Disposition of Bonds and Coupons.**

Whenever the City Clerk pays any bond or coupon of the City, such clerk shall forthwith stamp, print, or write upon such bond or coupon the word APAID@ and shall notify the standing finance committee that such clerk has in hand such canceled paper, whereupon the finance committee shall take possession of the same after giving the clerk a receipt for the bonds and coupons. Such bonds and coupons shall thereafter be destroyed by the finance committee in the presence of the City Clerk, who shall then make an entry to that effect on the receipt given to such clerk.

**Section 8.48**                    **Sinking Fund Establishment.**

All taxes collected for the payment of principal and interest on City general obligation bonds shall be kept by the City Treasurer as a separate fund to be known as the Asinking fund.@ Under no circumstances shall such fund be paid out by the City Treasurer for any other purpose than for the payment of the interest and principal on the bonds for which it was collected or for the purpose of investment as provided by law and City ordinance.

State Law Reference: Creation of sinking fund, O.C.G.A. ' 36-38-23.

**Section 8.49**                    **Same Certification of Amount.**

Prior to adoption of the annual budget, the amount to be included in the sinking fund for the prospective fiscal year shall be certified by the municipal auditor as an amount sufficient to pay all principal and interest coming due in such fiscal year, and the sinking fund as certified shall be included in the annual budget.

**Section 8.50**                    **Same Investment.**

It shall be the duty of the City Treasurer promptly to make arrangements for the investment of the sinking fund in the manner provided by law and, upon approval of such arrangements by the City Council, promptly to make such investment.

**ARTICLE IV. PURCHASING CARDS.**

**Section 8.51            Purchasing Cards.**

The City may adopt a policy regarding government credit card and/or purchasing card usage. Any employee or official who uses or possesses a government credit card should abide by the terms of this policy when using the government credit card for purchases.

**Sections 8.52- 8.59            Reserved.**