

House Bill 1036

By: Representative Buckner of the 137th

A BILL TO BE ENTITLED
AN ACT

1 To reincorporate the Town of Waverly Hall in Harris County; to provide for a charter for the
2 Town of Waverly Hall; to provide for reincorporation, boundaries, and powers of the town;
3 to provide for general powers and limitations on powers; to provide for a governing authority
4 of such town and the powers, duties, authority, election, terms, method of filling vacancies,
5 compensation, expenses, qualifications, prohibitions, and posts relative to members of such
6 governing authority; to provide for inquiries and investigations; to provide for organization
7 and procedures; to provide for ordinances; to provide for the office of mayor and
8 councilmembers and certain duties and powers relative to the office of mayor and
9 councilmembers; to provide for administrative responsibilities; to provide for boards,
10 commissions, and authorities; to provide for a town attorney, a town clerk, and other
11 personnel; to provide for a municipal court and the judge or judges thereof; to provide for
12 practices and procedures; to provide for ethics and disclosures; to provide for taxation,
13 licenses, and fees; to provide for franchises, service charges, and assessments; to provide for
14 bonded and other indebtedness; to provide for accounting and budgeting; to provide for
15 purchases; to provide for homestead exemptions; to provide for bonds for officials; to
16 provide for other matters relative to the foregoing; to provide for severability; to repeal
17 conflicting laws; and for other purposes.

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

19 ARTICLE I
20 CREATION, INCORPORATION, POWERS
21 SECTION 1.01.
22 Incorporation.

23 This Act shall constitute the charter of the Town of Waverly Hall, Georgia. The Town of
24 Waverly Hall, Georgia, in the County of Harris, and the inhabitants thereof, are constituted
25 and declared a body politic and corporate under the same name and style of the "Town of

26 Waverly Hall" and by that name shall have perpetual succession, may sue and be sued, plead
27 and be impleaded, in all courts of law and equity, and in all actions whatsoever, and may
28 have and use a common seal.

29 **SECTION 1.02.**

30 Corporate Boundaries.

31 The boundaries of the town shall be those existing on the effective date of the adoption of
32 this charter with such alterations as may be made from time to time in the manner provided
33 by law. The boundaries of the town at all times shall be shown on a map, a written
34 description, or any combination thereof, to be retained permanently in the office of the town
35 clerk and to be designated, as the case may be: "Official Map (or Description) of the
36 corporate limits of the Town of Waverly Hall, Georgia." Photographic, typed, or other
37 copies of such map or description certified by the town clerk shall be admitted as evidence
38 in all courts and shall have the same force and effect as with the original map or description.
39 The town council may provide for the redrawing of any such map by ordinance to reflect
40 lawful changes in the corporate boundaries. A redrawn map shall supersede for all purposes
41 the entire map or maps which it is designated to replace.

42 **SECTION 1.03.**

43 Powers and Construction.

44 (a) The town shall have all powers possible for a town to have under the present or future
45 Constitution and laws of this state as fully and completely as though they were specifically
46 enumerated in this Act. The town shall have all the powers of self-government not otherwise
47 prohibited by this Act or by general law.

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

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

56 (2) Appropriations and expenditures. To make appropriations for the support of the
57 government of the town; to authorize the expenditure of money for any purposes authorized

58 by this charter and for any purpose for which a municipality is authorized by the laws of
59 the State of Georgia; and to provide for the payment of expenses of the town;

60 (3) Building regulation. To regulate and to license the erection and construction of
61 buildings and all other structures; to adopt building, housing, plumbing, electrical, gas, and
62 heating and air conditioning codes; and to regulate all housing and building trades to the
63 extent permitted by general law;

64 (4) Business regulation and taxation. To levy and to provide for the collection of
65 regulatory fees and taxes on privileges, occupations, trades, and professions as authorized
66 by Title 48 of the O.C.G.A., or other such applicable laws as are or may hereafter be
67 enacted; to permit and regulate the same; to provide for the manner and method of payment
68 of such regulatory fees and taxes; and to revoke such permits after due process for failure
69 to pay any town taxes or fees;

70 (5) Condemnation. To condemn property, inside or outside the corporate limits of the
71 town, for present or future use and for any corporate purpose deemed necessary by the
72 town council, utilizing procedures enumerated in Title 22 of the O.C.G.A., or such other
73 applicable laws as are or may hereafter be enacted;

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

76 (7) Emergencies. To establish procedures for determining and proclaiming that an
77 emergency situation exists inside or outside the town, and to make and carry out all
78 reasonable provisions deemed necessary to deal with or meet such an emergency for the
79 protection, safety, health, or well-being of the citizens of the town;

80 (8) Environmental protection. To protect and preserve the natural resources, environment,
81 and vital areas of the town, the region, and the state through the preservation and
82 improvement of air quality, the restoration and maintenance of water resources, the control
83 of erosion and sedimentation, the management of storm water and establishment of a storm
84 water utility, the management of solid and hazardous waste, and other necessary actions
85 for the protection of the environment;

86 (9) Ethics. To adopt ethics ordinances and regulations governing the conduct of municipal
87 elected officials, appointed officials, and employees; establishing procedures for ethics
88 complaints; and setting forth penalties for violations of such rules and procedures;

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

93 (11) Garbage fees. To levy, fix, assess, and collect a garbage, refuse, and trash collection
94 and disposal, and other sanitary service charge, tax, or fee for such services as may be

95 necessary in the operation of the town from all individuals, firms, and corporations residing
96 in or doing business therein benefiting from such services; to enforce the payment of such
97 charges, taxes, or fees; and to provide for the manner and method of collecting such service
98 charges;

99 (12) General health, safety, and welfare. To define, regulate, and prohibit any act,
100 practice, conduct, or use of property which is detrimental to health, sanitation, cleanliness,
101 welfare, and safety of the inhabitants of the town, and to provide for the enforcement of
102 such standards;

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

106 (14) Health and sanitation. To prescribe standards of health and sanitation and to provide
107 for the enforcement of such standards;

108 (15) Jail sentences. To provide that persons given jail sentences in the town's court may
109 work out such sentences in any public works or on the streets, roads, drains, and other
110 public property in the town; to provide for commitment of such persons to any jail; to
111 provide for the use of pretrial diversion and any alternative sentencing allowed by law; or
112 to provide for commitment of such persons to any county work camp or county jail by
113 agreement with the appropriate county officials;

114 (16) Motor vehicles. To regulate the operation of motor vehicles and exercise control over
115 all traffic, including parking upon or across the streets, roads, alleys, and walkways of the
116 town;

117 (17) Municipal agencies and delegation of power. To create, alter, or abolish departments,
118 boards, offices, commissions, and agencies of the town, and to confer upon such agencies
119 the necessary and appropriate authority for carrying out all the powers conferred upon or
120 delegated to the same;

121 (18) Municipal debts. To appropriate and borrow money for the payment of debts of the
122 town and to issue bonds for the purpose of raising revenue to carry out any project,
123 program, or venture authorized by this charter or the laws of the State of Georgia;

124 (19) Municipal property ownership. To acquire, dispose of, lease, and hold in trust or
125 otherwise any real, personal, or mixed property, in fee simple or lesser interest, inside or
126 outside the property limits of the town;

127 (20) Municipal property protection. To provide for the preservation and protection of
128 property and equipment of the town and the administration and use of same by the public;
129 and to prescribe penalties and punishment for violations thereof;

130 (21) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose
131 of public utilities, including, but not limited to, a system of waterworks, sewers and drains,

132 sewage disposal, stormwater management, gas works, electric light plants, cable television
133 and other telecommunications, transportation facilities, public airports, and any other
134 public utility; to fix the taxes, charges, rates, fares, fees, assessments, regulations, and
135 penalties; and to provide for the withdrawal of service for refusal or failure to pay the
136 same;

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

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

141 (24) Planning and zoning. To provide comprehensive town planning for development by
142 zoning; and to provide subdivision regulation and the like as the town council deems
143 necessary and reasonable to insure a safe, healthy, and esthetically pleasing community;

144 (25) Police and fire protection. To exercise the power of arrest through duly appointed
145 police officers, and to establish, operate, or contract for a police and a fire-fighting agency;

146 (26) Public hazards: removal. To provide for the destruction and removal of any building
147 or other structure which is or may become dangerous or detrimental to the public;

148 (27) Public improvements. To provide for the acquisition, construction, building,
149 operation, and maintenance of public ways, parks and playgrounds, recreational facilities,
150 cemeteries, public buildings, libraries, public housing, parking facilities, or charitable,
151 cultural, educational, recreational, conservation, sport, detentional, penal, and medical
152 institutions, agencies, and facilities; and to provide any other public improvements, inside
153 or outside the corporate limits of the town and to regulate the use of public improvements;
154 and for such purposes, property may be acquired by condemnation under Title 22 of the
155 O.C.G.A., or such other applicable laws as are or may hereafter be enacted;

156 (28) Public peace. To provide for the prevention and punishment of loitering, disorderly
157 conduct, drunkenness, riots, and public disturbances;

158 (29) Public transportation. To organize and operate such public transportation systems as
159 are deemed beneficial;

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

165 (31) Regulation of roadside areas. To prohibit or regulate and control the erection,
166 removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any and
167 all other structures or obstructions upon or adjacent to the rights of way of streets and roads

168 or within view thereof, within or abutting the corporate limits of the town; and to prescribe
169 penalties and punishment for violation of such ordinances;

170 (32) Retirement. To provide and maintain a retirement plan for officers and employees
171 of the town;

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

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

186 (35) Solid waste disposal. To provide for the collection and disposal of garbage, rubbish,
187 and refuse and to regulate the collection and disposal of garbage, rubbish, and refuse by
188 others; and to provide for the separate collection of glass, tin, aluminum, cardboard, paper,
189 and other recyclable materials and to provide for the sale of such items;

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

192 (37) Taxes: ad valorem. To levy and provide for the assessment, valuation, revaluation,
193 and collection of taxes on all property subject to taxation; provided, however, that:

194 (A) For all years, the fair market value of all property subject to taxation shall be
195 determined according to the tax digest of Harris County, as provided in Code
196 Section 48-5-352 of the O.C.G.A.; and

197 (B) For all years, the billing date or dates and due date or due dates for municipal ad
198 valorem taxes shall be the same as for Harris County ad valorem taxes;

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

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

205 (40) Urban redevelopment. To organize and operate an urban redevelopment program;
 206 and
 207 (41) Other powers. To exercise and enjoy all other powers, functions, rights, privileges,
 208 and immunities necessary or desirable to promote or protect the safety, health, peace,
 209 security, good order, comfort, convenience, or general welfare of the town and its
 210 inhabitants; to exercise all implied powers necessary or desirable to carry into execution
 211 all powers granted in this charter as fully and completely as if such powers were fully
 212 stated herein; and to exercise all powers now or in the future authorized to be exercised by
 213 other municipal governments under other laws of the State of Georgia; and any listing of
 214 particular powers in this charter shall not be held to be exclusive of others or restrictive of
 215 general words and phrases granting powers, but shall be held to be in addition to such
 216 powers unless expressly prohibited to municipalities under the Constitution or applicable
 217 laws of the State of Georgia.

218 **SECTION 1.04.**

219 Exercise of Powers.

220 All powers, functions, rights, privileges, and immunities of the town, its officers, agencies,
 221 or employees shall be carried into execution as provided by this Act. If this charter makes
 222 no provision, such shall be carried into execution as provided by ordinance or as provided
 223 by pertinent laws of the State of Georgia.

224 **ARTICLE II**

225 **GOVERNMENT STRUCTURE, ELECTIONS, AND LEGISLATIVE BRANCH**

226 **SECTION 2.01.**

227 Town Council Creation; Number; Election.

228 (a) The legislative authority of the government of Waverly Hall, except as otherwise
 229 specifically provided in this Act, shall be vested in a town council to be composed of a mayor
 230 and five councilmembers.

231 (b) The mayor shall be elected by a majority vote of the qualified electors of the town at
 232 large voting at the elections of the town.

233 (c) Each councilmember shall be elected by a majority vote of the qualified electors voting
 234 at the elections of the town. For the purpose of electing the five councilmembers, there shall
 235 be five council posts requiring separate ballots to elect, designated as Council Posts 1
 236 through 5, as described in Section 2.02 of this charter. Each person desiring to offer as a
 237 candidate for councilmember shall designate the council post for which he or she is offering

238 in writing upon qualifying and may only offer for one council post appearing on any given
239 election ballot.

240 **SECTION 2.02.**

241 Mayor and Town Councilmembers; Election, Terms, and Qualifications for Office.

242 (a) Except as otherwise provided herein, the mayor and members of the town council shall
243 serve for terms of four years and until their respective successors are elected and qualified.
244 No person shall be eligible to serve as mayor or councilmember unless that person shall have
245 been a resident of the area comprising the corporate limits of the Town of Waverly Hall for
246 a continuous period of at least 36 months immediately prior to the date of the election for
247 mayor or councilmember, and shall continue to reside therein during that person's period of
248 service, and shall continue to be registered and be qualified to vote in municipal elections of
249 the Town of Waverly Hall.

250 (b) General municipal elections shall be held on the Tuesday next following the first
251 Monday in November or as otherwise required by state law, and quadrennially thereafter.

252 (c) The current mayor Thomas R. Bowden, Jr., and the Councilmember Jack Moore,
253 Post #2, Water Department, and Councilmember Michael Harris, Post #1, Recreation and
254 Culture, shall serve until the expiration of their terms on December 31, 2015, or as otherwise
255 replaced by law. Elections for the offices of mayor; Council Post #2, Water Department; and
256 Council Post #1, Recreation and Culture, shall take place on the Tuesday next following the
257 first Monday in November, 2015, or as otherwise required by state law and quadrennially
258 thereafter.

259 (d) The current Councilmember Patricia Lowman, Post #4, Public Safety; Councilmember
260 Jan Vardeman, Post #3, Streets and Roads; and Councilmember Preston M. Taft, Post #5,
261 Buildings and Grounds, shall serve until the expiration of their current terms on
262 December 31, 2017, or as otherwise replaced by law. Elections for the offices of Council
263 Post #4, Public Safety; Council Post #3, Streets and Roads; and Council Post #5, Buildings
264 and Grounds, shall take place on the Tuesday next following the first Monday in November,
265 2017, or as otherwise required by state law and quadrennially thereafter. Thereafter the
266 mayor and councilmembers shall take office as provided in Code Section 21-2-541.1 of the
267 O.C.G.A. and serve for terms of four years. The present elected members and future
268 members of the governing authority shall serve until their successors are elected and
269 qualified.

270 **SECTION 2.03.**

271 Vacancy; Filling of Vacancies; Suspensions.

272 The office of mayor or councilmember shall become vacant upon the incumbent's death,
 273 resignation, forfeiture of office, or removal from office in any manner authorized by this
 274 charter or the general laws of the State of Georgia. A vacancy in the office of mayor or
 275 councilmember shall be filled for the remainder of the unexpired term by a special election
 276 if such vacancy occurs 12 months or more prior to the expiration of the term of that office.
 277 If such vacancy occurs within 12 months of the expiration of the term of that office, the town
 278 council or those members remaining shall appoint a successor for the remainder of the term.
 279 This provision shall also apply to a temporary vacancy created by the suspension from office
 280 of the mayor or any councilmember.

281 **SECTION 2.04.**

282 Nonpartisan Elections.

283 Political parties shall not conduct primaries for town offices and all names of candidates for
 284 town offices shall be listed without party designation.

285 **SECTION 2.05.**

286 Election by Majority Vote.

287 The candidates for mayor and councilmembers who receive a majority of the votes cast in
 288 the applicable election shall be elected to a term of office. In the event no candidate receives
 289 a majority of the votes cast in said election, a run-off election shall be held between the
 290 candidates receiving the highest number of votes. Such run-off shall be held at the time
 291 specified by state election law, unless such run-off date is postponed by court order.

292 **SECTION 2.06.**

293 Applicability of General Laws; Qualifying; Other Provisions.

294 All primaries and elections shall be held and conducted in accordance with Chapter 2 of
 295 Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended. Except
 296 as otherwise provided by this Act, the town council shall, by ordinance or resolution,
 297 prescribe such rules and regulations as it deems appropriate, including, but not limited to, the
 298 establishment of qualifying fees, to fulfill any options and duties under Chapter 2 of Title 21
 299 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended.

300

SECTION 2.07.

301

Compensation and Expenses.

302 The annual salary of the mayor shall be \$3,000.00 and the annual salary for each
 303 councilmember shall be \$1,200.00. Such salary shall be paid from municipal funds in
 304 monthly installments. The town council may provide by ordinance for the provision of
 305 insurance, retirement, workers compensation, and other employee benefits to the mayor and
 306 members of the town council and may provide by ordinance for the reimbursement of
 307 expenses actually and necessarily incurred by the mayor and members of the town council
 308 in carrying out their official duties.

309

SECTION 2.08.

310

Inquiries and Investigations.

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

316

SECTION 2.09.

317

Meetings and Mayor Pro Tempore.

318 (a) The town council shall meet on the first working day in January immediately following
 319 each regular municipal election. The meeting shall be called to order by the mayor-elect and
 320 the oath of office shall be administered to the newly elected mayor and councilmembers by
 321 a judicial officer authorized to administer oaths. The oath shall, to the extent that it comports
 322 with federal and state law, be as follows:

323 "I do solemnly (swear)(affirm) that I will well and truly perform the duties of
 324 (mayor)(councilmember),(as the case may be) of the Town of Waverly Hall, to the best
 325 of my ability, without fear or favor. I am not the holder of any unaccounted for public
 326 money due this state or any political subdivision or authority thereof. I am not the holder
 327 of any office of trust under the government of the United States, any other state, or any
 328 foreign state which I by the laws of the State of Georgia am prohibited from holding. I am
 329 otherwise qualified to hold said office according to the Constitution and laws of Georgia.
 330 I have been a resident of the Town of Waverly Hall for the time required by the
 331 Constitution and laws of this state and by the municipal charter. Further, I will support and

332 defend the charter thereof as well as the Constitutions and laws of the State of Georgia and
 333 of the United States of America, so help me God."

334 (b) Following the induction of the mayor and councilmembers, the town council, by a
 335 majority vote of the councilmembers, shall elect a councilmember to be mayor pro tempore,
 336 who shall serve for a term of one year and until a successor is elected and qualified. The
 337 mayor pro tempore shall assume the duties and powers of the mayor during the mayor's
 338 disability or absence, except that the mayor pro tempore shall continue to vote as a
 339 councilmember and may not exercise the mayor's prerogative to vote in the case of a tie.
 340 During the mayor's disability or absence, the mayor pro tempore will be clothed with the
 341 other mayor's powers herein. If the mayor pro tempore is absent because of sickness or
 342 disqualification, any one of the remaining councilmembers, chosen by the members present,
 343 shall be clothed with all the rights and privileges of the mayor and shall perform the mayor's
 344 duties in the same manner as the mayor pro tempore.

345 (c) The town council shall, at least once a month, hold regular meetings at such times and
 346 places as prescribed by ordinance, presently the first Monday of each month at 7:00 p.m.,
 347 unless the Monday falls on a federal holiday then the meeting will be held on the 1st
 348 Tuesday at 7:00 p.m. The council may recess any regular meeting and continue such
 349 meeting on any weekday or hour it may fix and may transact any business at such continued
 350 meeting as may be transacted at any regular meeting.

351 (d) Special meetings of the council may be held on the call of the mayor or two members
 352 of the council. Notice of such special meetings shall be delivered to all members of the
 353 council and the mayor personally, by registered mail, or by electronic means, at least
 354 24 hours in advance of the meeting. Such notice to councilmembers shall not be required if
 355 the mayor and all councilmembers are present when the special meeting is called. Such
 356 notice of any special meeting may be waived by the mayor or a councilmember in writing
 357 before or after such a meeting and attendance at the meeting shall also constitute a waiver
 358 of notice. The notice of such special meeting shall state what business is to be transacted at
 359 the special meeting. Only the business stated in the call may be transacted at the special
 360 meeting.

361 **SECTION 2.10.**

362 **Quorum; Voting.**

363 Three councilmembers shall constitute a quorum and shall be authorized to transact business
 364 for the council. Voting on the adoption of ordinances shall be taken by voice vote and the
 365 yeas and nays shall be recorded in the minutes, but on the request of any member there shall
 366 be a roll-call vote. In order for any ordinance, resolution, motion, or other action of the

367 council to be adopted, the measure must receive at least two affirmative votes and must
 368 receive the affirmative votes of a majority of those voting. No member of the town council
 369 shall abstain from voting on any matter properly brought before the council for official action
 370 except when such member of council has a conflict of interest which is disclosed in writing
 371 prior to or at the meeting and made a part of the minutes. Any member of the town council
 372 present and eligible to vote on a matter and refusing to do so for any reason other than a
 373 properly disclosed and recorded conflict of interest shall be deemed to have acquiesced or
 374 concurred with the members of the majority who did vote on the question involved. The
 375 mayor shall vote only in the case of a tie.

376 **SECTION 2.11.**

377 General Power and Authority of the Council.

378 (a) Except as otherwise provided by law or by this charter, the council shall be vested with
 379 all the powers of government of the Town of Waverly Hall as provided by Article I of this
 380 charter.

381 (b) In addition to all other powers conferred upon it by law, the council shall have the
 382 authority to adopt and provide for the execution of such ordinances, resolutions, rules, and
 383 regulations, and the exercising of eminent domain not inconsistent with this charter and the
 384 Constitution and the laws of the State of Georgia, which it shall deem necessary, expedient,
 385 or helpful for the peace, good order, protection of life and property, health, welfare,
 386 sanitation, comfort, convenience, prosperity, or well-being of the inhabitants of the Town of
 387 Waverly Hall and may enforce such ordinances by imposing penalties for violation thereof.
 388 The town council is hereby empowered to acquire, construct, operate and maintain public
 389 ways, parks, public grounds, cemeteries, markets, market houses, public buildings, libraries,
 390 sewers, drains, sewage treatment, waterworks, electrical systems, gas systems, airports,
 391 hospitals, and charitable, educational, recreational, sport, curative, corrective, detentional,
 392 penal, and medical institutions, agencies, and facilities, and any other public improvements
 393 inside or outside the town, and to regulate the use thereof, and for such purposes, property
 394 may be condemned under procedures established under general law applicable now or as
 395 provided in the future.

396 **SECTION 2.12.**

397 Administrative and Service Departments.

398 (a) The council, by ordinance, may establish, abolish, merge, or consolidate offices,
 399 positions of employment, departments, and agencies of the town as they shall deem

400 necessary for the proper administration of the affairs and government of the town. The
 401 council shall prescribe the functions and duties of existing departments, offices, and agencies
 402 or of any departments, offices, and agencies hereinafter created or established; may provide
 403 that the same person shall fill any number of offices and positions of employment; and may
 404 transfer or change the functions and duties of offices, positions of employment, departments,
 405 and agencies of the town.

406 (b) The operations and responsibilities of each department now or hereafter established in
 407 the town shall be distributed among such divisions or bureaus as may be provided by
 408 ordinance of the council. Each department shall consist of such officers, employees, and
 409 positions as may be provided by this charter or by ordinance and shall be subject to the
 410 general supervision of the councilmember whose post is designated for said department
 411 herein.

412 **SECTION 2.13.**

413 **Boards, Commissions, and Authorities.**

414 (a) All members of boards, commissions, and authorities of the town shall be nominated by
 415 the mayor and be confirmed by the council for such terms of office and such manner of
 416 appointment as provided by ordinance, except where other appointing authority, term of
 417 office, or manner of appointment is prescribed by this charter or by applicable state law.

418 (b) No member of any board, commission, or authority of the town shall hold any elective
 419 office in the town. Councilmembers and the mayor, however, may serve as ex officio
 420 members of such boards, commissions, or authorities, without a vote. The mayor shall serve
 421 as the ex officio chairperson of all boards, commissions, or authorities.

422 (c) Any vacancy in office of any member of a board, commission, or authority of the town
 423 shall be filled for the unexpired term in the manner prescribed for original appointment,
 424 except as otherwise provided by this charter or any applicable state law.

425 (d) No member of any board, commission, or authority shall assume office until he or she
 426 shall have executed and filed with the designated officer of the town an oath obligating
 427 himself or herself to faithfully and impartially perform the duties of his or her office, such
 428 oath to be prescribed by ordinance of the council and administered by the mayor.

429 (e) Any member of a board, commission, or authority may be removed from office for cause
 430 by a vote of a majority of the members of the council.

431 (f) Members of boards, commissions, and authorities may receive such compensation and
 432 expenses in the performance of their official duties as prescribed by ordinance.

433 (g) Except as otherwise provided by this charter or by applicable state law, each board,
 434 commission, or authority of the town government shall elect one of its one members as vice

435 chairperson for terms of one year and may elect as its secretary one of its own members or
 436 may appoint as secretary an employee of the town. Each board, commission, or authority of
 437 the town government may establish such bylaws, rules, and regulations not inconsistent with
 438 this charter, ordinances of the town, or applicable state law as it deems appropriate and
 439 necessary for the conduct of its affairs, copies of which shall be filed with the designated
 440 officer of the town.

441 **SECTION 2.14.**

442 Ordinance Form; Procedures.

443 (a) Every proposed ordinance and resolution shall be introduced in writing, and the town
 444 council shall have the authority to approve, disapprove, or amend the same. After the title
 445 of any proposed resolution or ordinance is read at a town council meeting, it may be
 446 approved and passed at such time by the town council.

447 (b) The catchlines of sections of this charter or any ordinance printed in boldface type,
 448 italics, or otherwise, are intended as mere catchwords to indicate the contents of the section,
 449 and:

450 (1) Shall not be deemed or taken to be titles of such sections or as any part of the section;
 451 and

452 (2) Shall not be so deemed when any of such sections, including the catchlines, are
 453 amended or reenacted unless expressly provided to the contrary.

454 Furthermore, the chapter, article, and section headings contained in this Act shall not be
 455 deemed to govern, limit, or modify or in any manner affect the scope, meaning, or intent of
 456 the provisions of any chapter, article, or section hereof.

457 (c) The town council may, by ordinance or resolution, adopt rules and bylaws to govern the
 458 conduct of its business, including procedures and penalties for compelling the attendance of
 459 absent members. Such rules may include punishment for contemptuous behavior conducted
 460 in the presence of the town council.

461 **SECTION 2.15.**

462 Submission of Ordinances to the Mayor.

463 (a) Every ordinance, resolution, and other action adopted by the council shall be presented
 464 promptly to the mayor. Except for council approval of appointments to committees, boards,
 465 and commissions, the employment of any appointed officer, internal affairs, or matters which
 466 must be approved by the voters, the mayor may veto any action adopted by the town council.

467 (b) The veto must be exercised no later than the next regular town council meeting following
 468 the meeting at which the action was taken. If an action is disapproved, the mayor shall
 469 submit to the council a written statement of the reasons for the mayor's veto.

470 (c) An action vetoed by the mayor shall automatically be on the agenda at the next regular
 471 meeting of the town council for reconsideration. If the minimum number of councilmembers
 472 necessary to vote on overriding the veto are not present, the action may be continued until
 473 the next meeting at which the minimum number of councilmembers are present. Such action
 474 shall not become effective unless it is readopted by the affirmative votes of at least three
 475 members of council within 60 days of the veto.

476 (d) The mayor may disapprove or reduce any item or items of appropriation in any ordinance
 477 or resolution. The approved part or parts of any ordinance or resolution making
 478 appropriations shall become law, and the part or parts disapproved or reduced shall not
 479 become law unless subsequently passed by the town council over the mayor's veto as
 480 provided in this charter.

481 (e) If an ordinance or resolution has been signed by the mayor, it shall become effective.
 482 If an ordinance or resolution is neither approved nor disapproved by the next regular meeting
 483 of the town council, it shall become effective.

484 ARTICLE III

485 EXECUTIVE BRANCH

486 SECTION 3.01.

487 Powers and Duties of the Mayor.

488 (a) The mayor shall be the chief executive officer of the town government, a member of and
 489 the presiding officer of the town council, and responsible for the efficient and orderly
 490 administration of the town's affairs. The mayor shall be responsible for the enforcement of
 491 laws, rules, regulations, ordinances, and franchises in the town. The mayor may conduct
 492 inquiries and investigations into the conduct of the town's affairs and shall have such powers
 493 and duties as specified in this charter or as may be provided by ordinance consistent with this
 494 charter.

495 (b) The mayor shall:

496 (1) Preside at all meetings of the town council;

497 (2) Be the head of the town for the purpose of service of process and for ceremonial
 498 purposes and be the official spokesperson for the town and the advocate of policy;

499 (3) Sign as a matter of course on behalf of the town all written and approved contracts,
 500 ordinances, resolutions, and other instruments executed by the town which by law are
 501 required to be in writing;

- 502 (4) See that all laws and ordinances of the town are faithfully executed;
- 503 (5) Vote on any motion, resolution, ordinance, or other question before the council only
- 504 as provided in Section 2.10 of this charter;
- 505 (6) Obtain short-term loans in the name of the town when authorized by the town council
- 506 to do so;
- 507 (7) Name qualified residents of the town to boards and commissions with approval of the
- 508 town council;
- 509 (8) Approve all checks for payment of expenses of the town prior to issue of payment;
- 510 (9) Vote for the rehire of town employees and officers at the first meeting of each year,
- 511 unless his or her vote would cause a tie and then in that event the mayor's vote shall not be
- 512 counted unless it is to break a tie;
- 513 (10) Make recommendations with respect to the employment or termination of town
- 514 employees;
- 515 (11) Prepare or have prepared an agenda for each meeting of the town council which shall
- 516 include all business submitted by the mayor, any councilmember, the town manager, and
- 517 the town attorney; and
- 518 (12) Fulfill and perform such other duties as are imposed by this charter and duly adopted
- 519 ordinances.

520 **SECTION 3.02.**

521 Town Attorney.

522 The council shall confirm by majority vote of the council a town attorney, together with such

523 assistant town attorneys as may be deemed appropriate, and shall provide for the payment

524 of such attorney or attorneys for services rendered to the town. The town attorney shall be

525 responsible for representing and defending the town in all litigation in which the town is a

526 party; may be the prosecuting officer in the municipal court; shall attend the meetings of the

527 council as directed; shall advise the council, mayor, other officers, and employees of the

528 town concerning legal aspects of the town's affairs; and shall perform such other duties as

529 may be required by virtue of his or her position as town attorney. The town attorney shall

530 review all contracts of the town before their execution but shall not have the power to bind

531 the town.

532 **SECTION 3.03.**

533 Town Clerk.

534 The council may appoint a town clerk, subject to confirmation by majority vote of the
535 council, to keep a journal of the proceedings of the town council; to maintain in a safe place
536 all records and documents pertaining to the affairs of the town; and to perform such duties
537 as may be required by law or ordinance or as the mayor or town council may direct.

538 **SECTION 3.04.**

539 Tax Collector.

540 The council may appoint a tax collector, subject to confirmation by majority vote of the
541 council, to collect all taxes, licenses, fees, and other moneys belonging to the town subject
542 to the provisions of this charter and the ordinances of the town; and the tax collector shall
543 diligently comply with and enforce all general laws of Georgia relating to the collection, sale,
544 or foreclosure of taxes by municipalities.

545 **SECTION 3.05.**

546 Town Accountant.

547 The council may appoint a town accountant, subject to confirmation by majority vote of the
548 council, to perform the duties of an accountant.

549 **SECTION 3.06.**

550 Consolidation of Functions.

551 The council, may consolidate any two or more of the positions of town clerk, town tax
552 collector, and town accountant, or any other positions or may assign the functions of any one
553 or more of such positions to the holder or holders of any other positions. The town manager
554 may also, with the approval of the town council, perform all or any part of the functions of
555 any of the positions or offices in lieu of the appointment of other persons to perform the
556 same.

557 **SECTION 3.07.**

558 Position Classification and Pay Plans; Employment at Will.

559 The town council shall be responsible for the preparation of a position classification and a
 560 pay plan which shall be prepared and approved annually by the town council. Said plan may
 561 apply to all employees of the Town of Waverly Hall and any of its agencies and offices.
 562 When a pay plan has been adopted by the council, neither the council nor any department
 563 head or supervisor shall increase or decrease the salaries of individual employees except in
 564 conformity with such pay plan or pursuant to an amendment of said pay plan duly adopted
 565 by the council. Except as otherwise provided in this charter, all employees of the town shall
 566 be subject to removal or discharge, with or without cause, at any time.

567 **ARTICLE IV**
 568 **MUNICIPAL COURT**

569 **SECTION 4.01.**

570 Creation.

571 There is established a court to be known as the Municipal Court of the Town of Waverly Hall
 572 which shall have jurisdiction and authority to try offenses against the laws and ordinances
 573 of said town and to punish for a violation of the same. Such court shall have the power to
 574 enforce its judgments by the imposition of such penalties as may be provided by law,
 575 including ordinances of the town; to punish witnesses for nonattendance and to punish also
 576 any person who may counsel or advise, aid, encourage, or persuade another whose testimony
 577 is desired or material in any proceeding before said court to go or move beyond the reach of
 578 the process of the court; to try all offenses within the territorial limits of the town constituting
 579 traffic cases which, under the laws of Georgia, are placed within the jurisdiction of municipal
 580 courts to the extent of, and in accordance with, the provisions of such laws and all laws
 581 subsequently enacted amendatory thereof. When convened, the municipal court shall be
 582 presided over by a judge of the court.

583 **SECTION 4.02.**

584 Judge.

585 (a) No person shall be qualified or eligible to serve as judge unless he or she shall have
 586 attained the age of 25 years and shall have been a member of the State Bar of Georgia for a
 587 minimum of three years. The current sitting Municipal Court Judge of Waverly Hall,
 588 Georgia, is herewith grandfathered and shall remain qualified pursuant to Georgia law.

589 (b) All judges shall be appointed by resolution by the council and shall serve for a term of
 590 one year. The position of judge shall not be a full-time position, and the person serving in
 591 this position may engage in the practice of law; provided, however, that a judge may not
 592 appear and represent a client before the court. The compensation of all judges shall be fixed
 593 by the council by resolution.

594 (c) Before entering on duties of his or her office, the appointed judges shall take an oath
 595 before an officer duly authorized to administer oaths in this state declaring that he or she will
 596 truly, honestly, and faithfully discharge the duties of his or her office to the best of his or her
 597 ability without fear, favor, or partiality. The oath shall be entered upon the minutes of the
 598 council.

599 (d) A judge of the municipal court shall serve for the designated term, but may be removed
 600 from the position by a two-thirds' vote of the entire membership of the town council or upon
 601 action taken by the State Judicial Qualifications Commission for:

- 602 (1) Willful misconduct in office;
- 603 (2) Willful and persistent failure to perform duties;
- 604 (3) Habitual intemperance;
- 605 (4) Conduct prejudicial to the administration of justice which brings the judicial office into
 606 disrepute; or
- 607 (5) Disability seriously interfering with the performance of duties, which is, or is likely to
 608 become, of a permanent character.

609 **SECTION 4.03.**

610 Administration.

611 (a) The position of clerk of the court is created. The clerk shall be appointed by the town
 612 council and shall serve at the pleasure of the town council.

613 (b) The clerk of the court shall be responsible for all record keeping of the court and the bill
 614 keeping and collection of all fines received by the court.

615 (c) In addition, the clerk of the court shall serve as administrator of the court, setting times
 616 and dates for convening of the court upon guidance of the judge, preparing the court docket,
 617 and for such other services as may be assigned by resolution or ordinance of the council.

618 **SECTION 4.04.**

619 Jurisdiction; Powers.

620 The municipal court shall try and punish for crimes against the Town of Waverly Hall and
 621 for violation of its ordinances. The municipal court shall have authority to punish those in

622 its presence for contempt, provided that such punishment shall not exceed \$200.00 or
623 imprisonment for 15 days. The municipal court may impose punishment for offenses within
624 its jurisdiction to the full extent allowed by state law. The municipal court may fix
625 punishment for offenses within its jurisdiction not exceeding a fine of \$1,000.00 or
626 imprisonment for 180 days or both such fine and imprisonment or may fix punishment by
627 fine, imprisonment, or alternative sentencing as now or hereafter provided by law. The
628 municipal court shall have authority to establish a schedule of fees to defray the cost of
629 operation, and shall be entitled to reimbursement of the cost of meals, transportation, and
630 caretaking of prisoners bound over to superior courts for violations of state law. The
631 municipal court shall have authority to establish bail and recognizances to ensure the
632 presence of those charged with violations before said court, and shall have discretionary
633 authority to accept cash or personal or real property as surety for the appearance of persons
634 charged with violations. Whenever any person shall give bail for that person's appearance
635 and shall fail to appear at the time fixed for trial, the bond shall be forfeited by the judge
636 presiding at such time, and an execution issued thereon by serving the defendant and the
637 defendant's sureties with a rule nisi, at least two days before a hearing on the rule nisi. In the
638 event that cash or property is accepted in lieu of bond for security for the appearance of a
639 defendant at trial, and if such defendant fails to appear at the time and place fixed for trial,
640 the cash so deposited shall be on order of the judge declared forfeited to the town, or the
641 property so deposited shall have a lien against it for the value forfeited which lien shall be
642 enforceable in the same manner and to the same extent as a lien for town property taxes. The
643 municipal court shall have the same authority as superior courts to compel the production of
644 evidence in the possession of any party; to enforce obedience to its orders, judgments and
645 sentences; and to administer such oaths as are necessary. The municipal court may compel
646 the presence of all parties necessary to a proper disposal of each case by the issuance of
647 summonses, subpoenas, and warrants which may be served as executed by any officer as
648 authorized by this charter or by law. Each judge of the municipal court shall be authorized
649 to issue warrants for the arrest of persons charged with offenses against any ordinance of the
650 town, and each judge of the municipal court shall have the same authority as a magistrate of
651 the state to issue warrants for offenses against state laws committed within the town. The
652 council shall have authority to establish a schedule of reasonable fees to defray the cost of
653 operation.

654 **SECTION 4.05.**

655 Certiorari.

656 The right of certiorari from the decision and judgment of the municipal court shall exist in
 657 all criminal cases and ordinance violation cases, and such certiorari shall be obtained under
 658 the sanction of a judge of the Superior Court of Harris County under the laws of the State of
 659 Georgia regulating the granting and issuance of writs of certiorari.

660 **SECTION 4.06.**

661 Rules for Court.

662 With the approval of the council, the judge shall have full power and authority to make
 663 reasonable rules and regulations necessary and proper to secure the efficient and successful
 664 administration of the municipal court. The clerk of the court, as administrator of the court,
 665 shall prepare reasonable rules and regulations necessary and proper to secure the efficient
 666 and successful administration of the municipal court.

667 **ARTICLE V**
 668 **FINANCE AND FISCAL**

669 **SECTION 5.01.**

670 Fiscal Year.

671 The council shall set the fiscal year by ordinance. Such fiscal year shall constitute the budget
 672 year and the year for financial accounting and reporting of each and every office, department
 673 or institution, agency, and activity of the town government, unless otherwise provided by
 674 state or federal law.

675 **SECTION 5.02.**

676 Preparation of Budgets.

677 The council shall provide, by ordinance, the procedures and requirements for the preparation
 678 and execution of an annual operating budget and a capital improvement program and a
 679 capital budget, including requirements as to the scope, content, and form of such budgets and
 680 programs.

681 **SECTION 5.03.**

682 Submission of Operating Budget to Town Council.

683 On or before a date fixed by the council, but not later than 90 days prior to the beginning of
684 each fiscal year, the mayor, in planning and consultation with the town council, shall
685 formally submit to the council a proposed operating budget for the ensuing fiscal year. The
686 proposed budget and shall be open to public inspection in the office of the town clerk.

687 **SECTION 5.04.**

688 Action by Council on Budget.

689 The council may amend the operating budget proposed by the mayor, except that the budget,
690 as finally amended and adopted, shall provide for all expenditures required by law, or by
691 other provisions of this charter, and for all debt service requirements for the ensuing fiscal
692 year and the total appropriations from any fund shall not exceed the estimated fund balance,
693 reserves, and revenues, constituting the fund availability of such fund.

694 **SECTION 5.05.**

695 Audits.

696 (a) There shall be an annual independent audit of all town accounts, funds, and financial
697 transactions by a certified public accountant selected by the town council. The audit shall
698 be conducted according to generally accepted accounting principles. Any audit of any funds
699 by the state or federal government may be accepted as satisfying the requirements of this
700 charter. Copies of all audit reports shall be available at printing cost to the public.

701 (b) As a minimum, all audits and budgets of the town shall satisfy the requirements of
702 Chapter 81 of Title 36 of the O.C.G.A., relating to local government audits and budgets.

703 **SECTION 5.06.**

704 Homestead Exemptions.

705 Any homestead exemptions applicable to ad valorem taxes levied by the town shall be as
706 provided by Act of the General Assembly pursuant to Article VII, Section II, Paragraph II
707 of the Georgia Constitution.

708

ARTICLE VI

709

GENERAL PROVISIONS

710

SECTION 6.01.

711

Rules of Procedure.

712 The mayor and council may adopt rules of procedure and order of business consistent with
713 the provisions of this charter and shall provide for a public written record.

714

SECTION 6.02.

715

Municipal Elections Superintendent.

716 There shall be appointed by the mayor and council a municipal elections superintendent who
717 shall also serve as municipal registrar; provided, however, that where the duties of municipal
718 elections superintendent are being performed, under ordinance or contract, by the Harris
719 County Board of Elections and Registration, such officer shall only perform the duties of
720 municipal registrar as established in Title 21 of the O.C.G.A., the "Georgia Election Code."
721 This officer shall serve at the pleasure of the mayor and council, who shall fix the
722 compensation for the office by ordinance or resolution. This officer may be removed from
723 office at any time, without cause or notice, upon the affirmative vote of at least three
724 members of the council.

725

SECTION 6.03.

726

Existing Code and Prior Ordinances.

727 All provisions of the Code of Waverly Hall, Georgia, and any uncodified ordinances,
728 resolutions, rules, and regulations now in force in the town not inconsistent with this charter
729 are hereby declared valid and of full effect and force until expressly amended or repealed by
730 ordinance enacted by the mayor and council.

731

SECTION 6.04.

732

Personnel and Officers.

733 Except as specifically provided otherwise by this charter, all personnel and appointed officers
734 of the town and their rights, privileges, and powers shall continue beyond the time this
735 charter takes effect for a period up and until December 31, 2014, unless sooner terminated
736 by a majority vote of town council.

737 **SECTION 6.05.**

738 Pending Matters.

739 Except as specifically provided otherwise by this charter, all rights, claims, actions, orders,
 740 contracts, and legal or administrative proceedings shall continue and any such ongoing work
 741 or cases shall be completed by the appropriate town officer, departments, agencies, or
 742 personnel.

743 **SECTION 6.06.**

744 Conflict of Interest of Elected Officials and Appointed Officers.

745 (a) Elected and appointed officers of the town are trustees and servants of the residents of
 746 the town and shall act in a fiduciary capacity for the benefit of such residents. Except as
 747 authorized by law, the mayor or any councilmember shall not hold any other town office or
 748 town employment during the term for which that person was elected. Neither the mayor nor
 749 any member of the town council shall vote upon, sign, or veto any ordinance, resolution,
 750 contract, or other matter in which that person is financially interested. No elected official,
 751 appointed officer, or employee of the town or any agency or political entity to which this
 752 charter applies shall knowingly:

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

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

761 (3) Disclose confidential information, including information obtained at meetings which
 762 are closed pursuant to Chapter 14 of Title 50 of the O.C.G.A., concerning the property,
 763 government, or affairs of the governmental body by which the official is engaged without
 764 proper legal authorization; or use such information to advance the financial or other private
 765 interest of the official or others;

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

770 for public office may accept campaign contributions and services in connection with any
771 such campaign;

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

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

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

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

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

793 (e) Ineligibility of Elected Official - Except where authorized by law, neither the mayor nor
794 any councilmember shall hold any other elective or appointive office in the town or
795 otherwise be employed by said government or any agency thereof during the term for which
796 that official was elected. No former mayor and no former councilmember shall hold any
797 appointive office in the town until at least one year after the expiration of the term for which
798 that official was elected.

799 (f) Political Activities of Certain Officers and Employees -No appointive officer of the town
800 shall continue in such employment upon qualifying as a candidate for nomination or election
801 to any public office. No employee of the town shall continue in such employment upon
802 qualifying for or election to any public office in this town or any other public office which
803 is inconsistent, incompatible, or in conflict with the duties of the town employee. Such
804 determination shall be made by the council either immediately upon election or at any time
805 such conflict may arise.

806 (g) Penalties for Violation - Any town officer or employee who knowingly conceals such
 807 financial interest or knowingly violates any of the requirements of this section shall be guilty
 808 of malfeasance in office or position and shall be deemed to have forfeited that person's office
 809 or position. Any officer or employee of the town, who shall forfeit an office or position as
 810 described in this subsection, shall be ineligible for appointment or election to or employment
 811 in a position in the town government for a period of three years thereafter.

812 **SECTION 6.07.**

813 Removal of Officers.

814 The mayor, councilmembers, or other appointed officers provided for in this charter shall be
 815 removed from office for any one or more of the causes provided in Title 45 of the O.C.G.A,
 816 or such other applicable laws as are or may hereafter be enacted. Removal of an officer
 817 pursuant to this section shall be accomplished by one of the following methods:

818 (1) Following a hearing at which an impartial panel shall render a decision. In the event
 819 an elected officer is sought to be removed by the action of the town council, such officer
 820 shall be entitled to a written notice specifying the ground or grounds for removal and to a
 821 public hearing which shall be held not less than ten days after the service of such written
 822 notice. The town council shall provide by ordinance for the manner in which such hearings
 823 shall be held. Any elected officer sought to be removed from office as herein provided
 824 shall have the right of appeal from the decision of the town council to the Superior Court
 825 of Harris County. Such appeal shall be governed by the same rules as govern appeals to
 826 the superior court from the probate court; or

827 (2) By an order of the Superior Court of Harris County following a hearing on a complaint
 828 seeking such removal brought by any resident of the Town of Waverly Hall.

829 **SECTION 6.08.**

830 Term Limits of Elected Officials.

831 There shall be no term limits.

832 **SECTION 6.09.**

833 Emergencies.

834 To meet a public emergency affecting life, health, property, or public peace, the town council
 835 may convene on call of the mayor or two councilmembers and promptly adopt an emergency
 836 ordinance, but such ordinance may not levy taxes; grant, renew, or extend a franchise;

837 regulate the rate charged by any public utility for its services; or authorize the borrowing of
 838 money except for loans to be repaid within 30 days. An emergency ordinance shall be
 839 introduced in the form prescribed for ordinances generally, except that it shall be plainly
 840 designated as an emergency ordinance and shall contain, after the enacting clause, a
 841 declaration stating that an emergency exists, and describing the emergency in clear and
 842 specific terms. An emergency ordinance may be adopted, with or without amendment, or
 843 rejected at the meeting at which it is introduced, but the affirmative vote of at least a majority
 844 of councilmembers shall be required for adoption. It shall become effective upon adoption
 845 or at such later time as it may specify. Every emergency ordinance shall automatically stand
 846 repealed 30 days following the date upon which it was adopted, but this shall not prevent
 847 reenactment of the ordinance in the manner specified in this section if the emergency still
 848 exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance
 849 in the same manner specified in this section for adoption of emergency ordinances. Such
 850 meetings shall be open to the public to the extent required by law and notice to the public of
 851 emergency meetings shall be made as fully as is reasonably possible in accordance with Code
 852 Section 50-14-1 of the O.C.G.A., or such other applicable laws as are or may hereafter be
 853 enacted.

854 **SECTION 6.10.**

855 Codes of Technical Regulations.

856 The town council may adopt any standard code of technical regulations by reference thereto
 857 in an adopting ordinance. The procedure and requirements governing such adopting
 858 ordinance shall be as prescribed for ordinances generally except that:

859 (1) The requirements for distribution and filing of copies of the ordinance shall be
 860 construed to include copies of any code of technical regulations, as well as the adopting
 861 ordinance; and

862 (2) A copy of each adopted code of technical regulations, as well as the adopting
 863 ordinance, shall be authenticated and recorded by the clerk.

864 Copies of any adopted code of technical regulations shall be made available by the clerk for
 865 inspection by the public.

866 **SECTION 6.11.**

867 Signing; Authenticating; Recording; Codification; Printing.

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

870 provide for the preparation of a general codification of all the ordinances of the town having
871 the force and effect of law. The general codification shall be adopted by the town council
872 by ordinance and shall be published promptly, together with all amendments thereto and such
873 codes of technical regulations and other rules and regulations as the town council may
874 specify. This compilation shall be known and cited officially as "The Code of the Town of
875 Waverly Hall, Georgia." Copies of the code shall be furnished to all officers, departments,
876 and agencies of the town, and made available for purchase by the public at a reasonable price
877 as fixed by the town council. The town council shall cause each ordinance and each
878 amendment to this charter to be printed promptly following its adoption, and the printed
879 ordinances and charter amendments shall be made available for purchase by the public at
880 reasonable prices to be fixed by the town council. Following publication of the first code
881 under this charter and at all times thereafter, the ordinances and charter amendments shall
882 be printed in substantially the same style as the code currently in effect and shall be suitable
883 in form for incorporation therein. The town council shall make such further arrangements
884 as deemed desirable with reproduction and distribution of any current changes in or additions
885 to codes of technical regulations and other.

886 **SECTION 6.12.**

887 Short-Term Loans.

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

890 **SECTION 6.13.**

891 Lease-Purchase Contracts.

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

899

SECTION 6.14.

900

Contracting Procedures.

901 No contract with the town shall be binding on the town unless:

902 (1) It is in writing;

903 (2) It is drawn by or submitted to and reviewed by the town attorney, and as a matter of
904 course, is signed by the town attorney to indicate such drafting or review; and905 (3) It is made or authorized by the town council and such approval is entered in the town
906 council journal of proceedings.

907

SECTION 6.15.

908

Centralized Purchasing.

909 The town council shall by ordinance or otherwise prescribe procedures for a system of
910 centralized purchasing for the town.

911

SECTION 6.16.

912

Sale and Lease of Town Property.

913 The town council may sell and convey, or lease, any real or personal property owned or held
914 by the town for governmental or other purposes as now or hereafter provided by law. The
915 town council may quitclaim any rights it may have in property not needed for public
916 purposes upon report by the mayor and adoption of a resolution, both finding that the
917 property is not needed for public or other purposes and that the interest of the town has no
918 readily ascertainable monetary value. Whenever in opening, extending, or widening any
919 street, avenue, alley, or public place of the town, a small parcel or tract of land is cut-off or
920 separated by such work from a larger tract or boundary of land owned by the town, the town
921 council may authorize the mayor to sell and convey said cut-off or separated parcel or tract
922 of land to an abutting or adjoining property owner or owners where such sale and
923 conveyance facilitates the enjoyment of the highest and best use of the abutting owner's
924 property. Included in the sales contract shall be a provision for the rights of way of said
925 street, avenue, alley, or public place. Each abutting property owner shall be notified of the
926 availability of the property and given the opportunity to purchase said property under such
927 terms and conditions as set out by ordinance. All deeds and conveyances heretofore and
928 hereafter so executed and delivered shall convey all title and interest the town has in such
929 property, notwithstanding the fact that no public sale after advertisement was or is hereafter
930 made.

931 **SECTION 6.17.**

932 Bonds for Officials.

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

936 **SECTION 6.18.**

937 Construction.

938 Section captions in this charter are informative only and are not to be considered as a part
939 thereof. The word "shall" is mandatory and the word "may" is permissive. The singular shall
940 include the plural, the masculine shall include the feminine, and vice versa.

941 **SECTION 6.19.**

942 Severability.

943 In the event any section, subsection, sentence, clause, or phrase of this Act shall be declared
944 or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other
945 sections, subsections, sentences, clauses, or phrases of this Act, which shall remain of full
946 force and effect, as if the section, subsection, sentence, clause, or phrase so declared or
947 adjudged invalid or unconstitutional were not originally a part hereof. The General
948 Assembly hereby declares that it would have passed the remaining parts of this Act if it had
949 known that such part or parts hereof would be declared or adjudged invalid or
950 unconstitutional.

951 **SECTION 6.20.**

952 Specific Repealer.

953 An Act incorporating the Town of Waverly Hall in the County of Harris, approved July 19,
954 1914 (Ga. L. 1914, p. 1211), is hereby repealed in its entirety and all amendatory acts thereto
955 are likewise repealed in their entirety.

956 **SECTION 6.21.**

957 General Repealer.

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