

Senate Bill 294

By: Senator Burns of the 23rd

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

1 To provide a new charter for the Town of Camak; to provide for incorporation, boundaries,
2 and powers of the municipality; to provide for a governing authority and structure of such
3 municipality and the powers, duties, authority, election, terms, vacancies, compensation,
4 expenses, qualifications, prohibitions, conflicts of interest, and suspension and removal from
5 office relative to members of such governing authority; to provide for inquiries and
6 investigations; to provide for oaths, organization, meetings, quorum, voting, rules, and
7 procedures; to provide for ordinances and codes; to provide for a mayor and mayor pro
8 tempore and certain duties, powers, and other matters relative thereto; to provide for
9 administrative affairs and responsibilities; to provide for boards, commissioners, and
10 authorities; to provide for a town attorney, a town clerk, and other personnel and matters
11 relating thereto; to provide for rules and regulations; to provide for a municipal court and the
12 judge or judges thereof and other matters relative to those judges; to provide for the court's
13 jurisdiction, powers, practices, and procedures; to provide for the right of appeal; to provide
14 for elections and removal from office of elected officials; to provide for finance, taxation,
15 licenses, and fees; to provide for franchises, service charges, and assessments; to provide for
16 bonded and other indebtedness; to provide for municipal contracts and purchasing; to provide
17 for budgeting; to provide for the conveyance of property and interests therein; to provide for
18 bonds for officials; to provide for existing ordinances, resolutions, and rules; to provide for
19 pending matters; to provide rules for construction; to provide for severability; to provide for

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20 other matters relative to the foregoing; to repeal a specific Act; to repeal conflicting laws;
21 and for other purposes.

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

23 ARTICLE I
24 INCORPORATION AND POWERS

25 SECTION 1.10.

26 Name.

27 This municipality and the inhabitants thereof are reincorporated by the enactment and this
28 charter and are hereby constituted and declared a body politic and corporate under the name
29 and style Town of Camak, Georgia, and by that name shall have perpetual succession.

30 SECTION 1.11.

31 Corporate boundaries.

32 (a) The boundaries of this town shall be those existing on the effective date of the adoption
33 of this charter with such alterations as may be made from time to time in the manner
34 provided by law. The boundaries of this town at all times shall be shown on a map, a written
35 description, or any combination thereof, to be retained permanently in the town hall and to
36 be designated, as the case may be, the "Official [Map or Description] of the corporate limits
37 of the Town of Camak, Georgia." Photographic, typed, or other copies of such map or
38 description certified by the town clerk shall be admitted as evidence in all courts and shall
39 have the same force and effect as with the original map or description.

40 (b) The town council may provide for the redrawing of any such map by ordinance to reflect
41 lawful changes in the corporate boundaries. A redrawn map or description shall supersede
42 for all purposes the entire map or description which it is designated to replace.

43 **SECTION 1.12.**

44 Powers and construction.

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

49 (b) The powers of this town shall be construed liberally in favor of the town. This specific
50 mention or failure to mention particular powers shall not be construed as limiting in any way
51 the powers of the town.

52 **SECTION 1.13.**

53 Examples of powers.

54 (a) The powers of the town shall include, but shall not be limited to, the following:

55 (1) Animal regulations. To regulate and license or to prohibit the keeping or running at
56 large of animals and fowl and to provide for the impoundment of same if in violation of
57 any ordinance or lawful order; to provide for the disposition by sale, gift, or humane
58 destruction of animals and fowl when not redeemed as provided by ordinance; and to
59 provide punishment for violation of ordinances enacted under this charter.

60 (2) Appropriations and expenditures. To make appropriations for the support of the
61 government of the town; to authorize the expenditure of money for any purposes
62 authorized by this charter and for any purpose for which a municipal corporation is

63 authorized by the laws of the State of Georgia; and to provide for the payment of
64 expenses of the town.

65 (3) Building regulation. To regulate and to license the erection and construction of
66 buildings and all other structures; to adopt building, housing, plumbing, fire safety,
67 electrical, gas, and heating and air conditioning codes; and to regulate all housing and
68 building trades.

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

75 (5) Condemnation. To condemn property, inside or outside the corporate limits of the
76 town, for present or future use and for any corporate purpose deemed necessary by the
77 governing authority, utilizing procedures enumerated in Title 22 of the O.C.G.A., or such
78 other applicable laws as are or may hereafter be enacted.

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

81 (7) Emergencies. To establish procedures for determining and proclaiming that an
82 emergency situation exists within or outside the town, and to make and carry out all
83 reasonable provisions deemed necessary to deal with or meet such an emergency for the
84 protection, safety, health, or well-being of the citizens of the town.

85 (8) Environmental protection. To protect and preserve the natural resources,
86 environment, and vital areas of the town, the region, and the state through the
87 preservation and improvement of air quality, the restoration and maintenance of water
88 resources, the control of erosion and sedimentation, the management of solid and
89 hazardous waste, and other necessary actions for the protection of the environment.

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

94 (10) Garbage fees. To levy, fix, assess, and collect a garbage, refuse, and trash collection
95 and disposal, and other sanitary service charge, tax, or fee for such services as may be
96 necessary in the operation of the town from all individuals, firms, and corporations
97 residing in or doing business therein benefiting from such services; to enforce the
98 payment of such charges, taxes, or fees; and to provide for the manner and method of
99 collecting such service charges.

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

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

107 (13) Health and sanitation. To prescribe standards of health and sanitation and to
108 provide for the enforcement of such standards.

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

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

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

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

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

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

131 (20) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose
132 of public utilities, including but not limited to a system of waterworks, sewers, and
133 drains, sewage disposal, gas works, electric light plants, cable television, and other
134 telecommunications, transportation facilities, public airports, and any other public utility;
135 and to fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties and
136 to provide for the withdrawal of service for refusal or failure to pay the same.

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

139 (22) 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 (23) Planning and zoning. To provide comprehensive town planning for development
142 by zoning and to provide subdivision regulation and the like as the town council deems
143 necessary and reasonable to insure a safe, healthy, and aesthetically pleasing community;
- 144 (24) Police and fire protection. To exercise the power to arrest through duly appointed
145 police officers, and to establish, operate, or contract for a police and a firefighting
146 agency;
- 147 (25) Public hazards: removal. To provide for the destruction and removal of any
148 building or other structure which is or may become dangerous or detrimental to the
149 public.
- 150 (26) Public improvements. To provide for the acquisition, construction, building,
151 operation, and maintenance of public ways, parks and playgrounds, public grounds,
152 recreational facilities, cemeteries, markets and market houses, public buildings, libraries,
153 sewers, drains, sewage treatment, waterworks, electrical systems, gas systems, other
154 public utilities, public housing, airports, hospitals, terminals, docks, parking facilities, or
155 charitable, cultural, educational, recreational, conservation, sport, curative, corrective,
156 detentional, penal and medical institutions, and agencies and facilities; to provide any
157 other public improvements, inside or outside the corporate limits of the town; and to
158 regulate the use of public improvements; and for such purposes, property may be
159 acquired by condemnation under Title 22 of the O.C.G.A. or such other applicable laws
160 as are or may hereafter be enacted.
- 161 (27) Public peace. To provide for the prevention and punishment of loitering, disorderly
162 conduct, drunkenness, riots, and public disturbances.
- 163 (28) Public transportation. To organize and operate such public transportation systems
164 as are deemed beneficial.
- 165 (29) Public utilities and services. To grant franchises or make contracts for, or impose
166 taxes on public utilities and public service companies; and to prescribe the rates, fares,
167 regulations, and standards and conditions of service applicable to the service to be

168 provided by the franchise grantee or contractor, insofar as not in conflict with valid
169 regulations of the Georgia Public Service Commission.

170 (30) Regulation of roadside areas. To prohibit or regulate and control the erection,
171 removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any
172 and all other structures or obstructions upon or adjacent to the rights-of-way of streets and
173 roads or within view thereof, within or abutting the corporate limits of the town; and to
174 prescribe penalties and punishment for violation of such ordinances.

175 (31) Retirement. To provide and maintain a retirement plan and other employee benefit
176 plans and programs for officers and employees of the town.

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

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

192 (34) Solid waste disposal. To provide for the collection and disposal of garbage, rubbish,
193 and refuse, and to regulate the collection and disposal of garbage, rubbish, and refuse by

194 others; and to provide for the separate collection of glass, tin, aluminum, cardboard, paper,
195 and other recyclable materials, and to provide for the sale of such items.

196 (35) Special areas of public regulation. To regulate or prohibit junk dealers, the
197 manufacture and sale of intoxicating liquors; to regulate the transportation, storage, and use
198 of combustible, explosive, and inflammable materials, the use of lighting and heating
199 equipment, and any other business or situation which may be dangerous to persons or
200 property; to regulate and control the conduct of peddlers and itinerant traders, theatrical
201 performances, exhibitions, and shows of any kind, by taxation or otherwise; to license and
202 tax professional fortunetelling, palmistry, and massage parlors; and to restrict adult
203 entertainment and novelty stores and businesses to certain areas.

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

206 (37) Taxes: ad valorem. To levy and provide for assessment, valuation, revaluation, and
207 collection of taxes on all property subject to taxation.

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

210 (39) Urban redevelopment. To organize and operate an urban redevelopment program.

211 (40) Other powers. To exercise and enjoy other powers, functions, rights, privileges, and
212 immunities necessary or desirable to promote or protect the safety, health, peace, security,
213 good order, comfort, convenience, or general welfare of the town and its inhabitants; and
214 to exercise all implied powers necessary or desirable to carry into execution all powers
215 granted in this charter as fully and completely as if such powers were fully stated in this
216 charter; and to exercise all powers now or in the future authorized to be exercised by other
217 municipal governments under other laws of the State of Georgia; and no listing of
218 particular powers in this charter shall be held to be exclusive of others, nor restrictive of
219 general words and phrases granting powers, but shall be held to be in addition to such

220 powers unless expressly prohibited to municipalities under the Constitution or applicable
221 laws of the State of Georgia.

222 (b) Forbearance in the exercise of any power of the town shall not constitute a waiver by the
223 town to use any such power.

224 **SECTION 1.14.**

225 Exercise of powers.

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

230 **ARTICLE II**

231 **GOVERNMENT STRUCTURE**

232 **SECTION 2.10.**

233 Town council creation; number; election.

234 The legislative authority of the government of this town, except as otherwise specifically
235 provided in this charter, shall be vested in a town council to be composed of a mayor and five
236 councilmembers. The town council established shall in all respects be a successor to and
237 continuation of the governing authority under prior law. The mayor and councilmembers
238 shall be elected in the manner provided by general law and this charter.

239

SECTION 2.11.

240

Town council terms and qualifications for office.

241 The mayor and members of the town council shall serve for terms of four years and until
242 their respective successors are elected and qualified. No person shall be eligible to serve as
243 mayor or councilmember unless that person shall have been a resident of the town for 12
244 months prior to the date of election of mayor or members of the council; each shall continue
245 to reside therein during that member's period of service and to be registered and qualified to
246 vote in municipal elections of this town.

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SECTION 2.12.

248

Vacancy; filling of vacancies.

249 (a) The office of mayor or councilmember shall become vacant upon the incumbent's death,
250 resignation, forfeiture of office, or occurrence of any event specified by the Constitution of
251 the State of Georgia, Title 45 of the O.C.G.A., or such other applicable laws as are or may
252 hereafter be enacted.

253 (b) A vacancy in the office of mayor or of any councilmember shall be filled for the
254 remainder of the unexpired term, if any, by appointment by the town council or those
255 members remaining if less than six months remains in the unexpired term. If such vacancy
256 occurs six months or more prior to the expiration of the term of that office, it shall be filled
257 for the remainder of the unexpired term by a special election, as provided for in Section 5.15
258 of this charter and in accordance with Titles 21 and 45 of the O.C.G.A., or other such laws
259 as are or may hereafter be enacted.

260 (c) This provision shall also apply to a temporary vacancy created by the suspension from
261 office of the mayor or of any councilmember.

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SECTION 2.13.

263

Compensation and expenses.

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The mayor and councilmembers shall receive compensation and expenses, if any, for their

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services as provided by ordinance.

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SECTION 2.14.

267

Conflicts of interest; holding other offices.

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(a) Elected and appointed officers of the town are trustees and servants of the residents of

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the town and shall act in a fiduciary capacity for the benefit of such residents.

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(b) No elected official, appointed officer, or employee of the town or any agency or political

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entity to which this charter applies shall knowingly:

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(1) Engage in any business or transaction, or have a financial or other personal interest,

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direct or indirect, which is incompatible with the proper discharge of that person's official

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duties or which would tend to impair the independence of the official's judgment or action

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in the performance of those official duties;

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(2) Engage in or accept private employment, or render services for private interests when

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such employment or service is incompatible with the proper discharge of that person's

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official duties or would tend to impair the independence of the official's judgment or

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action in the performance of those official duties;

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(3) Disclose confidential information, including information obtained at meetings which

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are closed pursuant to Chapter 14 of Title 50 of the O.C.G.A., concerning the property,

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government, or affairs of the governmental body by which the official is engaged without

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proper legal authorization; or use such information to advance the financial or other

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private interest of that person or others;

285 (4) Accept any valuable gift, whether in the form of service, loan, thing, or promise, from
286 any person, firm, or corporation which to the official's knowledge is interested, directly or
287 indirectly, in any manner whatsoever, in business dealings with the governmental body by
288 which the official is engaged; provided, however, that an elected official who is a candidate
289 for public office may accept campaign contributions and services in connection with any
290 such campaign;

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

293 (6) Vote on or otherwise participate in the negotiation or in the making of any contract
294 with any business or entity in which the official or a member of his or her family, including
295 any spouse, child, grandchild, parent, grandparent, or sibling, whether by consanguinity or
296 affinity, has a financial interest.

297 (c) Any elected official, appointed officer, or employee who shall have any financial
298 interest, directly or indirectly, in any contract or matter pending before or within any
299 department of the town shall disclose such interest to the town council. The mayor or any
300 councilmember who has a financial interest in any matter pending before the town council
301 shall disclose such interest and such disclosure shall be entered on the records of the town
302 council, and that official shall disqualify himself or herself from participating in any decision
303 or vote relating thereto. Any elected official, appointed officer, or employee of any agency
304 or political entity to which this charter applies who shall have any financial interest, directly
305 or indirectly, in any contract or matter pending before or within such entity shall disclose
306 such interest to the governing body of such agency or entity.

307 (d) No elected official, appointed officer, or employee of the town or any agency or entity
308 to which this charter applies shall use property owned by such governmental entity for
309 personal benefit, convenience, or profit, except in accordance with policies promulgated by
310 the town council or the governing body of such agency or entity.

311 (e) Any violation of this section which occurs with the knowledge, express or implied, of
312 a party to a contract or sale shall render said contract or sale voidable at the option of the
313 town council.

314 (f) Except where authorized by law, neither the mayor nor any councilmember shall hold
315 any other elective or compensated appointive office in the town or otherwise be employed
316 by the Town of Camak or any agency thereof during the term for which that person was
317 elected. No former mayor and no former councilmember shall hold any compensated
318 appointive office in the town until one year after the expiration of the term for which that
319 person was elected.

320 (g) No appointive officer of the town shall continue in such employment upon qualifying
321 as a candidate for nomination or election to any public office. No employee of the town shall
322 continue in such employment upon qualifying for or election to any public office in this town
323 or any other public office which is inconsistent, incompatible, or in conflict with the duties
324 of the town employee. Such determination shall be made by the mayor and council either
325 immediately upon election or at any time such conflict may arise.

326 (h) Penalties for violation of this section shall include the following:

327 (1) Any town officer or employee who knowingly conceals such financial interest or
328 knowingly violates any of the requirements of this section shall be guilty of malfeasance
329 in office or position and shall be deemed to have forfeited that person's office or position.

330 (2) Any officer or employee of the town who shall forfeit an office or position as described
331 in paragraph (1) above shall be ineligible for appointment or election to or employment in
332 a position in the town government for a period of three years thereafter.

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SECTION 2.15.

334

Inquiries and investigations.

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Following the adoption of an authorizing resolution, the town council may make inquiries

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and investigations into the affairs of the town and the conduct of any department, office, or

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agency thereof, and for this purpose may subpoena witnesses, administer oaths, take

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testimony, and require the production of evidence. Any person who fails or refuses to obey

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a lawful order issued in the exercise of these powers by the town council shall be punished

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as provided by ordinance.

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SECTION 2.16.

342

General power and authority of the town council.

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(a) Except as otherwise provided by law or this charter, the town council shall be vested with

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all the powers of government of this town.

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(b) In addition to all other powers conferred upon it by law, the town council shall have the

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authority to adopt and provide for the execution of such ordinances, resolutions, rules, and

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regulations, not inconsistent with this charter and the Constitution and the laws of the State

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of Georgia, which it shall deem necessary, expedient, or helpful for the peace, good order,

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protection of life and property, health, welfare, sanitation, comfort, convenience, prosperity,

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or well-being of the inhabitants of the Town of Camak and may enforce such ordinances by

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imposing penalties for violation thereof.

352 **SECTION 2.17.**

353 Eminent domain.

354 The town council is hereby empowered to acquire, construct, operate, and maintain public
355 ways, parks, public grounds, cemeteries, markets, market houses, public buildings, libraries,
356 sewers, drains, sewage treatment, waterworks, electrical systems, gas systems, airports,
357 hospitals, and charitable, educational, recreational, sport, curative, corrective, detentional,
358 penal, and medical institutions, agencies, and facilities and any other public improvements
359 inside or outside the town and to regulate the use thereof; for such purposes, property may
360 be condemned under procedures established under general law applicable now or as provided
361 in the future.

362 **SECTION 2.18.**

363 Oath of office; organizational meeting.

364 (a) The mayor and members of the town council shall subscribe to the oath of office before
365 serving under this charter.

366 (b) The town council shall hold an organizational meeting each January. The meeting shall
367 be called to order by the mayor, and the oath of office shall be administered to the newly
368 elected members by a judicial officer authorized to administer oaths and shall, to the extent
369 that it comports with federal and state law, be as follows:

370 "I do solemnly (swear)(affirm) that I will well and truly demean myself as
371 (mayor)(councilmember) of the Town of Camak for the ensuing term, and that I will
372 faithfully enforce the charter and ordinances of said town to the best of my skill and ability,
373 without fear or favor, so help me God."

374

SECTION 2.19.

375

Regular and special meetings.

376 (a) The town council shall hold regular meetings at such times and places as shall be
377 prescribed by ordinance.

378 (b) Special meetings of the town council may be held on call of the mayor or at least two
379 members of the town council. Notice of such special meetings shall be served on all other
380 members personally, or by telephone personally, at least 48 hours in advance of the meeting.
381 Such notice to councilmembers shall not be required if the mayor and all councilmembers are
382 present when the special meeting is called. Such notice of any special meeting may be
383 waived by any councilmember in writing before or after such a meeting, and attendance at
384 the meeting shall also constitute a waiver of notice concerning business transacted in the
385 presence of any councilmember. Only the business stated in the call may be transacted at the
386 special meeting, except by unanimous consent of all members of the council.

387 (c) All meetings of the town council shall be public to the extent required by law, and notice
388 to the public of special meetings shall be made fully as is reasonably possible as provided by
389 Chapter 14 of Title 50 of the O.C.G.A. or other such applicable laws as are or may hereafter
390 be enacted.

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SECTION 2.20.

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Rules of procedure.

393 The town council shall adopt its rules of procedure and order of business consistent with the
394 provisions of this charter and shall provide for keeping a minute book of its proceedings,
395 which shall be a public record.

396 **SECTION 2.21.**
397 Committees.

398 (a) The mayor shall have the authority to establish committees which shall be empowered
399 to make recommendations to the town council for conducting the affairs of the town. The
400 mayor shall appoint members for any committee so established, and committee members
401 shall serve at the pleasure of the mayor. Members of the town council shall have the right
402 to serve as ex officio members of any committee but shall not have the right to vote on
403 committee business.

404 (b) Neither the mayor nor the town council is bound by any recommendation made by a
405 committee.

406 **SECTION 2.22.**
407 Quorum; voting.

408 (a) The mayor and three councilmembers shall constitute a quorum and shall be authorized
409 to transact business of the town council. In the absence of the mayor, four councilmembers
410 shall constitute a quorum and shall be authorized to transact business of the town council.
411 Voting on the adoption of ordinances shall be by voice vote and the vote shall be recorded
412 in the minutes, but any member of the town council shall have the right to request a roll call
413 vote and such vote shall be recorded in the minute book. On all questions before the town
414 council, the mayor, or the mayor pro tempore if he or she is presiding, shall be entitled to vote
415 only in the case of a tie. Except as otherwise provided in this charter, the affirmative vote of
416 three members, either three councilmembers or the mayor and two councilmembers, shall be
417 required for the town council to take any action, including but not limited to the adoption of
418 any ordinance, resolution, or motion.

419 (b) An abstention noted on the record shall be counted as a negative vote.

420

SECTION 2.23.

421

Ordinance form; procedures.

422 (a) Every proposed ordinance should be introduced in writing and in the form required for
423 final adoption. No ordinance shall contain a subject which is not expressed in its title. The
424 enacting clause shall be "It is hereby ordained by the governing authority of the Town of
425 Camak" and every ordinance shall so begin.

426 (b) An ordinance may be introduced by the mayor or by any councilmember and be read at
427 a regular or special meeting of the town council. Ordinances shall be considered and adopted
428 or rejected by the town council in accordance with the rules which it shall establish; provided
429 that it shall not be necessary to give any notice to the public of intention to introduce any
430 ordinance, resolution, rule, or regulation, either before or after its passage, other than such
431 notice or publication as is given by recording of the same in a book maintained and kept in
432 accordance with Section 2.27 of this charter.

433 (c) Upon adoption of any ordinance, the town clerk shall file a copy in the office of the clerk
434 and shall as soon as practicable distribute a copy to the mayor and to each councilmember.
435 The town clerk shall also distribute a copy to any person or public place specifically
436 designated by the town council.

437

SECTION 2.24.

438

Action requiring an ordinance.

439 Acts of the town council which have the force and effect of law shall be enacted by
440 ordinance.

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SECTION 2.26.

466

Codes of technical regulations.

467 (a) The town council may adopt any standard code of technical regulations by reference
468 thereto in an adopting ordinance. The procedure and requirements governing such adopting
469 ordinance shall be as prescribed for ordinances generally except that:

470 (1) The requirements of subsection (c) of Section 2.23 for filing and distribution of copies
471 of an ordinance shall be construed to include copies of any code of technical regulations,
472 as well as the adopting ordinance; and

473 (2) A copy of each adopted code of technical regulations, as well as the adopting
474 ordinance, shall be authenticated and recorded by the town clerk pursuant to Section 2.27.

475 (b) Copies of any adopted code of technical regulations shall be made available by the town
476 clerk for inspection by the public.

477

SECTION 2.27.

478

Signing; authenticating; recording; codification; printing.

479 (a) All ordinances duly adopted by the council shall be authenticated by the clerk's signature
480 and recorded in full in a properly indexed book kept for that purpose.

481 (b) The town council shall provide for the preparation of a general codification of all the
482 ordinances of the town having the force and effect of law. The general codification shall be
483 adopted by the town council by ordinance and shall be published promptly, together with all
484 amendments thereto and such codes of technical regulations and other rules and regulations
485 as the town council may specify. This codification shall be known and may be cited officially
486 as "The Code of Ordinances of the Town of Camak, Georgia." Copies of the code shall be
487 furnished to all officers, departments, and agencies of the town and made available for
488 purchase by the public at a reasonable price as fixed by the town council.

489 (c) The town council shall cause each ordinance and each amendment to this charter to be
490 printed promptly following its adoption, and the printed ordinances and charter amendments
491 shall be made available for purchase by the public at reasonable prices to be fixed by the town
492 council. Following publication of the first code under this charter and at all times thereafter,
493 the ordinances and charter amendments shall be printed in substantially the same style as the
494 code currently in effect and shall be suitable in form for incorporation therein. The town
495 council shall make such further arrangements as deemed desirable with reproduction and
496 distribution of any current changes in or additions to codes of technical regulations and other
497 rules and regulations included in the code.

498 **SECTION 2.28.**

499 Selection of mayor.

500 At each regular election, the voters of the town shall elect a mayor at large for a term of four
501 years. The mayor shall be a qualified elector of the town and shall have been a resident of
502 the town for 12 months prior to the date of election. The mayor shall continue to reside in
503 the town during the period of service. The mayor shall forfeit the office on the same grounds
504 and under the same procedure as for councilmembers. The compensation, if any, of the
505 mayor shall be established in the same manner as for councilmembers.

506 **SECTION 2.29.**

507 Chief executive officer.

508 The mayor shall be the chief executive of this town and shall preside at all meetings of the
509 town council where the mayor is in attendance. The mayor shall possess all the executive and
510 administrative power granted to the town under the constitution and laws of the State of
511 Georgia, and all the executive and administrative powers contained in this charter.

512 **SECTION 2.30.**
513 Powers and duties of mayor.

514 As the chief executive officer of this town, the mayor shall:

- 515 (1) See that all laws and ordinances of the town are faithfully executed;
- 516 (2) Appoint and remove all officers, department directors, and employees of the town,
517 except as otherwise provided in this charter;
- 518 (3) Exercise supervision over all executive and administrative work of the town and
519 provide for the coordination of administrative activities;
- 520 (4) Prepare and submit to the town council a recommended operating budget and, when
521 capital expenditures are anticipated, a recommended capital budget;
- 522 (5) Submit to the town council at least once a year a statement covering the financial
523 conditions of the town, and, from time to time, such other information as the town council
524 may request;
- 525 (6) Recommend to the town council such measures relative to the affairs of the town,
526 improvement of the government, and promotion of the welfare of its inhabitants as the
527 mayor may deem appropriate;
- 528 (7) Call special meetings of the town council as provided for in subsection (b) of
529 Section 2.19;
- 530 (8) Approve or disapprove ordinances as provided in Section 2.31;
- 531 (9) Provide for an annual audit of all accounts of the town;
- 532 (10) Require any department or agency of the town to submit written reports whenever
533 the mayor deems it appropriate; and
- 534 (11) Perform such other duties as may be required by law, this charter, or by ordinance.

535 **SECTION 2.31.**

536 Submission of ordinances to the mayor; veto power.

537 (a) Every ordinance adopted by the town council shall be presented promptly by the clerk
538 to the mayor.

539 (b) The mayor, within ten calendar days of receipt of an ordinance, shall return it to the clerk
540 with or without the mayor's approval, or with the mayor's disapproval. If the ordinance has
541 been approved by the mayor, it shall become law upon its return to the clerk; if the ordinance
542 is neither approved nor disapproved, it shall become law at 12:00 noon on the tenth calendar
543 day after its adoption; if the ordinance is disapproved, the mayor shall submit to the town
544 council through the clerk a written statement of reasons for the veto. The clerk shall record
545 upon the ordinance the date of its delivery to and receipt from the mayor.

546 (c) Ordinances vetoed by the mayor shall be presented by the clerk to the town council at its
547 next meeting. If the town council then or at its next meeting adopts the ordinance by an
548 affirmative vote of four council members, it shall become law notwithstanding the mayor's
549 prior veto.

550 **SECTION 2.32.**

551 Mayor pro tempore; selection; duties.

552 By majority vote, the town council shall elect from among its members a mayor pro tempore
553 who shall preside at all meetings of the town council and shall assume the duties and powers
554 of the mayor upon the mayor's disability, suspension from office, or absence. The town
555 council shall, by majority vote, elect from among its members a new presiding officer for any
556 period in which the mayor pro tempore is disabled, absent, or acting as mayor. Any such
557 absence or disability shall be declared by majority vote of all councilmembers. When serving
558 as mayor, the mayor pro tempore shall not also vote as a member of the town council.

559 ARTICLE III
560 ADMINISTRATIVE AFFAIRS

561 SECTION 3.10.

562 Administrative and service departments.

563 (a) Except as otherwise provided in this charter, the town council, by ordinance, shall
564 prescribe the functions or duties, and establish, abolish, alter, consolidate, or leave vacant all
565 nonelective offices, positions of employment, departments, and agencies of the town, as
566 necessary for the proper administration of the affairs and government of this town.

567 (b) Except as otherwise provided by this charter or by law, the directors of departments and
568 other appointive officers of the town shall be appointed solely on the basis of their respective
569 administrative and professional qualifications.

570 (c) All appointive officers and directors of departments shall receive such compensation as
571 prescribed by ordinance or resolution.

572 (d) There shall be a director of each town department or agency who shall be its principal
573 officer. Each director shall, subject to the direction and supervision of the mayor, be
574 responsible for the administration and direction of the affairs and operations of that director's
575 department or agency.

576 (e) All directors of departments under the supervision of the mayor shall be nominated by
577 the mayor with confirmation of appointment by the town council.

578 (f) All appointive officers and directors shall be employees at will and subject to removal or
579 suspension at any time by the mayor in the manner not inconsistent with any personnel policy
580 and procedure manual adopted by the town council.

581

SECTION 3.11.

582

Boards, commissions, and authorities.

583 (a) The town council shall create by resolution or ordinance such boards, commissions, and
584 authorities to fulfill any investigative, quasi-judicial or quasi-legislative function the town
585 council deems necessary, and shall by resolution or ordinance establish the composition,
586 period of existence, and duties and powers thereof.

587 (b) All members of boards, commissions, and authorities of the town shall be appointed by
588 the town council for such terms of office and in such manner as shall be provided by
589 ordinance, except where other appointing authority, terms of office, or manner of
590 appointment is prescribed by this charter or by law.

591 (c) The town council, by ordinance, may provide for the compensation and reimbursement
592 for actual and necessary expenses of the members of any board, commission, or authority.

593 (d) Except as otherwise provided by charter or by law, no member of any board, commission,
594 or authority shall hold any elective office in the town.

595 (e) Any vacancy on a board, commission, or authority of the town shall be filled for the
596 unexpired term in the manner prescribed in this charter for original appointment, except as
597 otherwise provided by this charter or by law.

598 (f) No member of a board, commission, or authority shall assume office until that person has
599 executed and filed with the town clerk an oath obligating himself or herself to faithfully and
600 impartially perform the duties of that member's office.

601 (g) All members of boards, commissions, or authorities serve at will and may be removed
602 at any time by a vote of four members of the town council unless otherwise provided by law.

603 (h) Except as otherwise provided by this charter or by law, each board, commission, or
604 authority of the town shall elect one of its members as chair and one member as vice chair,
605 and may elect as its secretary one of its own members or may appoint as secretary an
606 employee of the town. Each board, commission, or authority of the town government may

607 establish such bylaws, rules, and regulations, not inconsistent with this charter, ordinances
608 of the town, or law, as it deems appropriate and necessary for the fulfillment of its duties or
609 the conduct of its affairs. Copies of such bylaws, rules, and regulations shall be filed with the
610 town clerk.

611 **SECTION 3.12.**

612 Town attorney.

613 (a) The mayor and town council shall appoint a town attorney, together with such assistant
614 town attorneys as may be authorized, and shall provide for the payment of such attorney or
615 attorneys for services rendered to the town. The town attorney shall be responsible for
616 providing for the representation and defense of the town in all litigation in which the town
617 is a party; may be the prosecuting officer in the municipal court; shall attend the meetings of
618 the council as directed; shall advise the town council, mayor, and other officers and
619 employees of the town concerning legal aspects of the town's affairs; and shall perform such
620 other duties as may be required by virtue of the person's position as town attorney.

621 (b) The town attorney is not a public official of the town and does not take an oath of office.
622 The town attorney shall at all times be an independent contractor. A law firm, rather than an
623 individual, may be designated as the town attorney.

624 **SECTION 3.13.**

625 Town clerk.

626 The mayor and town council shall appoint a town clerk, also known as the clerk, who shall
627 not be a councilmember. The town clerk shall be custodian of the official town seal and town
628 records; maintain town council records required by this charter; attend meetings of the town

629 council and keep minutes of its proceedings at such meetings, and perform such other duties
630 as may be required by the town council.

631 **SECTION 3.14.**

632 Town employees.

633 All town employees serve at will and may be removed from office at any time unless
634 otherwise provided by ordinance. The town council shall adopt by ordinance a personnel
635 policy and procedure manual which shall govern the terms and conditions of employment for
636 all town employees.

637 **ARTICLE IV**
638 **JUDICIAL BRANCH**

639 **SECTION 4.10.**

640 Creation; name.

641 There shall be a court to be known as the municipal court of the Town of Camak, although
642 the town council shall not be required to operate the municipal court unless it deems such
643 action necessary and may by contract arrange for another court in Warren County to fulfill
644 the duties and functions of the municipal court.

645 **SECTION 4.11.**

646 Chief judge; associate judge.

647 (a) The municipal court shall be presided over by a chief judge and such part-time, full-time,
648 or stand-by judges as shall be provided by ordinance.

649 (b) No person shall be qualified or eligible to serve as a judge on the municipal court unless
650 that person shall have attained the age of 21 years, shall be a member of the State Bar of
651 Georgia, and shall possess all qualifications required by law. All judges shall be appointed
652 by the town council and shall serve until a successor is appointed and qualified.

653 (c) Compensation of the judges shall be fixed by ordinance.

654 (d) Judges serve a term and may be removed from office as provided pursuant to general law.

655 (e) Before assuming office, each judge shall take an oath, given by the mayor, that the judge
656 shall honestly and faithfully discharge the duties of the office to the best of that person's
657 ability and without fear, favor, or partiality. The oath shall be entered upon the minutes of
658 the town council.

659 **SECTION 4.12.**

660 Convening.

661 The municipal court shall be convened at regular intervals as provided by ordinance.

662 **SECTION 4.13.**

663 Jurisdiction; powers.

664 (a) The municipal court shall have jurisdiction and authority to try and punish violations of
665 this charter, all town ordinances, and such other violations as provided by law.

666 (b) The municipal court shall have authority to punish those in its presence for contempt,
667 provided that such punishment shall not exceed \$200.00 or ten days in jail.

668 (c) The municipal court may fix punishment for each offense within its jurisdiction not
669 exceeding a fine of \$1,000.00 or imprisonment for 180 days or both such fine and
670 imprisonment; in addition to the foregoing, the municipal court may impose alternative
671 sentencing as now or hereafter provided by law.

672 (d) The municipal court shall have authority to establish a schedule of fees to defray the cost
673 of operation and shall be entitled to reimbursement of the cost of meals, transportation, and
674 caretaking of prisoners bound over to superior courts for violations of state law.

675 (e) The municipal court shall have authority to establish bail and recognizances to ensure the
676 presence of those charged with violations before said court and shall have discretionary
677 authority to accept cash or personal or real property as surety for the appearance of persons
678 charged with violations. Whenever any person shall give bail for that person's appearance
679 and shall fail to appear at the time fixed for trial, the bond shall be forfeited by the judge
680 presiding at such time, and an execution issued thereon by serving the defendant and the
681 defendant's sureties with a rule nisi at least two days before a hearing on the rule nisi. In the
682 event that cash or property is accepted in lieu of bond for security for the appearance of a
683 defendant at trial, and if such defendant fails to appear at the time and place fixed for trial,
684 the cash so deposited shall be on order of the judge declared forfeited to the town, or the
685 property so deposited shall have a lien against it for the value forfeited which lien shall be
686 enforceable in the same manner and to the same extent as a lien for town property taxes.

687 (f) The municipal court shall have the same authority as superior courts to compel the
688 production of evidence in the possession of any party; to enforce obedience to its orders,
689 judgments, and sentences; and to administer such oaths as are necessary.

690 (g) The municipal court may compel the presence of all parties necessary to a proper disposal
691 of each case by the issuance of summonses, subpoenas, and warrants which may be served
692 as executed by any officer as authorized by this charter or by law.

693 (h) Each judge of the municipal court shall be authorized to issue warrants for the arrest of
694 persons charged with offenses against any ordinance of the town, and each judge of the
695 municipal court shall have the same authority as a magistrate of the state to issue warrants for
696 offenses against state laws committed within the town.

697 **SECTION 4.14.**

698 Certiorari.

699 The right of appeal from the decision and judgment of the municipal court shall exist in all
700 criminal cases and ordinance violation cases, and such appeals shall be conducted as provided
701 under the laws of the State of Georgia regulating the appeals from municipal courts.

702 **SECTION 4.15.**

703 Rules for court.

704 The judge shall have authority to make reasonable rules and regulations necessary and proper
705 to secure the efficient and successful administration of the municipal court; provided,
706 however, that the town council may reject any rules and regulations adopted by the judge.
707 Any rules and regulations made or adopted by the judge shall be filed with the town clerk,
708 shall be available for public inspection, and, upon request, shall be furnished to all defendants
709 in municipal court proceedings at least 48 hours prior to said proceedings.

710 **ARTICLE V**

711 **ELECTIONS AND REMOVAL**

712 **SECTION 5.10.**

713 Applicability of general law.

714 All primaries and elections shall be held and conducted in accordance with Chapter 2 of
715 Title 21 of the O.C.G.A. the "Georgia Election Code," as now or hereafter amended, or such
716 other applicable laws as are or may hereafter be enacted.

717 **SECTION 5.11.**

718 Election of the town council and mayor.

719 (a) There shall be a municipal general election every four years on the Tuesday next
720 following the first Monday in November.

721 (b) Voting in the municipal election shall take place at any place in Warren County so
722 designated by ordinance.

723 (c) There shall be elected the mayor and five councilmembers at one election and at every
724 other regular election thereafter. Terms shall be for four years.

725 (d) At the time of the adoption of this charter, persons serving in the office of mayor and
726 town council shall continue to serve out the terms to which they were previously elected.

727 (e) The terms of the office shall begin on January 1 following the November election.

728 **SECTION 5.12.**

729 Nonpartisan elections.

730 Political parties shall not conduct primaries for municipal offices, and all names of candidates
731 for municipal offices shall be listed without party designations.

732 **SECTION 5.13.**

733 Election of mayor by majority.

734 (a) Each citizen lawfully entitled to vote shall be entitled to cast one vote for mayor.

735 (b) The person receiving a majority of the votes cast for mayor shall be elected mayor.

736

SECTION 5.14.

737

Election of town council by plurality.

738 (a) Each citizen lawfully entitled to vote shall be entitled to vote for up to five candidates for
739 town councilmembers during an election. Votes cannot be combined, and no citizen can cast
740 more than one vote for any single candidate.

741 (b) The five candidates receiving the most votes cast for town council membership shall be
742 elected to town council.

743

SECTION 5.15.

744

Special elections; vacancies.

745 In the event the office of mayor or of any councilmember shall become vacant as provided
746 in Section 2.12 of this charter, the town council or those remaining thereon shall order a
747 special election to fill the balance of the unexpired term of such official; provided, however,
748 if such vacancy occurs within six months of the expiration of the term of that office, the town
749 council or those members remaining shall appoint a successor for the remainder of the term.
750 In all other respects, the special election shall be held and conducted in accordance with
751 Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter
752 amended.

753

SECTION 5.16.

754

Other provisions.

755 Except as otherwise provided by this charter, the town council shall, by ordinance, prescribe
756 such rules and regulations it deems appropriate to fulfill any options and duties under

757 Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter
758 amended.

759 **SECTION 5.17.**

760 Removal of mayor and councilmembers.

761 (a) The mayor and councilmembers provided for in this charter shall be removed from office
762 for any one or more of the causes provided in Title 45 of the O.C.G.A. or such other
763 applicable laws as are or may hereafter be enacted.

764 (b) Removal of the mayor or a councilmember pursuant to subsection (a) of this section shall
765 be accomplished by one of the following methods:

766 (1) Following a hearing at which an impartial panel shall render a decision. When the
767 mayor or a councilmember is sought to be removed by the action of the town council,
768 such officer shall be entitled to a written notice specifying the ground or grounds for
769 removal and to a public hearing which shall be held not less than ten days after the service
770 of such written notice. The town council shall provide by ordinance the manner in which
771 such hearings shall be held. Any mayor or councilmember sought to be removed from
772 office as provided in the charter shall have the right of appeal from the decision of the
773 town council to the Superior Court of Warren County. Such appeal shall be governed by
774 the same rules as govern appeals to the superior court from the probate court.

775 (2) By an order of the Superior Court of Warren County following a hearing on a
776 complaint seeking such removal of the mayor or any councilmember brought by any
777 resident of the Town of Camak.

778 ARTICLE VI
779 FINANCE

780 **SECTION 6.10.**
781 Property tax.

782 The town council may assess, levy, and collect an ad valorem tax on all real and personal
783 property within the corporate limits of the town that is subject to such taxation by the state
784 and county. This tax is for the purpose of raising revenues to defray the costs of operating
785 the town government, of providing governmental services, for the repayment of principal and
786 interest on general obligations, and for any public purpose as determined by the town council
787 in its discretion.

788 **SECTION 6.11.**
789 Millage rate; due dates; payment methods.

790 The town council, by ordinance, shall have the power to establish a millage rate for the town
791 property tax, a due date, and the time within which these taxes must be paid. The town
792 council, by ordinance, shall have the power to provide for the payment of these taxes by
793 installments or in one lump sum, as well as authorize the voluntary payment of taxes prior
794 to the time when due.

795 **SECTION 6.12.**
796 Occupation and business taxes.

797 The town council, by ordinance, shall have the power to levy such occupation or business
798 taxes as are not denied by law. The town council may classify businesses, occupations, or

799 professions for the purpose of such taxation in any way which may be lawful and may compel
800 the payment of such taxes as provided in Section 6.18 of this charter.

801 **SECTION 6.13.**

802 Regulatory fees; permits.

803 The town council, by ordinance, shall have the power to require businesses or practitioners
804 doing business within this town to obtain a permit for such activity from the town and pay
805 a regulatory fee for such permit as provided by general law. Such fees shall reflect the total
806 cost to the town of regulating the activity, and if unpaid, shall be collected as provided in
807 Section 6.18 of this charter.

808 **SECTION 6.14.**

809 Franchises.

810 (a) The town council shall have the power to grant franchises for the use of this town's streets
811 and alleys for the purposes of railroads, street railways, telephone companies, electric
812 companies, electric membership corporations, cable television, and other telecommunications
813 companies, gas companies, transportation companies, and other similar organizations. The
814 town council shall determine the duration, terms, whether the same shall be exclusive or
815 nonexclusive, and the consideration for such franchises; provided, however, no franchise
816 shall be granted for a period in excess of 35 years, and no franchise shall be granted unless
817 the town receives just and adequate compensation therefor. The town council shall provide
818 for the registration of all franchises with the town clerk in a registration book kept by the
819 clerk. The town council may provide by ordinance for the registration within a reasonable
820 time of all franchises previously granted.

821 (b) If no franchise agreement is in effect, the town council has the authority to impose a tax
822 on gross receipts for the use of this town's streets and alleys for the purposes of railroads,
823 street railways, telephone companies, electric companies, electric membership corporations,
824 cable television and other telecommunications companies, gas companies, transportation
825 companies and other similar organizations.

826 **SECTION 6.15.**

827 Service charges.

828 The town council, by ordinance, shall have the power to assess and collect fees, charges,
829 assessments, and tolls for sewers, sanitary and health services, or any other services provided
830 or made available within and without the corporate limits of the town for the total cost to the
831 town of providing or making available such services. If unpaid, such charges shall be
832 collected as provided in Section 6.18 of this charter.

833 **SECTION 6.16.**

834 Special assessments.

835 The town council, by ordinance, shall have the power to assess and collect the cost of
836 constructing, reconstructing, widening, or improving any public way, street, sidewalk,
837 curbing, gutters, sewers, or other utility mains and appurtenances from the abutting property
838 owners under such terms and conditions as are reasonable. If unpaid, such charges shall be
839 collected as provided in Section 6.18 of this charter.

840 **SECTION 6.17.**

841 Construction; other taxes and fees.

842 This town shall be empowered to levy any other tax or fee allowed now or hereafter by law,
843 and the specific mention of any right, power, or authority in this article shall not be construed
844 as limiting in any way the general powers of this town to govern its local affairs.

845 **SECTION 6.18.**

846 Collection of delinquent taxes and fees.

847 The town council, by ordinance, may provide generally for the collection of delinquent taxes,
848 fees, or other revenue due the town under Article VI of this charter by whatever reasonable
849 means as are not precluded by law. This shall include providing for the dates when the taxes
850 or fees are due; late penalties or interest; issuance and execution of writs of fieri facias;
851 creation and priority of liens; making delinquent taxes and fees personal debts of the persons
852 required to pay the taxes or fees imposed; revoking municipal permits for failure to pay any
853 town taxes or fees; and providing for the assignment or transfer of tax executions.

854 **SECTION 6.19.**

855 General obligation bonds.

856 The town council shall have the power to issue bonds for the purpose of raising revenue to
857 carry out any project, program, or venture authorized under this charter or the laws of the
858 state. Such bonding authority shall be exercised in accordance with the laws governing bond
859 issuance by municipalities in effect at the time said issue is undertaken.

860 **SECTION 6.20.**

861 Revenue bonds.

862 Revenue bonds may be issued by the town council as state law now or hereafter provides.

863 Such bonds are to be paid out of any revenue produced by the project, program, or venture

864 for which they were issued.

865 **SECTION 6.21.**

866 Short-term loans.

867 The town may obtain short-term loans and must repay such loans not later than the end of its

868 fiscal year, unless otherwise provided by law.

869 **SECTION 6.22.**

870 Lease-purchase contracts.

871 The town may enter into multi-year leases, purchases, or lease-purchase contracts for the

872 acquisition of goods, materials, real and personal property, services, and supplies, provided

873 that the contract terminates without further obligation on the part of the town at the close of

874 the calendar year in which it was executed and at the close of each succeeding calendar year

875 for which it may be renewed. Contracts must be executed in accordance with the

876 requirements of Code Section 36-60-13 of the O.C.G.A. or other such applicable laws as are

877 or may hereafter be enacted.

878 **SECTION 6.23.**

879 Fiscal year.

880 The town council shall set the fiscal year by ordinance. This fiscal year shall constitute the
881 budget year and the year for financial accounting and reporting of each office, department,
882 agency, and activity of the town government unless otherwise provided by state or federal
883 law.

884 **SECTION 6.24.**

885 Preparation of budgets.

886 The town council shall provide an ordinance on the procedures and requirements for the
887 preparation and execution of an annual operating budget, a capital improvement plan, and a
888 capital budget, including requirements as to the scope, content, and form of such budgets and
889 plans.

890 **SECTION 6.25.**

891 Submission of operating budget to town council.

892 On or before a date fixed by the town council but not later than 30 days prior to the beginning
893 of each fiscal year, the mayor shall submit to the town council a proposed operating budget
894 for the ensuing fiscal year. The budget shall be accompanied by a message from the mayor
895 containing a statement of the general fiscal policies of the town, the important features of the
896 budget, explanations of major changes recommended for the next fiscal year, a general
897 summary of the budget, and such other pertinent comments and information. The operating
898 budget and the capital budget hereinafter provided for, the budget message, and all supporting
899 documents shall be filed in the office of the town clerk and shall be open to public inspection.

900

SECTION 6.26.

901

Action by town council on operating budget.

902 (a) The town council may amend the operating budget proposed by the mayor; provided that
903 the budget as finally amended and adopted must provide for all expenditures required by state
904 law or by other provisions of this charter and for all debt service requirements for the ensuing
905 fiscal year, and the total appropriations from any fund shall not exceed the estimated fund
906 balance, reserves, and revenues.

907 (b) Not later than the last day of fiscal year, the town council shall adopt by ordinance the
908 final operating budget for the ensuing fiscal year. If the town council fails to adopt the
909 operating budget by the specified deadline, the amounts appropriated for operation for the
910 current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month
911 basis, with all items prorated accordingly until such time as the town council adopts a budget
912 for the ensuing fiscal year. Adoption of the budget shall take the form of an appropriations
913 ordinance setting out the estimated revenues in detail by sources and making appropriations
914 according to fund and by organization unit, purpose, or activity as set out in the budget
915 preparation ordinance adopted pursuant to Section 6.24 of this charter.

916 (c) The amount set out in the adopted operating budget for each organizational unit shall
917 constitute the annual appropriation for such, and no expenditure shall be made or
918 encumbrance created in excess of the otherwise unencumbered balance of the appropriations
919 or allotment thereof, to which it is chargeable.

920 **SECTION 6.27.**

921 Tax levies.

922 The town council shall levy by ordinance such taxes as are necessary. The taxes and tax rates
923 set by such ordinances shall be such that reasonable estimates of revenues from such levy
924 shall at least be sufficient, together with other anticipated revenues, fund balances, and
925 applicable reserves, to equal the total amount appropriated for each of the several funds set
926 forth in the annual operating budget for defraying the expenses of the general government of
927 this town.

928 **SECTION 6.28.**

929 Changes in appropriations.

930 The town council by ordinance may make changes in the appropriations contained in the
931 current operating budget, at any regular meeting or special or emergency meeting called for
932 such purpose, but any additional appropriations may be made only from an existing
933 unexpended surplus.

934 **SECTION 6.29.**

935 Capital budget.

936 (a) On or before the date fixed by the town council but no later than 30 days prior to the
937 beginning of each fiscal year in which capital improvements are anticipated to be made by
938 the town, the mayor shall submit to the town council a proposed capital improvements plan
939 with a recommended capital budget containing the means of financing the improvements
940 proposed for the ensuing fiscal year. The town council shall have power to accept, with or
941 without amendments, or reject any proposed plan and proposed budget. The town council

942 shall not authorize an expenditure for the construction of any building, structure, work, or
943 improvement if the appropriations for such project are not included in the capital budget,
944 except to meet a public emergency as provided in Section 2.25 of this charter.

945 (b) The town council shall adopt by ordinance any final capital budget for the ensuing fiscal
946 year no later than the last day of fiscal year. No appropriation provided for in a prior capital
947 budget shall lapse until the purpose for which the appropriation was made shall have been
948 accomplished or abandoned; provided, however, the mayor may submit amendments to the
949 capital budget at any time during the fiscal year, accompanied by recommendations regarding
950 such amendments. Any such amendments to the capital budget shall become effective only
951 upon adoption by ordinance.

952 **SECTION 6.30.**

953 Independent audit.

954 There shall be an annual independent audit of all town accounts, funds, and financial
955 transactions by a certified public accountant selected by the town council. The audit shall be
956 conducted according to generally accepted auditing principles. Any audit of any funds by the
957 state or federal governments may be accepted as satisfying the requirements of this charter.
958 Copies of annual audit reports shall be available to the public at printing cost.

959 **SECTION 6.31.**

960 Contracting procedures.

961 No contract with the town shall be binding on the town unless it is in writing, lawfully
962 authorized by the town council, duly executed by proper town official, and entered in the
963 town council minute book pursuant to Section 2.20.

964 **SECTION 6.32.**

965 Centralized purchasing.

966 The town council shall by ordinance prescribe any applicable policy or procedure governing
967 any system of centralized purchasing used by the town.

968 **SECTION 6.33.**

969 Sale and lease of town property.

970 (a) The town council may sell and convey or may lease any real or personal property owned
971 or held by the town for governmental or other purposes as now or hereafter provided by law.

972 (b) The town council may quitclaim any rights it may have in property not needed for public
973 purposes upon report by the mayor and adoption of a resolution, both finding that the
974 property is not needed for public or other purposes and that the interest of the town has no
975 readily ascertainable monetary value.

976 (c) Whenever in opening, extending, or widening any street, avenue, alley, or public place
977 of the town, a small parcel or tract of land is cutoff or separated by such work from a larger
978 tract or boundary of land owned by the town, the town council may authorize the mayor to
979 sell and convey said cutoff or separated parcel or tract of land to an abutting or adjoining
980 property owner or owners where such sale and conveyance facilitates the enjoyment of the
981 highest and best use of the abutting owner's property. Included in the sale contract shall be
982 a provision for the rights-of-way of said street, avenue, alley, or public place. Each abutting
983 property owner shall be notified of the availability of the property and given the opportunity
984 to purchase said property under such terms and conditions as provided by the town council.
985 All deeds and conveyances heretofore and hereafter so executed and delivered shall convey
986 all title and interest the town has in such property, notwithstanding the fact that no public sale
987 after advertisement was or is hereafter made.

988 (d) No lease or contract for sale of any interest in real or personal property owned or held by
989 the town for governmental or other purposes shall be binding on the town unless it is in
990 writing and is authorized by the town council with such approval entered in the town council
991 minute book.

992 **ARTICLE VII**
993 **GENERAL PROVISIONS**

994 **SECTION 7.10.**
995 **Bonds for officials.**

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

999 **SECTION 7.11.**
1000 **Existing ordinances, resolutions, rules, and regulations.**

1001 All ordinances, resolutions, rules, and regulations now in force in the town not inconsistent
1002 with this charter are hereby declared valid and of full effect and force until amended or
1003 repealed by the town council.

1004 **SECTION 7.12.**
1005 **Pending matters.**

1006 Except as specifically provided otherwise by this charter, all rights, claims, actions, orders,
1007 contracts, and legal or administrative proceedings shall continue, and any such ongoing work

1008 or cases shall be completed by such town agencies, personnel, or offices as may be provided
1009 by the town council.

1010 **SECTION 7.13.**

1011 Construction.

1012 (a) Section captions in this charter are informative only and are not to be considered as a part
1013 thereof.

1014 (b) The word "shall" is mandatory and the word "may" is permissive.

1015 (c) The singular shall include the plural, the masculine shall include the feminine, and vice
1016 versa.

1017 **SECTION 7.14.**

1018 Severability.

1019 If any article, section, subsection, paragraph, sentence, or part thereof of this charter shall be
1020 held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect
1021 or impair other parts of this charter unless it clearly appears that such other parts are wholly
1022 and necessarily dependent upon the part held to be invalid or unconstitutional, it being the
1023 legislative intent in enacting this charter that each article, section, subsection, paragraph,
1024 sentence, or part thereof be enacted separately and independent of each other.

1025

SECTION 7.15.

1026

Repealer.

1027 (a) An Act to amend, consolidate, and supersede the several Acts incorporating the town of

1028 Camak, in the County of Warren, State of Georgia, approved August 13, 1910 (Ga. L. 1910,

1029 p. 433), and all amendatory Act thereto are hereby repealed in their entireties.

1030 (b) All other laws and parts of laws in conflict with this Act are hereby repealed.