

House Bill 663 (COMMITTEE SUBSTITUTE) (AM)

By: Representatives Massey of the 24th, Mills of the 67th, Post 2, and Coan of the 67th, Post

1

A BILL TO BE ENTITLED

AN ACT

1 To provide a new charter for the Town of Braselton; to provide for incorporation, boundaries,
 2 and powers of the town; to provide for a governing authority of such town and the powers,
 3 duties, authority, election, terms, vacancies, compensation, expenses, qualifications,
 4 prohibitions, conflicts of interest, and suspension and removal from office relative to
 5 members of such governing authority; to provide for inquiries and investigations; to provide
 6 for oaths, organization, meetings, quorum, voting, rules, and procedures; to provide for
 7 ordinances and codes; to provide for a town manager, mayor, and mayor pro tempore and
 8 certain duties, powers, and other matters relative thereto; to provide for administrative affairs
 9 and responsibilities; to provide for boards, commissions, and authorities; to provide for a
 10 town attorney, a town clerk, and other personnel and matters relating thereto; to provide for
 11 rules and regulations; to provide for a municipal court and the judge or judges thereof and
 12 other matters relative to those judges; to provide for the court's jurisdiction, powers,
 13 practices, and procedures; to provide for the right of certiorari; to provide for elections; to
 14 provide for taxation, licenses, and fees; to provide for franchises, service charges, and
 15 assessments; to provide for bonded and other indebtedness; to provide for auditing,
 16 accounting, budgeting, and appropriations; to provide for contracts and purchasing; to
 17 provide for the conveyance of property and interests therein; to provide for bonds for
 18 officials; to provide for prior ordinances and rules, pending matters, and existing personnel;
 19 to provide for penalties; to provide for definitions and construction; to provide for other
 20 matters relative to the foregoing; to repeal a specific Act; to provide for effective dates; to
 21 repeal conflicting laws; and for other purposes.

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

1 ARTICLE I

2 INCORPORATION AND POWERS

3 SECTION 1.10.

4 Name.

5 The town and the inhabitants thereof are constituted and declared a body politic and
6 municipal corporation under the name and style Town of Braselton, Georgia, and by that
7 name shall have perpetual succession.

8 SECTION 1.11.

9 Corporate boundaries.

10 (a) The boundaries of the town shall be those existing on the date this charter becomes
11 effective in 2003, with such alterations as may be made from time to time in the manner
12 provided by law. The boundaries of this town at all times shall be shown on a map, a written
13 description, or any combination thereof, to be retained permanently in the office of the town
14 clerk and to be designated, as the case may be: "Official Map of the corporate limits of the
15 Town of Braselton, Georgia." Photographic, typed, or other copies of such map or
16 description certified by the town clerk shall be admitted as evidence in all courts and shall
17 have the same force and effect as with the original map or description. Any subsequent
18 annexation, deannexation, or modification in the corporate boundaries as contemplated in
19 subsection (b) of this section shall be given full force and effect as if fully set forth in the
20 "Official Map of the corporate limits of the Town of Braselton."

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

24 SECTION 1.12.

25 Powers and construction.

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

30 (b) The powers of the town shall be construed liberally in favor of the town. The specific
31 mention or failure to mention particular powers shall not be construed as limiting in any way
32 the powers of the town.

SECTION 1.13.

Exercise of powers.

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

ARTICLE II**GOVERNMENT STRUCTURE****SECTION 2.10.**

Town council creation; number; election.

The legislative authority of the government of this town, except as otherwise specifically provided in this charter, shall be vested in a town council to be composed of a mayor and four councilmembers. The mayor and councilmembers shall be elected in the manner provided by this charter.

SECTION 2.11.

Town council terms and qualifications for office.

The members of the town council elected pursuant to this charter shall serve for terms of four years and until their respective successors are elected and qualified unless otherwise provided by law. No person shall be eligible to serve as mayor or councilmember unless he or she shall have been a resident of the town at least 180 days prior to the date of qualifying for mayor or councilmember; each shall continue to reside therein during his or her period of service and to be registered and qualified to vote in municipal elections of this town.

SECTION 2.12.

Council districts, elections, and terms of office.

(a) *Council districts.* For the purpose of electing town councilmembers, the Town of Braselton shall be divided into four voting districts, with one town councilmember elected from each district. The mayor shall be elected from the town at large.

(b) *Boundaries.* The boundaries of Voting Districts 1, 2, 3, and 4 shall be the same boundaries as provided for those respectively numbered districts as set forth in that certain map prepared for the town by the University of Georgia Reapportionment Office, dated May

1 30, 2001, which map constitutes the "Official Voting District Map of the Town of Braselton,"
2 as adopted on May 30, 2001, and approved by the United States Department of Justice. That
3 map is maintained as an official record by the town clerk and is hereby incorporated by
4 reference as a part of this charter as if fully set forth in this charter. The town shall
5 reapportion such districts as necessary and in conjunction with the successive census in
6 compliance with state and federal law.

7 (c) *Elections.* The election of the mayor and town councilmembers shall be decided by
8 majority of votes cast. In the event no candidate receives a majority of the votes cast for a
9 particular office, a run-off election shall be held as provided by law between the two
10 candidates receiving the highest number of votes for such office. The candidate receiving
11 a majority of the votes cast in such run-off election shall be declared the winner. Only a
12 resident of a particular council voting district may qualify for election from such district and
13 shall be elected by a majority of the voters voting only in such district, and each town
14 councilmember shall continue to reside in the district from which he or she was elected
15 during his or her term of office. The mayor shall be a resident of the Town of Braselton.
16 Any town councilmember who moves his or her residence from the district from which he
17 or she was elected shall be deemed to have vacated his or her office. There shall be no
18 primary elections for mayor and town councilmembers in the Town of Braselton and
19 elections for mayor and town councilmembers shall be nonpartisan.

20 (d) *Terms of office.* All town councilmembers and the mayor elected pursuant to this charter
21 shall serve a term of office of four years and until their respective successors are elected and
22 qualified.

23 **SECTION 2.13.**

24 Vacancy; filling of vacancies.

25 (a) The office of mayor or councilmember shall become vacant upon the incumbent's death,
26 resignation, forfeiture of office, or removal from office in any manner authorized by this
27 charter or the general laws of the State of Georgia.

28 (b) A vacancy in the office of mayor or councilmember shall be filled for the remainder of
29 the unexpired term, if any, as provided for in Section 5.12 of this charter.

SECTION 2.14.

Compensation and expenses.

The mayor and each councilmember shall continue to receive the compensation which was in effect for said officials on the effective date of this charter. Changes in such compensation shall be accomplished pursuant to the provisions of Code Section 36-35-4 of the O.C.G.A.

SECTION 2.15.

Conflicts of interest; holding other offices.

(a) *Conflict of interest.* No elected official, appointed officer, or employee of the town or any agency or political entity to which this charter applies shall knowingly:

(1) Engage in any business or transaction or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his or her official duties or which would tend to impair the independence of his or her judgment or action in the performance of his or her official duties;

(2) Engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of his or her official duties or would tend to impair the independence of his or her judgment or action in the performance of his or her official duties;

(3) Disclose confidential information concerning the property, government, or affairs of the governmental body by which he or she is engaged without proper legal authorization or use such information to advance the financial or other private interest of himself or herself or others;

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

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

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

(b) *Disclosure.* Any elected official, appointed officer, or employee who shall have any private financial interest, directly or indirectly, in any contract or matter pending before or within any department of the town shall disclose such private interest to the town council.

1 The mayor or any councilmember who has a private interest in any matter pending before
2 the town council shall disclose such private interest and such disclosure shall be entered on
3 the records of the town council, and he or she shall disqualify himself or herself from
4 participating in any decision or vote relating thereto. Any elected official, appointed officer,
5 or employee of any agency or political entity to which this charter applies who shall have any
6 private financial interest, directly or indirectly, in any contract or matter pending before or
7 within such entity shall disclose such private interest to the governing body of such agency
8 or entity.

9 (c) *Use of public property.* No elected official, appointed officer, or employee of the town
10 or any agency or entity to which this charter applies shall use property owned by such
11 governmental entity for personal benefit, convenience, or profit, except in accordance with
12 policies promulgated by the town council or the governing body of such agency or entity.

13 (d) *Contracts voidable or rescindable.* Any violation of this section which occurs with the
14 knowledge, express or implied, of a party to a contract or sale shall render said contract or
15 sale voidable at the option of the town council.

16 (e) *Ineligibility of elected official.* Except where authorized by law, neither the mayor nor
17 any councilmember shall hold any other elective or compensated appointive office in the
18 town or otherwise be employed by said government or any agency hereof during the term for
19 which he or she was elected. No former mayor and no former councilmember shall hold any
20 compensated appointive office in the town until one year after the expiration of the term for
21 which he or she was elected.

22 (f) *Political activities of certain officers and employees.* No appointive officer and no
23 employee of the town shall continue in such employment upon qualifying as a candidate for
24 nomination or election to any public office.

25 (g) *Penalties for violations.*

26 (1) Any employee who knowingly conceals such financial interest or knowingly violates
27 any of the requirements of this section shall be guilty of malfeasance in office or position
28 and shall be deemed to have forfeited his or her office or position.

29 (2) Any employee of the town who shall forfeit his or her office or position as described
30 in paragraph (1) of this subsection shall be ineligible for appointment or election to or
31 employment in a position in the town government for a period of three years thereafter.

SECTION 2.16.

Inquiries and investigations.

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

SECTION 2.17.

General power and authority of the town council.

Except as otherwise provided by this charter, the town council shall be vested with all the powers of government of this town as provided by Article I of this charter.

SECTION 2.18.

Organizational meetings.

The town council shall hold an organizational meeting on the first business day of January, or as otherwise practical, of each year. The meeting shall be called to order and the oath of office shall be administered to the newly elected members as follows:

"I do solemnly (swear) (affirm) that I will faithfully perform the duties of (mayor) (councilmember) of the Town of Braselton and that I will support and defend the charter thereof as well as the Constitution and laws of the State of Georgia and of the United States of America. So Help Me God."

SECTION 2.19.

Regular and special meetings.

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

(b) Special meetings of the town council may be held on call of the mayor or three members of the town council. Notice of such special meetings shall be served on all other members personally, or by telephone personally, at least 24 hours in advance of the meeting. Such notice to councilmembers shall not be required if the mayor and all councilmembers are present when the special meeting is called. Such notice of any special meeting may be waived by a councilmember in writing before or after such a meeting, and attendance at the

1 meeting shall also constitute a waiver of notice of any business transacted in such
2 councilmember's presence. Only the business stated in the call may be transacted at the
3 special meeting.

4 **SECTION 2.20.**

5 Rules of procedure.

6 (a) The town council shall adopt its rules of procedure and order of business consistent with
7 the provisions of this charter.

8 (b) All committees and committee chairpersons shall be appointed by the mayor and shall
9 serve at his or her pleasure. The mayor shall have the power to appoint new members to any
10 committee at any time.

11 **SECTION 2.21.**

12 Quorum; voting.

13 Three councilmembers or two councilmembers and the mayor shall constitute a quorum and
14 shall be authorized to transact business of the town council. Voting on the adoption of
15 ordinances shall be by voice vote and the vote shall be recorded in the minutes but any
16 member of the town council shall have the right to request a roll-call vote and such vote shall
17 be recorded in the minutes. Except as otherwise provided in this charter, the affirmative vote
18 of three councilmembers or the mayor and two councilmembers shall be required for the
19 adoption of any ordinance, resolution, or motion.

20 **SECTION 2.22.**

21 Ordinance form; procedures.

22 (a) Every proposed ordinance should be introduced in writing and in the form required for
23 final adoption. No ordinance shall contain any subject which is not expressed in its title.
24 The enacting clause shall be "The Mayor and Council of the Town of Braselton hereby
25 ordains ..." and every ordinance shall so begin.

26 (b) An ordinance may be introduced by the mayor or any councilmember and be read at a
27 regular or special meeting of the town council. Ordinances shall be considered and adopted
28 or rejected by the town council in accordance with the rules which it shall establish;
29 provided, however, that an ordinance may be adopted the same day it is introduced. Upon
30 introduction of any ordinance, the clerk shall as soon as possible distribute a copy to the

1 mayor and to each councilmember and shall file a reasonable number of copies in the office
2 of the clerk and at such other public places as the town council may designate.

3 **SECTION 2.23.**

4 Action requiring an ordinance.

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

7 **SECTION 2.24.**

8 Emergencies.

9 To meet a public emergency affecting life, health, property, or public peace the town council
10 may convene on call of the mayor or three councilmembers and promptly adopt an
11 emergency ordinance, but such ordinance may not levy taxes; grant, renew, or extend a
12 franchise; regulate the rate charged by any public utility for its services; or authorize the
13 borrowing of money except for loans to be repaid within 30 days. An emergency ordinance
14 shall be introduced in the form prescribed for ordinances generally, except that it shall be
15 plainly designated as an emergency ordinance and shall contain, after the enacting clause,
16 a declaration stating that an emergency exists, and describing the emergency in clear and
17 specific terms. An emergency ordinance may be adopted, with or without amendment, or
18 rejected at the meeting at which it is introduced, but the affirmative vote of at least three
19 councilmembers or the mayor and two councilmembers shall be required for adoption. It
20 shall become effective upon adoption or at such later time as it may specify. Every
21 emergency ordinance shall automatically stand repealed 30 days following the date upon
22 which it was adopted, but this shall not prevent reenactment of the ordinance in the manner
23 specified in this section if the emergency still exists. An emergency ordinance also be
24 repealed by adoption of a repealing ordinance in the same manner specified herein for
25 adoption of emergency ordinances.

26 **SECTION 2.25.**

27 Codes of technical regulations.

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

1 (1) The requirements of subsection (b) of Section 2.22 of this charter for distribution and
 2 filing of copies of the ordinance shall be construed to include copies of any code of
 3 technical regulations, as well as the adopting ordinance; and

4 (2) A copy of each adopted code of technical regulations, as well as the adopting
 5 ordinance, shall be authenticated and recorded by the clerk pursuant to Section 2.26 of
 6 this charter.

7 (b) Copies of any adopted code of technical regulations shall be made available by the clerk
 8 for distribution or for purchase at a reasonable price.

9 **SECTION 2.26.**

10 Signing; authenticating; recording; codification; printing.

11 (a) The clerk shall authenticate by his or her signature and record in full in a properly
 12 indexed book kept for that purpose, all ordinances adopted by the council.

13 (b) The town council shall provide for the preparation of a general codification of all the
 14 ordinances of the town having the force and effect of law. The general codification shall be
 15 adopted by the town council by ordinance and shall be published promptly, together with all
 16 amendments thereto and such codes of technical regulations and other rules and regulations
 17 as the town council may specify. This compilation shall be known and cited officially as
 18 "The Code of the Town of Braselton, Georgia." Copies of the code shall be furnished to all
 19 officers, departments, and agencies of the town and made available for purchase by the
 20 public at a reasonable price as fixed by the town council.

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

30 **SECTION 2.27.**

31 Election of mayor; forfeiture; compensation.

32 The mayor shall be elected and serve for a term of four years and until his or her successor
 33 is elected and qualified. He or she shall be a qualified elector of this town and shall have

1 been a resident of the town for at least 180 days preceding his or her qualification for office.
 2 He or she shall continue to reside in this town during the period of his service. The
 3 compensation of the mayor shall be established in the same manner as for councilmembers.

4 **SECTION 2.28.**

5 Mayor pro tempore.

6 At the organizational meeting, by a majority vote, the town council shall elect a
 7 councilmember to serve as mayor pro tempore for that ensuing year. The mayor pro tempore
 8 shall assume the duties and powers of the mayor during the mayor's disability or absence.
 9 Any such disability or absence shall be declared by a majority vote of the town council.

10 **SECTION 2.29.**

11 Powers and duties of mayor.

12 The mayor shall:

- 13 (1) Preside at all meetings of the town council;
 14 (2) Be at the head of the town for the purpose of service of process and for ceremonial
 15 purposes and be the official spokesman for the town and the chief advocate of policy;
 16 (3) Have the power to administer oaths and to take affidavits;
 17 (4) Sign as a matter of course on behalf of the town all written and approved contracts,
 18 ordinances, and other instruments executed by the town which by law are required to be
 19 in writing;
 20 (5) Vote on matters before the town council, make a respective motion, and be counted
 21 toward a quorum as any other councilmember; and
 22 (6) Fulfill such other duties as the town council shall by ordinance establish.

23 **ARTICLE III**

24 **ADMINISTRATIVE AFFAIRS**

25 **SECTION 3.10.**

26 Administrative and service departments.

27 (a) Except as otherwise provided in this charter, the town council by ordinance shall
 28 prescribe the functions or duties of and establish, abolish, or alter all nonelective offices,
 29 positions of employment, departments, and agencies of the town, as necessary for the proper
 30 administration of the affairs and government of this town.

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

4 (c) All appointive officers and directors of departments shall receive such compensation as
5 prescribed by ordinances or as duly approved by the town council.

6 (d) There shall be an individual who shall be the director, supervisor, or department head,
7 or other title as designated, of each department or agency who shall be its principal officer.
8 This person, along with the police chief and town clerk, shall be subject to the direction and
9 supervision of the town manager, and be responsible for the administration and direction of
10 the affairs and operations of the department or agency.

11 (e) With the exception of the police chief, the town manager shall appoint and hire all
12 employees of the town to fill designated or approved positions. The town manager shall
13 recommend the appointment and hiring of the police chief but said individual shall be
14 approved only by a vote of the town council.

15 (f) The town manager may reprimand, suspend, or remove any employee under his or her
16 supervision; provided, however, that such employee shall enjoy any right of appeal to the
17 town council as set forth or defined by the town's personnel policies. If discipline of the
18 police chief leads to a recommendation of dismissal or suspension, the town manager must
19 seek approval by a vote of three councilmembers.

20 **SECTION 3.11.**

21 **Boards, commissions, and authorities.**

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

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

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

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

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

4 (f) No member of a board, commission, or authority shall assume office until he or she has
 5 executed and filed with the clerk of the town an oath obligating himself or herself to perform
 6 faithfully and impartially the duties of his or her office, such oath to be prescribed by
 7 ordinance and administered by the mayor.

8 (g) Any member of a board, commission, or authority may be removed from office for cause
 9 by a vote of three members of the town council.

10 (h) Except as otherwise provided by this charter or by law or ordinance, each board,
 11 commission, or authority of the town shall elect one of its members as chairperson and one
 12 member as vice chairperson, and may elect as its secretary one of its members or may
 13 appoint as secretary an employee of the town. The town council may establish such bylaws,
 14 rules, and regulations, not inconsistent with this charter, an ordinance of the town, or law, as
 15 it deems appropriate and necessary for the fulfillment of the duties or the conduct of each
 16 board, commission, or authority's affairs. Copies of such bylaws, rules, and regulations shall
 17 be filed with the clerk of the town.

18 **SECTION 3.12.**

19 Town attorney.

20 The town council shall appoint a town attorney and shall provide for the payment of such
 21 attorney or attorneys for services rendered to the town. The town attorney shall be
 22 responsible for representing and defending the town in all litigation in which the town is a
 23 party, shall be the prosecuting officer in the municipal court, shall attend the meetings of the
 24 council as directed, shall advise the town council, mayor, and other officers and employees
 25 of the town concerning legal aspects of the town's affairs, and shall perform such other duties
 26 as may be required of him or her by virtue of his or her position as town attorney.

27 **SECTION 3.13.**

28 Town clerk.

29 The town council shall appoint a town clerk who shall not be a councilmember. The town
 30 clerk shall be custodian of the official town seal, maintain town council records required by
 31 this charter, and perform such other duties as may be required by the town council. The town
 32 clerk's duties and responsibilities may be further defined or provided by a class specification

1 or job description and shall include any other duties that may be assigned by the town
2 manager.

3 **SECTION 3.14.**

4 Town treasurer/financial officer.

5 The town council shall appoint a town treasurer/financial officer to collect all taxes, licenses,
6 fees, and other moneys belonging to the town subject to the provisions of this charter and the
7 ordinances of the town and to enforce all laws of Georgia relating to the collection of
8 delinquent taxes and sale or foreclosure for nonpayment of taxes by the town. The town
9 treasurer/financial officer shall also be responsible for the general duties of a treasurer and
10 fiscal officer.

11 **SECTION 3.15.**

12 Town auditor.

13 The town council may appoint a town auditor to perform the duties of an auditor.

14 **SECTION 3.16.**

15 Town manager.

16 (a) The town council shall appoint a town manager who shall be the chief administrative
17 officer of the town and manage and direct the daily operations of the town government in
18 accordance with local ordinances, bylaws, and with policies prescribed by the town council.
19 The town manager shall direct the administrative activities of the town; act as focal point for
20 strategic planning, programming, and budgeting; supervise all town employees; serve as a
21 liaison among the town staff and governing body; assist the general public; and serve on any
22 boards or committees.

23 (b) The town manager shall specifically:

24 (1) Discipline, suspend, or remove all employees, excluding the police chief, as further
25 provided by this charter or state law. The manager may designate said authority to the
26 head of a department or office regarding their subordinates;

27 (2) Appoint and hire, when necessary for the good of the town, all employees to fill a
28 vacancy or approved position, provided that the town council shall appoint and hire the
29 police chief. The town manager shall make a recommendation regarding such position;

30 (3) Prepare the annual operating and capital budget and any other budget and submit
31 same to the town council and be responsible for administration of same;

- 1 (4) Prepare and submit to the town council, as of the end of the fiscal year, a complete
 2 report on the finances and administrative activities of the town for the preceding year;
 3 (5) See that all laws, ordinances, and policies are duly enforced; and
 4 (6) Perform other such duties as may be required by the town council, not inconsistent
 5 with the town charter, law, or ordinances.
- 6 (c) The town manager's duties and responsibilities may be further defined or provided by
 7 a class specification or job description or as assigned or designated by the town council.
- 8 (d) The town manager shall serve at the pleasure of the town council and may be suspended
 9 or removed by a vote of three councilmembers.

10 **SECTION 3.17.**

11 Position classification and pay plans.

12 The town manager shall be responsible for the preparation of a position classification and pay
 13 plan which shall be submitted to the town council for approval. Such plan may apply to all
 14 employees of the town and any of its agencies, departments, boards, commissions, or
 15 authorities. When a pay plan has been adopted, the town council shall not increase or
 16 decrease the salary range applicable to any position except by amendment of such pay plan.
 17 For purposes of this section, all elected and appointed town officials are not town employees.

18 **SECTION 3.18.**

19 Personnel policies.

20 The town council shall adopt rules and regulations consistent with this charter concerning:
 21 (1) The method of employee selection and probationary periods of employment;
 22 (2) The administration of the position classification and pay plan, methods of promotion
 23 and application of service ratings thereto, and transfer of employees within the
 24 classification plan;
 25 (3) Hours of work, vacation, sick leave, and other leaves of absence, overtime pay, and
 26 the order and manner in which layoffs shall be effected;
 27 (4) Such dismissal hearings as due process may require; and
 28 (5) Such other personnel notices as may be necessary to provide for adequate and
 29 systematic handling of personnel affairs.

1 ARTICLE IV

2 JUDICIAL BRANCH

3 SECTION 4.10.

4 Creation; name.

5 There shall be a court to be known as the Municipal Court of the Town of Braselton.

6 SECTION 4.11.

7 Chief judge; associate judge.

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

10 (b) All judges shall be appointed by the town council.

11 (c) Compensation of the judge or judges shall be fixed by ordinance.

12 (d) Before assuming office, each judge shall take an oath, given by the mayor, that he or she
13 will honestly and faithfully discharge the duties of his or her office to the best of his or her
14 ability and without fear, favor, or partiality.

15 SECTION 4.12.

16 Convening.

17 The municipal court shall be convened at regular intervals as provided by the court.

18 SECTION 4.13.

19 Jurisdiction; powers.

20 (a) The municipal court shall try and punish violations of this charter, all town ordinances,
21 and such other violations as provided by law.22 (b) The municipal court shall have the authority to punish those in its presence for contempt
23 and to impose any penalty allowed under state law.24 (c) The municipal court may fix punishment for offenses within its jurisdiction and may fix
25 punishment by fine, imprisonment, or alternative sentencing as to not exceed an amount or
26 length as now or hereafter provided by state law.27 (d) The municipal court shall have the authority to establish a schedule of fees to defray the
28 cost of operation and shall be entitled to reimbursement of the actual cost of meals,
29 transportation, and caretaking of prisoners bound over to superior and state courts for
30 violation of state law.

1 (e) The municipal court shall have authority to establish bail and recognizances to ensure
 2 the presence of those charged with violations before said court and shall have discretionary
 3 authority to accept cash or personal or real property as surety bond for the appearance of
 4 persons charged with violations. Whenever any person shall give bail for his or her
 5 appearance and shall fail to appear at the time fixed for trial, his or her bond shall be forfeited
 6 by the judge presiding at such time and an execution shall be issued thereon by serving the
 7 defendant and his or her sureties with a rule nisi at least two days before a hearing on the rule
 8 nisi. In the event that cash or property is accepted in lieu of bond for security for the
 9 appearance of a defendant at trial, and if such defendant fails to appear at the time and place
 10 fixed for trial, the cash so deposited shall be on order of the judge declared forfeited to the
 11 town, or the property so deposited shall have a lien against it for the value forfeited which
 12 lien shall be enforceable in the same manner and to the same extent as a lien for town
 13 property taxes.

14 **SECTION 4.14.**

15 Certiorari.

16 The right of certiorari from the decision and judgment of the municipal court shall exist in
 17 all criminal cases and ordinance violation cases, and such certiorari shall be obtained under
 18 the sanction of a judge of the Superior Court of Jackson County, under the laws of the State
 19 of Georgia regulating the granting and issuance of writs of certiorari.

20 **SECTION 4.15.**

21 Rules for court.

22 With the approval of the town council, the judge shall have full power and authority to make
 23 reasonable rules and regulations necessary and proper to secure the efficient and successful
 24 administration of the municipal court.

25 **ARTICLE V**

26 **ELECTIONS AND REMOVAL**

27 **SECTION 5.10.**

28 Nonpartisan elections.

29 Political parties shall not conduct primaries for town offices and all names of candidates for
 30 town offices shall be listed without party designations.

SECTION 5.11.

Municipal general elections.

(a) There shall be a municipal general election biennially in the odd-numbered years on the Tuesday next following the first Monday in November.

(b) Those persons serving as councilmembers and mayor on the date this charter becomes effective in 2003, and any person selected to fill a vacancy in such office, shall continue to serve out their terms of office and until their respective successors are elected and qualified. Successors to councilmembers from Council Districts 1 and 3 shall be elected at the municipal general election in 2003 and at every other municipal general election thereafter. Successors to the mayor and councilmembers from Council Districts 2 and 4 shall be elected at the municipal general election in 2005 and at every other municipal general election thereafter. Terms of office for those officers shall begin at the first organizational meeting provided for under Section 2.18 of this charter immediately following those officers' respective elections.

SECTION 5.12.

Special elections; vacancies.

In the event that the office of mayor or councilmember shall become vacant for any cause whatsoever, the town council or those remaining shall order a special election to fill the balance of the unexpired term of such official; provided, however, that if such vacancy occurs within six months of the expiration of the term of that office, such office shall remain vacant until filled at the municipal general election occurring within those six months. In all other respects, the special election shall be held and conducted in accordance with Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code."

SECTION 5.13.

Other provisions.

Except as otherwise provided by this charter, the town council shall, by ordinance, prescribe such rules and regulations it deems appropriate to fulfill any options and duties under Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code."

1 ARTICLE VI

2 FINANCE

3 **SECTION 6.10.**

4 Property tax.

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

11 **SECTION 6.11.**

12 Millage rate; due dates; payment methods.

13 The town council by ordinance shall establish a millage rate for the town property taxes, a
14 due date, and the time period within which these taxes must be paid. The town council by
15 ordinance may provide for the payment of these taxes by installments or in one lump sum,
16 as well as authorize the voluntary payment of taxes prior to the time when due.

17 **SECTION 6.12.**

18 Occupation and business taxes.

19 The town council by ordinance shall have the power to levy such occupation or business
20 taxes as are not denied by law. The town council may classify businesses, occupations, or
21 professions for the purpose of such taxation in any way which may be lawful and may
22 compel the payment of such taxes as provided in Section 6.18 of this charter.

23 **SECTION 6.13.**

24 Regulatory fees; permits.

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

SECTION 6.14.

Franchises.

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

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

SECTION 6.15.

Service charges.

The town council by ordinance shall have the power to assess and collect fees, charges, and tolls for sewers, sanitary and health services, or any other services provided or made available within and outside the corporate limits of the town for the total cost to the town of providing or making available such services. If unpaid, such charges shall be collected as provided in Section 6.18 of this charter.

SECTION 6.16.

Construction; other taxes.

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

SECTION 6.17.

Collection of delinquent taxes and fees.

The town council by ordinance may provide generally for the collection of delinquent taxes, fees, or other revenue due the town under this article by whatever reasonable means as are not precluded by law. This shall include providing for the dates when the taxes or fees are due; late penalties or interest; issuance and execution of fi. fas.; creation and priority of liens; making delinquent taxes and fees personal debts of the persons required to pay the taxes or fees imposed; revoking town permits for failure to pay any town taxes or fees; and providing for the assignment or transfer of tax executions.

SECTION 6.18.

General obligation bonds.

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

SECTION 6.19.

Revenue bonds.

Revenue bonds may be issued by the town council as state law now or hereafter provides. Such bonds are to be paid out of any revenue produced by the project, program, or venture for which they were issued.

SECTION 6.20.

Fiscal year.

The town council shall set the fiscal year by ordinance. This fiscal year shall constitute the budget year and the year for financial accounting and reporting of each and every office, department, agency, and activity of the town government.

SECTION 6.21.

Contracting procedures.

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

- 1 (1) It is in writing; and
 2 (2) It is drawn or submitted and reviewed by the town attorney and, as a matter of course,
 3 is signed by him or her to indicate such drafting or review.

4 ARTICLE VII

5 GENERAL PROVISIONS

6 **SECTION 7.10.**

7 Bonds for officials.

8 The officers and employees of this town, both elective and appointive, shall execute such
 9 surety bonds in such amounts and upon such terms and conditions as the town council shall
 10 from time to time require by ordinance or as may be provided by law.

11 **SECTION 7.11.**

12 Existing ordinances, resolutions, rules, and regulations.

13 Existing ordinances, resolutions, rules, and regulations now in force in the town not in
 14 conflict with this charter shall continue in force, unless repealed or amended.

15 **SECTION 7.12.**

16 Existing personnel and officers.

17 Except as specifically provided otherwise by this charter, all personnel and officers of the
 18 town and their rights, privileges, and powers shall continue beyond the time this charter takes
 19 effect until changed pursuant to this charter.

20 **SECTION 7.13.**

21 Pending matters.

22 Except as specifically provided otherwise by this charter, all rights, claims, actions, orders,
 23 contracts, and legal or administrative proceedings shall continue and any such ongoing work
 24 or cases shall be completed by such town agencies, personnel, or offices as may be provided
 25 by the town council.

SECTION 7.14.

Construction.

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

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

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

(d) The phrase "town council" shall denote the governing body of the Town of Braselton which comprises four councilmembers and a mayor. Unless otherwise specified, all votes and actions taken by the governing body of the town shall consist of and include the four councilmembers and the mayor.

SECTION 7.15.

Effective date.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 7.16.

Specific repealer.

An Act incorporating the Town of Braselton, approved August 8, 1916, is repealed in its entirety and all amendatory Acts thereto are likewise repealed in their entirety; provided, however, that those laws found at Ga. L. 1974, p. 3142; Ga. L. 1983, p. 4865; and Ga. L. 1999, p. 4712 shall remain in full force and effect as provided in such laws, ordinances, and regulations. All other laws and parts of laws in conflict with this charter are repealed.

SECTION 7.17.

General repealer.

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