House Bill 496

By: Representative Burns of the 157th

A BILL TO BE ENTITLED

AN ACT

To provide a new charter for the Town of Hiltonia; to provide for incorporation, boundaries, and powers of the municipality; to provide for a governing authority of such municipality and the powers, duties, authority, election, terms, vacancies, compensation, expenses, qualifications, prohibitions, conflicts of interest, and suspension and removal from office relative to members of such governing authority; to provide for inquiries and investigations; to provide for oaths, organization, meetings, quorum, voting, rules, and procedures; to provide for ordinances and codes; to provide for a mayor and mayor pro tempore and certain duties, powers, and other matters relative thereto; to provide for administrative affairs and responsibilities; to provide for boards, commissions, and authorities; to provide for a municipal attorney, a municipal clerk, and other personnel and matters relating thereto; to provide for rules and regulations; to provide for a municipal court and the judge or judges thereof and other matters relative to those judges; to provide for the court's jurisdiction, powers, practices, and procedures; to provide for the right of appeal; to provide for elections; to provide for taxation, licenses, and fees; to provide for franchises, service charges, and assessments; to provide for bonded and other indebtedness; to provide for auditing, accounting, budgeting, and appropriations; to provide for municipal contracts and purchasing; to provide for the conveyance of property and interests therein; to provide for bonds for officials; to provide for prior ordinances and rules, pending matters, and existing personnel; to provide for penalties; to provide for definitions and construction; to provide for severability; to provide for other matters relative to the foregoing; to repeal a specific Act; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

ARTICLE I

INCORPORATION AND POWERS

SECTION 1.10.

Name.

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

SECTION 1.11.

Corporate boundaries.

(a) The boundaries of this municipality shall be those existing on the effective date of the adoption of this charter with such alterations as may be made from time to time in the manner provided by law. The boundaries of this municipality at all times shall be shown on a map, a written description or any combination thereof to be retained permanently in the office of the municipal clerk and to be designated, as the case may be: "Official map (or description) of the corporate limits of the Town of Hiltonia, Georgia." Photographic, typed, or other copies of such map or description certified by the municipal clerk shall be admitted as evidence in all courts and shall have the same force and effect as with the original map or description.

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

SECTION 1.12.

Powers and construction.

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

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

(c) The powers of the government of the Town of Hiltonia to be exercised by the mayor and council shall include, but not be limited to, the following:

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

(2) Appropriations and expenditures. To make appropriations for the support of the government of the municipality; to authorize the expenditure of money for any purposes authorized by this charter and for any purpose for which a municipality is authorized by the laws of the State of Georgia; and to provide for the payment of expenses of the municipality;

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

(4) Business regulation and taxation. To levy and to provide for collection of license fees and taxes on privileges, occupations, trades, and professions; to license and regulate the same; to provide for the manner and method of payment of such licenses and taxes; and to revoke such licenses after due process for failure to pay any municipality taxes or fees;

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

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

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

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

(9) Fire regulations. To fix and establish fire limits and from time to time to extend, enlarge, or restrict the same; to prescribe fire safety regulations not inconsistent with

general law, relating to both fire prevention and detection and to fire fighting; and to prescribe penalties and punishment for violations thereof;

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

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

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

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

(14) Jail sentences. To provide that persons given jail sentences in the municipal court may work out such sentences in any public works or on the streets, roads, drains, and squares in the municipality, to provide for commitment of such persons to any jail, or to provide for commitment of such persons to any county work camp or county jail by agreement with the appropriate county officials;

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

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

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

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

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

(20) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose of public utilities, including but not limited to a system of waterworks, sewers and drains, sewage disposal, gas works, electric light plants, transportation facilities, public airports, and any other public utility; to fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties and to provide for the withdrawal of service for refusal or failure to pay the same; and to authorize the extension of water, sewerage, and electrical distribution systems and all necessary appurtenances by which said utilities are distributed inside and outside the corporate limits of the municipality as provided by ordinance;

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

(22) Ordinances, rules, and regulations. To make, establish, and adopt such bylaws, ordinances, policies, and rules and regulations as shall appear necessary for the security, welfare, convenience, and interest of the municipality and the inhabitants thereof and for preserving the health, peace, order, and good government of the municipality;

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

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

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

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

(27) Public improvements. To provide for the acquisition, construction, building, operation, and maintenance of public ways, parks and playgrounds, recreational facilities, cemeteries, markets and market houses, public buildings, libraries, public housing, airports, hospitals, terminals, docks, and parking facilities or of charitable, cultural, educational, recreational, conservation, sport, curative, corrective, detentional, penal, and medical institutions, agencies, and facilities; to provide any other public improvements inside or outside the corporate limits of the municipality; and to regulate the use of public

improvements; and, for such purposes, property may be acquired by condemnation under Title 22 of the O.C.G.A. or such other applicable laws as are or may hereafter be enacted;

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

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

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

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

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

(33) Roadways. To lay out, open, extend, widen, narrow, establish or change the grade of, abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and walkways within the corporate limits of the municipality; to negotiate and execute leases over, through, under, or across any municipality property or the right of way of any street, road, alley, and walkway or portion thereof within the corporate limits of the municipality for bridges, passageways, or any other purpose or use between buildings on opposite sides of the street and for other bridges, overpasses, and underpasses for private use at such location and to charge a rental therefor in such manner as may be provided by ordinance; to authorize and control the construction of bridges, overpasses, and underpasses within the corporate limits of the municipality; to grant franchises and rights of way throughout the streets and roads and over the bridges and viaducts for the use of public utilities and for private use; and to require real restate owners to repair and maintain in a safe condition the sidewalks adjoining their lots or land and to impose penalties for failure to do so;

(34) Sewer fees. To levy a fee, charge, or sewer tax as necessary to assure the acquiring, constructing, equipping, operating, maintaining, and extending of a sewage disposal plant and sewerage system and to levy on those to whom sewers and sewerage systems are made available a sewer service fee, charge, or sewer tax for the availability or use of the

sewers; to provide for the manner and method of collecting such service charges and for enforcing payment of the same; and to charge, impose, and collect a sewer connection fee or fees to those connected with the system;

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

(36) Special areas of public regulation. To regulate or prohibit junk dealers, pawn shops, the manufacture, sale, or transportation of intoxicating liquors, and the use of firearms; to regulate the transportation, storage, and use of combustible, explosive, and inflammable materials, the use of lighting and heating equipment, and any other business or situation which may be dangerous to persons or property; to regulate and control the conduct of peddlers and itinerant traders, theatrical performances, exhibitions, and shows of any kind by taxation or otherwise; and to license, tax, regulate, or prohibit professional fortunetelling, palmistry, adult bookstores, and massage parlors;

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

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

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

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

(41) Urban redevelopment. To organize and operate an urban redevelopment program; and

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

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

SECTION 1.13.

Exercise of powers.

All powers, functions, rights, privileges, and immunities of the municipality, 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

DIVISION 1.

LEGISLATIVE BRANCH

SECTION 2.10.

Mayor and council--creation; number; election.

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

SECTION 2.11.

Mayor and council--terms and qualifications for office.

(a) The mayor and council in office on the effective date of this charter shall continue in office until their respective successors are elected and qualified.

(b) In 2011, there shall be an election for mayor for a four-year term, three councilmembers for a two-year term, and three councilmembers for a four-year term.

(c) Beginning with the election in 2013, the mayor and each member of the council shall serve for terms of four years and until their respective successors are elected and qualified. No person shall be eligible to serve as mayor or councilmember unless such person has been a resident of the municipality for a period of at least 12 months immediately prior to the date of the election of the mayor or members of the council; each shall continue to reside therein during period of service and to be registered and qualified to vote in municipal elections of this municipality.

SECTION 2.12.

Vacancy; filling of vacancies; suspensions.

(a) Vacancies. The office of mayor or councilmember shall become vacant upon the incumbent's death, resignation, forfeiture of office, or removal from office in any manner authorized by this charter or the general laws of the State of Georgia. A vacancy in the office of mayor or councilmember shall be filled for the remainder of the unexpired term, if any, as provided for in Section 5.14 of this charter.

(b) Suspension. Upon the suspension from office of the mayor or a councilmember in any manner authorized by the general laws of the State of Georgia, the mayor and council or those remaining shall appoint a successor for the duration of the suspension. If the suspension becomes permanent, then the office shall become vacant and shall be filled for the remainder of the unexpired term, if any, as provided for in Section 5.14 of this charter.

SECTION 2.13.

Mayor and council--compensation and expenses.

The mayor and each councilmember shall receive compensation and expenses for their services as provided by ordinance.

SECTION 2.14.

Conflicts of interest; holding other offices.

(a) Elected and appointed officers of the municipality are trustees and servants of the residents of the municipality and shall act in a fiduciary capacity for the benefit of such residents.

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

(1) Engage in any business or transaction nor have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of official duties or which would tend to impair the independence of judgment or action in the performance of 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 official duties or would tend to impair the independence of judgment or action in the performance of official duties;

(3) Disclose confidential information, including information obtained at meetings which are closed pursuant to Chapter 14 of Title 50 of the O.C.G.A., concerning the property, government, or affairs of the governmental body by which such official, officer, or employee 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, thing, or promise, from any person, firm, or corporation which to such official, officer, or employee's knowledge is interested, directly or indirectly, in any manner whatsoever, in business dealings with the governmental body by which such person 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; provided, further, that an elected official may receive a valuable gift, the value of which may not exceed $100.00 per quarter of a calendar year nor exceed $250.00 per calendar year; provided, further, that the same valuable gift must be offered to all councilmembers; and in the event an elected official wishes to accept a gift exceeding these guidelines, then the elected official must obtain a waiver approved by a majority vote of the municipal council; or

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

(c) 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 municipality shall disclose such private interest to the mayor and council. The mayor or any councilmember who has a private interest in any matter pending before the mayor and council shall disclose such private interest, and such disclosure shall be entered on the records of the mayor and council, and such person shall disqualify himself or herself from participating in any decision or vote relating thereto. Any elected official, appointed officer, or employee of any agency or political entity to which this charter applies who shall have any private financial interest, directly or indirectly, in any contract or matter pending before or within such entity shall disclose such private interest to the governing body of such agency or entity.

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

(e) Contracts voidable and rescindable. Any violation of this section which occurs with the knowledge, express or implied, of a party to a contract or sale shall render said contract or sale voidable at the option of the mayor and council.

(f) Ineligibility of elected official. Except where authorized by law, neither the mayor nor any councilmember shall hold any other elective or compensated appointive office in the municipality or otherwise be employed by said government or any agency thereof during the term for which such person was elected. No former mayor or former councilmember shall hold any compensated appointive office in the municipality until one year after the expiration of the term for which such person was elected.

(g) Political activities of certain officers and employees. No appointed officer or employee of the municipality shall continue in such employment upon qualifying as a candidate for nomination or election to any public office for the Town of Hiltonia.

(h) Penalties for violation.

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

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

SECTION 2.15.

Inquiries and investigations.

The mayor and council may make inquiries and investigations into the affairs of the municipality and 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 mayor and council shall be punished as provided by ordinance.

SECTION 2.16.

General power and authority of the mayor and council.

Except as otherwise provided by other provisions of this charter, the mayor and council shall exercise that authority and those powers as provided by Article I of this charter.

SECTION 2.17.

Eminent domain.

The mayor and council are empowered to acquire, construct, operate, and maintain public ways, parks, public grounds, cemeteries, markets, market houses, public buildings, libraries, sewers, drains, sewage treatment, waterworks, electrical systems, gas systems, airports, hospitals, and charitable, educational, recreational, sport, curative, corrective, detentional, penal and medical institutions, agencies, and facilities; to provide any other public improvements inside or outside the municipality; and to regulate the use thereof; and, for such purposes, property may be condemned under procedures established under Title 22 of the O.C.G.A. or such other applicable laws as are or may hereafter be enacted.

DIVISION 2.

ORGANIZATION AND PROCEDURES

SECTION 2.18.

Organizational meetings.

The mayor and council shall hold an organizational meeting on the first business day of the new year. The meeting shall be called to order by the municipal clerk 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 or councilmember) of this municipality 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. I am not the holder of any unaccounted for public money due this state or any political subdivision or authority thereof. I am not the holder of any office of trust under the government of the United States, any other state, or any foreign state which I by the laws of the State of Georgia am prohibited from holding. I am otherwise qualified to hold said office according to the Constitution and laws of Georgia. I have been a resident of the Town of Hiltonia for the time required by the Constitution and laws of this state and by the municipal charter. I will perform the duties of my office in the best interest of the Town of Hiltonia to the best of my ability without fear, favor, affection, reward, or expectation thereof."

SECTION 2.19.

Regular and special meetings.

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

(b) Special meetings of the mayor and council may be held on call of two councilmembers or the mayor and one councilmember. Notice of such special meetings shall be served on all other members personally, or by telephone personally, at least 48 hours in advance of the meeting. Such notice to the mayor and councilmembers shall not be required if four members of the council 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 meeting shall also constitute a waiver of notice on any business transacted in such councilmember's presence. Only the business stated in the call may be transacted at the special meeting.

(c) All meetings of the city council shall be public to the extent required by law and notice to the public of special meetings shall be made fully as is reasonably possible as provided by Code Section 50-14-1 of the O.C.G.A. or other such applicable laws as are or may hereafter be enacted.

SECTION 2.20.

Rules of procedure.

(a) The mayor and council shall adopt rules of procedure and order of business consistent with the provisions of this charter and shall provide for keeping a journal of proceedings, which shall be a public record.

(b) All committees and committee chairpersons and officers of the mayor and council shall be appointed by the mayor and council and shall serve at their pleasure. The mayor and council shall have the power to appoint new members to any committee at any time.

SECTION 2.21.

Quorum: voting.

(a) Four of the councilmembers shall constitute a quorum, which shall not include the mayor, and shall be authorized to transact business of the mayor and council. Voting on the adoption of ordinances shall be by a roll-call vote and such vote shall be recorded in the journal. Except as otherwise provided in this charter, the affirmative vote of four councilmembers (including the mayor's vote in the case of a tie) shall be required for the

adoption of any ordinance. Further, except as otherwise provided in this charter, the affirmative vote of a majority of the quorum present (including the mayor's vote in the case of a tie) shall be required for the adoption of any resolution or motion. The mayor shall be empowered to vote in case of a tie vote between the councilmembers in order to break the tie.

(b) In the event vacancies in office result in less than a quorum of the councilmembers holding office, then the remaining councilmembers in office shall constitute a quorum and shall be authorized to transact business of the mayor and council. A vote of a majority of the remaining councilmembers shall be required for the adoption of any ordinance, resolution, or motion.

SECTION 2.22.

Ordinance form; procedures.

(a) Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain a subject which is not expressed in its title. The enacting clause shall be "The mayor and council of the Town of Hiltonia hereby ordain...." and every ordinance shall so begin.

(b) An ordinance may be introduced by any councilmember and be read at a regular or special meeting of the mayor and council. Ordinances shall be considered and adopted or rejected by the mayor and council in accordance with the rules which they shall establish; provided, however, an ordinance shall not be adopted the same day it is introduced, except for emergency ordinances provided in Section 2.24 of this charter. Upon introduction of any ordinance, the clerk shall as soon as possible distribute a copy to the mayor and each councilmember and shall file a reasonable number of copies in the office of the clerk and at such other public places as the mayor and council may designate.

SECTION 2.23.

Action requiring an ordinance.

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

SECTION 2.24.

Emergencies.

(a) To meet a public emergency affecting life, health, property, or public peace, the mayor and council may convene on call of the mayor or two councilmembers and promptly adopt an emergency ordinance, but such ordinance may not levy taxes; grant, renew, or extend a franchise; regulate the rate charged by any public utility for its services; or authorize the borrowing of money except for loans to be repaid within 30 days. An emergency ordinance shall be introduced in the form prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance, shall contain, after the enacting clause, a declaration stating that an emergency exists, and shall describe the emergency in clear and specific terms. An emergency ordinance may be adopted, with or without amendment, or rejected at the meeting at which it is introduced, but the affirmative vote of at least two councilmembers shall be required for adoption. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance shall automatically stand repealed 90 days following the date upon which it was adopted, but this shall not prevent reenactment of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

(b) Such meetings shall be open to the public to the extent required by law and notice to the public of emergency meetings shall be made as fully as is reasonably possible in accordance with Code Section 50-14-1 of the O.C.G.A. or such other applicable laws as are or may hereafter be enacted.

SECTION 2.25.

Codes of technical regulations.

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

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

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

(b) Copies of any adopted code of technical regulations shall be made available by the clerk for distribution or for purchase at a reasonable price which may include referral to a bookstore or online copy of said materials.

SECTION 2.26.

Signing; authenticating; recording; codification; printing.

(a) The clerk shall authenticate by signature and record in full in a properly indexed book kept for that purpose all ordinances adopted by the mayor and council.

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

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

SECTION 2.27.

Selection of mayor pro tempore.

By a majority vote of all its members, the mayor and council by the second meeting of the new year shall elect a councilmember to serve as mayor pro tempore who shall serve at the pleasure of the mayor and council. The mayor pro tempore shall continue to vote and otherwise participate as a councilmember.

SECTION 2.28.

Powers and duties of mayor.

The mayor shall:

(1) Preside at all meetings of the mayor and council;

(2) Be the head of the municipality for the purpose of service of process and for ceremonial purposes and shall be the official spokesperson for the municipality and the chief advocate of policy;

(3) Have power to administer oaths and to take affidavits;

(4) Sign as a matter of course on behalf of the municipality all written and approved contracts, ordinances, and other instruments executed by the municipality which by law are required to be in writing; and

(5) Vote on matters before the municipal council only in the case of a tie and not be counted toward a quorum as other councilmembers.

SECTION 2.29.

Mayor pro tempore; duties.

Upon the mayor's disability or absence, the mayor pro tempore shall preside at all meetings of the mayor and council and shall assume the duties and powers of the mayor. The council by a majority vote shall elect a new presiding officer from among its members for any period in which the mayor pro tempore is disabled, absent, or acting as mayor. Any such absence or disability of the mayor shall be declared by majority vote of the council.

ARTICLE III.

ADMINISTRATIVE AFFAIRS

DIVISION 1.

IN GENERAL

SECTION 3.10.

Administrative and service departments.

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

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

(c) All appointed officers and directors of departments shall receive such compensation as prescribed by ordinance.

(d) There shall be a director of each department or agency who shall be its principal officer. Each director shall be responsible for the administration and direction of the affairs and operations of department or agency.

(e) All directors shall be appointed by the mayor and council. All appointed officers and directors shall be employees at will and subject to removal or suspension at any time by the mayor and council unless otherwise provided by law or ordinance.

SECTION 3.11.

Municipal boards, municipal commissions, and municipal authorities.

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

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

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

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

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

(f) No member of a municipal board, municipal commission, or municipal authority shall assume office until such member has executed and filed with the clerk of the municipality an oath obligating that member to faithfully and impartially perform the duties of office, such oath to be prescribed by ordinance and administered by the mayor.

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

(h) Except as otherwise provided by this charter or by law, each municipal board, municipal commission, or municipal authority shall elect one of its members as chairperson and one member as vice chairperson and may elect as its secretary one of its own members or may appoint as secretary an employee of the municipality. Each municipal board, municipal commission, or municipal authority may establish such bylaws, rules, and regulations, not inconsistent with this charter, ordinances of the municipality, or law, as it deems appropriate and necessary for the fulfillment of its duties or the conduct of its affairs. Copies of such bylaws, rules, and regulations shall be filed with the clerk of the municipality.

DIVISION 2.

ADMINISTRATIVE OFFICERS

SECTION 3.12.

Municipal attorney.

The mayor and council shall appoint a municipal attorney, together with such assistant municipal attorneys as may be authorized, and shall provide for the payment of such attorney or attorneys for services rendered to the municipality. The municipal attorney shall be responsible for representing and defending the municipality in all litigation in which the municipality is a party, may be the prosecuting officer in the municipal court, shall attend the meetings of the mayor and council as directed, shall advise the mayor and council and other officers and employees of the municipality concerning legal aspects of the municipality's affairs, and shall perform such other duties as may be required of the municipal attorney by virtue of position as municipal attorney.

SECTION 3.13.

Municipal clerk.

The mayor and council shall appoint a municipal clerk who shall not be a councilmember. The municipal clerk shall be custodian of the official town seal, maintain such records as are required by this charter, and perform such other duties as may be required by the mayor and council.

SECTION 3.14.

Municipal accountant.

The mayor and council shall appoint a municipal accountant to perform the duties of an accountant.

DIVISION 3.

PERSONNEL ADMINISTRATION

SECTION 3.15.

Position classification and pay plans.

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

SECTION 3.16.

Personnel policies.

The mayor and council shall adopt rules and regulations consistent with this charter concerning:

(1) The method of employee selection and probationary periods of employment;

(2) The administration of the position classification and pay plan, methods of promotion and application of service ratings thereto, and transfer of employees within the classification plan;

(3) Hours of work, vacation, sick leave, and other leaves of absence, overtime pay, and the order and manner in which layoffs shall be effected;

(4) Such dismissal hearings as due process may require; and

(5) Such other personnel notices as may be necessary to provide for adequate and systematic handling of personnel affairs.

ARTICLE IV.

JUDICIAL BRANCH

SECTION 4.10.

Creation; name.

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

SECTION 4.11.

Municipal judge; associate judge.

(a) The municipal court shall be presided over by a chief judge and such part-time, full-time, or stand-by judges as shall be provided by the mayor and council. The method of selection and terms of such judges shall be provided by the mayor and council.

(b) No person shall be qualified or eligible to serve as a judge on the municipal court unless such person shall have attained the age of 21 years and shall be a member of the State Bar of Georgia. All judges shall be appointed by the mayor and council.

(c) Compensation of the judges shall be fixed by the mayor and council.

(d) Judges may be removed for cause by a vote of five members of the council.

(e) Before assuming office, each judge shall take an oath, given by the mayor, that he or she will honestly and faithfully discharge the duties of office to the best of ability and without fear, favor, or partiality. The oath shall be entered upon the minutes of the journal of the mayor and council as required in Section 2.20 of this charter.

SECTION 4.12.

Convening.

The municipal court shall be convened at regular intervals.

SECTION 4.13.

Jurisdiction; powers.

(a) The municipal court shall try and punish violations of this charter, all municipal ordinances, and such other violations as provided by law.

(b) The municipal court shall have authority to punish those in its presence for contempt, provided that such punishment shall not exceed $600.00, 20 days in jail, or both $600.00 and 20 days in jail.

(c) The municipal court may fix punishment for offenses within its jurisdiction not exceeding a fine of $1,000.00 or imprisonment for 180 days, or both such fine and imprisonment, or may fix punishment by fine, imprisonment or, alternative sentencing as now or hereafter provided by law.

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

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

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

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

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

SECTION 4.14.

Certiorari.

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

SECTION 4.15.

Rules for court.

With the approval of the mayor and council, the judge shall have full power and authority to make reasonable rules and regulations necessary and proper to secure the efficient and successful administration of the municipal court; provided, however, that the mayor and council may adopt in part or in toto the rules and regulations applicable to superior courts. The rules and regulations made or adopted shall be filed with the municipal clerk, shall be available for public inspection, and, upon request, a copy shall be furnished to all defendants in municipal court proceedings at least 48 hours prior to said proceedings.

ARTICLE V.

ELECTIONS AND REMOVAL

SECTION 5.10.

Applicability of general law.

All primaries and elections shall be held and conducted in accordance with Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended.

SECTION 5.11.

Elections; time for holding.

The mayor and council shall cause an election to be held at such place in the municipality as the mayor and council shall direct and designate. All general municipal elections shall be held on the Tuesday next following the first Monday in November in 2011 and on such day biennially thereafter. Except for the election in 2011, each elected officer shall serve for a term of four years, the term beginning the day of taking the oath of office as provided in Section 2.18 of this charter. Three of the councilmembers elected in November of 2011 shall be elected for two-year terms as set forth in Section 2.11 of this charter. Notwithstanding any provision of this charter, no term of office to which a person has been elected prior to the effective date of this charter shall be shortened or lengthened except pursuant to the procedures established by state law.

SECTION 5.12.

Qualifying; absentee ballots; other provisions.

Except as otherwise provided by this charter, the mayor and council, by ordinance, may prescribe rules and regulations governing qualifying fees, absentee ballots, write-in votes, challenge of votes, and such other rules and regulations as it deems necessary to fulfill any options and duties in accordance with Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended.

SECTION 5.13.

Election by plurality vote; nonpartisan elections.

(a) The candidate receiving a plurality of the votes cast for each respective position shall be elected to the council to fill that particular vacancy on the council. The procedures and requirements for election of all elected officers of the municipality shall be in accordance with Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended.

(b) Political parties shall not conduct primaries for municipal offices and all names of candidates for municipal offices shall be listed without party designations.

SECTION 5.14.

Special election; vacancies.

In the event that the office of mayor or councilmember shall become vacant for any cause whatsoever, the mayor and council or those remaining shall order a special election to fill the balance of the unexpired term of such official; provided, however, if such vacancy occurs within 12 months of the next municipal election, the mayor and council or those remaining shall appoint a successor for the remainder of the term. 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," as now or hereafter amended.

ARTICLE VI.

FINANCE

SECTION 6.10.

Property tax.

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

SECTION 6.11.

Millage rate; due dates; payment methods.

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

SECTION 6.12.

Occupation and business taxes.

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

SECTION 6.13.

Licenses; permits; fees.

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

SECTION 6.14.

Franchises.

(a) The mayor and council shall have the power to grant franchises for the use of this municipality'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 mayor and council shall determine the duration, terms, whether the same shall be exclusive or nonexclusive, and the consideration for such franchises; provided, however, no franchise shall be granted for a period in excess of 35 years and no franchise shall be granted unless the municipality receives just and adequate compensation therefor. The mayor and council shall provide for the registration of all franchises with the municipal clerk in a registration book kept by the clerk. The mayor and 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 mayor and council have the authority to impose a tax on gross receipts for the use of this municipality'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 mayor and 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 inside and outside the corporate limits of the municipality for the total cost to the municipality 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.

Special assessments.

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

SECTION 6.17.

Construction; other taxes.

This municipality shall be empowered to levy any other tax 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 municipality to govern its local affairs.

SECTION 6.18.

Collection of delinquent taxes and fees.

The mayor and council by ordinance may provide generally for the collection of delinquent taxes, fees, or other revenue due the municipality under Sections 6.10 through 6.17 of this charter 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 municipal licenses for failure to pay any municipal taxes or fees; and providing for the assignment or transfer of tax executions.

SECTION 6.19.

General obligation bonds.

The mayor and 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 6.20.

Revenue bonds.

Revenue bonds may be issued by the mayor and 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 6.21.

Short-term loans.

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

SECTION 6.22.

Fiscal year.

The mayor and 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 municipality government.

SECTION 6.23.

Preparation of budgets.

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

SECTION 6.24.

Submission of operating budget.

On or before a date fixed by the mayor and council but not later than 60 days prior to the beginning of each fiscal year, the mayor and municipal clerk shall submit to the council a proposed operating budget for the ensuing fiscal year. The budget shall be accompanied by a statement of the general fiscal policies of the municipality, the important features of the budget, explanations of major changes recommended for the next fiscal year, a general summary of the budget, and such other comments and information as may be pertinent. The operating budget and the capital improvements budget hereinafter provided for, the budget statement, and all supporting documents shall be filed in the office of the municipal clerk and shall be open to public inspection.

SECTION 6.25.

Action by mayor and council on budget.

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

(b) The mayor and council by ordinance shall adopt the final operating budget for the ensuing fiscal year not later than 15 days prior to the beginning of each fiscal year. If the mayor and council fail to adopt the budget by this date, the amounts appropriated for operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with items prorated accordingly until such time as the mayor and council adopt a budget for the ensuing fiscal year. Adoption of the budget shall take the form of an appropriations ordinance setting out the estimated revenues in detail by sources and making appropriations according to fund and by organizational unit, purpose, or activity as set out in the budget preparation ordinance adopted pursuant to Section 6.23 of this charter.

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

SECTION 6.26.

Tax levies.

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

SECTION 6.27.

Changes in appropriations.

The mayor and council by ordinance may make changes in the appropriations contained in the current operating budget at any regular, special, or emergency meeting called for such

purpose, but any additional appropriations may be made only from an existing unexpended surplus.

SECTION 6.28.

Capital improvements budget.

(a) On or before the date fixed by the mayor and council but no later than 30 days prior to the beginning of each fiscal year, the mayor and municipal clerk shall prepare a proposed capital improvements budget with recommendations as to the means of financing the improvements proposed for the ensuing fiscal year. The mayor and council shall have power to accept, with or without amendments, or reject the proposed program and proposed means of financing. The mayor and council shall not authorize an expenditure for the construction of any building, structure, work, or improvement, unless the appropriations for such project are included in the capital improvements budget, except to meet a public emergency as provided in Section 2.24 of this charter.

(b) The mayor and council shall adopt by ordinance the final capital improvements budget for the ensuing fiscal year not later than 15 days prior to the beginning of each fiscal year. No appropriation provided for in a prior capital improvements budget shall lapse until the purpose for which the appropriation was made shall have been accomplished or abandoned; provided, however, the mayor may submit amendments to the capital improvements budget at any time during the fiscal year, accompanied by recommendations. Any such amendments to the capital improvements budget shall become effective only upon adoption by ordinance.

SECTION 6.29.

Independent audit.

There shall be an annual independent audit of all municipal accounts, funds, and financial transactions by a certified public accountant selected by the mayor and council. The audit shall be conducted according to generally accepted accounting principles. Any audit of any funds by the state or federal government may be accepted as satisfying the requirements of this charter. If the municipality is eligible for using an annual report of agreed upon procedures pursuant to Code Section 36-81-7 of the O.C.G.A., it may substitute such review for the annual audit. Copies of all audit reports shall be available at printing costs to the public.

SECTION 6.30.

Contracting procedures.

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

(1) It is in writing;

(2) It is drawn by or submitted to and reviewed by the municipal attorney and, as a matter of course, is signed by the municipal attorney to indicate such drafting or review; and

(3) It is made or authorized by the mayor and council and such approval is entered in the mayor and council journal of proceedings pursuant to Section 2.20 of this charter.

SECTION 6.30.

Centralized purchasing.

The mayor and council shall by ordinance prescribe procedures for a system of centralized purchasing for the municipality.

SECTION 6.31.

Sale of municipal property.

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

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

(c) Whenever in opening, extending, or widening any street, avenue, alley, or public place of the municipality, a small parcel or tract of land is cut off or separated by such work from a larger tract or boundary of land owned by the municipality, the mayor and council may execute and deliver in the name of the municipality a deed conveying said cut-off or separated parcel or tract of land to an abutting or adjoining property owner or owners in exchange for rights of way of said street, avenue, alley, or public place when such swap is deemed to be in the best interest of the municipality. All deeds and conveyances heretofore and hereafter so executed and delivered shall convey all title and interest the municipality has in such property, notwithstanding the fact that no public sale after advertisement was or is hereafter made.

ARTICLE VII.

GENERAL PROVISIONS

SECTION 7.10.

Bonds for officials.

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

SECTION 7.11.

Prior ordinances.

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

SECTION 7.12.

Existing personnel and officers.

Except as specifically provided otherwise by this charter, all personnel and officers of the municipality and their rights, privileges and powers shall continue beyond the time this charter takes effect for a period of 60 days before or during which the existing mayor and council shall pass a transition ordinance detailing the changes in personnel and appointed officers required or desired and arranging such titles, rights, privileges and powers as may be required or desired to allow a reasonable transition.

SECTION 7.13.

Pending matters.

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

SECTION 7.14.

Construction.

(a) Section captions in this charter are informative only and are not to 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.

SECTION 7.14.

Severability.

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

SECTION 7.15.

Repealer.

An Act incorporating the Town of Hiltonia in the County of Screven, approved August 14, 1915 (Ga. L.1915, p. 623), is hereby repealed in its entirety and all amendatory acts thereto are likewise repealed in their entirety.

SECTION 7.16.

Effective date.

This Act shall become effective on July 1, 2011.

SECTION 7.17.

General repealer.

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