

House Bill 203

By: Representatives Williams of the 119th and Quick of the 117th

A BILL TO BE ENTITLED

AN ACT

1 To provide a new charter for the Town of Bishop; to provide for incorporation, boundaries,
2 and powers of the town; to provide for a governing authority of such town or 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 mayor, mayor pro tempore, and town council 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, town clerk, town manager, and other personnel and matters relating thereto;
11 to provide for rules and regulations; to provide for elections; to provide for taxation,
12 licenses, and fees; to provide for franchises, service charges, and assessments; to provide for
13 bonded and other indebtedness; to provide for auditing, accounting, budgeting, and
14 appropriations; to provide for town contracts and purchasing; to provide for the conveyance
15 of property and interests therein; to provide for bonds for officials; to provide for prior
16 ordinances and rules and pending matters; to provide for penalties; to provide for definitions
17 and construction; to provide for related matters; to provide for severability; to repeal a
18 specific Act; to provide for an effective date; to repeal conflicting laws; and for other
19 purposes.

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

21 ARTICLE I
 22 INCORPORATION AND POWERS
 23 SECTION 1.10.
 24 Name.

25 This town and the inhabitants thereof are constituted and declared a body politic and
 26 corporate under the name and style Town of Bishop, Georgia, and by that name shall have
 27 perpetual succession.

28 SECTION 1.11.
 29 Corporate boundaries.

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

43 SECTION 1.12.
 44 Municipal powers and construction.

45 (a) This town shall have all powers possible for a town to have under the present or future
 46 Constitution and laws of this state as fully and completely as though they were specifically
 47 enumerated in this charter. This town shall have all the powers of self-government not
 48 otherwise prohibited by this charter or by general law. This town shall have the right to enter
 49 into agreements with other governments or private entities for assistance. The powers of this
 50 town shall be construed liberally in favor of the town. The specific mention or failure to
 51 mention a particular power shall not be construed as limiting in any way the powers of this
 52 town.

53 (b) The powers of this town shall include, but not be limited to, the following:

- 54 (1) Air and water pollution. To regulate the emission of smoke or other individual or
55 corporate exhaust which pollutes the air and to prevent the pollution of natural streams
56 which flow within the corporate limits of the town;
- 57 (2) Alcoholic beverages. The keeping for sale, selling, or offering for sale of any
58 spirituous, vinous, malt, or fermented wines or liquors within the corporate limits of the
59 town shall be prohibited or regulated by the Town of Bishop as provided by law. The
60 mayor and council of the town shall have power or authority to license the sale thereof,
61 consistent with the laws of the State of Georgia, and it shall be their duty to enforce same
62 by the enactment of necessary ordinances with suitable penalties for violation;
- 63 (3) Animal regulations. To regulate and license or to prohibit the keeping or running at
64 large of animals and fowl and to provide for the impoundment of same if in violation of
65 any ordinance or lawful order; to provide for the disposition by sale, gift, or humane
66 destruction of animals and fowl when not redeemed as provided by ordinance; and to
67 provide punishment for violation of ordinances enacted under this charter;
- 68 (4) Appropriations and expenditures. To make appropriations for the support of the
69 government of the town; to authorize the expenditure of money for any purposes
70 authorized by this charter and for any purpose for which a municipality is authorized by
71 the laws of the State of Georgia; and to provide for the payment of expenses of the town;
- 72 (5) Building regulation. To regulate and to license the erection and construction,
73 alterations, or demolition of buildings and all other structures; to adopt building, housing,
74 plumbing, electrical, gas, and heating and air conditioning codes; to regulate all building
75 and housing trades; and to contract with county, state, or private qualified firms or
76 individuals for inspection or other assistance;
- 77 (6) Business regulation and taxation. To levy and to provide for the collection of license
78 fees and taxes on privileges, occupations, trades, and professions; to license and regulate
79 the same; to provide for the manner and method of payment of such licenses and taxes;
80 and to revoke such licenses after due process for failure to pay any town fees or taxes or
81 by failure to abide by town and zoning regulations;
- 82 (7) Cemetery. The mayor and council shall have jurisdiction over the cemetery
83 belonging to or located in the town and may provide by ordinance for the public
84 cemetery. They may appoint such employees to superintend the care thereof as they
85 deem proper. They may enact ordinances to prevent trespass therein and to prevent any
86 person from defacing any work therein. They may regulate the charges for the sale and
87 care of lots, grave digging, hearse fees, and any and everything pertaining to the care and
88 operation of such cemetery;
- 89 (8) Condemnation. To condemn property, both inside and outside the corporate limits
90 of the town, for present or future use and for any corporate purpose deemed necessary by

91 the governing authority, utilizing procedures enumerated in Title 22 of the O.C.G.A. or
92 such other applicable laws as are or may hereafter be enacted; the mayor and council are
93 empowered to acquire, construct, operate, and maintain public ways, parks, public
94 grounds, cemeteries, markets, market houses, public buildings, libraries, sewers, drains,
95 and charitable, educational, recreational, sport, and any curative agencies and facilities,
96 and any other public improvements inside and outside the corporate limits of the town
97 and to regulate the use thereof, and for such purposes, property may be condemned under
98 procedures established under general law applicable now or as provided in the future;

99 (9) Contracts. To enter into contracts and agreements with other governmental entities
100 and with private persons, firms, and corporations providing for services to be furnished
101 and payments to be made;

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

106 (11) Environmental protection. To protect and preserve the natural resources,
107 environment, and vital areas of the town through the preservation and improvement of
108 air quality, the restoration and maintenance of water resources, the control of erosion and
109 sedimentation, the management of solid and hazardous waste, and other necessary actions
110 for the protection of the environment;

111 (12) Fire regulations. To fix and establish fire limits inside and outside the town and,
112 from time to time, to extend, enlarge, or restrict the same; to prescribe fire safety
113 regulations not inconsistent with general law, relating to both fire prevention and
114 detection and to fire fighting; and to prescribe penalties and punishment for violations
115 thereof;

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

122 (14) General health, safety, sanitation, and welfare. To prescribe standards of health and
123 sanitation and to provide for the enforcement of such standards; to define, regulate, and
124 prohibit any act, practice, conduct, or use of property which is detrimental to health,
125 sanitation, cleanliness, welfare, and safety of the inhabitants of the town and to provide
126 for the enforcement of such standards, etc.;

- 127 (15) Gifts. To accept or refuse gifts, donations, bequests, or grants from any source for
128 any purpose related to the powers and duties of the town and the general welfare of its
129 citizens, on such terms and conditions as the donor or grantor may impose;
- 130 (16) Motor vehicles. To regulate the parking upon or across the streets, roads, alleys,
131 and walkways of the town;
- 132 (17) Municipal agencies and delegation of power. To create, alter, or abolish
133 departments, boards, offices, commissions, and agencies of the town and to confer upon
134 such agencies the necessary and appropriate authority for carrying out all the powers
135 conferred upon or delegated to the same;
- 136 (18) Municipal debts. To appropriate and borrow money for the payment of debts of the
137 town and to issue bonds for the purpose of raising revenue to carry out any project,
138 program, or venture authorized by council, this charter, or the laws of the State of
139 Georgia;
- 140 (19) Municipal property ownership. To acquire, dispose of, and hold in trust or
141 otherwise any real, personal, or mixed property, in fee simple or lesser interest, inside and
142 outside the property limits of the town;
- 143 (20) Municipal property protection. To provide for the preservation and protection of
144 property and equipment of the town and the administration and use of same by the public;
145 to prescribe penalties and punishment for violations thereof; and to provide for the
146 dissolution of same;
- 147 (21) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose
148 of public utilities; to fix the taxes, charges, rates, fares, fees, assessments, regulations, and
149 penalties; to provide for the withdrawal of service for refusal or failure to pay the same;
150 and to authorize the extension of utility systems, etc.;
- 151 (22) Nuisances. To define a public nuisance, or nuisance property, and provide for its
152 abatement whether on public or private property;
- 153 (23) Penalties. To provide penalties for violation of any ordinances or council decisions
154 adopted pursuant to the authority of this charter and the laws of the State of Georgia;
- 155 (24) Planning and zoning. To provide comprehensive town planning for development
156 by zoning and to provide subdivision regulation, land use, and housing and development
157 regulations as the mayor and council deem necessary and reasonable to ensure a safe,
158 healthy, and esthetically pleasing community;
- 159 (25) Police and fire protection. To exercise the power of arrest through duly appointed
160 police officers and to establish, operate, or contract for a police and a fire-fighting
161 agency, including an agreement with other governments or qualified private entities;

- 162 (26) Public hazards; removal. To provide for the destruction and removal of any
163 building or other structure which is or may become dangerous or detrimental to the public
164 and to require this removal, repair work, or reimbursement from landowners;
- 165 (27) Public improvements. To provide for the acquisition, construction, building,
166 operation, and maintenance of public ways, parks and playgrounds, recreational facilities,
167 cemeteries, markets and market houses, public buildings, libraries, parking facilities, and
168 charitable, cultural, educational, recreational, conservation, sport, and curative
169 institutions, agencies, and facilities; to provide any other public improvements, inside and
170 outside the corporate limits of the town; to regulate the use of public improvements; and,
171 for such purposes, property may be acquired by condemnation under Title 22 of the
172 O.C.G.A. or such other applicable laws as are or may hereafter be enacted;
- 173 (28) Public peace. To provide for the prevention and punishment of intoxication, riots,
174 and public disturbances, such as excessive noise, shooting, etc.;
- 175 (29) Public utilities and services. To grant franchises or make contracts for public
176 utilities and public services and to prescribe the rates, fares, regulations, standards, and
177 conditions of service applicable to the service to be provided by the franchise grantee or
178 contractor, insofar as not in conflict with valid regulations of the Public Service
179 Commission;
- 180 (30) Regulation of roadside areas. To prohibit or regulate and control the erection,
181 removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any
182 and all other structures or obstructions upon or adjacent to the rights of way of streets and
183 roads or within view thereof, within or abutting the corporate limits of the town, and to
184 prescribe penalties and punishment for violation of such ordinances;
- 185 (31) Roadways. To lay out, open, extend, widen, narrow, establish or change the grade
186 of, abandon or close, construct, pave, maintain, repair, clean, prevent erosion of, and light
187 the roads, alleys, and walkways within the corporate limits of the town; to negotiate and
188 execute leases over, through, under, or across any town property or the right of way of
189 any street, road, alley, and walkway or portion thereof within the corporate limits of the
190 town for passageways, or any other purpose or use between buildings on opposite sides
191 of the street and for other similar transportation items for private use at such location and
192 to charge a rental therefore in such manner as may be provided by ordinance; to authorize
193 and control the construction of streets within the corporate limits of the town; to grant
194 franchises and rights of way throughout the streets and roads for the use of public utilities
195 and for private use; and to require new real estate owners to construct a sidewalk and
196 repair and maintain in a safe condition the sidewalks adjoining their lots or lands and to
197 impose penalties for failure to do so;

- 198 (32) Sewer, water, and solid waste fees. To contract with other government or private
199 entities for these services and to levy a fee, charge, or tax as necessary to assure the
200 acquiring, constructing, equipping, operating, maintaining, and extending of such entities;
- 201 (33) Special areas of public regulation. To regulate or prohibit junk dealers, pawn shops,
202 the manufacture, sale, or transportation of intoxicating liquors and drugs, the use of
203 firearms, the transportation, storage, and use of combustible, explosive, and flammable
204 materials, the use of lighting, sound, and heating equipment, peddlers and itinerant
205 traders, theatrical performances, exhibitions, professional fortune telling, palmistry, adult
206 entertainment or bookstores, massage parlors, shows of any kind, etc., by license taxation,
207 zoning or otherwise.
- 208 (34) Special assessments. To levy and provide for the collection of special assessments
209 to cover the costs for any public improvements;
- 210 (35) Taxes: ad valorem. To levy and provide for the assessment, valuation, revaluation,
211 and collection of taxes on all property subject to taxation;
- 212 (36) Taxes: other. To levy and collect such other taxes as may be allowed now or in the
213 future by law;
- 214 (37) Trees. To adopt and enforce ordinances for the protection and preservation of trees
215 on the streets, public places, cemeteries, and parks in the town and to prevent the cutting,
216 impairing, or mutilations thereof by telephone, electric, or gas company employees or any
217 other person unless the same is done under and with the formal consent of the mayor and
218 council or some officer appointed by them to direct the same and then only when
219 absolutely necessary for the public service or safety;
- 220 (38) Business vehicles: vehicles for hire or for commercial use. To regulate and license
221 vehicles operated for hire in the town; to limit the number of such vehicles; to require the
222 operators thereof to be properly licensed; to require public liability insurance on such
223 vehicles; and to regulate the parking and visibility of such vehicles;
- 224 (39) Prohibited activities. To prohibit or regulate loitering, disorderly conduct, and
225 disturbing the peace in the corporate limits of the town; to prohibit or regulate the playing
226 of lotteries therein; and to prohibit or regulate such other conduct and activities within the
227 town which, while not constituting offenses against the laws of this state, are,
228 nevertheless, deemed by the governing authority to be detrimental and offensive to the
229 peace and good order of the town or to the welfare of the citizens thereof;
- 230 (40) Public health, sanitation, cleanliness, welfare, and safety. To define, regulate, and
231 prohibit any act, conduct, practice, or use of property which is detrimental or likely to be
232 detrimental to the health, sanitation, cleanliness, welfare, and safety of the inhabitants of
233 the town and to provide for the enforcement of such standards;

234 (41) Preservation of property. To provide for the preservation and protection of property
 235 and equipment of the town and the administration and use of same by the public and to
 236 prescribe penalties and punishment for violations thereof;

237 (42) Rules and regulations. To make, ordain, and establish such bylaws, zoning,
 238 ordinances, rules, and regulations as shall appear necessary for the security, welfare,
 239 convenience, and interest of the town and the inhabitants thereof and for preserving the
 240 health, peace, order, and good government of the town;

241 (43) Ordinances, resolutions, rules, and regulations. In addition to all other powers
 242 conferred upon it by law, the council shall have the authority to adopt and provide for the
 243 execution of such ordinances, resolutions, rules, and regulations not inconsistent with this
 244 charter, the Constitution, and the laws of the State of Georgia, which it shall deem
 245 necessary, expedient, or helpful for the peace, good order, protection of life and property,
 246 health, welfare, sanitation, comfort, convenience, prosperity, or well-being of the
 247 inhabitants of the Town of Bishop and may enforce such ordinances by imposing
 248 penalties for violations thereof; and

249 (44) Other powers. To exercise and enjoy all other powers, functions, rights, privileges,
 250 and immunities necessary or desirable to promote or protect the safety, health, peace,
 251 security, good order, comfort, convenience, or general welfare of the town and its
 252 inhabitants; to exercise all implied powers necessary to carry into execution all powers
 253 granted in this charter as fully and completely as if such powers were fully stated herein;
 254 to exercise all powers now or in the future authorized to be exercised by other municipal
 255 governments under other laws of the State of Georgia; and no listing of particular powers
 256 in this charter shall be held to be exclusive of others, nor restrictive of general words and
 257 phrases granting powers, but shall be held to be in addition to such powers unless
 258 expressly prohibited to municipalities under the Constitution or applicable laws of the
 259 State of Georgia.

260 **SECTION 1.13.**

261 Exercise of powers.

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

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ARTICLE II

267

GOVERNMENT STRUCTURE

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SECTION 2.10.

269

Mayor and council creation; number.

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The legislative authority of the government of this town, except as otherwise specifically

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provided in this charter, shall be vested in the mayor and town council to be composed of a

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mayor and four councilmembers.

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SECTION 2.11.

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Terms and qualifications for office.

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The mayor and councilmembers shall serve for terms of four years and until their respective

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successors are elected and sworn in. No person shall be eligible to serve as mayor or

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councilmember unless he or she shall have been a resident of the town for 12 months prior

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to the date of qualification for the election of mayor or councilmember, as the case may be,

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and shall continue to reside in the town during his or her term of office. Each such official

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shall continue to reside in the town during his or her period of service and continue to be

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registered and qualified to vote in municipal elections of the town, be current on all taxes,

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be 21 years of age, and meet any other requirements of Chapter 2 of Title 21 of the O.C.G.A.,

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the "Georgia Election Code."

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SECTION 2.12.

285

Vacancy; suspensions; filling of vacancies.

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(a) The office of mayor or councilmember shall become vacant upon the incumbent's death,

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resignation, forfeiture of office, or removal from office in any manner authorized by this

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charter or the general laws of the State of Georgia. A vacancy in the office of mayor or

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councilmember may be filled for the remainder of the unexpired term, if any, by appointment

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of the mayor and council as set forth in subsection (c) of this section.

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(b) Upon the suspension from office of the mayor or councilmember in any manner

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authorized by the general laws of the State of Georgia, the mayor and council, or those

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remaining, shall appoint a successor for the duration of the suspension. If the suspension

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becomes permanent, then the office shall become vacant and shall be filled for the remainder

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of the unexpired term, if any, as provided for in this charter.

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(c) In the event of a vacancy in the office of mayor or councilmember prior to the expiration

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of a regular term of office, such vacancy may be filled for the remainder of the unexpired

298 term, if any, by appointment by the mayor and council if less than 24 months remain in the
 299 unexpired term, otherwise by an election, as provided for in Article V of this charter and in
 300 accordance with Titles 21 and 45 of the O.C.G.A., or such other laws as are or may hereafter
 301 be enacted.

302 **SECTION 2.13.**

303 Compensation and expenses.

304 The mayor and councilmembers may receive compensation and expenses for their services
 305 as provided by council vote or resolution.

306 **SECTION 2.14.**

307 Conflicts of interest; holding other offices.

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

310 (b) No elected official, appointed officer, or employee of the town or any agency or political
 311 entity to which this charter applies shall knowingly:

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

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

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

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

- 330 (5) Represent private interests in any legal action or proceeding against this town or any
331 portion of its government; or
- 332 (6) Vote or otherwise participate in the negotiation or in the making of any contract with
333 any business or entity in which he or she has a financial interest.
- 334 (c) Any elected official, appointed officer, or employee who shall have any private financial
335 interest, directly or indirectly, in any contract or matter pending before or within any
336 department of the town shall disclose such private interest to the mayor and council. The
337 mayor or any councilmember who has a private interest in the matter pending before mayor
338 and council shall disclose such private interest and such disclosure shall be entered on the
339 records of the mayor and council, and he or she shall disqualify himself or herself from
340 participating in any decision or vote relating thereto and may be asked to depart from that
341 section of the meeting. Any elected official, appointed officer, or employee of any agency
342 or political entity to which this charter applies who shall have any private financial interest,
343 directly or indirectly, in any contract or matter pending before or within such entity shall
344 disclose such private interest to the governing body of such agency or entity.
- 345 (d) No elected official, appointed officer, or employee of the town or any agency or entity
346 to which this charter applies shall use property owned by such governmental entity for
347 personal benefit, convenience, or profit except in accordance with policies promulgated by
348 mayor and council or the governing body of such agency or entity. Use of public property
349 shall be approved by council and used to promote the town or other approved cause.
- 350 (e) Any violation of this section which occurs with the knowledge, express or implied, of
351 a party to a contract or sale shall render such contract or sale voidable at the option of the
352 mayor and council.
- 353 (f) Except where authorized by law, neither the mayor nor any councilmember shall hold
354 any other elective or compensated appointive office in town government during the term for
355 which he or she was elected.
- 356 (g)(1) Any town officer or employee who knowingly conceals such financial interest or
357 knowingly violates any of the requirements of this section shall be guilty of malfeasance
358 in office or position and shall be deemed to have forfeited his or her office or position.
- 359 (2) Any officer or employee of the town who shall forfeit his or her office or position as
360 described in paragraph (1) of this subsection shall be ineligible for appointment or
361 election to or employment in a position in the town government for a period of three
362 years thereafter, and such forfeiture shall be reported to the appropriate agencies.

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SECTION 2.15.

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Inquiries and investigations.

365 The mayor and council may make inquiries and investigations into the affairs of the town and
 366 the conduct of any employee, department, office, or agency thereof and for this purpose may
 367 subpoena witnesses, administer oaths, take testimony, and require the production of
 368 evidence.

369

SECTION 2.16.

370

General power and authority of the mayor and council.

371 Except as otherwise provided by law or this charter, the mayor and council shall be vested
 372 with all the powers of government of this town as provided by Article I of this charter.

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SECTION 2.17.

374

Organizational meetings; oaths.

375 Preferably in December, the meeting shall be called to order by a legal officer, and the oath
 376 of office shall be administered to the newly elected mayor and councilmembers as follows:
 377 "I do solemnly (swear) (affirm) that I will faithfully perform the duties of (mayor)
 378 (councilmember) of this town and that I will support and defend the charter thereof as well
 379 as the Constitution and laws of the State of Georgia and of the United States of America."
 380 If this is not accomplished in December, the oath shall be administered at the January
 381 meeting of the regular term of office.

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SECTION 2.18.

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Regular and special meetings.

384 (a) The mayor and council shall hold regular meetings at such times and places as prescribed
 385 by ordinance, resolution, or council agreement. Currently, the regular meetings are the
 386 second Monday evenings of each month.

387 (b) Special meetings of the mayor and council may be held on call of the mayor or a
 388 minimum of two members of the town council. Notice of such special meetings shall be
 389 served on all other members personally, or by telephone personally, at least 48 hours in
 390 advance of the meeting. Such notice to councilmembers shall not be required if the mayor
 391 and all councilmembers are present when the special meeting is called. Such notice of any
 392 special meeting may be waived by a councilmember in writing before or after such a

393 meeting, and attendance at the meeting shall also constitute a waiver of notice on any
 394 business transacted in such councilmember's presence. Only the business stated in the call
 395 may be transacted at the special meeting.

396 (c) All meetings of the mayor and council shall be public to the extent required by law, and
 397 notice to the public of special meetings shall be made as fully as is reasonably possible prior
 398 to such meetings, which includes placing a notice on the public bulletin board, notifying the
 399 legal newspaper, and recording proper minutes.

400 **SECTION 2.19.**

401 Rules of procedure.

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

405 (b) All committees, boards, and commissions of citizens shall be appointed by the mayor
 406 and council and shall serve at their pleasure. The mayor and council shall have the power
 407 to appoint new members to any committee at any time; each committee may appoint its own
 408 chairperson, if such chairperson has not been specially appointed by the mayor and council.

409 **SECTION 2.20.**

410 Quorum; voting.

411 Three councilmembers, one of whom may be the mayor, shall constitute a quorum and shall
 412 be authorized to transact business of the mayor and council. Voting on the adoption of
 413 ordinances shall be by voice vote or raising of right hand and the vote shall be recorded in
 414 the official minutes, but the mayor and any councilmember shall have the right to request a
 415 roll-call vote and such vote shall be recorded in the official minutes. Except as otherwise
 416 provided in this charter, the affirmative vote of the majority of the quorum in attendance and
 417 official signatures shall be required for the adoption of any ordinance, resolution, or motion.
 418 An abstention shall not be counted as a negative or affirmative vote.

419 **SECTION 2.21.**

420 Ordinance form; procedure.

421 (a) Every proposed ordinance should be introduced for public inspection in writing and in
 422 the form required for final adoption.

423 (b) An ordinance may be introduced by the mayor or any councilmember and be read at a
424 regular or special meeting of the mayor and council. Ordinances shall be considered and
425 adopted or rejected by mayor and council in accordance with the rules which they shall
426 establish. Upon introduction of any ordinance, the clerk shall as soon as possible distribute
427 a copy to the mayor and to each councilmember and shall file a reasonable number of copies
428 in the office of the clerk and at such other public places as mayor and council may designate
429 for public inspection. Unless in an emergency, the official vote will occur at the meeting
430 following the meeting of the public reading.

431 **SECTION 2.22.**

432 Action requiring an ordinance or resolution.

433 Acts of the mayor and council that have the force and effect of law shall be enacted by
434 ordinance or resolution.

435 **SECTION 2.23.**

436 Emergencies.

437 To meet a public emergency affecting life, health, property, or public peace, the mayor and
438 council may convene on call of the mayor or a councilmember and may promptly adopt an
439 emergency ordinance, but such ordinance may not levy taxes; grant, renew, or extend a
440 franchise; regulate the rate charged by any public utility for its services; or authorize the
441 borrowing of money except for loans to be repaid within 30 days. An emergency ordinance
442 shall be introduced in the form prescribed for ordinances generally, except that it shall be
443 plainly designated as an emergency ordinance and shall contain, after the enacting clause,
444 a declaration stating that an emergency exists and describing such emergency in clear and
445 specific terms. An emergency ordinance may be adopted, with or without amendment, or
446 rejected at the meeting at which it is introduced, but the affirmative vote of a majority of a
447 quorum shall be required for adoption. It shall become effective upon adoption or at such
448 later time as it may specify. Every emergency ordinance shall automatically stand repealed
449 30 days following the date upon which it was adopted, but this shall not prevent reenactment
450 of the ordinance in the manner specified in this section if the emergency still exists. An
451 emergency ordinance may also be repealed by adoption of a repealing ordinance in the same
452 manner specified in this section for adoption of emergency ordinances.

453

SECTION 2.24.

454

Code of technical regulations.

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

458 (1) The requirements of subsection (b) of Section 2.21 of this charter for distribution and
 459 filing of copies of the ordinance shall be construed to include copies of any code of
 460 technical regulations as well as the adopting ordinance; and

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

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

465

SECTION 2.25.

466

Signing; authenticating; recording; codification; printing.

467 (a) The clerk shall authenticate by his or her signature and record in full in a properly
 468 indexed book kept for that purpose all ordinances, resolutions, minutes, etc., adopted by the
 469 council.

470 (b) The mayor and council will provide for the preparation of a general compilation or
 471 codification of ordinances, as required under Georgia law, of all the ordinances of the town
 472 having the force and effect of law. The general compilation or codification shall be adopted
 473 by the mayor and council and shall be published promptly, together with all amendments
 474 thereto and such codes of technical regulations and other rules and regulations as the mayor
 475 and council may specify.

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

486

SECTION 2.26.

487

Election of mayor; forfeiture; compensation.

488 The mayor shall be elected at large and shall serve for a term of four years and until his or
 489 her successor is qualified and elected. The mayor shall be a qualified elector of the town,
 490 shall be current on taxes, shall have been a resident of the town for at least 12 months prior
 491 to his or her qualification for his or her election, and abide by the laws of the State of Georgia
 492 and Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code." The mayor shall
 493 continue to reside in this town during the period of his or her service. He or she shall forfeit
 494 his or her office on the same grounds and under the same procedure as for councilmembers.
 495 The compensation of the mayor shall be established in the same manner as for
 496 councilmembers.

497

SECTION 2.27.

498

Powers and duties of mayor.

499 The mayor shall:

- 500 (1) Preside at all meetings of the mayor and council;
- 501 (2) Solicit council input in preparing for agendas and meetings of the mayor and council;
- 502 (3) Be the head of the town for the purpose of service of process and for ceremonial
 503 purposes and be the official spokesperson for the town and the chief advocate of policy;
- 504 (4) Have the power to administer oaths and to take affidavits;
- 505 (5) Sign as a matter of course on behalf of the town all written and approved contracts,
 506 ordinances, and other instruments executed by the town which by law are required to be
 507 in writing;
- 508 (6) Vote in the event of a tie on matters before mayor and council and be counted toward
 509 a quorum as any other councilmember;
- 510 (7) Assign councilmembers to their committees of responsibilities;
- 511 (8) Each January, review with council the town appointments and reappoint, suspend,
 512 or abolish same (clerk, attorney, planning commission representative, committees, etc.);
- 513 (9) Exercise supervision over all executive and administrative work of the town and
 514 provide for the coordination of administrative activities;
- 515 (10) See that all laws and ordinances of the town are faithfully executed;
- 516 (11) Recommend to the council such measures relative to the affairs of the town,
 517 improvement of the government, and promotion of the welfare of its inhabitants as he or
 518 she may deem expedient;
- 519 (12) Call special meetings of the council as needed and as provided for in this charter;

- 520 (13) Update town attorney and solicit legal guidance for town when needed;
 521 (14) Present to the council and citizens a recommended annual operating budget;
 522 (15) See that the peace and good order of the town are preserved and all persons and
 523 property therein are protected; and
 524 (16) Serve as the chief executive officer and fulfill such other executive and
 525 administrative duties as the mayor and council shall establish by council agreement or
 526 ordinance.

527 **SECTION 2.28.**

528 Mayor pro tempore; selection; duties.

529 Each January, by a majority vote, the mayor and council shall elect a councilmember to serve
 530 as mayor pro tempore. Upon the mayor's disability or absence, the mayor pro tempore shall
 531 preside at all meetings of the mayor and council and shall assume the duties and powers of
 532 the mayor. The mayor and council by a majority vote shall elect a new presiding officer
 533 from among the councilmembers for any period in which the mayor pro tempore is disabled,
 534 absent, or acting as mayor. Any such absence or disability shall be declared by majority vote
 535 of all councilmembers.

536 **SECTION 2.29.**

537 Town manager/town clerk; appointment;
 538 qualifications; compensation; powers.

539 (a) The mayor and council shall appoint a town manager or town clerk for an indefinite term
 540 and shall fix the compensation. The manager or clerk shall be appointed solely on the basis
 541 of executive and administrative qualifications. The manager or clerk is employed at will and
 542 may be summarily removed from office at any time by a majority vote of the mayor and
 543 council. During extreme absence or disability, the mayor and council may revoke such
 544 designation at any time and appoint another officer to serve. The position shall be reviewed
 545 each January.

546 (b) The manager or clerk shall be responsible to the mayor and council for the administration
 547 of all town affairs placed in their charge by or under this charter. He or she will:

- 548 (1) Work with council and citizens on agenda and post in a timely manner;
 549 (2) Prepare for and attend all mayor and council meetings except for closed meetings
 550 held for the purposes of deliberating on the appointment, discipline, or removal of the
 551 town manager or clerk;

- 552 (3) See that all laws, provisions of this charter, and acts of the mayor and council are
 553 faithfully executed;
- 554 (4) Maintain financial records for council and assist in the preparation and submittal of
 555 the annual operating budget, capital budget, and annual audit material;
- 556 (5) Submit to the mayor and council and make available to the public a complete report
 557 on the finances and administrative activities of the town monthly and at the end of each
 558 fiscal year;
- 559 (6) Make such other reports as the mayor and council may require concerning the
 560 operations of town departments, offices, and agencies subject to the manager's or clerk's
 561 direction and supervision;
- 562 (7) Keep the mayor and council fully advised as to the financial condition and current
 563 and future needs of the town and make such recommendations to the mayor and council
 564 concerning the affairs of the town as the manager or clerk deems desirable;
- 565 (8) Ensure that all government and other agency reports are submitted in a timely
 566 fashion;
- 567 (9) Advise mayor and council of upcoming state deadlines and maintain the official
 568 records for the town;
- 569 (10) Direct and supervise the administration of the office;
- 570 (11) Serve as qualifying officer and notary public;
- 571 (12) Follow all guidelines regarding open records, open meetings, advertising, public
 572 hearings, e-verify, rezone requests, etc.; and
- 573 (13) Perform such other duties as are specified in this charter or as may be required by
 574 the mayor and council.

575 **ARTICLE III**

576 **ADMINISTRATIVE AFFAIRS**

577 **SECTION 3.10.**

578 **Department heads.**

- 579 (a) The mayor and council may by resolution or ordinance establish town departments,
 580 officers, or agencies in addition to those created by this charter and may prescribe the
 581 functions and duties of all departments, officers, and agencies.
- 582 (b) Except as otherwise provided in this charter, the mayor and council by resolution or
 583 ordinance shall prescribe the functions or duties of and establish, abolish, or alter all
 584 nonelective offices, positions of employment, departments, and agencies of the town and
 585 establish professional qualifications as necessary for the proper administration of the affairs
 586 and government of the town.

587 (c) Except as otherwise provided by this charter or by law, all appointed officers of the town
588 shall be appointed solely on the basis of their respective administrative and professional
589 qualifications.

590 (d) All appointed officers shall receive such compensation as prescribed by mayor and
591 council.

592 (e) The department head shall ensure that all meetings and records are open and adhere to
593 the state guidelines on such meetings and records.

594 **SECTION 3.11.**

595 **Boards; commissions; authorities.**

596 (a) The mayor and council shall create by ordinance or resolution such boards, commissions,
597 and authorities to fulfill any functions that the mayor and council deem necessary and shall
598 by ordinance or resolution establish the composition, period of existence, duties, and powers
599 thereof.

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

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

607 (d) Except as otherwise provided by this charter or by law, no member of any board,
608 commission, or authority shall hold any elective office in the town; provided, however, that
609 elected town officials may serve on such boards, commissions, or authorities as an
610 uncompensated nonvoting member.

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

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

618 (g) Any member of a board, commission, or authority may be removed from office for cause
619 by a vote of the mayor and council.

620 (h) Except as otherwise provided by this charter or by law, each board, commission, or
621 authority of the town may elect one of its members as chairperson and one member as vice

622 chairperson and may elect as its secretary one of its own members or may appoint as
 623 secretary an employee of the town, provided that the mayor and council did not specially
 624 appoint a chairperson at the time of appointment. Each board may pass rules and regulations,
 625 not inconsistent with this charter, ordinances of the town, or law, as it deems appropriate and
 626 necessary for the fulfillment of its duties or the conduct of its affairs. Copies of such rules
 627 and regulations, as they exist, shall be filed with the town manager or town clerk.

628 (i) Each committee shall adhere to the guidelines pertaining to open meetings.

629 **SECTION 3.12.**

630 Town attorney.

631 The mayor and council shall appoint a town attorney at the first scheduled meeting of the
 632 calendar year and shall provide for the payment of such attorney or attorneys for services
 633 rendered to the town. The town attorney shall be responsible for representing and defending
 634 the town in all litigation in which the town is a party; may be solicitor in the municipal court;
 635 shall attend the meetings of the council as requested; shall advise the council, mayor, and
 636 other officers and employees of the town concerning legal aspects of the town's affairs; and
 637 shall perform such other duties as may be required of him or her by virtue of his or her
 638 position as town attorney. This appointment will be reviewed in January and is terminable
 639 at will by the mayor and council.

640 **SECTION 3.13.**

641 Personnel policies.

642 The mayor and council, upon the vote of a majority thereof, may adopt rules and regulations
 643 consistent with this charter concerning the nondiscriminatory method of employee selection
 644 and probationary periods of employment, administration of the position classification and
 645 pay plan, hours of work, duties, and such other personnel notices as may be necessary to
 646 provide for adequate and systematic handling of personnel affairs.

647 **ARTICLE IV**

648 **JUDICIAL BRANCH**

649 **SECTION 4.10.**

650 Municipal court.

651 The mayor and council may make agreement with other governments for assistance with a
 652 municipal court system, judges, jurisdiction and powers, and related matters.

653

ARTICLE V

654

ELECTIONS AND REMOVAL

655

SECTION 5.10.

656

Applicability of general law.

657

All primaries and elections shall be held and conducted in accordance with Chapter 2 of Title

658

21 of the O.C.G.A., the "Georgia Election Code."

659

SECTION 5.11.

660

Election of mayor and councilmembers.

661

(a) There shall be a municipal general election on the Tuesday following the first Monday

662

in November, 2015, and every four years thereafter.

663

(b) The mayor and those members of the city council who are serving as such on July 1,

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2015, and any person selected to fill a vacancy in any such office shall continue to serve as

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such members until the regular expiration of their respective terms of office.

666

(c) For purposes of electing members of the city council, the Town of Bishop is divided into

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four posts to be designated Post No. 1, Post No. 2, Post No. 3, and Post No. 4. Any person

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seeking election to the city council shall designate the city council post to which he or she

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seeks election and shall seek election only to the post so designated. The provisions of this

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section shall not be construed as requiring the division of the territory of the city into council

671

districts or the establishment of council districts. The person receiving a majority of votes

672

cast in the entire city for that office shall be elected.

673

SECTION 5.12.

674

Nonpartisan elections.

675

Political parties shall not conduct primaries for town offices, and all names of candidates for

676

town offices shall be listed without party designations.

677

SECTION 5.13.

678

Election by majority.

679

The person receiving a majority of the qualified votes cast by town residents for any town

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office shall be elected and shall assume his or her office in January, except in the case of a

681

special election.

682 **SECTION 5.14.**

683 Other provisions.

684 Except as otherwise provided by this charter, the mayor and council shall by resolution
 685 prescribe such rules and regulations as they deem appropriate to fulfill any provisions under
 686 Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code."

687 **SECTION 5.15.**

688 Removal of officers.

689 (a) The mayor, councilmembers, or appointed officers provided for in this charter shall be
 690 removed from office for any one or more of the causes provided in Title 45 of the O.C.G.A.,
 691 or such other applicable laws as are or may hereafter be enacted. This mandatory removal
 692 due to a cause listed under Title 45 of the O.C.G.A. does not limit the language in this charter
 693 that establishes that appointed officer appointments are terminable at will by the mayor and
 694 council.

695 (b) Removal of a mayor or councilmember pursuant to subsection (a) of this section shall
 696 be accomplished by an order of the Superior Court of Oconee County following a hearing
 697 on a complaint seeking such removal brought by any resident of the Town of Bishop.

698 **ARTICLE VI**699 **FINANCE**700 **SECTION 6.10.**

701 Property tax.

702 The mayor and council may assess, levy, and collect an ad valorem tax on all real and
 703 personal property within the corporate limits of the town that is subject to such taxation by
 704 the state and county. All property subject to taxation for state or county purposes assessed
 705 as of January 1 in each year shall be subject to the property tax levied by the Town of
 706 Bishop. The council shall use the county assessment for the year in which the town taxes are
 707 to be levied and may request the county to furnish appropriate information for such purpose
 708 and to assist with property tax digest and collection. This tax is for the purpose of raising
 709 revenues to defray the costs of operating the town government, of providing governmental
 710 services, for the repayment of principal and interest on general obligations, and for any other
 711 public purpose as determined by the mayor and council in their discretion.

712 **SECTION 6.11.**

713 Millage rate; due date; payment methods.

714 The council shall provide, through Oconee County, when the taxes of the town shall fall due,
 715 when and where such taxes shall be paid, whether they may be paid in installments or in one
 716 lump sum, and upon what terms such taxes shall be due and payable. The mayor and
 717 council, while considering the budget, as well as the recommendation of the Oconee County
 718 Tax Commissioner, shall establish a millage rate for the town property tax.

719 **SECTION 6.12.**

720 Occupation taxes and business taxes.

721 The mayor and council shall have the power to levy such occupation or business taxes
 722 allowed by law. Such taxes may be levied on both individuals and corporations who transact
 723 business in this town or who practice or offer to practice any profession or calling therein to
 724 the extent such persons have a constitutionally sufficient nexus to this town to be so taxed.
 725 The mayor and council should check applicable zoning classification and may classify
 726 businesses, occupations, professions, or callings for the purpose of such taxation in any way
 727 which may be lawful and may compel the payment of such taxes as provided in Section 6.18
 728 of this charter.

729 **SECTION 6.13.**

730 Regulatory licenses, fees, permits.

731 The mayor and council shall have the power to require any individuals or corporations who
 732 transact business in this town or who practice or offer to practice any profession or calling
 733 therein to obtain a license or permit for such activity from the town and pay a reasonable fee
 734 for such license or permit where such activities are not now regulated by general law in such
 735 a way as to preclude town regulation. Such fees may reflect the total cost to the town of
 736 regulating the activity and, if unpaid, shall be collected as provided in Section 6.18 of this
 737 charter. The mayor and council by resolution may establish reasonable requirements for
 738 obtaining or keeping such licenses as the public health, safety, and welfare necessitate.

739

SECTION 6.14.

740

Franchises.

741 The mayor and council shall have the power to grant franchises for the use of the town's
742 streets and alleys for the purposes of railroads, street railways, telephone companies, electric
743 companies, cable television, gas companies, transportation companies, and other similar
744 organizations. The mayor and council shall determine the duration, terms, whether the same
745 shall be exclusive or nonexclusive, and the consideration for such franchises; provided,
746 however, that no franchise shall be granted unless the town receives just and adequate
747 compensation therefor. The mayor and council shall provide for the registration of all
748 franchises with the town clerk in a registration book kept by the clerk. The mayor and
749 council may provide by resolution for the registration within a reasonable time of all
750 franchises previously granted. If no franchise agreement is in effect, the mayor and council
751 have the authority to impose a tax on gross receipts for the use of this town's streets and
752 alleys for the purposes of railroads, street railways, telephone companies, electric companies,
753 electric membership corporations, cable television and other telecommunications companies,
754 gas companies, transportation companies, and other similar organizations.

755

SECTION 6.15.

756

Services charges.

757 The mayor and council by resolution shall have the power to assess and collect fees, charges,
758 and tolls for sewer, water, sanitary, health, and fire services or any other services provided
759 or made available inside and outside the corporate limits of the town. If unpaid, such fees,
760 charges, and tolls shall be collected as provided in Section 6.18 of this charter.

761

SECTION 6.16.

762

Special assessments.

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

768

SECTION 6.17.

769

Construction; other taxes and fees.

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771

772

The town 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 town to govern its local affairs.

773

SECTION 6.18.

774

Collection of delinquent taxes and fees.

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The mayor and council by resolution may provide generally for the collection of delinquent taxes, fees, or other revenue due the town 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 town licenses for failure to pay any town taxes or fees, and providing for the assignment or transfer of tax executions.

782

SECTION 6.19.

783

General obligation bonds.

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785

786

787

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 this state. Such bonding authority shall be exercised in accordance with the laws governing bond issuance by municipalities in effect at the time such issue is undertaken.

788

SECTION 6.20.

789

Revenue bonds.

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791

792

The mayor and council may issue revenue bonds 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.

793 **SECTION 6.21.**

794 Short-term loans.

795 The town may obtain short-term loans and must repay such loans not later than December
796 31 of each year, unless otherwise provided by law or by council vote.

797 **SECTION 6.22.**

798 Lease-purchase contracts.

799 The town may enter into multiyear lease, purchase, or lease-purchase contracts for the
800 acquisition of goods, materials, real and personal property, services, and supplies. Contracts
801 must be executed in accordance with the requirements of Code Section 36-60-13 of the
802 O.C.G.A. or such other applicable laws as are or may hereafter be enacted. The town may
803 further enter into lease, purchase, and lease-purchase contracts for its property as is permitted
804 by law.

805 **SECTION 6.23.**

806 Fiscal year.

807 The mayor and council shall set the fiscal year, which shall constitute the budget year and
808 the year for financial accounting and reporting of each and every office, department, agency,
809 and activity of the town government.

810 **SECTION 6.24.**

811 Preparation of budget.

812 The mayor and council shall provide the procedures and requirements for the preparation and
813 execution of an annual operating budget, and, if needed, a capital improvements program and
814 a capital budget, including requirements as to the scope, content, and form of such budgets
815 and programs.

816 **SECTION 6.25.**

817 Submission of budget to mayor and council.

818 On or before a date fixed by the mayor and council, normally May 1, the mayor and town
819 manager or town clerk, after soliciting council and citizen input and reviewing financial
820 records, shall submit to the council a proposed operating budget for the ensuing fiscal year.

821 The mayor shall present a statement of the general fiscal policies of the town, the important
 822 features of the budget, explanations of major changes recommended for the next fiscal year,
 823 a general summary of the budget, and such other comments and information as he or she may
 824 deem pertinent. The operating budget and a possible capital improvements budget provided
 825 for in Section 6.24 of this charter and all supporting documents shall be filed in the office of
 826 the town clerk and shall be open to public inspection. Public hearings will be advertised and
 827 conducted according to council direction and state law, as well as publication of the
 828 recommended and approved budget.

829 **SECTION 6.26.**

830 Action by mayor and council on budget.

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

836 (b) The mayor and council shall make every effort to adopt the final operating budget for
 837 the ensuing fiscal year by June 30. State law will be followed if council fails to adopt the
 838 budget.

839 (c) The amount set out in the adopted operating budget for each organizational unit shall
 840 constitute the annual appropriation for such unit, and no expenditure shall be made or
 841 encumbrance created in excess of the otherwise unencumbered balance of the appropriation
 842 or allotment thereof to which it is chargeable without a specific budget amendment resolution
 843 approved by majority vote of mayor and council.

844 **SECTION 6.27.**

845 Tax levies.

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

852 **SECTION 6.28.**

853 Changes in appropriations.

854 The mayor and council may, by agreement or resolution, make changes in the appropriations
855 contained in the current operating budget at any regular meeting or any special or emergency
856 meeting called for such purpose, but any additional appropriations may be made only from
857 an existing unexpended surplus.

858 **SECTION 6.29.**

859 Independent audit.

860 There shall be an annual independent audit of all town accounts, funds, and financial
861 transactions by a certified public accountant selected by the mayor and council. The audit
862 shall be conducted according to generally accepted accounting principles. Any audit of any
863 funds by the state or federal government may be accepted as satisfying the requirements of
864 this charter. The report shall be submitted to the state, and copies of all audit reports shall
865 be given to councilmembers and made available at printing costs to the public.

866 **SECTION 6.30.**

867 Contracting procedures.

868 No contract with the town shall be binding on the town unless it is made pursuant to
869 procedures established by mayor and council and it is:

870 (1) In writing;

871 (2) Drawn by or submitted to and reviewed by the town attorney; and

872 (3) Made or authorized by the mayor and council and such approval is entered in the
873 town journal of proceedings pursuant to this charter.

874 **SECTION 6.31.**

875 Centralized purchasing.

876 The mayor and council shall prescribe procedures for a system of centralized purchasing for
877 the town. However, the mayor is permitted to spend up to \$500.00 without council approval
878 for town projects or needs.

879

SECTION 6.32.

880

Sale and lease of town property.

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

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

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

896

ARTICLE VII

897

GENERAL PROVISIONS

898

SECTION 7.10.

899

Bonds for officials.

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

903

SECTION 7.11.

904

Prior ordinances.

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

908

SECTION 7.12.

909

Definitions and construction.

910 Section captions in this charter are informative only and are not to be considered as a part
911 thereof. The word "shall" is mandatory, and the word "may" is permissive. The singular
912 shall include the plural, the masculine shall include the feminine, and vice versa. The words
913 "city" and "town" are interchangeable.

914

SECTION 7.13.

915

Severability.

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

922

SECTION 7.14.

923

Specific repealer.

924 An Act to incorporate the Town of Bishop in the County of Oconee, approved December 26,
925 1890 (Ga. L. 1890, p. 621), is repealed.

926

SECTION 7.15.

927

Effective date.

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

930

SECTION 7.16.

931

Repealer.

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