

House Bill 526 (AS PASSED HOUSE AND SENATE)

By: Representative Buckner of the 137th

A BILL TO BE ENTITLED
AN ACT

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

18 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

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

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

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

29 **SECTION 1.02.**

30 Corporate boundaries.

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

42 **SECTION 1.03.**

43 Powers and construction.

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

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

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

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

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

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

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

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

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

76 (7) Emergencies. To establish procedures for determining and proclaiming that an
77 emergency situation exists within or without the city and to make and carry out all
78 reasonable provisions deemed necessary to deal with or meet such an emergency for the
79 protection, safety, health, or well-being of the citizens of the city;

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

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

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

- 94 (11) Garbage fees. To levy, fix, assess, and collect a garbage, refuse, and trash collection
95 and disposal, and other sanitary service charge, tax, or fee for such services as may be
96 necessary in the operation of the city from all individuals, firms, and corporations
97 residing in or doing business therein that benefit from such services; to enforce the
98 payment of such charges, taxes, or fees; and to provide for the manner and method of
99 collecting such service charges;
- 100 (12) General health, safety, and welfare. To define, regulate, and prohibit any act,
101 practice, conduct, or use of property which is detrimental to health, sanitation,
102 cleanliness, welfare, and safety of the inhabitants of the city; and to provide for the
103 enforcement of such standards;
- 104 (13) Gifts. To accept or refuse gifts, donations, bequests, or grants from any source for
105 any purpose related to powers and duties of the city and the general welfare of its
106 citizens, on such terms and conditions as the donor or grantor may impose;
- 107 (14) Health and sanitation. To prescribe standards of health and sanitation and to
108 provide for the enforcement of such standards;
- 109 (15) Jail sentences. To provide that persons given jail sentences in the city's court may
110 work out such sentences in any public works or on the streets, roads, drains, and other
111 public property in the city; to provide for commitment of such persons to any jail; and to
112 provide for the use of pretrial diversion and any alternative sentencing allowed by law or
113 to provide for commitment of such persons to any county work camp or county jail by
114 agreement with the appropriate county officials;
- 115 (16) Motor vehicles. To regulate the operation of motor vehicles and exercise control
116 over all traffic, including parking upon or across the streets, roads, alleys, and walkways
117 of the city;
- 118 (17) Municipal agencies and delegation of power. To create, alter, or abolish
119 departments, boards, offices, commissions, authorities, and agencies of the city; and to
120 confer upon such entities the necessary and appropriate authority for carrying out all the
121 powers conferred upon or delegated to the same;
- 122 (18) Municipal debts. To appropriate and borrow money for the payment of debts of the
123 city and to issue bonds for the purpose of raising revenue to carry out any project,
124 program, or venture authorized by this charter or the laws of the State of Georgia;
- 125 (19) Municipal property ownership. To acquire, dispose of, lease, and hold in trust or
126 otherwise any real, personal, or mixed property, in fee simple or lesser interest, inside or
127 outside the property limits of the city;
- 128 (20) Municipal property protection. To provide for the preservation and protection of
129 property and equipment of the city and the administration and use of the same by the
130 public; and to prescribe penalties and punishment for violations thereof;

- 131 (21) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose
132 of public utilities, including but not limited to a system of waterworks, sewers and drains,
133 sewage disposal, storm-water management, gas works, electric light plants, cable
134 television and other telecommunications, transportation facilities, public airports, and any
135 other public utility; to fix the taxes, charges, rates, fares, fees, assessments, regulations,
136 and penalties; and to provide for the withdrawal of service for refusal or failure to pay the
137 same;
- 138 (22) Nuisance. To define a nuisance and provide for its abatement whether on public or
139 private property;
- 140 (23) Penalties. To provide penalties for violation of any ordinances adopted pursuant to
141 the authority of this charter and the laws of the State of Georgia;
- 142 (24) Planning and zoning. To provide comprehensive city planning for development by
143 zoning; and to provide subdivision regulation and the like as the city council deems
144 necessary and reasonable to ensure a safe, healthy, and aesthetically pleasing community;
- 145 (25) Police and fire protection. To exercise the power of arrest through duly appointed
146 police officers and to establish, operate, or contract for a police and a fire-fighting
147 agency;
- 148 (26) Public hazards: removal. To provide for the destruction and removal of any
149 building or other structure which is or may become dangerous or detrimental to the
150 public;
- 151 (27) Public improvements. To provide for the acquisition, construction, building,
152 operation, and maintenance of public ways, parks and playgrounds, recreational facilities,
153 cemeteries, public buildings, libraries, public housing, parking facilities, or charitable,
154 cultural, educational, recreational, conservation, sport, detentional, penal, and medical
155 institutions, agencies, and facilities; to provide any other public improvements, inside or
156 outside the corporate limits of the city, and to regulate the use of public improvements;
157 and for such purposes, property may be acquired by condemnation under Title 22 of the
158 O.C.G.A., or such other applicable laws as are or may hereafter be enacted;
- 159 (28) Public peace. To provide for the prevention and punishment of loitering, disorderly
160 conduct, drunkenness, riots, and public disturbances;
- 161 (29) Public transportation. To organize and operate such public transportation systems
162 as are deemed beneficial;
- 163 (30) Public utilities and services. To grant franchises or make contracts for, or impose
164 taxes on, public utilities and public service companies; and to prescribe the rates, fares,
165 regulations, and standards and conditions of service applicable to the service to be
166 provided by the franchise grantee or contractor, insofar as these are not in conflict with
167 valid regulations of the Public Service Commission;

- 168 (31) Regulation of roadside areas. To prohibit or regulate and control the erection,
 169 removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any
 170 and all other structures or obstructions upon or adjacent to the rights of way of streets and
 171 roads or within view thereof, within or abutting the corporate limits of the city; and to
 172 prescribe penalties and punishment for violation of such ordinances;
- 173 (32) Retirement. To provide and maintain a retirement plan for officers and employees
 174 of the city;
- 175 (33) Roadways. To lay out, open, extend, widen, narrow, establish, change the grade of,
 176 abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise
 177 improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and
 178 walkways within the corporate limits of the city; to grant franchises and rights of way
 179 throughout the streets and roads and over the bridges and viaducts for the use of public
 180 utilities; and to require real estate owners to repair and maintain in a safe condition the
 181 sidewalks adjoining their lots or lands and to impose penalties for failure to do so;
- 182 (34) Sewer fees. To levy a fee, charge, or sewer tax as necessary to assure the acquiring,
 183 constructing, equipping, operating, maintaining, and extending of a sewage disposal plant
 184 and sewerage system; to levy on those to whom sewers and sewerage systems are made
 185 available a sewer service fee, charge, or sewer tax for the availability or use of the
 186 sewers; to provide for the manner and method of collecting such service charges and for
 187 enforcing payment of the same; and to charge, impose, and collect a sewer connection fee
 188 or fees to those connected with the system;
- 189 (35) Solid waste disposal. To provide for the collection and disposal of garbage, rubbish,
 190 and refuse; to regulate the collection and disposal of garbage, rubbish, and refuse by
 191 others; to provide for the separate collection of glass, tin, aluminum, cardboard, paper,
 192 and other recyclable materials; and to provide for the sale of such items;
- 193 (36) Special assessments. To levy and provide for the collection of special assessments
 194 to cover the costs of any public improvements;
- 195 (37) Taxes: ad valorem. To levy and provide for the assessment, valuation, revaluation,
 196 and collection of taxes on all property subject to taxation; provided, however, that:
- 197 (A) For all years, the fair market value of all property subject to taxation shall be
 198 determined according to the tax digest of Talbot County, as provided in Code Section
 199 48-5-352 of the O.C.G.A.; and
- 200 (B) For all years, the billing date or dates and due date or due dates for municipal ad
 201 valorem taxes shall be the same as for Talbot County ad valorem taxes;
- 202 (38) Taxes: other. To levy and collect such other taxes as may be allowed by law now
 203 or in the future;

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

208 (40) Urban redevelopment. To organize and operate an urban redevelopment program;
 209 and

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

221 **SECTION 1.04.**

222 Exercise of powers.

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

227 **ARTICLE II**

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

229 **SECTION 2.01.**

230 City council creation; number; election.

231 (a) The legislative authority of the government of Talbotton, except as otherwise specifically
 232 provided in this charter, shall be vested in a city council to be composed of a mayor and five
 233 councilmembers.

234 (b) The mayor shall be elected by a majority vote of the qualified electors of the city at large
 235 voting at the elections of the city.

236 (c) Each councilmember shall be elected by a majority vote of the qualified electors voting
 237 at the elections of the city. For the purpose of electing the five councilmembers, there shall
 238 be five council posts requiring separate ballots to elect, designated as Council Posts 1
 239 through 5, as described in Section 2.02 of this charter. Each person desiring to offer as a
 240 candidate for councilmember shall designate in writing the council post for which he or she
 241 is offering upon qualifying and may only offer for one council post appearing on any given
 242 election ballot.

243 **SECTION 2.02.**

244 Mayor and city councilmembers; election; terms; qualifications for office.

245 (a) Except as otherwise provided in this charter, the mayor and members of the city council
 246 shall serve for terms of four years and until their respective successors are elected and
 247 qualified. No person shall be eligible to serve as mayor or councilmember unless such person
 248 shall have been a resident of the area comprising the corporate limits of the City of Talbotton
 249 for a continuous period of at least 12 months immediately prior to the date of the election for
 250 mayor or councilmember, and shall continue to reside therein during such person's period of
 251 service, and shall continue to be registered and be qualified to vote in municipal elections of
 252 the City of Talbotton.

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

255 (c) The current mayor, Tony Lamar, and Councilmember Walter Wilson, Jr., Post 1,
 256 Councilmember Elijah Epps, Post 2, and Councilmember John Lamar, Post 3, shall serve
 257 until the expiration of their terms on December 31, 2017, or as otherwise replaced by law.
 258 Elections for mayor, Council Post 1, Council Post 2, and Council Post 3 shall take place on
 259 the Tuesday next following the first Monday in November, 2017, or as otherwise required
 260 by law, and such elected positions shall have terms of three years, with elections being held
 261 on the Tuesday next following the first Monday in November, 2020, and quadrennially
 262 thereafter. It is the specific intent of this charter, pursuant to Code Section 21-2-541.2 of the
 263 O.C.G.A., to create an election cycle for all councilmembers and the mayor which coincides
 264 with general elections in the year 2020 and quadrennially thereafter. The present elected
 265 members and future members of the governing authority shall serve until their successors are
 266 elected and qualified.

267 (d) The current Councilmember Annie Powell, Post 4, and Councilmember Knox Blackmar,
 268 Post 5, shall serve until the expiration of their current terms on December 31, 2015, or as
 269 otherwise replaced by law. Elections for Council Post 4 and Post 5 shall take place on the
 270 Tuesday next following the first Monday in November, 2015, or as otherwise required by

271 law, and such elected positions shall have terms of five years, with elections being held on
272 the Tuesday next following the first Monday in November, 2020, and quadrennially
273 thereafter. It is the specific intent of this charter, pursuant to Code Section 21-2-541.2 of the
274 O.C.G.A., to create an election cycle for all councilmembers and the mayor which coincides
275 with general elections in the year 2020 and quadrennially thereafter. The present elected
276 members and future members of the governing authority shall serve until their successors are
277 elected and qualified.

278 **SECTION 2.03.**

279 Vacancy; filling of vacancies; suspensions.

280 The office of mayor or councilmember shall become vacant upon the incumbent's death,
281 resignation, forfeiture of office, or removal from office in any manner authorized by this
282 charter or the general laws. A vacancy in the office of mayor or councilmember shall be
283 filled for the remainder of the unexpired term by a special election if such vacancy occurs
284 12 months or more prior to the expiration of the term of such office. If such vacancy occurs
285 within 12 months of the expiration of the term of such office, the city council or those
286 councilmembers remaining shall appoint a successor for the remainder of the term. This
287 provision shall also apply to a temporary vacancy created by the suspension from office of
288 the mayor or any councilmember.

289 **SECTION 2.04.**

290 Nonpartisan elections.

291 Political parties shall not conduct primaries for city offices and all names of candidates for
292 city offices shall be listed without party designation.

293 **SECTION 2.05.**

294 Election by majority vote.

295 The candidates for mayor and councilmembers who receive a majority of the votes cast in
296 the applicable election shall be elected to a term of office. In the event no candidate receives
297 a majority of the votes cast in such election, a run-off election shall be held between the two
298 candidates receiving the highest number of votes. Such runoff shall be held at the time
299 specified by law, unless such run-off date is postponed by court order.

300 **SECTION 2.06.**

301 Applicability of general laws; qualifying; other provisions.

302 All primaries and elections shall be held and conducted in accordance with Chapter 2 of Title
303 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended. Except as
304 otherwise provided by this charter, the city council shall, by ordinance or resolution,
305 prescribe such rules and regulations as it deems appropriate, including but not limited to the
306 establishment of qualifying fees, to fulfill any options and duties under Chapter 2 of Title 21
307 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended.

308 **SECTION 2.07.**

309 Compensation and expenses.

310 The annual salary of the mayor shall be \$5,400.00 and the annual salary for each
311 councilmember shall be \$2,400.00. Such salary shall be paid from municipal funds in
312 monthly installments. The city council may provide by ordinance for the provision of
313 insurance, retirement, workers' compensation, and other employee benefits to the mayor and
314 members of the city council and may provide by ordinance for the reimbursement of
315 expenses actually and necessarily incurred by the mayor and members of the city council in
316 carrying out their official duties.

317 **SECTION 2.08.**

318 Inquiries and investigations.

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

324 **SECTION 2.09.**

325 Meetings and mayor pro tempore.

326 (a) The city council shall meet on the first working day in January immediately following
327 each regular municipal election. The meeting shall be called to order by the mayor-elect and
328 the oath of office shall be administered to the newly elected mayor and councilmembers by

329 a judicial officer authorized to administer oaths. The oath shall, to the extent that it comports
330 with federal and state law, be as follows:

331 "I do solemnly (swear)(affirm) that I will well and truly perform the duties of
332 (mayor)(councilmember), (as the case may be) of the City of Talbotton, to the best of my
333 ability, without fear or favor. I am not the holder of any unaccounted for public money due
334 this state or any political subdivision or authority thereof. I am not the holder of any office
335 of trust under the government of the United States, any other state, or any foreign state which
336 I, by the laws of the State of Georgia, am prohibited from holding. I am otherwise qualified
337 to hold said office according to the Constitution and laws of Georgia. I have been a resident
338 of the City of Talbotton for the time required by the Constitution and laws of this state and
339 by the municipal charter. Further, I will support and defend the charter thereof as well as the
340 constitution and laws of the State of Georgia and of the United States of America, so help me
341 God."

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

353 (c) The city council shall, at least once a month, hold regular meetings at such times and
354 places as prescribed by ordinance, presently the third Tuesday of each month at 6:30 P.M.
355 The city council may recess any regular meeting and continue such meeting on any weekday
356 or hour it may fix and may transact any business at such continued meeting as may be
357 transacted at any regular meeting.

358 (d) Special meetings of the city council may be held on the call of the mayor or two
359 councilmembers. Notice of such special meetings shall be delivered to all members of the
360 council and the mayor personally, by registered mail, or by electronic means, at least 24
361 hours in advance of the meeting. Such notice to councilmembers shall not be required if the
362 mayor and all councilmembers are present when the special meeting is called. Such notice
363 of any special meeting may be waived by the mayor or a councilmember in writing before
364 or after such a meeting, and attendance at the meeting shall also constitute a waiver of notice.

365 The notice of such special meeting shall state what business is to be transacted at the special
366 meeting. Only the business stated in the call may be transacted at the special meeting.

367 **SECTION 2.10.**

368 Quorum; voting.

369 Three councilmembers shall constitute a quorum and shall be authorized to transact business
370 for the city council. Voting on the adoption of ordinances shall be taken by voice vote and
371 the yeas and nays shall be recorded in the minutes; but on the request of any councilmember,
372 there shall be a roll-call vote. In order for any ordinance, resolution, motion, or other action
373 of the city council to be adopted, the measure must receive at least two affirmative votes and
374 must receive the affirmative votes of a majority of those voting. No member of the city
375 council shall abstain from voting on any matter properly brought before the council for
376 official action except when such member of council has a conflict of interest which is
377 disclosed in writing prior to or at the meeting and made a part of the minutes. Any member
378 of the city council present and eligible to vote on a matter and refusing to do so for any
379 reason other than a properly disclosed and recorded conflict of interest shall be deemed to
380 have acquiesced or concurred with the members of the majority who did vote on the question
381 involved. The mayor shall vote only in the case of a tie.

382 **SECTION 2.11.**

383 General power and authority of the city council.

384 (a) Except as otherwise provided by law or by this charter, the city council shall be vested
385 with all the powers of government of the City of Talbotton as provided by Article I of this
386 charter.

387 (b) In addition to all other powers conferred upon it by law, the city council shall have the
388 authority to adopt and provide for the execution of such ordinances, resolutions, rules,
389 regulations, and the exercising of eminent domain not inconsistent with this charter and the
390 Constitution and the laws of the State of Georgia, which it shall deem necessary, expedient,
391 or helpful for the peace, good order, protection of life and property, health, welfare,
392 sanitation, comfort, convenience, prosperity, or well-being of the inhabitants of the City of
393 Talbotton and may enforce such ordinances by imposing penalties for violation thereof. The
394 city council is hereby empowered to acquire, construct, operate, and maintain public ways,
395 parks, public grounds, cemeteries, markets, market houses, public buildings, libraries,
396 sewers, drains, sewage treatment, waterworks, electrical systems, gas systems, airports,
397 hospitals, and charitable, educational, recreational, sport, curative, corrective, detentional,

398 penal, and medical institutions, agencies, and facilities; and any other public improvements
 399 inside or outside the city; to regulate the use thereof; and for such purposes, property may
 400 be condemned under procedures established under general law applicable now or as provided
 401 in the future.

402 **SECTION 2.12.**

403 Administrative and service departments.

404 (a) The city council, by ordinance, may establish, abolish, merge, or consolidate offices,
 405 positions of employment, departments, and agencies of the city as they shall deem necessary
 406 for the proper administration of the affairs and government of the city. The city council shall
 407 prescribe the functions and duties of existing departments, offices, and agencies or of any
 408 departments, offices, and agencies hereinafter created or established; may provide that the
 409 same person shall fill any number of offices and positions of employment; and may transfer
 410 or change the functions and duties of offices, positions of employment, departments, and
 411 agencies of the city.

412 (b) The operations and responsibilities of each department now or hereafter established in
 413 the city shall be distributed among such divisions or bureaus as may be provided by
 414 ordinance of the city council. Each department shall consist of such officers, employees, and
 415 positions as may be provided by this charter or by ordinance and shall be subject to the
 416 general supervision of the councilmember whose post is designated for such department.

417 **SECTION 2.13.**

418 Boards; commissions; authorities.

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

423 (b) No member of any board, commission, or authority of the city shall hold any elective
 424 office in the city. Councilmembers and the mayor, however, may serve as ex officio
 425 members of such boards, commissions, or authorities, without a vote. The mayor shall serve
 426 as the ex officio chairperson of all boards, commissions, and authorities.

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

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

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

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

438 (g) Except as otherwise provided by this charter or by applicable state law, each board,
 439 commission, and authority of the city government shall elect one of its members as vice
 440 chairperson for terms of one year and may elect as its secretary one of its members or may
 441 appoint as secretary an employee of the city. Each board, commission, and authority of the
 442 city government may establish such bylaws, rules, and regulations not inconsistent with this
 443 charter, ordinances of the city, or applicable state law as it deems appropriate and necessary
 444 for the conduct of its affairs, copies of which shall be filed with the designated officer of the
 445 city.

446 **SECTION 2.14.**

447 Ordinance form; procedures.

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

452 (b) The captions of sections of this charter or any ordinance printed in boldface type, italics,
 453 or otherwise are intended as mere catchwords to indicate the contents of such section and:

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

456 (2) Shall not be so deemed when any of such sections, including the captions, are
 457 amended or reenacted unless expressly provided to the contrary. Furthermore, the
 458 chapter, article, and section headings contained in this charter shall not be deemed to
 459 govern, limit, or modify or in any manner affect the scope, meaning, or intent of the
 460 provisions of any chapter, article, or section hereof.

461 (c) The city council may, by ordinance or resolution, adopt rules and bylaws to govern the
 462 conduct of its business, including procedures and penalties for compelling the attendance of
 463 absent members. Such rules may include punishment for contemptuous behavior conducted
 464 in the presence of the city council.

465

SECTION 2.15.

466

Submission of ordinances to the mayor.

467 (a) Every ordinance, resolution, and other action adopted by the city council shall be
 468 presented promptly to the mayor. Except for council approval of appointments to boards,
 469 commissions, and authorities, employment of any appointed officer, internal affairs, or
 470 matters which must be approved by the voters, the mayor may veto any action adopted by
 471 the city council.

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

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

481 (d) The mayor may disapprove or reduce any item or items of appropriation in any ordinance
 482 or resolution. The approved part or parts of any ordinance or resolution making
 483 appropriations shall become law, and the part or parts disapproved or reduced shall not
 484 become law unless subsequently passed by the city council over the mayor's veto as provided
 485 in this charter.

486 (e) If an ordinance or resolution has been signed by the mayor, it shall become effective.
 487 If an ordinance or resolution is neither approved nor disapproved by the next regular meeting
 488 of the city council, it shall become effective.

489

ARTICLE III

490

EXECUTIVE BRANCH

491

SECTION 3.01.

492

Powers and duties of the mayor.

493 (a) The mayor shall be the chief executive officer of the city government, a member of and
 494 the presiding officer of the city council, and responsible for the efficient and orderly
 495 administration of the city's affairs. The mayor shall be responsible for the enforcement of
 496 laws, rules, regulations, ordinances, and franchises in the city. The mayor may conduct
 497 inquiries and investigations into the conduct of the city's affairs and shall have such powers

498 and duties as specified in this charter or as may be provided by ordinance consistent with this
499 charter.

500 (b) The mayor shall:

501 (1) Preside at all meetings of the city council;

502 (2) Be the head of the city for the purpose of service of process and for ceremonial
503 purposes and be the official spokesperson for the city and the advocate of policy;

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

507 (4) See that all laws and ordinances of the city are faithfully executed;

508 (5) Vote on any motion, resolution, ordinance, or other question before the city council
509 only as provided in Section 2.10 of this charter;

510 (6) Obtain short-term loans in the name of the city when authorized by the city council
511 to do so;

512 (7) Name qualified residents of the city to boards, commissions, and authorities with
513 approval of the city council;

514 (8) Review all payments of city expenses for appropriateness following authorization and
515 payment by the city council's finance officers and bring any objections to the next city
516 council meeting for discussion;

517 (9) Vote for the rehire of city employees and officers at the first meeting of each year,
518 unless his or her vote would cause a tie; and in that event, the mayor's vote would not be
519 counted unless it was to break a tie;

520 (10) Make recommendations with respect to the employment or termination of city
521 employees;

522 (11) Prepare or have prepared an agenda for each meeting of the city council which shall
523 include all business submitted by the mayor, any councilmember, and the city attorney;
524 and

525 (12) Fulfill and perform such other duties as are imposed by this charter and duly
526 adopted ordinances.

527

528 **SECTION 3.02.**

529 City attorney.

530 The city council shall confirm by majority vote of the council a city attorney, together with
531 such assistant city attorneys as may be deemed appropriate, and shall provide for the
532 payment of such attorney or attorneys for services rendered to the city. The city attorney
533 shall be responsible for representing and defending the city in all litigation in which the city

534 is a party; may be the prosecuting officer in the municipal court; shall attend the meetings
535 of the city council as directed; shall advise the city council, mayor, other officers, and
536 employees of the city concerning legal aspects of the city's affairs; and shall perform such
537 other duties as may be required by virtue of his or her position as city attorney. The city
538 attorney shall review all contracts of the city before their execution but shall not have the
539 power to bind the city.

540 **SECTION 3.03.**

541 City clerk.

542 The city council may appoint a city clerk, subject to confirmation by majority vote of the
543 council, to keep a journal of the proceedings of the city council, to maintain in a safe place
544 all records and documents pertaining to the affairs of the city, and to perform such duties as
545 may be required by law or ordinance or as the mayor or city council may direct.

546 **SECTION 3.04.**

547 City tax collector.

548 The city council may appoint a city tax collector, subject to confirmation by majority vote
549 of the council, to collect all taxes, licenses, fees, and other moneys belonging to the city
550 subject to the provisions of this charter and the ordinances of the city; and the tax collector
551 shall diligently comply with and enforce all general laws of Georgia relating to the
552 collection, sale, or foreclosure of taxes by municipalities.

553 **SECTION 3.05.**

554 City accountant.

555 The city council may appoint a city accountant, subject to confirmation by majority vote of
556 the council, to perform the duties of an accountant.

557 **SECTION 3.06.**

558 Consolidation of functions.

559 The city council may consolidate any two or more of the positions of city clerk, city tax
560 collector, or city accountant, or any other positions, or may assign the functions of any one
561 or more of such positions to the holder or holders of any other positions. The mayor may

562 also, with the approval of the city council, perform all or any part of the functions of any of
563 the positions or offices in lieu of the appointment of other persons to perform the same.

564 **SECTION 3.07.**

565 Position classification and pay plans; employment at will.

566 The city council shall be responsible for the preparation of a position classification and a pay
567 plan which shall be prepared and approved annually by the city council. Such plan may
568 apply to all employees of the City of Talbotton and any of its departments, agencies, and
569 offices. When a pay plan has been adopted by the city council, neither the city council nor
570 any department head or supervisor shall increase or decrease the salaries of individual
571 employees except in conformity with such pay plan or pursuant to an amendment of such pay
572 plan duly adopted by the city council. Except as otherwise provided in this charter, all
573 employees of the city shall be subject to removal or discharge, with or without cause, at any
574 time.

575 **ARTICLE IV**

576 **MUNICIPAL COURT SECTION**

577 **SECTION 4.01.**

578 Creation.

579 There is established a court to be known as the Municipal Court of the City of Talbotton
580 which shall have jurisdiction and authority to try offenses against the laws and ordinances
581 of the city and to punish for violations of the same. Such court shall have the power to
582 enforce its judgments by the imposition of such penalties as may be provided by law,
583 including ordinances of the city; to punish witnesses for nonattendance and to punish also
584 any person who may counsel or advise, aid, encourage, or persuade another whose testimony
585 is desired or material in any proceeding before such court to go or move beyond the reach
586 of the process of the court; to try all offenses within the territorial limits of the city
587 constituting traffic cases which, under the laws of Georgia, are placed within the jurisdiction
588 of municipal courts to the extent of, and in accordance with, the provisions of such laws and
589 all laws subsequently enacted that are amendatory thereof. When convened, the municipal
590 court shall be presided over by a judge of the court.

591 **SECTION 4.02.**

592 Judge.

593 (a) No person shall be qualified or eligible to serve as judge unless he or she shall have
 594 attained the age of 25 years and shall have been a member of the State Bar of Georgia for a
 595 minimum of three years. The current sitting Municipal Court Judge of Talbotton, Georgia,
 596 shall continue to serve for the remainder of his or her term.

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

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

607 (d) A judge of the municipal court shall serve for the designated term but may be removed
 608 from the position by a two-thirds vote of the entire membership of the city council or upon
 609 action taken by the State Judicial Qualifications Commission for:

- 610 (1) Willful misconduct in office;
- 611 (2) Willful and persistent failure to perform duties;
- 612 (3) Habitual intemperance;
- 613 (4) Conduct prejudicial to the administration of justice which brings the judicial office
 614 into disrepute; or
- 615 (5) Disability seriously interfering with the performance of duties which is, or is likely
 616 to become, of a permanent character.

617 **SECTION 4.03.**

618 Administration.

619 (a) The position of clerk of the court is created. The clerk shall be appointed by the city
 620 council and shall serve at the pleasure of the city council.

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

623 (c) In addition, the clerk of the court shall serve as administrator of the court, setting times
 624 and dates for convening of the court upon guidance of the judge, preparing the court docket,

625 and performing such other services as may be assigned by resolution or ordinance of the city
626 council.

627 **SECTION 4.04.**

628 Jurisdiction; powers.

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

660 the state to issue warrants for offenses against state laws committed within the city. The city
 661 council shall have authority to establish a schedule of reasonable fees to defray the costs of
 662 operation.

663 **SECTION 4.05.**

664 Certiorari.

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

669 **SECTION 4.06.**

670 Rules for court.

671 The judges, by majority vote, shall have authority to make reasonable rules and regulations
 672 necessary and proper for addressing the operations of the municipal court. The clerk of the
 673 court, as administrator of the court, shall prepare reasonable rules and regulations necessary
 674 and proper to secure the efficient and successful administration of the municipal court. All
 675 rules shall be subject to the approval of the city council.

676 **ARTICLE V**

677 **FINANCE AND FISCAL**

678 **SECTION 5.01.**

679 Fiscal year.

680 The city council shall set the fiscal year by ordinance. Such fiscal year shall constitute the
 681 budget year and the year for financial accounting and reporting of each and every office,
 682 department, institution, agency, board, commission, authority, and activity of the city
 683 government, unless otherwise provided by state or federal law.

684 **SECTION 5.02.**

685 Preparation of budgets.

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

690

SECTION 5.03.

691

Submission of operating budget to city council.

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

696

SECTION 5.04.

697

Action by city council on budget.

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The city council may amend the operating budget proposed by the mayor, except that the budget, as finally amended and adopted, must provide for all expenditures required by 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 constituting the fund availability of such fund.

703

SECTION 5.05.

704

Audits.

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(a) There shall be an annual independent audit of all city accounts, funds, and financial transactions by a certified public accountant selected by the city 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. Copies of all audit reports shall be available at printing cost to the public.

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

712

SECTION 5.06.

713

Homestead exemptions.

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716

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

746 **SECTION 6.05.**

747 Pending matters.

748 Except as specifically provided otherwise by this charter, all rights, claims, actions, orders,
 749 contracts, and legal or administrative proceedings shall continue; and any such ongoing work
 750 or cases shall be completed by the appropriate city officers, departments, agencies, or
 751 personnel.

752 **SECTION 6.06.**

753 Conflict of interest of elected officials and appointed officers.

754 Elected and appointed officers of the city are trustees and servants of the residents of the city
 755 and shall act in a fiduciary capacity for the benefit of such residents. Except as authorized
 756 by law, the mayor or any councilmember shall not hold any other city office or city
 757 employment during the term for which such person was elected. Neither the mayor nor any
 758 member of the city council shall vote upon, sign, or veto any ordinance, resolution, contract,
 759 or other matter in which such person is financially interested. No elected official, appointed
 760 officer, or employee of the city or any agency or political entity to which this charter applies
 761 shall knowingly:

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

766 (2) Engage in or accept private employment or render services for private interests when
 767 such employment or service is incompatible with the proper discharge of such person's
 768 official duties or would tend to impair the independence of such official's judgment or
 769 action in the performance of those official duties;

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

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

779 candidate for public office may accept campaign contributions and services in connection
780 with any such campaign;

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

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

785 **SECTION 6.07.**

786 Disclosure.

787 Any elected official, appointed officer, or employee who shall have any financial interest,
788 directly or indirectly, in any contract or matter pending before or within any department of
789 the city shall disclose such interest to the city council. The mayor or any councilmember
790 who has a financial interest in any matter pending before the city council shall disclose such
791 interest; such disclosure shall be entered on the records of the city council; and such official
792 shall disqualify himself or herself from participating in any decision or vote relating thereto.

793 Any elected official, appointed officer, or employee of any agency or political entity to which
794 this charter applies who shall have any financial interest, directly or indirectly, in any
795 contract or matter pending before or within such entity shall disclose such interest to the
796 governing body of such agency or entity.

797 **SECTION 6.08.**

798 Use of public property.

799 No elected official, appointed officer, or employee of the city or any agency or entity to
800 which this charter applies shall use property owned by such governmental entity for personal
801 benefit or profit but shall use such property only in their official duties as an officer or
802 employee of the city.

803 **SECTION 6.09.**

804 Contracts voidable and rescindable.

805 Any violation of this article which occurs with the knowledge, express or implied, of a party
806 to a contract or sale shall render such contract or sale voidable at the option of the city
807 council.

808

SECTION 6.10.

809

Ineligibility of elected official.

810 Except where authorized by law, neither the mayor nor any councilmember shall hold any
 811 other elective or appointive office in the city or otherwise be employed by such government
 812 or any agency thereof during the term for which such official was elected. No former mayor
 813 and no former councilmember shall hold any appointive office in the city until one year after
 814 the expiration of the term for which such official was elected.

815

SECTION 6.11.

816

Political activities of certain officers and employees.

817 No appointed officer of the city shall continue in such employment upon qualifying as a
 818 candidate for nomination or election to any public office. No employee of the city shall
 819 continue in such employment upon qualifying for or election to any public office in this city
 820 or any other public office which is inconsistent, incompatible, or in conflict with the duties
 821 of such city employee. Such determination shall be made by the city council either
 822 immediately upon election or at any time such conflict may arise.

823

SECTION 6.12.

824

Penalties for violation.

825 Any city officer or employee who knowingly conceals such financial interest or knowingly
 826 violates any of the requirements of this article shall be guilty of malfeasance in office or
 827 position and shall be deemed to have forfeited such person's office or position. Any officer
 828 or employee of the city who forfeits an office or position as provided in this article shall be
 829 ineligible for appointment or election to or employment in a position in the city government
 830 for a period of three years thereafter.

831

SECTION 6.13.

832

Removal of officers.

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

837 (1) Following a hearing at which an impartial panel shall render a decision. In the event
 838 an elected officer is sought to be removed by the action of the city council, such officer
 839 shall be entitled to a written notice specifying the ground or grounds for removal and to
 840 a public hearing which shall be held not less than ten days after the service of such
 841 written notice. The city council shall provide by ordinance for the manner in which such
 842 hearings shall be held. Any elected officer sought to be removed from office as herein
 843 provided shall have the right of appeal from the decision of the city council to the
 844 Superior Court of Talbot County. Such appeal shall be governed by the same rules as
 845 govern appeals to the superior court from the probate court; or

846 (2) By an order of the Superior Court of Talbot County following a hearing on a
 847 complaint seeking such removal brought by any resident of the City of Talbotton.

848 **SECTION 6.14.**

849 Term limits of elected officials.

850 There shall be no term limits.

851 **SECTION 6.15.**

852 Emergencies.

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

870 emergency meetings shall be made as fully as is reasonably possible in accordance with Code
871 Section 50-14-1 of the O.C.G.A., or such other applicable laws as are or may hereafter be
872 enacted limits.

873 **SECTION 6.16.**

874 Codes of technical regulations.

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

878 (1) The requirements of Section 6.16 for distribution and filing of copies of the ordinance
879 shall be construed to include copies of any code of technical regulations, as well as the
880 adopting ordinance; and

881 (2) A copy of each adopted code of technical regulations, as well as the adopting
882 ordinance, shall be authenticated and recorded by the city clerk. Copies of any adopted
883 code of technical regulations shall be made available by the city clerk for inspection by
884 the public.

885 **SECTION 6.17.**

886 Signing; authenticating; recording; codification; printing.

887 The clerk shall authenticate by the clerk's signature and record in full in a properly indexed
888 book kept for that purpose all ordinances adopted by the city council. The city council shall
889 provide for the preparation of a general codification of all the ordinances of the city having
890 the force and effect of law. The general codification shall be adopted by the city council by
891 ordinance and shall be published promptly, together with all amendments thereto and such
892 codes of technical regulations and other rules and regulations as the city council may specify.
893 This compilation shall be known and cited officially as "The Code of the City of Talbotton,
894 Georgia." Copies of such code shall be furnished to all offices, departments, and agencies of
895 the city and made available for purchase by the public at a reasonable price as fixed by the
896 city council. The city council shall cause each ordinance and each amendment to this charter
897 to be printed promptly following its adoption, and the printed ordinances and charter
898 amendments shall be made available for purchase by the public at reasonable prices to be
899 fixed by the city council. Following publication of the first code under this charter and at all
900 times thereafter, the ordinances and charter amendments shall be printed in substantially the
901 same style as the code currently in effect and shall be suitable in form for incorporation
902 therein. The city council shall make such further arrangements as deemed desirable with

903 reproduction and distribution of any current changes in or additions to codes of technical
 904 regulations and other rules and regulations.

905 **SECTION 6.18.**

906 General obligation bonds.

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

911 **SECTION 6.19.**

912 Revenue bonds.

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

916 **SECTION 6.20.**

917 Short-term loans.

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

920 **SECTION 6.21.**

921 Lease-purchase contracts.

922 The city may enter into multiyear lease, purchase, or lease-purchase contracts for the
 923 acquisition of goods, materials, real and personal property, services, and supplies; provided,
 924 however, that the contract terminates without further obligation on the part of the
 925 municipality at the close of the calendar year in which it was executed and at the close of
 926 each succeeding calendar year for which it may be renewed. Contracts must be executed in
 927 accordance with the requirements of Code Section 36-60-13 of the O.C.G.A., or such other
 928 applicable laws as are or may hereafter be enacted.

929 **SECTION 6.22.**

930 Contracting procedures.

931 No contract with the city shall be binding on the city unless it is in writing; it is drawn by or
932 submitted to and reviewed by the city attorney and, as a matter of course, is signed by the
933 city attorney to indicate such drafting or review; and it is made or authorized by the city
934 council and such approval is entered in the city council journal of proceedings.

935 **SECTION 6.23.**

936 Centralized purchasing.

937 The city council shall by ordinance or otherwise prescribe procedures for a system of
938 centralized purchasing for the city.

939 **SECTION 6.24.**

940 Sale and lease of city property.

941 The city council may sell and convey or lease any real or personal property owned or held
942 by the city for governmental or other purposes as now or hereafter provided by law. The city
943 council may quitclaim any rights it may have in property not needed for public purposes
944 upon report by the mayor and adoption of a resolution, both finding that the property is not
945 needed for public or other purposes and that the interest of the city has no readily
946 ascertainable monetary value. Whenever in opening, extending, or widening any street,
947 avenue, alley, or public place of the city, a small parcel or tract of land is cut off or separated
948 by such work from a larger tract or boundary of land owned by the city, the city council may
949 authorize the mayor to sell and convey such cut-off or separated parcel or tract of land to an
950 abutting or adjoining property owner or owners where such sale and conveyance facilitates
951 the enjoyment of the highest and best use of the abutting owner's property. Included in the
952 sales contract shall be a provision for the rights-of-way of such street, avenue, alley, or public
953 place. Each abutting property owner shall be notified of the availability of the property and
954 given the opportunity to purchase such property under such terms and conditions as set out
955 by ordinance. All deeds and conveyances heretofore and hereafter so executed and delivered
956 shall convey all title and interest the city has in such property, notwithstanding the fact that
957 no public sale after advertisement was or is hereafter made.

958 **SECTION 6.25.**

959 Bonds for officials.

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

963 **SECTION 6.26.**

964 Construction.

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

968 **SECTION 6.27.**

969 Severability.

970 In the event any section, subsection, sentence, clause, or phrase of this charter shall be
971 declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect
972 the other sections, subsections, sentences, clauses, or phrases of this charter, which shall
973 remain of full force and effect as if the section, subsection, sentence, clause, or phrase so
974 declared or adjudged invalid or unconstitutional were not originally a part hereof. The
975 General Assembly hereby declares that it would have passed the remaining parts of this
976 charter if it had known that such part or parts hereof would be declared or adjudged invalid
977 or unconstitutional.

978 **SECTION 6.28.**

979 Specific repealer.

980 An Act incorporating the City of Talbotton in the County of Talbot, approved March 21,
981 1984 (Ga. L. 1984, p. 4536), is hereby repealed in its entirety and all amendatory acts thereto
982 are likewise repealed in their entirety.

983 **SECTION 6.29.**

984 Effective date.

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

987 **SECTION 6.30.**

988 General repealer.

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