House Bill 724 (AS PASSED HOUSE AND SENATE)
By: Representatives Austin of the 10th and Harden of the 28th

A BILL TO BE ENTITLED
AN ACT

To reincorporate and provide a new charter for the Town of Alto, Georgia; to provide for the corporate limits of the town, the powers of the town, and the form and method of government of the town; to provide for a town manager; to provide for the administration of town affairs; to provide for the municipal court of the town; to provide for elections for town offices; to provide for taxation by the town; to provide for financial management of the town; to provide for the financial and fiscal affairs of the town; to provide for municipal services and regulatory functions; to provide for general provisions; to provide for related matters; to provide for specific repeal; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

ARTICLE I
INCORPORATION AND POWERS

SECTION 1.10.

Name.

The Town of Alto, in Habersham and Banks counties is reincorporated by the enactment of this charter and is constituted and declared a body politic and corporate under the name of the Town of Alto. The town shall have perpetual existence. The legal situs of the town shall be Habersham County.

SECTION 1.11.

Corporate boundaries.

(a) The boundaries of this town shall be those existing on the effective date of the adoption of this charter with such alterations as may be made from time to time by local law or in the manner provided by general law. The boundaries of this town at all times shall be shown on a map, a written description, or any combination thereof, to be retained permanently in the

office of the town clerk and to be designated, as the case may be: "Official Map or Description of the Corporate Limits of the Town of Alto, Georgia." Photographic, typed, or other copies of such map or description certified by the clerk shall be admitted as evidence in all courts and shall have the same force and effect as with the original map or description.

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

SECTION 1.12.

Powers and construction.

(a) This town shall have all powers possible for a town to have under the present or future Constitution and laws of this state as fully and completely as though they were specifically enumerated in this charter.

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

SECTION 1.13.

Examples of Powers.

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

(1) Air and water pollution. To regulate the emission of smoke or other exhaust which pollutes the air and to prevent the pollution of natural streams which flow within the corporate limits of the town;

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

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

(4) Building regulation. To regulate and to license the erection and construction of buildings and all other structures; to adopt building, housing, plumbing, fire safety,

electrical, gas, and heating and air conditioning codes and other similar technical codes; and to regulate all housing and building trades;

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

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

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

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

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

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

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

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

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

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

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

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

(17) Municipal agencies and delegation of power. To create, alter, or abolish departments, boards, offices, commissions, and agencies of the town, including, but not limited to, any housing authority, and to confer upon such agencies the necessary and appropriate authority for carrying out all the powers conferred upon or delegated to the same;

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

(19) Municipal property ownership. T o acquire, dispose of, lease, and hold in trust or otherwise any real, personal, or mixed property, in fee simple or lesser interest, inside or outside the municipal limits of the town;

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

(21) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose of public utilities, including, but not limited to, a system of waterworks, sewers and drains, sewage disposal, storm-water management, gas works, electric light plants, cable television and other telecommunications, transportation facilities, public airports, and any

other public utility; and to fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties and to provide for the withdrawal of service for refusal or failure to pay the same;

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

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

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

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

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

(27) Public improvements. To provide for the acquisition, construction, building, operation, and maintenance of public ways, parks and playgrounds, recreational facilities, cemeteries, markets and market houses, public buildings, libraries, public housing, airports, hospitals, terminals, docks, parking facilities, and charitable, cultural, educational, recreational, conservation, sport, curative, corrective, detentional, penal, and medical institutions, agencies, and facilities; and to provide any other public improvements, inside or outside the corporate limits of the town; to regulate the use of public improvements; and, for such purposes, property may be acquired by condemnation under Title 22 of the O.C.G.A. or such other applicable laws as are now or may hereafter be enacted;

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

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

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

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

(32) Retirement. To provide and maintain a retirement plan and other employee benefit plans and programs for elected officials, officers, and employees of the town;

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

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

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

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

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

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

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

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

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

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

SECTION 1.14.

Exercise of powers.

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

ARTICLE II

GOVERNMENT STRUCTURE, ELECTIONS, AND REMOVAL

SECTION 2.10.

Town council creation; composition; number; election.

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

(b) The mayor and councilmembers shall serve for terms of four years and until their respective successors are elected and qualified. No person shall be eligible to serve as mayor or councilmember unless that person shall have been a resident of this town for 12 months immediately preceding the election of mayor or councilmembers; each such person shall continue to reside within the town during that person's period of service and shall be registered and qualified to vote in municipal elections of this town. No person's name shall be listed as a candidate on the ballot for election for either mayor or councilmember unless such person shall file a written notice with the clerk of said town that he or she desires his or her name to be placed on said ballot as a candidate either for mayor or councilmember. No person shall be eligible for the office of mayor or councilmember unless such person shall file such notice within the time provided in Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code."

SECTION 2.11.

Elections.

(a) At any election, all persons who are qualified under the Constitution and laws of Georgia to vote for members of the General Assembly of Georgia and who are bona fide residents of said town shall be eligible to qualify as voters in the election.

(b) All primaries and elections shall be held and conducted in accordance with Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code." Except as otherwise provided by this charter, the town council shall, by ordinance, prescribe such rules and regulations it deems appropriate to fulfill any options and duties under the "Georgia Election Code."

(c) The mayor and councilmembers who are in office on the effective date of this Act shall serve until the expiration of the terms of office to which they were elected and until their successors are elected and qualified.

(d) For the purpose of electing members of the council, the Town of Alto shall consist of one election district with five numbered posts. Each person seeking election shall designate the post for which such person seeks election.

(e) On the Tuesday after the first Monday in November, 2009, and on such day quadrennially thereafter, there shall be elected three councilmembers, being for Post 1, Post 3, and Post 5. Then, on the Tuesday after the first Monday in November, 2011, and on such day quadrennially thereafter, there shall be elected a mayor and two councilmembers, being for Post 2 and Post 4. The terms of the offices shall begin at the time of taking the oath of office as provided in Section 2.21 of this charter.

SECTION 2.12.

Vacancies in office.

(a)(1) The office of mayor or councilmember shall become vacant upon the incumbent's death, resignation, forfeiture of office, or removal from office in any manner authorized by this charter or the general laws of the State of Georgia.

(2) Upon the suspension from office of the mayor or a councilmember in any manner authorized by the general laws of the State of Georgia, the town council or those remaining shall appoint a successor for the duration of the suspension. If the suspension becomes permanent, then the office shall become vacant and shall be filled as provided in subsection (b) of this section.

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

SECTION 2.13.

Nonpartisan elections.

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

SECTION 2.14.

Election by plurality.

The candidate receiving a plurality of the votes cast for any town office shall be elected. Runoff elections shall be held and conducted in accordance with the provisions of Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended.

SECTION 2.15.

Compensation and expenses.

The mayor shall receive compensation of $150.00 per month plus $125.00 per meeting and each councilmember and administrative officer shall receive compensation of $100.00 per meeting and reimbursement for expenses actually and necessarily incurred by them in carrying out their official duties. The council shall be authorized to change their compensation and expenses for their services as provided by ordinance and in accordance with Chapter 35 of Title 36 of the O.C.G.A.

SECTION 2.16.

Prohibitions.

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

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

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

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

(4) Accept any valuable gift, whether in the form of service, loan, object, or promise, from any person, firm, or corporation which to that person's knowledge is interested, directly or indirectly, in any manner whatsoever, in business dealings with the

governmental body by which that person is engaged; provided, however, that an elected official who is a candidate for public office may accept campaign contributions and services in connection with any such campaign;

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

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

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

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

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

(e) Except as authorized by law, no member of the council shall hold any other elective town office or other town employment during the term for which that person was elected. The provisions of this subsection shall not apply to any person holding employment on the effective date of this Act.

SECTION 2.17.

Removal of officers.

(a) The mayor, a councilmember, or other appointed officers provided for in this charter shall be removed from office for any one or more of the following causes:

(1) Incompetence, misfeasance, or malfeasance in office;

(2) Conviction of a crime that is a felony or a crime involving moral turpitude;

(3) Failure at any time to possess any qualifications of office as provided by this charter or by law;

(4) Knowingly violating Section 2.16 or any other express prohibition of this charter;

(5) Abandonment of office or neglect to perform the duties thereof; or

(6) Failure for any cause to perform the duties of office as required by this charter or by state law.

(b) Removal of an officer pursuant to subsection (a) of this section shall be accomplished by one of the following methods:

(1) By the vote of three councilmembers after an investigative hearing. In the event an elected officer is sought to be removed by the action of the town council, such officer shall be entitled to a written notice specifying the ground or grounds for removal and to a public hearing which shall be held not less than ten days after the service of such written notice. Any elected officer sought to be removed from office as provided in this section shall have the right of appeal from the decision of the town council to the Superior Court of Habersham County. Such appeal shall be governed by the same rules as govern appeals to the superior court from the probate court; or

(2) By an order of the Superior Court of Habersham County following a hearing on a complaint seeking such removal brought by any resident of the Town of Alto.

SECTION 2.18.

Exercise of powers.

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

SECTION 2.19.

Inquiries and Investigations.

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

SECTION 2.20.

General power and authority of the town council.

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

SECTION 2.21.

Organizational meeting.

The town council shall meet for organization on the second Tuesday in January of each year or as soon thereafter as is practical. The meeting shall be called to order by the town clerk and the oath of office shall be administered to the newly elected members as follows:

"I do solemnly swear (or affirm) that I will faithfully perform the duties of (a town councilmember) (mayor) of this town and that I will support and defend the charter thereof as well as the Constitution and laws of the State of Georgia and the United States of America."

SECTION 2.22.

Regular and special meetings.

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

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

(c) All meetings of the town council shall be public to the extent required by general state law, and notice to the public of all meetings shall be made as required by general state law.

SECTION 2.23.

Rules of procedure.

(a) The town council shall adopt its rules of procedure and order of business consistent with the provisions of this charter and shall provide for keeping minutes of its proceedings according to general state law, which shall be a public record.

(b) All committees and committee chairpersons and officers of the town council shall be appointed by the town council. The town council, by a majority vote, shall have the power to remove members of any committee and the power to appoint new members to any committee, at any time, with the town council's discretion.

SECTION 2.24.

Quorum; voting.

(a) Except as otherwise provided in subsection (b) of this section, three councilmembers shall constitute a quorum and shall be authorized to transact business of the town council. Voting on the adoption of ordinances shall be by voice vote and the ayes and nays shall be recorded in the minutes, but any member of the town council shall have the right to request a roll-call vote. Except as otherwise provided in this charter, the affirmative vote of three councilmembers shall be required for the adoption of any ordinance, resolution, or motion.

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

SECTION 2.25.

Ordinance form; procedure; notice and reading.

(a) Every proposed ordinance should be introduced in writing and must be finalized at the time of passage at the second meeting for final adoption. The enacting clause shall be: "The Council of the Town of Alto hereby ordains ..." and every ordinance shall so begin.

(b) An ordinance may be introduced by any councilmember. Before an ordinance can be voted on, it must be introduced at one regular or special meeting and passed at a second regular or special meeting.

(c) Upon passage, all ordinances shall be signed by the mayor, or mayor pro tempore if presiding, and the town clerk.

(d) Failure to comply with the technical requirements of this section shall not invalidate an ordinance if the intention of the governing authority that the ordinance be effective is evident.

SECTION 2.26.

Action requiring an ordinance.

Notwithstanding any other provisions of this charter, acts of the town council which have the force and effect of law may be done by motion or resolution of the town council, except that any act of the town council to amend the charter or the code of ordinances or any other act required by general state law to be done by ordinance shall be done by ordinance.

SECTION 2.27.

Emergencies.

To meet a public emergency affecting life, health, property, or public peace, the town council may convene on call of the mayor or two councilmembers and promptly adopt an emergency ordinance, but such ordinance may not levy taxes; grant, renew, or extend a franchise; regulate the rate charged by any public utility for its services; or authorize the borrowing of money except for loans to be repaid within 30 days. An emergency ordinance shall be introduced in the form prescribed for ordinances generally, except that it shall contain, after the enacting clause, a declaration stating that an emergency exists and describing the emergency in clear and specific terms. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance shall automatically stand repealed 30 days following the date upon which it was adopted, but this shall not prevent reenactment of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

SECTION 2.28.

Codes of technical regulations.

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

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

SECTION 2.29.

Signing; authenticating; recording; codification; printing.

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

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

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

SECTION 2.30.

Chief executive officer; delegation of powers.

The mayor shall be the chief executive of this town. The mayor shall possess all of the executive powers granted to the town under the Constitution and laws of the State of Georgia and all of the executive powers contained in this charter, except as otherwise specifically provided in this Act. The mayor shall have the authority to delegate any one or more executive powers to a person or persons employed by the town and qualified in management and administration. As chief executive officer, the mayor shall be the supervisor of any town manager, if one is selected by the town council, but the town manager, if selected, shall administratively handle the operations of the town on a day-to-day basis.

SECTION 2.31.

Powers and duties of mayor.

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

(1) Supervise the town manager, if any, to see that all laws and ordinances of the town are faithfully executed;

(2) Review and approve the recommendation of appointment or removal by the town manager of all officers, department heads, and employees of the town except as otherwise provided in this charter; any appointment or removal by the mayor shall be subject to confirmation by the town council;

(3) Exercise supervision over all executive and administrative work of the town by the town manager and provide for the coordination of administrative activities including, but not limited to, appointment of councilmembers as administrative supervisors over town departments, who will supervise the town manager's management of said departments; the mayor shall coordinate the administrative tasks performed by the town manager and those performed by a councilmember acting as an administrative supervisor over a town department;

(4) Exercise supervision over the town manager's preparation and submission to the council of a recommended annual operating budget and recommended capital budget;

(5) Ensure that the town manager shall submit to the council at least once a year a statement covering the financial condition of the town and from time to time such other information as the town council may request;

(6) Preside over all meetings of the town council;

(7) Call special meetings of the town council as provided for in Section 2.22 of this charter;

(8) Participate in the discussion of all matters brought before the town council and vote on such matters only in the case of a tie vote or where such vote is needed to provide the affirmative vote needed for approval of a matter;

(9) Recommend to the town council such measures relative to the affairs of the town, improvement of the government, and promotion of the welfare of its inhabitants as the mayor may deem expedient;

(10) Approve or disapprove ordinances as provided in Section 2.32 of this charter;

(11) Require any department or agency of the town to submit written reports whenever the mayor deems it expedient;

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

(13) Perform the duties of town manager should that office not be filled or be vacant for any reason; and

(14) Perform such other duties as may be required by general state law, this charter, or ordinance.

SECTION 2.32.

Submission of ordinances to the mayor; veto power.

(a) Every ordinance adopted by the town council shall be presented by the town clerk to the mayor within three days after its adoption.

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

(c) Ordinances vetoed by the mayor shall be presented by the town clerk to the town council at its next meeting and should the town council then or at their next general meeting adopt the ordinance by an affirmative vote of the entire council, it shall become law.

(d) The mayor may disapprove or reduce any item or items of appropriation in any ordinance. The approved part or parts of any ordinance making appropriations shall become law, and the part or parts disapproved shall not become law unless subsequently passed by the town council over the mayor's veto as provided in this section. The reduced part or parts shall be presented to the town council as though disapproved and shall not become law unless overridden by the council as provided in subsection (c) of this section.

SECTION 2.33.

Mayor pro tempore.

The town council at the first regular meeting, after the newly elected councilmembers have taken office following each annual election, shall elect from its membership a mayor pro tempore for a term of one year. In the event that no decision is reached at such first regular meeting, the town council shall elect from its membership, within ten days following such meeting, the mayor pro tempore; otherwise the councilmember who received the highest number of votes when he or she was last elected shall become mayor pro tempore. The mayor pro tempore shall perform the duties of the mayor during the mayor's absence or

inability to act and shall fill out any unexpired term in the office of mayor, in which case a new mayor pro tempore shall be elected by majority vote of the town council.

SECTION 2.34.

Town manager and acting town manager.

(a) The town council may select an officer of not less than 25 years of age whose title shall be town manager and who shall be the head of the administrative branch of the town government on a day-to-day basis. The town manager shall be chosen by the town council on the basis of qualifications for the position as such with specific reference to actual experience in and knowledge of the duties of the office as hereinafter prescribed. The town manager shall have received a bachelor's degree as a minimum educational requirement or, in lieu thereof, have a minimum of five years' experience in a town in a supervisory capacity. The town manager shall serve at the pleasure of the town council. The town manager shall receive such salary as the town council may fix. Should the town council not fill the office of town manager for any reason, including, but not limited to, choosing not to have a town manager, or should the office be vacant for any reason, then the mayor shall perform the duties of town manager.

(b) By letter filed with the town clerk, the mayor shall designate, subject to approval of the town council, a qualified administrative officer, which can include, but not be limited to, the mayor, to execute the powers and perform the duties of the town manager during the town manager's temporary absence or disability.

SECTION 2.35.

Powers and duties of town manager.

(a) The town manager shall be responsible to the mayor and town council for the proper administration of all affairs of the town. As chief administrator, the town manager shall have the power to recommend appointment and removal of all officers, department heads, and employees in the administrative service of the town except the town clerk, town police chief, town engineer, town attorney, and town judge; and these officers, department heads, and employees shall be administratively responsible to the town manager, except the town clerk, town police chief, town engineer, town attorney, and town judge who shall be appointed or removed by the mayor and subject to confirmation by the town council. The mayor and town council as determined in their discretion may modify any personnel decision made by the town manager. It shall be the duty of the town manager to supervise the administration of the affairs of the town; to see that the ordinances, resolutions, and regulations of the town

council and the laws of the state are faithfully executed and enforced; to make such recommendations to the town council concerning the affairs of the town as he or she shall deem expedient; to keep the town council advised of the financial condition and future financial needs of the town; to attend all meetings of the town council; and to prepare and submit to the town council such reports as may be deemed expedient or as may be required by the town council. The town manager shall perform such other functions as assigned by the town council; provided, however, that remuneration shall not exceed the amount of salary fixed in Section 2.34 of this charter.

(b) The town manager shall be designated and given authority to delegate duties as the purchasing agent, the personnel officer, and the finance officer of the Town of Alto. The town manager shall have responsibility of preparing and implementing the budget following budgetary review and adoption by the council in regular meeting. All department heads employed by the town manager shall be administratively accountable to the town manager. All department heads or other agents employed by the legislative body shall be administratively communicative with the town manager.

ARTICLE III

ADMINISTRATIVE AFFAIRS

SECTION 3.10.

Administrative and service departments.

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

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

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

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

SECTION 3.11.

Boards, commissions, and authorities.

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

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

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

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

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

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

(g) Any member of a board, commission, or authority may be removed from office for any reason by a majority vote of the town council.

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

SECTION 3.12.

Town attorney.

(a) The mayor, subject to the approval of the town council, shall appoint a town attorney, who shall be a member of the State Bar of Georgia and shall have actively practiced law for at least one year. The town attorney shall serve at the pleasure of the town council.

(b) It shall be the duty of the town attorney to serve as legal advisor to the mayor, town council, town manager, and other town officials with respect to the affairs of the town; to draw proposed ordinances when requested to do so; to inspect and determine the legality and form of all agreements, contracts, franchises, and other instruments with which the town may be concerned; to attend all meetings of the town council upon request of the council; and to perform such other duties as may be required by virtue of the position as town attorney. The compensation of the town attorney shall be set by the town council.

SECTION 3.13.

Town clerk.

The mayor, subject to approval by the town council, shall appoint an officer who shall perform the duties of the town clerk and who shall keep a journal of the proceedings of the town council, maintain a safe place for all records and documents pertaining to the affairs of the town, and perform such other duties as may be required by law or as the mayor and town council may direct, including, but not limited to, the office of town treasurer.

SECTION 3.14.

Personnel policies.

(a) The town council may adopt rules and regulations consistent with this charter concerning:

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

(2) The administration of a position classification and pay plan;

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

(4) Civil service regulations for employees as to which personnel decisions of the town manager, the mayor, and the town council would be subject; and

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

(b) Notwithstanding the foregoing, all employees and personnel of the town are at-will employees, unless the town council enters into a written employment contract or creates by ordinance a personnel system providing for removal of employees only for cause.

ARTICLE IV
JUDICIAL BRANCH

SECTION 4.10.
Creation; name.

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

SECTION 4.11.
Chief judge; associate judge.

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

(b) No person shall be qualified or eligible to serve as a judge on the municipal court unless that person shall have attained the age of 21 years and is a member of the State Bar of Georgia. The town judge need not be a resident of the Town of Alto. All judges shall be appointed by the town council. Upon the effective date of this charter, the present presiding town judge shall be eligible to continue holding office subject to the approval of the town council.

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

(d) Judges may be removed at any time by a majority vote of the town council.

(e) Before entering on the duties of his or her office, each judge not presently serving at the time of the enactment of this charter shall take an oath given by the mayor that such judge will honestly and faithfully discharge the duties of the judge's office to the best of the judge's ability without fear, favor, or partiality. The oath shall be similar in form to the oath as set out in Section 2.21 and shall be entered upon the minutes of the town council.

SECTION 4.12.
Clerk of municipal court.

The town manager shall designate, subject to the approval of the chief judge of the Municipal Court of the Town of Alto, a municipal employee to serve as the clerk of the municipal court. The clerk of the municipal court shall attend all hearings and be responsible for all records of said municipal court.

SECTION 4.13.

Convening.

The municipal court shall be convened at regular intervals as designated by procedure by the chief judge of the Municipal Court of the Town of Alto.

SECTION 4.14.

Jurisdiction; power.

(a) The municipal court shall try and punish violations of all town ordinances and such violations of state law allowed to be tried in municipal court under the general laws of the State of Georgia.

(b) The municipal court shall have authority to punish those in its presence for contempt, provided that such punishment shall not exceed $1,000.00 or 180 days in jail, or both.

(c) The municipal court may fix punishment for offenses within its jurisdiction not exceeding a fine of $1,000.00 or imprisonment for 180 days, or both, or may sentence any offender upon conviction to labor for the town on the streets, sidewalks, squares, or other public places for a period not exceeding 180 days. A fine levied by the municipal court shall not be subject to suspension, stay, or probation except that, if the fine will impose an economic hardship on the defendant, the judge of the municipal court, in such judge's sole discretion, may order the defendant to pay such fine in installments or under an order of probation, and such order may be enforced through a contempt proceeding.

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

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

(f) The municipal court shall have the authority to bind prisoners over to the appropriate court when it appears by probable cause that state law has been violated and a jury trial is requested.

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

(h) The municipal court may compel the presence of all parties necessary to a proper disposal of each case by the issuance of summonses, subpoenas, and warrants which may be served as executed by an officer as authorized by this charter or by general state law. All judges of the municipal court and the clerk of the municipal court are authorized to issue warrants for the arrest of persons charged with offenses against any ordinance of the town or as to violations of state law.

(i) The municipal court is specifically vested with all of the jurisdiction and powers throughout the entire area of this town granted by general state laws to municipal courts, and particularly by such laws as authorize the abatement of nuisances and prosecution of traffic violations.

SECTION 4.15.

Certiorari.

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

SECTION 4.16.

Rules for court.

With the approval of the town council, the judge shall have full power and authority to make reasonable rules and regulations necessary to secure the proper administration of the municipal court and to require the prosecution by a prosecuting officer or by a council appointed solicitor; provided, however, that the town council may adopt in part or in toto the rules and regulations for procedure in the superior court under the general laws of the State of Georgia. The rules and regulations made or adopted shall be filed with the town clerk, shall be available for public inspection, and, upon request, a copy shall be furnished to all defendants in municipal court proceedings.

SECTION 4.17.

Probation.

The Municipal Court of the Town of Alto may establish rules and regulations to allow those convicted of ordinances or violations of state law to serve their sentences pursuant to such terms of probation as may be set by the municipal judge. The municipal court may establish or contract for probation services as determined are necessary for the proper operation of the court by the municipal judge and as approved by the town council.

ARTICLE V

FINANCE

SECTION 5.10.

Property tax.

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

SECTION 5.11.

Millage rate; due dates; payment methods.

The town council by ordinance shall establish a millage rate for the town property tax, a due date, and in what length of time these taxes must be paid. The town council by ordinance may provide for the payment of these taxes by installments or in one lump sum and may authorize the voluntary payment of taxes prior to the time when due.

SECTION 5.12.

Occupation and business taxes.

The town council by ordinance shall have the power to levy such occupation or business taxes as are not denied by general state law. Such taxes may be levied on both individuals and corporations who transact business in this town or who practice or offer to practice any profession or calling therein to the extent such persons have a constitutionally sufficient nexus to this town to be so taxed. The town council may classify businesses, occupations,

professions, or callings for the purpose of such taxation in any way which may be lawful and compel the payment of such taxes as provided in Section 5.18 of this charter.

SECTION 5.13.

Licenses; permits; fees.

The town council by ordinance shall have the power to require individuals or corporations which transact business in this town or who practice or offer to practice any profession or calling therein to obtain a license or permit for such activity from the town and pay a reasonable fee for such license or permit where such activities are not now regulated by general state law in such a way as to preclude town regulation. Such fees, if unpaid, shall be collected as provided in Section 5.18 of this charter. The town council by ordinance may establish reasonable requirements for obtaining or keeping such licenses as the public health, safety, and welfare necessitate.

SECTION 5.14.

Franchises.

The town council shall have the power to grant franchises for the use of this town's streets and alleys for the purposes of railroads, street railways, telephone companies, electric companies, and other similar organizations. The town council shall determine the duration, provisions, terms, whether the same shall be exclusive or nonexclusive, and the consideration for such franchises The town council shall have the right to set franchise fees as to state franchises as allowed by the general laws of the State of Georgia.

SECTION 5.15.

Service charges.

The town council by ordinance shall have the power to assess and collect fees, charges, and tolls for law enforcement, fire, emergency, water, zoning, sewers, sanitary and health services, or any other services rendered within and without the corporate limits of the town, or as to providing the availability of said services, or both. If unpaid, such charges shall be collected as provided in Section 5.18 of this charter.

SECTION 5.16.

Special assessments.

The town council by ordinance shall have the power to assess and collect the cost of constructing, reconstructing, widening, or improving any public way, street, sidewalk, curbing, gutters, sewers, or other utility mains and appurtenances from the abutting property owners under such terms and conditions as are reasonable. If unpaid, such charges shall be collected as provided in Section 5.18 of this charter.

SECTION 5.17.

Construction; other taxes.

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

SECTION 5.18.

Collection of delinquent taxes and fees.

The town council by ordinance may provide generally for the collection of delinquent taxes, fees, charges, or other revenue due the town by whatever reasonable means as are not precluded by general state law, including, but not limited to, the termination of town services such as water or sewer, or both. 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, allowing exceptions for hardship; and providing for the assignment or transfer of tax executions.

SECTION 5.19.

General obligation bonds.

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

SECTION 5.20.

Revenue bonds.

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

SECTION 5.21.

Short-term loans.

Any short-term loan obtained by the town must be repaid by December 31 of the year in which the loan was obtained unless otherwise provided by present or future state law.

SECTION 5.22.

Fiscal year.

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

SECTION 5.23.

Action by town council on budget.

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

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

SECTION 5.24.

Tax levies.

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

SECTION 5.25.

Changes in appropriations.

The town council by majority vote may make changes by resolution in the appropriations contained in the current operating budget at any regular meeting or special or emergency meeting called for such purpose.

SECTION 5.26.

Independent audit.

There shall be an independent audit of all town accounts, funds, and financial transactions by a certified public accountant selected by the town council as required by general state law. The audit shall be conducted according to generally accepted auditing standards. 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 costs to the public.

SECTION 5.27.

Contracting procedures.

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

(1) It is in writing;

(2) It is drawn by or submitted and reviewed by the town attorney; and

(3) It is made or authorized by the town council and such approval is entered in the town council minutes.

SECTION 5.28.

Centralized purchasing.

The town council may prescribe procedures for a system of centralized purchasing for the town.

SECTION 5.29.

Sale of town property.

(a) The town council may sell and convey any real or personal property owned or held by the town for governmental or other purposes as provided by general state law.

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

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

ARTICLE VI

GENERAL PROVISIONS

SECTION 6.10.

Official bonds.

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

SECTION 6.11.

Prior ordinances.

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

SECTION 6.12.

Pending matters.

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

SECTION 6.13.

Specific repealer.

An Act incorporating the Town of Alto in Habersham and Banks counties, approved December 16, 1895 (Ga. L. 1895, p. 121), is repealed in its entirety and all amendatory Acts thereto are likewise repealed in their entirety except the amendatory Act approved June 4, 2003 (Ga. L. 2003, p. 939). The boundaries of the town as provided by local Act and as expanded previously or hereafter pursuant to general state law shall not be affected by this Act.

SECTION 6.14.

General repealer.

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