

House Bill 783 (AS PASSED HOUSE AND SENATE)

By: Representative Smith of the 113th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act incorporating the Town of North High Shoals, approved March 24, 1933
2 (Ga. L. 1933, p. 1040), as amended, so as to extensively revise and restate the town charter;
3 to provide for incorporation, boundaries, and powers of the town; to provide for a governing
4 authority of such town and the powers, duties, authority, election, terms, vacancies,
5 compensation, expenses, qualifications, prohibitions, conflicts of interest, and suspension and
6 removal from office relative to members of such governing authority; to provide for inquiries
7 and investigations; to provide for oaths, organization, meetings, quorum, voting, rules, and
8 procedures; to provide for ordinances and codes; to provide for a town council consisting of
9 five councilmembers, of which one is the mayor pro tempore, and a mayor and certain duties,
10 powers, and other matters relative thereto; to provide for administrative affairs and
11 responsibilities; to provide for boards, commissions, and authorities; to provide for a town
12 attorney, a town clerk, a town treasurer, and other personnel and matters relating thereto; to
13 provide for rules and regulations; to provide for elections; to provide for taxation, licenses,
14 and fees; to provide for franchises, service charges, and assessments; to provide for bonded
15 and other indebtedness; to provide for auditing, accounting, budgeting, and appropriations;
16 to provide for town contracts and purchasing; to provide for the conveyance of property and
17 interests therein; to provide for bonds for officials; to provide for prior ordinances and rules
18 and pending matters; to provide for penalties; to provide for definitions and construction; to
19 provide for other matters relative to the foregoing; to provide for submission under the
20 Federal Voting Rights Act of 1965, as amended; to provide an effective date; to repeal
21 conflicting laws; and for other purposes.

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

23 **SECTION 1.**

24 An Act incorporating the Town of North High Shoals, approved March 24, 1933 (Ga. L.
25 1933, p. 1040), as amended, is amended by striking Sections 1 through 18 in their entirety
26 and inserting in lieu thereof the following:

H. B. 783

27 "ARTICLE I
 28 INCORPORATION AND POWERS
 29 SECTION 1.10.
 30 Name.

31 This town and the inhabitants are constituted and declared a body politic and corporate
 32 under the name and style Town of North High Shoals, Georgia, and by that name shall
 33 have perpetual succession.

34 SECTION 1.11.
 35 Corporate boundaries.

36 The governing authority of the Town of North High Shoals shall include all the territory
 37 described as follows which lies within the County of Oconee:

38 (1) The corporate boundaries of the Town of North High Shoals shall be those existing
 39 on the effective date of the adoption of this charter, with such alterations as may be made
 40 from time to time in the manner provided by law. The boundaries of the town shall at all
 41 times be maintained on a map that is retained permanently in the town hall;

42 (2) The town council may provide, by ordinance, for the redrawing of such map at any
 43 time to reflect lawful changes in the corporate boundaries. A redrawn map shall
 44 supersede for all purposes the entire map or maps which it is designed to replace; and

45 (3) Using geographic coordinates and North American Datum 1983:

46 Starting at 33.819688, -83.524010 follow the center of the Apalachee River South to
 47 point 33.813480, -83.497355. Then proceed in a straight line due NE to point
 48 33.833831 -83.483170. Then proceed in a straight line due NW to point 33.839301
 49 -83.486876, then proceed in a straight line due W to point 33.840633 -83.502746; then
 50 continue SW back to the beginning 33.819688, -83.524010.

51 SECTION 1.12.
 52 Municipal powers and construction.

53 (a) This town shall have all powers possible for a city to have under the present or future
 54 Constitution and laws of Georgia as fully and completely as if they were specifically
 55 enumerated herein. This town shall have all the powers of self-government not otherwise
 56 prohibited by this charter or by general law.

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

60 SECTION 1.13.

61 Examples of powers.

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

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

66 (2) Alcoholic beverages. Such shall be regulated by the town as provided by law. The
67 town shall have power to license the sale thereof, consistent with the laws of Georgia, and
68 it shall be their duty to enforce this by the enactment of necessary ordinances with
69 suitable penalties for violation;

70 (3) Animal regulations. To regulate and prohibit the keeping or running at large of
71 animals and fowl;

72 (4) Appropriations and expenditures. To make appropriations for the support of the
73 town; to authorize expenditures for purposes authorized by this charter and the laws of
74 Georgia; and to pay expenses of the town;

75 (5) Building regulation. To regulate structures and construction; and to adopt codes;

76 (6) Business regulation and taxation. To levy and collect license fees and taxes on
77 privileges, occupations, trades, and professions; to license and regulate the same; and to
78 revoke such licenses after due process for failure to pay any town fees or taxes;

79 (7) Cemeteries. The town council shall have jurisdiction over and regulate all cemeteries
80 belonging to or located in said town;

81 (8) Condemnation. To condemn property, both inside or outside the corporate limits of
82 the town, for any corporate purpose deemed necessary by the governing authority, under
83 state law;

84 (9) Contracts. To enter into contracts and agreements under state law;

85 (10) Emergencies. To establish and carry out procedures for emergency situations;

86 (11) Environmental protection. To protect the natural resources, environment, and vital
87 areas of the town;

88 (12) Fire regulations. To establish fire protection, safety regulations, and penalties and
89 punishment for violations thereof;

90 (13) Garbage fees. To assess and collect a garbage collection and disposal charge;

- 91 (14) General health, safety, and welfare. To regulate conduct or use of property which
92 is detrimental to health, sanitation, cleanliness, welfare, and safety;
- 93 (15) Gifts. To accept or refuse gifts or grants from any source for any purpose related
94 to the powers and duties of the town and the welfare of its citizens;
- 95 (16) Health and sanitation. To prescribe standards of health and sanitation and to
96 provide for the enforcement of such standards;
- 97 (17) Jail sentences. To provide for commitment of convicted persons to jail by
98 agreement with the county;
- 99 (18) Motor vehicles. To regulate the operation of motor vehicles in the town;
- 100 (19) Municipal agencies and delegation of power. To create, empower, alter, or abolish
101 departments, boards, offices, commissions, and agencies of the town;
- 102 (20) Municipal debts. To appropriate and borrow money for the payment of debts of the
103 town and to issue bonds for revenue to carry out any project authorized by this charter or
104 the laws of Georgia;
- 105 (21) Municipal property ownership. To acquire, dispose of, and hold any real, personal,
106 or mixed property, inside or outside the town;
- 107 (22) Municipal property protection. To provide for and regulate the preservation and
108 protection of property and equipment of the town and the administration and use of same;
- 109 (23) Municipal utilities. To acquire, lease, construct, operate, and dispose of public
110 utilities; to fix the taxes, rates, fees, assessments, regulations, and penalties; to provide
111 for the withdrawal of service for failure to pay; to authorize the extension of utility
112 systems inside and outside the town;
- 113 (24) Nuisances. To define a nuisance and provide for its abatement whether on public
114 or private property;
- 115 (25) Penalties. To provide penalties for violation of any ordinances;
- 116 (26) Planning and zoning. To provide comprehensive town planning by zoning; and to
117 provide subdivision regulation and the like to ensure a safe, healthy, and aesthetically
118 pleasing community;
- 119 (27) Police and fire protection. To provide or contract for police and fire-fighting;
- 120 (28) Public hazards; removal. To provide for the destruction and removal of any
121 structure which is dangerous or detrimental to the public;
- 122 (29) Public improvements. To provide for the acquisition, construction, and
123 maintenance of public improvements and facilities; to regulate the use thereof;
- 124 (30) Public peace. To provide for the prevention and punishment of public disturbances;
- 125 (31) Public transportation. To organize and operate public transportation systems;

- 126 (32) Public utility franchises. To grant franchises or make contracts for public utilities
127 and public services in the town and to prescribe the rates, fares, regulations, standards,
128 and conditions;
- 129 (33) Roadside areas. To regulate and control signs, trees, shrubs, fences, buildings, and
130 all other structures or obstructions upon or adjacent to the rights of way of streets and
131 roads or within view thereof;
- 132 (34) Retirement. To create and maintain a retirement plan for officers and employees
133 of the town;
- 134 (35) Roadways. To lay out, extend, widen, narrow, change the grade of, abandon or
135 close, construct, maintain, and light the roads, alleys, bridges, and walkways; to negotiate
136 and execute contracts, franchises, and leases over, through, under, or across any town
137 property or the right of way of any street, road, alley, and walkway;
- 138 (36) Sewer fees. To levy and collect fees, charges, or sewer tax as necessary to assure
139 the acquiring, constructing, equipping, operating, maintaining, and extending of a sewage
140 disposal plant and sewerage system;
- 141 (37) Solid waste disposal. To provide for and regulate the collection and disposal of
142 garbage and to provide for the separate collection of recyclable materials;
- 143 (38) Special areas of public regulation. To regulate or prohibit junk dealers, pawn shops,
144 intoxicating liquors and drugs, and the use of firearms; to regulate any business or
145 situation which may be dangerous; to regulate and control peddlers and itinerant traders,
146 theatrical performances, exhibitions, and shows of any kind, by taxation or otherwise; and
147 to license, tax, regulate, or prohibit professional fortunetelling, palmistry, adult
148 entertainment, and massage parlors;
- 149 (39) Special assessments. To levy and provide for special assessments for public
150 improvements;
- 151 (40) Taxes: ad valorem. To levy and provide for the assessment, valuation, and
152 collection of taxes on all property subject to taxation;
- 153 (41) Taxes: other. To levy and collect such other taxes as allowed by law;
- 154 (42) Trees. To adopt and enforce ordinances for the preservation of trees and to prevent
155 cutting thereof by linemen or other persons unless with the express consent of the town,
156 and then only when necessary;
- 157 (43) Urban redevelopment. To organize and operate an urban redevelopment program;
- 158 (44) Vehicles for hire. To regulate and license vehicles operated for hire in the town and
159 operators thereof; and
- 160 (45) Other powers. To exercise and enjoy all other powers, functions, rights, privileges,
161 and immunities necessary or desirable to promote or protect the safety, health, peace,
162 security, good order, comfort, convenience, or general welfare of the town and its

163 inhabitants; to exercise all implied powers necessary to carry into execution all powers
 164 granted in this charter as fully and completely as if such powers were fully stated herein;
 165 to exercise all powers now or in the future authorized to be exercised by other municipal
 166 governments under other laws of the State of Georgia; and no listing of particular powers
 167 in this charter shall be held to be exclusive of others, nor restrictive of general words and
 168 phrases granting powers, but shall be held to be in addition to such powers unless
 169 expressly prohibited to municipalities under the Constitution or applicable laws of the
 170 State of Georgia.

171 SECTION 1.14.

172 Exercise of powers.

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

176 SECTION 1.15.

177 Town journal.

178 There shall be a town journal that is prepared and maintained by the town clerk and stored
 179 at town hall, that contains the minutes of all town council and committee meetings, records
 180 of all official actions taken by the town council, existing contracts in which the town is a
 181 party, and any other records required by this charter of the town council.

182 ARTICLE II

183 GOVERNMENT STRUCTURE

184 SECTION 2.10.

185 Town council creation; number; election.

186 The legislative authority of the government of this town shall be vested in a town council
 187 to be composed of five councilmembers and a mayor. Those persons serving as members
 188 of the town council on the effective date of this charter shall continue to serve as such until
 189 their successors are elected and qualified as provided by this charter. For the purposes of
 190 electing members of the town council, there shall be designated five posts designated as
 191 Post 1, Post 2, Post 3, Post 4, and Post 5 and the position of mayor. Any person offering
 192 for membership on the town council shall designate at the time of qualifying for election
 193 the post or position for which such person is offering. Each member of the town council

194 shall be elected at large by a majority vote. On the Tuesday next following the first
195 Monday in November, 2009, and on that day every four years thereafter, the general
196 municipal election for Posts 3, 4, and 5 of the town council shall be conducted. On the
197 Tuesday next following the first Monday in November, 2011, and on that day every four
198 years thereafter, the general municipal election for mayor and Posts 1 and 2 of the town
199 council shall be conducted. Persons elected shall take office on the first official meeting
200 day in January immediately following the election and shall serve until their successors are
201 elected and qualified. The oath of office shall be administered to members of the town
202 council as follows: 'I do solemnly (swear) (affirm) that I will faithfully perform the duties
203 of (mayor) (councilmember) of this town and that I will support and defend the charter
204 thereof as well as the Constitution and laws of the State of Georgia and of the United States
205 of America.' The town council shall be elected by the qualified voters voting in the entire
206 town.

207 SECTION 2.11.

208 Town council terms and qualifications for office.

209 The town council shall serve for terms of four years and until their respective successors
210 are elected and sworn in. No person shall be eligible to serve in the town council unless
211 he or she shall have been a resident of the town for 12 months prior to the date of
212 qualification. Each such official shall continue to reside in the town during his or her period
213 of service and continue to be registered and qualified to vote in municipal elections of the
214 town.

215 SECTION 2.12.

216 Vacancy; filling of vacancies.

217 Mayor or council posts shall become vacant on the incumbent's death, resignation,
218 forfeiture of office, or removal from office in any manner authorized by law. A vacancy
219 occurring with less than one year remaining in an unexpired term of office shall be filled
220 for the remainder of the unexpired term, if any, by appointment of the town council.
221 Otherwise, the office shall stay vacant until the next state authorized election date.

222 SECTION 2.13.

223 Compensation and expenses.

224 The town council shall receive compensation and expenses for their services as provided
225 by ordinance. The monthly salary of the members of the town council shall be set by vote
226 of the town council.

227 SECTION 2.14.

228 Conflicts of interest; holding other offices.

229 (a) Elected and appointed officers of the town are trustees, shall act in a fiduciary capacity
230 for the residents, and as such, no member of the town council shall abandon his or her
231 office or neglect to perform the duties of his or her office.

232 (b) No elected official, appointed officer, or employee shall knowingly:

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

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

241 (3) Disclose confidential information concerning the town without proper legal
242 authorization or use such information to advance the financial or other private interest of
243 himself or herself or others;

244 (4) Accept any valuable gift, service, loan, or promise, from any person or entity who is
245 interested, directly or indirectly, in business dealings with the town; provided, however,
246 that a candidate for public office may accept campaign contributions and services;

247 (5) Represent private interests in any legal action or proceeding against this town; or

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

250 (c) Any person who has such interest shall disclose it, and such disclosure shall be entered
251 on the records of the town council, and he or she shall disqualify himself or herself from
252 participating in any discussion or vote relating thereto.

253 (d) No elected official, appointed officer, or employee shall use town property for personal
254 profit.

255 (e) Any violation of this section which occurs with the knowledge of a party to a contract
256 or sale shall render such contract voidable by the town council.

257 (f) Except where authorized by law, neither the mayor nor any councilmember shall hold
258 any other elective or compensated appointive office in town government during the term
259 for which he or she was elected.

260 (g) Penalties for violation:

261 (1) Any officer or employee who knowingly conceals such financial interest or
262 knowingly violates any of the provisions of this section shall be deemed to have forfeited
263 his or her office or position and shall be removed from their office or position as provided
264 in Section 5.13 of this charter; and

265 (2) Any officer or employee who shall have forfeited his or her office or position as
266 provided in paragraph (1) of this subsection shall be ineligible for appointment or election
267 to a position in the town government for a period of three years.

268 SECTION 2.15.

269 Inquiries and investigations.

270 The town council may make inquiries and investigations into the affairs of the town and
271 the conduct of any department, office, or agency thereof.

272 SECTION 2.16.

273 Eminent domain.

274 The town council may acquire, construct, operate, and maintain public ways, parks, public
275 grounds, cemeteries, markets, market houses, public buildings, libraries, sewers, drains,
276 sewage treatment, waterworks, electrical systems, gas systems, airports, hospitals, and
277 charitable, educational, recreational, sport, curative, correctional, detentional, penal, and
278 medical institutions, agencies, and facilities, and any other public improvements inside or
279 outside the corporate limits of the town and to regulate the use thereof, and, for such
280 purposes, property may be condemned under procedures established under general law
281 applicable now or as provided in the future.

282 SECTION 2.17.

283 Regular and special meetings.

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

286 (b) Special meetings of the town council may be held on the call of the mayor, mayor pro
287 tempore when serving as mayor, or three councilmembers. Notice of such special meetings
288 shall be delivered to all members of the town council, and such delivery shall be confirmed
289 by the recipient, at least 24 hours in advance of the meeting. Such notice shall not be
290 required if all members of the town council are present when the special meeting is called.
291 Such notice of a special meeting may be waived by any member of the town council in
292 writing before or after such meeting, and attendance at the meeting shall constitute a waiver
293 of notice. The notice of such special meeting shall state what business is to be transacted
294 at the special meeting. Only that business stated in the call may be transacted at the special
295 meeting.

296 (c) All meetings of the town council shall be open to the public to the extent required by
297 law, and notice to the public of special meetings shall be made as fully as is reasonably
298 possible prior to such meetings.

299 SECTION 2.18.

300 Rules of procedure.

301 (a) The town council may adopt rules of procedure and order of business consistent with
302 this charter and shall provide for keeping a minute book as a journal of its proceedings.

303 (b) All committees, boards, and commissions of citizens shall be appointed by the town
304 council and shall serve at their pleasure. The town council shall have the power to appoint
305 and compensate new members to any committee at any time; each committee may appoint
306 its own chairperson, if said chairperson has not been specially appointed by the town
307 council.

308 SECTION 2.19.

309 Quorum; voting.

310 Three councilmembers, plus the mayor or mayor pro tempore, shall constitute a quorum
311 and shall transact business of the town council. Voting on the adoption of ordinances shall
312 be by raising of right hand, and the vote shall be recorded in the journal. Except as
313 otherwise provided in this charter, the affirmative vote of the majority of the quorum in
314 attendance shall be required for the adoption of any ordinance, resolution, or motion. An
315 abstention shall not be counted as a negative or affirmative vote.

316 SECTION 2.20.

317 Ordinance form; procedure.

318 Acts of the town council that have the force and effect of law shall be enacted by ordinance
319 or resolution. Every proposed ordinance should be introduced in writing and in the form
320 required for final adoption. The enacting clause shall be 'The Town Council of the Town
321 of North High Shoals hereby ordains.' An ordinance shall not be adopted the same day it
322 is introduced, except for emergency ordinances.

323 SECTION 2.21.

324 Emergencies.

325 (a) To meet a public emergency affecting life, health, property, or public peace, the town
326 council may convene on the call of the mayor, the mayor pro tempore when serving as the
327 mayor, or two councilmembers and promptly adopt an emergency ordinance, but such
328 ordinance may not levy taxes; grant, renew, or extend a franchise; regulate the rate charged
329 any public utility for its services; or authorize the borrowing of money except for loans to
330 be repaid in 30 days. An emergency ordinance shall be introduced in the form prescribed
331 for ordinances generally, except that it shall be plainly designated as an emergency
332 ordinance and shall contain, after the enacting clause, a declaration that an emergency
333 exists and describing the emergency in clear and concise terms. An emergency ordinance
334 may be adopted, with or without amendment, or rejected at the meeting at which it is
335 introduced, but the affirmative vote of at least three councilmembers, except as otherwise
336 provided in this charter, shall be required for adoption. It shall become effective
337 immediately upon adoption or at such time as it may specify. Every emergency ordinance
338 shall automatically stand repealed 30 days following the date upon which it was adopted,
339 but this shall not prevent reenactment of the ordinance in the manner specified in this
340 section for the adoption of emergency ordinances.

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

345 SECTION 2.22.

346 Code of technical regulations.

347 The town council may adopt any standard code of technical regulations by reference
348 thereto in an adopting ordinance. Copies of any adopted code of technical regulations shall
349 be made available by the clerk for purchase at a reasonable price.

350 SECTION 2.23.

351 Signing; authenticating; recording; codification; printing.

352 (a) The clerk shall authenticate by his or her signature and record in full in a properly
353 indexed book all ordinances and resolutions.

354 (b) The town council shall provide for the preparation of a general compilation of all the
355 ordinances of the town. It shall be adopted by ordinance and published and updated
356 promptly and be known and cited officially as 'The Code of the Town of North High
357 Shoals, Georgia.' Copies shall be made available online or for purchase at a reasonable
358 price.

359 (c) Each ordinance and each amendment to this charter shall be printed promptly following
360 adoption and made available online or for purchase at a reasonable price.

361 SECTION 2.24.

362 Chief executive officer.

363 The mayor shall be the chief executive. The mayor shall possess the executive and
364 administrative power granted to the town under this charter and the Constitution and laws
365 of Georgia.

366 SECTION 2.25.

367 Duties of the members of the town council.

368 The town council shall have the power to set its administrative duties by ordinance. No
369 member of the town council shall hold any other elected or appointed office in the town.

370 SECTION 2.26.

371 Powers and duties of mayor.

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

- 373 (1) Preside at all meetings of the town council;
- 374 (2) Be the head of the town for service of process and ceremonial purposes and be the
375 official spokesperson and the chief advocate of policy;
- 376 (3) Have the power to administer oaths;
- 377 (4) Sign as a matter of course on behalf of the town all written and approved contracts,
378 ordinances, and other instruments;
- 379 (5) Vote only in the event of a tie on matters before the town council;
- 380 (6) Have prepared and submitted to the council, with council input, a recommended
381 annual operating budget and recommended capital budget in a timely fashion;
- 382 (7) See that the laws and ordinances, rules, and orders of the town council are faithfully
383 executed;
- 384 (8) See that the peace and good order of the town are preserved and all persons and
385 property therein are protected;
- 386 (9) Be the principal administrative officer of the town, and be responsible for the
387 administration and direction of the affairs and operations of the town; and
- 388 (10) Fulfill such other duties as provided by this charter or as the town council
389 establishes by ordinance.

390 SECTION 2.27.

391 Mayor pro tempore; selection; duties.

392 By a majority vote each January, the town council shall elect a councilmember as mayor
393 pro tempore who shall, upon the mayor's disability or absence, preside at meetings and
394 assume the duties and powers of the mayor. The town council by a majority vote shall
395 elect a new presiding officer from among the councilmembers for any period in which the
396 mayor pro tempore is disabled, absent, or acting as mayor. Any such absence or disability
397 shall be declared by majority vote of all councilmembers. When serving as the mayor, the
398 mayor pro tempore shall only vote in the case of a tie.

399 ARTICLE III

400 ADMINISTRATIVE AFFAIRS

401 A. Organization and General Provisions.

402 SECTION 3.10.

403 Officers and employees.

404 The town council by resolution shall prescribe the functions or duties of and establish,
405 abolish, or alter all nonelective offices, positions of employment, departments, and

406 agencies of the town and establish professional qualifications as necessary for the proper
407 administration of the affairs and government of the town. All appointed officers of the
408 town shall be appointed solely on the basis of their qualifications. All appointed officers
409 shall receive such compensation as prescribed by ordinance or resolution. The town
410 council may suspend or remove appointed town officials.

411 B. Administrative Officers.

412 SECTION 3.11.

413 Town attorney.

414 The town council shall appoint a town attorney, typically at the first scheduled meeting of
415 the calendar year. The town attorney shall be responsible for representing and defending
416 the town in all litigation in which the town is a party; shall attend the meetings of the
417 council as directed; shall advise the town council concerning legal aspects of the town's
418 affairs; and perform such other duties as may be required of a town attorney. This
419 appointment is terminable at will by majority vote of the town council.

420 SECTION 3.12.

421 Town clerk.

422 The town council shall appoint a town clerk, typically at the first scheduled meeting of the
423 calendar year, who shall not be a councilmember. The town clerk shall be custodian of the
424 official town seal; maintain town council records required by this charter; and perform such
425 other duties as may be required by the town council. This appointment is terminable at will
426 by majority vote of the town council.

427 SECTION 3.13.

428 Town treasurer.

429 The town council may appoint a town treasurer, typically at the first scheduled meeting of
430 the calendar year, to collect all taxes, licenses, fees, and other moneys belonging to the
431 town subject to the provisions of this charter and the ordinances of the town and to enforce
432 all laws relating to the collection of delinquent taxes and sale or foreclosure for
433 nonpayment of taxes to the town. The town treasurer shall also be responsible for the
434 general duties of a treasurer and fiscal officer. The town treasurer shall perform such other
435 duties as may be required by the town council. This appointment is terminable at will by
436 majority vote of the town council.

437 SECTION 3.14.

438 Municipal judge.

439 The town council may appoint a municipal judge, typically at the first scheduled meeting
440 of the calendar year. This appointment is terminable at will by majority vote of the town
441 council.

442 SECTION 3.15.

443 Fire chief.

444 The town council may appoint a fire chief, typically at the first scheduled meeting of the
445 calendar year. The town council may hire additional firefighters. This appointment is
446 terminable at will by majority vote of the town council.

447 SECTION 3.16.

448 Other administrative officers.

449 Nothing in this charter shall prohibit the town council from appointing other administrative
450 officers. These appointments are terminable at will by majority vote of the town council.

451 ARTICLE IV

452 JUDICIAL BRANCH

453 SECTION 4.10.

454 Municipal court.

455 The town council shall have authority to create by resolution a court to be known as the
456 Municipal Court of the Town of North High Shoals. The town council may contract with
457 the county magistrate court to furnish municipal court services in lieu of appointing a
458 municipal judge.

459 SECTION 4.11.

460 Jurisdiction; powers.

461 The municipal court or county magistrate court acting as the municipal court shall try and
462 punish violations of this charter, all town ordinances, and such other violations as provided
463 by law, punish for contempt up to \$200.00 or ten days in jail, punish for offenses not
464 exceeding \$1,000.00 or imprisonment for six months or both, compel the production of

465 evidence in the possession of any party, and enforce obedience to its orders, judgments, and
466 sentences. The court may compel the presence of parties and witnesses. The judge may
467 issue warrants for the arrest of persons charged with offenses against any ordinance of the
468 town and have the same authority as a magistrate of the state to issue warrants for offenses
469 against state laws committed within the town. The court is specifically vested with all the
470 jurisdiction and powers granted by law to municipal courts and particularly such laws as
471 authorize the abatement of nuisances and prosecution of traffic violations.

472 SECTION 4.12.

473 Rules for the court.

474 With the approval of the town council, the judge of municipal court shall have full power
475 and authority to make reasonable rules and regulations necessary and proper to secure the
476 efficient and successful administration on the municipal court; provided, however, that the
477 town council may adopt in part or in total the rules and regulations applicable to municipal
478 courts. The rules and regulations made or adopted shall be filed with the town clerk,
479 maintained in the town journal, be available for public inspection, and upon request, a copy
480 shall be furnished to all defendants in municipal court proceedings at least 48 hours prior
481 to said proceedings.

482 SECTION 4.13.

483 Certiorari.

484 The right of certiorari to the superior court shall exist in all criminal and ordinance
485 violation cases.

486 ARTICLE V

487 ELECTIONS AND REMOVAL

488 A. General Law.

489 SECTION 5.10.

490 Applicability of general law.

491 All primaries and elections shall be conducted per Chapter 2 of Title 21 of the O.C.G.A.,
492 the 'Georgia Election Code.'

493 B. Election of Officers.

494 SECTION 5.11.

495 Nonpartisan elections.

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

498 C. Other Provisions.

499 SECTION 5.12.

500 Other provisions.

501 The town council shall by resolution prescribe rules and regulations as they deem
502 appropriate to fulfill any duties under Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia
503 Election Code.'

504 SECTION 5.13.

505 Removal of officers.

506 (a) Members of the town council or appointed officers provided for in this charter or
507 created by an act of the council shall be removed for any one or more of the causes
508 provided in Title 45 of the O.C.G.A., such other applicable laws as are or may hereafter be
509 enacted, or this charter.

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

512 (1) In the event an elected or appointed official is sought to be removed by action of the
513 town council, such officer shall be entitled to a written notice specifying the grounds for
514 removal and to a public hearing which shall be held not less than ten days after the
515 service of such written notice. The town council shall provide by ordinance for the
516 manner in which such hearings shall be held and the removal shall be executed. Any
517 officer of the town sought to be removed from office as provided herein shall have the
518 right of appeal from the decision of the town council to the Superior Court of Oconee
519 County. Such appeal shall be governed by the same rules as govern appeals to the
520 superior court from the probate court; or

521 (2) By an order of the Superior Court of Oconee County following a hearing on a
522 complaint seeking such removal brought by any resident of the Town of North High
523 Shoals.

524 ARTICLE VI

525 FINANCE

526 A. Taxation and Various Fees.

527 SECTION 6.10.

528 Property tax.

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

534 SECTION 6.11.

535 Millage rate; due date; payment methods.

536 The town council by resolution may establish a millage rate not exceeding seven mills for
 537 the town property tax, a due date, and the time period in which taxes must be paid.

538 SECTION 6.12.

539 Occupation taxes and business taxes.

540 The town council by resolution shall have the power to levy such occupation or business
 541 taxes allowed by law. The town council may classify businesses, occupations, professions,
 542 or callings for such taxation and may compel the payment of such taxes per Section 6.18
 543 of this charter.

544 SECTION 6.13.

545 Regulatory licenses; fees; permits.

546 The town council by resolution may require any individuals or corporations who transact
 547 business in this town or who practice or offer to practice any profession or calling therein
 548 to obtain a license or permit for such activity from the town and pay a reasonable fee for
 549 such license or permit where such activities are not now regulated by general law in such
 550 a way as to preclude town regulation. Such fees may reflect up to the total cost to the town
 551 of regulating the activity and, if unpaid, shall be collected per Section 6.18 of this charter.

552 SECTION 6.14.

553 Franchises.

554 The town council may grant franchises for the use of the town's streets and alleys for
555 railroads, telephone companies, electric companies, cable television, gas companies,
556 transportation companies, and similar organizations. The town council shall determine the
557 duration, terms, whether the same shall be exclusive or nonexclusive, and just and adequate
558 consideration for such franchises. The town council shall provide for the registration of all
559 franchises with the town clerk in a book kept by the clerk.

560 SECTION 6.15.

561 Services charges.

562 The town council by resolution shall have the power to assess and collect fees for sewers,
563 sanitary and health services, fire services, or any other services within and outside the town
564 for the total cost to the town of such services. If unpaid, such fees, charges, and tolls shall
565 be collected per Section 6.18 of this charter.

566 SECTION 6.16.

567 Special assessments.

568 The town council by ordinance shall have the power to assess and collect from a requesting
569 private property owner the cost of constructing, reconstructing, widening, or improving any
570 of the following improvements made on private property at the private property owner's
571 request: paving, sidewalk, curbing, gutters, sewers, or other utility mains and
572 appurtenances. The assessment and collection shall be on such terms and conditions as are
573 reasonable. If unpaid, such charges shall be collected as provided in Section 6.18 of this
574 charter.

575 SECTION 6.17.

576 Construction; other taxes and fees.

577 The town council may levy any other tax allowed by law, and the specific mention of any
578 right, power, or authority shall not limit in any way the general powers of this town.

579 SECTION 6.18.

580 Collection of delinquent taxes and fees.

581 The town council by resolution may provide for the collection of delinquent taxes, fees, or
582 other revenue due the town by whatever reasonable means as are not precluded by law.
583 This shall include providing for due dates; late penalties or interest; fi. fas; liens; making
584 delinquent taxes and fees personal debts of the persons required to pay the taxes or fees
585 imposed; revoking licenses or permits for failure to pay; and assignment or transfer of tax
586 executions.

587 B. Borrowing.

588 SECTION 6.19.

589 General obligation bonds.

590 The town may issue bonds for raising revenue for any project, program, or venture
591 authorized under this charter or the laws of this state.

592 SECTION 6.20.

593 Revenue bonds.

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

597 SECTION 6.21.

598 Short-term loans.

599 The town may obtain short-term loans and shall repay such loans by December 31 each
600 year, unless otherwise provided by law.

601 SECTION 6.22.

602 Lease-purchase contracts.

603 The town may enter into multiyear lease, purchase, or lease-purchase contracts for goods,
604 materials, real and personal property, services, and supplies. Contracts shall be executed
605 per state law.

606 C. Accounting and Budgeting.

607 SECTION 6.23.

608 Fiscal year.

609 The town council shall by resolution set the fiscal year, which shall constitute the town's
610 budget year and the year for financial accounting and reporting.

611 SECTION 6.24.

612 Preparation of budget.

613 The town council shall provide a resolution on the procedures and requirements for the
614 preparation and execution of an annual operating budget, a capital improvements program,
615 and a capital budget, including requirements as to the scope, content, and form of such
616 budgets and programs.

617 SECTION 6.25.

618 Submission of budget to town council.

619 Not later than 60 days prior to the beginning of each fiscal year, the mayor, after soliciting
620 council input, shall submit a proposed operating budget. The budget shall be accompanied
621 by a message from the mayor containing a statement of the general fiscal policies of the
622 town, the important features of the budget, explanations of major changes recommended
623 for the next fiscal year, and a summary of the budget. The operating budget and capital
624 improvements budget provided for in Section 6.24 of this charter, the budget message, and
625 all supporting documents shall be filed with the town clerk and open to public inspection.

626 SECTION 6.26.

627 Action by town council on budget.

628 (a) The town council may amend the operating budget. The final budget shall provide for
629 all expenditures required by state law and this charter and for all debt service requirements,
630 and the total appropriations from any fund shall not exceed the estimated fund balance,
631 reserves, and revenues.

632 (b) The town council, by resolution, shall adopt the final operating budget for the next year
633 not later than December 31 of each year. If it fails to adopt the budget by this date, the
634 amounts appropriated for operation for the current fiscal year shall be deemed adopted for
635 the next year on a month-to-month basis, with all items prorated accordingly until the town

636 council adopts a budget. Adoption of the budget shall take the form of an appropriations
637 resolution setting out the estimated revenues in detail by sources and making
638 appropriations according to fund and by organizational unit, purpose, or activity as set out
639 in the budget preparation resolution adopted per Section 6.24 of this charter.

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

644 SECTION 6.27.

645 Tax levies.

646 The town council shall levy by resolution such taxes which, together with other anticipated
647 revenues, fund balances, and applicable reserves, will equal the total amount appropriated
648 in the annual operating budget for the expenses of the town.

649 SECTION 6.28.

650 Changes in appropriations.

651 The town council, by resolution, may make changes in the appropriations in the current
652 operating budget at any regular meeting or any special or emergency meeting called for
653 such purpose, but any additional appropriations may be made only from an existing
654 unexpended surplus.

655 SECTION 6.29.

656 Independent audit.

657 There shall be a biennial independent audit according to generally accepted accounting
658 principles of all town accounts, funds, and financial transactions by a certified public
659 accountant selected by the town council. Any audit by the state or federal government shall
660 suffice. Copies of all audit reports shall be available at printing costs to the public.

661 D. Procurement and Property Management.

662 SECTION 6.30.

663 Contracting procedures.

664 No contract with the town shall be binding unless made per procedures established by the
665 town council; is in writing; is drawn by or reviewed by the town attorney; and is made or
666 authorized by the town council and such approval is entered in the town journal of
667 proceedings per Section 2.18 of this charter.

668 SECTION 6.31.

669 Centralized purchasing.

670 The town council shall by resolution prescribe procedures for a system of centralized
671 purchasing.

672 SECTION 6.32.

673 Sale and lease of town property.

674 (a) The town council may sell and convey any property per law.

675 (b) The town council may quitclaim any rights the town may have in property not needed
676 for public purposes upon adoption of a resolution finding that the property is not needed
677 and has no value.

678 (c) Whenever a small parcel of land is cut off or separated by town work from a larger
679 tract owned by the town, the town council may authorize a deed conveying said cut-off or
680 separated parcel to an abutting or adjoining property owner or owners in exchange for
681 rights of way of said street, avenue, alley, or public place when such exchange is deemed
682 to be in the best interest of the town.

683 ARTICLE VII

684 GENERAL PROVISIONS

685 SECTION 7.10.

686 Bonds for officials.

687 The officers and employees of this town shall execute such bonds in such amounts and
688 terms as the town council shall from time to time require by ordinance or as may be
689 provided by law.

690 SECTION 7.11.

691 Prior ordinances.

692 All ordinances, resolutions, rules, and regulations that are now in force in the town and are
693 not inconsistent with this charter are declared valid and of full effect and force until
694 amended or repealed.

695 SECTION 7.12.

696 Pending matters.

697 Except as specifically provided otherwise by this charter, all rights, claims, actions, orders,
698 contracts, and legal or administrative proceedings shall continue, and any such ongoing
699 work shall be completed.

700 SECTION 7.13.

701 Repealer.

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

703 **SECTION 2.**

704 The governing authority of the Town of North High Shoals shall, through its legal counsel,
705 cause this Act to be submitted for preclearance under the Federal Voting Rights Act of 1965,
706 as amended; and such submission shall be made to the United States Department of Justice
707 or filed with the appropriate court no later than 45 days after the date this Act becomes
708 effective as provided by Section 3 of this Act.

709 **SECTION 3.**

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

712 **SECTION 4.**

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