

House Bill 1051 (AS PASSED HOUSE AND SENATE)

By: Representative Williams of the 148th

A BILL TO BE ENTITLED
AN ACT

1 To provide a new charter for the Town of Arabi; to provide for incorporation, corporate
2 boundaries, powers, and construction; to provide for specific powers; to provide for the
3 exercise of powers; to provide for town council creation, number, and election; to provide
4 for terms and qualifications for office; to provide for vacancies; to provide for compensation
5 and expenses; to provide for conflicts of interest; to provide for inquiries and investigations;
6 to provide for general power and authority of the town council; to provide for eminent
7 domain; to provide for organizational meetings; to provide for regular and special meetings;
8 to provide for rules of procedure; to provide for a quorum and voting; to provide for
9 ordinances; to provide for action requiring ordinances; to provide for emergencies; to provide
10 for a code of technical regulations; to provide for signing, authenticating, recording,
11 codification, and signing of ordinances; to provide for a chief executive officer; to provide
12 for powers and duties of the mayor; to provide for a mayor pro tempore; to provide for
13 administrative and service departments; to provide for boards, commissions, and authorities;
14 to provide for a town attorney; to provide for a clerk; to provide for personnel policies; to
15 provide for the creation of a municipal court; to provide for a chief judge and associate judge;
16 to provide for the convening of the municipal court; to provide for jurisdiction and powers;
17 to provide for certiorari; to provide for rules of court; to provide for indigent defense and
18 prosecution; to provide for applicability of general law; to provide for regular elections and
19 time for holding elections; to provide for nonpartisan elections; to provide for election by
20 plurality; to provide for special elections; to provide for removal of officers; to provide for
21 property tax; to provide for a millage rate and due dates and payment methods; to provide
22 for occupation and business taxes; to provide for regulatory fees and permits; to provide for
23 franchises; to provide for service charges; to provide for special assessments; to provide for
24 other taxes and fees; to provide for the collection of delinquent taxes and fees; to provide for
25 general obligation bonds; to provide for revenue bonds; to provide for short-term loans; to
26 provide for lease-purchase contracts; to provide for a fiscal year; to provide for preparation
27 of budgets; to provide for submission of the operating budget to the town council; to provide
28 for action by the town council on the budget; to provide for tax levies; to provide for changes

29 in appropriations; to provide for independent audits; to provide for contracting procedures;
 30 to provide for centralized purchasing; to provide for sale and lease of town property; to
 31 provide for bonds for officials; to provide for prior ordinances; to provide for existing
 32 personnel and officers; to provide for pending matters; to provide for construction; to provide
 33 for severability; to provide for other matters relative to the foregoing; to provide for a
 34 specific repealer; to repeal conflicting laws; and for other purposes.

35 **ARTICLE I**

36 **INCORPORATION AND POWERS**

37 **SECTION 1.10.**

38 Name.

39 This town and the inhabitants thereof are reincorporated by the enactment of this charter and
 40 are hereby constituted and declared a body politic and corporate under the name and style
 41 Town of Arabi, Georgia, and by that name shall have perpetual existence.

42 **SECTION 1.11.**

43 Corporate boundaries.

44 (a) The boundaries of this town shall be those existing on the effective date of this charter
 45 with such alterations as may be made from time to time in the manner provided by law. The
 46 boundaries of this town at all times shall be shown on a map to be retained permanently in
 47 the clerk's office of the Town of Arabi and designated as the case may be: "Official Map of
 48 the Corporate Limits of the Town of Arabi, Georgia." Photographic, typed, or other copies
 49 of such map certified by the town clerk shall be admitted as evidence in all courts and shall
 50 have the same force and effect as with the original map or description.

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

54 **SECTION 1.12.**

55 Powers and construction.

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

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

63 **SECTION 1.13.**

64 Specific powers.

65 The corporate powers of the Town of Arabi, to be exercised by the governing authority, may
 66 include the following:

67 (1) Animal Regulations. To regulate and license, or to prohibit the keeping or running
 68 of at-large of animals and fowl and to provide for the impoundment of the same, if in
 69 violation of any ordinance or lawful order; to provide for the disposition by sale, gift, or
 70 humane destruction of animals and fowl, when not redeemed as provided by ordinance;
 71 and to provide punishment for violation of ordinances enacted hereunder;

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

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

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

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

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

92 (7) Emergencies. To establish procedures for determining and proclaiming that an
 93 emergency situation exists within or without the town and to make and carry out all

- 94 reasonable provisions deemed necessary to deal with or meet such an emergency for the
95 protection, safety, health, or well-being of the citizens of the town;
- 96 (8) Environmental Protection. To protect and preserve the natural resources,
97 environment, and vital areas of the town through the preservation and improvement of
98 air quality, the restoration and maintenance of water resources, the control of erosion and
99 sedimentation, the management of solid and hazardous waste, and other necessary actions
100 for the protection of the environment;
- 101 (9) Fire Regulations. To fix and establish fire limits and from time to time to extend,
102 enlarge, or restrict the same; to prescribe fire safety regulations not inconsistent with
103 general law, relating to fire prevention and detection and to firefighting, and to prescribe
104 penalties and punishment for violations thereof;
- 105 (10) Garbage Fees. To levy, fix, assess, and collect a garbage, refuse, and trash
106 collection and disposal fee, and other sanitary service charge, as may be necessary in the
107 operation of the town from all individuals, firms, and corporations residing in or doing
108 business therein benefiting from such services, to enforce the payment of such charges
109 or fees; and to provide for the manner and method of collecting such service charges or
110 fees;
- 111 (11) General Health, Safety, and Welfare. To define, regulate, and prohibit any act,
112 practice, conduct, or use of property which is detrimental to health, sanitation,
113 cleanliness, welfare, and safety of the inhabitants of the town and to provide for the
114 enforcement of such standards;
- 115 (12) Gifts. To accept or refuse gifts, donations, bequests, or grants from any source for
116 any purpose related to powers and duties of the town and the general welfare of its
117 citizens, on such terms and conditions as the donor or grantor may impose;
- 118 (13) Health and Sanitation. To prescribe standards of health and sanitation and to
119 provide for the enforcement of such standards;
- 120 (14) Jail Sentences. To provide that persons given jail sentences in the municipal court
121 may work out such sentences in any public works or on the streets, roads, drains, and
122 other public property in the town; to provide for commitment of such persons to any jail,
123 or to provide for commitment of such persons to any county work camp or county jail by
124 agreement with the appropriate county officials;
- 125 (15) Motor Vehicles. To regulate the operation of motor vehicles and exercise control
126 over all traffic, including parking upon or across the streets, roads, alleys, and walkways
127 of the town;
- 128 (16) Municipal Agencies and Delegation of Power. To create, alter, or abolish
129 departments, boards, offices, commissions, and agencies of the town and to confer upon

130 such agencies the necessary and appropriate authority for carrying out all the powers
131 conferred upon or delegated to the same;

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

135 (18) Municipal Property Ownership. To acquire, dispose of, lease, option, and hold in
136 trust or otherwise accept or transfer an interest in any real, personal, or mixed property,
137 in fee simple or lesser interest, inside or outside the property limits of the town;

138 (19) Municipal Property Protection. To provide for the preservation and protection of
139 property and equipment of the town and the administration and use of same by the public,
140 and to prescribe penalties and punishment for violations thereof;

141 (20) Municipal Utilities. To acquire, lease, construct, operate, maintain, sell, and dispose
142 of public utilities, including, but not limited to, a system of waterworks, sewers and
143 drains, sewage disposal, gas works, electric light plants, cable television, and other
144 telecommunications, transportation facilities, public airports, and any other public utility;
145 and to fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties,
146 and to provide for the withdrawal of service for refusal or failure to pay the same;

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

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

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

154 (24) Police and Fire Protection. To exercise the power of arrest through duly appointed
155 police officers and to establish, operate, or contract for a police and firefighting agency;

156 (25) Public Hazards Removal. To provide for the destruction and removal of any
157 building or other structure which is or may become dangerous or detrimental to the
158 public;

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

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

168 (27) Public Peace. To provide for the prevention and punishment of drunkenness, riots,
169 and public disturbances;

170 (28) Public Transportation. To organize and operate such public transportation systems
171 as are deemed beneficial;

172 (29) Public Utilities and Services. To grant franchises or make contracts for public
173 utilities and public service companies; and to prescribe the rates, fares, regulations,
174 standards, and conditions of service applicable to the service to be provided by the
175 franchise grantee or contractor, insofar as the same are not in conflict with valid
176 regulations of the Public Service Commission;

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

182 (31) Retirement. To provide and maintain a retirement plan for officers and employees
183 of the town;

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

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

199 (34) Solid Waste Disposal. To provide for the collection and disposal of garbage,
200 rubbish, and refuse, and to regulate the collection and disposal of garbage, rubbish, and
201 refuse by others; and to provide for the separate collection of glass, tin, aluminum,

202 cardboard, paper, and other recyclable materials, and to provide for the sale of such
203 items;

204 (35) Special Areas of Public Regulation. To regulate or prohibit junk dealers, pawn
205 shops, and the manufacture, sale, or transportation of intoxicating liquors; to regulate the
206 transportation, storage, and use of combustible, explosive, and inflammable materials, the
207 use of lighting and hearing equipment, and any other business or situation which the town
208 may deem to be dangerous to persons or property; to regulate and control the conduct of
209 peddlers and itinerant traders and theatrical performances, exhibitions, and shows of any
210 kind; and to license, regulate, or prohibit professional fortunetelling, palmistry, adult
211 bookstores, and massage parlors;

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

214 (37) Taxes: Ad Valorem. To levy and provide for the assessment, valuation, revaluation,
215 and collection of taxes on all property subject to taxation;

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

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

222 (40) Urban Redevelopment. To organize and operate an urban redevelopment program;
223 and

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

235 **SECTION 1.14.**

236 Exercise of powers.

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

241 **ARTICLE II**
 242 **GOVERNMENT STRUCTURE**

243 **SECTION 2.10.**

244 Town council creation; number; election.

245 The legislative authority of the government of this town, except as otherwise specifically
 246 provided in this charter, shall be vested in a town council to be composed of a mayor and
 247 four councilmembers. The town council shall in all respects be a successor to and
 248 continuation of the governing authority under prior law. The mayor and councilmembers
 249 shall be elected in the manner provided by general law and this charter.

250 **SECTION 2.11.**

251 Town council terms and qualifications for office.

252 The members of the town council shall serve for terms of four years and until their respective
 253 successors are elected and qualified. No person shall be eligible to serve as mayor or
 254 councilmember unless that person shall have been a resident of the town for at least 12
 255 months prior to the date of election of the mayor or member of the council; each shall
 256 continue to reside therein during that person's period of service and to be registered and
 257 qualified to vote in municipal elections of this town.

258

259 **SECTION 2.12.**

260 Vacancy; filling of vacancies.

261 (a) Vacancies. The office of mayor or councilmember shall become vacant upon the
 262 occurrence of any event specified by the Constitution, Title 45 of the Official Code of
 263 Georgia Annotated, or such other applicable laws as are or may hereafter be enacted;
 264 provided, however, that the office of mayor or councilmember shall become vacant upon the
 265 unexcused absence of the holder of the office from four consecutive regularly scheduled

266 meetings of the town council. Excused absences shall be granted by a majority vote of the
267 remaining town councilmembers and the mayor as provided in Section 2.21 of this charter
268 and shall be entered upon the minutes of the council meeting.

269 (b) Filling of Vacancies. A vacancy in the office of mayor or councilmember shall be filled
270 for the remaining of the unexpired term, if any, by appointment of the remaining
271 councilmembers if less than six months remains in the unexpired term, otherwise by an
272 election, as provided in Section 5.14 of this charter and in accordance with Titles 21 and 45
273 of the O.C.G.A. or other such laws as are hereinafter enacted.

274 **SECTION 2.13.**

275 Compensation and expenses.

276 The mayor and councilmembers shall receive compensation and expenses for their services
277 as provided by ordinance.

278 **SECTION 2.14.**

279 Conflicts of interest.

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

282 (b) Neither the mayor nor any member of the town council shall vote upon, sign, or veto any
283 ordinance, resolution, contract, or other matter in which that person is financially interested.

284 (c) Except as authorized by law, neither the mayor nor any councilmember shall hold any
285 town office or town employment during the term for which that person was elected.

286 **SECTION 2.15.**

287 Inquiries and investigations.

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

294 **SECTION 2.16.**

295 General power and authority of the town council.

296 Except as otherwise provided by law or this charter, the town council shall be vested with
297 all the powers of government of this town.

298 **SECTION 2.17.**

299 Eminent domain.

300 The town council is hereby empowered to acquire, construct, operate, and maintain public
301 ways, parks, public grounds, cemeteries, markets, market houses, public buildings, libraries,
302 sewers, drains, sewage treatment, waterworks, electrical systems, gas systems, airports,
303 hospitals, and charitable, educational, recreational, sport, curative, corrective, detention,
304 penal, and medical institutions, agencies, and facilities, and any other public improvements
305 inside or outside the town, and to regulate the use thereof; and for such purposes, property
306 may be condemned under procedures established under general law applicable now or as
307 provided in the future.

308 **SECTION 2.18.**

309 Organizational meetings.

310 The town council shall hold an organizational meeting on the first meeting in January
311 following the regular election, as provided in Section 5.11 of this charter. The meeting shall
312 be called to order by the town clerk, and the oath of office shall be administered to the
313 newly-elected members as follows:

314 "I _____ do solemnly swear or affirm that I will properly perform the duties of the
315 office of _____ in and for the Town of Arabi, to the best of my knowledge, skill,
316 and ability; that I am not the holder of any unaccounted for public money due to the State
317 of Georgia or any political subdivision or authority thereof; that I am not the holder of any
318 office of trust under the government of the United States, any other state, or any foreign
319 state, which I am by the laws of the State of Georgia prohibited from holding; that I am
320 qualified to hold the office which I am about to enter according to the Constitution and
321 laws of Georgia; that I will support the Constitutions of the United States and the State of
322 Georgia; that I have met the residential qualifications for the time required by the
323 Constitution and laws of the State of Georgia and the charter of the Town of Arabi, so help
324 me God."

325

SECTION 2.19.

326

Regular and special meetings.

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

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

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

342

SECTION 2.20.

343

Rules of procedure.

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

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

350

SECTION 2.21.

351

Quorum; voting.

352 Three councilmembers other than the mayor shall constitute a quorum and shall be
353 authorized to transact business of the town council. Voting on the adoption of ordinances
354 shall be by oral vote, and the vote shall be recorded in the journal. Any member of the town
355 council shall have the right to request a roll call vote, and such vote shall be recorded in the
356 journal. Except as otherwise provided in this charter, the affirmative vote of three

357 councilmembers shall be required for the adoption of any ordinance, resolution, or motion.
 358 The mayor shall vote only in the event of a tie or when an affirmative or negative vote
 359 constitutes a majority of three votes. An abstention shall not be counted as either an
 360 affirmative or negative vote.

361 **SECTION 2.22.**

362 Ordinance form; procedures.

363 (a) Except as herein provided, every official action of the town council which is to become
 364 law shall be by ordinance. Each proposed ordinance shall be introduced in writing and in the
 365 form required for final adoption. No ordinance shall contain a subject which is not expressed
 366 in its title. The enacting clause shall be "It is hereby ordained by the governing authority of
 367 the Town of Arabi," and every ordinance shall so begin.

368 (b) An ordinance may be introduced by a councilmember and be read at a regular or special
 369 meeting of the town council. Ordinances shall be considered and adopted or rejected by the
 370 town council in accordance with the rules which it shall establish. All ordinances shall have
 371 two separate readings; provided, however, that the town council may dispense with the
 372 second reading with unanimous consent of the members present. Emergency ordinances, as
 373 provided in Section 2.24 of this charter, may be adopted on the same day that they are
 374 introduced without necessity of the second reading. Upon introduction of any ordinance, the
 375 town clerk shall as soon as possible distribute a copy to the mayor and to each
 376 councilmember and shall file a reasonable number of copies in the office of the town clerk
 377 and at such other public places as the town council may designate.

378 **SECTION 2.23.**

379 Action requiring an ordinance.

380 Actions of the town council which have the force and effect of law shall be enacted by
 381 ordinance.

382 **SECTION 2.24.**

383 Emergencies.

384 (a) To meet a public emergency affecting life, health, property, or public peace, the town
 385 council may convene on call of the mayor or three councilmembers and promptly adopt an
 386 emergency ordinance, but such ordinance may not levy taxes; grant, renew, or extend a
 387 franchise; regulate the rate charged by any public utility for its services; or authorize the

388 borrowing of money except for loans to be repaid within 30 days. An emergency ordinance
 389 shall be introduced in the form prescribed for ordinances generally, except that it shall be
 390 plainly designated as an emergency ordinance and shall contain, after the enacting clause,
 391 a declaration stating that an emergency exists and describing the emergency in clear and
 392 specific terms. An emergency ordinance may be adopted, with or without amendment, or
 393 rejected at the meeting at which it is introduced, but the affirmative vote of at least three
 394 councilmembers shall be required for adoption. It shall become effective upon adoption or
 395 at such later time as it may specify. Every emergency ordinance shall automatically stand
 396 repealed 30 days following the date upon which it was adopted, but this shall not prevent
 397 reenactment of the ordinance in the manner specified in this section if the emergency still
 398 exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance
 399 in the same manner specified in this section for adoption of emergency ordinances.

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

404 **SECTION 2.25.**

405 Codes of technical regulations.

406 (a) The town council may adopt any standard code of technical regulations by reference
 407 thereto in an adopting ordinance. The procedure and requirements governing such adopting
 408 ordinance shall be as prescribed for ordinances generally except that: (1) the requirements
 409 of Section 2.22(b) of this charter for distribution and filing of copies of the ordinance shall
 410 be construed to include copies of any code of technical regulations, as well as the adopting
 411 ordinance; and (2) a copy of each adopted code of technical regulations, as well as the
 412 adopting ordinance, shall be authenticated and recorded by the town clerk pursuant to Section
 413 2.26 of this charter.

414 (b) Copies of any adopted code of technical regulations shall be made available by the clerk
 415 for inspection by the public.

416 **SECTION 2.26.**

417 Signing; authenticating; recording; codification; printing.

418 (a) The town clerk shall authenticate by the town clerk's signature and record in full, in a
 419 properly indexed book kept for that purpose, all ordinances adopted by the council.

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

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

437 **SECTION 2.27.**

438 Chief executive officer.

439 The mayor shall be the chief executive of this town. The mayor shall possess all of the
 440 executive and administrative power granted to the town under the Constitution and laws of
 441 the State of Georgia and all the executive powers granted to the town in this charter.

442 **SECTION 2.28.**

443 Powers and duties of mayor.

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

- 445 (1) See that all laws and ordinances of the town are faithfully executed;
- 446 (2) Recommend to the town council such measures relative to the affairs of the town,
 447 improvement of the government, and promotion of the welfare of its inhabitants as the
 448 mayor may deem expedient;
- 449 (3) Call special meetings of the town council as provided for in Section 2.19(b) of this
 450 charter;
- 451 (4) Preside at all meetings of the town council and vote only in the event of a tie or when
 452 an affirmative or negative vote by the mayor constitutes a majority of three votes;

- 453 (5) Provide for an annual audit of all accounts of the town;
 454 (6) Require any department or agency of the town to submit written reports whenever
 455 the mayor and council deem it expedient; and
 456 (7) Perform such other duties as may be required by law, this charter, or by ordinance.

457 **SECTION 2.29.**

458 Mayor pro tempore; selection; duties.

459 At the first meeting in January of each year, the town council shall elect a councilmember
 460 to serve as mayor pro tempore. In the mayor's absence, the mayor pro tempore shall preside
 461 at meetings of the town council and shall assume the duties and powers of the mayor upon
 462 the mayor's physical or mental disability, provided that the mayor pro tempore shall vote as
 463 a member of the town council at all times when serving as herein provided.

464 **ARTICLE III**

465 **ADMINISTRATIVE AFFAIRS**

466 **SECTION 3.10.**

467 Administrative and service departments.

- 468 (a) Except as otherwise provided in this charter, the town council, by ordinance, shall
 469 prescribe the functions and duties of and establish, abolish, alter, consolidate, or leave vacant
 470 all nonelective offices, positions of employment, departments, and agencies of the town as
 471 necessary for the proper administration of the affairs and government of this town.
 472 (b) Except as otherwise provided by this charter or by law, the directors of departments and
 473 other appointed officers of the town shall be appointed solely on the basis of their respective
 474 administrative and professional qualifications.
 475 (c) All appointed officers and directors of departments shall receive such compensation as
 476 prescribed by ordinance.
 477 (d) All appointed officers, directors, and department heads under the supervision of the
 478 mayor and council shall be nominated by the mayor with confirmation of appointment by the
 479 town council. All appointed officers, directors, and department heads shall be
 480 employees-at-will and subject to removal or suspension at any time by the mayor and council
 481 unless otherwise provided by law or ordinance.

482

SECTION 3.11.

483

Boards, commissions, and authorities.

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

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

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

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

497 (e) No member of a board, commission, or authority shall assume office until that person has
 498 executed and filed with the town clerk an oath obligating himself or herself to faithfully and
 499 impartially perform the duties of that member's office, such oath to be prescribed by
 500 ordinance and administered by the mayor.

501 (f) All board members serve at-will and may be removed at any time by a vote of three
 502 members of the town council unless otherwise provided by law.

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

511

SECTION 3.12.

512

Town attorney.

513 The town council shall appoint a town attorney, together with such assistant town attorneys
 514 as may be authorized, and shall provide for the payment of such attorney or attorneys for
 515 services rendered to the town. The town attorney shall be responsible for providing for the

516 representation and defense of the town in all litigation in which the town is a party; may be
 517 the prosecuting officer in the municipal court; shall attend the meetings of the town council
 518 as directed; shall advise the town council, mayor, and other officers and employees of the
 519 town concerning legal aspects of the town's affairs; and shall perform such other duties as
 520 may be required by virtue of the person's position as town attorney.

521 **SECTION 3.13.**

522 Town clerk.

523 The town council shall appoint a town clerk who shall not be a councilmember. The town
 524 clerk shall be custodian of the official town seal and town records; maintain town council
 525 records required by this charter; and perform such other duties as may be required by the
 526 town council.

527 **SECTION 3.14.**

528 Personnel policies.

529 All employees serve at will and may be removed from office at any time unless otherwise
 530 provided by ordinance.

531 **ARTICLE IV**

532 **JUDICIAL BRANCH**

533 **SECTION 4.10.**

534 Municipal court creation.

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

536 **SECTION 4.11.**

537 Chief judge; associate judge.

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

540 (b) No person shall be qualified or eligible to serve as a judge on the municipal court unless
 541 that person shall possess all qualifications required by law. All judges shall be appointed by
 542 the town council and shall serve until a successor is appointed and qualified.

543 (c) Compensation of the judges shall be fixed by ordinance.

544 (d) Judges may be removed from office in compliance with Code Section 36-32-2.1 of the
545 O.C.G.A.

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

550 **SECTION 4.12.**

551 Convening.

552 The municipal court shall be convened at regular intervals as provided by ordinance.

553 **SECTION 4.13.**

554 Jurisdiction; powers.

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

557 (b) The municipal court shall have authority to punish those in its presence for contempt,
558 provided that such punishment shall not exceed \$500.00 or ten days in jail.

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

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

566 (e) The municipal court shall have authority to establish bail and recognizance to ensure the
567 presence of those charged with violations before said court, and shall have discretionary
568 authority to accept cash or personal or real property as surety for the appearance of persons
569 charged with violations. Whenever any person shall give bail for that person's appearance
570 and shall fail to appear at the time fixed for trial, the bond shall be forfeited by the judge
571 presiding at such time, and an execution issued thereon by serving the defendant and the
572 defendant's sureties with a rule nisi, at least two days before a hearing on the rule nisi. In the
573 event that cash or property is accepted in lieu of bond for security for the appearance of a
574 defendant at trial, and if such defendant fails to appear at the time and place fixed for trial,
575 the cash so deposited shall be on order of the judge and declared forfeited to the town, or the

576 property so deposited shall have a lien against it for the value forfeited, which lien shall be
577 enforceable in the same manner and to the same extent as a lien for town property taxes.

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

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

584 (h) Each judge of the municipal court shall be authorized to issue warrants for the arrest of
585 persons charged with offenses against any ordinance of the town.

586 **SECTION 4.14.**

587 Certiorari.

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

592 **SECTION 4.15.**

593 Rules for court.

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

601 **SECTION 4.16.**

602 Indigent defense and prosecutor.

603 The mayor and council shall have the power to provide for a system of defense for indigent
604 persons charged in the municipal court of the Town of Arabi with violations of ordinances
605 or state laws, and for the prosecution of such cases by a prosecutor. The town council is
606 further authorized to provide for the expense of indigent defense and prosecution by

607 prorating the estimated cost over all criminal cases disposed of by the court and bond
 608 forfeitures in the criminal cases. A bond amount shall be imposed by the municipal court
 609 judge and collected in all criminal cases. Bond forfeitures in such cases shall be collected
 610 as costs in addition to fines, penalties, and all other costs.

611 **ARTICLE V**
 612 **ELECTIONS AND REMOVAL**
 613 **SECTION 5.10.**
 614 **Applicability of general law.**

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

617 **SECTION 5.11.**
 618 **Regular elections; time for holding.**

619 Beginning in 2021 and every four years thereafter, on the Tuesday following the first
 620 Monday in November, there shall be an election for town councilmembers for Council Posts
 621 1 and 2 and shall continue in office for the terms to which he or she was elected and until his
 622 or her successor is elected and available as provided in this charter. Beginning in 2023, and
 623 every four years thereafter, on the Tuesday following the first Monday in November, there
 624 shall be an election for mayor and town councilmembers for Council Posts 3 and 4 and shall
 625 continue in office for the terms to which he or she was elected and until his or her successor
 626 is elected and qualified as provided in this charter. The terms of office shall begin at the
 627 organizational meeting as provided for in Section 2.18 of this charter.

628 **SECTION 5.12.**
 629 **Nonpartisan elections.**

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

632 **SECTION 5.13.**
 633 **Election by plurality.**

634 The person receiving a plurality of the votes cast for any town office shall be elected.

635 **SECTION 5.14.**

636 Special elections; vacancies.

637 In the event that the office of mayor or councilmember becomes vacant as provided in
 638 Section 2.12 of this charter, the town council or those remaining shall appoint a successor
 639 for the remainder of the term if less than six months remain in the term. If more than six
 640 months remain in the term, there shall be a special election held and conducted in accordance
 641 with Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter
 642 amended.

643 **SECTION 5.15.**

644 Other provisions.

645 Except as otherwise provided by this charter, the town council shall, by ordinance, prescribe
 646 such rules and regulations it deems appropriate to fulfill any options and duties under the
 647 Georgia Election Code.

648 **SECTION 5.16.**

649 Removal of officers.

650 (a) The mayor, councilmembers, or other appointed officers provided for in this charter shall
 651 be removed from office for any one or more of the causes provided in Title 45 of the
 652 O.C.G.A. or such other applicable laws as are or may hereafter be enacted.

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

655 (1) By the vote of three members of the council or the mayor and two members of the
 656 council after an investigative hearing. In the event an elected officer is sought to be
 657 removed by the action of the town council, such officer shall be entitled to a written
 658 notice specifying the ground or grounds for removal and to a public hearing which shall
 659 be held not less than 10 days after the service of such written notice. The town council
 660 shall provide by ordinance for the manner in which such hearings shall be held. Any
 661 elected officer sought to be removed from office, as provided in this paragraph, shall have
 662 the right of appeal from the decision of the town council to the Superior Court of Crisp
 663 County. Such appeal shall be governed by the same rules as govern appeals to the
 664 superior court from the probate court; or

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

696

SECTION 6.14.

697

Franchises.

698 (a) The town council shall have the power to grant franchises for the use of this town's
 699 streets and alleys for the purposes of railroads, street railways, telephone companies, electric
 700 companies, electric membership corporations, cable television, and other telecommunications
 701 companies, gas companies, transportation companies, and other similar organizations. The
 702 town council shall determine the duration, terms, whether the same shall be exclusive or
 703 nonexclusive, and the consideration for such franchises; provided, however, that no franchise
 704 shall be granted for a period in excess of 35 years, and no franchise shall be granted unless
 705 the town receives just and adequate compensation therefor. The town council shall provide
 706 for the registration of all franchises with the town clerk in a registration book kept by the
 707 town clerk. The town council may provide, by ordinance, for the registration within a
 708 reasonable time of all franchises previously granted.

709 (b) If no franchise agreement is in effect, the council has the authority to impose a tax on
 710 gross receipts for the use of this town's streets and alleys for the purposes of railroads, street
 711 railways, telephone companies, electric companies, electric membership corporations, cable
 712 television, and other telecommunications companies, gas companies, transportation
 713 companies, and other similar organizations.

714

SECTION 6.15.

715

Service charges.

716 The town council, by ordinance, shall have the power to assess and collect fees, charges, and
 717 tolls for sewers, sanitary and health services, or any other services provided or made
 718 available within and without the corporate limits of the town for the total cost to the town of
 719 providing or making available such services. If unpaid, such fees, charges, and tolls shall be
 720 collected as provided in Section 6.18 of this charter.

721

SECTION 6.16.

722

Special assessments.

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

728

SECTION 6.17.

729

Construction; other taxes and fees.

730

731

732

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

733

SECTION 6.18.

734

Collection of delinquent taxes and fees.

735

736

737

738

739

740

741

(a) The town council shall have the power and authority to provide by ordinance for the collection from delinquent taxes, fees, or other revenue due to the town under this charter, in addition to all other sums, of the costs of collection and the costs of levy preparation and execution procedures, and to add such sums to the amounts due on tax executions. The costs of levy preparation and execution procedures shall include, but without limitation, the cost of title searches, name and address verifications, legal fees, and all other levy and enforcement costs of every kind.

742

743

744

745

746

(b) The town council shall have the power and authority to provide, by ordinance, for the employment by the town clerk of agencies to assist in the collection of delinquent taxes and in tax execution levy preparation and enforcement procedures, to provide for the payment of the costs of such agencies by the delinquent taxpayer, and to provide for the costs of such agencies to be added to the amounts due on tax executions.

747

748

749

750

751

752

753

754

(c) Executions for any and all taxes or licenses, or demands of any sort due the town or its corporate authorities by any person, firm, or corporation, or against any property subject thereto, shall be issued by the town clerk, be signed by him or her, bear teste in the name of the mayor, and be directed to the chief of police of said town and his or her deputies and all and singular the sheriffs, deputy sheriffs and constables of this state, commanding them that of any property belonging to the defendant against whom said execution is issued, or of certain property described in the execution, they make by levy and sell the amount due on the execution with all costs.

755

756

757

758

(d) Except as otherwise provided by this charter, all executions issued by the town clerk for taxes, license fees, special assessments, fines, or forfeitures due the town shall be governed by the laws governing executions for state and county taxes, and shall be subject to all presumptions of law and fact which apply to executions for state and county taxes.

759 **SECTION 6.19.**

760 General obligation bonds.

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

765 **SECTION 6.20.**

766 Revenue bonds.

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

770 **SECTION 6.21.**

771 Short-term loans.

772 The town may obtain short-term loans and must repay such loans not later than December
 773 31 of each year, unless otherwise provided by law.

774 **SECTION 6.22.**

775 Lease-purchase contracts.

776 The town may enter into multi-year lease, purchase, or lease-purchase contracts for the
 777 acquisition of goods, materials, real and personal property, services, and supplies provided
 778 the contract terminates without further obligation on the part of the municipality at the close
 779 of the calendar year in which it was executed and at the close of each succeeding calendar
 780 year for which it may be renewed. Contracts must be executed in accordance with the
 781 requirements of Code Section 36-60-13 of the O.C.G.A. or other such applicable laws as are
 782 or may hereafter be enacted.

783 **SECTION 6.23.**

784 Fiscal year.

785 The town council shall set the fiscal year by ordinance. This fiscal year shall constitute the
786 budget year and the year for financial accounting the reporting of each and every office,
787 department, agency, and activity of the town government.

788 **SECTION 6.24.**

789 Preparation of budgets.

790 The town council shall provide an ordinance on the procedures and requirements for the
791 preparation and execution of an annual operating budget, a capital improvement plan, and
792 a capital budget, including requirements as to the scope, content, and form of such budgets
793 and plans.

794 **SECTION 6.25.**

795 Submission of operating budget to town council.

796 On or before a date fixed by the town council, but not later than 60 days prior to the
797 beginning of each fiscal year, the mayor shall submit to the town council a proposed
798 operating budget for the ensuing fiscal year. The budget shall be accompanied by a message
799 from the mayor containing a statement of the general fiscal policies of the town, the
800 important features of the budget, explanations of major changes recommended for the next
801 fiscal year, a general summary of the budget, and such other pertinent comments and
802 information. The operating budget and the capital budget required by this article, the budget
803 message, and all supporting documents shall be filed in the office of the town clerk and shall
804 be open to public inspection.

805 **SECTION 6.26.**

806 Action by town council on budget.

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

812 (b) The town council, by ordinance, shall adopt the final operating budget for the ensuing
 813 fiscal year not later than the first day of each fiscal year. If the town council fails to adopt
 814 the budget by this date, the amounts appropriated for operation for the past fiscal year shall
 815 be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items
 816 prorated accordingly until such time as the town council adopts a budget for the ensuing
 817 fiscal year. Adoption of the budget shall take the form of an appropriations ordinance setting
 818 out the estimated revenues in detail by sources and making appropriations according to fund
 819 and by organizational unit, purpose, or activity as set out in the budget preparation ordinance
 820 adopted pursuant to Section 6.24 of this charter.

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

825 **SECTION 6.27.**

826 Tax levies.

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

833 **SECTION 6.28.**

834 Changes in appropriations.

835 The town council, by ordinance, may make changes in the appropriations contained in the
 836 current operating budget, at any regular meeting or special or emergency meeting called for
 837 such purpose, but any additional appropriations may be made only from an existing
 838 unexpended surplus.

839 **SECTION 6.29.**

840 Independent audit.

841 There shall be an annual independent audit of all town accounts, funds, and financial
 842 transactions by a certified public accountant selected by the town council. The audit shall

843 be conducted according to generally accepted auditing principles. Any audit of any funds
 844 by the state or federal governments may be accepted as satisfying the requirements of this
 845 charter. Copies of annual audit reports shall be available at printing costs to the public.

846 **SECTION 6.30.**

847 Contracting procedures.

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

- 849 (1) It is in writing;
 850 (2) It is drawn by or submitted and reviewed by the town attorney, and as a matter of
 851 course, is signed by the town attorney to indicate such drafting or review; and
 852 (3) It is made or authorized by the town council, and such approval is entered in the town
 853 council journal of proceedings pursuant to Section 2.20 of this charter.

854 **SECTION 6.31.**

855 Centralized purchasing.

856 The town council, by ordinance, shall prescribe procedures for a system of centralized
 857 purchasing for the town.

858 **SECTION 6.32.**

859 Sale and lease of town property.

860 The town council may sell and convey or lease any real or personal property owned or held
 861 by the town for government or other purposes as now or hereafter provided by law.

862 **ARTICLE VII**

863 **GENERAL PROVISIONS**

864 **SECTION 7.10.**

865 Bonds for officials.

866 The officers and employees of this town, both elective and appointive, shall execute such
 867 surety or fidelity bonds in such amounts and upon such terms and conditions as the town
 868 council shall from time to time require by ordinance or as may be provided by law.

869 **SECTION 7.11.**

870 Prior ordinances.

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

874 **SECTION 7.12.**

875 Existing personnel and officers.

876 Except as specifically provided otherwise by this charter, all personnel and officers of the
877 town and their rights, privileges, and powers shall continue beyond the time this charter takes
878 effect for a period of 180 days before or during which the existing town council shall pass
879 a transition ordinance detailing the changes in personnel and appointive officers required or
880 desired and arranging such titles, rights, privileges, and powers as may be required or desired
881 to allow a reasonable transition.

882 **SECTION 7.13.**

883 Pending matters.

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

888 **SECTION 7.14.**

889 Construction.

890 (a) Section captions in this charter are informative only and are not to be considered as a part
891 thereof.

892 (b) The word "shall" is mandatory and the word "may" is permissive.

893 (c) The singular shall include the plural, the masculine shall include the feminine, and vice
894 versa.

895 **SECTION 7.15.**

896 Specific repealer.

897 An Act incorporating the Town of Arabi in the County of Crisp, State of Georgia, approved
898 in August 20, 1917 (Ga. L. 1917, Volume 1, p. 496), and as amended, is hereby repealed in
899 its entirety; and all amendatory acts thereto are likewise repealed in their entirety. All other
900 laws and parts of laws in conflict with this charter are hereby repealed.