House Bill 623 (AS PASSED HOUSE AND SENATE)
By: Representatives Ridley of the 6th, Carpenter of the 4th, and Tarvin of the 2nd

A BILL TO BE ENTITLED
AN ACT

To provide a new charter for the Town of Cohutta; to provide for incorporation, boundaries, and powers of the town; to provide for the exercise of powers and limitations on powers; to provide for a town council of such town and the powers, duties, authority, prohibitions, election, terms, removal from office, method of filling vacancies, compensation, expenses, and qualifications; to provide for conflict of interest and holding other offices; to provide for inquiries and investigations; to provide for organization and meeting procedures; to provide for ordinances; to provide for eminent domain; to provide for codes; to provide for the office of mayor, the election of mayor, and certain duties and powers relative to the office of mayor; to provide for a vice mayor; to provide for administrative responsibilities; to provide for boards, commissions, and authorities; to provide for a town attorney, town clerk, and other personnel; to provide for the establishment of a municipal court and the judge or judges thereof; to provide for practices and procedures; to provide for taxation, permits, and fees; to provide for franchises, service charges, and assessments; to provide for a referendum to abolish the town's ad valorem tax; to provide for bonded and other indebtedness; to provide for accounting and budgeting; to provide for contracting and purchasing; to provide for sale of town property; to provide for bonds for officials; to provide for pending matters; to provide for definitions and construction; to provide for severability; to provide for related matters; to repeal a specific Act; to repeal conflicting laws; and for other purposes.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

ARTICLE I.
INCORPORATION AND POWERS

SECTION 1.10.
Incorporation.

This town and the inhabitants thereof, are reincorporated by the enactment of this charter and are hereby constituted and declared a municipality and a body politic and corporate under the name and style, Town of Cohutta, Georgia, and by that name shall have perpetual succession.

SECTION 1.11.
Corporate boundaries.

(a) The boundaries of the town shall be those existing on the effective date of the adoption of this charter with such alterations as may be made from time to time in the manner provided by law. The boundaries of the town at all times shall be shown on a map, a written description, or any combination thereof, to be retained permanently in the office of the town clerk and to be designated, as the case may be: "Official Map (or Description) of the corporate limits of the Town of Cohutta, Georgia." Photographic, typed, or other copies of such map or description certified by the town clerk shall be admitted as evidence in all courts and shall have the same force and effect as with the original map or description.

(b) The town council may provide for the redrawing of any such map by ordinance to reflect lawful changes in the corporate boundaries. A redrawn map shall supersede for all purposes the entire map or maps which it is designated to replace.
SECTION 1.12.
Powers and construction.

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

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

SECTION 1.13.
Examples of power.

The powers of the town shall include, but are not limited to:

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

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

3. Building regulation. To regulate and to license the erection and construction of buildings and all other structures; to adopt building, housing, plumbing, fire safety,
electrical, gas, and heating and air conditioning codes; and to regulate all housing and
building trades;

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

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

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

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

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

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

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

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

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

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

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

(15) Motor vehicles. To regulate the operation of motor vehicles and exercise control
over all traffic, including parking upon or across the streets, roads, alleys, and walkways
of the town;
(16) Municipal agencies and delegation of power. To create, alter, or abolish departments, boards, offices, commissions, and agencies of the town, and to confer upon such agencies the necessary and appropriate authority for carrying out all the powers conferred upon or delegated to the same;

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

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

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

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

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

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

(23) Planning and zoning. To provide comprehensive town planning for development by zoning; and to provide subdivision regulation and the like as the town council deems necessary and reasonable to insure a safe, healthy, and aesthetically pleasing community;
(24) Police and fire protection. To exercise the power of arrest through duly appointed police officers, and to establish, operate, or contract for a police and a fire-fighting agency;

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

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

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

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

(29) Regulation of roadside areas. To prohibit or regulate and control the erection, removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any and all other structures or obstructions upon or adjacent to the rights-of-way of streets and roads or within view thereof, within or abutting the corporate limits of the town; and to prescribe penalties and punishment for violation of such ordinances;
(30) Retirement. To provide and maintain a retirement plan and other employee benefit plans and programs for officers and employees of the town;

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

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

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

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

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

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

(37) Taxes. To levy and provide for the assessment, valuation, revaluation, and collection of ad valorem taxes on all property subject to taxation and to levy and collect such other taxes as may be allowed now or in the future by law;

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

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

(40) Other powers. To exercise and enjoy all other powers, functions, rights, privileges, and immunities necessary or desirable to promote or protect the safety, health, peace, security, good order, comfort, convenience, or general welfare of the town and its inhabitants; and to exercise all implied powers necessary or desirable to carry into execution all powers granted in this charter as fully and completely as if such powers were fully stated herein; and to exercise all powers now or in the future authorized to be exercised by other municipal governments under other laws of the State of Georgia; and no listing of particular powers in this charter shall be held to be exclusive of others, nor restrictive of general words and phrases granting powers, but shall be held to be in addition to such powers unless expressly prohibited to municipalities under the Constitution or applicable laws of the State of Georgia.
SECTION 1.14.
Exercise of powers.

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

ARTICLE II.
GOVERNMENT STRUCTURE

SECTION 2.10.
Town council.

The legislative authority of the government of the town, except as otherwise specifically provided in this charter, shall be vested in a town council to be composed of four councilmembers. The town council established shall, in all respects, be a successor to and a continuation of the governing authority under prior law. The councilmembers shall be elected by the voters of the town at large in the manner provided by general law and by this charter.
SECTION 2.11.

Town council terms and qualifications for office.

The members of the town council shall serve for terms of four years and until their respective successors are elected and qualified. No person shall be eligible to serve as a councilmember unless that person shall have been a resident of the town for 12 months prior to the date of election of members of the council; each shall continue to reside therein during his or her period of service and to be registered and qualified to vote in municipal elections of the town.

SECTION 2.12.

Vacancy.

(a) The office of mayor or councilmember shall become vacant upon the incumbent's death, resignation, forfeiture of office, or occurrence of any event specified by the Constitution of the State of Georgia, Title 45 of the O.C.G.A., or such other applicable laws as are or may hereafter be enacted.

(b) A vacancy in the office of mayor or councilmembers shall be filled for the remainder of the unexpired term, if any, by appointment by the town council or those members remaining, as provided for in Section 5.14 of this charter and in accordance with Titles 21 and 45 of the O.C.G.A., or other such laws as are or may hereafter be enacted.

(c) This provision shall also apply to a temporary vacancy created by the suspension from office of the mayor or any councilmember.
SECTION 2.13.
Compensation and expenses.

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

SECTION 2.14.
Conflicts of interest.

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

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

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

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

(3) Disclose confidential information, including information obtained at meetings which are closed pursuant to Chapter 14 of Title 50 of the O.C.G.A., concerning the property, government, or affairs of the governmental body by which the official is engaged without proper legal authorization or use such information to advance the financial or other private interest of the official or others;
(4) Accept any valuable gift, whether in the form of service, loan, thing, or promise, from any person, firm, or corporation which, to the official's knowledge, is interested, directly or indirectly, in any manner whatsoever in business dealings with the governmental body by which the official is engaged; provided, however, that an elected official who is a candidate for public office may accept campaign contributions and services in connection with any such campaign;

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

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

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

(d) No elected official, appointed officer, or employee of the town or any agency or entity to which this charter applies shall use property owned by such governmental entity for personal benefit or profit but shall use such property only in his or her capacity as an officer or employee of the town.

(e) Any violation of this section which occurs with the knowledge, express or implied, of a party to a contract or sale shall render said contract or sale voidable at the option of the town council.
(f) Except where authorized by law, neither the mayor nor any councilmember shall hold any other elective or appointive office in the town or otherwise be employed by said government or any agency thereof during the term for which that official was elected.

(g) Political activities of certain officers and employees.

(1) No appointive officer of the town shall continue in such employment upon qualifying as a candidate for nomination or election to any public office.

(2) No employee of the town shall continue in such employment upon qualifying for or being elected to any public office in the town or any other public office which is inconsistent, incompatible, or in conflict with the duties of the town employee.

(3) Such determination shall be made by the mayor and council either immediately upon election or at any time such conflict may arise.

(h) Penalties for violation.

(1) Any town officer or employee who knowingly conceals such financial interest or knowingly violates any of the requirements of this section shall be guilty of malfeasance in office or position and shall be deemed to have forfeited his or her office or position.

(2) Any officer or employee of the town who shall forfeit an office or position as described in paragraph (1) of this subsection, shall be ineligible for appointment or election to or employment in a position in the town government for a period of three years thereafter.

SECTION 2.15.

Inquiries and investigations.

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

**SECTION 2.16.**

General power and authority of the town council.

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

(b) In addition to all other powers conferred upon it by law, the council shall have the authority to adopt and provide for the execution of such ordinances, resolutions, rules, and regulations, not inconsistent with this charter and the Constitution and the laws of the State of Georgia, which it shall deem necessary, expedient, or helpful for the peace, good order, protection of life and property, health, welfare, sanitation, comfort, convenience, prosperity, or well-being of the inhabitants of the town and may enforce such ordinances by imposing penalties for violation of their requirements.

**SECTION 2.17.**

Eminent domain.

The town council is hereby empowered to acquire, construct, operate, and maintain public ways, parks, public grounds, cemeteries, markets, market houses, public buildings, libraries, sewers, drains, sewage treatment, waterworks, electrical systems, gas systems, airports, hospitals, and charitable, educational, recreational, sport, curative, corrective, detentional, penal, and medical institutions, agencies, and facilities, and any other public improvements in the town, and to regulate the use thereof; and for such purposes, property may be condemned under procedures established under general law applicable now or as provided in the future.
SECTION 2.18.
Organizational meetings.

The town council shall hold an organizational meeting on each first Tuesday of January. The meeting shall be called to order by the mayor or town clerk, and the oath of office shall be administered to the newly elected members by a judicial officer authorized to administer oaths and, to the extent that it comports with federal and state law, the oath shall be as follows:

"I do solemnly (swear)(affirm) that I will faithfully perform the duties of (mayor)(councilmember) of the town and that I will support and defend the charter thereof, as well as the Constitution and laws of the State of Georgia and of the United States of America. I am not the holder of any unaccounted for public money due this state or any political subdivision or authority thereof. I am not the holder of any office of trust under the government of the United States, any other state, or any foreign state which I by the laws of the State of Georgia am prohibited from holding. I am otherwise qualified to hold said office according to the Constitution and laws of Georgia. I have been a resident of the Town of Cohutta for the time required by the Constitution and laws of this state and by the municipal charter. I will perform the duties of my office in the best interest of the Town of Cohutta to the best of my ability without fear, favor, affection, reward, or expectation thereof."

SECTION 2.19.
Regular and special meetings.

(a) The town council shall hold regular meetings at such times and places as shall be prescribed by ordinance.
(b) Special meetings of the town council may be held on call of the mayor or three members of the town council. Notice of such special meetings shall be served on all other members personally, by email, and or by telephone personally, at least 48 hours in advance of the meeting. Such notice to councilmembers shall not be required if the mayor and all councilmembers are present when the special meeting is called. Such notice of any special meeting may be waived by a councilmember in writing before or after such a meeting, and attendance at the meeting shall also constitute a waiver of notice on any business transacted in such councilmember's absence. Only the business stated in the call may be transacted at the special meeting.

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

SECTION 2.20.

Rules of procedure.

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

(b) All committees and committee chairs and officers of the town council shall be appointed by the mayor and shall serve at the pleasure of the mayor. The mayor shall have the power to appoint new members to any committee at any time.
SECTION 2.21.

Quorum and voting.

(a) Two councilmembers and the mayor shall constitute a quorum and shall be authorized to transact business of the town council. The mayor shall preside at meetings of the council, shall have a vote only where it is the third vote for or against a matter, and shall have no veto power. Voting on the adoption of ordinances shall be by voice vote and the vote shall be recorded in the journal, but any member of the town council shall have the right to request a roll call vote and such vote shall be recorded in the journal. Except as otherwise provided in this charter, the affirmative vote of two councilmembers and the mayor or the affirmative vote of three councilmembers shall be required for the adoption of any ordinance, resolution, or motion.

(b) An abstention noted on the record shall be counted as a negative vote.

SECTION 2.22.

Ordinance form and procedures.

(a) Every proposed ordinance should be introduced in writing and in the form required for final adoption. No ordinance shall contain a subject which is not expressed in its title.

(b) An ordinance may be introduced by any councilmember and be read at a regular or special meeting of the town council. Ordinances shall be considered and adopted or rejected by the town council in accordance with the rules which it shall establish, provided, however, an ordinance shall not be adopted the same day it is introduced, except for emergency ordinances, as provided in Section 2.24. Upon introduction of any ordinance, the clerk shall as soon as possible distribute a copy to the mayor and to each councilmember and shall file a reasonable number of copies in the office of the clerk and at such other public places as the town council may designate.
SECTION 2.23.
Action requiring an ordinance.

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

SECTION 2.24.
Emergencies.

(a) To meet a public emergency affecting life, health, property, or public peace, the town council may convene on call of the mayor or two councilmembers and promptly adopt an emergency ordinance, but such ordinance may not levy taxes; grant, renew, or extend a franchise; regulate the rate charged by any public utility for its services; or authorize the borrowing of money except for loans to be repaid within 30 days. An emergency ordinance shall be introduced in the form prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists, and describing the emergency in clear and specific terms. An emergency ordinance may be adopted, with or without amendment, or rejected at the meeting at which it is introduced, but the affirmative vote of at least two councilmembers shall be required for adoption. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance shall automatically stand repealed 30 days following the date upon which it was adopted, but this shall not prevent reenactment of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.
(b) Such meetings shall be open to the public to the extent required by law, and notice to
the public of emergency meetings shall be made as fully as is reasonably possible in
accordance with Code Section 50-14-1 of the O.C.G.A., or such other applicable laws as
are or may hereafter be enacted.

SECTION 2.25.

Codes of technical regulations.

(a) The town council may adopt any standard code of technical regulations by reference
thereto in an adopting ordinance. The procedure and requirements governing such
adopting ordinance shall be as prescribed for ordinances generally except that:
(1) The requirements of subsection (b) of Section 2.22 for distribution and filing of
copies of the ordinance shall be construed to include copies of any code of technical
regulations, as well as the adopting ordinance; and
(2) A copy of each adopted code of technical regulations, as well as the adopting
ordinance, shall be authenticated and recorded by the town clerk pursuant to Section 2.26.
(b) Copies of any adopted code of technical regulations shall be made available by the
clerk for inspection by the public.

SECTION 2.26.

Signing, authenticating, recording, codification, and printing of the code.

(a) The town clerk shall authenticate by the clerk's signature and record in full, in a
properly indexed book kept for that purpose, all ordinances adopted by the council.
(b) The town council shall provide for the preparation of a general codification of all the
ordinances of the town having the force and effect of law. The general codification shall
be adopted by the town council by ordinance and shall be published promptly, together
with all amendments thereto, and such codes of technical regulations and other rules and regulations as the town council may specify. This compilation shall be known and cited officially as 'The Code of the Town of Cohutta, Georgia.' Copies of the code shall be furnished to all officers, departments, and agencies of the town, and made available for purchase by the public at a reasonable price as fixed by the town council.

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

SECTION 2.27.

Mayor.

The mayor shall be elected and serve for a term of four years and until a successor is elected and qualified. The mayor shall be a qualified elector of the town and shall have been a resident of the town for 12 months preceding the election. The mayor shall continue to reside in the town during the period of service. The mayor shall forfeit the office on the same grounds and under the same procedure as for councilmembers. The compensation of the mayor shall be established in the same manner as for councilmembers.
SECTION 2.28.

Chief executive officer.

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

SECTION 2.29.

Powers and duties of mayor.

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

1. See that all laws and ordinances of the town are faithfully executed;
2. Appoint and remove all officers, department heads, and employees of the town, except as otherwise provided in this charter;
3. Exercise supervision over all executive and administrative work of the town and provide for the coordination of administrative activities;
4. Prepare and submit to the town council a recommended operating budget and capital budget;
5. Submit to the town council at least once a year a statement covering the financial conditions of the town and, from time to time, such other information as the town council may request;
6. Recommend to the town council such measures relative to the affairs of the town, improvement of the government, and promotion of the welfare of its inhabitants as the mayor may deem expedient;
7. Call special meetings of the town council as provided for in Section 2.19;
8. Approve or disapprove the form of ordinances as provided in Section 2.30;
9. Provide for an annual audit of all accounts of the town;
(10) Require any department or agency of the town to submit written reports whenever the mayor deems it expedient; and

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

SECTION 2.30.
Submission of ordinances to the mayor.

(a) Every ordinance adopted by the town council shall be presented promptly by the town clerk to the mayor who shall ensure that the form of the ordinance is appropriate prior to publication.

(b) The mayor, within seven calendar days of receipt of a resolution or ordinance, shall return it to the town clerk, with or without the mayor's approval or with his veto. If the ordinance has been approved by the mayor, it shall become law upon its return to the town clerk; if the resolution or ordinance is neither approved nor disapproved, it shall become law at twelve o'clock noon on the twelfth calendar day after its adoption by the town council; if the resolution or ordinance is vetoed, the mayor shall submit to the town council through the town clerk a written statement explaining the reasons for the veto. The town clerk shall record upon the resolution or ordinance the date of its delivery to and receipt from the mayor.

SECTION 2.31.
Vice mayor.

By a majority vote, the town council shall elect a councilmember to serve as vice mayor. The vice mayor, shall preside at all meetings of the town council and shall assume the duties and powers of the mayor upon the mayor's physical or mental disability, suspension from office, or absence. The town council by a majority vote shall elect a new presiding officer.
from among its members for any period in which the vice mayor is disabled, absent, or acting
as mayor. Any such absence or disability shall be declared by majority vote of all
councilmembers. When serving as mayor, the vice mayor shall not vote as a member of the
council, but shall have the powers granted the mayor to vote.

ARTICLE III.

ADMINISTRATIVE AFFAIRS

SECTION 3.10.

Administrative and service departments.

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

(b) Except as otherwise provided by this charter or by law, the directors of departments
and other appointed officers of the town shall be appointed solely on the basis of their
respective administrative and professional qualifications. Except as otherwise provided by
this charter, all directors, officers, and employees of the town shall be appointed and
removed by and shall be under the direction and control of the mayor.

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

(d) There shall be a director of each department or agency who shall be its principal
officer. Each director shall, subject to the direction and supervision of the mayor, be
responsible for the administration and direction of the affairs and operations of that
director's department or agency.
(e) All appointive officers and directors shall be employees at-will and subject to removal or suspension at any time by the mayor, unless otherwise provided by law or ordinance.

SECTION 3.11.

Boards, commissions, and authorities.

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

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

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

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

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

(f) No member of a board, commission, or authority shall assume office until that person has executed and filed with the town clerk an oath obligating himself or herself to faithfully and impartially perform the duties of that member's office, such oath to be prescribed by ordinance and administered by the mayor.
(g) All board, commission, and authority members shall serve at-will and may be removed at any time by a vote of three members of the town council unless otherwise provided by law.

(h) Except as otherwise provided by this charter or by law, each board, commission, or authority of the town shall elect one of its members as chair and one member as vice-chair, and may elect as its secretary one of its own members or may appoint as secretary an employee of the town.

SECTION 3.12.

Town attorney.

(a) The mayor shall appoint a town attorney, together with such assistant town attorneys as may be authorized, and shall provide for the payment of such attorney or attorneys for services rendered to the town. The town attorney shall be responsible for providing for the representation and defense of the town in all litigation in which the town is a party; may be the prosecuting officer in the municipal court; shall attend the meetings of the council as directed; shall advise the town council, mayor, and other officers and employees of the town concerning legal aspects of the town's affairs; and shall perform such other duties as may be required by virtue of the person's position as town attorney.

(b) The town attorney is not a public official of the town and does not take an oath of office. The town attorney shall at all times be an independent contractor. A law firm, rather than an individual, may be designated as the town attorney.
SECTION 3.13.

Town clerk.

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

SECTION 3.15.

Personnel policies.

All employees of the town shall be appointed, promoted, demoted, transferred, suspended, and removed by the mayor. During a suspension, an employee's salary may be reduced or eliminated, as determined by the mayor. Before suspending, an employee for more than 30 days or removing him or her, the mayor shall serve the employee with a written notice of intention to suspend or remove the employee, containing a clear statement of the grounds for such proposed action, as well as notification that the employee may appeal to the personnel board, or the town council acting as the personnel board, by filing, within ten days, with the town clerk written notice of his or her intention to do so. The decisions of the town council acting as personnel board or of the personnel board shall be final.

SECTION 3.16.

Personnel board.

(a) In the event that a personnel board has been established and is in effect, such board shall be composed of three members appointed by the town council for three-year terms, provided that of the first appointees, one shall be for a term of one year and one for a term of two years.
(b) The personnel board shall elect a chairperson from its membership and shall adopt rules governing conduct of its business. The town council shall act as a personnel board in the event no current appointments for that group are in effect.

ARTICLE IV.
JUDICIAL BRANCH

SECTION 4.10.
Municipal court creation.

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

SECTION 4.11.
Chief judge and associate judge.

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

(b) No person shall be qualified or eligible to serve as a judge on the municipal court unless that person shall have attained the age of 21 years, shall be a member of the State Bar of Georgia, and shall possess all qualifications required by law. All judges shall be appointed to terms as provided by law by the town council and shall serve until a successor is appointed and qualified.

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

(d) Judges may be removed from office as provided by general law.

(e) Before assuming office, each judge shall take an oath, given by the mayor, that the judge will honestly and faithfully discharge the duties of the office to the best of his or her
ability and without fear, favor or partiality. The oath shall be entered upon the minutes of
the town council.

SECTION 4.12.
Convening.

The municipal court shall be convened at regular intervals to accommodate case loads.

SECTION 4.13.
Jurisdiction and powers.

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

(b) The municipal court shall have authority to punish those in its presence for contempt,
provided that such punishment shall not exceed $200.00 or ten days in jail.

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

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

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

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

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

(h) Each judge of the municipal court shall be authorized to issue warrants for the arrest
of persons charged with offenses against any ordinance of the town, and each judge of the
municipal court shall have the same authority as a magistrate of the state to issue warrants
for offenses against state laws committed within the town.

SECTION 4.14.

Certiorari.

The right of certiorari from the decision and judgment of the municipal court shall exist in
all criminal cases and ordinance violation cases, and such certiorari shall be obtained under
the sanction of a judge of the Superior Court of Whitfield County under the laws of the State
of Georgia regulating the granting and issuance of writs of certiorari.
SECTION 4.15.  
Rules of court.

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

ARTICLE V.
ELECTIONS AND REMOVAL

SECTION 5.10.
Applicability of general law.

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

SECTION 5.11.
Election of the town council and mayor.

(a) There shall be a municipal general election biennially in the odd years on the Tuesday next following the first Monday in November.
(b) There shall be elected the mayor and two councilmembers at one election and at every other regular election thereafter. The remaining town council seats shall be filled at the election alternating with the first election so that a continuing body is created.

(c) The mayor and councilmembers shall serve four-year terms of office.

SECTION 5.12.

Nonpartisan elections.

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

SECTION 5.13.

Election by plurality.

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

SECTION 5.14.

Special elections and vacancies.

In the event that the office of mayor or councilmember shall become vacant as provided in Section 2.12 of this charter, the town council or those remaining shall appoint a qualified person to fill such a vacancy for the remainder of the unexpired term. Should more than one vacancy occur with more than 12 months of the expiration of the terms, the council shall call a special election in accordance with Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended.
SECTION 5.15.

Other provisions.

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

SECTION 5.16.

Removal of officers.

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

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

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

(2) By an order of the Superior Court of Whitfield County following a hearing on a complaint seeking such removal brought by any resident of the town.
ARTICLE VI.
FINANCE

SECTION 6.10.
Property tax and referendum.

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

(b) Upon a petition of 40 registered voters delivered to the town clerk, the municipal election superintendent of the town shall call and conduct an election for the purpose of submitting to the electors of the town a question as to whether the town's ad valorem tax shall be abolished. The municipal election superintendent shall conduct that election in concurrence with a regular general municipal election and shall issue the call and conduct that election as provided by general law. The municipal election superintendent shall cause the date and purpose of the election to be published once a week for two weeks immediately preceding the date thereof in the official organ of Whitfield County. All persons desiring to vote for approval of the abolition of the ad valorem tax shall vote "Yes," and all persons desiring to vote for rejection of such abolition shall vote "No." If more than one-half of the votes cast on such question are for approval of abolishing the ad valorem tax, the town's ad valorem tax shall be terminated as of January 1 of the year immediately following the election. The expense of such election shall be borne by the town.
SECTION 6.11.
Millage rate, due dates, and methods of payment.

Provided that the ad valorem tax has not been abolished pursuant to subsection (b) of Section 6.10, the town council, by ordinance, shall establish a millage rate for the town ad valorem tax, a due date, and the time period within which such taxes must be paid. The town council, by ordinance, may provide for the payment of these taxes by two installments or in one lump sum, as well as authorize the voluntary payment of taxes prior to the time when due.

SECTION 6.12.
Occupation and business taxes.

The town council, by ordinance, shall have the power to levy such occupation or business taxes as are not denied by law. The town council may classify businesses, occupations, or professions for the purpose of such taxation in any way which may be lawful and may compel the payment of such taxes as provided in Section 6.18.

SECTION 6.13.
Regulatory fees and permits.

The town council, by ordinance, shall have the power to require businesses or practitioners doing business within the town to obtain a permit for such activity from the town and pay a reasonable regulatory fee for such permit as provided by general law. Such fees shall reflect the total cost to the town of regulating the activity, and if unpaid, shall be collected as provided in Section 6.18.

Franchises.

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

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

SECTION 6.15.

Service charges.

The town council, by ordinance, shall have the power to assess and collect fees, charges, assessments, and tolls for sewers, sanitary and health services, or any other services provided or made available within and without the corporate limits of the town. If unpaid, such charges shall be collected as provided in Section 6.18.
SECTION 6.16.
Special assessments.

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

SECTION 6.17.
Other taxes and fees.

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 the town to govern its local affairs.

SECTION 6.18.
Collection of delinquent taxes and fees.

The town council, by ordinance, may provide generally for the collection of delinquent taxes, fees, or other revenue due the town under Sections 6.10 through 6.17 by whatever reasonable means as are not precluded by law. This shall include providing for the dates when the taxes or fees are due; late penalties or interest; issuance and execution of fi.f.a.'s; creation and priority of liens; making delinquent taxes and fees personal debts of the persons required to pay the taxes or fees imposed; revoking town permits for failure to pay any town taxes or fees; and providing for the assignment or transfer of tax executions.
SECTION 6.19.

General obligation bonds.

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

SECTION 6.20.

Revenue bonds.

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

SECTION 6.21.

Short-term loans.

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

SECTION 6.22.

Lease-purchase contracts.

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

SECTION 6.23.

Fiscal year and financial reports.

The town council shall set the fiscal year by ordinance. This fiscal year shall constitute the budget year and the year for financial accounting and reporting of each and every office, department, agency, and activity of the town government unless otherwise provided by state or federal law. At the end of each month, the mayor shall submit a detailed budget report to the council, showing estimated and actual receipts and expenditures or encumbrances for that month and the fiscal year to the end of that month, as well as the amount encumbered or expended in excess of any of the itemized estimates of expenditures supporting the appropriation.

SECTION 6.24.

Preparation of budgets.

The town council shall provide an ordinance on the procedures and requirements for the preparation and execution of an annual operating budget, a capital improvement plan, and a capital budget, including requirements as to the scope, content, and form of such budgets and plans.
SECTION 6.25.
Submission of operating budget to town council.

On or before a date fixed by the town council but not later than 30 days prior to the beginning of each fiscal year, the mayor shall submit to the town council a proposed operating budget for the ensuing fiscal year. The budget shall be accompanied by a message from the mayor containing a statement of the general fiscal policies of the town, the important features of the budget, explanations of major changes recommended for the next fiscal year, a general summary of the budget, and such other pertinent comments and information. The operating budget and the capital budget hereinafter provided for, the budget message, and all supporting documents shall be filed in the office of the town clerk and shall be open to public inspection.

SECTION 6.26.
Action by town council on budget.

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

(b) The town council, by ordinance, shall adopt the final operating budget for the ensuing fiscal year not later than December 31 of each year. If the town council fails to adopt the budget by this date, the amounts appropriated for operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items prorated accordingly until such time as the town council adopts a budget for the ensuing fiscal year. Adoption of the budget shall take the form of an appropriations ordinance,
setting out the estimated revenues in detail by sources and making appropriations according
to fund and by organizational unit, purpose, or activity as set out in the budget preparation
ordinance adopted pursuant to Section 6.24.
(c) The amount set out in the adopted operating budget for each organizational unit shall
constitute the annual appropriation for such, and no expenditure shall be made or
encumbrance created in excess of the otherwise unencumbered balance of the
appropriations or allotment thereof, to which it is chargeable.

SECTION 6.27.
Tax levies.

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

SECTION 6.28.
Changes in Appropriations.

The town council, by ordinance, may make changes in the appropriations contained in the
current operating budget, at any regular, special, or emergency meeting called for such
purpose, but any additional appropriations may be made only from an existing unexpended
surplus.
SECTION 6.29.
Capital Budget.

(a) On or before the date fixed by the town council but no later than 30 days prior to the beginning of each fiscal year, the mayor shall submit to the town council a proposed capital improvements plan with a recommended capital budget containing the means of financing the improvements proposed for the ensuing fiscal year. The town council shall have power to accept, with or without amendments, or reject the proposed plan and proposed budget. The town council shall not authorize an expenditure for the construction of any building, structure, work, or improvement, unless the appropriations for such project are included in the capital budget, except to meet a public emergency as provided in Section 2.24.

(b) The town council shall adopt, by ordinance, the final capital budget for the ensuing fiscal year not later than December 31 of each year. No appropriation provided for in a prior capital budget shall lapse until the purpose for which the appropriation was made shall have been accomplished or abandoned; provided, however, the mayor may submit amendments to the capital budget at any time during the fiscal year, accompanied by recommendations. Any such amendments to the capital budget shall become effective only upon adoption by ordinance.

SECTION 6.30.
Independent audit or financial review.

There shall be an annual independent audit or financial review of all town accounts, funds, and financial transactions by a certified public accountant selected by the town council. The audit shall be conducted according to generally accepted auditing principles. Any audit of any funds by the state or federal governments may be accepted as satisfying the requirements
of this charter. Copies of annual audit or financial review reports shall be available at printing costs to the public.

SECTION 6.31.
Contracting procedures.

No contract with the town shall be binding on the town unless:
(1) It is in writing;
(2) It is drawn by or submitted to and reviewed by the town attorney and, as a matter of course, is signed by the town attorney to indicate such drafting or review; and
(3) It is made or authorized by the town council and such approval is entered in the town council journal of proceedings pursuant to Section 2.21.

SECTION 6.32.
Sale and lease of town property.

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

ARTICLE VII.

GENERAL PROVISIONS

SECTION 7.10.

Bonds for officials.

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

SECTION 7.11.

Prior ordinances.

All ordinances, resolutions, rules, and regulations now in force in the town not inconsistent with this charter are hereby declared valid and of full effect and force until amended or repealed by the town council.
SECTION 7.12.

Existing personnel and officers.

Except as specifically provided otherwise by this charter, all personnel and officers of the town and their rights, privileges, and powers shall continue beyond the time this charter takes effect for a period of 45 days before or during which the existing town council shall pass a transition ordinance detailing the changes in personnel and appointive officers required or desired and arranging such titles, rights, privileges, and powers as may be required or desired to allow a reasonable transition.

SECTION 7.13.

Pending matters.

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

SECTION 7.14.

Construction.

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

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

(c) The singular shall include the plural, the masculine shall include the feminine, and vice versa.
SECTION 7.15.

Severability.

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

SECTION 7.16.

Specific repealer.

An Act incorporating the Town of Cohutta in the County of Whitfield, approved April 10, 1969 (Ga. L. 1969, p. 2529), is hereby repealed in its entirety and all amendatory acts thereto are likewise repealed in their entirety.

SECTION 7.17.

General repealer.

All other laws and parts of laws in conflict with this charter are hereby repealed.