

House Bill 695 (AS PASSED HOUSE AND SENATE)

By: Representative Camp of the 135th

A BILL TO BE ENTITLED

AN ACT

1 To provide a new charter for the City of Thomaston; to provide for reincorporation,
2 boundaries, and powers of the city; to provide for the exercise of powers and limitations on
3 powers; to provide for vesting of property and assumption of prior debts; to provide for a
4 governing authority of such city and the powers, duties, authority, prohibitions, election,
5 election districts, terms, removal from office, method of filling vacancies, compensation,
6 expenses, and qualifications; to provide for inquiries and investigations; to provide for power
7 and duties of the mayor; to provide for conflict of interest and holding other offices; to
8 provide for organization and meeting procedures; to provide for quorums and voting; to
9 provide for emergencies; provide for ordinances; to provide for codes; to provide for the
10 office of city manager, certain duties and powers relative, and removal from office; to
11 provide for acting city manager; to provide for administrative responsibilities; to prohibit
12 certain interferences with administration; to provide for boards, commissions, and
13 authorities; to provide for a city attorney, city clerk, deputy city clerk, city auditor, and tax
14 collector; to provide employee classification and pay plans; to provide for personnel policies
15 to provide for the establishment of a municipal court and the judge or judges thereof; to
16 provide for practices and procedures; to provide for municipal elections; to provide for
17 taxation, permits, and fees; to provide for franchises, service charges, and assessments; to
18 provide for bonded and other indebtedness; to provide for accounting and budgeting; to

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19 provide for capital improvements; to provide for contracting and purchasing; to provide for
20 sale of city property; to provide for bonds for officials; to provide for pending matters, prior
21 ordinances, and existing personnel; to provide for definitions and construction; to provide
22 for severability; to address certain local constitutional amendments; to provide for related
23 matters; to repeal a specific Act; to repeal conflicting laws; and for other purposes.

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

25 **ARTICLE I.**
26 **CREATION, REINCORPORATION, AND POWERS**

27 **SECTION 1.1.**
28 **Reincorporation.**

29 The City of Thomaston, in Upson County, and the inhabitants thereof, are reincorporated by
30 the enactment of this charter and are hereby constituted and declared a body politic and
31 corporate under the name and style of the City of Thomaston, Georgia, and by that name
32 shall have perpetual succession.

33 **SECTION 1.2.**
34 **Corporate boundaries.**

35 The corporate boundaries of this city shall be those existing on the effective date of the
36 adoption of this charter with such alterations as may be made from time to time in the
37 manner provided by law. The boundaries of this city shall at all times be shown on a map,
38 a written description or any combination thereof, to be retained permanently as a public
39 record in the office of the city manager at city hall, Thomaston, Georgia, and to be

40 designated as the "Official Map of the City of Thomaston, Georgia." The original of such
41 map is expressly, by reference, incorporated herein as an integral part of this charter, and it
42 shall be signed by the mayor and be attested thereto by the city clerk or deputy city clerk.
43 Photographic, typed, or other copies of such map or description certified by the city clerk or
44 deputy city clerk shall be admitted as evidence in all courts and shall have the same force and
45 effect as the original map or description. All future alterations of said map or description,
46 as directed by the council to reflect lawful changes in the corporate boundaries, shall be
47 signed by the mayor and city clerk or deputy city clerk. A redrawn map or description shall
48 supercede, for all purposes, the entire map or maps and description or descriptions which it
49 is designated to replace.

50 **SECTION 1.3.**

51 Powers and construction.

52 (a) The City of Thomaston shall have all powers possible for a city to have under the present
53 and future construction and laws of the State of Georgia as fully and completely as though
54 they were specifically enumerated in this charter. This city shall have all the powers of
55 self-government not otherwise prohibited by this charter or by general law.
56 (b) The powers of the City of Thomaston shall be constructed liberally in favor of the city.
57 The specific mention or failure to mention particular powers shall not be construed as
58 limiting in any way the powers of the city.

59 **SECTION 1.4.**

60 Examples of powers.

61 The corporate powers of the City of Thomaston, Georgia, may include but are not limited to
62 the following:

- 63 (1) Animal regulations. To regulate and license or to prohibit the keeping or running
64 at large of animals and fowl, and to provide for the impoundment of same if in
65 violation of any ordinance or lawful order; to provide for the disposition or sale, gift,
66 or humane destruction of animals and fowl when not redeemed as provided by
67 ordinance; and to provide punishment for violation of ordinances enacted hereunder;
- 68 (2) Appropriations and expenditures. To make appropriations for the support of the
69 government of the city; to authorize the expenditure of money for any purposes
70 authorized by this charter and for any purpose for which a municipality is authorized
71 by the laws of the State of Georgia; and to provide for the payment of expenses of the
72 city;
- 73 (3) Building regulation. To regulate and to license the erection and construction of
74 buildings and all other structures; to adopt building, housing, plumbing, fire safety,
75 electrical, gas, and heating and air conditioning codes; and to regulate all housing and
76 building trades;
- 77 (4) Business regulation and taxation. To levy and to provide for the collection of
78 license fees, permit fees, and taxes on privileges, occupations, trades, and professions
79 as authorized by Title 48 of the O.C.G.A., or other such applicable laws as are or may
80 hereafter be enacted; to license, permit, and regulate the same; to provide for the
81 manner and method of payment of such licenses, permits, and taxes; and to revoke
82 such licenses after due process for failure to pay any city taxes or fees or for
83 violations of licensing regulations;
- 84 (5) Condemnation. To condemn property, inside and outside the corporate
85 boundaries of the city, for present or future use and for any corporate purpose deemed
86 necessary by the governing authority, utilizing procedures enumerated in Title 22 of
87 the O.C.G.A., or such other applicable laws as are or may hereafter be enacted;
- 88 (6) Contracts. To enter into contracts and agreements with other governmental
89 entities and with private persons, firms, and corporations;

- 90 (7) Electric fees. To levy a fee, charge, or tax as necessary to assure the acquiring,
91 constructing, equipping, operating, maintaining, and extending of an electric plant and
92 the infrastructure thereof, and to levy on users an electric service fee, charge, or tax
93 for the availability or use thereof; to provide for the manner and method of collecting
94 such service charges and for enforcing payment of the same; and to charge, impose
95 and collect an electric connection fee to those connected with the system;
- 96 (8) Emergencies. To establish procedures for determining and proclaiming that an
97 emergency situation exists within or without the city, and to make and carry out all
98 reasonable provisions deemed necessary to deal with or meet such an emergency for
99 the protection, safety, health, or well-being of the citizens of the city;
- 100 (9) Environmental protection. To protect and preserve the natural resources,
101 environment, and vital areas of the city, the region, and the state through the
102 preservation and improvement of air quality, the restoration and maintenance of water
103 resources, the control of erosion and sedimentation, the management of stormwater
104 and establishment of a stormwater utility, the management of solid and hazardous
105 waste, and other necessary actions for the protection of the environment;
- 106 (10) Fire regulations. To fix and establish fire limits and from time to time to extend,
107 enlarge, or restrict the same; to prescribe fire safety regulations not inconsistent with
108 general law, relating to both fire prevention and detection and to firefighting; and to
109 prescribe penalties and punishment for violations thereof;
- 110 (11) Garbage fees. To levy, fix, assess, and collect a garbage, refuse, and trash
111 collection and disposal, and other sanitary service charge, tax, or fee for such services
112 as may be necessary in the operation of the city from all individuals, firms, and
113 corporations residing in or doing business therein and benefiting from such services;
114 to enforce the payment of such charges, taxes, or fees; and to provide for the manner
115 and method of collecting such service charges;

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

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

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

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

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

134 (17) Municipal agencies and delegation of power. To create, alter, or abolish
135 departments, boards, offices, commissions, and agencies of the city, and to confer
136 upon such departments, boards, offices, commissions, and agencies the necessary and
137 appropriate authority for carrying out all the powers conferred upon or delegated to
138 the same;

139 (18) Municipal debts and issuance of bonds. To contract debts and issue bonds of
140 said city as the valid obligations of said city, under and in accordance with the
141 limitations provided in the Constitution and laws of said state, for the purpose of
142 refunding valid and existing debts, establishing, improving, and maintaining a water

143 supply system, a system of lights or electric power, any other public service or utility
144 system, hospitals, or other public buildings, for the paving or otherwise improving of
145 city streets or public places, and for any other improvement, convenience, or necessity
146 for the use of said city or the citizens thereof, or for any other lawful purpose.

147 (19) Municipal property ownership. To purchase, hold, rent, lease, and receive by
148 gift or otherwise, and to enjoy, possess, and retain, temporarily or permanently, any
149 property, real or personal, of any kind whatsoever either within or without the
150 corporate limits of said city, for corporate purposes;

151 (20) Municipal property protection. To provide for the preservation and protection
152 of property, real and personal, and the administration and use of same by the public;
153 and to prescribe penalties and punishment for violations thereof;

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

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

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

165 (24) Planning and zoning. To provide comprehensive city planning for development
166 by zoning; and to provide subdivision regulation and the like as the city council
167 deems necessary and reasonable to insure a safe, healthy, and aesthetically pleasing
168 community;

- 169 (25) Police and fire protection. To exercise the power of arrest through duly
170 appointed police officers, and to establish, operate, or contract for a police and
171 firefighting agency;
- 172 (26) Public hazards: removal. To provide for the destruction and removal of any
173 building or other structure which is or may become dangerous or detrimental to the
174 public;
- 175 (27) Public improvements. To provide for the acquisition, construction, building,
176 operation, and maintenance of public ways, parks, and playgrounds, recreational
177 facilities, cemeteries, markets, and market houses, public buildings, libraries, public
178 housing, airports, hospitals, terminals, docks, parking facilities, or charitable, cultural,
179 educational, recreational, conservation, sport, curative, detentional, penal and medical
180 institutions, agencies and facilities; to provide any other public improvements, inside
181 or outside the corporate limits of the city; to regulate the use of public improvements;
182 and for such purposes, property may be acquired by condemnation under Title 22 of
183 the O.C.G.A., or such other applicable laws as are or may hereafter be enacted;
- 184 (28) Public peace. To provide for the prevention and punishment of loitering,
185 disorderly conduct, drunkenness, riots, and public disturbances;
- 186 (29) Public transportation. To organize and operate such public transportation
187 systems as are deemed beneficial;
- 188 (30) Public utilities and services. To grant franchises or make contracts for, or
189 impose taxes on public utilities and public service companies; and to prescribe the
190 rates, fares, regulations, and standards and conditions of service applicable to the
191 service to be provided by the franchise grantee or contractor; insofar as not in conflict
192 with valid regulations of the Public Service Commission;
- 193 (31) Regulation of roadside areas. To prohibit or regulate and control the erection,
194 removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and
195 any and all other structures or obstructions upon or adjacent to the rights-of-way of

196 streets and roads or within view thereof, within or abutting the corporate limits of the
197 city; and to prescribe penalties and punishment for violation of such ordinances;

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

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

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

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

220 (36) Special areas of public regulation. To regulate or prohibit junk dealers and the
221 manufacture and sale of intoxicating liquors; to regulate the transportation, storage,
222 and use of combustible, explosive, and inflammable materials, the use of lighting and

223 heating equipment, and any other business or situation which may be dangerous to
224 persons or property; to regulate and control the conduct of peddlers and itinerant
225 traders, theatrical performances, exhibitions, and shows of any kind, by taxation or
226 otherwise; to license and tax professional fortunetelling, palmistry, and massage
227 parlors; and to restrict adult bookstores to certain areas;

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

230 (38) Taxes:

231 (A) Ad valorem. To levy and provide for the assessment, valuation,
232 revaluation, and collection of taxes on all property subject to taxation;

233 (B) Other. To levy and collect such other taxes as may be allowed now or in
234 the future by municipal governments;

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

239 (40) Water fees. To levy a fee, charge, or tax as necessary to assure the acquiring,
240 constructing, equipping, operating, maintaining, and extending of a water plant and
241 the infrastructure thereof, and to levy on users a water service fee, charge, or tax for
242 the availability or use thereof; to provide for the manner and method of collecting
243 such service charges and for enforcing payment of the same; and to charge, impose,
244 and collect a water connection fee to those connected with the system;

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

247 (42) Other powers. To exercise and enjoy all other powers, functions, rights,
248 privileges, and immunities necessary or desirable to promote or protect the safety,
249 health, peace, security, good order, comfort, convenience, or general welfare of the

250 city and its inhabitants; and to exercise all implied powers necessary or desirable to
251 carry into execution all powers granted in this charter as fully and completely as if
252 such powers were fully stated herein; and to exercise all powers now or in the future
253 authorized to be exercised by other municipal governments under other laws of the
254 State of Georgia; and no listing of particular powers in this charter shall be held to be
255 exclusive of others, nor restrictive of general words and phrases granting powers, but
256 shall be held to be in addition to such powers unless expressly prohibited to
257 municipalities under the Constitution or applicable laws of the State of Georgia.

258 **SECTION 1.5.**

259 Vesting of property owned at time of enactment.

260 The title to any property, real or personal, within or without the corporate limits of said city,
261 heretofore acquired by the City of Thomaston, with or without proper charter authority, is
262 hereby vested in the City of Thomaston created by this charter, the acquisition thereof being
263 hereby ratified and made lawful.

264 **SECTION 1.6.**

265 Assumption of former debts.

266 The City of Thomaston created by this act is hereby made responsible, as a body corporate,
267 for all legal undertakings, liabilities, and debts of the former City of Thomaston, whether for
268 principal and interest or outstanding bonds, or other contracts or indebtedness.

269 **SECTION 1.7.**

270 Exercise of powers.

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

275 **ARTICLE II.**

276 **CITY GOVERNMENT**

277 **SECTION 2.1.**

278 Governing authority.

279 The municipal government of the city shall consist of a mayor and five councilmembers, and
280 shall be known as the "Mayor and City Council of the City of Thomaston, Georgia." The
281 mayor and city council shall be the legislative branch of government and shall have
282 governing authority of the city. The powers and authority of the mayor and city council shall
283 be exercised in compliance with the provisions of this charter and as otherwise authorized
284 by the laws of the State of Georgia.

285 **SECTION 2.2.**

286 Councilmembers and election districts.

287 (a) One councilmember shall be elected from the entire city at large and shall serve as the
288 mayor pro tempore. Four councilmembers shall be elected from the districts provided for
289 in subsection (b) of this section.

290 (b) For the purpose of electing district councilmembers the City of Thomaston shall be
291 divided into four districts which shall correspond to those four numbered districts described
292 in Appendix A attached to and made a part of this Act and further identified as "User:
293 Thomaston Plan Name: Thomaston-2023 Plan Type: Local".

294 (c)(1) For the purposes of such plan:

295 (A) The term "VTD" shall mean and describe the same geographical
296 boundaries as provided in the report of the Bureau of the Census for the United
297 States decennial census of 2020 for the State of Georgia. The separate
298 numeric designations in a district description which are underneath a VTD
299 heading shall mean and describe individual Blocks within a VTD as provided
300 in the report of the Bureau of the Census for the United States decennial
301 census of 2020 for the State of Georgia; and

302 (B) Except as otherwise provided in the description of any district, whenever
303 the description of any district refers to a named city, it shall mean the
304 geographical boundaries of that city as shown on the census maps for the
305 United States decennial census of 2020 for the State of Georgia.

306 (2) Any part of the city which is not included in any district described in
307 subsection (b) of this section shall be included within that district contiguous to such
308 part which contains the least population according to the United States decennial
309 census of 2020 for the State of Georgia.

310 (3) Except for any incorporated island, any part of the city which is described in
311 subsection (b) of this section as being included in a particular district shall
312 nevertheless not be included within such district if such part is not contiguous to such
313 district. Such noncontiguous part shall instead be included within that district
314 contiguous to such part which contains the least population according to the United
315 States decennial census of 2020 for the State of Georgia.

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SECTION 2.3.

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Mayor and city council qualifications and terms.

318 (a) The mayor and each member of city council shall serve for a period of four years in each
319 term for which they are elected. The mayor and each member of city council in office on the
320 effective date of this section shall serve the remainder of his or her term of office for which
321 he or she was elected.

322 (b) No person shall be eligible to serve as mayor or city council member unless he or she
323 is a qualified municipal voter, has attained the age of 21 years on the date of the election, and
324 shall have been a resident of the city for one year immediately prior to the date of his or her
325 election. No person who has been convicted of a felony or misdemeanor involving moral
326 turpitude shall be eligible to be elected as mayor or councilmember unless that person's civil
327 rights have been restored.

328 (c) No person shall be eligible to serve as a councilmember representing an election district
329 unless that person has been a resident of the district such person seeks to represent for a
330 continuous period of at least six months immediately prior to the date of the election for
331 councilmember.

332 (d) If the mayor or any councilmember fails to continue to meet the residency requirements
333 set forth above, during his or her term of office, he or she shall immediately resign from
334 office or, upon failure to resign, be removed from office by operation of law.

335 (e) Those persons currently elected to hold office of mayor or councilmember shall continue
336 to serve in said position until their successors are duly elected and qualified as provided by
337 law.

338 **SECTION 2.4.**

339 Holding other office.

340 Except where authorized by law, the mayor or any councilmember shall not hold any other
341 city office or city employment during the term for which that person was elected. No former
342 mayor and no former councilmember shall hold any appointive office in the city until one
343 year after the expiration of the term for which that official was elected.

344 **SECTION 2.5.**

345 Vacancies and the filling of vacancies of office.

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

350 (b) A vacancy in the office of mayor or any councilmember shall be filled for the remainder
351 of the unexpired term, if any, by appointment by the city council or those members
352 remaining if less than 12 months remaining in the unexpired term. If the vacancy occurs 12
353 months or more prior to the expiration of the term of that office, it shall be filled for the
354 remainder of the unexpired term by a special election, as provided with Titles 21 and 45 of
355 the O.C.G.A., or other such laws as are or may hereafter be enacted.

356 (c) This provision shall also apply to a temporary vacancy created by the suspension from
357 office of the mayor or any councilmember and to a vacancy that occurs when the mayor or
358 any councilmember no longer meets the residency requirements as set forth in Section 2.3.

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SECTION 2.6.

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Compensation and expenses.

361 (a) The mayor and each councilmember shall receive an annual salary and other benefits that
362 are not prohibited by law, which shall be established by ordinance adopted in accordance
363 with state law, and said salary shall be paid in 12 equal payments on or by the end of each
364 month.

365 (b) In addition to their annual salary, the mayor and each councilmember may be reimbursed
366 for actual out of pocket expenses incurred on behalf of the city and within the scope of their
367 representation thereof as provided by ordinance.

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SECTION 2.7.

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Inquiries and investigations.

370 Following the adoption of an authorizing resolution, the mayor and city council may make
371 inquiries and investigations into the affairs of the city and the conduct of any department,
372 office or agency thereof, and for this purpose may subpoena witnesses, administer oaths, take
373 testimony, and require the production of documents, records, recordings, or other evidence.
374 Any person who fails or refuses to obey a lawful order issued in the exercise of these powers
375 by the mayor and city council shall be punished as provided by ordinance. The mayor, or
376 in his or her absence the mayor pro tempore, shall have authority to issue subpoenas and
377 administer oaths.

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SECTION 2.8.

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General power and authority of the mayor and city council.

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

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(b) In addition to the powers conferred by law, the mayor and city council shall have the authority to adopt and provide for the execution of such ordinances, resolutions, and rules and regulations which are 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 City of Thomaston and may enforce such ordinances by imposing penalties for violation thereof.

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(c) The mayor and city 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, sports, curative, corrective, detentional, penal, and medical institutions, agencies, and facilities, and any other public improvements inside or outside the city, and to regulate the use thereof, and for such purposes, property may be condemned under procedures established by general law applicable now or as provided in the future.

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SECTION 2.9.

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Duties and powers of mayor.

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The mayor shall have the following duties and powers:

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(1) Preside at meetings of city council;

- 401 (2) Vote on the appointment of city manager, city attorney, city clerk, municipal
402 court judge, and auditor;
- 403 (3) Other than as allowed by paragraph (2) of this section, the mayor may not vote
404 at meetings of the mayor and city council, except in the event of a tied vote by the
405 council on any questions, resolutions, or measure;
- 406 (4) Veto power on decisions except those on which the mayor's vote is cast as set
407 forth in paragraphs (2) and (3) of this section or in which he or she has a financial
408 interest or conflict of interest as set forth in Section 2.11, and said veto power must
409 be exercised within three days after the passage of any measure, ordinance, order, or
410 resolution of the city council; failure to exercise the veto power shall result in the
411 passage of the measure, ordinance, order, or resolution as approved by the majority
412 vote of city council; and said veto must be in writing setting forth the mayor's reasons
413 for disapproval and filed with the city clerk or deputy city clerk, and should the mayor
414 exercise his or her veto power, the measure, ordinance, order, or resolution shall not
415 become a law or enforceable unless subsequently passed over the mayor's veto of at
416 least four councilmembers;
- 417 (5) Disapprove or reduce any item or items of appropriation in any ordinance. The
418 approved part or parts of any ordinance making appropriations shall become law, and
419 the part or parts disapproved shall not become law unless subsequently passed by the
420 city council over the mayor's veto as provided in paragraph (4) of this section. The
421 reduced part or parts shall be presented to city council as though disapproved and
422 shall not become law unless overridden by the city council as provided paragraph (4)
423 of this section;
- 424 (6) May approve in writing any measure passed by the city council and it shall go
425 into effect immediately;

- 426 (7) Sign as a matter of course on behalf of the city written and approved contracts,
427 ordinances, and other instruments executed by the city which by law are required to
428 be in writing;
- 429 (8) Have power to administer oaths and to take affidavits; and
- 430 (9) Be the head of the city for the purpose of service of process and for ceremonial
431 purposes, and be the official spokesperson for the city and the chief advocate of
432 policy.

433 **SECTION 2.10.**

434 Duties and powers of mayor pro tempore.

- 435 (a) The mayor pro tempore shall, in the absence, disability, or disqualification of the mayor,
436 perform all the duties and exercise all the rights, powers, and privileges of the office of
437 mayor. Any such disability or disqualification shall be declared by a majority of all
438 councilmembers.
- 439 (b) Mayor pro tempore, when acting as mayor, shall continue to vote as a member of the city
440 council.

441 **SECTION 2.11.**

442 Fiduciary capacity; conflict of interest; and voting when financial interest.

- 443 (a) Elected and appointed officers of the city are trustees and servants of the residents of the
444 city and shall act in a fiduciary capacity for the benefit of such residents.
- 445 (b) Any elected official, appointed officer, or employee who shall have any financial
446 interest, directly or indirectly, in any contract or matter pending before or within any
447 department of the city shall disclose such interest to the city council. The mayor or any
448 councilmember who has a financial interest in any matter pending before the city council

449 shall disclose such interest and such disclosure shall be entered on the records of the city
450 council, and that official shall disqualify himself or herself from participating in any decision
451 or vote relating thereto. If the mayor is disqualified from participating in any decision or
452 vote pursuant to this provision, he or she shall also be disqualified from exercising his or her
453 veto power in any decision related to his or her disqualification. Any elected official,
454 appointed officer, or employee of any agency or political entity to which this charter applies
455 who shall have any financial interest, directly or indirectly, in any contract or matter pending
456 before or within such entity shall disclose such interest to the governing body of such agency
457 or entity.

458 **SECTION 2.12.**

459 Organizational meetings.

460 The city council shall hold an organizational meeting on the first regular meeting in January
461 of each year. The meeting shall be called to order by the mayor and the oath of office shall
462 be administered to the newly elected members as follows:

463 "I do solemnly swear or affirm that I will faithfully discharge the duties devolved on
464 me as mayor/councilmember of the City of Thomaston; that I will faithfully execute
465 and enforce the laws of said city, the United States Constitution and the Constitution
466 of the State of Georgia, to the best of my ability, skill, and knowledge; and that I will
467 do all in my power to promote the general welfare of the inhabitants of said city and
468 common interest thereof.

469 I do further swear or affirm that I am not the holder of any unaccounted for public
470 money due this state or any political subdivision or authority thereof. I am not the
471 holder of any office of trust under the government of the United States, any other
472 state, or any foreign state which I by the laws of the State of Georgia am prohibited
473 from holding. So help me God."

474

SECTION 2.13.

475

Regular and special meetings.

476 (a) The mayor and city council shall have full power to fix the time, place, and rules of
477 procedure of their regular sessions. The mayor, or a majority of the city council, shall have
478 power to convene the city council in special session by delivering written notice thereof
479 personally to the mayor and to each councilman at least 24 hours prior to the convening of
480 such meeting. Such notice to councilmembers shall not be required if the mayor and all
481 councilmembers are present when the special meeting is called. Such notice of any special
482 meeting may be waived by a councilmember in writing before or after such a meeting, and
483 attendance at the meeting shall constitute a waiver of notice on any business transacted in
484 such councilmember's presence. The mayor and city council shall have full and ample power
485 to do and perform any of their duties or exercise any of their powers at a special or called
486 session as at a regular session. Only the business stated in the call may be transacted at the
487 special meeting.

488 (b) All meetings of the city council shall be open to the public to the extent required by law
489 and notice to the public of special meetings shall be made fully as is reasonably possible as
490 provided by Code Section 50-14-1 of the O.C.G.A., or other such applicable laws as are or
491 may hereafter be enacted. For each meeting, minutes shall be kept of the proceedings
492 wherein the actions taken are recorded.

493

SECTION 2.14.

494

Rules of procedure.

495 The city council shall adopt its rules of procedure and order of business consistent with the
496 provisions of this charter and shall provide for keeping a journal of its proceedings which
497 shall be a public record. The rules of procedure and order in place at the time this charter

498 is enacted, and as previously adopted, shall remain in effect until such time as city council
499 deems it appropriate and necessary to amend all or a portion thereof.

500 **SECTION 2.15.**

501 Quorum; voting.

502 Four councilmembers or three councilmembers and mayor shall constitute a quorum of the
503 city council. Voting on the adoption of ordinances, resolutions, contracts, or other matters
504 brought before city council shall be by voice vote, and the ayes and nays shall be recorded
505 in the minutes. The mayor or any member of the city council shall have the right to request
506 a roll call vote, and such vote shall be recorded in the minutes. The vote of the majority of
507 those present shall control. A councilmember who abstains from voting must abstain on the
508 basis of an announced conflict of interest or other legal ground, and in the absence thereof,
509 the abstention shall be counted as an affirmative vote.

510 **SECTION 2.16.**

511 Ordinances form; procedures.

512 (a) Every proposed ordinance should be introduced in writing and in the form required for
513 final adoption.

514 (b) An ordinance may be introduced by any councilmember, the mayor, or the city manager
515 and be read at a regular or special meeting of the city council. Ordinances shall be
516 considered and adopted or rejected by the city council in accordance with the rules which it
517 shall establish; provided, however, an ordinance shall not be adopted the same day it is
518 introduced, except for emergency ordinances provided in Section 2.18 or unless it is
519 unanimously approved by all members of city council then in office. Said ordinance may
520 be amended, corrected, or revised. Upon introduction of any ordinance, the city clerk or
521 deputy city clerk shall, as soon as possible, distribute a copy to the mayor and each

522 councilmember and shall file a reasonable number of copies in the office of the clerk and at
523 such other public places as the city council may designate.

524 **SECTION 2.17.**

525 Action requiring an ordinance.

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

527 **SECTION 2.18.**

528 Emergencies.

529 To meet a public emergency affecting life, health, property, or public peace, the city council
530 may convene on call of the mayor or four councilmembers and promptly adopt an emergency
531 ordinance, but such ordinance may not levy taxes; grant, renew, or extend a franchise;
532 regulate the rate charged by any public utility for its services; or authorize the borrowing of
533 money except for loans to be repaid within 30 days. An emergency ordinance shall be
534 introduced in the form prescribed for ordinances generally, except that it shall be plainly
535 designated as an emergency ordinance and shall contain, after the enacting clause, a
536 declaration stating that an emergency exists, and describing the emergency in clear and
537 specific terms. An emergency ordinance may be adopted, with or without amendment, or
538 rejected at the meeting at which it is introduced, but the affirmative vote of at least four
539 councilmembers shall be required for adoption. The emergency ordinance shall become
540 effective upon adoption or at such later time as it may specify. Every emergency ordinance
541 shall automatically stand repealed 30 days following the date upon which it was adopted, but
542 this shall not prevent reenactment of the ordinance in the manner specified in this section if
543 the emergency still exists. An emergency ordinance may also be repealed by adoption of a
544 repealing ordinance in the same manner specified in this section for adoption of emergency
545 ordinances.

546

SECTION 2.19.

547

Codes of technical regulations.

548 (a) The city council may adopt any standard code of technical regulations by reference
549 thereto in an adoption ordinance. The procedure and requirements governing such adopting
550 ordinance shall be as prescribed for ordinances generally except that:

551 (1) The requirements of Section 2.16 for distribution and filing of copies of the
552 ordinance shall be construed to include copies of any code of technical regulations,
553 as well as the adopting ordinance; and

554 (2) A copy of each adopted code of technical regulations, as well as the adopting
555 ordinance, shall be authenticated and recorded by the clerk pursuant to Section 2.20.

556 (b) Copies of any adopted code of technical regulations shall be made available by the clerk
557 for inspection by the public at a reasonable cost.

558

SECTION 2.20.

559

Signing; authenticating; recording; codification; printing.

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

563 (b) The city council shall provide for the preparation of a general codification of all the
564 ordinances of the city having the force and effect of law. The general codification shall be
565 adopted by the city council by ordinance and shall be published promptly, together with all
566 amendments thereto and such codes of technical regulations and other rules and regulations
567 as the city council may specify. This compilation shall be known and cited officially as "The
568 Code of the City of Thomaston, Georgia." Copies of the code shall be furnished to or made

569 accessible by all officers, departments, and agencies of the city, and made available for
570 purchase by the public at a reasonable price as fixed by the city council.

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

580 **ARTICLE III.**

581 **ADMINISTRATIVE AFFAIRS**

582 **SECTION 3.1.**

583 **Organization.**

584 The city government shall continue as presently organized, unless and until otherwise
585 provided by ordinance. The mayor and city council may by such ordinances establish,
586 abolish, merge, or consolidate offices, positions of employment, departments, and agencies
587 of the city; may provide that the same person shall fill a number of offices and positions of
588 employment; and may transfer or change the functions and duties of offices, positions of
589 employment, departments, and agencies of the city.

590

SECTION 3.2.

591

Administrative duties of mayor.

592

The mayor shall be the presiding officer of the city council.

593

SECTION 3.3.

594

City manager: appointment, qualifications, and compensation.

595

(a) The mayor and city council shall appoint a city manager for an indefinite term and shall fix the manager's compensation.

597

(b) The city manager shall be the chief executive officer and the head of the administrative branch of the city government. The city manager shall be chosen by the mayor and city council solely on the basis of his or her executive and administrative qualifications, with special reference to his actual experience in, or his or her knowledge of, accepted practice in respect to the duties of his or her office as hereinafter outlined.

602

(c) The minimum qualifications for the city manager are as follows:

603

(1) A master's degree together with two years of experience in any position through which, in the discretion of the mayor and city council, the applicant has gained the skills, knowledge and experience necessary to fulfill the responsibilities and tasks of city manager or a bachelor's degree with five years of experience in any position through which, in the discretion of the mayor and city council, the applicant has gained the skills, knowledge, and experience necessary to fulfill the responsibilities and tasks of city manager;

610

(2) At least 21 years of age; and

611

(3) No misdemeanor or felony convictions involving moral turpitude.

612

(d) During his or her tenure, the city manager shall not engage in any other business or employment, unless otherwise specifically allowed by his or her employment agreement.

613

614 (e) No person elected as mayor or as a councilman of the City of Thomaston shall,
615 subsequent to such election, be eligible for appointment as city manager until two years have
616 elapsed following the expiration of the term for which he or she was elected.

617 (f) The city manager is employed at will and may be summarily removed from office at any
618 time by the city council subject to the termination provisions set forth in the employment
619 agreement entered into between the city and the city manager.

620 **SECTION 3.4.**

621 Removal of city manager.

622 The mayor and city council may, by affirmative vote of a majority, remove or suspend the
623 city manager from office through adoption of a preliminary resolution which must state the
624 reasons for such removal or suspension. The removal or suspension may be effective
625 instant, and if so provided by such resolution, in the event of removal or suspension, the
626 city manager's entitlement to continue receiving compensation shall be at the sole discretion
627 of the city council to the extent that said discretion is not otherwise limited or prohibited by
628 the provisions and terms set forth in the city manager's contract of employment. The action
629 of the mayor and city council in removing or suspending the city manager shall be final and
630 conclusive and not subject to review except for constitutional questions, and this provision
631 shall, by operation of law, be and become a part of any contract of employment between the
632 city manager and the City of Thomaston. A copy of a resolution removing or suspending the
633 city manager shall be certified by the city clerk or deputy city clerk and served upon the city
634 manager.

635 **SECTION 3.5.**

636 Acting city manager.

637 In the case of absence, disability, or suspension of the city manager, or in case of a vacancy
638 in the office, the mayor and city council may designate a person meeting the qualifications
639 set forth in Section 3.3(c) to temporarily perform the duties of the city manager during such
640 absence, disability, suspension, or vacancy.

641 **SECTION 3.6.**

642 Powers and duties of the city manager.

643 The city manager shall be the chief executive and administrative officer of the city. The city
644 manager shall be responsible to the city council for the efficient administration of all city
645 affairs placed in the city manager's charge by or under this charter. As the chief executive
646 and administrative officer, the city manager shall:

- 647 (1) See that all laws and ordinances of the city are enforced;
- 648 (2) Appoint, subject to the confirmation of the mayor and city council, the heads of
649 such departments as the mayor and city council shall from time to time establish, and
650 to appoint, without the confirmation of the mayor and city council, such other officers
651 and employees as may be necessary or proper; provided that excepted from this
652 power of appointment are its officers and employees who, by this charter, are
653 appointed or elected by the mayor and city council;
- 654 (3) Remove department heads of the City of Thomaston without the consent of the
655 mayor and city council, but only after formal consultation with the mayor and city
656 council; to remove other officers and employees of the City of Thomaston without the
657 consent of or formal consultation with the mayor and city council, provided he or she

658 shall not have the right to remove those officers and employees who, by this charter,
659 are appointed or elected by the mayor and city council;

660 (4) Fix all salaries and compensation of the department heads of the various city
661 departments within the minimum and maximum limits prescribed by city council, and
662 to fix all salaries and compensation of all other city employees lawfully employed by
663 him or her;

664 (5) Exercise supervision and control of all departments of the city that are now or
665 may hereafter be created by the mayor and city council, except as otherwise provided
666 for in this charter;

667 (6) Attend all meetings of the mayor and city council, except for closed meetings
668 held for the purpose of deliberating on the appointment, discipline, or removal of the
669 city manager, with a right to take part in the discussion, but having no vote. The city
670 manager shall be entitled to notice of all special meetings of the mayor and city
671 council;

672 (7) Recommend to the mayor and city council the adoption of such measures,
673 ordinances, and resolutions as he or she may deem necessary or expedient;

674 (8) Make and execute lawful contracts, except as otherwise provided for in this
675 charter, on behalf of the city as to matters within his or her jurisdiction, except such
676 as may be otherwise provided by law or by ordinances passed by the mayor and city
677 council; provided, however, no electric light, water, or other public utility plant or
678 system now or hereafter owned by the City of Thomaston shall be sold, leased, or
679 otherwise disposed of except in strict compliance with the laws of the State of
680 Georgia and the provisions of the charter of the City of Thomaston, nor shall any
681 realty of any kind or character be purchased except when so authorized by the mayor
682 and city council, nor shall any other property now or hereafter owned by said city,
683 either real or personal, be sold, leased or otherwise disposed of except in strict
684 accordance with the provisions of charter;

685 (9) Submit to the mayor and city council, for their consideration, a budget of the
686 proposed expenditures of the city for the ensuing year, the probable revenue for that
687 year and from what sources it is excepted. The city manager shall submit the
688 proposed budget to mayor and city council in a timely manner so as to allow
689 sufficient time for adoption thereof prior to the beginning of the next fiscal year for
690 which the budget has been prepared. Said annual budget shall show in as much detail
691 as practicable the amount allotted to each department of the city government. Said
692 budget, as submitted by the city manager, shall be subject to the approval of the
693 mayor and city council, who may make such changes therein as they shall deem
694 advisable. Additional provisions regarding the adoption of the budget are set forth
695 in Section 6.17. Upon the approval of said annual budget by the mayor and city
696 council, thereafter, no part of any amount allotted to any department shall be
697 expended by the city manager on account of any other department except with the
698 prior consent of the mayor and city council, and the city manager shall not expend for
699 any department during any calendar quarter of said year any amount that exceeds
700 one-fourth of the amount budgeted for said department in said annual budget, except
701 with the previous consent and approval of the mayor and city council;

702 (10) Keep the mayor and city council at all times fully advised as to the financial
703 condition and needs of the city;

704 (11) Make such other reports as the mayor and city council may require showing the
705 operations and expenditures of each department of the city which are subject to the
706 manager's direction and supervision;

707 (12) Perform such other duties as may be required by ordinance or resolution of the
708 mayor and city council;

709 (13) Be the purchasing agent for the city and make all purchases of supplies for the
710 various departments of the city and shall approve all vouchers for the same; provided,
711 however, the mayor and city council shall fix a maximum monetary limit which the

712 city manager, as such purchasing agent for the city, shall not exceed in any single
713 purchase without the prior approval of the mayor and city council. The city manager
714 shall have the power and discretion to designate an assistant purchasing agent to assist
715 him or her with these duties. The mayor and city council may from time to time,
716 through adoption by resolution, amend this maximum monetary limit either upwards
717 or downwards. The city manager shall continue to have the maximum monetary limit
718 approved prior to the approval of this enactment until such time as that limit is
719 amended as set forth in this charter. Further, the mayor and city council may, by
720 resolution, require competitive bids on purchases under such rules and regulations as
721 the mayor and city council may from time to time prescribe;

722 (14) Submit, within the time required by law, a detailed financial report of the affairs
723 of the city, which report shall be audited by the city auditor; and

724 (15) Perform other such duties as are specified in this charter or as may be required
725 by city council.

726 **SECTION 3.7.**

727 Administrative and service departments.

728 (a) Except as otherwise provided in this charter, the city council, by ordinance, may
729 prescribe the functions or duties, and establish, abolish, alter, consolidate, or leave vacant
730 all nonelective offices, positions of employment, departments, and agencies of the city, as
731 necessary for the proper administration of the affairs and government of this city.

732 (b) Except as otherwise provided by this charter or by law, the department heads or other
733 appointed officers of the city shall be appointed solely on the basis of their respective
734 administrative and professional qualifications.

735 (c) There shall be a department head of each department or agency who shall be its principal
736 officer. Each department head shall, subject to the direction and supervision of the city

737 manager, be responsible for the administration and direction of the affairs and operations of
738 his or her department or agency.

739 (d) All department heads under the supervision of the city manager shall be selected by the
740 city manager and selection thereof shall be approved by the city council.

741 (f) The city manager may suspend or remove department heads under his or her supervision.

742 **SECTION 3.8.**

743 City council interference with administration.

744 Except for the purpose of inquiries and investigations under Section 2.7 of this charter, the
745 city council or its members shall deal with city officers and employees who are subject to
746 the direction and supervision of the city manager solely through the city manager, and
747 neither the city council nor its members shall give orders to any such officer or employee
748 either publicly or privately.

749 **SECTION 3.9.**

750 Boards, commissions, and authorities.

751 (a) The city council shall create by ordinance such boards, commissions, and authorities to
752 fulfill any investigative, quasi-judicial, or quasi-legislative function the city council deems
753 necessary, and shall by ordinance establish the composition, period of existence, duties, and
754 powers thereof in accordance with any applicable state law.

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

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

761 (d) No member of any board, commission, or authority shall hold any elective office in the
762 city, except as provided by charter or by law; however, this provision shall not prohibit city
763 councilmembers or the mayor from being members on any board or authority created or
764 co-created by the city, such as the Thomaston-Upson County Office Building Authority,
765 Thomaston-Upson County Industrial Authority, and the Downtown Development Authority.

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

769 (f) No member of a board, commission, or authority shall assume office until that person has
770 executed and filed with the city clerk or deputy city clerk an oath obligating himself or
771 herself to faithfully and impartially perform the duties of that member's office, such oath to
772 be prescribed by ordinance and administered by the mayor. This provision shall be
773 applicable to all members added after the approval of this charter.

774 (g) All board members serve at will and may be removed at any time by a vote of four
775 members of the city council unless otherwise provided by law.

776 (h) Except as otherwise provided by this charter or by law, each board, commission, or
777 authority of the city shall elect one of its members as chair and one member as vice-chair,
778 and may elect as its secretary one of its own members or may appoint as secretary an
779 employee of the city with the consent of the employee and city manager. Each board,
780 commission, or authority of the city government may establish such bylaws, rules, and
781 regulations, not inconsistent with this charter, ordinances of the city, or law, as it deems
782 appropriate and necessary for the fulfillment of its duties or the conduct of its affairs. Copies
783 of such bylaws, rules, and regulations shall be filed with the clerk of the city.

784 **SECTION 3.10.**

785 City attorney.

786 (a) The mayor and city council shall appoint a city attorney and shall fix the attorney's
787 compensation. Additionally, the mayor and city council may appoint such assistant city
788 attorneys as may be authorized. The city attorney and any assistant city attorney shall be
789 members in good standing with the State Bar of Georgia and shall have at least six years'
790 experience practicing law.

791 (b) The city council shall provide for the payment of such attorney or attorneys for services
792 rendered to the city.

793 (c) The city attorney shall be responsible for providing for the representation and defense
794 of the city in all litigation in which the city is a party, excluding representation and defense
795 in any litigation for which another attorney has been engaged; may be the prosecuting officer
796 in the municipal court; shall attend the meetings of the city council as directed; shall advise
797 the city council, mayor, and other officers and employees of the city concerning legal aspects
798 of the city's affairs; and shall perform such other duties as may be required by virtue of his
799 or her position as city attorney and pursuant to the provisions of his or her engagement letter
800 or contract as city attorney.

801 (d) The city attorney is not a public official of the city and does not take an oath of office.
802 The city attorney shall at all times be an independent contractor. A law firm, rather than an
803 individual, may be designated as the city attorney.

804 **SECTION 3.11.**

805 City clerk.

806 The mayor and city council shall appoint a city clerk, who shall not be a councilmember.

807 The city clerk shall be custodian of the official city seal and city records; maintain city

808 council records required by this charter; and perform such other duties as may be required
809 by the city council.

810 **SECTION 3.12.**

811 City auditor.

812 The mayor and city council shall appoint a city auditor. The city auditor may be designated
813 as a firm of auditors rather than an individual if the mayor and city council deem such action
814 advisable.

815 **SECTION 3.13.**

816 Tax collector.

817 The mayor and city council shall have the power and authority, by resolution, duly adopted
818 and entered upon the minutes of said city, to contract with the governing authority of Upson
819 County and the Tax Commission of Upson County to hire the tax commissioner to act as the
820 agent of and for said city and to receive and collect, on behalf of said city, the payment of
821 all ad valorem taxes due said city on said property. The mayor and city council shall be
822 further empowered to authorize said tax commissioner, in the receiving and collection of said
823 taxes, to use joint city and county forms, specifically including joint city and county tax
824 return forms, statements of amounts of taxes due, receipts of payment of said taxes and any
825 and all other forms or statements having to do with the returns of property for taxation to said
826 city, and the collection and payment of the taxes due said city thereon. Said tax
827 commissioner shall, prior to any such appointment, be required to agree to keep full and
828 complete records of all such transactions and to, upon demand, furnish to said city a copy
829 of all such records and receipts made by the tax commissioner appertaining in any way to
830 the return of property for taxation by said city and to the collection of taxes due said city

831 thereon and to remit to said city all of said city's taxes so collected on or before the twentieth
832 day of each month. Said tax commissioner shall also be required to furnish, at the time of
833 any such employment by the tax commissioner or by the mayor and city council, a bond with
834 good security thereon, conditioned for the faithful performance of his or her duties in the
835 collection of said city's taxes, which bond shall be in the sum of \$25,000.00 and shall in all
836 respects be an official bond. The City of Thomaston, Georgia, shall, in any year in which
837 said tax commissioner has served as its agent as herein authorized, be empowered to pay to
838 the County of Upson a sum of money equal to a percentage of the total taxes so collected by
839 said tax commissioner on behalf of said city or a fixed sum, whichever amount shall be
840 agreed upon by the mayor and city council and the board of commissioners of Upson
841 County, Georgia, as said city's share of the expenses incurred in the receiving of the returns
842 and collection of said ad valorem taxes. Said City of Thomaston shall, in addition, in the
843 event of any such employment of said tax commissioner as its agent as authorized in this
844 charter, pay directly to the tax commissioner of Upson County, on or before December 31st
845 of any such year, a sum to be agreed upon by the mayor and city council and the tax
846 commissioner as his or her compensation for receiving and collecting said city's taxes, which
847 sum shall be and remain the property of said tax commissioner, which sum of money shall
848 constitute full payment to said tax commissioner not only for his or her services as said city's
849 agent as provided in this charter, but also for said tax commissioner's services in collecting
850 the ad valorem taxes due said city on motor vehicles. The terms and provisions of any
851 contract between the tax commissioner and the city which is in effect at the time of the
852 approval of this charter shall remain in full force and effect.

853 **SECTION 3.14.**

854 Compensation of city attorney, city clerk, and city auditor.

855 At the first annual meeting, or as soon thereafter as is practicable, the city council shall fix
856 the compensation of the city attorney, city clerk, city auditor and, if necessary, deputy city
857 clerk, and also shall fix the salaries of the mayor, mayor pro tempore, and councilmembers
858 within the limits provided by charter, all of which shall be subject to revision at any time.

859 **SECTION 3.15.**

860 Position classification and pay plans.

861 The city manager shall be responsible for the preparation of a position classification and pay
862 plan which shall be submitted to the city council for approval. Such plan may apply to all
863 employees of the city and any of its agencies, departments, boards, commissions, or
864 authorities. When a pay plan has been adopted, the city council shall not increase or
865 decrease the salary range applicable to any position except by amendment of such pay plan.
866 For purposes of this section, all elected and appointed city officials are not city employees.

867 **SECTION 3.16.**

868 Personnel policies.

869 The city council shall adopt rules and regulations consistent with this charter regarding:

- 870 (1) The criteria for hiring employees;
- 871 (2) The pay method of the employees to include the hours, vacation, sick leave,
872 annual leave, and any other leaves, overtime pay, and order and manner in which
873 layoff shall be effected;

- 874 (3) The administration of position classification and pay plan, probationary periods,
875 and methods of promotion;
- 876 (4) Disciplinary actions and procedures for filing grievances; and
- 877 (5) Such other personnel policies as may be necessary to provide adequate and
878 systematic handling of personnel matters.

879 **ARTICLE IV.**
880 **JUDICIAL BRANCH**

881 **SECTION 4.1.**
882 **Creation; name.**

883 There shall continue to be a court known as the Municipal Court of the City of Thomaston.

884 **SECTION 4.2.**
885 **Chief judge; associate judge.**

- 886 (a) The municipal court shall be presided over by a chief judge.
- 887 (b) No person shall be qualified or eligible to serve as a judge on the municipal court unless
888 that person meets the following minimum qualifications:
- 889 (1) He or she must have attained the age of 21 years;
- 890 (2) He or she must be a member of the State Bar of Georgia, be in good standing with
891 the bar, and possess all qualifications required by law; and
- 892 (3) He or she must have at least six years of experience practicing law.
- 893 (c) The chief judge shall have the authority to appoint, with city council's approval, a
894 qualified attorney to serve as judge pro tempore in his or her absence or disability or in the
895 event he or she has a conflict presiding over specific cases.

- 896 (d) The chief judge shall serve a minimum of one year.
- 897 (e) Compensation of the judge shall be fixed by city council.
- 898 (f) A judge may be removed during his or her term of office by a two-thirds' majority vote
899 of the entire membership of the governing authority of the municipal corporation for:
- 900 (1) Willful misconduct in office;
- 901 (2) Willful and persistent failure to perform duties;
- 902 (3) Habitual intemperance;
- 903 (4) Conduct prejudicial to the administration of justice which brings the judicial
904 office into disrepute; or
- 905 (5) Disability seriously interfering with the performance of duties, which is, or is
906 likely to become, of a permanent character.
- 907 (g) Before assuming office, the chief judge and any judge pro tempore shall take an oath,
908 given by the mayor, that the judge will honestly and faithfully discharge the duties of the
909 office to the best of his or her ability and without fear, favor, or partiality. The oath shall be
910 entered upon the minutes of the city council journal required by Section 2.14.

911 **SECTION 4.3.**

912 Convening.

913 Said court shall be convened at regular intervals as provided by ordinance.

914 **SECTION 4.4.**

915 Jurisdiction; powers.

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

- 918 (b) The municipal court shall have authority to punish those in its presence for contempt in
919 accordance with state law.
- 920 (c) The municipal court may fix punishment for offenses within its jurisdiction in
921 accordance with state law.
- 922 (d) The municipal court shall have authority to establish a schedule of fees to defray the cost
923 of operation.
- 924 (e) The municipal court shall have the power to bind prisoners over to superior court when
925 it appears by probable cause that a state law has been violated.
- 926 (f) The municipal court shall have authority to establish bail and recognizances to ensure the
927 presence of those charged with violations before said court, and shall have discretionary
928 authority to accept cash or personal or real property as surety for the appearance of persons
929 charged with violations. Whenever any person shall give bail for that person's appearance
930 and shall fail to appear at the time fixed for trial, the bond shall be forfeited by the judge
931 presiding at such time, and an execution issued thereon by serving the defendant and the
932 defendant's sureties with a rule nisi, at least two days before a hearing on the rule nisi. In the
933 event that cash or property is accepted in lieu of bond for security for the appearance of a
934 defendant at trial, and if such defendant fails to appear at the time and place fixed for trial,
935 the cash so deposited shall be on order of the judge declared forfeited to the city, or the
936 property so deposited shall have a lien against it for the value forfeited which lien shall be
937 enforceable in the same manner and to the same extent as a lien for city property taxes.
- 938 (g) The municipal court shall have the same authority as superior courts to compel the
939 production of evidence in the possession of any party; to enforce obedience to its orders,
940 judgments and sentences; and to administer such oaths as are necessary.
- 941 (h) The municipal court may compel the presence of all parties necessary to properly
942 dispose of each case by the issuance of summons, subpoenas, and warrants which may be
943 served as executed by any officer as authorized by this charter or by law.

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

948 **SECTION 4.5.**

949 Appeals.

950 Any party dissatisfied with a decision rendered by the municipal court judge may seek an
951 appeal with the Superior Court of Upson County as provided for under the laws of the State
952 of Georgia regulating the appeals.

953 **SECTION 4.6.**

954 Rules for court.

955 With the approval of the city council, the judge shall have full power and authority to make
956 reasonable rules and regulations necessary and proper to secure the efficient and successful
957 administration of the municipal court; provided, however, that the city council may adopt in
958 part or in toto the rules and regulations applicable to municipal courts. The rules and
959 regulations made or adopted shall be filed with the city clerk and made available for public
960 inspection upon reasonable request.

961 **ARTICLE V.**
962 **ELECTIONS AND REMOVAL**

963 **SECTION 5.1.**
964 **Applicability of general law.**

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

968 **SECTION 5.2.**
969 **Nonpartisan Elections.**

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

972 **SECTION 5.3.**
973 **Time for holding regular elections.**

974 On the first Tuesday next following the first Monday in November of each odd-numbered
975 year, a municipal election shall be held for council members as set out in this charter. On
976 the first Tuesday next following the first Monday in November of every odd-numbered year,
977 a municipal election shall be held for the office of mayor as set forth in this charter.

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SECTION 5.4.

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Election dates and first term following adoption of charter.

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(a) At the municipal election to be held in 2023, there shall be elected a mayor to serve for a term of four years. Thereafter, successors to the office of mayor shall be elected at the regular municipal election which is held immediately preceding the expiration of the term of office and shall serve for a term of four years. There shall also be elected at said 2023 election two councilmembers, one of whom shall be elected from Election District 1 to serve for a term of four years and one of whom shall be elected from Election District 2 for a term of four years. Thereafter, successors to the members of the council elected from Election Districts 1 and 2 shall be elected at the regular municipal election which is held immediately preceding the expiration of the terms of office and shall serve for terms of four years.

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(b) At the municipal election to be held in 2025, there shall be elected three councilmembers, one of whom shall be elected from Election District 3 to serve a term of four years, one of whom shall be elected from Election District 4 to serve for a term of four years, and the third of whom shall be elected at large to serve for a term of four years. Thereafter, successors to the members of the council elected from Election Districts 3 and 4 and from the city at large shall be elected at the regular municipal election which is held immediately preceding the expiration of the terms of office and shall serve for terms of four years.

997

SECTION 5.5.

998

Special elections; vacancies.

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In the event that the office of mayor or any councilmember shall become vacant as provided in Section 2.5 of this charter, the city council, or those remaining, shall order a special election to fill the balance of the unexpired term of such official; provided, however, if such

1002 vacancy occurs within 12 months of the expiration of the term of that office, the city council,
1003 or those remaining, shall appoint a successor for the remainder of the term. In all other
1004 respects, the special election shall be held and conducted in accordance with the "Georgia
1005 Election Code," Chapter 2 of Title 21 of the O.C.G.A., as now or hereafter amended.

1006 **SECTION 5.6.**

1007 Elector eligibility.

1008 Only the elector residents in a district shall have the right to vote in the election for the
1009 councilmember from that district, and all of the electors of said city shall have the right to
1010 vote on the mayor and the councilmember at large.

1011 **SECTION 5.7.**

1012 Voter registration procedures.

1013 The procedure for the registration of electors in said city shall be as is provided by the
1014 "Georgia Election Code," or by any law or laws which supersede the same. In the event that
1015 voter registration procedures should hereafter cease to be governed by general laws, then the
1016 governing authority of said city shall have authority to enact ordinances governing the same.

1017 **SECTION 5.8.**

1018 Majority vote required.

1019 No candidate for city council nor the mayor shall be declared elected until he or she shall
1020 have received a majority of the votes of all qualified electors voting in the election.

SECTION 5.9.

Other provisions.

1023 Except as otherwise provided by this charter, the city council shall, by ordinance, prescribe
1024 such rules and regulations it deems appropriate to fulfill any options and duties under the
1025 Georgia Election Code.

SECTION 5.10.

Removal of officers.

1028 (a) The mayor, councilmembers, or other appointed officers provided for in this charter shall
1029 be removed from office for any one or more of the causes provided in Title 45 of the
1030 O.C.G.A., or such other applicable laws as are or may hereafter be enacted.

1031 (b) Removal of an officer pursuant to subsection (a) of this section shall be accomplished
1032 one of the following methods:

1033 (1) Following a hearing at which an impartial panel shall render a decision. In the
1034 event an elected officer is sought to be removed by the action of the city council, such
1035 officer shall be entitled to a written notice specifying the ground or grounds for
1036 removal and to a public hearing which shall be held not less than ten days after the
1037 service of such written notice. The city council shall provide by ordinance for the
1038 manner in which the impartial panel shall be selected and such hearings shall be held.
1039 Any elected officer sought to be removed from office as provided in this charter shall
1040 have the right of appeal from the decision of the city council to the Superior Court of
1041 Upson County. Such appeal shall be governed by the same rules as govern appeals
1042 to the superior court from the probate court; and

1043 (2) By an order of the Superior Court of Upson County following a hearing on a
1044 complaint seeking such removal brought by any resident of the City of Thomaston.

ARTICLE VI.**FINANCE****SECTION 6.1.**

Property tax.

1049 The city council may assess, levy, and collect an ad valorem tax on all real and personal
1050 property within the corporate limits of the city that is subject to such taxation by the state and
1051 county. This tax is for the purpose of raising revenues to defray the costs of operating the
1052 city government, of providing governmental services, for the repayment of principal and
1053 interest on general obligations, and for any other public purpose as determined by the city
1054 council in its discretion.

SECTION 6.2.

Millage rate; due dates; payment methods.

1057 The city council, by ordinance, shall establish a millage rate for the city property tax, a due
1058 date, and the time period within which these taxes must be paid. The city council, by
1059 ordinance, may provide for the payment of these taxes by two installments or in one lump
1060 sum, as well as authorize the voluntary payment of taxes prior to the time when due.

SECTION 6.3.

Occupation and business taxes.

1063 The city council, by ordinance, shall have the power to levy such occupation or business
1064 taxes as are not denied by law. The city council may classify businesses, occupations, or

1065 professions for the purpose of such taxation in any way which may be lawful and may
1066 compel the payment of such taxes as provided in Section 6.9.

1067 **SECTION 6.4.**

1068 Regulatory fees; permits.

1069 The city council, by ordinance, shall have the power to require businesses or practitioners
1070 doing business within this city to obtain a permit for such activity from the city and pay a
1071 reasonable regulatory fee for such permit as provided by general law. Such fees shall reflect
1072 the total cost to the city of regulating the activity, and if unpaid, shall be collected as
1073 provided in Section 6.9.

1074 **SECTION 6.5.**

1075 Franchises.

1076 (a) The city council shall have the power to grant franchises for the use of the city's streets
1077 and alleys for the purposes of railroads, street railways, telephone companies, electric
1078 companies, electric membership corporations, cable television, and other
1079 telecommunications companies, gas companies, transportation companies, and other similar
1080 organizations. The city council shall determine the duration, terms, whether the same shall
1081 be exclusive or nonexclusive, and the consideration for such franchises; provided, however,
1082 no franchise shall be granted for a period in excess of 35 years and no franchise shall be
1083 granted unless the city receives just and adequate compensation therefor. The city council
1084 shall provide for the registration of all franchises with the city clerk in a registration book
1085 kept by the clerk. The city council may provide, by ordinance, for the registration within a
1086 reasonable time of all franchises previously granted.

1087 (b) If no franchise agreement is in effect, the city council has the authority to impose a tax
1088 on gross receipts for the use of its city's streets and alleys for the purposes of railroads, street
1089 railways, telephone companies, electric companies, electric membership corporations, cable
1090 television and other telecommunications companies, gas companies, transportation
1091 companies, and other similar organizations.

1092 **SECTION 6.6.**

1093 Service charges.

1094 The city council, by ordinance, shall have the power to assess and collect fees, charges,
1095 assessments, and tolls for sewers, sanitary, and health services, or any other services
1096 provided or made available within and without the corporate limits of the city. If unpaid,
1097 such charges shall be collected as provided in Section 6.9.

1098 **SECTION 6.7.**

1099 Special assessments.

1100 The city council, by ordinance, shall have the power to assess and collect the cost of
1101 constructing, reconstructing, widening, or improving any public way, street, sidewalk,
1102 curbing, gutters, sewers, or other utility mains and appurtenances from the abutting property
1103 owners. If unpaid, such charges shall be collected as provided in Section 6.9.

SECTION 6.8.

1104

1105

Construction; other taxes and fees.

1106 This city shall be empowered to levy any other tax or fee allowed now or hereafter by law,
1107 and the specific mention of any right, power, or authority in this article shall not be construed
1108 as limiting in any way the general powers of this city to govern its local affairs.

SECTION 6.9.

1109

1110

Collection of delinquent taxes and fees.

1111 The city council, by ordinance, may provide generally for the collection of delinquent taxes,
1112 fees, or other revenue due the city under Sections 6.1 through 6.8 by whatever reasonable
1113 means as are not precluded by law. This shall include providing for the dates when the taxes
1114 or fees are due; late penalties or interest; issuance and execution of fi.fa.; creation and
1115 priority of liens; making delinquent taxes and fees personal debts of the persons required to
1116 pay the taxes or fees imposed; revoking city permits for failure to pay any city taxes or fees;
1117 and providing for the assignment or transfer of tax executions.

SECTION 6.10.

1118

1119

General obligation bonds.

1120 The city council shall have the power to issue bonds for the purpose of raising revenue to
1121 carry out any project, program, or venture authorized under this charter or the laws of the
1122 state. Such bonding authority shall be exercised in accordance with the laws governing bond
1123 issuance by municipalities in effect at the time said issue is undertaken.

1124 **SECTION 6.11.**

1125 Revenue bonds.

1126 Revenue bonds may be issued by the city council as state law now or hereafter provides.
1127 Such bonds are to be paid out of any revenue produced by the project, program, or venture
1128 for which they were issued. The Thomaston-Upson County Office Building Authority was
1129 legislatively created in 1964 for the purpose of providing building and facilities for use by
1130 the city and to finance such building and facilities by issuance of revenue bonds to be repaid
1131 from rentals received by the authority from the city. The city may continue to obtain revenue
1132 bonds through the Thomaston-Upson County Office Building Authority, and pay those bonds
1133 as rent from any revenue.

1134 **SECTION 6.12.**

1135 Short-term loans.

1136 The city may obtain short-term loans and must repay such loans not later than December 31st
1137 of each year, unless otherwise provided by law.

1138 **SECTION 6.13.**

1139 Lease-purchase contracts.

1140 The city may enter into multi-year lease, purchase, or lease-purchase contracts for the
1141 acquisition of goods, materials, real and personal property, services, and supplies; provided
1142 the contract terminates without further obligation on the part of the municipality at the close
1143 of the calendar year in which it was executed and at the close of each succeeding calendar
1144 year for which it may be renewed. Contracts must be executed in accordance with the

1145 requirements of Code Section 36-60-13 of the O.C.G.A. or other such applicable laws as are
1146 or may hereafter be enacted.

1147 **SECTION 6.14.**

1148 Fiscal year.

1149 The city council shall set the fiscal year by ordinance. This fiscal year shall constitute the
1150 budget year and the year for financial accounting and reporting of each and every office,
1151 department, agency, and activity of the city government unless otherwise provided by state
1152 or federal law.

1153 **SECTION 6.15.**

1154 Preparation of budgets.

1155 The city council shall provide an ordinance on the procedures and requirements for the
1156 preparation and execution of an annual operating budget.

1157 **SECTION 6.16.**

1158 Submission of operating budget to city council.

1159 The city manager shall submit to the city council a proposed operating budget for the ensuing
1160 fiscal year as set forth in paragraph (9) of Section 3.6. The budget may be accompanied by
1161 a message from the city manager containing a statement of the general fiscal policies of the
1162 city, the important features of the budget, explanations of major changes recommended for
1163 the next fiscal year, a general summary of the budget, and such other pertinent comments and
1164 information as the city manager deems appropriate and necessary. The operating budget and

1165 the capital budget hereinafter provided for, the budget message, and all supporting
1166 documents shall be filed in the office of the city clerk and shall be open to public inspection.

1167 **SECTION 6.17.**

1168 Action by city council on budget.

1169 (a) The city council may amend the operating budget proposed by the city manager;
1170 provided, however, that the budget as finally amended and adopted must provide for all
1171 expenditures required by state law or by other provisions of this charter and for all debt
1172 service requirements for the ensuing fiscal year, and the total appropriations from any fund
1173 shall not exceed the estimated fund balance, reserves, and revenues.

1174 (b) The city council, by ordinance, shall adopt the final operating budget for the ensuing
1175 fiscal year not later than the 31st day of December of each year. If the city council fails to
1176 adopt the budget by this date, the amounts appropriated for operation for the current fiscal
1177 year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all
1178 items prorated accordingly until such time as the city council adopts a budget for the ensuing
1179 fiscal year. Adoption of the budget shall take the form of an appropriations ordinance setting
1180 out the estimated revenues in detail by sources and making appropriations according to fund
1181 and by organizational unit, purpose, or activity as set out in the budget preparation.

1182 (c) The amount set out in the adopted operating budget for each organizational unit shall
1183 constitute the annual appropriation for such, and no expenditure shall be made or
1184 encumbrance created in excess of the otherwise unencumbered balance of the appropriations
1185 or allotment thereof, to which it is chargeable.

1186 **SECTION 6.18.**

1187 Tax levies.

1188 The city council shall levy, by ordinance, such taxes as are necessary. The taxes and tax
1189 rates set by such ordinances shall be such that reasonable estimates of revenues from such
1190 levy shall at least be sufficient, together with other anticipated revenues, fund balances, and
1191 applicable reserves, to equal the total amount appropriated for each of the several funds set
1192 forth in the annual operating budget for defraying the expenses of the general government
1193 of this city.

1194 **SECTION 6.19.**

1195 Changes in appropriations.

1196 The city council, by ordinance, may make changes in the appropriations contained in the
1197 current operating budget at any regular, special, or emergency meeting called for such
1198 purpose.

1199 **SECTION 6.20.**

1200 Independent audit.

1201 There shall be an annual independent audit of all city accounts, funds, and financial
1202 transactions by a certified public accountant selected by the city council. The audit shall be
1203 conducted according to generally accepted auditing principles. Any audit of any funds by
1204 the state or federal governments may be accepted as satisfying the requirements of this
1205 charter. Copies of annual audit reports shall be available at printing costs to the public.

SECTION 6.21.

1206

1207

Centralized purchasing.

1208 The city council shall, by ordinance, prescribe procedures for a system of centralized
1209 purchasing for the city.

SECTION 6.22.

1210

1211

Sale and lease of city property.

1212 (a) The city council may sell and convey, or lease any real or personal property owned or
1213 held by the city for governmental or other purposes as now or hereafter provided by law.

1214 (b) The city council may quitclaim any rights it may have in property not needed for public
1215 purposes upon report by the city manager and adoption of a resolution, both finding that the
1216 property is not needed for public or other purposes and that the interest of the city has no
1217 readily ascertainable monetary value.

1218 (c) Whenever in opening, extending or widening any street, avenue, alley or public place
1219 of the city, a small parcel or tract of land is cutoff or separated by such work from a larger
1220 tract or boundary of land owned by the city, the city council may authorize the city manager
1221 to sell and convey said cut-off or separated parcel or tract of land to an abutting or adjoining
1222 property owner or owners where such sale and conveyance facilitates the enjoyment of the
1223 highest and best use of the abutting owner's property. Included in the sales contract shall be
1224 a provision for the rights-of-way of said street, avenue, alley or public place. Each abutting
1225 property owner shall be notified of the availability of the property and given the opportunity
1226 to purchase said property under such terms and conditions as set out by ordinance. All deeds
1227 and conveyances heretofore and hereafter so executed and delivered shall convey all title and
1228 interest the city has in such property, notwithstanding the fact that no public sale after
1229 advertisement was or is hereafter made.

1230 **ARTICLE VII.**
1231 **GENERAL PROVISIONS.**

1232 **SECTION 7.1.**
1233 Bonds for officials.

1234 The officers and employees of this city, both elective and appointive, shall execute such
1235 surety or fidelity bonds in such amounts and upon such terms and conditions as the city
1236 council shall from time to time require by ordinance or as may be provided by law. The
1237 surety on the bond shall be a duly authorized guaranty or surety company, qualified to
1238 transact business in this state.

1239 **SECTION 7.2.**
1240 Prior ordinances.

1241 All ordinances, resolutions, rules, and regulations now in force in the city not inconsistent
1242 with this charter are hereby declared valid and of full effect and force until amended or
1243 repealed by the city council.

1244 **SECTION 7.3.**
1245 Existing personnel and officers.

1246 Except as specifically provided otherwise by this charter, all personnel and officers of the
1247 city and their rights, privileges, and powers shall continue.

1248 **SECTION 7.4.**

1249 Pending matters.

1250 Except as specifically provided otherwise by this charter, all rights, claims, actions, orders,
1251 contracts, and legal or administrative proceedings shall continue and any such ongoing work
1252 or cases shall be completed by such city agencies, personnel, or offices as may be provided
1253 by the city council.

1254 **SECTION 7.5.**

1255 Construction.

1256 (a) Section captions in this charter are informative only and are not to be considered as a part
1257 thereof.

1258 (b) The word "shall" is mandatory and the word "may" is permissive.

1259 (c) The singular shall include the plural, the masculine shall include the feminine, and vice
1260 versa.

1261 **SECTION 7.6.**

1262 Severability.

1263 If any article, section, subsection, paragraph, sentence, or part thereof of this charter shall be
1264 held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect
1265 or impair other parts of this charter unless it clearly appears that such other parts are wholly
1266 and necessarily dependent upon the part held to be invalid or unconstitutional, it being the
1267 legislative intent in enacting this charter that each article, section, subsection, paragraph,
1268 sentence or part thereof be enacted separately and independently of each other.

SECTION 7.7.

1269

1270

Local constitutional amendments.

1271 Any amendments to the Constitution of the State of Georgia which authorize the City of
1272 Thomaston to combine its water and sewerage system with its electric system and to issue
1273 revenue bonds for construction of facilities for such combined systems which is set forth in
1274 Res. Act 130, H.R. 361-816, Ga. L. 1964, p. 897, and continued in force and effect pursuant
1275 to Article XI, Section I, Paragraph IV of the Constitution and Ga. L. 1985, p. 3739, together
1276 with any other local constitutional amendments continued in force and effect under the
1277 Constitution which grant the City of Thomaston other specific authority and those local laws
1278 specifically continuing such amendments in force and effect, shall not be repealed by this
1279 charter.

SECTION 7.8.

1280

1281

Repealer.

1282 Except as provided for in Section 7.7 of this charter:

1283 (1) An Act to amend, consolidate, and supersede the several Acts incorporating the
1284 City of Thomaston in the County of Upson, State of Georgia, approved March 1,
1285 1933 (Ga. L. 1933, p. 1070), and all amendatory Acts thereto are hereby repealed in
1286 their entirety; and

1287 (2) All laws and parts of laws in conflict with this charter are hereby repealed.

1288

APPENDIX A

1289 User: Thomaston

1290 Plan Name: Thomaston-2023

1291 Plan Type: Local

1292 District 001

1293 County Upson GA

1294 VTD 2935610 - TOWN

1295 Block 010402:

1296 1003 1004 1006 1007 1015 1018 1019 1020 2000 2001 2002 3012

1297 3013 3017 3020 3021 3022 3023 3024 3025 3026 3027 3028 3029

1298 3030 3031 3032 4000 4002 4003 4004 4005 4009 4020 4021 4022

1299 4029 4030

1300 Block 010500:

1301 1052 1055 1056 2022 2023 2024 2025 2026 2027 2028 2029 2030

1302 2031 2032 2033 2034 2035 2036 2037 2038 2039 2040 2041 2042

1303 2043 2045 3000 3001 3002 3003 3004 3005 3006 3007 3008 3016

1304 3017 3018 3019 3020 3021 3022 3023 3024 3025 3026 3027 3028

1305 3029 3030 3036 3037 3038 3039 3040 3041 4044 4056 4057 4058

1306 District 002

1307 County Upson GA

1308 VTD 2930555 - REDBONE

1309 Block 010201:

1310 1016 1029 1030

1311 Block 010500:

1312 1016 1017 1018 1020 1021 1039 1040 1041 1057 4018
 1313 VTD 2935610 - TOWN
 1314 Block 010201:
 1315 1022 1023 1024 1025 1026 1027 1028 1041 1059 1064 1065
 1316 Block 010500:
 1317 1042 1044 1045 1046 1047 1048 1049 1050 1051 1053 1054 2000
 1318 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011 2012
 1319 2013 2014 2015 2016 2017 2018 2019 2020 2021 3009 3010 3011
 1320 3012 3013 3014 3015 3031 3032 3033 3034 4033 4045 4050 4051
 1321 4052 4053 4054 4055

 1322 District 003
 1323 County Upson GA
 1324 VTD 2930555 - REDBONE
 1325 Block 010201:
 1326 1034 1035 1036 1037 1038 2024 2025 2030 2031 3028 3031
 1327 VTD 2935610 - TOWN
 1328 Block 010201:
 1329 1042 1044 1045 1048 1051 1052 1053 1054 1055 1056 1057 1058
 1330 1060 1062
 1331 Block 010402:
 1332 2003 2004 2005 2006 2007 2008 2012 2013 2020 2021 2022 2023
 1333 2024 2025 2026 2027 2028 2033 2034 3000 3001 3002 3003 3004
 1334 3005 3006 3007 3008 3009 3010 3011 3014 3015 3016 3018 3019

 1335 District 004
 1336 County Upson GA

1337 VTD 2930561 - LINCOLN PARK
1338 Block 010401:
1339 1043 2004 2017
1340 VTD 2935610 - TOWN
1341 Block 010401:
1342 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011
1343 1012 1013 1014 1015 1017 1018 1019 1020 1021 1022 1028 1029
1344 1033 1034 1040 1050 1051 2000 2003
1345 Block 010402:
1346 1008 1009 1010 1011 1012 1013 1014 1017 1029 1032 1033 1036
1347 1039 1045 2010 2014 2015 2016 2017 2018 2019 2029 2030 2031
1348 2032 4001 4006 4007 4008 4010 4011 4012 4013 4014 4015 4016
1349 4017 4018 4019 4023 4024 4025 4026 4027 4028 4031 4032 4033
1350 Block 010500:
1351 2044
1352 Block 010600:
1353 1051