

ENROLLMENT

April 15, 1997
The Committee of the Senate on Enrolling and Journals has examined the within and finds the same properly enrolled.

Richard A. Marale
Chairman

Bill Howard
President of the Senate

Frank Eldridge
Secretary of the Senate

Thomas Murphy
Speaker of the House

Robert Rivers
Clerk of the House

Received Peter W. Wingle
Secretary, Executive Department

This 15th day of April 1997

Approved

Joe Miller
Governor
This 21st day of April 1997

S.B. No. 401 Act No. 340

General Assembly



AN ACT

To provide a new charter for the Town of Talking Rock; to provide for incorporation, boundaries, and powers of the town; to provide for a governing authority of such town and the powers, duties, authority, election, terms, vacancies, compensation, expenses, qualifications, prohibitions, conflicts of interest; and suspension and removal from office relative to members of such governing authority; to provide for inquiries and investigations; and for other purposes.

IN SENATE

Read 1st time Mar. 21, 1997

Read 2nd time

Read 3rd time

And Passed 3/25/97

Yeas 52

Nays 0

Frank Eldridge
Secretary of the Senate

IN HOUSE

Read 1st time Mar. 25, 1997

Read 2nd time Mar. 27, 1997

Read 3rd time Mar. 28, 1997

And Passed

Yeas 93

Nays 7

Passed Both Houses

Robert Rivers
Clerk of the House

By: Senator Ralston of the 51st

AN ACT

To provide a new charter for the Town of Talking Rock; to provide for incorporation, boundaries, and powers of the town; to provide for a governing authority of such town and the powers, duties, authority, election, terms, vacancies, compensation, expenses, qualifications, prohibitions, conflicts of interest, and suspension and removal from office relative to members of such governing authority; to provide for inquiries and investigations; to provide for oaths, organization, meetings, quorum, voting, rules, and procedures; to provide for ordinances and codes; to provide for a mayor and mayor pro tempore and certain duties, powers, and other matters relative thereto; to provide for administrative affairs and responsibilities; to provide for boards, commissions, and authorities; to provide for a town attorney, a town clerk, a town treasurer, and other personnel and matters relating thereto; to provide for rules and regulations; to provide for a municipal court and the judge or judges thereof and other matters relative to those judges; to provide for the court's jurisdiction, powers, practices, and procedures; to provide for the right of certiorari; to provide for elections; to provide for taxation, licenses, and fees; to provide for franchises, service charges, and assessments; to provide for bonded and other indebtedness; to provide for auditing, accounting, budgeting, and appropriations; to provide for town contracts and purchasing; to provide for the conveyance of property; to provide for bonds for officials; to provide for prior ordinances and rules, pending matters, and existing personnel; to provide for penalties; to provide for definitions and construction; to provide for other matters relative to the foregoing; to repeal a specific Act; to provide for effective dates; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

ARTICLE I
INCORPORATION AND POWERS

SECTION 1.10.

Name.

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

SECTION 1.11.

Corporate boundaries.

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

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

SECTION 1.12.

Powers and construction.

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

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

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

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

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

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

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

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

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

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

(8) Emergencies. To establish procedures for determining and proclaiming that an emergency situation exists within or outside the town and to make and carry out all reasonable provisions deemed necessary to deal with or meet such an emergency for the protection, safety, health, or well-being of the citizens of the town;

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

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

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

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

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

(14) Jail sentences. To provide that persons given jail sentences in the municipal court may work out such

sentences in any public works or on the streets, roads, drains, and other public property in the town; to provide for commitment of such persons to any jail; or to provide for commitment of such persons to any county work camp or county jail by agreement with the appropriate county officials;

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

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

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

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

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

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

same; and to authorize the extension of water, sewerage, and electrical distribution systems, and all necessary appurtenances by which such utilities are distributed, inside and outside the corporate limits of the town and to provide utility services to persons, firms, and corporations inside the corporate limits of the town as provided by ordinance;

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

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

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

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

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

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

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

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

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

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

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

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

(33) Sewer fees. To levy a fee, charge, or sewer tax as necessary to assure the acquiring, constructing, equipping, operating, maintaining, and extending of a sewage disposal plant and sewerage system and to levy on those to whom sewers and sewerage systems are made

available a sewer service fee, charge, or sewer tax for the availability or use of the sewers; to provide for manner and method of collecting such service charges and for enforcing payment of the same; and to charge, impose, and collect a sewer connection fee or fees to those connected with the system;

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

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

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

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

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

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

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

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

SECTION 1.13.

Exercise of powers.

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

ARTICLE II

GOVERNMENT STRUCTURE

SECTION 2.10.

Town council creation; number; election.

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

SECTION 2.11.

Town councilmembers;
terms and qualifications for office.

The town councilmembers shall serve for terms of four years and until their respective successors are elected and qualified. No person shall be eligible to serve as mayor or councilmember unless that person shall have been a resident of the town immediately prior to the date of the election of mayor or councilmember of the town council for a period of time as provided in Code Section 45-2-1 of the O.C.G.A.; each shall continue to reside therein during that person's period of service and to be registered and qualified to vote in municipal elections of this town. The mayor and councilmembers who were elected in the 1996 general election and who are currently serving as mayor and councilmembers and any person filling a vacancy in any such office shall continue to serve out their respective terms of office in their respective capacities under this charter and shall in all respects be a continuation of the town governing authority under this charter.

SECTION 2.12.

Vacancy; filling of vacancies; suspensions.

(a) Vacancies. The office of mayor or councilmember shall become vacant upon the incumbent's death, resignation, forfeiture of office, or removal from office in any manner authorized by this charter or the general laws of the State of Georgia. A vacancy in the office of mayor or councilmember shall be filled for the remainder of the unexpired term, if any, as provided for in this charter.

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

SECTION 2.13.

Compensation and expenses.

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

SECTION 2.14.

Inquiries and investigations.

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

SECTION 2.15.

General power and authority of the town council.

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

SECTION 2.16.

Eminent domain.

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

SECTION 2.17.

Organizational meetings.

The town council shall hold an organizational meeting on the second Tuesday of January of each year. The meeting shall be called to order by the town clerk and the oath of office shall be administered to the newly elected members as follows: "I do solemnly (swear) (affirm) that I will faithfully perform the duties of (mayor) (councilmember) of this town and that I will support and defend the charter thereof as well as the Constitution and laws of the State of Georgia and the United States of America."

SECTION 2.18.

Meetings.

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

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

(c) All meetings of the town council shall be public to the extent required by law and notice to the public of special meetings shall be given as required by law.

SECTION 2.19.

Rules of procedure.

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

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

SECTION 2.20.

Quorum; voting.

(a) The mayor or mayor pro tempore and three councilmembers, or four councilmembers, shall constitute a quorum and shall be authorized to transact business of the town council. Voting on the adoption of ordinances shall be by voice vote and the vote shall be recorded in the journal, but any member of the town council shall have the right to request a roll-call vote and such vote shall be recorded in the

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journal. Except as otherwise provided in this charter, the affirmative vote of three councilmembers shall be required for the adoption of any ordinance, resolution, or motion, except that in the event a vote by councilmembers on the adoption of any ordinance, resolution, or motion results in a tie vote, the mayor shall vote on the adoption of said ordinance, resolution, or motion. Except as otherwise provided in this charter, the mayor shall not vote on the adoption of any ordinance, resolution, or motion.

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

SECTION 2.21.

Ordinance form; procedures.

(a) Every proposed ordinance should be introduced in writing and in the form required for final adoption. No ordinance shall contain a subject which is not expressed in its title. The enacting clause shall be "It is hereby ordained by the governing authority of the Town of Talking Rock ..." and every ordinance shall so begin.

(b) An ordinance may be introduced by any councilmember or the mayor and be read at a regular or special meeting of the town council. Ordinances shall be considered and adopted or rejected by the town council in accordance with the rules which it shall establish. Upon introduction of any ordinance, the clerk shall as soon as possible distribute a copy to the mayor and each councilmember and shall file a reasonable number of copies in the office of the clerk and at such other public places as the town council may designate.

SECTION 2.22.

Action requiring an ordinance.

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

SECTION 2.23.

Emergencies.

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

SECTION 2.24.

Codes of technical regulations.

(a) The town council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such adopting ordinance shall be as prescribed for ordinances generally except that: (1) the requirements provided under this charter for distribution and filing of copies of the ordinance shall be construed to include copies of any code of technical regulations, as well as the adopting ordinance; and (2) a copy of each adopted code of technical regulations, as well as the adopting ordinance, shall be authenticated and recorded by the clerk pursuant to Section 2.25 of this charter.

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

SECTION 2.25.

Signing; authenticating;
recording; codification; printing.

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

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

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

SECTION 2.26.

Election of mayor; forfeiture; compensation.

The mayor shall be elected and serve for a term of four years and until the mayor's successor is elected and qualified. The mayor shall be a qualified elector of this *

town and shall have been a resident of this town immediately preceding the mayor's election for a period of time as provided in Code Section 45-2-1 of the O.C.G.A. The mayor shall continue to reside in this town during the period of the mayor's service. The mayor shall forfeit that office on the same grounds and under the same procedure as for councilmembers. The compensation of the mayor shall be established in the same manner as for councilmembers.

SECTION 2.27.

Mayor pro tempore.

By majority vote, the town council shall elect a councilmember to serve as mayor pro tempore. The mayor pro tempore shall assume the duties and powers of the mayor during the mayor's disability or absence. Any such disability or absence shall be declared by a majority vote of the town council.

SECTION 2.28.

Powers and duties of mayor.

The mayor shall:

- (1) Preside at all meetings of the town council;
- (2) Be the head of the town for the purpose of service of process and for ceremonial purposes and be the official spokesperson for the town and the chief advocate of policy;
- (3) Have the power to administer oaths and to take affidavits;
- (4) Sign as a matter of course on behalf of the town all written and approved contracts, ordinances, and other instruments executed by the town which by law are required to be in writing;
- (5) Vote on matters before the town council as provided in this charter;
- (6) Prepare and submit to the town council a recommended annual operating budget and recommended capital budget; and
- (7) Fulfill such other executive and administrative duties as the town council shall by ordinance establish, including, but not limited to, the day-to-day management of the town and its personnel.

ARTICLE III
ADMINISTRATIVE AFFAIRS

SECTION 3.10.

Administrative and service departments.

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

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

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

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

(e) All directors under the supervision of the mayor shall be nominated by the mayor with confirmation of appointment by the town council. The mayor may suspend or remove directors under the mayor's supervision. The director involved may appeal to the town council which, after a hearing, may override the mayor's action by a vote of a majority of councilmembers.

SECTION 3.11.

Boards, commissions, and authorities.

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

(b) All members of boards, commissions, and authorities of the town shall be appointed by the mayor for such terms of

office and in such manner as shall be provided by ordinance, except where other appointing authority, terms of office, or manner of appointment is prescribed by this charter or by law.

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

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

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

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

(g) Any member of a board, commission, or authority may be removed from office for cause by the mayor.

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

SECTION 3.12.

Town attorney.

The town attorney shall be nominated by the mayor and confirmed and appointed by the town council. The mayor with the advice and counsel of the town attorney shall appoint

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

SECTION 3.13.

Personnel policies.

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

ARTICLE IV
JUDICIAL BRANCH

SECTION 4.10.

Creation; name.

There may be a court to be known as the Municipal Court of the Town of Talking Rock.

SECTION 4.11.

Chief judge; associate judge.

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

(b) No person shall be qualified or eligible to serve as a judge on the municipal court unless that person shall have attained the age of 21 years, shall be a member of the State Bar of Georgia, or is serving as a magistrate or state or superior court judge. All judges shall be appointed by the town council.

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

(d) Judges may be removed for cause by a vote of a majority of the councilmembers.

(e) Before assuming office, each judge shall take an oath, given by the mayor, that such judge will honestly and

faithfully discharge the duties of the office to the best of that person's ability and without fear, favor, or partiality. The oath shall be entered in the minutes of the town council journal required in this charter.

SECTION 4.12.

Convening.

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

SECTION 4.13.

Jurisdiction; powers.

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

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

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

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

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

place fixed for trial, the cash so deposited shall be on order of the judge declared forfeited to the town, or the property so deposited shall have a lien against it for the value forfeited which lien shall be enforceable in the same manner and to the same extent as a lien for town property taxes.

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

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

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

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

SECTION 4.14.

Certiorari.

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

SECTION 4.15.

Rules for court.

With the approval of the town council, the judge shall have full power and authority to make reasonable rules and regulations necessary and proper to secure the efficient and

successful administration of the municipal court; provided, however, that the town council may adopt in part or in toto the rules and regulations applicable to superior courts. The rules and regulations made or adopted shall be filed with the town clerk, shall be available for public inspection, and, upon request, a copy shall be furnished to all defendants in municipal court proceedings at least 48 hours prior to such proceedings.

ARTICLE V
ELECTIONS AND REMOVAL

SECTION 5.10.

Applicability of general law.

All primaries and elections shall be held and conducted in accordance with Chapter 3 of Title 21 of the O.C.G.A., the "Georgia Municipal Election Code," as now or hereafter amended.

SECTION 5.11.

Regular elections; time for holding.

On the Tuesday next following the first Monday in November in 2000 and on that day quadrennially thereafter, there shall be an election for the mayor and councilmembers. Persons elected to such offices shall take office and begin their terms of office on the first day of January immediately following their election.

SECTION 5.12.

Nonpartisan elections.

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

SECTION 5.13.

Election of mayor by majority vote.

The mayor shall be elected by a majority vote of the votes cast in the whole town.

SECTION 5.14.

Election of councilmembers by plurality vote.

Councilmembers shall be elected from the town at large. The five persons receiving the most votes cast for the offices of councilmembers shall be elected to fill the positions for councilmembers.

SECTION 5.15.

Special elections; vacancies.

In the event that the office of any member of the town council or the mayor's office shall become vacant for any cause whatsoever prior to the expiration of the term of such office, the remaining members of the town council shall appoint a successor for the remainder of the term of office if less than one year remains in such term; otherwise, they shall appoint a person to serve until a successor is elected and qualified at a special election which shall be called to fill that vacancy. Whenever a special election shall be called, such special election shall be held and conducted in accordance with Chapter 3 of Title 21 of the O.C.G.A., the "Georgia Municipal Election Code," as now or hereafter amended.

SECTION 5.16.

Other provisions.

Except as otherwise provided by this charter, the town council shall, by ordinance, prescribe such rules and regulations as it deems appropriate to fulfill any options and duties under Chapter 3 of Title 21 of the O.C.G.A., the "Georgia Municipal Election Code."

SECTION 5.17.

Removal or suspension of officers.

The mayor or any councilmember may be removed or suspended from office in the manner provided by Code Sections 45-5-1, 45-5-6.1, and 45-11-4 of the O.C.G.A. or by any other manner as provided by general law.

ARTICLE VI

FINANCE

SECTION 6.10.

Property tax.

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

and for any other public purpose as determined by the town council in its discretion.

SECTION 6.11.

Millage rate; due dates; payment methods.

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

SECTION 6.12.

Occupation and business taxes.

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

SECTION 6.13.

Licenses; permits; fees.

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

SECTION 6.14.

Franchises.

The town council shall have the power to grant franchises for the use of this town's streets and alleys for the purposes of railroads, street railways, telephone companies, electric companies, electric membership corporations, cable

television and other telecommunication companies, gas companies, transportation companies, and other similar organizations. The town council shall determine the duration, terms, whether the same shall be exclusive or nonexclusive, and the consideration for such franchises; provided, however, no franchise shall be granted for a period in excess of 35 years and no franchise shall be granted unless the town receives just and adequate compensation therefor. The town council shall provide for the registration of all franchises with the town clerk in a registration book kept by the town clerk. The town council may provide by ordinance for the registration within a reasonable time of all franchises previously granted.

SECTION 6.15.

Service charges.

The town council by ordinance shall have the power to assess and collect fees, charges, and tolls for sewers, sanitary and health services, or any other services provided or made available within and outside the corporate limits of the town for the total cost to the town of providing or making available such services. If unpaid, such charges shall be collected as provided in this charter.

SECTION 6.16.

Special assessments.

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

SECTION 6.17.

Construction; other taxes and fees.

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

SECTION 6.18.

Collection of delinquent taxes and fees.

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

SECTION 6.19.

General obligation bonds.

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

SECTION 6.20.

Revenue bonds.

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

SECTION 6.21.

Short-term loans.

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

SECTION 6.22.

Fiscal year.

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

SECTION 6.23.

Budget ordinance.

The town council shall provide an ordinance on the procedures and requirements for the preparation and execution of an annual operating budget, a capital improvement program, and a capital budget, including requirements as to the scope, content, and form of such budgets and programs. The town council shall also comply with the budgeting and auditing provisions of Chapter 81 of Title 36 of the O.C.G.A.

SECTION 6.24.

Operating budget.

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

SECTION 6.25.

Adoption.

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

(b) The town council shall by ordinance adopt the final operating budget for the ensuing fiscal year not later than the thirty-first day of December of each year. If the town council fails to adopt the budget by said date, the amounts appropriated for operation for the then current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items prorated accordingly,

until such time as the town council adopts a budget for the ensuing fiscal year. Adoption of the budget shall take the form of an appropriations ordinance setting out the estimated revenues in detail by sources and making appropriations according to fund and by organizational unit, purpose, or activity as set out in the budget preparation ordinance adopted pursuant to this charter.

SECTION 6.26.

Levy of taxes.

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

SECTION 6.27.

Changes in appropriations.

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

SECTION 6.28.

Capital improvements.

(a) On or before the date fixed by the town council, but not later than November 30 prior to the beginning of each fiscal year, the mayor shall submit to the town council a proposed capital improvements budget with the mayor's recommendations as to the means of financing the improvements proposed for the ensuing fiscal year. The town council shall have the power to accept, with or without amendments, or reject the proposed program and proposed means of financing. The town council shall not authorize an expenditure for the construction of any building, structure, work, or improvement unless the appropriations for such project are included in the capital improvements budget, except to meet a public emergency as provided under this charter.

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

SECTION 6.29.

Audits.

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

SECTION 6.30.

Procurement and property management.

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

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

SECTION 6.31.

Purchasing.

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

SECTION 6.32.

Sale and lease of town property.

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

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

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

ARTICLE VII

GENERAL PROVISIONS

SECTION 7.10.

Bonds for officials.

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

SECTION 7.11.

Prior ordinances.

All ordinances, resolutions, rules, and regulations now in force in the town not inconsistent with this charter are

declared valid and of full effect and force until amended or repealed by the town council.

SECTION 7.12.

Existing personnel and officers.

Except as specifically provided otherwise by this charter, all personnel and officers of this town and their rights, privileges, and powers now in force not inconsistent with this charter shall continue in force until amended or repealed by the town council.

SECTION 7.13.

Pending matters.

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

SECTION 7.14.

Definitions and construction.

- (a) Section captions in this charter are informative only and shall not be considered as a part thereof.
- (b) The word "shall" is mandatory and the word "may" is permissive.
- (c) The singular shall include the plural, the masculine shall include the feminine, and vice versa.
- (d) The term "councilmember" shall mean any person elected or appointed under the provisions of this charter to fill any of the five council positions and who is currently serving in said capacity.
- (e) The term "members of the council" shall include the mayor and all councilmembers who are currently serving in said capacities under the provisions of this charter.
- (f) The term "town council" or "council" shall include the mayor and councilmembers who are currently serving in said capacities under the provisions of this charter.

SECTION 7.15.

Repealer.

An Act incorporating the Town of Talking Rock in the County of Pickens, approved September 24, 1883 (Ga. L. 1882-83, p. 420), is hereby repealed in its entirety and all amendatory Acts thereto are likewise repealed in their entirety.

SECTION 7.16.

Effective date.

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

SECTION 7.17.

General repealer.

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

APPROVED

APR 21 1997

BY GOVERNOR

NOTICE OF INTENTION TO INTRODUCE LOCAL LEGISLATION

Notice is given that there will be introduced at the regular 1997 session of the General Assembly of Georgia a bill to provide a new charter for the Town of Talking Rock, Georgia; and for other purposes.

This 7th day of March 1997.

David Ralston
Senator, 51st District
(43)

GEORGIA, FULTON COUNTY

Personally appeared before me, the undersigned authority, duly authorized to administer oaths, David Ralston, who on oath deposes and says that he is the Senator from the 51st District and further deposes and says as follows:

(1) That the attached Notice of Intention to Introduce Local Legislation was published in the Pickens County Progress which is the official organ of Pickens County on the following date:

March 14, 1997

(2) That the laws requiring notice of local legislation were further complied with in the manner checked below:

A copy of the notice of intention was mailed, transmitted by facsimile, or otherwise provided to the governing authority of any county, municipality, or consolidated government whose charter or enabling Act is amended, as required by subsection (b) of Code Section 28-1-14.

The notice requirement of subsection (b) of Code Section 28-1-14 does not apply because the bill was requested by resolution or other written notification of the governing authority of the affected county, municipality, or consolidated government and a copy of such resolution or other written notification is attached hereto.

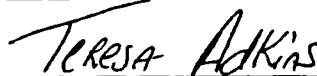
The notice requirement of subsection (b) of Code Section 28-1-14 does not apply because the bill does not amend the charter of a municipality or the enabling Act of a county or consolidated government or the bill affects a local school system.

The notice requirement of subsection (b) of Code Section 28-1-14 does not apply because the bill is an annexation bill and a copy of the bill was provided to the county governing authority within which the area proposed to be annexed is located at the time the notice was published, as required by Code Section 28-1-14.1.



DAVID RALSTON
Senator, 51st District

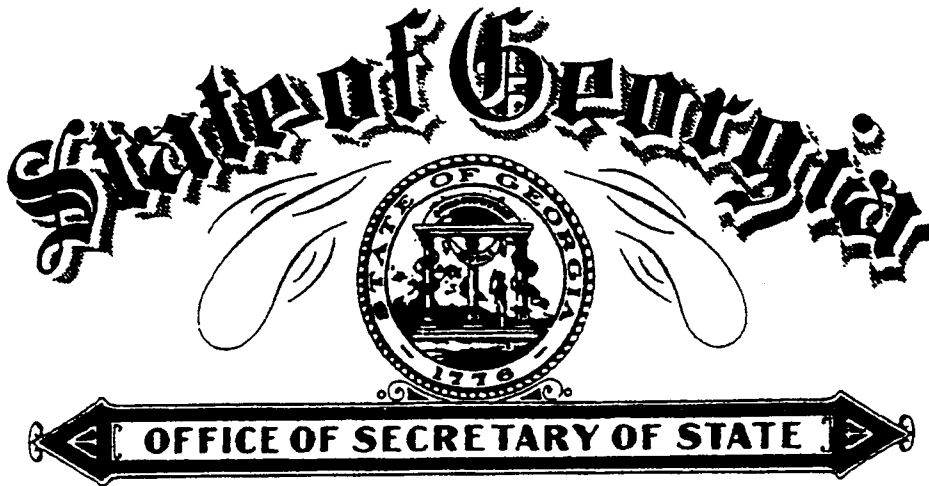
Sworn to and subscribed before me, this
20th day of March
19 97.



TERESA ADKINS

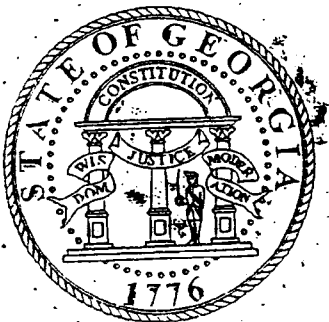
Notary Public, Clayton County, Georgia
My Commission Expires Jan. 5, 2001

APPROVED
APR 21 1997
BY GOVERNOR



I, Cathy Cox, Secretary of State of the State of Georgia, do hereby certify that the three pages of photocopied matter hereto attached contains a true and correct copy of an Act approved by the Governor on May 4, 2006 numbered Act number 784 (S.B. 630); all as same appear of file and record in this office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of my office, at the Capitol, in the City of Atlanta, this 19th day of May, in the year of our Lord Two Thousand and Six and of the Independence of the United States of America the Two Hundred and Thirtieth.



Cathy Cox

SECRETARY OF STATE

ENROLLMENT

April 18 2006
The Subcommittee of the Senate on Enrolling and Journals has examined the within and finds the same properly enrolled.

Don Balfour
Chairman

[Signature]
President of the Senate

Robert F. Ewing
Secretary of the Senate

[Signature]
Speaker of the House

Robert W. Rivers
Clerk of the House

Received [Signature]
Secretary, Executive Department

This 20th day of April 2006

Approved Sonny Perdue
Governor

This 4th day of May 2006

S.B. No. 630 Act No. 784

GENERAL ASSEMBLY



AN ACT

To amend an Act providing a new charter for the Town of Talking Rock, approved April 21, 1997 (Ga. L. 1997, p. 4222), so as to change provisions relating to the time of municipal elections and the terms of the mayor and council; to exercise authority granted under general law so as to make the charter provisions on this subject consistent with general law; to provide for related matters; and for other purposes.

IN SENATE

Read 1st time Mar. 2, 2006
Read 2nd time
Read 3rd time Mar. 8, 2006
And Passed
Yeas 45 Nays 0

Robert F. Ewing
Secretary of the Senate

IN HOUSE

Read 1st time Mar. 9, 2006
Read 2nd time Mar. 13, 2006
Read 3rd time Mar. 14, 2006
And Passed
Yeas 120 Nays 0

Robert W. Rivers
Clerk of the House

By: Senator Pearson of the 51st

AN ACT

To amend an Act providing a new charter for the Town of Talking Rock, approved April 21, 1997 (Ga. L. 1997, p. 4222), so as to change provisions relating to the time of municipal elections and the terms of the mayor and council; to exercise authority granted under general law so as to make the charter provisions on this subject consistent with general law; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

An Act providing a new charter for the Town of Talking Rock, approved April 21, 1997 (Ga. L. 1997, p. 4222), is amended by striking Section 5.11 and inserting in its place a new section to read as follows:

'SECTION 5.11.

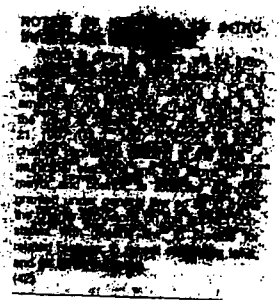
Regular elections; time for holding.

(a) On the Tuesday next following the first Monday in November in 2009 and quadrennially thereafter, there shall be an election for the mayor and councilmembers. Persons elected to such offices shall take office and begin their terms of office on the first day of January immediately following their election.

(b) It is the purpose of this Code Section to conform the charter of the Town of Talking Rock to the requirements of general state law as provided in Code Sections 21-2-9 and 21-2-541.2 of the Official Code of Georgia Annotated. For this purpose, the terms of the mayor and councilmembers elected in 2004 shall extend until the taking of office by their successors under subsection (a) of this section, as authorized by Code Section 21-2-541.2 of the Official Code of Georgia Annotated.'

SECTION 2.

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



GEORGIA, FULTON COUNTY

Personally appeared before me, the undersigned authority, duly authorized to administer oaths, Chip Pearson, who on oath deposes and says that he is the Senator from District 51 and further deposes and says that the attached Notice of Intention to Introduce Local Legislation was published in the Pickens County Progress which is the official organ of Pickens County on February 23, 2006, and that the notice requirements of Code Section 28-1-14 have been met.

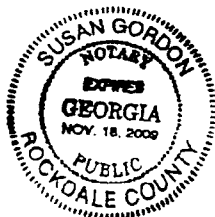
Chip Pearson

Chip Pearson
Senator, District 51

Sworn to and subscribed before me,
this *28th* day of *February*, 2006.

Susan Gordon

Susan Gordon
Notary Public, Rockdale County, Georgia
My Commission Expires Nov. 18, 2009
(SEAL)



APPROVED
MAY 4 2006
BY GOVERNOR

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act providing a new charter for the Town of Talking Rock, approved April 21,
2 1997 (Ga. L. 1997, p. 4222), as amended by an Act approved May 4, 2006 (Ga. L. 2006,
3 p. 4130), so as to modify provisions relating to municipal elections and the terms of the
4 mayor and councilmembers; to provide for related matters; to repeal conflicting laws; and
5 for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 SECTION 1.

8 An Act providing a new charter for the Town of Talking Rock, approved April 21, 1997 (Ga.
9 L. 1997, p. 4222), as amended by an Act approved May 4, 2006 (Ga. L. 2006, p. 4130), is
10 amended by revising Section 2.10 as follows:

11 SECTION 2.10.

12 Town council creation; number; election.

13 The legislative authority of the government of this town, except as otherwise specifically
14 provided in this charter, shall be vested in a town council to be composed of a mayor and
15 five councilmembers. The town council established in this charter shall in all respects be
16 a successor to and continuation of the town governing authority under prior law. All town
17 elections shall be nonpartisan. The mayor and councilmembers shall be elected in the
18 manner provided by this charter.*

19 SECTION 2.

20 Said Act is further amended by revising Section 2.11 as follows:

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***SECTION 2.11.**

Mayor and town councilmembers; terms and qualifications for office.

(a) For the purpose of electing members of the town council, the Town of Talking Rock shall consist of one election district with five numbered posts. Each person seeking election shall designate the post for which he or she seeks election.

(b) The mayor and town councilmembers shall serve for terms of four years, subject to the initial two-year term set forth herein below, and until their respective successors are elected and qualified. No person shall be eligible to serve as mayor or councilmember unless that person shall have been a resident of the town immediately prior to the date of the election for a period of time as provided in Code Section 45-2-1 of the O.C.G.A.; each shall continue to reside therein during that person's period of service and to be registered and qualified to vote in municipal elections of this town.

(c) On the Tuesday next following the first Monday in November, 2013, and on such day biennially thereafter, a general municipal election shall be conducted in the Town of Talking Rock for the purpose of electing a mayor and councilmembers for Posts 1 through 5 to succeed those officials whose terms expire December 31 following the date of such election. Officials elected in such elections shall be elected for terms of office of four years beginning on January 1, except for mayor and councilmember Posts 2 and 4, which shall be for an initial term of two years, following the date of their respective election and until they are no longer qualified or their successors are elected and qualified, whichever shall occur first.

(d) Elections shall be conducted in the Town of Talking Rock at the town hall or at such place or places as may be designated by the mayor and town council.

(e) The candidate for each councilmember post receiving a plurality of votes cast for such councilmember post shall be declared as councilmember for the respective post for which he or she qualified as a candidate.

(f) Throughout this charter, the terms he, him, councilman, councilmen, councilmembers, or the like shall refer to the feminine as well as the masculine."

SECTION 3.

Said Act is further amended by revising Section 2.12 as follows:

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*SECTION 2.12.

Vacancy; filling of vacancies; suspensions.

- (a) The office of mayor or councilmember shall become vacant upon the incumbent's death, resignation, forfeiture of office, or removal from office or in any manner provided by this charter or the general laws of the State of Georgia.
- (b) In the event the office of mayor shall become vacant for any cause, the mayor pro tempore shall fill and hold the office of mayor until the next regular biennial election at which time an election shall be held to fill such office for either the remaining two years of the unexpired term of the mayor vacating such office or the new term of office, whichever shall apply.
- (c) In the event the office of any councilmember shall become vacant for any cause, the mayor and remaining councilmembers shall appoint a qualified person to fill and hold such office for either the remaining two years of the term of office of the councilmember vacating such office or for the new term of office, whichever shall apply.
- (d) Upon the suspension from office of the mayor or a councilmember, in any manner authorized by the general laws of the State of Georgia, the remaining councilmembers not under suspension, and mayor where the mayor is not under suspension, shall appoint a successor for the duration of the suspension. If the suspension becomes a permanent suspension, then the office shall become vacant and shall be filled as provided by this section."

SECTION 4.

Said Act is further amended by revising Section 2.26 as follows:

*SECTION 2.26.

Compensation of mayor.

The compensation of the mayor shall be established in the same manner as for councilmembers."

SECTION 5.

Said Act is further amended by revising Section 2.27 as follows:

