

AN ACT

To reincorporate and provide a new charter for the City of Thomaston in Upson County; to provide for the corporate limits of the city; to provide for the powers of the city; to provide for the form and method of government of the city; to provide for the administration of city affairs; to provide for the municipal court of the city; to provide for elections for city offices; to provide for taxation by the city; to provide for financial management of the city; to provide for a retirement system; to provide for all related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

ARTICLE I. CREATION, REINCORPORATION, AND POWERS

Sec. 1.1 Reincorporation.

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

Sec. 1.2. Corporate boundaries.

The corporate boundaries of this city 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 city shall at all times be shown on a map, a written description or any combination thereof, to be retained permanently as a public record in the office of the city manager at city hall, Thomaston, Georgia, and to be designated as the "Official Map of the City of Thomaston, Georgia." The original of such map is expressly, by reference, incorporated herein as an integral part of this charter, and it shall be signed by the Mayor and be attested thereto by the city clerk or deputy city clerk. Photographic, typed, or other copies of such map or description

certified by the city clerk or deputy city clerk shall be admitted as evidence in all courts and shall have the same force and effect as with the original map or description. All future alterations of said map, as directed by Council to reflect lawful changes in the corporate boundaries, shall be signed by the mayor and city clerk or deputy city clerk. A redrawn map shall supercede, for all purposes, the entire map or maps which it is designated to replace.

Sec. 1.3. Powers and construction.

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

Sec. 1.4. Examples of powers.

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

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

- (2) *Appropriations and Expenditures.* To make appropriations for the support of the government of the city; 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 city;
- (3) *Building Regulation.* To regulate and to license the erection and construction of buildings and all other structures; to adopt building, housing, plumbing, fire safety, electrical, gas, and heating and air conditioning codes; and to regulate all housing and building trades;
- (4) *Business Regulation and Taxation.* To levy and to provide for the collection of license fees, permit fees and taxes on privileges, occupations, trades and professions as authorized by Title 48 of the Official Code of Georgia Annotated, or other such applicable laws as are or may hereafter be enacted; to license, permit and regulate the same; to provide for the manner and method of payment of such licenses, permits and taxes; and to revoke such licenses after due process for failure to pay any city taxes or fees; or for violations of licensing regulations;
- (5) *Condemnation.* To condemn property, inside and outside the corporate boundaries of the city, for present or future use and for any corporate purpose deemed necessary by the governing authority, utilizing procedures enumerated in Title 22 of the Official Code of Georgia Annotated, or such other applicable laws as are or may hereafter be enacted;
- (6) *Contracts.* To enter into contracts and agreements with other governmental entities and with private persons, firms and corporations;
- (7) *Electric Fees.* To levy a fee, charge, or tax as necessary to assure the acquiring, constructing, equipping, operating, maintaining, and extending of an electric plant and the infrastructure thereof, and to levy on users an electric service fee,

charge or tax for the availability or use thereof; to provide for the manner and method of collecting such service charges and for enforcing payment of the same; and to charge, impose and collect an electric connection fee to those connected with the system;

- (8) *Emergencies.* To establish procedures for determining and proclaiming that an emergency situation exists within or without the city, 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 city;
- (9) *Environmental Protection.* To protect and preserve the natural resources, environment and vital areas of the city, the region, and the state through the preservation and improvement of air quality, the restoration and maintenance of water resources, the control of erosion and sedimentation, the management of stormwater and establishment of a stormwater utility, the management of solid and hazardous waste, and other necessary actions for the protection of the environment;
- (10) *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;
- (11) *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 city from all individuals, firms, and corporations residing in or doing business therein benefiting from such services; to enforce the payment of such charges, taxes or fees; and to provide for the manner and method of collecting such service charges;

- (12) *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 city, and to provide for the enforcement of such standards and regulations;
- (13) *Gifts.* To accept or refuse gifts, donations, bequests or grants from any source for any purpose related to powers and duties of the city and the general welfare of its citizens, on such terms and conditions as the donor or grantor may impose;
- (14) *Health and Sanitation.* To prescribe standards of health and sanitation and to provide for the enforcement of such standards;
- (15) *Jail Sentences.* To provide that persons given jail sentences in the city's court may work out such sentences in any public works or on the streets, roads, drains and other public property in the city, to provide for commitment of such persons to any jail, to provide for the use of pretrial diversion and any alternative sentencing allowed by law, or to provide for commitment of such persons to any county work camp or county jail by agreement with the appropriate county officials;
- (16) *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 city;
- (17) *Municipal Agencies and Delegation of Power.* To create, alter or abolish departments, boards, offices, commissions and agencies of the city, and to confer upon such departments, boards, offices, commissions, and agencies the necessary and appropriate authority for carrying out all the powers conferred upon or delegated to the same;

- (18) *Municipal Debts and Issuance of Bonds.* To contract debts and issue bonds of said city as the valid obligations of said city, under and in accordance with the limitations provided in the Constitution and laws of said state, for the purpose of refunding valid and existing debts, establishing, improving, and maintaining a water supply system, a system of lights or electric power, any other public service or utility system, hospitals, or other public buildings, for the paving or otherwise improving of city streets or public places, and for any other improvement, convenience, or necessity for the use of said city or the citizens thereof, or for any other lawful purpose.
- (19) *Municipal Property Ownership.* To purchase, hold, rent, lease, and receive by gift or otherwise, and to enjoy, possess, and retain, temporarily or permanently, any property, real or personal, of any kind whatsoever either within or without the corporate limits of said city, for corporate purposes;
- (20) *Municipal Property Protection.* To provide for the preservation and protection of property, real and personal, and the administration and use of same by the public; and to prescribe penalties and punishment for violations thereof;
- (21) *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, stormwater management, gas works, electric light plants, cable television and other telecommunications, transportation facilities, public airports and any other public utility; and to fix the taxes, charges, rates, fares, fees, assessments, regulations and penalties, and to provide for the withdrawal of service for refusal or failure to pay the same;
- (22) *Nuisance.* To define a nuisance and provide for its abatement whether on public or private property;

- (23) *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;
- (24) *Planning and Zoning.* To provide comprehensive city planning for development by zoning; and to provide subdivision regulation and the like as the city council deems necessary and reasonable to insure a safe, healthy, and aesthetically pleasing community;
- (25) *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 firefighting agency;
- (26) *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;
- (27) *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, detentional, penal and medical institutions, agencies and facilities; and to provide any other public improvements, inside or outside the corporate limits of the city; to regulate the use of public improvements; and for such purposes, property may be acquired by condemnation under Title 22 of the Official Code of Georgia Annotated, or such other applicable laws as are or may hereafter be enacted;
- (28) *Public Peace.* To provide for the prevention and punishment of loitering, disorderly conduct, drunkenness, riots, and public disturbances;

- (29) *Public Transportation.* To organize and operate such public transportation systems as are deemed beneficial;
- (30) *Public Utilities and Services.* To grant franchises or make contracts for, or impose taxes on public utilities and public service companies; and to prescribe the rates, fares, regulations and standards and conditions of service applicable to the service to be provided by the franchise grantee or contractor; insofar as not in conflict with valid regulations of the Public Service Commission;
- (31) *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 city; and to prescribe penalties and punishment for violation of such ordinances;
- (32) *Retirement.* To provide and maintain a retirement plan and other employee benefit plans and programs for elected officials, officers and employees of the city;
- (33) *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 city; and to grant franchises and rights-of-way throughout the streets and roads, and over the bridges and viaducts for the use of public utilities; and to require real estate owners to repair and maintain in safe condition the sidewalks adjoining their lots or lands, and to impose penalties for failure to do so;
- (34) *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 users of sewers and sewerage systems a sewer service fee, charge or sewer tax for the availability or use of the sewers; to provide for the manner and method of collecting such service charges and for enforcing payment of the same; and to charge, impose and collect a sewer connection fee to those connected with the system;

- (35) *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;
- (36) *Special Areas of Public Regulation.* To regulate or prohibit junk dealers, the manufacture and sale of intoxicating liquors; to regulate the transportation, storage and use of combustible, explosive and inflammable materials, the use of lighting and heating equipment, and any other business or situation which may be dangerous to persons or property; to regulate and control the conduct of peddlers and itinerant traders, theatrical performances, exhibitions, and shows of any kind, by taxation or otherwise; to license and tax professional fortunetelling, palmistry, and massage parlors; and to restrict adult bookstores to certain areas;
- (37) *Special Assessments.* To levy and provide for the collection of special assessments to cover the costs of any public improvements;
- (38) *Taxes:*
- (a) *Ad Valorem.* To levy and provide for the assessment, valuation, revaluation, and collection of taxes on all property subject to taxation;
- (b) *Other.* To levy and collect such other taxes as may be allowed now or in the future by municipal governments;

- (39) *Taxicabs.* To regulate and license vehicles operated for hire in the city; 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) *Water Fees.* To levy a fee, charge, or tax as necessary to assure the acquiring, constructing, equipping, operating, maintaining, and extending of a water plant and the infrastructure thereof, and to levy on users a water service fee, charge or tax for the availability or use thereof; to provide for the manner and method of collecting such service charges and for enforcing payment of the same; and to charge, impose and collect a water connection fee to those connected with the system;
- (41) *Urban Redevelopment.* To organize and operate an urban redevelopment program;
- (42) *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 city and its inhabitants; and to exercise all implied powers necessary or desirable to carry into execution all powers granted in this charter as fully and completely as if such powers were fully stated herein; and to exercise all powers now or in the future authorized to be exercised by other municipal governments under other laws of the State of Georgia; and no listing of particular powers in this charter shall be held to be exclusive of others, nor restrictive of general words and phrases granting powers, but shall be held to be in addition to such powers unless expressly prohibited to municipalities under the Constitution or applicable laws of the State of Georgia.

Sec. 1.5. Vesting of property owned at time of enactment.

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

Sec. 1.6 Assumption of former debts.

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

Sec. 1.7 Exercise of Powers.

All powers, functions, rights, privileges, and immunities of the city, 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. CITY GOVERNMENT

Sec. 2.1. Governing authority.

The municipal government of the city shall consist of a mayor and five (5) council members, and shall be known as the “Mayor and City Council of the City of Thomaston, Georgia.” The Mayor and City Council shall be the legislative branch of government and shall have governing authority of the city. The powers and authority of the mayor and city council shall be exercised in compliance with the provisions of this charter and as otherwise authorized by the laws of the State of Georgia.

Sec. 2.2. Councilmembers and election districts.

- (a) One of said councilmembers shall be elected from the entire city, at-large, and shall serve as the mayor pro tempore.
- (b) The City of Thomaston shall be divided into four (4) council districts. The members representing each council district shall be elected only by the voters residing in that district and not at large. Said four (4) council districts shall consist of the territory enumerated herein below on Exhibit "A", and also shown on a map entitled "Proposed Thomaston City Council" prepared by the Legislative and Congressional Reappointment Office which is on file in the offices of the city and incorporated herein by reference:

EXHIBIT "A"

District 001

County Upson GA

VTD 2935610 - TOWN											
<i>Block 010402:</i>											
1003	1004	1006	1007	1015	1018	1019	1020	2000	2001	2002	3012
3013	3017	3020	3021	3022	3023	3024	3025	3026	3027	3028	3029
3030	3031	3032	4000	4002	4003	4004	4005	4009	4020	4021	4022
4029	4030										
<i>Block 010500:</i>											
1052	1055	1056	2022	2023	2024	2025	2026	2027	2028	2029	2030
2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042
2043	2045	3000	3001	3002	3003	3004	3005	3006	3007	3008	3016
3017	3018	3019	3020	3021	3022	3023	3024	3025	3026	3027	3028
3029	3030	3036	3037	3038	3039	3040	3041	4044	4056	4057	4058

District 002

County Upson GA

VTD 2930555 - REDBONE		
<i>Block 010201:</i>		
1016	1029	1030

<i>Block 010500:</i>										
1016	1017	1018	1020	1021	1039	1040	1041	1057	4018	

VTD 2935610 - TOWN											
<i>Block 010201:</i>											
1022	1023	1024	1025	1026	1027	1028	1041	1059	1064	1065	
<i>Block 010500:</i>											
1042	1044	1045	1046	1047	1048	1049	1050	1051	1053	1054	2000
2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
2013	2014	2015	2016	2017	2018	2019	2020	2021	3009	3010	3011
3012	3013	3014	3015	3031	3032	3033	3034	4033	4045	4050	4051
4052	4053	4054	4055								

District 003
County Upson GA

VTD 2930555 - REDBONE										
<i>Block 010201:</i>										
1034	1035	1036	1037	1038	2024	2025	2030	2031	3028	3031

VTD 2935610 - TOWN											
<i>Block 010201:</i>											
1042	1044	1045	1048	1051	1052	1053	1054	1055	1056	1057	1058
1060	1062										
<i>Block 010402:</i>											
2003	2004	2005	2006	2007	2008	2012	2013	2020	2021	2022	2023
2024	2025	2026	2027	2028	2033	2034	3000	3001	3002	3003	3004
3005	3006	3007	3008	3009	3010	3011	3014	3015	3016	3018	3019

District 004
County Upson GA

VTD 2930561 - LINCOLN PARK		
<i>Block 010401:</i>		
1043	2004	2017

VTD 2935610 - TOWN											
<i>Block 010401:</i>											
1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1014	1015	1017	1018	1019	1020	1021	1022	1028	1029
1033	1034	1040	1050	1051	2000	2003					
<i>Block 010402:</i>											
1008	1009	1010	1011	1012	1013	1014	1017	1029	1032	1033	1036
1039	1045	2010	2014	2015	2016	2017	2018	2019	2029	2030	2031
2032	4001	4006	4007	4008	4010	4011	4012	4013	4014	4015	4016
4017	4018	4019	4023	4024	4025	4026	4027	4028	4031	4032	4033
<i>Block 010500:</i>											
2044											
<i>Block 010600:</i>											
1051											

- (c) For the purposes of this section, the term “Block” shall mean and shall describe the same geographical boundaries as provided in the report of the Bureau of the Census for the United States decennial census of 2020 for the State of Georgia.

Sec. 2.3. Mayor and City Council qualifications and terms.

- (a) The mayor and each member of city council shall serve for a period of four (4) years in each term for which they are elected. The mayor and each member of city council in office on the effective date of this section shall serve the remainder of his or her term of office for which he or she was elected.
- (b) No person shall be eligible to serve as mayor or city council member unless he or she is a qualified municipal voter, has attained the age of 21 years on the date of the election, and shall have been a resident of the city for one (1) year

immediately prior to the date of his or her election. No person who has been convicted of a felony or misdemeanor involving moral turpitude shall be eligible to be elected as mayor or councilmember unless that person's civil rights have been restored.

- (c) No person shall be eligible to serve as a councilmember representing an election district unless that person has been a resident of the district such person seeks to represent for a continuous period of at least six (6) months immediately prior to the date of the election for councilmember.
- (d) If the mayor or any councilmember fails to continue to meet the residency requirements set forth above, during his or her term of office, he or she shall immediately resign from office or, upon failure to resign, be removed from office by operation of law.
- (e) Those persons currently elected to hold office of mayor or councilmember shall continue to serve in said position until their successors are duly elected and qualified as provided by law.

Sec. 2.4. Holding other office.

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

Sec. 2.5. Vacancies and the filling of vacancies of office.

- (a) *Vacancies:* The office of mayor or councilmember shall become vacant upon the incumbent's death, resignation, forfeiture of office, or occurrence of an event

specified by the Constitution of the State of Georgia, Title 45 of the Official Code of Georgia Annotated, or such other applicable laws as are or may hereafter be enacted.

- (b) *Filling of vacancies:* A vacancy in the office of mayor or any councilmember shall be filled for the remainder of the unexpired term, if any, by appointment by the city council or those members remaining if less than twelve (12) months remaining in the unexpired term. If the vacancy occurs twelve (12) months or more prior to the expiration of the term of that office, it shall be filled for the remainder of the unexpired term by a special election, as provided with Titles 21 and 45 of the Official Code of Georgia Annotated, or other such laws as are or may hereafter be enacted.
- (c) This provision shall also apply to a temporary vacancy created by the suspension from office of the mayor or any councilmember and to a vacancy that occurs when the mayor or any councilmember no longer meets the residency requirements as set forth in Sec. 2.3.

Sec. 2.6. Compensation and expenses.

- (a) The mayor and each councilmember shall receive an annual salary and other benefits that are not prohibited by law, which shall be established by ordinance adopted in accordance with state law, and said salary shall be paid in twelve (12) equal payments on or by the end of each month.
- (b) In addition to their annual salary, the mayor and each councilmember may be reimbursed for actual out of pocket expenses incurred on behalf of the city and within the scope of their representation thereof as provided by ordinance.

Sec. 2.7. Inquiries and investigations.

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

Sec. 2.8. General power and authority of the mayor and city council; authority to condemn property.

- (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.
- (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, 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.
- (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.

Sec. 2.9. Duties and powers of mayor.

The mayor shall have the following duties and powers:

- (a) Preside at meetings of city council;
- (b) Vote on the appointment of city manager, city attorney, city clerk, municipal court judge, and auditor;
- (c) Other than as allowed by (b) above, the mayor may not vote at meetings of the mayor and city council, except in the event of a tied vote by the council on any questions, resolutions or measure;
- (d) Veto power on decisions except those on which the mayor's vote is cast as set forth in 2.9 (b) and (c) or in which he has a financial interest or conflict of interest as set forth in 2.11, and said veto power must be exercised within three (3) days after the passage of any measure, ordinance, order, or resolution of the city council; failure to exercise the veto power shall result in the passage of the measure, ordinance, order, or resolution as approved by the majority vote of city council; and said veto must be in writing setting forth the mayor's reasons for disapproval and filed with the City Clerk or Deputy City Clerk, and should the Mayor exercise his or her veto power, the measure, ordinance, order or resolution shall not become a law or enforceable unless subsequently passed over the Mayor's veto of at least four (4) councilmembers;

- (e) Disapprove or reduce any item or items of appropriation in any ordinance. The approved part or parts of any ordinance making appropriations shall become law, and the part or parts disapproved shall not become law unless subsequently passed by the City Council over the Mayor's veto as provided in (d) above. The reduced part or parts shall be presented to City Council as though disapproved and shall not become law unless overridden by the Council as provided (d) above;
- (f) May approve in writing any measure passed by the city council and it shall go into effect immediately;
- (g) Sign as a matter of course on behalf of the city written and approved contracts, ordinances, and other instruments executed by the city which by law are required to be in writing;
- (h) Have power to administer oaths and to take affidavits; and
- (i) Be the head of the city for the purpose of service of process and for ceremonial purposes, and be the official spokesperson for the city and the chief advocate of policy.

Sec. 2.10. Duties and powers of mayor pro tem.

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

Sec. 2.11. Fiduciary capacity; conflict of interest; and voting when financial interest.

- (a) Elected and appointed officers of the city are trustees and servants of the residents of the city and shall act in a fiduciary capacity for the benefit of such residents.
- (b) Disclosure - Any elected official, appointed officer, or employee who shall have any financial interest, directly or indirectly, in any contract or matter pending before or within any department of the city shall disclose such interest to the city council. The mayor or any councilmember who has a financial interest in any matter pending before the city council shall disclose such interest and such disclosure shall be entered on the records of the city council, and that official shall disqualify himself or herself from participating in any decision or vote relating thereto. If the mayor is disqualified from participating in any decision or vote pursuant to this provision, he or she shall also be disqualified from exercise his or her veto power in any decision related to his or her disqualification. Any elected official, appointed officer, or employee of any agency or political entity to which this charter applies who shall have any financial interest, directly or indirectly, in any contract or matter pending before or within such entity shall disclose such interest to the governing body of such agency or entity.

Sec. 2.12. Organizational meetings.

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

“I do solemnly swear or affirm that I will faithfully discharge the duties devolved on me as mayor/councilman of the City of Thomaston; that I will

faithfully execute and enforce the laws of said city, the United States Constitution and the Constitution of the State of Georgia, to the best of my ability, skill, and knowledge; and that I will do all in my power to promote the general welfare of the inhabitants of said city and common interest thereof.

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

Sec. 2.13. Regular and special meetings.

- (a) The mayor and city council shall have full power to fix the time, place, and rules of procedure of their regular sessions. And the Mayor, or a majority of the city council, shall have power to convene the city council in special session by delivering written notice thereof personally to the mayor and to each councilman at least 24 hours prior to the convening of such 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 constitute a waiver of notice on any business transacted in such councilmember’s presence. The mayor and city council shall have full and ample power to do and perform any of their duties or exercise any of their powers at a special or called session as at a regular session. Only the business stated in the call may be transacted at the special meeting.

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

Sec. 2.14. Rules of procedure.

The city council shall adopt its rules of procedure and order of business consistent with the provisions of this charter and shall provide for keeping a journal of its proceedings which shall be a public record. The rules of procedure and order in place at the time this charter is enacted, and as previously adopted, shall remain in effect until such time as city council deems it appropriate and necessary to amend all or a portion thereof.

Sec. 2.15. Quorum: Voting.

Four (4) councilmembers or three (3) councilmembers and mayor shall constitute a quorum. Voting on the adoption of ordinances, resolutions, contracts or other matters brought before city council shall be by voice vote and the ayes and nays shall be recorded in the minutes. The mayor or any member of the city council shall have the right to request a roll call vote and such vote shall be recorded in the minutes. The vote of the majority of those present shall control. A councilmember who abstains from voting must abstain on the basis of an announced conflict of interest or other legal ground, and in the absence thereof, the abstention shall be counted as an affirmative vote.

Sec. 2.16. Ordinances form: Procedures.

- (a) Every proposed ordinance should be introduced in writing and in the form required for final adoption.
- (b) An ordinance may be introduced by any councilmember, the mayor or the city manager and be read at a regular or special meeting of the city council. Ordinances shall be considered and adopted or rejected by the city council in accordance with the rules which it shall establish; provided, however, an ordinance shall not be adopted the same day it is introduced, except for emergency ordinances provided in Section 2.18 or unless it is unanimously approved by all members of city council then in office. Said ordinance may be amended, corrected or revised. Upon introduction of any ordinance, the city clerk or deputy city 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 city council may designate.

Sec. 2.17. Action requiring an ordinance.

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

Section 2.18. Emergencies.

To meet a public emergency affecting life, health, property or public peace, the city council may convene on call of the Mayor or four (4) councilmembers and promptly adopt an emergency ordinance, but such ordinance may not levy taxes; grant, renew or extend a franchise; regulate the rate charged by any public utility for its services; or authorize the borrowing of money except for loans to be repaid within 30 days. An emergency ordinance shall be introduced in the form prescribed for ordinances

generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists, and describing the emergency in clear and specific terms. An emergency ordinance may be adopted, with or without amendment, or rejected at the meeting at which it is introduced, but the affirmative vote of at least four (4) councilmembers shall be required for adoption. The emergency ordinance 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.

Sec. 2.19. Codes of technical regulations.

- (a) The city council may adopt any standard code of technical regulations by reference thereto in an adoption ordinance. The procedure and requirements governing such adopting ordinance shall be as prescribed for ordinances generally except that: (1) the requirements of Section 2.16 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 2.20.
- (b) Copies of any adopted code of technical regulations shall be made available by the clerk for inspection by the public at a reasonable cost.

Sec. 2.20. Signing; authenticating; recording; codification; printing.

- (a) The city clerk or deputy city clerk shall authenticate by his or her signature and record in full in a properly indexed book kept for that purpose, all ordinances adopted by the city council.
- (b) The city council shall provide for the preparation of a general codification of all the ordinances of the city having the force and effect of law. The general codification shall be adopted by the city 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 city council may specify. This compilation shall be known and cited officially as “The Code of the City of Thomaston, Georgia.” Copies of the code shall be furnished to or made accessible by all officers, departments and agencies of the city, and made available for purchase by the public at a reasonable price as fixed by the city council.
- (c) The city 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 city council. Following publication of the first code under this charter and at any 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 city 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.

ARTICLE III. ADMINISTRATIVE AFFAIRS

Sec. 3.1. Organization.

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

Sec. 3.2. Administrative duties of mayor.

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

Sec. 3.3. City manager: appointment; qualifications and compensation.

- (a) The mayor and city council shall appoint a city manager for an indefinite term and shall fix the manager's compensation.
- (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 executive and administrative qualifications, with special reference to his actual experience in, or his knowledge of, accepted practice in respect to the duties of his office as hereinafter outlined.
- (c) The minimum qualifications for the city manager are as follows:
 - (1.) A master's degree together with two (2) 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 (5) 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;

(b) At least 21 years of age; and

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

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

(e) No person elected as mayor or as a councilman of the City of Thomaston shall, subsequent to such election, be eligible for appointment as city manager until two (2) years have elapsed following the expiration of the term for which he was elected.

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

Sec. 3.4. Removal of city manager.

The mayor and city council may, by affirmative vote of a majority, remove or suspend the city manager from office through adoption of a preliminary resolution which must state the reasons for such removal or suspension. The removal or suspension may be effective instanter, and if so provided by such resolution, in the event of removal or suspension, the city manager's entitlement to continue receiving compensation shall be at the sole discretion of the city council to the extent that said discretion is not otherwise limited or prohibited by the provisions and terms set forth in the city manager's contract of employment. The action of the mayor and city council in

removing or suspending the city manager shall be final and conclusive and not subject to review except for constitutional questions, and this provision shall, by operation of law, be and become a part of any contract of employment between the city manager and the City of Thomaston. A copy of a resolution removing or suspending the city manager shall be certified by the city clerk or deputy city clerk and served upon the city manager.

Sec. 3.5. Acting city manager.

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

Sec. 3.6. Powers and duties of the city manager.

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

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

- without the consent of or formal consultation with the mayor and city council; provided he shall not have the right to remove those officers and employees who by this act, are appointed or elected by the mayor and city council;
- (4) Fix all salaries and compensation of the department heads of the various city departments within the minimum and maximum limits prescribed by city council, and to fix all salaries and compensation of all other city employees lawfully employed by him;
 - (5) Exercise supervision and control of all departments of the city that are now or may hereafter be created by the mayor and city council, except as otherwise provided for in this act;
 - (6) Attend all meetings of the mayor and city council, except for closed meeting held for the purpose of deliberating on the appointment, discipline or removal of the city manager, with a right to take part in the discussion, but having no vote (the city manager shall be entitled to notice of all special meetings of the mayor and city council);
 - (7) Recommend to the mayor and city council the adoption of such measures, ordinances and resolutions as he may deem necessary or expedient;
 - (8) Make and execute lawful contracts, except as otherwise provided for herein, on behalf of the city as to matters within his jurisdiction, except such as may be otherwise provided by law or by ordinances passed by the mayor and city council; provided, however, no electric light, water, or other public utility plant or system now or hereafter owned by the City of Thomaston shall be sold, leased or otherwise disposed of except in strict compliance with the laws of the State of Georgia and the provisions of the charter of the City of Thomaston, nor shall any realty of any kind or character be purchased except when so authorized by the mayor and city council, nor shall any other property now or hereafter owned by said city, either real or personal, be sold,

leased or otherwise disposed of except in strict accordance with the provisions of charter;

- (9) Submit to the mayor and city council, for their consideration, a budget of the proposed expenditures of the city for the ensuing year, the probable revenue for that year and from what sources it is excepted. The city manager shall submit the proposed budget to mayor and city council in a timely manner so as to allow sufficient time for adoption thereof prior to the beginning of the next fiscal year for which the budget has been prepared. Said annual budget shall show in as much detail as practicable the amount allotted to each department of the city government. Said budget, as submitted by the city manager, shall be subject to the approval of the mayor and city council, who may make such changes therein as they shall deem advisable. Additional provisions regarding the adoption of the budget are set forth in Section 6.17. Upon the approval of said annual budget by the mayor and city council, thereafter, no part of any amount allotted to any department shall be expended by the city manager on account of any other department except with the prior consent of the mayor and city council, and the city manager shall not expend for any department during any calendar quarter of said year any amount that exceeds one-fourth of the amount budgeted for said department in said annual budget, except with the previous consent and approval of the mayor and city council;
- (10) Keep the mayor and city council at all times fully advised as to the financial condition and needs of the city;
- (11) Make such other reports as the mayor and city council may require showing the operations and expenditures of each department of the city which are subject to the manager's direction and supervision;
- (12) Perform such other duties as may be required by ordinance or resolution of the mayor and city council;

- (13) Be the purchasing agent for the city, and he shall make all purchases of supplies for the various departments of the city and shall approve all vouchers for the same; provided, however, the mayor and city council, shall fix a maximum monetary limit which the city manager, as such purchasing agent for the city, shall not exceed in any single purchase without the prior approval of the mayor and city council. The city manager shall have the power and discretion to designate an assistant purchasing agent to assist him with these duties. The mayor and city council may from time to time, through adoption by resolution, amend this maximum monetary limit either upwards or downwards. The city manager shall continue to have the maximum monetary limit approved prior to the approval of this enactment until such time as that limit is amended as set forth herein. Further, the mayor and city council may, by resolution, require competitive bids on purchases under such rules and regulations as the mayor and city council may from time to time prescribe;
- (14) Submit, within the time required by law, a detailed financial report of the affairs of the city, which report shall be audited by the city auditor; and
- (15) Perform other such duties as are specified in this charter or as may be required by city council.

Sec. 3.7. Administrative and service departments.

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

- (b) Except as otherwise provided by this charter or by law, the department heads or other appointed officers of the city shall be appointed solely on the basis of their respective administrative and professional qualifications.
- (c) There shall be a department head of each department or agency who shall be its principal officer. Each department head shall, subject to the direction and supervision of the city manager, be responsible for the administration and direction of the affairs and operations of his or her department or agency.
- (d) All department heads under the supervision of the city manager shall be selected by the city manager and selection thereof shall be approved by the city council.
- (f) The city manager may suspend or remove department heads under his supervision.

Sec. 3.8. City Council interference with administration.

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

Sec. 3.9. Boards, commissions, and authorities.

- (a) The city council shall create by ordinance such boards, commissions and authorities to fulfill any investigative, quasi-judicial or quasi-legislative function the city council deems necessary, and shall by ordinance

establish the composition, period of existence, duties and powers thereof in accordance with any applicable state law.

- (b) All members of boards, commissions and authorities of the city shall be appointed by the city council for such terms of office and in such manner as shall be provided by ordinance, except where other appointing authority, terms of office, or manner of appointment is prescribed by this charter or state law.
- (c) The city 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) No member of any board, commission or authority shall hold any elective office in the city, except as provided by charter or by law; however, this provision shall not prohibit city council members or the mayor from being members on any board or authority created or co-created by the city, such as Thomaston-Upson County Office Building Authority, Thomaston-Upson County Industrial Authority, and the Downtown Development Authority.
- (e) Any vacancy on a board, commission or authority of the city shall be filled for the unexpired term in the manner prescribed herein for original appointment, except as otherwise provided by this charter or by law.
- (f) No member of a board, commission or authority shall assume office until that person has executed and filed with the city clerk or deputy city clerk an oath obligating himself or herself to faithfully and impartially perform the duties of that member's office, such oath to be prescribed by ordinance and administered by the mayor. This provision shall be applicable to all members added after the approval of this act.

- (g) All board members serve at-will and may be removed at any time by a vote of four (4) members of the city council unless otherwise provided by law.
- (h) Except as otherwise provided by this charter or by law, each board, commission or authority of the city shall elect one of its members as chair and one member as vice-chair, and may elect as its secretary one of its own members or may appoint as secretary an employee of the city with the consent of the employee and city manager. Each board, commission or authority of the city government may establish such bylaws, rules and regulations, not inconsistent with this charter, ordinances of the city, 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 city.

Sec. 3.10. City attorney.

- (a) The mayor and city council shall appoint a city attorney and shall fix the attorney's compensation. Additionally, the mayor and city council may appoint such assistant city attorneys as may be authorized. The city attorney and any assistant city attorney shall be members in good standing with the State Bar of Georgia and shall have at least six (6) years' experience practicing law.
- (b) The city council shall provide for the payment of such attorney or attorneys for services rendered to the city.
- (c) The city attorney shall be responsible for providing for the representation and defense of the city in all litigation in which the city is a party, excluding representation and defense in any litigation for which another attorney has been engaged; may be the prosecuting officer in the

municipal court; shall attend the meetings of the city council as directed; shall advise the city council, mayor and other officers and employees of the city concerning legal aspects of the city's affairs; and shall perform such other duties as may be required by virtue of his or her position as city attorney and pursuant to the provisions of his or her engagement letter or contract as city attorney.

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

Sec. 3.11. City clerk.

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

Sec. 3.12. City auditor.

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

Sec. 3.13. Tax collector.

The mayor and city council shall have the power and authority, by resolution, duly adopted and entered upon the minutes of said city, to contract with the board of commissioners of Upson County and the tax commission of Upson County to hire the tax commissioner to act as the agent of and for said city and to receive and collect, on behalf of said city, the payment of all ad valorem taxes due said city on said

property. The mayor and city council shall be further empowered to authorize said tax commissioner, in the receiving and collection of said taxes, to use joint city and county forms, specifically including joint city and county tax return forms, statements of amounts of taxes due, receipts of payment of said taxes and any and all other forms or statements having to do with the returns of property for taxation to said city and the collection and payment of the taxes due said city thereon. Said tax commissioner shall, prior to any such appointment, be required to agree to keep full and complete records of all such transactions and to, upon demand, furnish to said city a copy of all such records and receipts made by him appertaining in any way to the return of property for taxation by said city and to the collection by him of taxes due said city thereon and to remit to said city all of said city's taxes so collected by him on or before the twentieth day of each month. Said tax commissioner shall also be required to furnish, at the time of any such employment by him by the mayor and city council a bond with good security thereon, conditioned for the faithful performance of his duties in the collection of said city's taxes, which bond shall be in the sum of twenty-five thousand dollars (\$25,000.00) and shall, in all respects be an official bond. The City of Thomaston, Georgia, shall, in any year in which said tax commissioner has served as its agent as herein authorized, be empowered to pay to the County of Upson a sum of money equal to a percentage of the total taxes so collected by said tax commissioner on behalf of said city or a fixed sum, whichever amount shall be agreed upon by the mayor and city council and the board of commissioners of Upson County, Georgia, as said city's share of the expenses incurred in the receiving of the returns and collection of said ad valorem taxes. Said City of Thomaston shall, in addition, in the event of any such employment of said tax commissioner as its agent as herein authorized, pay directly to the tax commissioner of Upson County, on or before December 31st of any such year, a sum to be agreed upon by the mayor and city council and the tax commissioner as his compensation for receiving and collecting said city's taxes, which sum shall be and remain the property of said tax commissioner, which sum of money shall constitute full payment to said tax

commissioner not only for his services as said city's agent as herein provided, but also for said tax commissioner's services in collecting the ad valorem taxes due said city on motor vehicles. The terms and provisions of any contract between the tax commissioner and the city which is in effect at the time of the approval of this act shall remain in full force and effect.

Sec. 3.14. Compensation of city attorney, city clerk and city auditor.

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

Sec. 3.15. Position classification and pay plans.

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

Sec. 3.16. Personnel policies.

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

- (a) The criteria for hiring employees;

- (b) The pay method of the employees to include the hours, vacation, sick leave, annual leave and any other leaves, overtime pay, and order and manner in which layoff shall be effected;
- (c) The administration of position classification and pay plan, probationary periods and methods of promotion;
- (d) Disciplinary actions and procedures for filing grievances; and
- (e) Such other personnel policies as may be necessary to provide adequate and systematic handling of personnel matters.

ARTICLE IV. JUDICIAL BRANCH

Sec. 4.1. Creation; name.

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

Sec. 4.2. Chief Judge; Associate Judge.

- (a) The municipal court shall be presided over by a chief judge.
- (b) No person shall be qualified or eligible to serve as a judge on the municipal court unless that person meets the following minimum qualifications:
 - (1.) He or she must have attained the age of 21 years;
 - (2.) He or she must be a member of the State Bar of Georgia, be in good standing with the bar, and possess all qualifications required by law;

- (3.) He or she must have at least six (6) years of experience practicing law.
- (c) The chief judge shall have the authority to appoint, with city council's approval, a qualified attorney to serve as judge pro tempore in his absence or disability or in the event he has a conflict presiding over specific cases.
- (d) The chief judge shall serve a minimum of one (1) year.
- (e) Compensation of the judge shall be fixed by city council.
- (f) A judge may be removed during his or her term of office by a two-thirds' vote of the entire membership of the governing authority of the municipal corporation for:
 - (a) Willful misconduct in office;
 - (b) Willful and persistent failure to perform duties;
 - (c) Habitual intemperance;
 - (d) Conduct prejudicial to the administration of justice which brings the judicial office into disrepute; or
 - (e) Disability seriously interfering with the performance of duties, which is, or is likely to become, of a permanent character.
- (g) Before assuming office, the chief judge and any judge pro tempore shall take an oath, given by the mayor, that the judge will honestly and faithfully discharge the duties of the office to the best of his ability and without fear, favor or partiality. The oath shall be entered upon the minutes of the city council journal required by Section 2.14.

Sec. 4.3. Convening.

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

Sec. 4.4 Jurisdiction; powers.

- (a) The municipal court shall have jurisdiction and authority to try and punish violations of this charter, all city ordinances, and such other violations as provided by law.
- (b) The municipal court shall have authority to punish those in its presence for contempt in accordance with state law.
- (c) The municipal court may fix punishment for offenses within its jurisdiction in accordance with state law.
- (d) The municipal court shall have authority to establish a schedule of fees to defray the cost of operation.
- (e) The municipal court shall have the power to bind prisoners over to Superior Court when it appears by probable cause that a state law has been violated.
- (f) The municipal court shall have authority to establish bail and recognizances to ensure the presence of those charged with violations before said court, and shall have discretionary authority to accept cash or personal or real property as surety for the appearance of persons charged with violations. Whenever any person shall give bail for that person's appearance and shall fail to appear at the time fixed for trial, the bond shall be forfeited by the judge presiding at such time, and an execution issued thereon by serving the defendant and the defendant's sureties with a rule nisi, at least two (2) 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 city, 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 city property taxes.

- (g) 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.
- (h) The municipal court may compel the presence of all parties necessary to properly dispose of each case by the issuance of summons, subpoenas, and warrants which may be served as executed by any officer as authorized by this charter or by law.
- (i) 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 city, 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 city.

Sec. 4.5. Certiorari.

Any party dissatisfied with a decision rendered by the municipal court judge may petition for writ of certiorari to the Superior Court of Upson County under the laws of the State of Georgia regulating the granting and issuance of writs of certiorari.

Sec. 4.6. Rules for court.

With the approval of the city 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 city council may adopt in part or in toto the rules and regulations applicable to municipal courts. The rules and regulations made or adopted shall be filed with the city clerk and made available for public inspection upon reasonable request.

ARTICLE V. ELECTIONS AND REMOVAL

Sec. 5.1. Applicability of general law.

All primaries and elections shall be held and conducted in accordance with the Georgia Election Code as set forth in Title 21, Chapter 2 of the Official Code of Georgia Annotated, as now or hereafter amended.

Sec. 5.2. Non-Partisan Elections.

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

Sec. 5.3 Time for holding regular elections.

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

Sec. 5.4. Election dates and first term following adoption of charter.

- (a) At the municipal election to be held in 2023, there shall be elected a mayor, to serve for a term of four (4) 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 (4) years. There shall also be elected at said 2023 election two (2) council members, one of whom shall be elected from Election District 1 to serve for a term of four (4) years and one of whom shall be elected from Election District 2 for a term of four (4) 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 (4) years.

- (b) At the municipal election to be held in 2025, there shall be elected three (3) council members, one of whom shall be elected from Election District 3 for a term of four (4) years, one of whom shall be elected from Election District 4 to serve for a term of four (4) years, and the third of whom shall be elected at-large to serve for a term of four (4) 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 (4) years.

Sec. 5.5. Special Elections; Vacancies.

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

Sec 5.6 Elector eligibility.

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

Sec. 5.7. Voter registration procedures.

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

Sec. 5.8. Majority vote required.

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

Sec. 5.9. Other provisions.

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

Sec. 5.10. Removal of officers.

- (a) The mayor, councilmembers, or other appointed officers provided for in this charter shall be removed from office for any one or more of the causes provided in Title 45 of the Official Code of Georgia Annotated, or such other applicable laws as are or may hereafter be enacted.
- (b) Removal of an officer pursuant to subsection (a) of this section shall be accomplished one of the following methods:
 - (1.) Following a hearing at which an impartial panel shall render a decision. In the event an elected officer is sought to be removed by the action of the city council, such officer shall be entitled to a written notice specifying the ground or grounds for removal and to a public hearing which shall be held not less than ten (10) days after the service of such written notice. The city council shall provide by ordinance for the manner in which the impartial panel shall be selected and such hearings shall be held. Any elected officer sought to be removed from office as herein provided shall have the right of appeal from the decision of the city council to the Superior Court of Upson County. Such appeal shall be governed by the same rules as govern appeals to the superior court from the probate court.
 - (2.) By an order of the Superior Court of Upson County following a hearing on a complaint seeking such removal brought by any resident of the City of Thomaston.

ARTICLE VI. FINANCE

Sec. 6.1. Property tax.

The city council may assess, levy and collect an ad valorem tax on all real and personal property within the corporate limits of the city 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 city 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 city council in its discretion.

Sec. 6.2. Millage rate; due dates; payment methods.

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

Section 6.3. Occupation and business taxes.

The city council, by ordinance, shall have the power to levy such occupation or business taxes as are not denied by law. The city council may classify businesses, occupations or professions for the purpose of such taxation in any way which may be lawful and may compel the payment of such taxes as provided in Section 6.9.

Sec. 6.4. Regulatory fees; permits.

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

Sec. 6.5. Franchises.

- (a) The city council shall have the power to grant franchises for the use of the city's streets and alleys for the purposes of railroads, street railways, telephone companies, electric companies, electric membership corporations, cable television and other telecommunications companies, gas companies, transportation companies and other similar organizations. The city 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 city receives just and adequate compensation therefor. The

city council shall provide for the registration of all franchises with the city clerk in a registration book kept by the clerk. The city council may provide, by ordinance, for the registration within a reasonable time of all franchises previously granted.

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

Sec. 6.6. Service charges.

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

Sec. 6.7. Special assessments.

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

Sec. 6.8. Construction; other taxes and fees.

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

Sec. 6.9. Collection of delinquent taxes and fees.

The city council, by ordinance, may provide generally for the collection of delinquent taxes, fees, or other revenue due the city under Sections 6.1 through 6.8 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.fa.'s; creation and priority of liens; making delinquent taxes and fees personal debts of the persons required to pay the taxes or fees imposed; revoking city permits for failure to pay any city taxes or fees; and providing for the assignment or transfer of tax executions.

Sec. 6.10. General obligation bonds.

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

Sec. 6.11. Revenue bonds.

Revenue bonds may be issued by the city 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. The Thomaston-Upson County Office Building Authority was legislatively created in 1964 for the purpose of providing building and facilities for use by the city and to finance such building and facilities by issuance of revenue bonds to be repaid from rentals received by the authority from the city. The city may continue to obtain revenue bonds through the Thomaston-Upson County Office Building Authority, and pay those bonds as rent from any revenue.

Sec. 6.12. Short-Term loans.

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

Sec. 6.13. Lease-Purchase contracts.

The city may enter into multiyear lease, purchase or lease-purchase contracts for the acquisition of goods, materials, real and personal property, services, and supplies; provided the contract terminates without further obligation on the part of the municipality at the close of the calendar year in which it was executed and at the close

of each succeeding calendar year for which it may be renewed. Contracts must be executed in accordance with the requirements of O.C.G.A. §36-60-13, or other such applicable laws as are or may hereafter be enacted.

Sec. 6.14. Fiscal year.

The city 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 city government unless otherwise provided by state or federal law.

Sec. 6.15. Preparation of budgets.

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

Sec. 6.16. Submission of operating budget to city council.

The city manager shall submit to the city council a proposed operating budget for the ensuing fiscal year as set forth in Section 3.6(9). The budget may be accompanied by a message from the city manager containing a statement of the general fiscal policies of the city, the important features of the budget, explanations of major changes recommended for the next fiscal year, a general summary of the budget, and such other pertinent comments and information as the city manager deems appropriate and necessary. The operating budget and the capital budget hereinafter provided for, the budget message, and all supporting documents shall be filed in the office of the city clerk and shall be open to public inspection.

Sec. 6.17. Action by city council on budget.

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

- (b) The city council, by ordinance, shall adopt the final operating budget for the ensuing fiscal year not later than the 31st day of December of each year. If the city council fails to adopt the budget by this date, the amounts appropriated for operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items prorated accordingly until such time as the city 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.
- (c) The amount set out in the adopted operating budget for each organizational unit shall constitute the annual appropriation for such, and no expenditure shall be made or encumbrance created in excess of the otherwise unencumbered balance of the appropriations or allotment thereof, to which it is chargeable.

Sec. 6.18. Tax levies.

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

Sec. 6.19. Changes in appropriations.

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

Sec. 6.20. Independent audit.

There shall be an annual independent audit of all city accounts, funds and financial transactions by a certified public accountant selected by the city council. The audit shall be conducted according to generally accepted auditing principles. Any audit

of any funds by the state or federal governments may be accepted as satisfying the requirements of this charter. Copies of annual audit reports shall be available at printing costs to the public.

Sec. 6.21. Centralized purchasing.

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

Sec. 6.22. Sale and lease of city property.

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

ARTICLE VII. GENERAL PROVISIONS.

Section 7.1. Bonds for officials.

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

Section 7.2. Prior ordinances.

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

Sec. 7.3. Existing personnel and officers.

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

Sec. 7.4. 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 city agencies, personnel or offices as may be provided by the city council.

Sec. 7.5. Construction.

- (a) Section captions in this charter are informative only and are not to be considered as a part thereof.
- (b) The word "shall" is mandatory and the word "may" is permissive.
- (c) The singular shall include the plural, the masculine shall include the feminine, and vice versa.

Sec. 7.6. Severability.

If any article, section, subsection, paragraph, sentence, or part thereof of this charter shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair other parts of this charter unless it clearly

appears that such other parts are wholly and necessarily dependent upon the part held to be invalid or unconstitutional, it being the legislative intent in enacting this charter that each article, section, subsection, paragraph, sentence or part thereof be enacted separately and independent of each other.

Sec. 7.7 Reserved.

Those amendments to the Constitution which authorize the City of Thomaston to combine its water and sewerage system with its electric system and to issue revenue bonds for construction, etc., of facilities for such combined systems which is set forth at Ga. L. 1964, p. 897, together with any other amendments to the Constitution which grants the City of Thomaston other specific authority and those local laws specifically continuing such amendments in force and effect shall not be repealed by this Act.

Sec. 7.8. Repealer.

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

Sec. 7.9. Effective date.

This charter shall become effective on _____,2023.