

CHAPTER 3: ADMINISTRATION

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ARTICLE I. IN GENERAL

Section 3-101 Exercise of Governmental Authority

In addition to the other powers which it may have, the governing body of any municipal corporation shall have the following powers, under this Chapter, relating to the administration of municipal government:

1. The power to establish municipal offices, agencies, and employments;
2. The power to define, regulate, and alter the powers, duties, qualifications, compensation, and tenure of all municipal officers, agents, and employees, provided that the members of the municipal governing body shall not have the right to fix or change their own terms or the terms of their successors, nor to alter their own salaries or compensation, except pursuant to the authority of O.C.G.A. § 36-35-4, nor to alter such duties or responsibilities as are specifically given to a particular elective official by charter;
3. The power to authorize any of the offices, agents, and employees of the municipal corporation to serve, in any manner prescribed by applicable law; any process, summons, notice, or order on all persons, as defined in O.C.G.A. § 1-3-3 therein named, when:
 - A. The paper to be served rises out of, or relates to an activity or condition conducted or maintained by such person within the territorial jurisdiction of the municipal corporation in violation of an applicable law or ordinance; and
 - B. The paper to be served originates in, or is issued under the authority of the department or branch of municipal government employing such officer, agent, or employee.

Where any such paper names one or more persons who reside outside the territorial jurisdiction of the municipal corporation, the several sheriffs, marshals, and constables of the several counties of this state are authorized and directed to serve any such paper and make appropriate return of such service by them, as other process is served and returned, on such named persons residing in their respective jurisdictions, upon receipt of a written request to make such service, for the fees allowed for service of process issued by the superior courts of this state;

4. The power to establish merit systems, retirement systems, and insurance plans for all municipal employees, and to provide the method or methods of financing such systems and plans;
5. The power to contract with any state department or agency or any other political subdivision for joint services or the exchange of services; to contract with such agencies or subdivisions for the joint use of facilities or equipment; and to contract with any state agency or political subdivision to perform any service or execute any project for such agency or subdivision in which the municipal corporation has an interest;
6. The power to legislate, regulate, and administer all matters pertaining to absentee voting in municipal elections; and
7. The power to grant franchises to or make contracts with railroads, street railways, or urban transportation companies, electric light or power companies, gas companies, steam-heat companies, telephone and telegraph companies, water companies, and other public utilities for the use and occupancy of the streets of the Town, for the purpose of rendering utility services, upon such conditions and for such time as the governing authority of the municipal corporation may deem wise and subject to the Constitution and the general laws of this state.

Section 3-102 Code of Ethics

- 1. Definitions.**
 - A. Employee.** Any person who is a full-time or part-time employee of the Town of Maxeys or a contract employee.
 - B. Town Councilmember.** Any person who is an elected Town official, including the Mayor, of the Town of Maxeys.
 - C. Government or Town.** Shall be construed to mean the Town of Maxeys, Georgia government.
- 2. Acceptance of Gifts.** Town councilmembers and Employees shall not solicit or accept directly or indirectly anything of value from any person, corporation, or group which:
 - A.** Has, or is seeking to obtain contractual or other business or financial relationships with the Town of Maxeys;
 - B.** In exchange for a thing of value seeks to have a councilmember exercise a matter of discretion in his or her favor;
 - C.** In exchange for a thing of value seeks to have interests which may be affected by the performance or nonperformance of the official duty of the councilmember.
 - D.** This Section shall not apply to campaign contributions which shall be reported in accordance with Georgia Laws.
- 3. Intent.** It is the intent of this Section that Town councilmembers avoid any action whether or not specifically prohibited by Town ordinance, state law or federal law which might result in, or create the appearance of the following:
 - A.** Using public office for private gain;
 - B.** Impeding government efficiency or economy; or
 - C.** Affecting adversely the confidence of the public in the integrity of the government.
- 4. Financial Interests of Members.** Town councilmembers or employees may not:
 - A.** Have direct or indirect financial interests that conflict substantially with their responsibilities and duties as government servants; or
 - B.** Engage in, directly or indirectly, financial transactions as a result of, or primarily relying upon, information obtained from their office. Aside from these restrictions, Town councilmembers are free to engage in lawful financial transactions to the same extent as private citizens.
- 5. Use of Public Property.** A Town councilmember or employee shall not use government property of any kind for other than officially approved activities, nor shall he or she direct employees to use such property for these purposes.
- 6. Use of Confidential Information.** A Town councilmember or employee shall not directly or indirectly, make use of, or permit others to make use of, for the purpose of furthering a private interest, official information not made available to the general public.
- 7. Coercion by Councilmembers.** A Town councilmember shall not use his position in any way to coerce, or give the appearance of coercing, another person to provide any financial benefit to him or persons within his immediate family, or those with whom a councilmember has business or financial ties.
- 8. Voting in Matters of Personal Interest.** A Town councilmember shall not vote on an ordinance or amendment in a Town Council meeting that would directly affect his or her private business.
- 9. Unauthorized Purchases.** A Town councilmember shall not order any goods and services for the Town of Maxeys without prior official authorization for such an expenditure.
- 10. Town Attorneys Used for Private Business.** A Town councilmember shall not use the attorney or attorneys who are under retainer by the Town of Maxeys for personal or private business without paying just compensation.
- 11. Unauthorized Use of Public Employees.** A Town councilmember shall not use his superior position to request or require an employee to:
 - A.** Do clerical work on behalf of his family, business, social, church or fraternal interests;
 - B.** Purchase goods and services to be used for personal, business, or political purposes; and
 - C.** Work for him personally without offering just compensation.
- 12. Travel Expenses.** A Town councilmember shall not draw per diem or expense monies from the Town of Maxeys to attend a seminar, convention, or conference and then fail to attend the seminar, convention, or conference without refunding the pro-rata unused per diem or expense monies to the Town.

- 13. Ethics Committee.** The Ethics Committee shall consist of three (3) persons, one appointed by the Mayor, one appointed by the Council, and the third appointed by the two (2) above named subject to approval by a majority of the Town Council. All members shall be residents of the Town of Maxeys and shall serve a two (2) year term. Such committee shall be formed as necessary.
- 14. Receipt of Complaints.**
 - A.** All complaints against Town councilmembers shall be filed with the Town Clerk. The Ethics Committee will then be formed as prescribed above. The Ethics Committee may require that oral complaints, and complaints illegibly or informally drawn, be reduced to a memorandum of complaint in such form as may be prescribed by the Maxeys Town Council.
 - B.** Upon receipt of a complaint in proper form, the Ethics Committee shall review it to determine whether the complaint is unjustified, frivolous, patently unfounded or fails to state facts sufficient to invoke the disciplinary jurisdiction of the Maxeys Town Council. The Ethics Committee shall be empowered to collect evidence and information concerning any complaint and to add the findings and results of its investigations to the file containing such complaint.
 - C.** Upon completion of its investigation of a complaint, the Ethics Committee shall be empowered to dismiss those complaints which are unjustified, frivolous, patently unfounded or which fail to state facts sufficient to invoke the disciplinary jurisdiction of the Maxeys Town Council; provided, however, that a rejection of such complaint by the ethics committee shall not deprive the complaining party of any action he might otherwise have at law or in equity against the respondent government servant.
 - D.** The Ethics Committee shall be empowered to conduct probable cause investigations, to take evidence and hold hearings.
- 15. Additional Regulations.** This Chapter shall be cumulative to any other ordinance, resolution or act now existing.
- 16. Right to Appeal.** Any final decision by the Town Council pursuant to this Code of ethics for Town councilmembers shall be reviewable by the Magistrate Court of Oglethorpe County. The review by the magistrate court shall be limited to an inquiry of whether there was any evidence before the Town Council which supported the decision of the Council. Provided, however, no action of the Town Council refusing or failing to take action pursuant to this Code of ethics shall be reviewable by the court.
- 17. Conflict of Interest.** No elected official, appointed officer, or employee of the Town or any agency or political entity to which this Charter applies shall knowingly engage in any business or transaction or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his official duties or which would tend to impair his independence of judgment or action in the performance of his official duties.
- 18. Proprietorship of Creations.** All plans, designs, reports, specifications, drawings, devices, inventions, and other items produced or created by employees during working hours or through the use of Town facilities or equipment or at the request of the Town shall be and become the sole property of the Town of Maxeys.
- 19. Penalties.** Any violation of Section 3-102 shall subject the offender to disciplinary action which may include censure and either public or private reprimand. Power to administer a greater punishment shall include power to administer the lesser.

Section 3-103 Administrative Policy and Procedures

- 1. Officers.** Each officer shall perform all duties required of his office by state law, the Charter, and this Code, and such other duties not in conflict therewith as may be required by the Mayor.
- 2. Department Heads.** All department heads shall:
 - A.** Be immediately responsible to the Mayor for the effective administration of their respective department and all activities assigned thereto;
 - B.** Keep informed as to the latest practices in their particular field and inaugurate, with the approval of the Mayor, such new practices as appear to be of benefit to the service and to the public;
 - C.** Submit quarterly and annual reports of the activities of their respective department to the Mayor;
 - D.** Establish and maintain a system of filing and indexing records and reports in sufficient detail to furnish all information necessary for proper control of departmental activities and to form a basis for the periodic reports to the Mayor;

- E. Have power, when authorized by the Mayor, to appoint and remove, subject to personnel regulations, all subordinates under him; and
 - F. Be responsible for the proper maintenance of all Town property and equipment used in their respective departments.
3. **Departments.** Each department shall cooperate with every other department and shall furnish, upon the direction of the Mayor, any other department such service, labor, and materials as may be requisitioned by the head of each department, as its own facilities permit.
4. **Records.** All municipal records, except those which by order of a state court or by law are prohibited from being open to public inspection, shall be open for personal inspection by any citizen of Georgia during the hours of operation of the administrative service herein below prescribed.
5. **Operation of Administrative Service.** All units in the administrative service shall:
- A. **Office Hours.** The town maintains no official office hours. However, the Town Clerk is available 8-10 a.m. and 3-4 p.m. daily at the post office.
 - B. **Make Daily Deposit.** Make a daily deposit with the Town Treasurer of any monies received directly from the public.
 - C. **Payment of Monies.** Pay out monies belonging to the Town only in the manner prescribed herein.

Section 3-104 Oaths

1. All officers and employees required by charter or some other provision of law to take an oath shall, before entering upon the discharge of their respective duties, take and subscribe the following oath before an officer authorized by law to administer oaths:
- ‘I do solemnly swear (or affirm) that I will faithfully perform the duties of (mayor or councilmember as the case may be) 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 of the United States of America.’
2. In addition to the above oath all officers and employees shall take the following oath:
- A. Take the oath of office;
 - B. Take any oath prescribed by the Constitution of Georgia;
 - C. Swear that he or she is not the holder of any unaccounted for public money due this state or any political subdivision or authority thereof;
 - D. Swear that he or she is not the holder of any office of trust under the government of the United States, any other state, or any foreign state which he or she is by the laws of the State of Georgia prohibited from holding;
 - E. Swear that he or she is otherwise qualified to hold said office according to the Constitution and laws of Georgia;
 - F. Swear that he or she will support the Constitution of the United States and of this state; and
 - G. If elected by any circuit or district, swear that he or she has been a resident thereof for the time required by the Constitution and laws of this state.

Section 3-105 Bonds

Except as otherwise provided by law, the Mayor and Town Council may require any department head, Town official, or employee, before entering upon the discharge of his duties to give good and sufficient bond in any amount decided by the Mayor and Town Council. Said bond shall be payable to the Town of Maxeys for the faithful performance of said duties and to secure against corruption, malfeasance, misappropriation, or unlawful expenditures in office. Said surety bonds shall be obtained from a surety company licensed to do business in the State of Georgia and approved by the Mayor and Town Council. The premiums thereon shall be paid by the Town.

Section 3-106 Compensation

Each officer and employee of the Town shall receive such compensation as be provided from time to time by resolution.

ARTICLE II. THE MAYOR AND TOWN COUNCIL GENERALLY

Section 3-201 Election

Effective January 1, 1993, all municipal offices to be elected in November, 1993, general municipal election and quadrennially thereafter, shall be for terms of four (4) years unless otherwise provided by local law in accordance with the Georgia Election Code.

Section 3-202 Qualifications for Office

Any person whose principal place of residence is within the corporate limits of the Town and who is both a qualified voter of the Town and at least eighteen (18) years of age immediately prior to the date of election shall be eligible for the office of Mayor or Town councilmember. Should the Mayor or any member of Town Council cease to maintain his principal place of residence within the Town during his term of office, his office shall thereby become vacant.

Section 3-203 Vacancies

In case of a vacancy in the office of Mayor or Town Council from failure to elect, death, removal, or any cause whatsoever, such vacancy shall be filled by a special election ordered by the Town Council; provided, however, if such vacancy occurs within six (6) months of the expiration of the term of that office, the Town Council or those remaining shall appoint a successor for the remainder of the term. The special election shall be held and conducted in accordance with Chapter 3, Title 21 of the O.C.G.A.

Section 3-204 Meetings

1. **Open Meetings.** All meetings of the Mayor and Council shall be held in accordance with the provisions of O.C.G.A. § 50-14-1 et seq. The public shall at all times be afforded access to all meetings other than executive sessions.
2. **Regular Meetings.** The regular meetings of the Mayor and Council shall be held at 7:00 p.m. on the second Tuesday of each month. All regular meetings shall be held at the Town Hall/Fire Station. A notice containing the information described in this Section shall be posted and maintained in a conspicuous place available to the general public at Town Hall. No official action may be taken on any issue at a work session which may be called by the Mayor or two (2) councilmembers.
3. **Special Meetings and Rescheduled Regular Meetings.** A regular meeting may be canceled, rescheduled or moved to a new location by the Mayor for any reason. Other special meetings may be scheduled by the Mayor or at the request of two (2) councilmembers. Whenever a rescheduled regular meeting or any other special meeting is to be held at a time or place other than the regularly scheduled time or place, written notice of the change shall be posted for at least twenty-four (24) hours at the place of the regular meetings. This written notice shall include the purpose of the meeting. In addition, written or oral notice shall be given by the Clerk at least twenty-four (24) hours in advance of the meeting to the legal organ of the county and to each member of the Council.
4. **Emergency Meetings.** When emergency circumstances occur, the Mayor and Council may hold a meeting with less than twenty-four (24) hours notice to the public. When such meetings are to be held, the Town Clerk shall provide notice to the legal organ of the county and to each councilmember as soon as possible. The notice shall include the subjects expected to be considered at the meeting. In addition, the minutes shall reflect the reason for the emergency meeting and the nature of the notice given to the media.
5. **Executive Session.** Executive sessions of the Mayor and Council may be held for the purpose of conducting business excepted from public access requirements as authorized by O.C.G.A. §§ 50-14-2 and 51-14-3. Where a meeting of the Mayor and Council is devoted in part to matters within the authorized exceptions to public access requirements, any portion of the meeting not subject to any such exceptions shall be open to the public. No executive session shall be held except pursuant to a majority affirmative vote of the Mayor and Council taken in a public meeting. The minutes of the public meeting shall reflect the names of the councilmembers present, those voting for the executive session and the specific reasons for the executive session. Minutes of the executive session may be maintained by the Town Clerk at the

direction of the Mayor. Any such minutes shall be maintained in a confidential file and shall not be subject to disclosures, except that disclosures of such portions of minutes identifying real estate to be acquired by the Mayor and Council may only be delayed until such time as the acquisition of the real estate has been completed, terminated, or abandoned or court proceedings have been initiated. Voting on any issue shall not take place during a closed meeting but shall be done, if appropriate, in open session following the executive session.

6. **Agenda and Minutes.** An agenda of the subjects acted on and those members present at a meeting of the Mayor and Council shall be written and made available to the public for inspection within two (2) business days of the adjournment of a meeting of the Mayor and Town Council. The minutes of a meeting of the Mayor and Council shall be promptly recorded and such records shall be open to public inspection once approved as official by the agency, but in no case later than immediately following the next regular meeting of the Mayor and Council.

Minutes shall, at a minimum, include the names of the members present at the meeting, a description of each motion or other proposal made, and a record of all votes. In the case of a roll-call vote, the name of each person voting for or against a proposal shall be recorded and in all other cases it shall be presumed that the action taken was approved by each person in attendance unless the minutes reflect the name of the persons voting against the proposal or abstaining. Official minutes of the meeting of a county governing authority shall be maintained in the offices of the governing authority. Copies of contracts, maps, or similar material or documents related to actions taken by a governing authority may be included in the minutes or incorporated by reference to an alternate location. Where incorporated by reference, such documents shall be stored in a central location or locations identified by ordinance or resolution of the governing authority.

A summary of the subjects acted on and those members present at a meeting of any agency shall be written and made available to the public for inspection within two (2) business days of the adjournment of a meeting of any agency. The minutes of a meeting of any agency shall be promptly recorded and such records shall be open to public inspection once approved as official by the agency, but in no case later than immediately following the next regular meeting of the agency; provided, however, nothing contained in the Chapter shall prohibit the earlier release of minutes, whether approved by the agency or not. Said minutes shall, as a minimum, include the names of the members present at the meeting, a description of each motion or other proposal made, and a record of all votes. In the case of a roll-call vote, the name of each person voting for or against a proposal shall be recorded; and in all other cases it shall be presumed that the action taken was approved by each person in attendance unless the minutes reflect the name of the persons voting against the proposal or abstaining.

Section 3-205 Reserved

Section 3-206 Rules for the Conduct of Business

Except as otherwise provided in this Section, Roberts' Rules of Order shall govern the conduct of Town Council meetings.

1. **Call to Order.** All meetings of the Town Council shall be open to the public. The Mayor, or in his absence, the Mayor pro tempore, shall take the chair at the hour appointed for any regular, temporarily adjourned, special, or called meeting; and shall immediately call the Town Council meeting to order.
2. **Roll Call.** Before proceeding with the business of the Town Council, the Town Clerk or his deputy shall call the roll of the members, and the names of those present shall be entered in the minutes.
3. **Quorum.** A majority of all the members elected to the Town Council shall constitute a quorum at any regular or special meeting of the Town Council and an affirmative vote of a majority of such number shall be sufficient to permit the conduct of all business except that for which a larger vote has been mandated by this Code. The Mayor shall be counted toward a quorum.
4. **Order of Business.** The business of the Town Council shall be taken up for consideration and disposition in the following order:
 - A. Call to order by presiding officer
 - B. Roll call

- C. Approval of minutes of previous meeting
 - D. Petitions and communications
 - E. Reports of standing committees
 - F. Reports of special committees
 - G. Unfinished business
 - H. New business
 - I. Adjournment
5. **Reading of Minutes.** Unless a reading of the minutes of a Town Council meeting is requested by a member of the Town Council, such minutes may be approved without a reading if the Town Clerk has previously furnished each member with a copy thereof.
6. **Reports By Committees.** Any business coming before the Town Council concerning the subject matter of which any standing or special committee has jurisdiction, may be referred to the proper committee for investigation and report. It shall be the duty of each standing or special committee, whenever required by the Mayor or by the Town Council, or any member of the Town Council, to examine any matter referred to such committee, and make a report thereof at the next regular meeting of the Town Council, or show good cause why no report is made, Such reports shall not be in writing unless so directed by the presiding officer.

Each standing committee shall examine the matters within its jurisdiction, and make such reports and recommendations from time to time as may be necessary.

7. **Manner of Addressing Council.** No member, while the Town Council is in session, shall speak on any subject unless recognized by the presiding officer. Every speaker shall address the chair, and no member shall interrupt anyone who is speaking, except to call him to order or for explanation.
8. **Limitations on Addressing Town Council.** Any person not a member of Town Council who desires to address the Town Council shall first secure the permission of the presiding officer, and then shall step up in front of the rail, give his name and address in an audible tone of voice for the record, and direct his remarks to the Town Council as a body rather than to any particular member, limiting such remarks to five (5) minutes unless additional time is granted by Town Council.
9. **Ordinances, Resolutions, Regulations, Contracts and Inter-local Agreements.** Unless otherwise provided in this Code, all ordinances, resolutions, contracts, and inter-local agreements of the Town shall be prepared, approved, introduced, and adopted in the following manner:
- A. **Preparation.** All ordinances shall be prepared under guidance of the Town Attorney. No ordinance shall be prepared for presentation to the Town Council unless ordered by a majority vote of the Town Council, or requested in writing by the Mayor, or prepared by the Town Attorney on his own initiative.
 - B. **Administrative Staff Approval.** All ordinances, resolutions, and contract documents shall, before presentation to the Town Council, have been approved as to form and legality by the Town Attorney or his authorized representative, and shall have been examined and approved for administration by the Mayor or his authorized representative where there are substantive matters of administration involved. All such instruments shall have first been referred to the head of the department under whose jurisdiction the administration of the subject matter of the ordinance, resolution, or contract document would involve and be approved by said department head; provided, however, that if approval is not given, then the same shall be returned to the Mayor with a written memorandum of the reasons why such approval is withheld. In the event the questioned instrument is not redrafted to meet a department head objection, or objection is not withdrawn and approval in writing given, then the Mayor shall so advise the Town Council and give the reasons advanced by the department head for withholding approval.
 - C. **Introduction and Adoption.**
 - (1) Every proposed ordinance shall 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 "the Council of the Town of Maxeys hereby ordains. . ." and every ordinance shall so begin.
 - (2) An ordinance may be introduced by any member of the Town Council and be read at a regular or special meeting of the Town Council. Upon introduction of any ordinance, the Town Clerk shall, as soon as possible, distribute a copy to the Mayor and to each member

of the Town Council and shall file a reasonable number of copies in the office of the Town Clerk and at such other public places as the Town Council may designate.

- (3) No ordinance shall be put on its final passage on the same day it is introduced.
- (4) All ordinances shall have three (3) separate readings, but the second and third readings shall never be had on the same day.
- (5) No ordinance shall relate to more than one (1) subject, which shall be clearly expressed in its title, and no ordinance, or section thereof, shall be amended or repealed unless the new ordinance contains the title of the ordinance or section amended or repealed, and when practicable all ordinances shall be introduced as amendments to this Code.
- (6) An ordinance, resolution, or contract shall be deemed, adopted, or rejected by the Town Council in accordance with the rules which the Town Council shall establish. Such ordinances adopted by the Town Council shall have the full force and effect of law.

D. Effective Date. Except where applicable in Section 3-206(9)(E) of this Chapter, no ordinance shall take effect until five (5) days after the date of its publication, except a public emergency ordinance necessary for the protection of public health, public safety, public property, or the public peace, may be made effective upon adoption.

E. Emergencies. To meet a public emergency affecting life, health, property, or public peace, the Town Council may convene on call of the Mayor or three (3) members of the Town Council and may promptly adopt an emergency ordinance, but such ordinance shall 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 thirty (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 three (3) members of the Town Council 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 thirty (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 continues to exist. An emergency ordinance shall also be repealed by adoption of a repealing ordinance in the same manner specified in this Section for adoption of emergency ordinances.

- 10. Recording Vote.** Whenever any member shall request it, the yeas and nays of the members present shall be recorded on the minutes on any question taken.
- 11. Questions of Order.** The presiding officer shall decide all questions of order, but any councilmember who is dissatisfied with the decision may appeal to the Town Council in the manner provided by Roberts' Rules of Order for appealing from decisions of presiding officers.
- 12. Elections.** All elections by the Town Council shall be by ballot, and a majority vote of the whole Town Council shall be necessary to an election.
- 13. Executive Session.** The Town Council may, at any time, upon call therefore by the presiding officer or upon motion duly carried by a councilmember, meet in executive session. Attendance at such sessions shall be limited to the Mayor and members of Town Council and such invites as shall be invited with the unanimous consent of the Mayor and Town Council.

Section 3-207 Legislative Authority Generally

The Town Council shall exercise the legislative functions of the Town, and may pass any ordinance or resolution that deems best for the government of the Town in the manner set forth in this Chapter; provided, that same is not in conflict with the Charter of the Town, the Constitution or laws of the State of Georgia, or the Constitution or laws of the United States.

ARTICLE III. THE MAYOR

Section 3-301 General Authority

The Mayor shall be the chief executive and administrative officer of the Town government, shall enforce the laws of the Town, and shall require the faithful performance of all administrative duties.

Section 3-302 Duties

The Mayor shall have the following duties:

1. **Preside at Meeting.** To preside at all meetings of the Town Council, but the Mayor shall not be allowed to vote at such meetings except in the case of a tie vote by the Town Council on any question;
2. **Head of the Town.** To act as 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. **Oaths and Affidavits.** To administer oaths and to take affidavits;
4. **Appointment of Standing Committees.** To appoint at the first meeting each year, or as soon thereafter as expedient, standing committees for that year; but the Mayor may at any time alter the committees and make such changes as the interest of the Town may require;
5. **Appointment of Officers and Employees.** To appoint, by and with the advice and consent of the Town Council, all officers and employees of the Town whose election or appointment is not otherwise provided for;
6. **Dismissal, Suspension, and Discipline of Officers and Employees.** To dismiss, suspend, or discipline for cause all officers and employees appointed or elected by the Mayor and Town Council provided that for the purposes of this Section "cause" shall be construed to mean:
 - A. Negligence or inefficiency in performing the duties of the position held;
 - B. Unfitness to perform assigned duties;
 - C. Insubordination;
 - D. Misconduct;
 - E. Conduct reflecting discredit on the department;
 - F. Failure to report for work without justifiable cause;
 - G. Chronic absenteeism; or
 - H. Political activity in violation of municipal regulations;
7. **Preparation of Annual Report.** To prepare and present to the Town Council an annual report of the Town's affairs including a summary of reports of department heads, and such other reports as the Town Council shall require; and
8. **Executing Legal Documents.** To sign on behalf of the Town all contracts, deeds, codes, ordinances, and other instruments executed by the Town which by law are required to be in writing.

Section 3-303 Powers

The Mayor shall have the following powers:

1. **Rule Making.** To prescribe such rules and regulations as may be deemed necessary or expedient for the conduct of administrative agencies subject to his authority, and to revoke, suspend or amend any rule or regulation of the administrative service by whomever prescribed;
2. **Investigation.** To investigate and to examine or inquire into, either by himself or by any officer or person designated for the purpose by him, the affairs or operation of any department, including the power to employ consultants and professional counsel when so authorized by the Town Council to aid in such investigations, examinations, or inquiries;
3. **Overriding.** To set aside any action taken by a department head and to supersede him in the functions of his office; and
4. **Delegation.** To direct any department to perform the work for any other department, and to authorize any department head or officer responsible to him to appoint and remove subordinates serving under such person.

- 5. Voting.** Vote on matters before the Town Council and be counted toward a quorum as any other Councilmember.

Section 3-304 Mayor Pro Tempore

During a temporary absence or disability of the Mayor, the Town Council shall elect one (1) of its members to act as Mayor pro tempore, who during such absence or disability shall possess the powers of Mayor.

Section 3-305 Acting Mayor

In the event of a vacancy in the office of Mayor the Town Council may appoint one (1) of its members as acting mayor to serve until the vacancy is filled at a regular or special election as provided by law.

Section 3-306 Removal

The Mayor may be removed from office for any one or more of the following causes:

1. By an order of the Oglethorpe County Superior Court following a hearing on a complaint seeking such removal brought by any resident of the Town of Maxeys.
2. By recall pursuant to Georgia Law; or
3. Pursuant to the terms of general law.

Section 3-307 Procedure for Removal

Removal of any elected officer from office shall be brought about in accordance with O.C.G.A. § 45-11-4 and shall be brought in the Oglethorpe County Superior Court.

Section 3-308 Compensation

The Mayor shall receive compensation, expenses, and benefits as provided by ordinance and in accordance with § 36-35-4 of the O.C.G.A.

ARTICLE IV. THE TOWN CLERK/TREASURER

Section 3-401 Election

The Town Council shall at its first regular meeting after election and qualification elect/appoint a Town Clerk/Treasurer.

Section 3-402 Term of Office

The Town Clerk/Treasurer shall hold office at the pleasure of the Mayor and Council, subject to removal for cause, and until his successor is elected and qualified.

Section 3-403 Bond

Before entering upon the duties of his office, the Town Clerk/Treasurer shall give a good and sufficient bond, payable to the Town Council, such bond to be fixed and approved by the Town Council.

Section 3-404 Duties of Town Clerk

The Town Clerk/Treasurer shall have the following duties in his capacity as Town Clerk:

1. To attend all meetings of the Town Council;
2. To keep correct and full minutes of the proceedings of Town Council together with all ordinances and resolutions passed by it, in a properly indexed book or register kept for that purpose;

3. To receive all applications or petitions made to the Town and to place them before the Mayor and Town Council at the meeting of the Town Council next succeeding the receipt thereof;
4. To issue all licenses, and keep a record thereof, and all badges and permits authorized by the Town Council;
5. To attend all sessions of the Municipal Court;
6. To keep an execution docket, in which he shall enter the names of all persons tried and fined by the Municipal Court, the nature of the offense, date of trial, amount of fine, and return of the police officer thereon;
7. To issue all summonses, processes, and subpoenas to witnesses that may be necessary in the enforcement of this Code or other rules, regulations, and ordinances of the Town Council;
8. To be the custodian of the Town seal and affix its impression on documents whenever required; and
9. To carefully preserve the records and documents belonging to the Town which are not assigned to the custody of some other office, and to maintain a proper index to all such records and documents so that ready access thereto and use thereof may be had.

Section 3-405 Duties of Town Treasurer

The Town Clerk/Treasurer shall have the following duties in his capacity as Town Treasurer:

1. To receive all money due the Town Council, including taxes, licenses, fees, and other moneys belonging to the Town and pay out the same only upon orders passed by the Town Council and signed by the Mayor, or in his absence, the Mayor pro tempore;
2. To keep a book of accounts showing all money received on behalf of the Town and the source and disposition thereof, which book shall be open for inspection by the public and members of the Town Council;
3. To maintain a uniform system of accounts and keep such other records and accounts as may be required by statute or ordinance;
4. To furnish the Town Council with quarterly statements detailing all receipts and payments of funds for the quarter; and
5. To enforce all laws of Georgia relating to the collection of delinquent taxes and sale or foreclosure for nonpayment of taxes to the Town.

Section 3-406 Compensation

The Town Council shall provide for the compensation of the Town Clerk/Treasurer.

ARTICLE V. RESERVED

ARTICLE VI. OFFICERS AND EMPLOYEES

Section 3-601 The Town Attorney

1. **Appointment and Qualifications.** The Town Attorney shall be appointed by the Mayor, by and with the advice and consent of the Town Council, and shall serve until a successor is appointed and has qualified. No person shall be so appointed unless he is a member in good standing of the State Bar of Georgia and has been actively engaged in the practice of law for at least three (3) years preceding his appointment.
2. **Oath.** Before entering upon the duties of his office, the Town Attorney shall take the oath prescribed by this Code for Town officers.
3. **Powers and Duties.** The Town Attorney shall be the legal advisor and representative of the Town and in such capacity shall:
 - A. Advise the Town Council or its committees or any Town Officer, when thereto requested, upon all legal questions arising in the conduct of Town business;
 - B. Prepare or revise ordinances when so requested by the Town Council or any committee thereof, and keep the Code of Ordinances of the Town up-to-date and properly indexed;

- C. Give his opinion upon any legal matter or question submitted to him by the Town Council, or any of its committees, or by any Town Officer;
 - D. Attend all meetings of the Town Council as directed for the purpose of giving the Town Council any legal advice requested by its members;
 - E. Prepare for execution all contracts and instruments to which the Town is a party and approve, as to form, all bonds required to be submitted to the Town;
 - F. Prepare, when authorized by the Town Council, all charges and complaints against, and appear in the Municipal Court in the prosecution of every person charged with a violation of this Code or Town Charter, and see to the full enforcement of all judgments or decrees rendered or entered in favor of the Town;
 - G. Represent and defend any and all suits and actions at law or equity brought against the Town, unless otherwise directed by the Town Council;
 - H. Make immediate reports to the Mayor and Town Council of the outcome of any litigation in which the Town has an interest;
 - I. Make an annual report to the Mayor and Town Council of all pending litigation in which the Town has an interest and the status thereof;
 - J. Have the power to adjust, settle, compromise or submit to arbitration, any action, causes of action, accounts, debts, claims, demands, disputes, and matters in favor of or against the Town or in which the Town is concerned as debtor or creditor, now existing or which may hereafter arise not involving or requiring payment to exceed an amount as determined by the Mayor or Town Council;
 - K. Keep complete and accurate records of the following, which records shall forever remain the property of the Town:
 - (1) All suits in which the Town had or has an interest, giving the names of the parties, the nature of the action, the disposition of the case or its status, if pending, and the briefs of counsel; and
 - (2) All written opinions prepared by the Town Attorney and all certificates or abstracts of titles furnished by him to the Town, or any department or official thereof.
 - L. Render such other legal services as may be required by the Mayor or Town Council.
4. **Compensation.** The Town Attorney shall submit to the Town Council a monthly bill for his services, itemizing the type of work performed for the Town and the number of hours engaged in each type of work during the month.

Section 3-602 The Town Engineer

- 1. **Appointment.** The Town Engineer shall be appointed by the Mayor, by and with the advice and consent of the Town Council, and shall serve until a successor is appointed and has qualified.
- 2. **Oath.** Before entering upon the duties of his office, the Town Engineer shall take the oath prescribed by this Code for Town officers.
- 3. **Duties.** The Town Engineer shall advise the Town Council and Town officials on all engineering matters referred to him and shall, from time to time as required by the Mayor or Town Council, make reports regarding public improvement, repairs of streets, bridges, and sidewalks, and prepare such other reports as the Mayor or Town Council may request. He shall keep accurate maps, plats, and records of all public works, lands, or property owned by the Town, and perform such other duties as may be imposed upon him by the Mayor or Town Council.
- 4. **Compensation.** The Town Engineer shall submit to the Town Council a monthly bill for his services, itemizing the type of work performed for the Town and the number of hours engaged in each type of work during the month.

Section 3-603 Public Officers and Employees - Labor Practices; Strikes by Public Employees Prohibited

- 1. As used in this Section, the term:
 - A. **Public Employee.** Any person holding a position by appointment or employment in the government of this state or any person holding a position which provides essential public services without which the public health, safety, welfare, or morals would be without which the public health,

safety, welfare, or morals would be endangered, by appointment or employment in the government of a county, municipality, school system, or other political subdivision of this state or in any agency, authority, board, commission, or public institution of this state or political subdivision thereof.

- B. Public Employment.** The appointment or employment in the government of this state or the government of a county, municipality, school system, or other political subdivision of this state or in any agency, authority, board, commission, or public institution of this state or political subdivision thereof.
 - C. Strike.** The failure to report for duty, the willful absence from one's position, the stoppage or deliberate slowing down of work, or the withholding in whole or in part of the full, faithful, and proper performance of the duties of employment for the purpose of inducing, influencing, or coercing change in the conditions, compensation, rights, privileges, or obligations of public employment; provided, however, that nothing in this article shall limit or impair the right of any public employee to express or communicate a complaint or opinion on any matter related to the conditions of public employment so long as the same is not designed to and does not interfere with the full, faithful, and proper performance of the duties of employment.
- 2.** No public employee shall promote, encourage, or participate in any strike. Provided, however, that no right to collective bargaining currently recognized by law is abridged by this act.
 - 3.** No person exercising any authority, supervision, or direction over any public employee shall have the power to authorize, approve, or consent to a strike by one or more public employees; and such person shall not authorize, approve, or consent to such strike.
 - 4.** Any public employee who violates Code Section 45-19-2 shall be deemed to have terminated his or her employment; shall forfeit his or her civil service status, job rights, seniority, and emoluments, if any; and subsequent to such violation shall not be eligible for appointment or reappointment or employment or preemployment in public employment for a period of three (3) years after such violation except upon the following conditions:
 - A.** His or her direct or indirect compensation shall in no event exceed that received by him or her immediately prior to the time of such violation;
 - B.** His or her direct or indirect compensation shall not be increased for three (3) years after such subsequent appointment or reappointment or employment or preemployment; and
 - C.** He or she shall be on probation for a period of five (5) years following such appointment or reappointment or employment or preemployment, during which period he or she shall serve without tenure and at the pleasure of the appointing or employing officer of body.
 - 5.** Any person who is not a public employee and who shall knowingly incite, agitate, influence, coerce, persuade, or picket to urge a public employee to strike shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by imprisonment not to exceed one (1) year, or by a fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00) or both.

Section 3-604 Reserved

ARTICLE VII. RESERVED

ARTICLE VIII. RESERVED

ARTICLE IX. LOCAL GOVERNMENT AUTHORITIES

Section 3-901 Registration of Local Government Authorities

- 1.** This Code Section shall be known and may be cited as the "Local Government Authorities Registration Act."
- 2.** The General Assembly finds that there is a need for the state to create and maintain a record of all local government authorities. Such a record can best be maintained through annual registration of all local government authorities.
- 3.** The purpose of this Code Section is to prescribe a registration process for all local government authorities authorized to operate in the State of Georgia by general statute, local law, or local constitutional amendment.

4. As used in this Code Section, the term:
 - A. **Debt.** Includes all long-term or short-term credit obligations including, but not limited to, mortgages, bonds, loans, notes, interest bearing warrants, and advances. For the purposes of this Code Section, debt shall also include lease-purchase obligations.
 - B. **Local Government Authority.** Includes without limitation instrumentalities of one or more local governments created to fulfill a specialized public purpose or any other legally created organization that has authority to issue debt for a public purpose independent of a county or municipality, not to include state authorities. Local government authorities include joint authorities, regional authorities, hospital authorities, housing authorities, residential care facilities for the elderly authorities, resource recovery development authorities, solid waste management authorities, downtown development authorities, airport authorities, industrial, payroll and other development authorities, transit authorities, water and sewer authorities, parking authorities, recreation authorities, stadium and coliseum authorities, building authorities, public service authorities, or any other local government authority regardless of name. Such local government authorities may have been created by local constitutional amendment, general statute, or local law.
5. All local government authorities authorized to operate in the State of Georgia must register annually with the Department of Community Affairs.
6. Any local government authority which fails to register with the Department of Community Affairs shall not incur any debt or credit obligations until such time as it meets the registration requirement. Failure to register shall not have any adverse affect on any outstanding debt or credit obligation.
7. The Department of Community Affairs shall establish registration and reporting procedures for local government authorities. Such procedures shall include, but are not limited to, information on the authority's legal name, function, date and means of creation, contact person, address, and telephone number.
8. The Department of Community Affairs shall establish reasonable fees for the work related to administration and enforcement of this Code Section; provided, however, no fee shall be charged or allowed for the annual registration as required in this Code Section.
9. The Department of Community Affairs shall maintain a certified list of registered local government authorities, available on request. The department shall forward annually to the judge of the probate court in any affected county the registration information for all authorities operating in that county.
10. Local government authorities shall initially register on or before January 1, 1996, and shall register on or before January 1 of each year thereafter.

ARTICLE X. MUNICIPAL PROPERTY

Section 3-1001 Motor Vehicles

Every motor vehicle which is owned or leased by any county, municipality, regional development center, county or independent school system commission, board, or public authority or which has been purchased or leased by any public official or public employee with public funds shall have affixed to the front door on each side of such vehicle a clearly visible decal or seal containing the name of or otherwise identifying such governmental entity. The requirements of O.C.G.A. § 36-89-1 shall not apply to: (1) any vehicle used for law enforcement or prosecution purposes; or (2) any vehicle owned or leased by a county or municipality expressly excepted from the provisions of O.C.G.A. § 36-89-1 by a resolution or ordinance adopted by the governing authority of a county or municipality following a public hearing on the subauthority of a county or municipality following a public hearing on the subject held no more than fourteen (14) days prior to the adoption of the ordinance or resolution.