

**ORDINANCE NO. 2003-001**  
**OF THE CITY COUNCIL OF THE CITY OF BOWMAN**

AMENDING THE CHARTER OF THE CITY OF BOWMAN BY DELETING THE POWER OF THE MAYOR TO VOTE ON MATTERS BEFORE THE CITY COUNCIL EXCEPT IN THE EVENT OF A TIE, AND IN ITS PLACE GIVING THE MAYOR THE POWER TO APPROVE OR DISAPPROVE ORDINANCES; DELETING THE PROVISION THAT ABSTENTIONS BE COUNTED AS AFFIRMATIVE VOTES; CLARIFYING THAT THE AFFIRMATIVE VOTE OF A MAJORITY OF THE COUNCILMEMBERS PRESENT FOR A QUORUM BE REQUIRED FOR THE ADOPTION OF ANY ORDINANCE, RESOLUTION, OR MOTION; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND FOR OTHER PURPOSES.

WHEREAS, Section 2.29(e) of the Charter of the City of Bowman provides that the mayor shall "vote on matters before the city council and be counted toward a quorum as any other councilmember";

WHEREAS, Section 2.21 of the Charter of the City of Bowman provides that in adopting ordinances, resolutions, or motion, "[a]n abstention shall be counted as an affirmative vote";

WHEREAS, Section 2.21 of the Charter of the City of Bowman also provides that "the affirmative vote of three (3) councilmembers shall be required for the adoption of any ordinance, resolution, or motion";

AND WHEREAS, a majority of the city council wishes to change the said Charter to delete the mayor's power to vote except in the event of a tie and in its place to give the mayor the power to approve or disapprove ordinances, to delete the provision that abstentions be counted as affirmative votes, and clarify that the affirmative vote of a majority of the councilmembers present for a quorum be required for the adoption of any ordinance, resolution, or motion;

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF BOWMAN, GEORGIA, and IT IS HEREBY ORDAINED by authority thereof, as follows:

**Section 1.** Section 2.29(e) of the Charter of the City of Bowman shall be deleted in its entirety.

In its place the following shall be added:

"(e) Vote on matters before the city council in the event of a tie, and approve or disapprove ordinances as provided in Section 2.31."

Section 2.31 shall be added as follows:

“Section 2.31. Submission of Ordinances, Resolutions and Motions to the Mayor; Veto Power.

(a) Every ordinance, resolution or other matter adopted by the city council shall be presented promptly by the clerk to the mayor.

(b) The mayor, within ten (10) calendar days of receipt of an ordinance, resolution or other matter adopted by the city council, shall return it to the clerk with or without the mayor’s approval, or with the mayor’s disapproval. If the ordinance, resolution or other matter adopted by the city council has been approved by the mayor, it shall become law upon its return to the clerk; if the ordinance, resolution or other matter adopted by the city council is neither approved nor disapproved, it shall become law at twelve o’clock noon on the tenth calendar day after its adoption; if the ordinance, resolution or other matter adopted by the city council is disapproved, the mayor shall submit to the city council through the clerk a written statement of reasons for the veto. The clerk shall record upon the ordinance, resolution or other matter adopted by the city council the date of its delivery to and receipt from the mayor.

(c) Ordinances, resolution or other matter adopted by the city council vetoed by the mayor shall be presented by the clerk to the city council at its next meeting. If the city council then or at its next meeting adopts the ordinance by an affirmative vote of 4 members, it shall become law.

(d) The mayor may disapprove or reduce any item or items of appropriation in any ordinance, resolution or other matter adopted by the city council. The approved part or parts of any ordinance, resolution or other matter adopted by the city council 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 herein. The reduced part or parts shall be presented to the city council as though disapproved and shall not become law unless overridden by the council as provided in subsection (c) above.”

All other provisions of the Charter of the City of Bowman, Georgia, shall remain in full force and effect.

**Section 2.** Section 2.21 of the Charter of the City of Bowman shall be deleted in its entirety.

In its place the following shall be added:

“Three (3) council members shall constitute a quorum and shall be authorized to transact business of the city council. Voting on the adoption of ordinances shall be by voice vote and the vote shall be recorded in the journal, but any member of the city council shall have the right to request a roll call vote and such vote shall be recorded in the journal. Except as otherwise provided in this charter, the affirmative vote of a majority of the councilmembers (and mayor, in the event of a tie) present for a quorum shall be required for the adoption of any ordinance, resolution, or motion.”

**Section 3.** This Ordinance shall take effect upon compliance with the publication of notice and adoption of ordinances as provided in O.C.G.A. § 36-35-3 and compliance with all other relevant provisions of O.C.G.A. § 36-35-3, and enactment by the General Assembly.

**Section 4.** If any section, provision or clause of this Ordinance shall be declared invalid or unconstitutional, or if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect portions of this Ordinance not so held to be invalid, or to affect the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent of the City Council of Bowman that this Ordinance would have been adopted had such invalid portion not been included herein.

**Section 5.** Any and all ordinances or resolutions, or parts of ordinances or resolutions, which are inconsistent with this Ordinance shall be and are hereby repealed.


SO ORDAINED, this 24 th day of February, 2003, by the Council of the City of Bowman, Georgia.

AUTHENTICATION:

Read first time on January 27, 2003.

Adopted by Council on February 24, 2003.


  
\_\_\_\_\_  
James H. Scarboro, Mayor

  
\_\_\_\_\_  
Betty Jo Maxwell, City Clerk

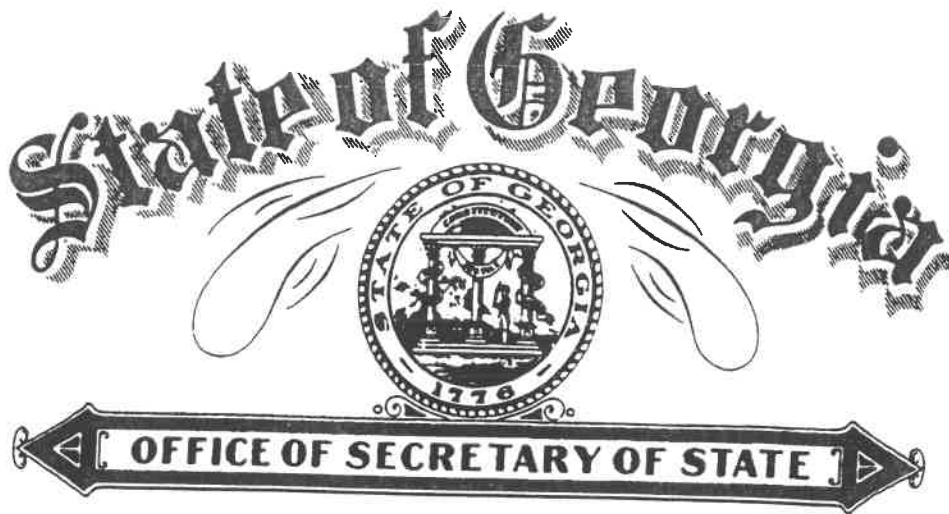
REGULAR MEETING  
CITY OF BOWMAN  
FEBRUARY 24, 2003

1. The City of Bowman met in regular session, Monday, February 24, 2003 at 7:00 p.m. in the regular meeting room of the City of Bowman with members Gwinett Bryant, Mary Clark, Angie Harpold, Barbara Scarboro and Wilbert Williams present. Also, present Mayor James Scarboro and Attorney Bill Daughtry.
2. The meeting was called to order by the mayor and the roll was called with all council present.
3. L. B. Berryman offered the invocation
4. Mayor Scarboro led the pledge of allegiance.
5. Barbara Scarboro made a motion to adopt the minutes of January 27, 2003 with corrections. Mary Clark seconded the motion, voted and approved
6. Grace Miller appeared before the council and ask the city to pay for some books for the Bowman Branch Library in the amount of \$330.63.
7. The Mayor gave his report. He spoke about the water main break and how 230,000 gallons of water had been pumped the day before the pump quit, when 80 to 90 thousand would be normal.. He reported that the gas line behind Mr. Royston's Garage had been fixed. City infrastructure will be the main objective for the mayor this year. Plans are to come up with a way to improve the cities water and gas system. Mayor Scarboro spoke about dog control and informed everyone that the county passed an animal control ordinance. The date for the Big Iron Crankup will be April 11th and 12th. Anyone wishing to volunteer should call the Mayor or Gwinett Bryant. Gwinett Bryant made a motion to lock the park at night, seconded by Wilbert Williams and unanimously approved. The Mayor spoke about cut off valves needing to be installed on the customers side of the water meter for the people that use the city's valve to turn on and off water. He said that Bow-Mart has agreed to renew their lease for the city's building and that an indemnity clause has been added.
8. Under old business the 2nd reading of the charter change was read by Attorney Bill Daughtry. Wilbert Williams made a motion to approve the charter change. The motion was seconded by Mary Clark. Voting no, Gwinett Bryant and Angie Harpold, Voting yes, Barbara Scarboro, Mary Clark and Wilbert Williams. The Mayor Abstained. Motion passed. Gwinett Bryant reported that she spoke to a lot of citizens in the city and they wanted to change the charter for the mayor to vote to break a tie but not give him veto power. Angie Harpold said she agreed. She did not think the mayor needs veto power.
9. Under new business Mary Clark made a motion to pay \$330.63 for books for the Library. The motion was seconded by Barbara Scarboro and unanimously approved.

10. Gwinett Bryant made a motion to look into the feasibility of having a municipal court for the city. Wilbert Williams seconded the motion, voted and approved.
11. Mayor Scarboro informed the council that a private firm had met with him and discussed covering the City of Bowman with 3 persons for animal control and security for the price of \$140,000 a year. No interest shown.
12. Barbara Scarboro made a motion to go into executive session with L. B. Berryman for personnel compensation. Angie Harpold voted no so the mayor said they would not go into executive session with Mr. Berryman. The mayor ask for a motion to go into executive session with the council and the attorney. Barbara Scarboro made a motion to go into executive session. The motion was seconded by Wilbert Williams and unanimously approved.
13. Gwinett Bryant made a motion to go back into regular session, seconded by Wilbert Williams, voted and approved.
14. Mary Clark made a motion to pay Mr. Glenn Burdens supplemental insurance for a year and let it be known that this will be a one time thing and will not occur in the future for any part time help. Angie seconded the motion, voted and approved. Wilbert Williams and Mayor Scarboro abstained, the rest voted yes.
15. There being no further business to consider, Mayor Scarboro adjourned the meeting.

  
James Scarboro, Mayor

  
Betty Jo Maxwell, City Clerk



*I, Cathy Cox, Secretary of State of the State of Georgia, do hereby certify that* the four pages of photocopied matter hereto attached contains a true and correct copy of an Act approved by the Governor on May 17, 2004 numbered Act number 623 (H.B. 1801); all as same appear of file and record in this office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of my office, at the Capitol, in the City of Atlanta, this 27th day of May, in the year of our Lord Two Thousand and Four and of the Independence of the United States of America the Two Hundred and Twenty-eighth.



*Cathy Cox*

SECRETARY OF STATE

ENROLLMENT

April 9 2004

The Committee of the House on Journals has examined the within and finds the same properly enrolled.

Douglas Teper  
Chairman

Telly Coleman  
Speaker of the House

Robert Rivers  
Clerk of the House

Mark Taylor  
President of the Senate

Frank Eldridge Jr.  
Secretary of the Senate

Received [Signature]  
Secretary, Executive Department

This 9 day of April 2004

Approved Sonny Perdue  
Governor

This 17 day of May 2004

H.B. No. 1801 Act No. 623  
General Assembly



AN ACT

To amend an Act providing a new charter for the City of Bowman, approved May 1, 2002 (Ga. L. 2002, p. 5426), so as to change provisions relating to the quorum and voting procedures for the city council; to change provisions relating to ordinance form and procedures; to change provisions relating to the powers and duties of the mayor; to provide for related matters; to repeal conflicting laws; and for other purposes.

IN HOUSE

Read 1<sup>st</sup> time 3-17-04  
Read 2<sup>nd</sup> time 3-19-04  
Read 3<sup>rd</sup> time 3-22-04

And Passed

Yeas 137 Nays 0

Robert Rivers  
Clerk of the House

IN SENATE

Read 1<sup>st</sup> time 3-24-04  
Read 2<sup>nd</sup> time  
Read 3<sup>rd</sup> time

And Passed 4-1-04

Yeas 44 Nays 0

Passed Both Houses

Frank Eldridge Jr.  
Secretary of the Senate

By: Rep. McCall of the 78<sup>th</sup>

AN ACT

To amend an Act providing a new charter for the City of Bowman, approved May 1, 2002 (Ga. L. 2002, p. 5426), so as to change provisions relating to the quorum and voting procedures for the city council; to change provisions relating to ordinance form and procedures; to change provisions relating to the powers and duties of the mayor; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

An Act providing a new charter for the City of Bowman, approved May 1, 2002 (Ga. L. 2002, p. 5426), is amended by striking in its entirety Section 2.21 and inserting in lieu thereof a new Section 2.21 to read as follows:

**\*SECTION 2.21.**

Quorum: voting.

Four councilmembers or the mayor and three councilmembers shall constitute a quorum and shall be authorized to transact business of the city council. Voting on the adoption of ordinances shall be by voice vote and the vote shall be recorded in the journal, but any member of the city council shall have the right to request a roll-call vote and such vote shall be recorded in the journal. Except as otherwise provided in this charter, the affirmative vote of a majority of those attending shall be required for the adoption of any ordinance, resolution, or motion. An abstention shall be counted as an abstention and shall not be counted as an affirmative or negative vote."

**SECTION 2.**

Said Act is further amended by inserting at the end of Section 2.22 a new subsection (c) to read as follows:

"(c) All ordinances shall become effective on the third calendar day following approval by the council."

**SECTION 3.**

Said Act is further amended by striking in its entirety Section 2.29 and inserting in lieu thereof a new Section 2.29 to read as follows:

H. B. 1801



**SECTION 2.29.**

**Powers and duties of the mayor.**

The mayor shall:

- (1) Preside at all meetings of the city council;
- (2) 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;
- (3) Have power to administer oaths and to take affidavits;
- (4) Sign as a matter of course on behalf of the city all written and approved contracts with the advice and consent of the city council and all ordinances;
- (5) Vote on matters before the city council but only in the case of a tie and be counted toward a quorum in accordance with Section 2.21 of this charter;
- (6) Prepare and submit to the city council a recommended annual operating budget and recommended capital budget; and
- (7) Fulfill such other executive and administrative duties as may be required by law, this charter, or ordinance.'

**SECTION 4.**

Said Act is further amended by striking in its entirety Section 2.30 and inserting in lieu thereof the following:

**SECTION 2.30.**

**Reserved.'**

**SECTION 5.**

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


**NOTICE**

Notice is hereby given that there will be introduced at the 2004 regular session of the General Assembly of Georgia a bill to amend an Act consolidating, creating, revising and superseding the several Acts incorporating the City of Bowman, and creating a new charter, August 22, 1907 (Ga.L. 1907, pp. 438-467), as amended, so as to change the provisions relating to the quorum and voting procedures for the City Council; to change the provisions relating to the powers and duties of the mayor; and for other purposes.

/s/ Tom McCall  
Representative, District 78  
3-10

**GEORGIA, FULTON COUNTY**

Personally appeared before me, the undersigned authority, duly authorized to administer oaths, Tom McCall, who on oath deposes and says that he is the Representative from District 78 and further deposes and says that the attached Notice of Intention to Introduce Local Legislation was published in the Elberton Star which is the official organ of Elbert County on March 10, 2004, and that the notice requirements of Code Section 28-1-14 have been met.



Tom McCall  
Representative, District 78

Sworn to and subscribed before me,  
this 15th day of March, 2004.



Susan Gordon  
Notary Public, Rockdale County, Georgia  
My Commission Expires Nov. 18, 2005  
(SEAL)



**APPROVED**  
MAY 17 2004  
BY GOVERNOR

## ORDINANCE

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF BOWMAN, GEORGIA ADOPTING A CODE OF THE ORDINANCES FOR THE CITY ENTITLED "THE CODE OF THE CITY OF BOWMAN PROVIDING FOR THE REPEAL OF ORDINANCES NOT INCLUDED THEREIN AND FOR OTHER PURPOSES:

Be it ordained by the Mayor and City Council of the City of Bowman, Georgia, and it is hereby ordained by the authority of the same as follows:

Section 1: There is hereby adopted by the City Council a code entitled, "The Code of the City of Bowman, Georgia, 1990," containing certain ordinances of a general and permanent nature as compiled, consolidated, codified and indexed, of which code not less than two (2) copies have been and are now filed in the Office of the City Clerk, authenticated by the signatures of the Mayor, City Clerk and City Attorney, and signed by the members of the City Council of the City of Bowman, said code being hereto attached and made a part hereof.

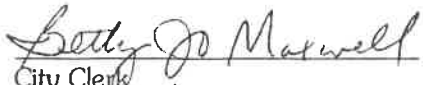

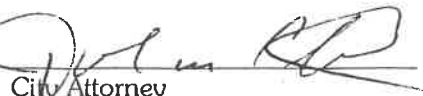
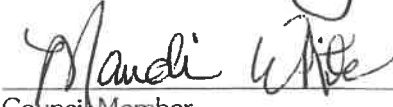

Section 2: The provisions of this Code shall be in force and effect on \_\_\_\_\_, 20\_\_\_\_ and all ordinances of a general and permanent nature in force on such date and not contained in the Code are repealed by this ordinance from and after such date, except as may be provided hereinafter.

Section 3: The repeal provided for in the preceding section of this ordinance shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or occurring before \_\_\_\_\_, 20\_\_\_\_; nor shall such repeal affect any ordinance or resolution promising or guaranteeing the payment of money for the city or authorizing the issue of any bonds, including revenue certificates, of the City of Bowman or any evidence of the city's indebtedness or any contract or obligation assumed by the city; nor shall such repeal affect the administrative ordinances or resolutions of the City Council not in conflict or inconsistent with the provisions of the Code; nor shall it affect any right or franchise conferred by any ordinance or resolution of the city or any person or corporation; nor shall it affect any prosecution, suit, or other proceeding pending or any judgment rendered on or prior to \_\_\_\_\_, 20\_\_\_\_.

Section 4: It is hereby declared to be the intention of the Mayor and City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance and the Code hereby adopted are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance or of the Code hereby adopted shall be declared unconstitutional or otherwise invalid by Valid Judgment or Decree of a Court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance or of the Code hereby adopted.

Read and adopted in the regular meeting of the City Council held on this 31st day of December, 2001.

ATTEST:

 Betty Jo Maxwell City Clerk	 Mary Dudley Mayor
 [Illegible] City Attorney	 Mandi White Council Member
	 Gilbert Williams Council Member



Council Member



Council Member

CITY OF BOWMAN  
DECEMBER 31, 2001

SPECIAL CALLED MEETING  
ADOPTING OF CODE OF ORDINANCES

MEETING CALLED TO ORDER BY MAYOR GARY DUDLEY AT 7:25 P.M.

WILBERT WILLIAMS LED IN PRAYER

JIMMY HARRIS MADE A MOTION TO ADOPT THE CODE OF ORDINANCES FOR THE CITY OF BOWMAN. THE MOTION WAS SECONDED BY MAUDIE WHITE, VOTED AND APPROVED.

JIMMY HARRIS MADE A MOTION TO ADJOURN, SECONDED BY WILBERT WILLIAMS, VOTED AND APPROVED.

*Betty Jo Maxwell*  
BETTY JO MAXWELL  
CITY CLERK