

The House Committee on Governmental Affairs offers the following substitute to HB 841:

A BILL TO BE ENTITLED

AN ACT

1 To incorporate the City of East Cobb; to provide a charter; to provide for boundaries and
2 powers of the city; to provide for a governing authority of such city and the powers, duties,
3 authority, election, terms, vacancies, compensation, expenses, qualifications, prohibitions,
4 conflicts of interest, and suspension and removal from office relative to members of such
5 governing authority; to provide for inquiries and investigations; to provide for oaths,
6 organization, meetings, quorum, voting, rules, and procedures; to provide for ordinances and
7 codes; to provide additional notice and hearing requirements; to provide for a mayor and
8 mayor pro tempore and certain duties, powers, and other matters relative thereto; to provide
9 for the office of city manager, appointment, removal, powers, and duties thereof; to prohibit
10 council interference with administration; to provide for administrative affairs and
11 responsibilities; to provide for boards, commissions, and authorities; to provide for a city
12 attorney, a city clerk, and other personnel and matters relating thereto; to provide for rules
13 and regulations; to provide for a municipal court and the judge or judges thereof and other
14 matters relative to those judges; to provide for the court's jurisdiction, powers, practices, and
15 procedures; to provide for the right of certiorari; to provide for elections; to provide for
16 taxation, licenses, and fees; to provide for franchises, service charges, and assessments; to
17 provide for bonded and other indebtedness; to provide for auditing, accounting, budgeting,
18 and appropriations; to provide for city contracts and purchasing; to provide for the

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19 conveyance of property and interests therein; to provide for bonds for officials; to provide
20 for prior ordinances and rules, pending matters, and existing personnel; to provide for
21 penalties; to provide for definitions and construction; to provide for other matters relative to
22 the foregoing; to provide for a referendum; to provide effective dates and transitional
23 provisions governing the transfer of various functions and responsibilities from Cobb County
24 to the City of East Cobb; to provide for severability; to provide for effective dates; to repeal
25 conflicting laws; and for other purposes.

26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

27 ARTICLE I.
28 INCORPORATION AND POWERS

29 SECTION 1.10.

30 Name.

31 This Act shall constitute the charter of the City of East Cobb. The city and the inhabitants
32 thereof are constituted and declared a body politic and corporate under the name and style
33 "City of East Cobb, Georgia," and by that name shall have perpetual succession.

34 SECTION 1.11.

35 Corporate boundaries.

36 (a) The boundaries of this city shall be those set forth and described in Appendix A of this
37 charter, less and except all property owned by the United States government as part of the
38 Chattahoochee River National Recreation Area in VTD Sope Creek 03 Block 030354
39 blocks 3006 and 3007 on the effective date of this charter, and said Appendix A is

40 incorporated into and made a part of this charter. The boundaries of this city at all times
41 shall be shown on a map, a written description, or any combination thereof, to be retained
42 permanently in the office of the city clerk and to be designated, as the case may be:
43 "Official Map (or Description) of the corporate limits of the City of East Cobb, Georgia."
44 Photographic, typed, or other copies of such map or description certified by the city clerk
45 shall be admitted as evidence in all courts and shall have the same force and effect as with
46 the original map or description.

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

50 SECTION 1.12.

51 Powers and construction.

52 (a) Except as provided in subsection (b) of this section, this city shall have the following
53 powers:

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

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

- 63 (3) Building regulation. To regulate and to license the erection and construction of
64 buildings and all other structures; to adopt building, housing, plumbing, electrical, gas,
65 and heating and air-conditioning codes; and to regulate all housing and building trades;
- 66 (4) Contracts. To enter into contracts and agreements with other governmental entities
67 and with private persons, firms, and corporations;
- 68 (5) Emergencies. To establish procedures for determining and proclaiming that an
69 emergency situation exists within or outside the city and to make and carry out all
70 reasonable provisions deemed necessary to deal with or meet such an emergency for the
71 protection, safety, health, or well-being of the citizens of the city;
- 72 (6) Environmental protection. To protect and preserve the natural resources,
73 environment, and vital areas of the state through the preservation and improvement of air
74 quality, the restoration and maintenance of water resources, the control of erosion and
75 sedimentation, the management of solid and hazardous waste, and other necessary actions
76 for the protection of the environment;
- 77 (7) Fire regulations. To fix and establish fire limits and from time to time to extend,
78 enlarge, or restrict the same; to prescribe fire safety regulations not inconsistent with
79 general law, relating to both fire prevention and detection and to fire fighting; and to
80 prescribe penalties and punishment for violations thereof;
- 81 (8) General health, safety, and welfare. To define, regulate, and prohibit any act,
82 practice, conduct, or use of property which is detrimental to health, sanitation,
83 cleanliness, welfare, and safety of the inhabitants of the city and to provide for the
84 enforcement of such standards;
- 85 (9) Gifts. To accept or refuse gifts, donations, bequests, or grants from any source for
86 any purpose related to powers and duties of the city and the general welfare of its
87 citizens, on such terms and conditions as the donor or grantor may impose;
- 88 (10) Health and sanitation. To prescribe standards of health and sanitation and to
89 provide for the enforcement of such standards;

- 90 (11) Jail sentences. To provide that persons given jail sentences in the municipal court
91 may work out such sentences in any public works or on the streets, roads, drains, and
92 other public property in the city; to provide for commitment of such persons to any jail;
93 or to provide for commitment of such persons to any county work camp or county jail by
94 agreement with the appropriate county officials;
- 95 (12) Municipal agencies and delegation of power. To create, alter, or abolish
96 departments, boards, offices, commissions, and agencies of the city and to confer upon
97 such agencies the necessary and appropriate authority for carrying out all the powers
98 conferred upon or delegated to the same;
- 99 (13) Municipal debts. To appropriate and borrow money for the payment of debts of the
100 city and to issue bonds for the purpose of raising revenue to carry out any project,
101 program, or venture authorized by this charter or the laws of the State of Georgia;
- 102 (14) Municipal property ownership. To acquire, dispose of, lease, and hold in trust or
103 otherwise any real, personal, or mixed property, in fee simple or lesser interest, inside or
104 outside the property limits of the city;
- 105 (15) Municipal property protection. To provide for the preservation and protection of
106 property and equipment of the city and the administration and use of same by the public;
107 and to prescribe penalties and punishment for violations thereof;
- 108 (16) Nuisance. To define a nuisance and provide for its abatement whether on public or
109 private property;
- 110 (17) Penalties. To provide penalties for violation of any ordinances adopted pursuant to
111 the authority of this charter and the laws of the State of Georgia;
- 112 (18) Planning and zoning. To provide comprehensive city planning for development by
113 zoning; and to provide subdivision regulation and the like as the city council deems
114 necessary and reasonable to ensure a safe, healthy, and esthetically pleasing community;

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

118 (20) Public improvements. To provide for the acquisition, construction, building,
119 operation, and maintenance of parks and playgrounds, public grounds, recreational
120 facilities, public buildings, and charitable, cultural, educational, recreational,
121 conservation, and sport institutions, agencies, and facilities; and to regulate the use of
122 public improvements;

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

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

133 (23) Retirement. To provide and maintain a retirement plan for officers and employees
134 of the city;

135 (24) Roadways. To grant franchises and rights of way throughout the streets and roads
136 and over the bridges and viaducts for the use of public utilities; and to require real estate
137 owners to repair and maintain in a safe condition the sidewalks adjoining their lots or
138 lands and to impose penalties for failure to do so;

139 (25) Special areas of public regulation. To regulate or prohibit junk dealers, pawn shops,
140 the manufacture, sale, or transportation of any intoxicating liquors, alcoholic beverages,
141 and the use of firearms; to regulate the transportation, storage, and use of combustible,

142 explosive, and inflammable materials, the use of lighting and heating equipment, and any
143 other business or situation which may be dangerous to persons or property; to regulate
144 and control the conduct of peddlers and itinerant traders, theatrical performances,
145 exhibitions, and shows of any kind, by taxation or otherwise; and to license, tax, regulate,
146 or prohibit professional fortunetelling, palmistry, adult bookstores, and massage parlors;

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

149 (27) Taxes: ad valorem. To levy and provide for the assessment, valuation, revaluation,
150 and collection of taxes on all property subject to taxation subject to a maximum of 1 mill;

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

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

157 (b) Except as provided in subsection (c) of this section, the city shall exercise the powers
158 enumerated in subsection (a) of this section only for the purposes of planning and zoning,
159 code adoption and enforcement, parks and recreation, police and law enforcement services,
160 fire and emergency services, and those items directly related to the provision of such
161 services and for the general administration of the city in providing such services.

162 (c) In the event that the city desires to provide services in addition to those services
163 enumerated in subsection (b) of this section, the city council shall pass a resolution
164 specifically stating the services sought to be offered by the city and shall submit the
165 approval of such resolution for ratification by the electors of the city in a referendum. If
166 the electors of the city vote in favor of ratifying such resolution, then the city shall be
167 authorized to exercise the powers enumerated in subsection (a) of this section for the
168 purpose of providing such services stated in such resolution and those items directly related

169 to the provision of such services and for the general administration of the city in providing
170 such services. If the electors of the city disapprove such resolution, it shall immediately
171 be null and void and of no force and effect.

172 SECTION 1.13.
173 Exercise of powers.

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

178 ARTICLE II.
179 GOVERNMENT STRUCTURE

180 SECTION 2.10.
181 City council creation; number; election.

182 The governing authority of the city, except as otherwise specifically provided in this charter,
183 shall be vested in a city council to be composed of six councilmembers. The
184 councilmembers shall be elected in the manner provided by this charter.

185 SECTION 2.11.

186 City councilmembers;
187 terms and qualifications for office.

188 (a) Except as otherwise provided in Article VIII of this charter for the initial terms of
189 office, the members of the city council shall serve for terms of four years and until their
190 respective successors are elected and qualified. The term of office of each member of the
191 city council shall begin on the first day of January immediately following the election of
192 such member unless general law authorizes or requires the term to begin at the first
193 organizational meeting in January or upon some other date. No person shall be eligible to
194 serve as councilmember unless that person shall have been a resident of the city for 12
195 months prior to the date of the election of members of the city council; each shall continue
196 to reside therein during that person's period of service and to be registered and qualified to
197 vote in municipal elections of this city.

198 (b)(1) Three members of the city council shall be elected by a majority vote of the votes
199 cast by the electors of the city at large and may reside anywhere within the city.

200 (2) Three members of the city council shall be elected from the districts provided for in
201 subsection (c) of this section by a majority vote of the votes cast by the electors of the
202 city at large, and each such member shall reside in the district from which he or she is
203 elected.

204 (c) For the purposes of electing the three district members of the city council, the city is
205 divided into three districts. The three numbered districts are described in Appendix B
206 attached to and made a part of this Act and further identified as 'User: H045 Plan Name:
207 EastCobb-dist-2022 Plan Type: Local'.

208 (d)(1) For the purposes of such plan:

209 (A) The term 'VTD' shall mean and describe the same geographical boundaries as
210 provided in the report of the Bureau of the Census for the United States decennial
211 census of 2020 for the State of Georgia. The separate numeric designations in a district
212 description which are underneath a VTD heading shall mean and describe individual
213 Blocks within a VTD as provided in the report of the Bureau of the Census for the
214 United States decennial census of 2020 for the State of Georgia; and

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

219 (2) Any part of the City of East Cobb as described in Appendix B which is not included
220 in any district described in this plan shall be included within that district contiguous to
221 such part which contains the least population according to the United States decennial
222 census of 2020 for the State of Georgia.

223 (3) Any part of City of East Cobb as described in Appendix B as being included in a
224 particular district shall nevertheless not be included within such district if such part is not
225 contiguous to such district. Such noncontiguous part shall instead be included within that
226 district contiguous to such part which contains the least population according to the
227 United States decennial census of 2020 for the State of Georgia.

228 (4) If any area included within the descriptions of District 1, District 2, or District 3 is
229 on the effective date of this Act within the municipal boundaries of another municipality
230 or within a county other than Cobb County, such area shall not be included within the
231 district descriptions of such districts.

232 SECTION 2.12.

233 Vacancy; filling of vacancies; suspensions.

234 (a) Vacancies. The office of councilmember shall become vacant upon such person's
235 failing or ceasing to reside in the city or upon the occurrence of any event specified by the
236 Constitution, Title 45 of the O.C.G.A., or such other applicable laws as are or may
237 hereafter be enacted.

238 (b) Filling of vacancies. A vacancy in the office of councilmember shall be filled for the
239 remainder of the unexpired term, if any, by appointment by the remaining members of the
240 city council if less than 12 months remain in the unexpired term, otherwise by an election
241 as provided for in Section 5.14 of this charter and Titles 21 and 45 of the O.C.G.A. or such
242 other laws as are or may hereafter be enacted.

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

248 SECTION 2.13.

249 Compensation and expenses.

250 (a) The mayor shall receive an initial salary of \$9,000.00 per year, paid in equal monthly
251 installments from the funds of the municipality. Each councilmember shall receive an
252 initial salary of \$8,000.00 per year, paid in equal monthly installments from the funds of
253 the municipality.

254 (b) The mayor and councilmembers may alter such compensation for their services as
255 provided by law.

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SECTION 2.14.

Conflicts of interest; holding other offices.

(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) Conflict of interest. No elected official, appointed officer, or employee of the city or any agency or political entity to which this charter applies shall knowingly:

(1) 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 that person's official duties or which would tend to impair the independence of that person's judgment or action in the performance of that person's official duties;

(2) Engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of that person's official duties or would tend to impair the independence of that person's judgment or action in the performance of that person's official duties;

(3) Disclose confidential information, including information obtained at meetings which are closed pursuant to Chapter 14 of Title 50 of the O.C.G.A., concerning the property, government, or affairs of the governmental body by which that person is engaged without proper legal authorization or use such information to advance the financial or other private interest of that person or others;

(4) Accept any valuable gift, whether in the form of service, loan, thing, or promise, from any person, firm, or corporation which to that person's knowledge is interested, directly or indirectly, in any manner whatsoever, in business dealings with the governmental body by which that person is engaged; provided, however, that an elected official who is a candidate for public office may accept campaign contributions and services in connection with any such campaign;

281 (5) Represent other private interests in any action or proceeding against this city or any
282 portion of its government; or

283 (6) Vote or otherwise participate in the negotiation or in the making of any contract with
284 any business or entity in which that person has a financial interest.

285 (c) Disclosure. Any elected official, appointed officer, or employee who shall have any
286 financial interest, directly or indirectly, in any contract or matter pending before or within
287 any department of the city shall disclose such interest to the city council. The mayor or any
288 councilmember who has a financial interest in any matter pending before the city council
289 shall disclose such interest and such disclosure shall be entered on the records of the city
290 council, and that person shall disqualify himself or herself from participating in any
291 decision or vote relating thereto. Any elected official, appointed officer, or employee of
292 any agency or political entity to which this charter applies who shall have any financial
293 interest, directly or indirectly, in any contract or matter pending before or within such
294 entity shall disclose such interest to the governing body of such agency or entity.

295 (d) Use of public property. No elected official, appointed officer, or employee of the city
296 or any agency or entity to which this charter applies shall use property owned by such
297 governmental entity for personal benefit, convenience, or profit except in accordance with
298 policies promulgated by the city council or the governing body of such agency or entity.

299 (e) Contracts voidable and rescindable. Any violation of this section which occurs with
300 the knowledge, express or implied, of a party to a contract or sale shall render such contract
301 or sale voidable at the option of the city council.

302 (f) Ineligibility of elected official. Except where authorized by law, neither the mayor nor
303 any councilmember shall hold any other elective or compensated appointive office in the
304 city or otherwise be employed by said government or any agency thereof during the term
305 for which that person was elected. No former councilmember and no former mayor shall
306 hold any compensated appointive office in the city until one year after the expiration of the
307 term for which that person was elected.

308 (g) Political activities of certain officers and employees. No appointed officer and no
309 employee of the city shall continue in such employment upon qualifying as a candidate for
310 nomination or election to any public office. No employee of the city shall continue in such
311 employment upon election to any public office in this city or any other public office which
312 is inconsistent, incompatible, or in conflict with the duties of the city employee. Such
313 determination shall be made by the mayor and city council either immediately upon
314 election or at any time such conflict may arise.

315 (h) Penalties for violation.

316 (1) Any city officer or employee who knowingly conceals such financial interest or
317 knowingly violates any of the requirements of this section shall be guilty of malfeasance
318 in office or position and shall be deemed to have forfeited that person's office or position.

319 (2) Any officer or employee of the city who shall forfeit that person's office or position
320 as described in paragraph (1) of this subsection shall be ineligible for appointment or
321 election to or employment in a position in the city government for a period of three years
322 thereafter.

323 SECTION 2.15.

324 Inquiries and investigations.

325 Following the adoption of an authorizing resolution, the city council may make inquiries and
326 investigations into the affairs of the city and conduct of any department, office, or agency
327 thereof and for this purpose may subpoena witnesses, administer oaths, take testimony, and
328 require the production of evidence. Any person who fails or refuses to obey a lawful order
329 issued in the exercise of these powers by the city council shall be punished as may be
330 provided by ordinance.

331 SECTION 2.16.

332 General power and authority of the city council.

333 Except as otherwise provided by law or this charter, the city council shall be vested with all
334 the powers of government of this city.

335 SECTION 2.17.

336 Organizational meetings.

337 Unless otherwise provided by ordinance, the city council shall hold an organizational
338 meeting on the first Tuesday in January of each even-numbered year. The meeting shall be
339 called to order by the city clerk and the oath of office shall be administered to the newly
340 elected members as follows:

341 "I do solemnly (swear) (affirm) that I will faithfully perform the duties of councilmember
342 of this city and that I will support and defend the charter thereof as well as the Constitution
343 and laws of the State of Georgia and the United States of America."

344 SECTION 2.18.

345 Meetings.

346 (a) The city council shall hold regular meetings at such times and places as shall be
347 prescribed by ordinance.

348 (b) Special meetings of the city council may be held on call of the mayor or three members
349 of the city council. Notice of such special meeting shall be served on all other members
350 personally, or by telephone personally, at least 48 hours in advance of the meeting. Such
351 notice to councilmembers shall not be required if the mayor and all councilmembers are
352 present when the special meeting is called. Such notice of any special meeting may be

353 waived by a councilmember in writing before or after such a meeting and attendance at the
354 meeting shall also constitute a waiver of notice on any business transacted in such
355 councilmember's presence. Only the business stated in the call may be transacted at the
356 special meeting.

357 (c) All meetings of the city council shall be public to the extent required by law, and notice
358 to the public of special meetings shall be made as fully as is reasonably possible as
359 provided by Code Section 50-14-1 of the O.C.G.A. or other such applicable laws as are or
360 may hereafter be enacted.

361 SECTION 2.19.

362 Rules of procedure.

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

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

369 SECTION 2.20.

370 Quorum; voting.

371 Four councilmembers shall constitute a quorum and shall be authorized to transact business
372 of the city council. Voting on the adoption of ordinances shall be by voice vote and the vote
373 shall be recorded in the journal, but any councilmember shall have the right to request a
374 roll-call vote and such vote shall be recorded in the journal. Except as otherwise provided
375 in this charter, the affirmative vote of four councilmembers shall be required for the adoption

376 of any ordinance, resolution, or motion. An abstention shall be counted as an affirmative
377 vote.

378 SECTION 2.21.

379 Ordinance form; procedures.

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

384 (b) An ordinance may be introduced by any councilmember and be read at a regular or
385 special meeting of the city council. Ordinances shall be considered and adopted or rejected
386 by the city council in accordance with the rules which it shall establish; provided, however,
387 that an ordinance shall not be adopted the same day it is introduced, except for emergency
388 ordinances provided for in Section 2.23 of this charter. Upon introduction of any
389 ordinance, the clerk shall as soon as possible distribute a copy to the mayor and to each
390 councilmember and shall file a reasonable number of copies in the office of the clerk and
391 at such other public places as the city council may designate.

392 SECTION 2.22.

393 Action requiring an ordinance.

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

395 SECTION 2.23.
396 Emergencies.

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

414 (b) Such meetings shall be open to the public to the extent required by law and notice to
415 the public of emergency meetings shall be made as fully as is reasonably possible in
416 accordance with Code Section 50-14-1 of the O.C.G.A. or such other applicable laws as
417 are or may hereafter be enacted.

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SECTION 2.24.

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Codes of technical regulations.

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(a) The city council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such adopting ordinance shall be as prescribed for ordinances generally except that: (1) the requirements of subsection (b) of Section 2.21 of this charter for distribution and filing of copies of the ordinance shall be construed to include copies of any code of technical regulations, as well as the adopting ordinance; and (2) a copy of each adopted code of technical regulations, as well as the adopting ordinance, shall be authenticated and recorded by the clerk pursuant to Section 2.25 of this charter.

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

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SECTION 2.25.

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Signing; authenticating;

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recording; codification; printing.

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

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(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 East Cobb, Georgia." Copies of the code shall be

441 furnished to all officers, departments, and agencies of the city and made available for
442 purchase by the public at a reasonable price as fixed by the city council.

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

452 SECTION 2.26.

453 Election of mayor; forfeiture; compensation.

454 By a majority vote, the councilmembers shall elect a councilmember to serve as mayor. The
455 mayor shall serve a two-year term of office. The mayor shall forfeit the office of mayor on
456 the same grounds and under the same procedure as for councilmembers. The compensation
457 of the mayor shall be established in the same manner as for councilmembers. No person
458 shall serve more than two consecutive terms as mayor.

459 SECTION 2.27.

460 Mayor pro tempore.

461 By a majority vote, the councilmembers shall elect a councilmember to serve as mayor pro
462 tempore. The mayor pro tempore shall serve a two-year term of office. The mayor pro
463 tempore shall assume the duties and powers of the mayor during the mayor's physical or

464 mental disability or absence. Any such disability or absence shall be declared by a majority
465 vote of the councilmembers. The mayor pro tempore shall sign all contracts and ordinances
466 in which the mayor has a disqualifying financial interest as provided in Section 2.14 of this
467 charter.

468 SECTION 2.28.

469 Powers and duties of mayor.

470 The mayor shall:

- 471 (1) Preside at all meetings of the city council;
- 472 (2) Be the head of the city for the purpose of service of process and for ceremonial
473 purposes and be the official spokesperson for the city and the chief advocate of policy;
- 474 (3) Have the power to administer oaths and to take affidavits;
- 475 (4) Sign as a matter of course on behalf of the city all written and approved contracts,
476 ordinances, and other instruments executed by the city which by law are required to be
477 in writing;
- 478 (5) Prepare and submit to the city council a recommended annual operating budget and
479 recommended capital budget; and
- 480 (6) Fulfill such other executive and administrative duties as the city council shall by
481 ordinance establish.

482 SECTION 2.29.

483 City manager; appointment; qualifications; compensation.

484 The city council shall appoint a city manager, also known as "the manager," for an indefinite
485 term and shall fix the manager's compensation. The city manager shall be appointed solely
486 on the basis of that person's executive and administrative qualifications.

487

SECTION 2.30.

488

Removal of city manager.

489 (a) The city council may remove the manager from office in accordance with the following
490 procedures:

491 (1) The city council shall adopt by affirmative vote of a majority of all its members a
492 preliminary resolution which must state the reasons for removal and may suspend the
493 manager from duty for a period not to exceed 45 days. A copy of the resolution shall be
494 delivered promptly to the manager;

495 (2) Within five days after a copy of the resolution is delivered to the manager, the
496 manager may file with the city council a written request for a public hearing. This
497 hearing shall be held within 30 days after the request is filed. The manager may file with
498 the council a written reply not later than five days before the hearing; and

499 (3) If the manager has not requested a public hearing within the time specified in
500 paragraph (2) of this subsection, the city council may adopt a final resolution for removal,
501 which may be made effective immediately, by an affirmative vote of a majority of all its
502 members. If the manager has requested a public hearing, the city council may adopt a
503 final resolution for removal, which may be made effective immediately, by an affirmative
504 vote of a majority of all its members at any time after the public hearing.

505 (b) The manager may continue to receive a salary until the effective date of a final
506 resolution of removal.

507

SECTION 2.31.

508

Acting city manager.

509 By letter filed with the city clerk, the city manager shall designate, subject to approval of the
510 city council, a qualified city administrative officer to exercise the powers and perform the

511 duties of city manager during the city manager's temporary absence or physical or mental
512 disability. During such absence or disability, the city council may revoke such designation
513 at any time and appoint another officer of the city to serve until the city manager shall return
514 or the city manager's disability shall cease.

515 SECTION 2.32.

516 Powers and duties of the city manager.

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

- 521 (1) Appoint and, when the city manager deems it necessary for the good of the city,
522 suspend or remove all city employees and administrative officers the city manager
523 appoints, except as otherwise provided by law or personnel ordinances adopted pursuant
524 to this charter. The city manager may authorize any department director or administrative
525 officer who is subject to the city manager's direction and supervision to exercise these
526 powers with respect to subordinates in that officer's department, office, or agency;
- 527 (2) Direct and supervise the administration of all departments, offices, and agencies of
528 the city, except as otherwise provided by this charter or by law;
- 529 (3) Attend all city council meetings except for closed meetings held for the purposes of
530 deliberating on the appointment, discipline, or removal of the city manager and have the
531 right to take part in discussion, but the city manager may not vote;
- 532 (4) See that all laws, provisions of this charter, and acts of the city council, subject to
533 enforcement by the city manager or by officers subject to the city manager's direction and
534 supervision, are faithfully executed;

- 535 (5) Prepare and submit the annual operating budget and capital budget to the city
536 council;
- 537 (6) Submit to the city council and make available to the public a complete report on the
538 finances and administrative activities of the city as of the end of each fiscal year;
- 539 (7) Make such other reports as the city council may require concerning the operations
540 of city departments, offices, and agencies subject to the city manager's direction and
541 supervision;
- 542 (8) Keep the city council fully advised as to the financial condition and future needs of
543 the city, and make such recommendations to the city council concerning the affairs of the
544 city as the city manager deems desirable; and
- 545 (9) Perform other such duties as are specified in this charter or as may be required by the
546 mayor and city council.

547 SECTION 2.33.

548 Council interference with administration.

549 Except for the purpose of inquiries and investigations under Section 2.15 of this charter, the
550 city council or its members shall deal with city officers and employees who are subject to the
551 direction and supervision of the city manager solely through the city manager, and neither
552 the city council nor its members shall give orders to any such officer or employee, either
553 publicly or privately. The city council shall act in all matters as a body and no member shall
554 seek individually to influence the official acts of the city manager or any other officer or
555 employee of the city, or direct or request the appointment of any person to, or his or her
556 removal from, any office or position of employment, or to interfere in any way with the
557 performance of the duties by the city manager or other officers or employees.

558

ARTICLE III.

559

ADMINISTRATIVE AFFAIRS

560

SECTION 3.10.

561

Administrative and service departments.

562

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

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

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

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

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(e) All appointed officers and directors under the supervision of the mayor shall be nominated by the mayor with confirmation of appointment by the city council. All appointed officers and directors shall be employees at will and subject to removal or suspension at any time by the mayor unless otherwise provided by law or ordinance.

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SECTION 3.11.

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.

(b) All members of boards, commissions, and authorities of the city shall be appointed by the mayor and 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 by 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) Except as otherwise provided by charter or by law, no member of any board, commission, or authority shall hold any elective office in the city.

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

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

(g) All members of boards, commissions, or authorities of the city serve at will and may be removed at any time by the mayor and 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 chairperson and one member as vice chairperson and may elect as its secretary one of its own members or may appoint as

605 secretary an employee of the city. Each board, commission, or authority of the city
606 government may establish such bylaws, rules, and regulations, not inconsistent with this
607 charter, ordinances of the city, or law, as it deems appropriate and necessary for the
608 fulfillment of its duties or the conduct of its affairs. Copies of such bylaws, rules, and
609 regulations shall be filed with the clerk of the city.

610 SECTION 3.12.

611 City attorney.

612 The mayor and council shall appoint a city attorney, together with such assistant city
613 attorneys as may be authorized, and shall provide for the payment of such attorney or
614 attorneys for services rendered to the city. The city attorney shall be responsible for
615 providing for the representation and defense of the city in all litigation in which the city is
616 a party; may be the prosecuting officer in the municipal court; shall attend the meetings of
617 the city council as directed; shall advise the mayor and council and other officers and
618 employees of the city concerning legal aspects of the city's affairs; and shall perform such
619 other duties as may be required by virtue of such person's position as city attorney.

620 SECTION 3.13.

621 City clerk.

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

626 SECTION 3.14.

627 Position classification and pay plans.

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

634 SECTION 3.15.

635 Personnel policies.

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

638 ARTICLE IV.

639 JUDICIAL BRANCH

640 SECTION 4.10.

641 Creation; name.

642 There shall be a court to be known as the Municipal Court of the City of East Cobb.

643 SECTION 4.11.

644 Chief judge; associate judge.

645 (a) The municipal court shall be presided over by a chief judge and such part-time,
646 full-time, or stand-by judges as shall be provided by ordinance.

647 (b) No person shall be qualified or eligible to serve as a judge on the municipal court
648 unless that person shall have attained the age of 21 years and shall be a member of the State
649 Bar of Georgia and shall possess all qualifications required by law. All judges shall be
650 appointed by the city council and shall serve a term as provided by law and until a
651 successor is appointed and qualified.

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

653 (d) Judges may be removed from office as provided by law.

654 (e) Before assuming office, each judge shall take an oath, given by the mayor, that such
655 judge will honestly and faithfully discharge the duties of the judge's office to the best of
656 the judge's ability and without fear, favor, or partiality. The oath shall be entered upon the
657 minutes of the city council journal required in Section 2.19 of this charter.

658 SECTION 4.12.

659 Convening.

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

661 SECTION 4.13.

662 Jurisdiction; powers.

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

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

667 (c) The municipal court may fix punishment for offenses within its jurisdiction not
668 exceeding a fine of \$1,000.00 or imprisonment for 180 days or both such fine and
669 imprisonment or may fix punishment by fine, imprisonment, or alternative sentencing, as
670 now or hereafter provided by law.

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

674 (e) The municipal court shall have authority to establish bail and recognizances to ensure
675 the presence of those charged with violations before such court and shall have discretionary
676 authority to accept cash or personal or real property as surety for the appearance of persons
677 charged with violations. Whenever any person shall give bail for that person's appearance
678 and shall fail to appear at the time fixed for trial, that person's bond shall be forfeited by
679 the judge presiding at such time and an execution issued thereon by serving the defendant
680 and the defendant's sureties with a rule nisi at least two days before a hearing on the rule
681 nisi. In the event that cash or property is accepted in lieu of bond for security for the
682 appearance of a defendant at trial, and if such defendant fails to appear at the time and
683 place fixed for trial, the cash so deposited shall be on order of the judge declared forfeited
684 to the city, or the property so deposited shall have a lien against it for the value forfeited
685 which lien shall be enforceable in the same manner and to the same extent as a lien for city
686 property taxes.

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

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

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

697 SECTION 4.14.

698 Certiorari.

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

703 SECTION 4.15.

704 Rules for court.

705 With the approval of the city council, the judge shall have full power and authority to make
706 reasonable rules and regulations necessary and proper to secure the efficient and successful
707 administration of the municipal court; provided, however, that the city council may adopt in
708 part or in toto the rules and regulations applicable to municipal courts. The rules and
709 regulations made or adopted shall be filed with the city clerk, shall be available for public
710 inspection, and, upon request, a copy shall be furnished to all defendants in municipal court
711 proceedings at least 48 hours prior to such proceedings.

729

SECTION 5.13.

730

Election by majority vote.

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Councilmembers shall be elected by a majority vote of the votes cast by the electors of the

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city at large.

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SECTION 5.14.

734

Special elections; vacancies.

735

In the event that the office of councilmember shall become vacant as provided in Section

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2.12 of this charter, the city council or those remaining shall order a special election to fill

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the balance of the unexpired term of such official; provided, however, that, if such vacancy

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occurs within 12 months of the expiration of the term of that office, the city council or those

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members remaining shall appoint a successor for the remainder of the term. In all other

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respects, the special election shall be held and conducted in accordance with Chapter 2 of

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Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended.

742

SECTION 5.15.

743

Other provisions.

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Except as otherwise provided by this charter, the city council shall, by ordinance, prescribe

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such rules and regulations as it deems appropriate to fulfill any options and duties under

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Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code."

747 SECTION 5.16.
748 Removal of officers.

749 (a) A councilmember or any appointed officers provided for in this charter shall be
750 removed from office for any one or more of the causes provided in Title 45 of the O.C.G.A.
751 or such other applicable laws as are or may hereafter be enacted.

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

754 (1) Following a hearing at which an impartial panel shall render a decision. In the event
755 an elected officer is sought to be removed by the action of the city council, such officer
756 shall be entitled to a written notice specifying the ground or grounds for removal and to
757 a public hearing which shall be held not less than ten days after the service of such
758 written notice. The city council shall provide by ordinance for the manner in which such
759 hearings shall be held. Any elected officer sought to be removed from office as provided
760 in this section shall have the right of appeal from the decision of the city council to the
761 Superior Court of Cobb County. Such appeal shall be governed by the same rules as
762 govern appeals to the superior court from the probate court; or

763 (2) By an order of the Superior Court of Cobb County following a hearing on a
764 complaint seeking such removal brought by any resident of the City of East Cobb.

765 ARTICLE VI.
766 FINANCE

767 SECTION 6.10.
768 Property tax.

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

775 SECTION 6.11.
776 Millage rate; due dates; payment methods.

777 (a) The city council by ordinance shall establish a millage rate for the city property tax
778 which shall not exceed 1 mill, a due date, and the time period within which these taxes
779 must be paid, unless a higher millage rate is recommended by resolution of the city council
780 and subsequently approved by a majority of the eligible voters of the city by referendum.
781 (b) The city council by ordinance may provide for the payment of these taxes by
782 installments or in one lump sum, as well as authorize the voluntary payment of taxes prior
783 to the time when due.

784 SECTION 6.12.

785 Occupation and business taxes.

786 The city council by ordinance shall have the power to levy such occupation or business taxes
787 as are not denied by law. The city council may classify businesses, occupations, or
788 professions for the purpose of such taxation in any way which may be lawful and may
789 compel the payment of such taxes as provided in Section 6.18 of this charter.

790 SECTION 6.13.

791 Licenses; permits; fees.

792 The city council by ordinance shall have the power to require businesses or practitioners
793 doing business in this city to obtain a permit for such activity from the city and pay a
794 regulatory fee for such permit as provided by general law. Such fees shall reflect the total
795 cost to the city of regulating the activity and, if unpaid, shall be collected as provided in
796 Section 6.18 of this charter.

797 SECTION 6.14.

798 Franchises.

799 (a) The city council shall have the power to grant franchises for the use of this city's streets
800 and alleys for the purposes of railroads, street railways, telephone companies, electric
801 companies, electric membership corporations, cable television and other
802 telecommunications companies, gas companies, transportation companies, and other
803 similar organizations. The city council shall determine the duration, terms, whether the
804 same shall be exclusive or nonexclusive, and the consideration for such franchises;
805 provided, however, that no franchise shall be granted for a period in excess of 35 years and

806 no franchise shall be granted unless the city receives just and adequate compensation
807 therefor. The city council shall provide for the registration of all franchises with the city
808 clerk in a registration book kept by the city clerk. The city council may provide by
809 ordinance for the registration within a reasonable time of all franchises previously granted.

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

815 SECTION 6.15.

816 Service charges.

817 The city council by ordinance shall have the power to assess and collect fees, charges, and
818 tolls for services provided or made available within and outside the corporate limits of the
819 city for the total cost to the city of providing or making available such services. If unpaid,
820 such charges shall be collected as provided in Section 6.18 of this charter.

821 SECTION 6.16.

822 Special assessments.

823 The city council by ordinance shall have the power to assess and collect the cost of
824 constructing, reconstructing, widening, or improving any public way, street, sidewalk,
825 curbing, gutters, sewers, or other utility mains and appurtenances from the abutting property
826 owners. If unpaid, such charges shall be collected as provided in Section 6.18 of this charter.

827 SECTION 6.17.

828 Construction; other taxes.

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

832 SECTION 6.18.

833 Collection of delinquent taxes and fees.

834 The city council by ordinance may provide generally for the collection of delinquent taxes,
835 fees, or other revenue due the city under Sections 6.10 through 6.17 of this charter by
836 whatever reasonable means as are not precluded by law. This shall include providing for the
837 dates when the taxes or fees are due; late penalties or interest; issuance and execution of
838 fi. fas.; creation and priority of liens; making delinquent taxes and fees personal debts of the
839 persons required to pay the taxes or fees imposed; revoking city permits for failure to pay any
840 city taxes or fees; and providing for the assignment or transfer of tax executions.

841 SECTION 6.19.

842 General obligation bonds.

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

847 SECTION 6.20.

848 Revenue bonds.

849 Revenue bonds may be issued by the city council as state law now or hereafter provides.

850 Such bonds are to be paid out of any revenue produced by the project, program, or venture

851 for which they were issued.

852 SECTION 6.21.

853 Short-term loans.

854 The city may obtain short-term loans and must repay such loans not later than December 31

855 of each year, unless otherwise provided by law.

856 SECTION 6.22.

857 Lease-purchase contracts.

858 The city may enter into multiyear lease, purchase, or lease-purchase contracts for the

859 acquisition of goods, materials, real and personal property, services, and supplies, provided

860 the contract terminates without further obligation on the part of the municipality at the close

861 of the calendar year in which it was executed and at the close of each succeeding calendar

862 year for which it may be renewed. Contracts must be executed in accordance with the

863 requirements of Code Section 36-60-13 of the O.C.G.A., or other such applicable laws as are

864 or may hereafter be enacted.

865 SECTION 6.23.

866 Fiscal year.

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

870 SECTION 6.24.

871 Budget ordinance.

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

877 SECTION 6.25.

878 Operating budget.

879 On or before a date fixed by the city council but not later than 60 days prior to the beginning
880 of each fiscal year, the city manager shall submit to the city council a proposed operating
881 budget for the ensuing fiscal year. The budget shall be accompanied by a message from the
882 city manager containing a statement of the general fiscal policies of the city, the important
883 features of the budget, explanations of major changes recommended for the next fiscal year,
884 a general summary of the budget, and other pertinent comments and information. The
885 operating budget and the capital budget provided for in Section 6.29 of this charter, the

886 budget message, and all supporting documents shall be filed in the office of the city clerk and
887 shall be open to public inspection.

888 SECTION 6.26.

889 Action by city council on budget.

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

895 (b) The city council by ordinance shall adopt the final operating budget for the ensuing
896 fiscal year not later than December 15 of each year. If the city council fails to adopt the
897 budget by said date, the amounts appropriated for operation for the then current fiscal year
898 shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all
899 items prorated accordingly, until such time as the city council adopts a budget for the
900 ensuing fiscal year. Adoption of the budget shall take the form of an appropriations
901 ordinance setting out the estimated revenues in detail by sources and making appropriations
902 according to fund and by organizational unit, purpose, or activity as set out in the budget
903 preparation ordinance adopted pursuant to Section 6.24 of this charter.

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

908 SECTION 6.27.

909 Levy of taxes.

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

916 SECTION 6.28.

917 Changes in appropriations.

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

922 SECTION 6.29.

923 Capital improvements.

924 (a) On or before the date fixed by the city council, but not later than 60 days prior to the
925 beginning of each fiscal year, the city manager shall submit to the city council a proposed
926 capital improvements plan with a recommended capital budget containing the means of
927 financing the improvements proposed for the ensuing fiscal year. The city council shall
928 have power to accept, with or without amendments, or reject the proposed plan and budget.
929 The city council shall not authorize an expenditure for the construction of any building,

930 structure, work, or improvement unless the appropriations for such project are included in
931 the capital budget, except to meet a public emergency as provided in Section 2.23 of this
932 charter.

933 (b) The city council shall adopt by ordinance the final capital budget for the ensuing fiscal
934 year not later than December 15 of each year. No appropriation provided for in a prior
935 capital budget shall lapse until the purpose for which the appropriation was made shall
936 have been accomplished or abandoned; provided, however, that the city manager may
937 submit amendments to the capital budget at any time during the fiscal year, accompanied
938 by recommendations. Any such amendments to the capital budget shall become effective
939 only upon adoption by ordinance.

940 SECTION 6.30.

941 Audits.

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

947 SECTION 6.31.

948 Procurement and property management.

949 No contract with the city shall be binding on the city unless:

950 (1) It is in writing;

951 (2) It is drawn by or submitted and reviewed by the city attorney and, as a matter of
952 course, is signed by the city attorney to indicate such drafting or review; and

953 (3) It is made or authorized by the city council and such approval is entered in the city
954 council journal of proceedings pursuant to Section 2.19 of this charter.

955 SECTION 6.32.

956 Purchasing.

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

959 SECTION 6.33.

960 Sale and lease of property.

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

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

967 (c) Whenever in opening, extending, or widening any street, avenue, alley, or public place
968 of the city a small parcel or tract of land is cut off or separated by such work from a larger
969 tract or boundary of land owned by the city, the city council may authorize the mayor to
970 sell and convey said cut-off or separated parcel or tract of land to an abutting or adjoining
971 property owner or owners where such sale and conveyance facilitates the highest and best
972 use of the abutting owner's property. Included in the sales contract shall be a provision for
973 the rights of way of said street, avenue, alley, or public place. Each abutting property
974 owner shall be notified of the availability of the property and given the opportunity to
975 purchase said property under such terms and conditions as set out by ordinance. All deeds

976 and conveyances heretofore and hereafter so executed and delivered shall convey all title
977 and interest the city has in such property, notwithstanding the fact that no public sale after
978 advertisement was or is hereafter made.

979 SECTION 6.34.
980 Apportionment of revenue.

981 Except as otherwise agreed pursuant to Chapter 70 of Title 36 of the O.C.G.A., the city is
982 authorized to pay all revenues collected by Cobb County on behalf of the city to the county
983 in exchange for continuation of services during the transition period provided in Section 8.11
984 of this charter and beyond, with the exception of the following revenues, which shall stay
985 with the city:

- 986 (1) New revenues from utility franchise fees;
987 (2) Fines collected in municipal court; and
988 (3) Revenues generated from any additional millage of up to 1 mill above the millage
989 rate imposed in the county special service district.

990 ARTICLE VII.
991 GENERAL PROVISIONS

992 SECTION 7.10.
993 Bonds for officials.

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

997 SECTION 7.11.

998 Construction and definitions.

999 (a) Section captions in this charter are informative only and are not to be considered as a
1000 part thereof.

1001 (b) The word "shall" is mandatory and the word "may" is permissive.

1002 (c) The singular shall include the plural, the masculine shall include the feminine, and vice
1003 versa.

1004 ARTICLE VIII.

1005 REFERENDUM AND INITIAL ELECTIONS

1006 SECTION 8.10.

1007 Referendum and initial election.

1008 (a) The election superintendent of Cobb County shall call a special election for the purpose
1009 of submitting this Act to the qualified voters of the proposed City of East Cobb for
1010 approval or rejection. The superintendent shall set the date of such election for the date of
1011 the 2022 general primary. The superintendent shall issue the call for such election at
1012 least 30 days prior to the date thereof. The superintendent shall cause the date and purpose
1013 of the election to be published once a week for two weeks immediately preceding the date
1014 thereof in the official organ of Cobb County. The ballot shall have written or printed
1015 thereon the words:

1016 "() YES Shall the Act incorporating the City of East Cobb in Cobb County according
1017 () NO to the charter contained in the Act be approved?"

1018 All persons desiring to vote for approval of the Act shall vote "Yes," and those persons
1019 desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes

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1020 cast on such question are for approval of the Act, it shall become of full force and effect
1021 as provided in Section 8.11 of this charter, otherwise it shall be void and of no force and
1022 effect. The initial expense of such election shall be borne by Cobb County. Within two
1023 years after the elections if the incorporation is approved, the City of East Cobb shall
1024 reimburse Cobb County for the actual cost of printing and personnel services for such
1025 election and for the initial election of the councilmembers pursuant to this charter. It shall
1026 be the duty of the superintendent to hold and conduct such election. It shall be his or her
1027 further duty to certify the result thereof to the Secretary of State.

1028 (b) For the purposes of the referendum election provided for in subsection (a) of this
1029 section and for the purposes of the special election of the City of East Cobb to be held on
1030 the Tuesday following the first Monday of November, 2022, the qualified electors of the
1031 City of East Cobb shall be those qualified electors of Cobb County residing within the
1032 corporate limits of the City of East Cobb as described by Appendix A of this charter. At
1033 subsequent municipal elections, the qualified electors of the City of East Cobb shall be
1034 determined pursuant to the authority of Chapter 2 of Title 21 of the O.C.G.A. known as the
1035 "Georgia Election Code."

1036 (c) Only for the purposes of holding and conducting the referendum election provided for
1037 in subsection (a) of this section and holding the special election of the City of East Cobb
1038 to be held on the Tuesday following the first Monday of November, 2022, the election
1039 superintendent of Cobb County is vested with the powers and duties of the election
1040 superintendent of the City of East Cobb and the powers and duties of the governing
1041 authority of the City of East Cobb.

SECTION 8.11.

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1043

Effective dates and transition.

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(a) The provisions of this Act necessary for the referendum election provided for in Section 8.10 of this charter shall become effective immediately upon this Act's approval by the Governor or upon its becoming law without such approval.

(b) Those provisions of this Act necessary for the special election provided for in Section 8.13 of this charter shall be effective upon the certification of the results of the referendum election provided for by Section 8.10 of this charter if this Act is approved at such referendum election.

(c) Except as provided in Section 8.10 of this charter, the remaining provisions of this Act shall become of full force and effect for all purposes at 12:00 Midnight on January 1, 2023, except that the initial councilmembers shall take office immediately following their election and by action of a quorum may prior to 12:00 Midnight on January 1, 2023, meet and take actions binding on the city.

(d) A period of time will be needed for an orderly transition of various government functions from Cobb County to the City of East Cobb. Accordingly there shall be a transition period beginning on the date the initial mayor and councilmembers take office under this charter, and ending at 12:00 Midnight on December 31, 2025. During such transition period, all provisions of this charter shall be effective as law, but not all provisions of this charter shall be implemented.

(e) During such transition period, Cobb County shall continue to provide within the territorial limits of the city all government services and functions which Cobb County provided in that area during the years 2021 and 2022 and at the same actual cost, except to the extent otherwise provided in this section; provided, however, that upon at least 60 days' prior written notice to Cobb County by the City of East Cobb, responsibility for any such service or function shall be transferred to the City of East Cobb. During the transition

1068 period, the city shall remain within the Cobb County special services district, but shall be
1069 removed from such district at the conclusion of such period. Beginning July 1, 2023, the
1070 City of East Cobb shall collect taxes, fees, assessments, fines and forfeitures, and other
1071 moneys within the territorial limits of the city in the same manner as authorized
1072 immediately prior to the effective date of this section; provided, however, that upon at
1073 least 60 days' prior written notice to Cobb County by the City of East Cobb, the authority
1074 to collect any tax, fee, assessment, fine or forfeiture, or other moneys shall remain with
1075 Cobb County after July 1, 2023, until such time as Cobb County receives subsequent notice
1076 from the City of East Cobb that such authority shall be transferred to the City of East Cobb.
1077 (f) During the transition period, the governing authority of the City of East Cobb:
1078 (1) Shall hold regular meetings and may hold special meetings as provided in this
1079 charter;
1080 (2) May enact ordinances and resolutions as provided in this charter;
1081 (3) May amend this charter by home rule action as provided by general law;
1082 (4) May accept gifts and grants;
1083 (5) May borrow money and incur indebtedness to the extent authorized by this charter
1084 and general law;
1085 (6) May levy and collect an ad valorem tax for calendar years 2023 and 2024;
1086 (7) May establish a fiscal year and budget;
1087 (8) May create, alter, or abolish departments, boards, offices, commissions, and agencies
1088 of the city; appoint and remove officers and employees; and exercise all necessary or
1089 appropriate personnel and management functions; and
1090 (9) May generally exercise any power granted by this charter or general law, except to
1091 the extent that a power is specifically and integrally related to the provision of a
1092 governmental service, function, or responsibility not yet provided or carried out by the
1093 city.

1094 (g) Except as otherwise provided in this section, during the transition period, the
1095 Municipal Court of the City of East Cobb shall not exercise its jurisdiction. During the
1096 transition period, all ordinances of Cobb County shall remain applicable within the
1097 territorial limits of the city and the appropriate court or courts of Cobb County shall retain
1098 jurisdiction to enforce such ordinances. However, by mutual agreement and concurrent
1099 resolutions and ordinances if needed Cobb County and the City of East Cobb may during
1100 the transition period transfer all or part of such regulatory authority and the appropriate
1101 court jurisdiction to the City of East Cobb. Any transfer of jurisdiction to the City of East
1102 Cobb during or at the end of the transition period shall not in and of itself abate any judicial
1103 proceeding pending in Cobb County or the pending prosecution of any violation of any
1104 ordinance of Cobb County.

1105 (h) During the transition period, the governing authority of the City of East Cobb may at
1106 any time, without the necessity of any agreement by Cobb County, commence to exercise
1107 its planning and zoning powers; provided, however, that the city shall give the county
1108 notice of the date on which the city will assume the exercise of such powers. Upon the
1109 governing authority of the City of East Cobb commencing to exercise its planning and
1110 zoning powers, the Municipal Court of the City of East Cobb shall immediately have
1111 jurisdiction to enforce the planning and zoning ordinances of the city. The provisions of
1112 this subsection shall control over any conflicting provisions of any other subsection of this
1113 section.

1114 (i) Effective upon the termination of the transition period, subsections (b) through (h) of
1115 this section shall cease to apply except for the last sentence of subsection (g) which shall
1116 remain effective. Effective upon the termination of the transition period, the City of East
1117 Cobb shall be a full functioning municipal corporation and subject to all general laws of
1118 this state.

SECTION 8.12.

1119

1120

Directory nature of dates.

1121 It is the intention of the General Assembly that this Act be construed as directory rather than
1122 mandatory with respect to any date prescribed in this Act. If it is necessary to delay any
1123 action called for in this Act for providential cause or any other reason, it is the intention of
1124 the General Assembly that the action be delayed rather than abandoned. Any delay in
1125 performing any action under this Act, whether for cause or otherwise, shall not operate to
1126 frustrate the overall intent of this Act. Without limiting the generality of the foregoing it is
1127 specifically provided that:

1128 (1) If it is not possible to hold the referendum election provided for in Section 8.10 of
1129 this charter on the date specified in that section, then such referendum shall be held as
1130 soon thereafter as is reasonably practicable; and

1131 (2) If it is not possible to hold the first election provided for in Section 8.13 of this
1132 charter on the date specified in that section, then there shall be a special election for the
1133 initial members of the governing authority to be held as soon thereafter as is reasonably
1134 practicable, and the commencement of the initial terms of office shall be delayed
1135 accordingly.

SECTION 8.13.

1136

1137

Special election.

1138 (a) The first election for councilmembers shall be a special election held on the Tuesday
1139 after the first Monday in November, 2022. At such election, the first councilmembers shall
1140 be elected to serve for the initial terms of office specified in subsections (b) and (c) of this
1141 section. Thereafter, the time for holding a regular municipal elections shall be on the
1142 Tuesday next following the first Monday in November of each odd-numbered year

1143 beginning in 2025. The successors to the first mayor and initial councilmembers and future
1144 successors shall take office at the first organizational meeting in January immediately
1145 following their election and shall serve for terms of four years and until their respective
1146 successors are elected and qualified.

1147 (b) The initial members elected pursuant to paragraph (2) of subsection (b) of Section 2.11
1148 shall serve a term of office ending on December 31, 2025, and until their respective
1149 successors are elected and qualified. The initial members elected pursuant to paragraph (1)
1150 of subsection (b) of Section 2.11 shall serve a term of office ending on December 31, 2027,
1151 and until their respective successors are elected and qualified. Thereafter, successors to
1152 such initial members shall serve four-year terms of office and until their respective
1153 successors are elected and qualified.

1154 ARTICLE IX.
1155 GENERAL REPEALER

1156 SECTION 9.10.
1157 General repealer.

1158 All laws and parts of laws in conflict with this Act are repealed.

1159

APPENDIX A

1160

LEGAL DESCRIPTION

1161

CITY OF EAST COBB, GEORGIA

1162 User: H045

1163 Plan Name: EastCobb-2022

1164 Plan Type: Local

1165 District EASTCOBB

1166 County Cobb GA

1167 VTD Chestnut Ridge 01

1168 VTD Dickerson 01

1169 VTD Dodgen 01

1170 VTD Eastside 01

1171 VTD Fullers Park 01

1172 Block 030332:

1173 2006 2007 2008 2009 2010 2012

1174 Block 030366:

1175 1001 2000 2001 2002 2003

1176 VTD Hightower 01

1177 VTD Mount Bethel 01

1178 VTD Mount Bethel 03

1179 VTD Mount Bethel 04

1180 VTD Murdock 01

1181 Block 030331:

1182 3000 3001 3002 3003 3004 3005 3006 3007 3008 3009 3010 3011

1183 3012 3013 3014 4000 4001 4002 4003 4004 4005 4006 4007
 1184 VTD Pope 01
 1185 Block 030327:
 1186 3000 3001 3002 3003 3004 3005 3011
 1187 Block 030359:
 1188 1010 1011
 1189 VTD Roswell 01
 1190 Block 030335:
 1191 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 2002
 1192 2003 2004 2005 2006 2007 2008 2009 2011 2012 4000 4001 4002
 1193 4003 4004 4005 4006
 1194 Block 030360:
 1195 2000 2001 2002 2003 2004 2005
 1196 VTD Roswell 02
 1197 VTD Sewell Mill 01
 1198 Block 030358:
 1199 2001 2002 2003 2007 2008
 1200 VTD Sope Creek 01
 1201 VTD Sope Creek 03
 1202 Block 030352:
 1203 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011
 1204 1012 1013 1014
 1205 Block 030354:
 1206 1000 1001 1002 1003 1004 1005 1006 1007 3000
 1207 excluding portion of block 3006 that is part of National Park
 1208 excluding portion of block 3007 that is part of National Park
 1209 VTD Timber Ridge 01

1210 For the purposes of such plan, EastCobb-2021:

1211 (1) The term 'VTD' shall mean and describe the same geographical boundaries as
1212 provided in the report of the Bureau of the Census for the United States decennial census
1213 of 2020 for the State of Georgia. The separate numeric designations in a district
1214 description which are underneath a VTD heading shall mean and describe individual
1215 Blocks within a VTD as provided in the report of the Bureau of the Census for the United
1216 States decennial census of 2020 for the State of Georgia; and

1217 (2) Except as otherwise provided in the description of any district, whenever the
1218 description of any district refers to a named city, it shall mean the geographical
1219 boundaries of that city as shown on the census maps for the United States decennial
1220 census of 2020 for the State of Georgia.

1221 APPENDIX B
 1222 City Council Districts

1223 User: H045

1224 Plan Name: EastCobb-dist-2022

1225 Plan Type: Local

1226 District 001

1227 County Cobb GA

1228 VTD Chestnut Ridge 01

1229 VTD Hightower 01

1230 VTD Murdock 01

1231 Block 030331:

1232 3000 3001 3002 3003 3004 3005 3006 3007 3008 3009 3010 3011

1233 3012 3013 3014 4000 4001 4002 4003 4004 4005 4006 4007

1234 VTD Pope 01

1235 Block 030327:

1236 3000 3001 3002 3003 3004 3005 3011

1237 Block 030359:

1238 1010 1011

1239 VTD Roswell 01

1240 Block 030335:

1241 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 2002

1242 2003 2004 2005 2006 2007 2008 2009 2011 2012 4000 4001 4002

1243 4003 4004 4005 4006

1244 Block 030360:

1245 2000 2001 2002 2003 2004 2005

1246 VTD Roswell 02
 1247 Block 030331:
 1248 2000 2001 2002 2003 2004 2005 2006 2007
 1249 Block 030369:
 1250 2002 2003

 1251 District 002
 1252 County Cobb GA
 1253 VTD Dickerson 01
 1254 VTD Dodgen 01
 1255 VTD Eastside 01
 1256 VTD Fullers Park 01
 1257 Block 030332:
 1258 2006 2007 2008 2009 2010 2012
 1259 Block 030366:
 1260 1001 2000 2001 2002 2003
 1261 VTD Mount Bethel 01
 1262 Block 030370:
 1263 1004 1005 1006 3000 3002
 1264 VTD Roswell 02
 1265 Block 030369:
 1266 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011
 1267 1012 1013 1014 1015 1016 1017 2000 2001 2004 2005 2006
 1268 VTD Sewell Mill 01
 1269 Block 030358:
 1270 2001 2002 2003 2007 2008
 1271 VTD Timber Ridge 01

1272 District 003
 1273 County Cobb GA
 1274 VTD Mount Bethel 01
 1275 Block 030319:
 1276 1000 1001 1002 1003 1004
 1277 Block 030337:
 1278 2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011
 1279 2012 2013 2014 2015 2016 2017 2018 2019 3000 3001 3002 3003
 1280 3004 3005 3006 3007 3008 3009 3010
 1281 Block 030370:
 1282 3004
 1283 VTD Mount Bethel 03
 1284 VTD Mount Bethel 04
 1285 VTD Sope Creek 01
 1286 VTD Sope Creek 03
 1287 Block 030352:
 1288 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011
 1289 1012 1013 1014
 1290 Block 030354:
 1291 1000 1001 1002 1003 1004 1005 1006 1007 3000
 1292 excluding portion of block 3006 that is part of National Park
 1293 excluding portion of block 3007 that is part of National Park

1294

APPENDIX C

1295

CERTIFICATE AS TO MINIMUM STANDARDS

1296

FOR INCORPORATION OF A NEW MUNICIPAL CORPORATION

1297

I, Representative Matt Dollar, Georgia State Representative from the 45th District and the

1298

author of this bill introduced at the 2021 session of the General Assembly of Georgia, which

1299

grants an original municipal charter to the City of East Cobb, do hereby certify that this bill

1300

is in compliance with the minimum standards required by Chapter 31 of Title 36 of the

1301

O.C.G.A. in that the area embraced within the original incorporation in this bill is in all

1302

respects in compliance with the minimum standards required by Chapter 31 of Title 36 of the

1303

O.C.G.A. This certificate is executed to conform to the requirements of Code

1304

Section 36-31-5 of the O.C.G.A.

1305

So certified this _____ day of _____, 2022.

1306

1307

1308

Honorable Matt Dollar

1309

Representative, 45th District

1310

Georgia State House of Representatives