

House Bill 841

By: Representatives Dollar of the 45<sup>th</sup> and Cooper of the 43<sup>rd</sup>

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, and said Appendix A is incorporated into and made a part of this charter. The  
38 boundaries of this city at all times shall be shown on a map, a written description, or any  
39 combination thereof, to be retained permanently in the office of the city clerk and to be

40 designated, as the case may be: "Official Map (or Description) of the corporate limits of  
41 the City of East Cobb, Georgia." Photographic, typed, or other copies of such map or  
42 description certified by the city clerk shall be admitted as evidence in all courts and shall  
43 have the same force and effect as with the original map or description.

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

47 SECTION 1.12.

48 Powers and construction.

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

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

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

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

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

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

69 (6) Environmental protection. To protect and preserve the natural resources,  
70 environment, and vital areas of the state through the preservation and improvement of air  
71 quality, the restoration and maintenance of water resources, the control of erosion and  
72 sedimentation, the management of solid and hazardous waste, and other necessary actions  
73 for the protection of the environment;

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

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

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

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

87 (11) Jail sentences. To provide that persons given jail sentences in the municipal court  
88 may work out such sentences in any public works or on the streets, roads, drains, and  
89 other public property in the city; to provide for commitment of such persons to any jail;  
90 or to provide for commitment of such persons to any county work camp or county jail by  
91 agreement with the appropriate county officials;

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

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

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

102 (15) Municipal property protection. To provide for the preservation and protection of  
103 property and equipment of the city and the administration and use of same by the public;  
104 and to prescribe penalties and punishment for violations thereof;

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

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

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

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

115 (20) Public improvements. To provide for the acquisition, construction, building,  
116 operation, and maintenance of parks and playgrounds, public grounds, recreational  
117 facilities, public buildings, and charitable, cultural, educational, recreational,

118 conservation, and sport institutions, agencies, and facilities; and to regulate the use of  
119 public improvements;

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

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

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

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

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

- 144 (26) Special assessments. To levy and provide for the collection of special assessments  
145 to cover the costs for any public improvements;
- 146 (27) Taxes: ad valorem. To levy and provide for the assessment, valuation, revaluation,  
147 and collection of taxes on all property subject to taxation subject to a maximum of 1 mill;
- 148 (28) Taxes: other. To levy and collect such other taxes as may be allowed now or in the  
149 future by law; and
- 150 (29) Taxicabs. To regulate and license vehicles operated for hire in the city; to limit the  
151 number of such vehicles; to require the operators thereof to be licensed; to require public  
152 liability insurance on such vehicles in the amounts to be prescribed by ordinance; and to  
153 regulate the parking of such vehicles.
- 154 (b) Except as provided in subsection (c) of this section, the city shall exercise the powers  
155 enumerated in subsection (a) of this section only for the purposes of planning and zoning,  
156 code adoption and enforcement, parks and recreation, and those items directly related to  
157 the provision of such services and for the general administration of the city in providing  
158 such services.
- 159 (c) In the event that the city desires to provide services in addition to those services  
160 enumerated in subsection (b) of this section, the city council shall pass a resolution  
161 specifically stating the services sought to be offered by the city and shall submit the  
162 approval of such resolution for ratification by the electors of the city in a referendum. If  
163 the electors of the city vote in favor of ratifying such resolution, then the city shall be  
164 authorized to exercise the powers enumerated in subsection (a) of this section for the  
165 purpose of providing such services stated in such resolution and those items directly related  
166 to the provision of such services and for the general administration of the city in providing  
167 such services. If the electors of the city disapprove such resolution, it shall immediately  
168 be null and void and of no force and effect.

## 169 SECTION 1.13.

170 Exercise of powers.

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

## 175 ARTICLE II.

## 176 GOVERNMENT STRUCTURE

## 177 SECTION 2.10.

178 City council creation; number; election.

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

## 182 SECTION 2.11.

183 City councilmembers;

184 terms and qualifications for office.

185 (a) Except as otherwise provided in Article VIII of this charter for the initial terms of  
186 office, the members of the city council shall serve for terms of four years and until their  
187 respective successors are elected and qualified. The term of office of each member of the  
188 city council shall begin on the first day of January immediately following the election of  
189 such member unless general law authorizes or requires the term to begin at the first



190 organizational meeting in January or upon some other date. No person shall be eligible to  
191 serve as councilmember unless that person shall have been a resident of the city for 12  
192 months prior to the date of the election of members of the city council; each shall continue  
193 to reside therein during that person's period of service and to be registered and qualified to  
194 vote in municipal elections of this city.

195 (b) The city council seats shall be designated Post 1, Post 2, Post 3, Post 4, Post 5, and  
196 Post 6. Candidates shall designate the post for which they are offering for election when  
197 qualifying for election.

198 (c) For the purposes of electing members of the city council, the city is divided into three  
199 districts. Each district shall be represented by two posts. One member of the board shall  
200 be elected to each post by a majority of electors of the city voting at large. Post 1 and  
201 Post 2 shall represent District 1. Post 3 and Post 4 shall represent District 2. Post 5 and  
202 Post 6 shall represent District 3. The three numbered districts as described in the districting  
203 plan attached to and made a part of this Act and further identified as *RESERVED*.

204 (d) *RESERVED*

205 SECTION 2.12.

206 Vacancy; filling of vacancies; suspensions.

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

211 (b) Filling of vacancies. A vacancy in the office of councilmember shall be filled for the  
212 remainder of the unexpired term, if any, by appointment by the remaining members of the  
213 city council if less than 12 months remain in the unexpired term, otherwise by an election

214 as provided for in Section 5.14 of this charter and Titles 21 and 45 of the O.C.G.A. or such  
215 other laws as are or may hereafter be enacted.

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

221 SECTION 2.13.

222 Compensation and expenses.

223 (a) The mayor shall receive an initial salary of \$9,000.00 per year, paid in equal monthly  
224 installments from the funds of the municipality. Each councilmember shall receive an  
225 initial salary of \$8,000.00 per year, paid in equal monthly installments from the funds of  
226 the municipality.

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

229 SECTION 2.14.

230 Conflicts of interest; holding other offices.

231 (a) Elected and appointed officers of the city are trustees and servants of the residents of  
232 the city and shall act in a fiduciary capacity for the benefit of such residents.

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

235 (1) Engage in any business or transaction or have a financial or other personal interest,  
236 direct or indirect, which is incompatible with the proper discharge of that person's official

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

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

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

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

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

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

258 (c) Disclosure. Any elected official, appointed officer, or employee who shall have any  
259 financial interest, directly or indirectly, in any contract or matter pending before or within  
260 any department of the city shall disclose such interest to the city council. The mayor or any  
261 councilmember who has a financial interest in any matter pending before the city council  
262 shall disclose such interest and such disclosure shall be entered on the records of the city  
263 council, and that person shall disqualify himself or herself from participating in any

264 decision or vote relating thereto. Any elected official, appointed officer, or employee of  
265 any agency or political entity to which this charter applies who shall have any financial  
266 interest, directly or indirectly, in any contract or matter pending before or within such  
267 entity shall disclose such interest to the governing body of such agency or entity.

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

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

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

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

288 (h) Penalties for violation.

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

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

296 SECTION 2.15.

297 Inquiries and investigations.

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

304 SECTION 2.16.

305 General power and authority of the city council.

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

308 SECTION 2.17.  
309 Organizational meetings.

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

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

317 SECTION 2.18.  
318 Meetings.

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

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

330 (c) All meetings of the city council shall be public to the extent required by law, and notice  
331 to the public of special meetings shall be made as fully as is reasonably possible as

332 provided by Code Section 50-14-1 of the O.C.G.A. or other such applicable laws as are or  
333 may hereafter be enacted.

334 SECTION 2.19.  
335 Rules of procedure.

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

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

342 SECTION 2.20.  
343 Quorum; voting.

344 Four councilmembers shall constitute a quorum and shall be authorized to transact business  
345 of the city council. Voting on the adoption of ordinances shall be by voice vote and the vote  
346 shall be recorded in the journal, but any councilmember shall have the right to request a  
347 roll-call vote and such vote shall be recorded in the journal. Except as otherwise provided  
348 in this charter, the affirmative vote of four councilmembers shall be required for the adoption  
349 of any ordinance, resolution, or motion. An abstention shall be counted as an affirmative  
350 vote.

## 351 SECTION 2.21.

352 Ordinance form; procedures.

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

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

## 365 SECTION 2.22.

366 Action requiring an ordinance.

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

## 368 SECTION 2.23.

369 Emergencies.

370 (a) To meet a public emergency affecting life, health, property, or public peace, the city  
371 council may convene on call of the mayor or three councilmembers and may promptly  
372 adopt an emergency ordinance, but such ordinance may not levy taxes; grant, renew, or



373 extend a franchise; regulate the rate charged by any public utility for its services; or  
374 authorize the borrowing of money except for loans to be repaid within 30 days. An  
375 emergency ordinance shall be introduced in the form prescribed for ordinances generally,  
376 except that it shall be plainly designated as an emergency ordinance and shall contain, after  
377 the enacting clause, a declaration stating that an emergency exists and describing the  
378 emergency in clear and specific terms. An emergency ordinance may be adopted, with or  
379 without amendment, or rejected at the meeting at which it is introduced, but the affirmative  
380 vote of at least three councilmembers shall be required for adoption. It shall become  
381 effective upon adoption or at such later time as it may specify. Every emergency ordinance  
382 shall automatically stand repealed 30 days following the date upon which it was adopted,  
383 but this shall not prevent reenactment of the ordinance in the manner specified in this  
384 section if the emergency still exists. An emergency ordinance may also be repealed by  
385 adoption of a repealing ordinance in the same manner specified in this section for adoption  
386 of emergency ordinances.

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

391 SECTION 2.24.

392 Codes of technical regulations.

393 (a) The city council may adopt any standard code of technical regulations by reference  
394 thereto in an adopting ordinance. The procedure and requirements governing such  
395 adopting ordinance shall be as prescribed for ordinances generally except that: (1) the  
396 requirements of subsection (b) of Section 2.21 of this charter for distribution and filing of  
397 copies of the ordinance shall be construed to include copies of any code of technical

398 regulations, as well as the adopting ordinance; and (2) a copy of each adopted code of  
399 technical regulations, as well as the adopting ordinance, shall be authenticated and recorded  
400 by the clerk pursuant to Section 2.25 of this charter.

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

403 SECTION 2.25.

404 Signing; authenticating;  
405 recording; codification; printing.

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

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

416 (c) The city council shall cause each ordinance and each amendment to this charter to be  
417 printed promptly following its adoption, and the printed ordinances and charter  
418 amendments shall be made available for purchase by the public at reasonable prices to be  
419 fixed by the city council. Following publication of the first code under this charter and at  
420 all times thereafter, the ordinances and charter amendments shall be printed in substantially  
421 the same style as the code currently in effect and shall be suitable in form for incorporation  
422 therein. The city council shall make such further arrangements as deemed desirable with

423 reproduction and distribution of any current changes in or additions to codes of technical  
424 regulations and other rules and regulations included in the code.

425 SECTION 2.26.

426 Election of mayor; forfeiture; compensation.

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

432 SECTION 2.27.

433 Mayor pro tempore.

434 By a majority vote, the councilmembers shall elect a councilmember to serve as mayor pro  
435 tempore. The mayor pro tempore shall serve a two-year term of office. The mayor pro  
436 tempore shall assume the duties and powers of the mayor during the mayor's physical or  
437 mental disability or absence. Any such disability or absence shall be declared by a majority  
438 vote of the councilmembers. The mayor pro tempore shall sign all contracts and ordinances  
439 in which the mayor has a disqualifying financial interest as provided in Section 2.14 of this  
440 charter.

441 SECTION 2.28.

442 Powers and duties of mayor.

443 The mayor shall:

- 444 (1) Preside at all meetings of the city council;
- 445 (2) Be the head of the city for the purpose of service of process and for ceremonial
- 446 purposes and be the official spokesperson for the city and the chief advocate of policy;
- 447 (3) Have the power to administer oaths and to take affidavits;
- 448 (4) Sign as a matter of course on behalf of the city all written and approved contracts,
- 449 ordinances, and other instruments executed by the city which by law are required to be
- 450 in writing;
- 451 (5) Prepare and submit to the city council a recommended annual operating budget and
- 452 recommended capital budget; and
- 453 (6) Fulfill such other executive and administrative duties as the city council shall by
- 454 ordinance establish.

455 SECTION 2.29.

456 City manager; appointment; qualifications; compensation.

457 The city council shall appoint a city manager, also known as "the manager," for an indefinite

458 term and shall fix the manager's compensation. The city manager shall be appointed solely

459 on the basis of that person's executive and administrative qualifications.

460 SECTION 2.30.

461 Removal of city manager.

462 (a) The city council may remove the manager from office in accordance with the following

463 procedures:

- 464 (1) The city council shall adopt by affirmative vote of a majority of all its members a
- 465 preliminary resolution which must state the reasons for removal and may suspend the

466 manager from duty for a period not to exceed 45 days. A copy of the resolution shall be  
467 delivered promptly to the manager;

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

472 (3) If the manager has not requested a public hearing within the time specified in  
473 paragraph (2) of this subsection, the city council may adopt a final resolution for removal,  
474 which may be made effective immediately, by an affirmative vote of a majority of all its  
475 members. If the manager has requested a public hearing, the city council may adopt a  
476 final resolution for removal, which may be made effective immediately, by an affirmative  
477 vote of a majority of all its members at any time after the public hearing.

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

480 SECTION 2.31.

481 Acting city manager.

482 By letter filed with the city clerk, the city manager shall designate, subject to approval of the  
483 city council, a qualified city administrative officer to exercise the powers and perform the  
484 duties of city manager during the city manager's temporary absence or physical or mental  
485 disability. During such absence or disability, the city council may revoke such designation  
486 at any time and appoint another officer of the city to serve until the city manager shall return  
487 or the city manager's disability shall cease.

488

## SECTION 2.32.

489

## Powers and duties of the city manager.

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

494 (1) Appoint and, when the city manager deems it necessary for the good of the city,  
495 suspend or remove all city employees and administrative officers the city manager  
496 appoints, except as otherwise provided by law or personnel ordinances adopted pursuant  
497 to this charter. The city manager may authorize any department director or administrative  
498 officer who is subject to the city manager's direction and supervision to exercise these  
499 powers with respect to subordinates in that officer's department, office, or agency;

500 (2) Direct and supervise the administration of all departments, offices, and agencies of  
501 the city, except as otherwise provided by this charter or by law;

502 (3) Attend all city council meetings except for closed meetings held for the purposes of  
503 deliberating on the appointment, discipline, or removal of the city manager and have the  
504 right to take part in discussion, but the city manager may not vote;

505 (4) See that all laws, provisions of this charter, and acts of the city council, subject to  
506 enforcement by the city manager or by officers subject to the city manager's direction and  
507 supervision, are faithfully executed;

508 (5) Prepare and submit the annual operating budget and capital budget to the city  
509 council;

510 (6) Submit to the city council and make available to the public a complete report on the  
511 finances and administrative activities of the city as of the end of each fiscal year;

512 (7) Make such other reports as the city council may require concerning the operations  
513 of city departments, offices, and agencies subject to the city manager's direction and  
514 supervision;

515 (8) Keep the city council fully advised as to the financial condition and future needs of  
516 the city, and make such recommendations to the city council concerning the affairs of the  
517 city as the city manager deems desirable; and

518 (9) Perform other such duties as are specified in this charter or as may be required by the  
519 mayor and city council.

520 SECTION 2.33.

521 Council interference with administration.

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

531

## ARTICLE III.

532

## ADMINISTRATIVE AFFAIRS

533

## SECTION 3.10.

534

Administrative and service departments.

535

(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.

536

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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.

540

541

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

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544

(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.

545

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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.

549

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551



## 552 SECTION 3.11.

## 553 Boards, commissions, and authorities.

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

558 (b) All members of boards, commissions, and authorities of the city shall be appointed by  
559 the mayor and council for such terms of office and in such manner as shall be provided by  
560 ordinance, except where other appointing authority, terms of office, or manner of  
561 appointment is prescribed by this charter or by law.

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

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

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

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

573 (g) All members of boards, commissions, or authorities of the city serve at will and may  
574 be removed at any time by the mayor and council unless otherwise provided by law.

575 (h) Except as otherwise provided by this charter or by law, each board, commission, or  
576 authority of the city shall elect one of its members as chairperson and one member as vice  
577 chairperson and may elect as its secretary one of its own members or may appoint as

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

583 SECTION 3.12.

584 City attorney.

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

593 SECTION 3.13.

594 City clerk.

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

599

## SECTION 3.14.

600

## Position classification and pay plans.

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

607

## SECTION 3.15.

608

## Personnel policies.

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

611

## ARTICLE IV.

612

## JUDICIAL BRANCH

613

## SECTION 4.10.

614

## Creation; name.

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

## 616 SECTION 4.11.

617 Chief judge; associate judge.

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

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

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

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

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

## 631 SECTION 4.12.

632 Convening.

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

## 634 SECTION 4.13.

635 Jurisdiction; powers.

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

- 638 (b) The municipal court shall have authority to punish those in its presence for contempt,  
639 provided that such punishment shall not exceed \$200.00 or ten days in jail.
- 640 (c) The municipal court may fix punishment for offenses within its jurisdiction not  
641 exceeding a fine of \$1,000.00 or imprisonment for 180 days or both such fine and  
642 imprisonment or may fix punishment by fine, imprisonment, or alternative sentencing, as  
643 now or hereafter provided by law.
- 644 (d) The municipal court shall have authority to establish a schedule of fees to defray the  
645 cost of operation and shall be entitled to reimbursement of the cost of meals, transportation,  
646 and caretaking of prisoners bound over to superior courts for violations of state law.
- 647 (e) The municipal court shall have authority to establish bail and recognizances to ensure  
648 the presence of those charged with violations before such court and shall have discretionary  
649 authority to accept cash or personal or real property as surety for the appearance of persons  
650 charged with violations. Whenever any person shall give bail for that person's appearance  
651 and shall fail to appear at the time fixed for trial, that person's bond shall be forfeited by  
652 the judge presiding at such time and an execution issued thereon by serving the defendant  
653 and the defendant's sureties with a rule nisi at least two days before a hearing on the rule  
654 nisi. In the event that cash or property is accepted in lieu of bond for security for the  
655 appearance of a defendant at trial, and if such defendant fails to appear at the time and  
656 place fixed for trial, the cash so deposited shall be on order of the judge declared forfeited  
657 to the city, or the property so deposited shall have a lien against it for the value forfeited  
658 which lien shall be enforceable in the same manner and to the same extent as a lien for city  
659 property taxes.
- 660 (f) The municipal court shall have the same authority as superior courts to compel the  
661 production of evidence in the possession of any party; to enforce obedience to its orders,  
662 judgments, and sentences; and to administer such oaths as are necessary.

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

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

670 SECTION 4.14.

671 Certiorari.

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

676 SECTION 4.15.

677 Rules for court.

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

685 ARTICLE V.  
686 ELECTIONS AND REMOVAL

687 SECTION 5.10.  
688 Applicability of general law.

689 All primaries and elections shall be held and conducted in accordance with Chapter 2 of  
690 Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended.

691 SECTION 5.11.  
692 Regular elections; time for holding.

693 Except as otherwise provided in Article VIII of this charter for the initial elections, there  
694 shall be a municipal general election biennially in odd-numbered years on the Tuesday next  
695 following the first Monday in November. There shall be elected three councilmembers at  
696 one election and at every other election thereafter. The remaining councilmember seats shall  
697 be filled at the election alternating with the first election so that a continuing body is created.

698 SECTION 5.12.  
699 Nonpartisan elections.

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

702 SECTION 5.13.

703 Election by majority vote.

704 Councilmembers shall be elected by a majority vote of the votes cast by the electors of the  
705 city at large.

706 SECTION 5.14.

707 Special elections; vacancies.

708 In the event that the office of councilmember shall become vacant as provided in Section  
709 2.12 of this charter, the city council or those remaining shall order a special election to fill  
710 the balance of the unexpired term of such official; provided, however, that, if such vacancy  
711 occurs within 12 months of the expiration of the term of that office, the city council or those  
712 members remaining shall appoint a successor for the remainder of the term. In all other  
713 respects, the special election shall be held and conducted in accordance with Chapter 2 of  
714 Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended.

715 SECTION 5.15.

716 Other provisions.

717 Except as otherwise provided by this charter, the city council shall, by ordinance, prescribe  
718 such rules and regulations as it deems appropriate to fulfill any options and duties under  
719 Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code."



720 SECTION 5.16.  
721 Removal of officers.

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

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

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

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

738 ARTICLE VI.  
739 FINANCE

740 SECTION 6.10.  
741 Property tax.

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

748 SECTION 6.11.  
749 Millage rate; due dates; payment methods.

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

## 757 SECTION 6.12.

## 758 Occupation and business taxes.

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

## 763 SECTION 6.13.

## 764 Licenses; permits; fees.

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

## 770 SECTION 6.14.

## 771 Franchises.

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

779 no franchise shall be granted unless the city receives just and adequate compensation  
780 therefor. The city council shall provide for the registration of all franchises with the city  
781 clerk in a registration book kept by the city clerk. The city council may provide by  
782 ordinance for the registration within a reasonable time of all franchises previously granted.  
783 (b) If no franchise agreement is in effect, the city council has the authority to impose a tax  
784 on gross receipts for the use of this city's streets and alleys for the purposes of railroads,  
785 street railways, telephone companies, electric companies, electric membership  
786 corporations, cable television and other telecommunications companies, gas companies,  
787 transportation companies, and other similar organizations.

788 SECTION 6.15.

789 Service charges.

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

794 SECTION 6.16.

795 Special assessments.

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

## 800 SECTION 6.17.

801 Construction; other taxes.

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

## 805 SECTION 6.18.

806 Collection of delinquent taxes and fees.

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

## 814 SECTION 6.19.

815 General obligation bonds.

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

820 SECTION 6.20.

821 Revenue bonds.

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

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

824 for which they were issued.

825 SECTION 6.21.

826 Short-term loans.

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

828 of each year, unless otherwise provided by law.

829 SECTION 6.22.

830 Lease-purchase contracts.

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

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

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

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

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

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

837 or may hereafter be enacted.

838 SECTION 6.23.

839 Fiscal year.

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

843 SECTION 6.24.

844 Budget ordinance.

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

850 SECTION 6.25.

851 Operating budget.

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

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

861 SECTION 6.26.

862 Action by city council on budget.

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

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

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



881 SECTION 6.27.

882 Levy of taxes.

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

889 SECTION 6.28.

890 Changes in appropriations.

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

895 SECTION 6.29.

896 Capital improvements.

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

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

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

913 SECTION 6.30.

914 Audits.

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

920 SECTION 6.31.

921 Procurement and property management.

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

923 (1) It is in writing;

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

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

928 SECTION 6.32.

929 Purchasing.

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

932 SECTION 6.33.

933 Sale and lease of property.

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

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

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

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

952 SECTION 6.34.

953 Apportionment of revenue.

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

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

963 ARTICLE VII.

964 GENERAL PROVISIONS

965 SECTION 7.10.

966 Bonds for officials.

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

970 SECTION 7.11.  
971 Construction and definitions.

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

977 ARTICLE VIII.  
978 REFERENDUM AND INITIAL ELECTIONS

979 SECTION 8.10.  
980 Referendum and initial election.

981 (a) The election superintendent of Cobb County shall call a special election for the purpose  
982 of submitting this Act to the qualified voters of the proposed City of East Cobb for  
983 approval or rejection. The superintendent shall set the date of such election for the  
984 Tuesday after the first Monday in November, 2022. The superintendent shall issue the call  
985 for such election at least 30 days prior to the date thereof. The superintendent shall cause  
986 the date and purpose of the election to be published once a week for two weeks  
987 immediately preceding the date thereof in the official organ of Cobb County. The ballot  
988 shall have written or printed thereon the words:

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

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

993 cast on such question are for approval of the Act, it shall become of full force and effect  
994 as provided in Section 8.11 of this charter, otherwise it shall be void and of no force and  
995 effect. The initial expense of such election shall be borne by Cobb County. Within two  
996 years after the elections if the incorporation is approved, the City of East Cobb shall  
997 reimburse Cobb County for the actual cost of printing and personnel services for such  
998 election and for the initial election of the councilmembers pursuant to this charter. It shall  
999 be the duty of the superintendent to hold and conduct such election. It shall be his or her  
1000 further duty to certify the result thereof to the Secretary of State.

1001 (b) For the purposes of the referendum election provided for in subsection (a) of this  
1002 section and for the purposes of the special election of the City of East Cobb to be held on  
1003 the date of the third Tuesday of March, 2023, the qualified electors of the City of East  
1004 Cobb shall be those qualified electors of Cobb County residing within the corporate limits  
1005 of the City of East Cobb as described by Appendix A of this charter. At subsequent  
1006 municipal elections, the qualified electors of the City of East Cobb shall be determined  
1007 pursuant to the authority of Chapter 2 of Title 21 of the O.C.G.A. known as the "Georgia  
1008 Election Code."

1009 (c) Only for the purposes of holding and conducting the referendum election provided for  
1010 in subsection (a) of this section and holding the special election of the City of East Cobb  
1011 to be held on the third Tuesday of March, 2023, the election superintendent of Cobb  
1012 County is vested with the powers and duties of the election superintendent of the City of  
1013 East Cobb and the powers and duties of the governing authority of the City of East Cobb.

## SECTION 8.11.

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## Effective dates and transition.

1016 (a) The provisions of this Act necessary for the referendum election provided for in  
1017 Section 8.10 of this charter shall become effective immediately upon this Act's approval  
1018 by the Governor or upon its becoming law without such approval.

1019 (b) Those provisions of this Act necessary for the special election provided for in Section  
1020 8.13 of this charter shall be effective upon the certification of the results of the referendum  
1021 election provided for by Section 8.10 of this charter if this Act is approved at such  
1022 referendum election.

1023 (c) Except as provided in Section 8.10 of this charter, the remaining provisions of this Act  
1024 shall become of full force and effect for all purposes at 12:00 Midnight on June 30, 2023,  
1025 except that the initial councilmembers shall take office immediately following their  
1026 election and by action of a quorum may prior to 12:00 Midnight on June 30, 2023, meet  
1027 and take actions binding on the city.

1028 (d) A period of time will be needed for an orderly transition of various government  
1029 functions from Cobb County to the City of East Cobb. Accordingly there shall be a  
1030 transition period beginning on the date the initial mayor and councilmembers take office  
1031 under this charter, and ending at 12:00 Midnight on December 31, 2025. During such  
1032 transition period, all provisions of this charter shall be effective as law, but not all  
1033 provisions of this charter shall be implemented.

1034 (e) During such transition period, Cobb County shall continue to provide within the  
1035 territorial limits of the city all government services and functions which Cobb County  
1036 provided in that area during the years 2021 and 2022 and at the same actual cost, except  
1037 to the extent otherwise provided in this section; provided, however, that upon at least 60  
1038 days' prior written notice to Cobb County by the City of East Cobb, responsibility for any  
1039 such service or function shall be transferred to the City of East Cobb. During the transition

1040 period, the city shall remain within the Cobb County special services district, but shall be  
1041 removed from such district at the conclusion of such period. Beginning December 1, 2023,  
1042 the City of East Cobb shall collect taxes, fees, assessments, fines and forfeitures, and other  
1043 moneys within the territorial limits of the city in the same manner as authorized  
1044 immediately prior to the effective date of this section; provided, however, that upon at  
1045 least 60 days' prior written notice to Cobb County by the City of East Cobb, the authority  
1046 to collect any tax, fee, assessment, fine or forfeiture, or other moneys shall remain with  
1047 Cobb County after December 1, 2023, until such time as Cobb County receives subsequent  
1048 notice from the City of East Cobb that such authority shall be transferred to the City of East  
1049 Cobb.

1050 (f) During the transition period, the governing authority of the City of East Cobb:

- 1051 (1) Shall hold regular meetings and may hold special meetings as provided in this  
1052 charter;
- 1053 (2) May enact ordinances and resolutions as provided in this charter;
- 1054 (3) May amend this charter by home rule action as provided by general law;
- 1055 (4) May accept gifts and grants;
- 1056 (5) May borrow money and incur indebtedness to the extent authorized by this charter  
1057 and general law;
- 1058 (6) May levy and collect an ad valorem tax for calendar years 2023 and 2024;
- 1059 (7) May establish a fiscal year and budget;
- 1060 (8) May create, alter, or abolish departments, boards, offices, commissions, and agencies  
1061 of the city; appoint and remove officers and employees; and exercise all necessary or  
1062 appropriate personnel and management functions; and
- 1063 (9) May generally exercise any power granted by this charter or general law, except to  
1064 the extent that a power is specifically and integrally related to the provision of a  
1065 governmental service, function, or responsibility not yet provided or carried out by the  
1066 city.



1067 (g) Except as otherwise provided in this section, during the transition period, the  
1068 Municipal Court of the City of East Cobb shall not exercise its jurisdiction. During the  
1069 transition period, all ordinances of Cobb County shall remain applicable within the  
1070 territorial limits of the city and the appropriate court or courts of Cobb County shall retain  
1071 jurisdiction to enforce such ordinances. However, by mutual agreement and concurrent  
1072 resolutions and ordinances if needed Cobb County and the City of East Cobb may during  
1073 the transition period transfer all or part of such regulatory authority and the appropriate  
1074 court jurisdiction to the City of East Cobb. Any transfer of jurisdiction to the City of East  
1075 Cobb during or at the end of the transition period shall not in and of itself abate any judicial  
1076 proceeding pending in Cobb County or the pending prosecution of any violation of any  
1077 ordinance of Cobb County.

1078 (h) During the transition period, the governing authority of the City of East Cobb may at  
1079 any time, without the necessity of any agreement by Cobb County, commence to exercise  
1080 its planning and zoning powers; provided, however, that the city shall give the county  
1081 notice of the date on which the city will assume the exercise of such powers. Upon the  
1082 governing authority of the City of East Cobb commencing to exercise its planning and  
1083 zoning powers, the Municipal Court of the City of East Cobb shall immediately have  
1084 jurisdiction to enforce the planning and zoning ordinances of the city. The provisions of  
1085 this subsection shall control over any conflicting provisions of any other subsection of this  
1086 section.

1087 (i) Effective upon the termination of the transition period, subsections (b) through (h) of  
1088 this section shall cease to apply except for the last sentence of subsection (g) which shall  
1089 remain effective. Effective upon the termination of the transition period, the City of East  
1090 Cobb shall be a full functioning municipal corporation and subject to all general laws of  
1091 this state.

## SECTION 8.12.

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Directory nature of dates.

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

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

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

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## SECTION 8.13.

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Special election.

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(a) The first election for councilmembers shall be a special election held on the third Tuesday of March, 2023. At such election, the first councilmembers shall be elected to serve for the initial terms of office specified in subsections (b) and (c) of this section. Thereafter, the time for holding a regular municipal elections shall be on the Tuesday next following the first Monday in November of each odd-numbered year beginning in 2025.

1116 The successors to the first mayor and initial councilmembers and future successors shall  
1117 take office at the first organizational meeting in January immediately following their  
1118 election and shall serve for terms of four years and until their respective successors are  
1119 elected and qualified.

1120 (b) The initial members elected from Post 2, Post 4, and Post 6 shall serve a term of office  
1121 of two years and until their respective successors are elected and qualified. The initial  
1122 members elected from Post 1, Post 3, and Post 5 shall serve a term of office of four years  
1123 and until their respective successors are elected and qualified. Thereafter, successors to  
1124 such initial members shall serve four-year terms of office and until their respective  
1125 successors are elected and qualified.

1126 ARTICLE IX.

1127 GENERAL REPEALER

1128 SECTION 9.10.

1129 General repealer.

1130 All laws and parts of laws in conflict with this Act are repealed.

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## APPENDIX A

1132

## LEGAL DESCRIPTION

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## CITY OF EAST COBB, GEORGIA

1134 User: HD045

1135 Plan Name: EastCobb-2021

1136 Plan Type: local

1137 District EASTCOBB

1138 County Cobb GA

1139 VTD 067CR01 - CHESTNUT RIDGE

1140 VTD 067DC01 - DICKERSON 01

1141 VTD 067DO01 - DODGEN 01

1142 VTD 067EA01 - EASTSIDE 01

1143 VTD 067FP01 - FULLERS PARK 01

1144 VTD 067HT01 - HIGHTOWER 01

1145 VTD 067MD01 - MURDOCK 01

1146 Block 030331:

1147 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011 1013 1014 1015

1148 1016 1017 1018 1019 1020 1021 1022

1149 VTD 067MT01 - MT BETHEL 01

1150 VTD 067MT02 - MT BETHEL 02

1151 VTD 067MT03 - MT BETHEL 03

1152 VTD 067MT04 - MT BETHEL 04

1153 VTD 067PP01 - POPE 01

1154 VTD 067RW01 - ROSWELL 01

- 1155 VTD 067RW02 - ROSWELL 02  
1156 VTD 067SM01 - SEWELL MILL 01  
1157 Block 030330:  
1158 3001 3002 3003 3004 3017 3018 3019  
1159 VTD 067SO01 - SOPE CREEK 01  
1160 VTD 067SO02 - SOPE CREEK 02  
1161 Block 030320:  
1162 3000  
1163 VTD 067SO03 - SOPE CREEK 03  
1164 Block 030318:  
1165 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011 1013 1014 1015  
1166 1016 1017 1018 1019  
1167 Block 030320:  
1168 3014  
1169 VTD 067TR01 - TIMBER RIDGE 01  
1170 VTD 067TT01 - TRITT 01  
1171 Block 030328:  
1172 3000 3001 3002 3003 3004 3005 3006 3007 3008 3009 3010 3011  
1173 3013 3014 3015 3016 3017 3018 3019 3020
- 1174 For the purposes of such plan, EastCobb-2021:  
1175 (1) The term "VTD" shall mean and describe the same geographical boundaries as  
1176 provided in the report of the Bureau of the Census for the United States decennial census  
1177 of 2010 for the State of Georgia. The separate numeric designations in a district  
1178 description which are underneath a "VTD" heading shall mean and describe individual  
1179 blocks within a VTD as provided in the report of the Bureau of the Census for the United  
1180 States decennial census of 2010 for the State of Georgia; and

1181 (2) Except as otherwise provided in the description of any district, whenever the  
1182 description of any district refers to a named city, it shall mean the geographical  
1183 boundaries of that city as shown on the census maps for the United States decennial  
1184 census of 2010 for the State of Georgia.

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APPENDIX B

1186

City Council Districts

1187 *RESERVED*

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APPENDIX C

1189

CERTIFICATE AS TO MINIMUM STANDARDS

1190

FOR INCORPORATION OF A NEW MUNICIPAL CORPORATION

1191 I, Representative Matt Dollar, Georgia State Representative from the 45th District and the  
 1192 author of this bill introduced at the 2021 session of the General Assembly of Georgia, which  
 1193 grants an original municipal charter to the City of East Cobb, do hereby certify that this bill  
 1194 is in compliance with the minimum standards required by Chapter 31 of Title 36 of the  
 1195 O.C.G.A. in that the area embraced within the original incorporation in this bill is in all  
 1196 respects in compliance with the minimum standards required by Chapter 31 of Title 36 of the  
 1197 O.C.G.A. This certificate is executed to conform to the requirements of Code  
 1198 Section 36-31-5 of the O.C.G.A.

1199 So certified this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

1200

\_\_\_\_\_

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1202

Honorable Matt Dollar

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Representative, 45th District

1204

Georgia State House of Representatives