

House Bill 587

By: Representatives Thomas of the 39th, Wilkerson of the 38th, and Allen of the 40th

A BILL TO BE ENTITLED
AN ACT

1 To incorporate the City of Mableton; to provide a charter for the City of Mableton; to provide
2 for incorporation, boundaries, and powers of the city; to provide for a governing authority
3 of such city and the powers, duties, authority, election, terms, method of filling vacancies,
4 compensation, qualifications, prohibitions, and removal from office relative to members of
5 such governing authority; to provide for inquiries and investigations; to provide for
6 organization and procedures; to provide for ordinances and codes; to provide for the offices
7 of mayor and city manager and certain duties and powers relative to those offices; to provide
8 for administrative responsibilities; to provide for boards, commissions, and authorities; to
9 provide for a city attorney and a city clerk; to provide for rules and regulations; to provide
10 for a municipal court and the judge or judges thereof; to provide for practices and
11 procedures; to provide for taxation and fees; to provide for franchises, service charges, and
12 assessments; to provide for bonded and other indebtedness; to provide for accounting and
13 budgeting; to provide for purchases; to provide for the sale of property; to provide for bonds
14 for officials; to provide for definitions and construction; to provide for other matters relative
15 to the foregoing; to provide for a referendum; to provide effective dates; to provide for
16 transition of powers and duties; to provide for community improvement districts; to provide
17 for directory nature of dates; to provide for related matters; to repeal conflicting laws; and
18 for other purposes.

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

20 ARTICLE I

21 INCORPORATION AND POWERS

22 SECTION 1.10.

23 Name.

24 This city and the inhabitants thereof are incorporated by the enactment of this charter and are
 25 hereby constituted and declared a body politic and corporate under the name and style
 26 Mableton, Georgia, and by that name shall have perpetual succession.

27 SECTION 1.11.

28 Corporate boundaries.

29 (a) The corporate boundaries of this city shall be as described and set forth in Appendix A
 30 of this charter, and said Appendix A is incorporated into and made a part of this charter.

31 (b) The city council shall maintain a current map and written legal description of the
 32 corporate boundaries of the city, and such map and description shall incorporate any changes
 33 which may hereafter be made in such corporate boundaries.

34 SECTION 1.12.

35 Powers and construction.

36 (a) This city shall have all powers possible for a city to have under the present or future
 37 constitution and laws of this state as fully and completely as though they were specifically
 38 enumerated in this charter. This city shall have all the powers of self-government not
 39 otherwise prohibited by this charter or by general law.

40 (b) The powers of this city shall be construed liberally in favor of the city. The specific
 41 mention or failure to mention particular powers shall not be construed as limiting in any way
 42 the powers of this city. Such particular powers shall include those enumerated in Section
 43 1.13 of this charter.

44 SECTION 1.13.

45 Examples of powers.

46 (1) Animal regulations. To regulate and license or to prohibit the keeping or running
 47 at-large of animals and fowl, and to provide for the impoundment of same if in violation
 48 of any ordinance or lawful order; to provide for the disposition by sale, gift, or humane

49 destruction of animals and fowl when not redeemed as provided by ordinance; and to
50 provide punishment for violation of ordinances enacted hereunder;

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

55 (3) Building regulation. To regulate and to license the erection and construction of
56 buildings and all other structures; to adopt building, housing, plumbing, fire safety,
57 electrical, gas, and heating and air conditioning codes; and to regulate all housing and
58 building trades to the extent permitted by general law;

59 (4) Business regulation and taxation. To levy and to provide for the collection of
60 regulatory fees and taxes on privileges, occupations, trades, and professions as authorized
61 by Title 48 of the O.C.G.A., or other such applicable laws as are or may hereafter be
62 enacted; to permit and regulate the same; to provide for the manner and method of
63 payment of such regulatory fees and taxes; and to revoke such permits after due process
64 for failure to pay any city taxes or fees;

65 (5) Condemnation. To condemn property, inside or outside the corporate limits of the
66 city, for present or future use and for any corporate purpose deemed necessary by the
67 governing authority for governmental uses, utilizing procedures enumerated in Titles 22
68 or 32 of the O.C.G.A., or such other applicable laws as are or may hereafter be enacted;

69 (6) Contracts. To enter into contracts and agreements with other governmental entities
70 and with private persons, firms, and corporations;

71 (7) Emergencies. To establish procedures for determining and proclaiming that an
72 emergency situation exists within or without the city, and to make and carry out all
73 reasonable provisions deemed necessary to deal with or meet such an emergency for the
74 protection, safety, health, or well-being of the citizens of the city;

75 (8) Environmental protection. To protect and preserve the natural resources,
76 environment, and vital areas of the city, the region, and the state through the preservation
77 and improvement of air quality; the restoration and maintenance of water resources; the
78 control of erosion and sedimentation; the control, regulation, and management of
79 stormwater and establishment of a stormwater utility; the management of solid and
80 hazardous waste; and other necessary actions for the protection of the environment;

81 (9) Fire regulations. To fix and establish fire limits and from time to time to extend,
82 enlarge, or restrict the same; to prescribe fire safety regulations not inconsistent with
83 general law, relating to both fire prevention and detection and to fire fighting; and to
84 prescribe penalties and punishment for violations thereof;

- 85 (10) Garbage fees. To levy, fix, assess, and collect a garbage, refuse, and trash collection
86 and disposal, and other sanitary service charge, tax, or fee for such services as may be
87 necessary in the operation of the city from all individuals, firms, and corporations
88 residing in or doing business therein benefiting from such services; to enforce the
89 payment of such charges, taxes, or fees; and to provide for the manner and method of
90 collecting such service charges, taxes, or fees;
- 91 (11) General health, safety, and welfare. To define, regulate, and prohibit any act,
92 practice, conduct, or use of property which is detrimental to health, sanitation,
93 cleanliness, welfare, and safety of the inhabitants of the city, and to provide for the
94 enforcement of such standards;
- 95 (12) Gifts. To accept or refuse gifts, donations, bequests, or grants from any source for
96 any purpose related to powers and duties of the city and the general welfare of its
97 citizens, on such terms and conditions as the donor or grantor may impose;
- 98 (13) Health and sanitation. To prescribe standards of health and sanitation and to
99 provide for the enforcement of such standards;
- 100 (14) Jail sentences. To provide that persons given jail sentences in the city's court may
101 fulfill such sentences in any public works or on the streets, roads, drains, and other public
102 property in the city; to provide for commitment of such persons to any jail; and to provide
103 for the use of pretrial diversion and any alternative sentencing allowed by law, or to
104 provide for commitment of such persons to any county work camp or county jail by
105 agreement with the appropriate county officials;
- 106 (15) Motor vehicles. To regulate the operation of motor vehicles and exercise control
107 over all traffic, including parking upon or across the streets, roads, alleys, and walkways
108 of the city;
- 109 (16) Municipal agencies and delegation of power. To create, alter, or abolish
110 departments, boards, offices, commissions, authorities, and agencies of the city, and to
111 confer upon such agencies the necessary and appropriate authority for carrying out all the
112 powers conferred upon or delegated to the same;
- 113 (17) Municipal debts. To appropriate and borrow money for the payment of debts of the
114 city and to issue bonds for the purpose of raising revenue to carry out any project,
115 program, or venture authorized by this charter or the laws of the State of Georgia;
- 116 (18) Municipal property ownership. To acquire, dispose of, lease, and hold in trust or
117 otherwise, any real, personal, or mixed property, in fee simple or lesser interest, inside
118 or outside the property limits of the city;
- 119 (19) Municipal property protection. To provide for the preservation and protection of
120 property and equipment of the city, and the administration and use of same by the public
121 and to prescribe penalties and punishment for violations thereof;

- 122 (20) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose
123 of public utilities, including, but not limited to, a system of waterworks, sewers and
124 drains, sewage disposal, stormwater management, gas works, electric generating and light
125 plants, cable television and other telecommunications, transportation facilities, public
126 airports, and any other public utility; to fix the taxes, charges, rates, fares, fees,
127 assessments, regulations, and penalties relative to such utilities, and to provide for the
128 withdrawal of service for refusal or failure to pay the same;
- 129 (21) Nuisance. To define a nuisance and provide for its abatement whether on public or
130 private property;
- 131 (22) Penalties. To provide penalties for violation of any ordinances adopted pursuant to
132 the authority of this charter and the laws of the State of Georgia;
- 133 (23) Planning and zoning. To provide comprehensive city planning for land use,
134 signage, outside advertising, and development by zoning and to provide subdivision
135 regulation and the like as the city council deems necessary and reasonable to insure a
136 safe, healthy, and aesthetically pleasing community;
- 137 (24) Police and fire protection. To exercise the power of arrest through duly appointed
138 police officers and to establish, operate, or contract for a police and a firefighting agency;
- 139 (25) Public hazards: Removal. To provide for the destruction and removal of any
140 building or other structure which is or may become dangerous or detrimental to the
141 public;
- 142 (26) Public improvements. To provide for the acquisition, construction, building,
143 operation, maintenance, and abandonment of public ways, parks and playgrounds,
144 cemeteries, markets and market houses, public buildings, libraries, public housing,
145 airports, hospitals, terminals, docks, and charitable, cultural, educational, recreational,
146 parking, conservation, sport, curative, corrective, detentional, penal, and medical
147 institutions, agencies, and facilities; to provide any other public improvements, inside or
148 outside the corporate limits of the city; to regulate the use of public improvements; and
149 for such purposes, property may be acquired by condemnation under Title 22 or Title 32
150 of the O.C.G.A., or such other applicable laws as are or may hereafter be enacted;
- 151 (27) Public peace. To provide for the prevention and punishment of loitering, disorderly
152 conduct, drunkenness, riots, and public disturbances;
- 153 (28) Public transportation. To organize and operate such public transportation systems
154 as are deemed beneficial;
- 155 (29) Public utilities and services. To grant franchises or make contracts for or impose
156 taxes on public utilities and public service companies and to prescribe the rates, fares,
157 regulations, and standards and conditions of service applicable to the service to be

158 provided by the franchise grantee or contractor, insofar as not in conflict with valid
159 regulations of the Public Service Commission;

160 (30) Regulation of roadside areas. To prohibit or regulate and control the erection,
161 removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any
162 and all other structures or obstructions upon or adjacent to the rights-of-way of streets and
163 roads or within view thereof, within or abutting the corporate limits of the city and to
164 prescribe penalties and punishment for violation of such ordinances;

165 (31) Retirement; employment benefits. To provide and maintain a retirement plan and
166 other employee benefit plans and programs for appointed officers and employees of the
167 city;

168 (32) Roadways. To lay out, open, extend, widen, narrow, establish, or change the grade
169 of, abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise
170 improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and
171 walkways within the corporate limits of the city; to grant franchises and rights-of-way
172 throughout the streets and roads, and over the bridges and viaducts for the use of public
173 utilities; and to require real estate owners to repair and maintain in a safe condition the
174 sidewalks adjoining their lots or lands, and to impose penalties for failure to do so;

175 (33) Sewer and water fees. To assess fees, charges, or taxes as necessary to assure the
176 acquiring, constructing, equipping, operating, maintaining, and extending of a sewerage
177 system and one or more sewage treatment plants, on those to whom sewer systems are
178 made available; to provide for the manner and method of collecting such fees, charges,
179 or taxes and for enforcing payment of the same, including by lien; and to charge, impose,
180 and collect a sewer connection fee or fees to those connecting to the system;

181 (34) Solid waste disposal. To provide for the collection and disposal of garbage, rubbish,
182 and refuse; to regulate the collection and disposal of garbage, rubbish, and refuse by
183 others; and to provide for the separate collection of glass, tin, aluminum, cardboard,
184 paper, and other recyclable materials and to provide for the sale of such items;

185 (35) Special areas of public regulation. To regulate or prohibit junk dealers, the
186 manufacture and sale of intoxicating liquors; to regulate the transportation, storage, and
187 use of combustible, explosive, and inflammable materials, the use of lighting and heating
188 equipment, and any other business or situation which may be dangerous to persons or
189 property; to regulate and control the conduct of peddlers and itinerant traders, theatrical
190 performances, exhibitions, and shows of any kind, by taxation or otherwise; to license
191 and tax professional fortunetelling, palmistry, and massage parlors; and to restrict adult
192 bookstores to certain areas;

193 (36) Special assessments. To levy and provide for the collection of special assessments
194 to cover the costs for any public improvements, subject to a referendum;

195 (37) Taxes: Ad valorem. To levy and provide for the assessment, valuation, revaluation,
196 and collection of taxes on all property subject to taxation;

197 (38) Taxes: Other. To levy and collect such other taxes as may be allowed now or in the
198 future by law;

199 (39) Taxicabs. To regulate and license vehicles operated for hire in the city; to limit the
200 number of such vehicles; to require the operators thereof to be licensed; to require public
201 liability insurance on such vehicles in the amounts to be prescribed by ordinance; and to
202 regulate the parking of such vehicles;

203 (40) Urban redevelopment. To organize and operate an urban redevelopment program;

204 (41) Other powers. To exercise and enjoy all other powers, functions, rights, privileges,
205 and immunities necessary or desirable to promote or protect the safety, health, peace,
206 security, good order, comfort, convenience, or general welfare of the city and its
207 inhabitants; to exercise all implied powers necessary or desirable to carry into execution
208 all powers granted in this charter as fully and completely as if such powers were fully
209 stated herein; and to exercise all powers now or in the future authorized to be exercised
210 by other municipal governments under other laws of the State of Georgia, and no listing
211 of particular powers in this charter shall be held to be exclusive of others, nor restrictive
212 of general words and phrases granting powers, but shall be held to be in addition to such
213 powers unless expressly prohibited to municipalities under the Constitution or applicable
214 laws of the State of Georgia.

215 **SECTION 1.14.**

216 Exercise of powers.

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

221 **ARTICLE II**

222 **GOVERNMENT STRUCTURE**

223 **SECTION 2.10.**

224 City council creation; number; election.

225 The legislative authority of the government of this city, except as otherwise specifically
226 provided in this charter, shall be vested in a city council to be composed of a mayor and six

227 councilmembers. The mayor and councilmembers shall be elected in the manner provided
 228 by general law and this charter.

229 **SECTION 2.11.**

230 City council terms and qualifications for office.

231 (a) The mayor and members of the city council shall serve for terms of four years and until
 232 their respective successors are elected and qualified. No person shall be eligible to serve as
 233 mayor or councilmember unless that person is at least 21 years of age or older on the date of
 234 qualification, and shall have been a resident of the area encompassed by the corporate
 235 boundaries of the city for at least 12 months immediately prior to the date of his or her
 236 election. Additionally, no person shall be eligible to serve as councilmember unless that
 237 person shall have been a resident of the district for which he or she seeks election for a period
 238 of at least 12 months immediately prior to his or her election. The mayor and each
 239 councilmember shall continue to reside within such corporate boundaries during their
 240 respective periods of service and to be registered and qualified to vote in municipal elections
 241 of the city. Additionally, councilmembers shall continue to reside in the district for which
 242 they were elected during their respective periods of service.

243 (b) Upon serving three complete consecutive terms as a member of the city council, any such
 244 member shall be ineligible to seek reelection to such office. Upon serving three complete
 245 consecutive terms as mayor, such individual shall be ineligible to seek reelection to such
 246 office. A member of the city council who becomes ineligible to serve another consecutive
 247 term in such office pursuant to this subsection shall nevertheless be eligible to seek the office
 248 of mayor, and a mayor who becomes ineligible to serve another consecutive term in such
 249 office pursuant to this subsection shall nevertheless be eligible to seek election as a member
 250 of the city council. Partial terms of office or initial terms of office of less than four years
 251 under Section 5.11 of this charter shall not be counted in determining the number of terms
 252 served.

253 **SECTION 2.12.**

254 Vacancy; filling of vacancies.

255 (a) The office of mayor or councilmember shall become vacant upon the incumbent's death,
 256 resignation, forfeiture of office, failure to maintain the residency requirements of Section
 257 2.11 of this charter, or occurrence of any event specified by the Constitution of the State of
 258 Georgia, Title 45 of the O.C.G.A., or such other applicable laws as are or may hereafter be
 259 enacted.

260 (b) A vacancy in the office of mayor or councilmember shall be filled for the remainder of
 261 the unexpired term, if any, by appointment by the city council or those members remaining
 262 if less than 12 months remains in the unexpired term. If such vacancy occurs 12 months or
 263 more prior to the expiration of the term of that office, it shall be filled for the remainder of
 264 the unexpired term by a special election, as provided for in Section 5.14 of this charter and
 265 in accordance with Titles 21 and 45 of the O.C.G.A., or other such laws as are or may
 266 hereafter be enacted.

267 (c) This provision shall also apply to a temporary vacancy created by the suspension from
 268 office of the mayor or any councilmember.

269 **SECTION 2.13.**

270 Compensation and expenses.

271 The mayor and councilmembers shall receive compensation and expenses for their services
 272 as provided by ordinance.

273 **SECTION 2.14.**

274 Conflicts of interest; holding other offices.

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

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

279 (1) Engage in any business or transaction, or have a financial or other personal interest,
 280 direct or indirect, which is incompatible with the proper discharge of that person's official
 281 duties or which would tend to impair the independence of the official's judgment or action
 282 in the performance of those official duties;

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

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

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

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

300 (6) Vote or otherwise participate in the negotiation or in the making of any contract with
301 any business or entity in which the official has a financial interest.

302 (c) Any elected official, appointed officer, or employee who shall have any financial
303 interest, directly or indirectly, in any contract or matter pending before or within any
304 department of the city shall disclose such interest to the city council. The mayor or any
305 councilmember who has a financial interest in any matter pending before the city council
306 shall disclose such interest and such disclosure shall be entered on the records of the city
307 council, and that official shall disqualify himself or herself from participating in any
308 discussion, decision or vote relating thereto. Any elected official, appointed officer, or
309 employee of any agency or political entity to which this charter applies who shall have any
310 financial interest, directly or indirectly, in any contract or matter pending before or within
311 such entity shall disclose such interest to the governing body of such agency or entity.

312 (d) No elected official, appointed officer, or employee of the city or any agency or entity to
313 which this charter applies shall use property owned by such governmental entity for personal
314 benefit or profit but shall use such property only in their capacity as an officer or employee
315 of the city.

316 (e) Any violation of this section which occurs with the knowledge, express or implied, of
317 a party to a contract or sale shall render said contract or sale voidable at the option of the city
318 council.

319 (f) Except where authorized by law, neither the mayor nor any councilmember shall hold
320 any other elective or appointive office in the city or otherwise be employed by such
321 government or any agency thereof during the term for which that official was elected. No
322 former mayor and no former councilmember shall hold any appointive office in the city until
323 one year after the expiration of the term for which that official was elected.

324 (g) No appointive officer of the city shall continue in such employment upon qualifying as
325 a candidate for nomination or election to any public office. No employee of the city shall
326 continue in such employment upon qualifying for or election to any public office in this city
327 or any other public office which is inconsistent, incompatible, or in conflict with the duties

328 of the city employee. Such determination shall be made by the mayor and council either
 329 immediately upon election or at any time such conflict may arise.

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

333 (2) Any officer or employee of the city who shall forfeit an office or position as
 334 described in paragraph (1) of this subsection shall be ineligible for appointment or
 335 election to or employment in a position in the city government for a period of three years
 336 thereafter.

337 **SECTION 2.15.**

338 Inquiries and investigations.

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

345 **SECTION 2.16.**

346 General power and authority of the city council.

347 (a) Except as otherwise provided by law or this charter, the city council shall be vested with
 348 all the powers of government of this city.

349 (b) In addition to all other powers conferred upon it by law, the city council shall have the
 350 authority to adopt and provide for the execution of such ordinances, resolutions, rules, and
 351 regulations, not inconsistent with this charter and the Constitution and the laws of the State
 352 of Georgia, which it shall deem necessary, expedient, or helpful for the peace, good order,
 353 protection of life and property, health, welfare, sanitation, comfort, convenience, prosperity,
 354 or well-being of the inhabitants of the City of Mableton and may enforce such ordinances by
 355 imposing penalties for violation thereof.

356 (c) The city council shall have the power to discipline, suspend, and remove all appointed
 357 officials and employees of the city as set forth in this charter or in such resolutions and
 358 ordinances as may be adopted by the governing authority.

359 (d) Unless otherwise provided by law, appeals of decisions of the city council shall be by
 360 certiorari to the Superior Court of Cobb County.

361 **SECTION 2.17.**

362 Eminent domain.

363 The city council is hereby empowered to acquire, construct, operate, and maintain public
 364 ways, parks and playgrounds, public grounds, cemeteries, markets and market houses, public
 365 buildings, libraries, public housing, airports, hospitals, terminals, docks, sewers, drains,
 366 sewage treatment, waterworks, electrical systems, gas systems, and charitable, cultural,
 367 educational, recreational, parking, conservation, sport, curative, corrective, detentional,
 368 penal, and medical institutions, agencies, and facilities, and any other public improvements
 369 inside or outside the city, and to regulate the use thereof, and for such purposes, property
 370 may be condemned under procedures established under general law applicable now or as
 371 provided in the future.

372 **SECTION 2.18.**

373 Organizational meetings.

374 The city council shall hold an organizational meeting on the first Tuesday in January of each
 375 year unless otherwise prescribed by ordinance, provided that if such date falls on a legal
 376 holiday, then the organizational meeting shall be held on the next business day. The meeting
 377 shall be called to order by the city clerk and the oath of office shall be administered to the
 378 newly elected members by a judicial officer authorized to administer oaths and shall, to the
 379 extent that it comports with federal and state law, be as follows:

380 "I do solemnly (swear)(affirm) that I will faithfully perform the duties of
 381 (mayor)(councilmember) of this city and that I will support and defend the charter thereof
 382 as well as the Constitution and laws of the State of Georgia and of the United States of
 383 America. I am not the holder of any unaccounted for public money due this state or any
 384 political subdivision or authority thereof. I am not the holder of any office of trust under
 385 the government of the United States, any other state, or any foreign state which I, by the
 386 laws of the State of Georgia, am prohibited from holding. I am otherwise qualified to hold
 387 said office according to the Constitution and laws of the State of Georgia. I have been a
 388 resident of my district and the City of Mableton for the time required by the Constitution
 389 and laws of this state and by the municipal charter. I will perform the duties of my office
 390 in the best interest of the City of Mableton to the best of my ability without fear, favor,
 391 affection, reward, or expectation thereof."

392

SECTION 2.19.

393

Regular and special meetings.

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

396 (b) Special meetings of the city council may be held on call of the mayor or four members
397 of the city council. Notice of such special meetings shall be served on all other members
398 personally, or by telephone personally, at least 48 hours in advance of the meeting. Such
399 notice to councilmembers shall not be required if the mayor and all councilmembers are
400 present when the special meeting is called. Such notice of any special meeting may be
401 waived by a councilmember in writing before or after such a meeting, and attendance at the
402 meeting shall also constitute a waiver of notice on any business transacted in such
403 councilmembers presence. Only the business stated in the call may be transacted at the
404 special meeting.

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

409

SECTION 2.20.

410

Rules of procedure.

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

414 (b) All committees and committee chairs and officers of the city council shall be appointed
415 by the mayor and shall serve at the pleasure of the mayor. The mayor shall have the power
416 to appoint new members to any committee at any time.

417

SECTION 2.21.

418

Quorum: voting

419 (a) Four councilmembers, excluding the mayor, shall constitute a quorum and shall be
420 authorized to transact business of the city council. Voting on the adoption of ordinances
421 shall be by voice vote and the vote shall be recorded in the journal, but any member of the
422 city council shall have the right to request a roll call vote and such vote shall be recorded in

423 the journal. Except as otherwise provided in this charter, the affirmative vote of three
 424 councilmembers shall be required for the adoption of any ordinance, resolution, or motion.
 425 (b) No member of the city council shall abstain from voting on any matter properly brought
 426 before the council for official action except when such councilmember has a conflict of
 427 interest which is disclosed in writing prior to or at the meeting and made a part of the
 428 minutes. Any member of the city council present and eligible to vote on a matter and
 429 refusing to do so for any reason other than a properly disclosed and recorded conflict of
 430 interest shall be deemed to have acquiesced or concurred with the members of the majority
 431 who did vote on the question involved.

432 **SECTION 2.22.**

433 Ordinance form; procedures.

434 (a) Every proposed ordinance shall be introduced in writing and in the form required for
 435 final adoption. No ordinance shall contain a subject which is not expressed in its title. The
 436 enacting clause shall be "It is hereby ordained by the governing authority of the City of
 437 Mableton ..." and every ordinance shall so begin.

438 (b) An ordinance may be introduced by any councilmember and be read at a regular or
 439 special meeting of the city council. Ordinances shall be considered and adopted or rejected
 440 by the city council in accordance with the rules which it shall establish; provided, however,
 441 an ordinance shall not be adopted the same day it is introduced, except for emergency
 442 ordinances provided in Section 2.24. Upon introduction of any ordinance, the clerk shall as
 443 soon as possible distribute a copy to the mayor and to each councilmember and shall file a
 444 reasonable number of copies in the office of the clerk and at such other public places as the
 445 city council may designate.

446 **SECTION 2.23.**

447 Action requiring an ordinance.

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

449 **SECTION 2.24.**

450 Emergencies.

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

454 franchise; regulate the rate charged by any public utility for its services; or authorize the
 455 borrowing of money except for loans to be repaid within 30 days. An emergency ordinance
 456 shall be introduced in the form prescribed for ordinances generally, except that it shall be
 457 plainly designated as an emergency ordinance and shall contain, after the enacting clause,
 458 a declaration stating that an emergency exists, and describing the emergency in clear and
 459 specific terms. An emergency ordinance may be adopted, with or without amendment, or
 460 rejected at the meeting at which it is introduced, but the affirmative vote of at least three
 461 councilmembers shall be required for adoption. It shall become effective upon adoption or
 462 at such later time as it may specify. Every emergency ordinance shall automatically stand
 463 repealed 30 days following the date upon which it was adopted, but this shall not prevent
 464 reenactment of the ordinance in the manner specified in this section if the emergency still
 465 exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance
 466 in the same manner specified in this section for adoption of emergency ordinances.

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

471 **SECTION 2.25.**

472 Codes of technical regulations.

473 (a) The city council may adopt any standard code of technical regulations by reference
 474 thereto in an adopting ordinance. The procedure and requirements governing such adopting
 475 ordinance shall be as prescribed for ordinances generally except that:

476 (1) The requirements of subsection (b) of Section 2.22 of this charter for distribution and
 477 filing of copies of the ordinance shall be construed to include copies of any code of
 478 technical regulations, as well as the adopting ordinance; and

479 (2) A copy of each adopted code of technical regulations, as well as the adopting
 480 ordinance, shall be authenticated and recorded by the clerk pursuant to Section 2.26 of
 481 this charter.

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

484

SECTION 2.26.

485

Signing; authenticating; recording; codification; printing.

486 (a) The city clerk shall authenticate by his or her signature and record in full in a properly
487 indexed book kept for that purpose, all ordinances adopted by the council.

488 (b) The city council shall provide for the preparation of a general codification of all the
489 ordinances of the city having the force and effect of law. The general codification shall be
490 adopted by the city council by ordinance and shall be published promptly, together with all
491 amendments thereto and such codes of technical regulations and other rules and regulations
492 as the city council may specify. This compilation shall be known and cited officially as "The
493 Code of the City of Mableton, Georgia." Copies of the code shall be furnished to all officers,
494 departments, and agencies of the city, and made available for purchase by the public at a
495 reasonable price as fixed by the city council.

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

505

SECTION 2.27.

506

City manager; appointment; qualifications; compensation.

507 The city council may appoint a city manager to serve at the pleasure of the city council and,
508 if so appointed, shall fix the city manager's compensation. The city manager shall be
509 appointed solely on the basis of executive and administrative qualifications.

510

SECTION 2.28.

511

Removal of city manager.

512 (a) If a city manager is appointed by the city council, then the city council may establish
513 procedures for the removal of the manager from office.

514 **SECTION 2.29.**

515 Acting city manager.

516 When a city manager has been appointed by the city council, and in the event of absence or
 517 disability, the city manager may, by a letter filed with the city clerk, designate, subject to
 518 approval of the city council, a qualified city administrative officer to exercise the powers and
 519 perform the duties of city manager during the city manager's temporary absence or physical
 520 or mental disability. During such absence or disability, the city council may revoke such
 521 designation at any time and appoint another officer of the city to serve until the city manager
 522 shall return or the city manager's absence or disability shall cease.

523 **SECTION 2.30.**

524 Powers and duties of the city manager.

525 When a city manager has been appointed by the city council, the city manager shall be the
 526 chief executive and administrative officer of the city. The city manager shall be responsible
 527 to the city council for the administration of all city affairs placed in the city manager's charge
 528 by the city council or this charter. As the chief executive and administrative officer, the city
 529 manager shall:

530 (1) Other than appointments reserved to the mayor in this charter, suspend, discipline,
 531 or remove any city employee or administrative officer that the city manager appoints,
 532 when the city manager deems it necessary for the good of the city, except as otherwise
 533 provided by law or personnel ordinances adopted pursuant to this charter. The city
 534 manager may authorize any administrative officer who is subject to the city manager's
 535 direction and supervision to exercise these powers with respect to subordinates in that
 536 officer's department, office or agency;

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

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

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

545 (5) Prepare and submit the annual operating budget and capital budget to the city
 546 council;

- 547 (6) Submit to the city council and make available to the public a complete report on the
 548 finances and administrative activities of the city as of the end of each fiscal year;
- 549 (7) Issue such other reports as the city council may require concerning the operations of
 550 city departments, offices, and agencies subject to the city manager's direction and
 551 supervision;
- 552 (8) Keep the city council fully advised as to the financial condition and future needs of
 553 the city, and make such recommendations to the city council concerning the affairs of the
 554 city as the city manager deems desirable; and
- 555 (9) Perform other such duties as are specified in this charter or as may be required by the
 556 city council.

557 **SECTION 2.31.**

558 Council interference with administration.

559 When a city manager has been appointed by the city council, except for the purpose of
 560 inquiries and investigations under Section 2.15 of this charter, the city council or its members
 561 shall deal with city officers and employees who are subject to the direction and supervision
 562 of the city manager solely through the city manager, and neither the city council nor its
 563 members shall give orders to any such officer or employee, either publicly or privately.

564 **SECTION 2.32.**

565 Election of mayor; forfeiture; compensation.

566 The mayor shall be elected and serve for a term of four years and until a successor is elected
 567 and qualified. The mayor shall be a qualified elector of this city and shall have been a
 568 resident of the city for at least 12 months immediately prior to his or her election. The mayor
 569 shall continue to reside in this city during the period of service. The mayor shall forfeit the
 570 office on the same grounds and under the same procedure as for councilmembers. The
 571 compensation of the mayor shall be established in the same manner as for councilmembers.

572 **SECTION 2.33.**

573 Mayor pro tempore.

574 By a majority vote at the first meeting of the city council in January of each year, the city
 575 council shall elect a councilmember to serve as mayor pro tempore until the first regular
 576 meeting of the city council in the following calendar year. The mayor pro tempore shall
 577 assume the duties and powers of the mayor during the mayor's physical or mental disability,

578 suspension from office, or absence. Any such disability or absence shall be declared by a
 579 majority vote of the city council. The mayor pro tempore shall sign all contracts and
 580 ordinances in which the mayor has a disqualifying financial interest as provided in Section
 581 2.14 of this charter. When acting as mayor, the mayor pro tempore shall continue to have
 582 only one vote as a member of the council and shall exercise that power notwithstanding
 583 paragraph (5) of Section 2.34 of this charter. A vacancy in the position of mayor pro
 584 tempore resulting from the mayor pro tempore ceasing to serve as a councilmember, or from
 585 any other cause, shall be filled for the remainder of the unexpired term in the same manner
 586 as the original election.

587 **SECTION 2.34.**

588 Powers and duties of mayor.

589 The mayor shall:

- 590 (1) Preside at all meetings of the city council;
- 591 (2) Be the head of the city for the purpose of service of process and for ceremonial
 592 purposes, and be the official spokesperson for the city and the chief advocate of policy
 593 adopted by the city council;
- 594 (3) Have the power to administer oaths and to take affidavits;
- 595 (4) Sign as a matter of course on behalf of the city all written and approved contracts,
 596 ordinances, and other instruments executed by the city which by law are required to be
 597 in writing;
- 598 (5) Vote on matters before the city council;
- 599 (6) If no city manager has been appointed, prepare and submit to the city council a
 600 recommended annual operating budget and recommended capital budget; and
- 601 (7) Fulfill such other executive and administrative duties as the city council shall by
 602 ordinance establish.

603 **SECTION 2.35.**

604 Submission of ordinances to the mayor; veto power.

- 605 (a) Every ordinance adopted by the city council shall be presented promptly by the clerk to
 606 the mayor.
- 607 (b) The mayor, within ten calendar days of receipt of an ordinance, shall return it to the clerk
 608 with or without the mayor's approval, or with the mayor's disapproval. If the ordinance has
 609 been approved by the mayor, it shall become effective upon its return to the clerk; if the
 610 ordinance is neither approved nor disapproved, it shall become effective at noon on the tenth

611 calendar day after its adoption; if the ordinance is disapproved, the mayor shall submit to the
 612 city council through the clerk, a written statement providing reasons for the veto. The clerk
 613 shall record upon the ordinance the date of its delivery to and receipt from the mayor.

614 (c) Ordinances vetoed by the mayor shall be presented by the clerk to the city council at its
 615 next meeting. If the city council then or at its next meeting adopts such ordinance by an
 616 affirmative vote of four members, it shall become effective.

617 (d) The mayor may disapprove of or reduce any item or items of appropriation in any
 618 ordinance. The approved part or parts of any ordinance making appropriations shall become
 619 effective, and the part or parts disapproved shall not become effective unless subsequently
 620 passed by the city council over the mayor's veto as provided herein. The reduced part or
 621 parts shall be presented to city council as though disapproved and shall not become effective
 622 unless overridden by the council as provided in subsection (c) of this section.

623 ARTICLE III

624 ADMINISTRATIVE AFFAIRS

625 SECTION 3.10.

626 Administrative and service departments.

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

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

634 (c) All appointive officers and directors of departments shall receive such compensation as
 635 prescribed by ordinance or resolution.

636 (d) There shall be a director of each department or agency who shall be its principal officer.
 637 Each director shall, subject to the direction and supervision of the mayor or, in the case
 638 where the city council has appointed a city manager, the city manager, be responsible for the
 639 administration and direction of the affairs and operations of that director's department or
 640 agency.

641 (e) All appointive officers and directors shall be nominated by the mayor with confirmation
 642 of appointment by at least two of the other members of the city council. If the other
 643 members of the city council reject an officer or director nominated by the mayor, such other
 644 members of the city council shall then proceed to fill such appointment by majority vote of
 645 the city council. Appointments by the city council shall be subject to veto by the mayor,

646 which may be overridden by the vote of four members of the city council. All appointive
647 officers and directors other than the city manager and municipal court judges shall be
648 employees at-will and subject to removal, suspension, or other discipline at any time by the
649 city council. In the case when the city council has appointed a city manager, the city
650 manager, unless otherwise provided by law or ordinance, may remove, suspend, or discipline
651 at any time any appointed officers, directors, or employees of the city, except for the city
652 clerk, judges of the municipal court, and the city attorney.

653 **SECTION 3.11.**

654 **Boards, commissions, and authorities.**

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

659 (b) All members of boards, commissions, and authorities of the city shall be appointed by
660 a majority vote of the city council, except where otherwise prescribed by this charter or by
661 law. Except as otherwise provided by this charter or by law, each board, commission, or
662 authority shall consist of seven members with one member being appointed by each member
663 of the city council and the mayor. Members appointed by the mayor may reside anywhere
664 within the corporate limits of the city, but a member appointed by a councilmember shall
665 reside within the district of the councilmember who appointed such member.

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

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

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

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

677 (g) All board, commission, or authority members serve at-will and may be removed at any
678 time by a vote of three members of the city council unless otherwise provided by law.

679 (h) Except as otherwise provided by this charter or by law, each board, commission, or
680 authority of the city shall elect one of its members as chair and one member as vice-chair,

681 and may elect as its secretary one of its own members or may appoint as secretary an
682 employee of the city. Each board, commission, or authority of the city government may
683 establish such bylaws, rules, and regulations, not inconsistent with this charter, ordinances
684 of the city, or law, as it deems appropriate and necessary for the fulfillment of its duties or
685 the conduct of its affairs. Copies of such bylaws, rules, and regulations shall be filed with
686 the clerk of the city.

687 **SECTION 3.12.**

688 City attorney.

689 The city council shall appoint a city attorney, together with such assistant city attorneys as
690 may be authorized, and shall provide for the payment of such attorney or attorneys for
691 services rendered to the city. The city attorney shall be responsible for providing for the
692 representation and defense of the city in all litigation in which the city is a party; may be the
693 prosecuting officer in the municipal court; shall attend the meetings of the council as
694 directed; shall advise the city council, mayor, and other officers and employees of the city
695 concerning legal aspects of the city's affairs; and shall perform such other duties as may be
696 required by virtue of the person's position as city attorney. The city attorney shall not be a
697 public official of the city and shall not take an oath of office. The city attorney shall at all
698 times be an independent contractor. A law firm, rather than an individual, may be designated
699 as the city attorney. The city attorney shall serve at the pleasure of the city council.

700 **SECTION 3.13.**

701 City clerk.

702 The city council shall appoint a city clerk who shall not be a councilmember. The city clerk
703 shall be custodian of the official city seal and city records; maintain city council records
704 required by this charter; and perform such other duties as may be required by the city
705 council. The city clerk shall serve at the pleasure of the city council.

706 **SECTION 3.14.**

707 Position classification and pay plans.

708 The mayor or, in the case where the city council has appointed a city manager, the city
709 manager, shall be responsible for the preparation of a position classification and pay plan
710 which shall be submitted to the city council for approval. Such plan may apply to all
711 employees of the city and any of its agencies, departments, boards, commissions, or

712 authorities. When a pay plan has been adopted, the city council shall not increase or decrease
 713 the salary range applicable to any position except by amendment of such pay plan. For
 714 purposes of this section, all elected and appointed city officials are not city employees.

715 **SECTION 3.15.**

716 Personnel policies.

717 All employees shall serve at-will and may be removed from office at any time unless
 718 otherwise provided by ordinance.

719 **ARTICLE IV**
 720 **JUDICIAL BRANCH**

721 **SECTION 4.10.**

722 Creation; name.

723 There shall be a court to be known as the Municipal Court of the City of Mableton.

724 **SECTION 4.11.**

725 Chief judge; associate judge.

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

728 (b) No person shall be qualified or eligible to serve as a judge on the municipal court unless
 729 that person shall have attained the age of 21 years and meets the qualifications provided in
 730 general law for municipal court judges. All judges shall be appointed by the city council and
 731 shall serve until a successor is appointed and qualified.

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

733 (d) Judges may be removed from office in accordance with state law.

734 (e) Before assuming office, each judge shall take an oath, given by the mayor, that the judge
 735 will honestly and faithfully discharge the duties of the office to the best of that person's
 736 ability and without fear, favor or partiality. The oath shall be entered upon the minutes of
 737 the city council journal required in Section 2.20 of this charter.

738 **SECTION 4.12.**

739 Convening.

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

741

SECTION 4.13.

742

Jurisdiction; powers.

743 (a) The municipal court shall have jurisdiction and authority to try and punish violations of
744 this charter, all city ordinances, and such other violations as provided by law.

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

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

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

754 (e) The municipal court shall have authority to establish bail and recognizances to ensure
755 the presence of those charged with violations before such court, and shall have discretionary
756 authority to accept cash or personal or real property as surety for the appearance of persons
757 charged with violations. Whenever any person shall give bail for that person's appearance
758 and shall fail to appear at the time fixed for trial, the bond shall be forfeited by the judge
759 presiding at such time, and an execution issued thereon by serving the defendant and the
760 defendant's sureties with a rule nisi, at least two days before a hearing on the rule nisi. In the
761 event that cash or property is accepted in lieu of bond for security for the appearance of a
762 defendant at trial, and if such defendant fails to appear at the time and place fixed for trial,
763 the cash so deposited shall be on order of the judge declared forfeited to the city, or the
764 property so deposited shall have a lien against it for the value forfeited which lien shall be
765 enforceable in the same manner and to the same extent as a lien for city property taxes.

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

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

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

776 **SECTION 4.14.**

777 Certiorari.

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

782 **SECTION 4.15.**

783 Rules for court.

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

791 **ARTICLE V**

792 **ELECTIONS AND REMOVAL**

793 **SECTION 5.10.**

794 Applicability of general law.

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

797 **SECTION 5.11.**

798 Election of the city council and mayor.

799 (a) There shall be a municipal general election biennially in the odd years on the Tuesday
800 next following the first Monday in November.

801 (b) There shall be elected the mayor and councilmembers from Council Districts 4, 5, and 6
802 at one election and at every other regular election thereafter. The remaining city council
803 seats from Council Districts 1, 2, and 3 shall be filled at the election alternating with the first
804 election so that a continuing body is created.

805 (c) Each councilmember shall be elected by a majority vote of the qualified electors of his
806 or her respective council district voting at the elections of the city. For the purpose of
807 electing members of the council, the City of Mableton shall consist of six council districts
808 as described in Appendix B of this charter, which is attached and incorporated into this
809 charter by reference. Each candidate for election to the council other than the mayor shall
810 reside in the council district he or she seeks to represent.

811 (d) If the city is formed as a result of the referendum held in the 2020 general primary, the
812 first election for mayor and councilmembers shall be a special election held in conjunction
813 with the 2020 November general election. At such election, the mayor and councilmembers
814 elected from Council Districts 4, 5 and 6 shall be elected for initial terms of office beginning
815 immediately after their election and expiring upon the election and qualification of their
816 respective successors in 2025. The councilmembers elected from Council Districts 1, 2,
817 and 3 shall be elected for initial terms of office beginning immediately after their election
818 and expiring upon the election and qualification of their respective successors in 2023.
819 Thereafter, successors to the mayor and councilmembers shall be elected at the November
820 general election immediately preceding the end of their respective terms of office, and such
821 successors shall take office in accordance with subsection (g) of this section for terms of four
822 years and until their respective successors are elected and qualified.

823 (e) If the city is formed as a result of a referendum held in a special election after the 2020
824 general primary but on or before the 2020 November general election, then the first election
825 for mayor and councilmembers shall be a special election to be held on the first special
826 election date pursuant to Code Section 21-2-540 of the O.C.G.A. in 2021. At such special
827 election, the mayor and councilmembers elected from Council Districts 4, 5, and 6 shall be
828 elected for initial terms of office beginning immediately after their election and expiring
829 upon the election and qualification of their respective successors in 2025. The
830 councilmembers from Council Districts 1, 2, and 3 shall be elected for initial terms of office
831 beginning immediately after their election and expiring upon the election and qualification
832 of their respective successors in 2023. Thereafter, successors to the mayor and
833 councilmembers shall be elected at the November general election immediately preceding
834 the end of their respective terms of office, and such successors shall take office in accordance
835 with subsection (g) of this section for terms of four years and until their respective successors
836 are elected and qualified.

837 (f) The mayor, for the special election and each subsequent election for mayor, shall be
838 elected by the qualified electors of the city at large voting in such elections of the city.

839 (g) Except for the initial election of the mayor and city council, the terms of office of the
840 mayor and councilmembers shall begin on the Monday following such person's election
841 which is at least five days following the certification of the results of such person's election

842 to such office unless a petition to contest the results of such person's election to such office
843 is filed pursuant to Article 13 of Chapter 2 of Title 21 of the O.C.G.A. If a petition to contest
844 the election results is filed, such person shall not be sworn in until a judgment has been
845 entered pursuant to Code Section 21-2-527 of the O.C.G.A. or such petition has been
846 withdrawn or dismissed. In such case, the person's term of office shall begin on the Monday
847 following the entry of such judgment or the withdrawal or dismissal of such petition. Such
848 officeholder shall be sworn in at the next meeting of the governing authority, which shall be
849 held not later than two weeks following the beginning of such person's term of office and
850 shall hold office until his or her successor's term begins in accordance with this subsection.

851 **SECTION 5.12.**

852 Nonpartisan elections.

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

855 **SECTION 5.13.**

856 Election by majority.

857 The person receiving a majority of the votes cast for any city office shall be elected.

858 **SECTION 5.14.**

859 Special elections; vacancies.

860

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

868 **SECTION 5.15.**

869 Other provisions.

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

873 **SECTION 5.16.**

874 Removal of officers.

875 (a) The mayor, councilmembers, or other appointed officers provided for in this charter shall
876 be removed from office for any one or more of the causes provided in Title 45 of the
877 O.C.G.A., or such other applicable laws as are or may hereafter be enacted.

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

880 (1) Following a hearing at which an impartial panel shall render a decision. In the event
881 an elected officer is sought to be removed by the action of the city council, such officer
882 shall be entitled to a written notice specifying the ground or grounds for removal and to
883 a public hearing which shall be held not less than ten days after the service of such
884 written notice. The city council shall provide by ordinance for the manner in which such
885 hearings shall be held. Any elected officer sought to be removed from office as herein
886 provided shall have the right of appeal from the decision of the city council to the
887 Superior Court of Cobb County. Such appeal shall be governed by the same rules as
888 govern appeals to the superior court from the probate court; or

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

891 **ARTICLE VI**

892 **FINANCE**

893 **SECTION 6.10.**

894 Property tax.

895 The city council may assess, levy, and collect an ad valorem tax on all real and personal
896 property within the corporate limits of the city that is subject to such taxation by the state and
897 county. This tax is for the purpose of raising revenues to defray the costs of operating the
898 city government, of providing governmental services, for the repayment of principal and

899 interest on general obligations, and for any other public purpose as determined by the city
900 council in its discretion.

901 **SECTION 6.11.**

902 Millage rate; due dates; payment methods.

903 (a) Subject to the limitations contained in subsection (b) of this section, the city council, by
904 ordinance, shall establish a millage rate for the city property tax, a due date, and the time
905 period within which these taxes must be paid. The city council, by ordinance, may provide
906 for the payment of these taxes by two installments or in one lump sum, as well as authorize
907 the voluntary payment of taxes prior to the time when due.

908 (b)(1) The millage rate imposed for ad valorem taxes on real property shall not exceed
909 three mills unless either:

910 (A) The millage rate is increased by resolution of the city council without voter
911 approval through its exercise of home rule powers; or

912 (B) A higher limit is recommended by resolution of the city council and approved by
913 a majority vote of the qualified voters of the City of Mableton voting on the issue in a
914 referendum; provided, however, that the amount of millage associated with the creation
915 of special tax districts pursuant to Article IX, Section II, Paragraph VI of the
916 Constitution of the State of Georgia shall not count as part of the three mills rate limit
917 in this subsection since such millage is already subject to approval by the electors of the
918 city in a separate referendum.

919 **SECTION 6.12.**

920 Occupation and business taxes.

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

925 **SECTION 6.13.**

926 Regulatory fees; permits.

927 The city council by ordinance shall have the power to require businesses or practitioners
928 doing business within this city to obtain a permit for such activity from the city and pay a
929 reasonable regulatory fee for such permit as provided by general law. Such fees shall reflect

930 the total cost to the city of regulating the activity, and if unpaid, shall be collected as
931 provided in Section 6.18 of this charter.

932 **SECTION 6.14.**

933 Franchises.

934 (a) The city council shall have the power to grant franchises for the use of this city's streets
935 and alleys for the purposes of railroads, street railways, telephone companies, electric
936 companies, electric membership corporations, cable television and other telecommunications
937 companies, gas companies, transportation companies, and other similar organizations. The
938 city council shall determine the duration, terms, whether the same shall be exclusive or
939 nonexclusive, and the consideration for such franchises; provided, however, no franchise
940 shall be granted for a period in excess of 35 years and no franchise shall be granted unless
941 the city receives just and adequate compensation therefor. The city council shall provide for
942 the registration of all franchises with the city clerk in a registration book kept by the clerk.
943 The city council may provide by ordinance for the registration within a reasonable time of
944 all franchises previously granted.

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

950 **SECTION 6.15.**

951 Service charges.

952 The city council by ordinance shall have the power to assess and collect fees, charges,
953 assessments, and tolls for sewers, sanitary and health services, or any other services provided
954 or made available within and without the corporate limits of the city. If unpaid, such charges
955 shall be collected as provided in Section 6.18 of this charter.

956 **SECTION 6.16.**

957 Special assessments.

958 The city council by ordinance shall have the power to assess and collect the cost of
959 constructing, reconstructing, widening, or improving any public way, street, sidewalk,

960 curbing, gutters, sewers, or other utility mains and appurtenances from the abutting property
 961 owners. If unpaid, such charges shall be collected as provided in Section 6.18 of this charter.

962 **SECTION 6.17.**

963 Construction; other taxes and fees.

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

967 **SECTION 6.18.**

968 Collection of delinquent taxes and fees.

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

976 **SECTION 6.19.**

977 General obligation bonds.

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

982 **SECTION 6.20.**

983 Revenue bonds.

984 Revenue bonds may be issued by the city council as state law now or hereafter provides.
 985 Such bonds are to be paid out of any revenue produced by the project, program, or venture
 986 for which they were issued.

987 **SECTION 6.21.**

988 Short-term loans.

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

991 **SECTION 6.22.**

992 Lease-purchase contracts.

993 The city may enter into multiyear lease, purchase, or lease-purchase contracts for the
994 acquisition of goods, materials, real and personal property, services, and supplies provided
995 the contract terminates without further obligation on the part of the municipality at the close
996 of the calendar year in which it was executed and at the close of each succeeding calendar
997 year for which it may be renewed. Contracts must be executed in accordance with the
998 requirements of Code Section 36-60-13 of the O.C.G.A., or other such applicable laws as are
999 or may hereafter be enacted.

1000 **SECTION 6.23.**

1001 Fiscal year.

1002 The city council shall set the fiscal year by ordinance. This fiscal year shall constitute the
1003 budget year and the year for financial accounting and reporting of each and every office,
1004 department, agency, and activity of the city government unless otherwise provided by state
1005 or federal law.

1006 **SECTION 6.24.**

1007 Preparation of budgets.

1008 The city council shall provide an ordinance on the procedures and requirements for the
1009 preparation and execution of an annual operating budget, a capital improvement plan, and
1010 a capital budget, including requirements as to the scope, content, and form of such budgets
1011 and plans.

SECTION 6.25.

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Submission of operating budget to city council.

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On or before a date fixed by the city council but not later than 30 days prior to the beginning of each fiscal year, the mayor or, in the case where the city council has appointed a city manager, the city manager, shall submit to the city council a proposed operating budget for the ensuing fiscal year. The budget shall be accompanied by a message from the mayor or city manager, as the case may be, containing a statement of the general fiscal policies of the city, the important features of the budget, explanations of major changes recommended for the next fiscal year, a general summary of the budget, and such other pertinent comments and information. The operating budget and the capital budget hereinafter provided for, the budget message, and all supporting documents shall be filed in the office of the city clerk and shall be open to public inspection.

SECTION 6.26.

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Action by city council on budget.

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

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

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

1044 **SECTION 6.27.**

1045 Tax levies.

1046 The city council shall levy by ordinance such taxes as are necessary. The taxes and tax rates
 1047 set by such ordinances shall be such that reasonable estimates of revenues from such levy
 1048 shall at least be sufficient, together with other anticipated revenues, fund balances, and
 1049 applicable reserves, to equal the total amount appropriated for each of the several funds set
 1050 forth in the annual operating budget for defraying the expenses of the general government
 1051 of this city.

1052 **SECTION 6.28.**

1053 Changes in appropriations.

1054 The city council by ordinance may make changes in the appropriations contained in the
 1055 current operating budget, at any regular, special, or emergency meeting called for such
 1056 purpose, but any additional appropriations may be made only from an existing unexpended
 1057 surplus.

1058 **SECTION 6.29.**

1059 Capital budget.

1060 (a) On or before the date fixed by the city council but no later than 30 days prior to the
 1061 beginning of each fiscal year, the mayor or, in the case where the city council has appointed
 1062 a city manager, the city manager, shall submit to the city council a proposed capital
 1063 improvements plan with a recommended capital budget containing the means of financing
 1064 the improvements proposed for the ensuing fiscal year. The city council shall have power
 1065 to accept, with or without amendments, or reject the proposed plan and proposed budget.
 1066 The city council shall not authorize an expenditure for the construction of any building,
 1067 structure, work, or improvement, unless the appropriations for such project are included in
 1068 the capital budget, except to meet a public emergency as provided in Section 2.24 of this
 1069 charter.

1070 (b) The city council shall adopt by ordinance the final capital budget for the ensuing fiscal
 1071 year not later than 15 days prior to the beginning of such fiscal year. No appropriation
 1072 provided for in a prior capital budget shall lapse until the purpose for which the appropriation
 1073 was made shall have been accomplished or abandoned; provided, however, the mayor or the
 1074 city manager, as the case may be, may submit amendments to the capital budget at any time

1075 during the fiscal year, accompanied by recommendations. Any such amendments to the
1076 capital budget shall become effective only upon adoption by ordinance.

1077 **SECTION 6.30.**

1078 Independent audit.

1079 There shall be an annual independent audit of all city accounts, funds, and financial
1080 transactions by a certified public accountant selected by the city council. The audit shall be
1081 conducted according to generally accepted auditing principles. Any audit of any funds by
1082 the state or federal governments may be accepted as satisfying the requirements of this
1083 charter. Copies of annual audit reports shall be available at printing costs to the public.

1084 **SECTION 6.31.**

1085 Contracting procedures.

1086 No contract with the city shall be binding on the city unless:

1087 (1) It is in writing;

1088 (2) It is drawn by or submitted to and reviewed by the city attorney, and as a matter of
1089 course, is signed by the city attorney to indicate such drafting or review; and

1090 (3) It is made or authorized by the city council and such approval is entered in the city
1091 council journal of proceedings pursuant to Section 2.21 of this charter.

1092 **SECTION 6.32.**

1093 Centralized purchasing.

1094 The city council shall by ordinance prescribe procedures for a system of centralized
1095 purchasing for the city.

1096 **SECTION 6.33.**

1097 Sale and lease of city property.

1098 The city council may sell and convey, or lease any real or personal property owned or held
1099 by the city for governmental or other purposes as now or hereafter provided by law.

1129 **SECTION 7.13.**

1130 Referendum.

1131 The election superintendent of Cobb County shall call a special election for the purpose of
 1132 submitting this Act to the qualified voters of the proposed City of Mableton, as provided in
 1133 Section 7.12 of this charter, for approval or rejection. The superintendent shall set the date
 1134 of such election for the Tuesday next following the first Monday in November, 2020. The
 1135 superintendent shall issue the call for such election at least 30 days prior to the date thereof.
 1136 The superintendent shall cause the date and purpose of the election to be published once a
 1137 week for two weeks immediately preceding the date thereof in the official organ of Cobb
 1138 County. The ballot shall have written or printed thereon the words:

1139 "() YES Shall the Act incorporating the City of Mableton in Cobb County, imposing
 1140 () NO term limits, prohibiting conflicts of interest, and creating community
 improvement districts be approved?"

1141 All persons desiring to vote for approval of the Act shall vote "Yes," and those persons
 1142 desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes
 1143 cast on such question are for approval of the Act, it shall become of full force and effect;
 1144 otherwise, it shall thereafter be void and of no force and effect. The expense of the special
 1145 election set forth in this section shall be borne by Cobb County. It shall be the duty of the
 1146 superintendent to hold and conduct such election. It shall be his or her further duty to certify
 1147 the result thereof to the Secretary of State.

1148 **SECTION 7.14.**

1149 Effective dates.

1150 (a) Those provisions of this charter necessary for the special election provided for in
 1151 Section 7.13 of this charter shall become effective immediately upon this Act's approval by
 1152 the Governor or upon its becoming law without such approval.

1153 (b) Those provisions of this Act necessary for the special election to be held on the Tuesday
 1154 of the twenty-fourth week prior to the 2020 November general election in conjunction with
 1155 the general primary shall be effective upon the certification of the results of the referendum
 1156 election provided for by Section 7.13 of this charter, if this Act is approved at such
 1157 referendum election.

1158 (c) The remaining provisions of this Act shall become of full force and effect for all
 1159 purposes on January 1, 2021, except that the initial mayor and councilmembers shall take
 1160 office immediately following their election and by action of a quorum may prior to
 1161 January 1, 2021, meet and take actions binding on the city.

1162 **SECTION 7.15.**

1163 Transition.

1164 (a) A period of time will be needed for an orderly transition of various government functions
 1165 from Cobb County to the City of Mableton. Accordingly, there shall be a transition period
 1166 beginning on January 1, 2021, and ending at midnight on the last day of the twenty-fourth
 1167 month following such date. During such transition period, all provisions of this charter shall
 1168 be effective as law, but not all provisions of this charter shall be implemented.

1169 (b) During such transition period, Cobb County shall provide within the territorial limits of
 1170 the City of Mableton all government services and functions which Cobb County provided
 1171 in such area which is now within the corporate limits of the City of Mableton during 2020
 1172 and at the same actual cost, except to the extent otherwise provided in this section; provided,
 1173 however, that upon at least 30 days' prior written notice to Cobb County by the City of
 1174 Mableton, responsibility for any such service or function shall be transferred to the City of
 1175 Mableton. Beginning on January 1, 2021, the City of Mableton shall collect taxes, fees,
 1176 assessments, fines and forfeitures, and other moneys within the territorial limits of the City
 1177 of Mableton; provided, however, that upon at least 30 days' prior written notice to Cobb
 1178 County by the City of Mableton, the authority to collect any tax, fee, assessment, fine or
 1179 forfeiture, or other moneys shall remain with Cobb County after January 1, 2021, until such
 1180 time as Cobb County receives subsequent notice from the City of Mableton that such
 1181 authority shall be transferred to the City of Mableton.

1182 (c) During the transition period, the governing authority of the City of Mableton:

- 1183 (1) Shall hold regular meetings and may hold special meetings as provided in this
 1184 charter;
- 1185 (2) May enact ordinances and resolutions as provided in this charter;
- 1186 (3) May amend this charter by home rule action as provided by general law;
- 1187 (4) May accept gifts and grants;
- 1188 (5) May borrow money and incur indebtedness to the extent authorized by this charter
 1189 and general law;
- 1190 (6) May levy and collect an ad valorem tax for calendar years 2021 and 2022;
- 1191 (7) May establish a fiscal year and budget;
- 1192 (8) May create, alter, or abolish departments, boards, offices, commissions, and agencies
 1193 of the city; appoint and remove officers and employees; and exercise all necessary or
 1194 appropriate personnel and management functions; and
- 1195 (9) May generally exercise any power granted by this charter or general law, except to
 1196 the extent that a power is specifically and integrally related to the provision of a

1197 governmental service, function, or responsibility not yet provided or carried out by the
1198 city.

1199 (d) Except as otherwise provided in this section, during the transition period, the Municipal
1200 Court of the City of Mableton shall not exercise its jurisdiction. During the transition period,
1201 all ordinances of Cobb County shall be applicable within the territorial limits of the City of
1202 Mableton and the appropriate court or courts of Cobb County shall retain jurisdiction to
1203 enforce such ordinances. However, by appropriate agreement (and concurrent resolutions
1204 and ordinances if needed) Cobb County and the City of Mableton may during the transition
1205 period transfer all or part of such regulatory authority and the appropriate court jurisdiction
1206 to the City of Mableton. Any transfer of jurisdiction to the City of Mableton during or at the
1207 end of the transition period shall not in and of itself abate any judicial proceeding pending
1208 in Cobb County or the pending prosecution of any violation of any ordinance of Cobb
1209 County.

1210 (e) During the transition period, the governing authority of the City of Mableton may at any
1211 time, without the necessity of any agreement by Cobb County, commence to exercise its
1212 planning and zoning powers; provided, however, that the city shall give the county notice of
1213 the date on which the city will assume the exercise of such powers. Upon the governing
1214 authority of the City of Mableton commencing to exercise its planning and zoning powers,
1215 the Municipal Court of the City of Mableton shall immediately have jurisdiction to enforce
1216 the planning and zoning ordinances of the city. The provisions of this subsection shall
1217 control over any conflicting provisions of any other subsection of this section.

1218 (f) During the transition period, all business licenses and permits which were previously
1219 issued by Cobb County shall continue to be effective for the term for which such licenses and
1220 permits were originally issued.

1221 (g) Effective upon the termination of the transition period, subsections (b) through (f) of this
1222 section shall cease to apply except for the last sentence of subsection (d) which shall remain
1223 effective. Effective upon the termination of the transition period, the City of Mableton shall
1224 be a full-functioning municipal corporation and subject to all general laws of this state.

1225 (h) The City of Mableton shall be a successor in interest to all intergovernmental agreements
1226 which affect the territory contained within the corporate limits of the city which are in
1227 existence at the time the city is the created.

1228 **SECTION 7.16.**

1229 Directory nature of dates.

1230 It is the intention of the General Assembly that this Act be construed as directory rather than
1231 mandatory with respect to any date prescribed in this Act. If it is necessary to delay any

1232 action called for in this Act for providential cause or any other reason, it is the intention of
 1233 the General Assembly that the action be delayed rather than abandoned. Any delay in
 1234 performing any action under this Act, whether for cause or otherwise, shall not operate to
 1235 frustrate the overall intent of this Act. Without limiting the generality of the foregoing it is
 1236 specifically provided that:

1237 (1) If it is not possible to hold the referendum election provided for in Section 7.13 of
 1238 this Act on the date specified in that section, then such referendum shall be held as soon
 1239 thereafter as is reasonably practicable; and

1240 (2) If it is not possible to hold the first municipal election provided for in this Act on the
 1241 date specified in that section, then there shall be a special election for the initial members
 1242 of the governing authority to be held as soon thereafter as is reasonably practicable, and
 1243 the commencement of the initial terms of office shall be delayed accordingly.

1244 ARTICLE VIII

1245 COMMUNITY IMPROVEMENT DISTRICTS

1246 SECTION 8.10.

1247 Purpose.

1248 The purpose of this article shall be to provide enabling legislation for the creation of one or
 1249 more community improvement districts within the City of Mableton, and such district or
 1250 districts may be created for the provision of some or all of the following governmental
 1251 services and facilities as provided and authorized by Article IX, Section VII of the
 1252 Constitution of the State of Georgia and the resolution activating each district as it now exists
 1253 or hereafter amended or supplemented as provided for by law, including, but not limited to:

1254 (1) Street and road construction and maintenance, including curbs, sidewalks, street
 1255 lights, and devices and services to control the flow of traffic on streets and roads;

1256 (2) Parks and recreational areas and facilities;

1257 (3) Storm water and sewage collection and disposal systems;

1258 (4) Development, storage, treatment, purification, and distribution of water;

1259 (5) Public transportation;

1260 (6) Terminal and dock facilities and parking facilities; and

1261 (7) Such other services and facilities as may be provided for by general law.

1262 **SECTION 8.11.**

1263 Definitions.

1264 As used in this article, the term:

1265 (1) "Agricultural" means the growing of crops for sale or the raising of animals for sale
1266 or use, including the growing of field crops, fruit or nut trees, the raising of livestock or
1267 poultry, and the operation of dairies, horse boarding facilities, and riding stables.

1268 (2) "Board" means the governing body created for the governance of a community
1269 improvement district herein authorized.

1270 (3) "Caucus of electors" or "caucus" means the meeting of electors hereinafter provided
1271 for at which the elected board members of the district are elected. A quorum at such
1272 caucus shall consist of those electors present, and a majority of those present and voting
1273 is necessary to elect board members. No proxy votes shall be cast.

1274 (4) "City council" means the city council of the City of Mableton.

1275 (5) "City governing authority or body" means the city council and the mayor.

1276 (6) "District" means the geographical area designated as such by the resolution of the
1277 governing body of the City of Mableton consenting to the creation of the community
1278 improvement district or districts or as thereafter modified by any subsequent resolution
1279 of the governing body or bodies within which the district is or is to be located, or a body
1280 corporate and politic being a community improvement district created and activated
1281 pursuant hereto, as the context requires or permits.

1282 (7) "Electors" means the owners of real property within the given district which is
1283 subject to taxes, fees, and assessments levied by the board, as they appear on the most
1284 recent ad valorem real property tax return records of Cobb County, or one officer or
1285 director of a corporate elector, one trustee of a trust which is an elector, one partner of a
1286 partnership elector, or one designated representative of an elector whose designation is
1287 made in writing to the respective county tax commissioner and the city clerk of the City
1288 of Mableton at least ten days prior to an election. An owner of property that is subject
1289 to taxes, fees, or assessments levied by the board shall have one vote for an election based
1290 on numerical majority. An owner of multiple parcels shall have one vote, not one vote
1291 per parcel, for an election based on numerical majority. Multiple owners of one parcel
1292 shall have one vote for an election based on numerical majority which must be cast by
1293 one of their number who is designated in writing.

1294 (8) "Equity electors" means electors who cast votes equal to each \$1,000.00 value of all
1295 owned real property within the given district which is then subject to taxes, fees, and
1296 assessments levied by the board. Value of real property shall be the assessed value.

1297 (9) "Forestry" means the planting and growing of trees for sale in a program which
1298 includes reforestation of harvested trees, regular underbrush and undesirable growth
1299 clearing, fertilizing, pruning, thinning, cruising, and marking which indicate an active tree
1300 farming operation. The term does not include the casual growing of trees on land
1301 otherwise idle or held for investment, even though some harvesting of trees may occur
1302 thereon.

1303 (10) "Hereby," "herein," "hereunder," and "herewith" mean under this Act.

1304 (11) "Mayor" means the mayor of the City of Mableton.

1305 (12) "Project" means the acquisition, construction, installation, modification, renovation,
1306 or rehabilitation of land, interests in land, buildings, structures, facilities, or other
1307 improvements, including operation of facilities or other improvements, located or to be
1308 located within or otherwise providing service to the district and the acquisition,
1309 installation, modification, renovation, rehabilitation, or furnishing of fixtures, machinery,
1310 equipment, furniture, or other property of any nature whatsoever used on, in, or in
1311 connection with any such land, interest in land, building, structure, facility, or other
1312 improvements for the purposes set forth in Section 8.10 of this article.

1313 (13) "Property owner" or "owner of real property" means any entity or person shown as
1314 a taxpayer for one or more parcels of real estate on the most recent ad valorem tax
1315 records of Cobb County within the district as certified by the Cobb County Tax
1316 Commissioner.

1317 (14) "Property used nonresidentially" means property or any portion thereof used for
1318 neighborhood shopping, planned shopping centers, general commercial, transient lodging
1319 facilities, tourist services, office or institutional, office services, light industry, heavy
1320 industry, central business district, parking, or other commercial or business use or vacant
1321 land zoned or approved for any of the aforementioned uses which do not include
1322 residential.

1323 (15) "Residential" means a specific structure, work, or improvement undertaken
1324 primarily to provide either single family or multifamily dwelling accommodations for
1325 persons and families of four units or less, and for which an application for homestead
1326 exemption has been filed and accepted.

1327 (16) "Taxpayer" means an entity or person paying ad valorem taxes on real property,
1328 whether on one or more parcels of property within the district. Multiple owners of one
1329 parcel shall constitute one taxpayer and shall designate in writing one of their number to
1330 represent the whole.

1331 (17) "Value" or "assessed value" of property means the values established in the most
1332 recent ad valorem tax reassessment of such properties certified by the Cobb County
1333 Board of Tax Assessors.

1334 **SECTION 8.12.**

1335 Creation.

1336 Pursuant to Article IX, Section VII of the Constitution of the State of Georgia, there is
 1337 created one or more community improvement districts to be located in the City of Mableton,
 1338 Georgia, wholly within the incorporated area thereof, which shall be activated upon
 1339 compliance with the conditions set forth in this section. Each district, if more than one are
 1340 implemented, shall be governed as directed by this article. The conditions for such activation
 1341 shall be:

1342 (1) The adoption of a resolution consenting to the creation of the community
 1343 improvement district or districts by the governing authority for the City of Mableton and
 1344 imposing such conditions on the projects and activities which may be undertaken as will
 1345 ensure their compatibility with adopted city policies and planning for the area; and

1346 (2) The written consent to the creation of the community improvement district by:

1347 (A) A majority of the owners of real property within the given district which will be
 1348 subject to taxes, fees, and assessments levied by the board of the given district; and

1349 (B) The owners of real property within the given district which constitutes at
 1350 least 75 percent by value of all real property within the district which will be subject to
 1351 taxes, fees, and assessments levied by the board. For this purpose, value shall be
 1352 determined by the most recent approved county ad valorem tax digest.

1353 The written consent provided for in this paragraph shall be submitted to the Cobb County
 1354 tax commissioner, who shall certify whether subparagraphs (A) and (B) of this paragraph
 1355 have been satisfied with respect to such proposed district. The district or districts or
 1356 respective board or boards created under this article shall not transact any business or
 1357 exercise any powers under this article until the foregoing conditions are met. A copy of
 1358 such resolutions shall be filed with the Secretary of State and with the city clerk of the
 1359 City of Mableton, who shall each maintain a record of the district activated under this
 1360 article. Nothing contained herein shall limit the ability of the governing authority of the
 1361 City of Mableton to implement more than one community improvement district so long
 1362 as the requirements hereof and of the Constitution of the State of Georgia are satisfied.
 1363 The provisions of this article shall be construed so as to provide for the independent
 1364 application and exercise of all powers for each district contained herein including the
 1365 ability to levy taxes as outlined herein as separately and independently authorizing and
 1366 empowering such separate community improvement districts created hereby. Nothing
 1367 contained herein shall require the governing authority of the City of Mableton to create
 1368 more than one community improvement district, or to require the creation of a new

1369 district if the district boundaries of an existing district are changed, added to,
1370 supplemented, or modified.

1371 **SECTION 8.13.**

1372 Administration, appointment, and election of board members.

1373 Each district created pursuant hereto shall be administered either by the governing authority
1374 or by a board as prescribed under this article. In the event that a district is to be governed by
1375 such a board, the board shall be composed of a minimum of seven board members to be
1376 appointed and elected as hereinafter provided:

1377 (1) Two board members shall be appointed by the Mayor of the City of Mableton, and
1378 confirmed by a majority of the city council, one of whom shall be a member of the city
1379 council, to serve in Posts 6 and 7. Two board members shall be elected by the vote of
1380 electors, and three members shall be elected by the vote of equity electors. The members
1381 representing the electors and equity electors shall be elected to serve in post positions 1
1382 through 5, respectively. Each elected board member shall receive a majority of the votes
1383 cast for the post for which he or she is a candidate. Votes for Posts 1 and 2 shall be cast
1384 by electors, and votes for Posts 3, 4, and 5 shall be cast by the equity electors. The initial
1385 term of office for the members representing Posts 1 and 3 shall be one year. The initial
1386 term of office for the members representing Posts 2 and 5 shall be two years, and the
1387 initial term of office of the members representing Post 3 shall be three years. Thereafter,
1388 all terms of office shall be for four years, except the appointed board members who shall
1389 serve at the pleasure of the appointing body which appointed him or her. Elected board
1390 members shall be subject to recall in the same manner as elected.

1391 (2) The initial board members to be elected as provided in paragraph (1) of this section
1392 shall be elected in a caucus of electors which shall be held within 120 days after the
1393 adoption of the resolution by the City of Mableton consenting to the creation of the
1394 district, and the obtaining of the written consents herein provided at such time and place
1395 within the district as the City of Mableton shall designate after notice thereof shall have
1396 been given to said electors by publishing same in the legal organ of Cobb County as
1397 hereinafter provided. Thereafter, there shall be conducted annually, not later than 120
1398 days following the last day for filing ad valorem real property tax returns in Cobb
1399 County, a caucus of said electors at such time and place within the district as the board
1400 shall designate in such notice for the purpose of electing board members to those board
1401 member positions whose terms expire or are vacant. If a vacancy occurs in an elected
1402 position on the board, the board shall, within 60 days thereof, call a special election to fill
1403 the same to be held within 60 days of the call unless such vacancy occurs within 180 days

1404 of the next regularly scheduled election, in which case a special election may, but need
 1405 not, be called. For any election held hereunder, notice thereof shall be given to said
 1406 electors by publishing notice thereof in the legal organ of Cobb County at least once each
 1407 week for four weeks prior to such election.

1408 (3) Board members shall receive no compensation for their services, but shall be
 1409 reimbursed for actual expenses reasonably incurred in the performance of their duties.
 1410 They shall elect one of their number as chairperson and another as vice chairperson.
 1411 They shall also elect a secretary and a treasurer, or a secretary/treasurer, either of whom
 1412 may, but need not, be a member of the board or an elector.

1413 (4) If the boundaries of a district are subsequently changed after creation of the district
 1414 to include land within the unincorporated area of the county or a municipality which was
 1415 not a party to the creation of the district, or if a municipality's boundaries are changed to
 1416 include land within an existing district, the governing authority of the municipality shall
 1417 acquire the right to appoint a member to the board of the district upon entering into the
 1418 cooperation agreement provided for in Section 8.17 of this article. If, by municipal
 1419 annexation or by deannexation of land from a district, the district no longer includes land
 1420 within the incorporated area of the City of Mableton or within a municipality,
 1421 respectively, then the board member of the district appointed by such governing authority
 1422 in which the district is no longer located shall cease to be a board member.

1423 (5) Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," shall not apply
 1424 to the election of district board members. Should a vacancy in office of a district board
 1425 member occur, and the regular caucus of electors is more than six months in the future,
 1426 a special election shall be called to fill such vacancy, unless it is filled by appointment
 1427 as hereinabove required. The district board may adopt such bylaws not inconsistent
 1428 herewith to provide for any matter concerning such elections.

1429 **SECTION 8.14.**

1430 Taxes, fees, and assessments.

1431 (a) The board may levy taxes, fees, and assessments within the district only on real property
 1432 used nonresidentially, specifically excluding all property exempt from ad valorem taxation
 1433 under the Constitution or laws of the State of Georgia; all property used for residential,
 1434 agricultural, or forestry purposes; and all tangible personal property and intangible property.
 1435 Any tax, fee, or assessment so levied shall not exceed 2.5 percent of the aggregate assessed
 1436 value of all such real property, subject to such limitations as the governing authority for the
 1437 City of Mableton may implement with the adoption of the resolution consenting to the
 1438 creation of said district. The taxes, fees, and assessments levied by the board shall be

1439 equitably apportioned among the properties subject to such taxes, fees, and assessments
 1440 according to the need for governmental services and facilities created by the degree of
 1441 density of development of each such property. The proceeds of taxes, fees, and assessments
 1442 levied by the board shall be used only for the purpose of providing those governmental
 1443 services and facilities set forth in Section 8.10 of this article which are specially required by
 1444 the degree of density of development within the district and not for the purpose of providing
 1445 those governmental services and facilities provided to the municipality as a whole. Any tax,
 1446 fee, or assessment so levied shall be collected by the City of Mableton in the same manner
 1447 as taxes, fees, and assessments are levied by the City of Mableton. Delinquent taxes shall
 1448 bear the same interest and penalties as City of Mableton ad valorem taxes and may be
 1449 enforced and collected in the same manner. The proceeds of taxes, fees, and assessments so
 1450 levied, less a fee to cover the costs of collection of 0.25 percent thereof, but not more than
 1451 \$10,000.00 in any one calendar year, shall be transmitted as soon as they are acquired by the
 1452 City of Mableton to the board, and shall be expended by the board only for the purposes
 1453 authorized hereby.

1454 (b) The board shall levy the taxes provided for in subsection (a) of this section subsequent
 1455 to the report of the assessed taxable values for the current calendar year and notify in writing
 1456 the collecting governing bodies so they may include the levy on their regular ad valorem tax
 1457 bills, if possible.

1458 (c) There shall be a segregation of all funds from the levy of taxes, fees, and assessments as
 1459 described hereunder for the district, and neither the City of Mableton nor the respective
 1460 county tax commissioner shall expend for any purpose not authorized by the board of this
 1461 district any such taxes, fees, or charges assessed and collected hereunder except for such
 1462 costs as may be attributed to the billing and collection of such fees, levies, and assessments.

1463 (d) If, but for this provision, a parcel of real property is removed from a district or otherwise
 1464 would become nontaxable, it shall continue to bear the tax millage levied by the district then
 1465 extant upon such parcel for indebtedness of the district then outstanding until said
 1466 indebtedness is paid or refunded.

1467 **SECTION 8.15.**

1468 **Boundaries of the district.**

1469 (a) The boundaries of the district or districts shall be as designated as such by the City of
 1470 Mableton as set forth in the resolution required in Section 8.12 of this article, or as may
 1471 thereafter be added as hereinafter provided.

1472 (b) The boundaries of the district or districts may be increased after the initial creation of a
 1473 district if:

- 1474 (1) Written consent of the owners of any real property sought to be annexed is first
 1475 obtained;
- 1476 (2) The board of the district adopts a resolution consenting to the annexation; and
- 1477 (3) A resolution is adopted which grants consent to the annexation by the governing
 1478 authority of such municipalities as may have area within the district before or after the
 1479 annexation.

1480 **SECTION 8.16.**

1481 Debt.

1482 Except as otherwise provided in this section, the district may incur debt without regard to the
 1483 requirements of Article IX, Section V of the Constitution of the State of Georgia, which debt
 1484 shall be backed by the full faith and credit and taxing power of the district but shall not be
 1485 an obligation of the State of Georgia or any other unit of government of the State of Georgia
 1486 other than the district; provided, however, that the board and the district may not issue bonds
 1487 validated under or in accordance with Article 3 of Chapter 82 of Title 36 of the O.C.G.A.,
 1488 known as the "Revenue Bond Law," or in accordance with such other successor provisions
 1489 governing bond validation generally or as may be provided by law.

1490 **SECTION 8.17.**

1491 Cooperation with local governments.

1492 The services and facilities provided pursuant hereto may be provided for in a cooperation
 1493 agreement executed jointly by the board, the governing body of the City of Mableton, and
 1494 any municipalities and other governmental authorities or agencies within which the district
 1495 is partially located. The provisions of this section shall in no way limit the authority of the
 1496 City of Mableton or any such municipality or any such authority to provide services or
 1497 facilities within the district; and the City of Mableton or such municipalities shall retain full
 1498 and complete authority and control over any of its facilities located within its respective areas
 1499 of any district. Said control shall include, but not be limited to, the modification of, access
 1500 to, and degree and type of services provided through or by facilities of the municipality or
 1501 county. Nothing contained in this section shall be construed to limit or preempt the
 1502 application of any governmental laws, ordinances, resolutions, or regulations to the district
 1503 or the services or facilities provided therein.

1504 **SECTION 8.18.**

1505 Powers.

1506 (a) The district and the board created pursuant hereto shall have all of the powers necessary
 1507 or convenient to carry out and effectuate the purposes and provisions hereof, including,
 1508 without limiting the generality of the foregoing, the power to:

1509 (1) Bring and defend actions;

1510 (2) Adopt and amend a corporate seal;

1511 (3) Make and execute contracts, agreements, and other instruments necessary or
 1512 convenient to exercise the powers of the board or to further the public purposes for which
 1513 the district is created including, but not limited to, contracts for construction of projects,
 1514 leases of projects, contracts for sale of projects, agreements for loans to finance projects,
 1515 contracts with respect to the use of projects, and agreements with other jurisdictions or
 1516 community improvement districts regarding multijurisdictional projects or services or for
 1517 other cooperative endeavors to further the public purposes of the district;

1518 (4) Acquire by purchase, lease, or otherwise and to hold, lease, and dispose of real and
 1519 personal property of every kind and character, or any interest therein, in furtherance of
 1520 the public purposes of the district;

1521 (5) Finance by loan, private grant, lease, or otherwise, construct, erect, assemble,
 1522 purchase, acquire, own, repair, remodel, renovate, rehabilitate, modify, maintain, extend,
 1523 improve, install, sell, equip, expand, add to, operate, or manage projects and to pay the
 1524 cost of any project from the proceeds of the district or any other funds of the district, or
 1525 from any contributions or loans by persons, corporations, partnerships, whether limited
 1526 or general, or other entities, all of which the board is authorized to receive, accept, and
 1527 use;

1528 (6) Borrow money to further or carry out its public purposes and to execute bonds, notes,
 1529 other obligations, leases, trust indentures, trust agreements, agreements for the sale of its
 1530 notes, or other obligations, loan agreements, security agreements, assignments, and such
 1531 other agreements or instruments as may be necessary or desirable, in the judgment of the
 1532 board, to evidence and to provide security for such borrowing;

1533 (7) Issue notes or other obligations of the district and use the proceeds thereof for the
 1534 purpose of paying all or any part of the cost of any project and otherwise to further or
 1535 carry out the public purposes of the district and to pay all reasonably incurred costs of the
 1536 board incidental to, or necessary and appropriate to, furthering or carrying out such
 1537 purposes; provided, however, that the board and the district may not issue bonds
 1538 validated under or in accordance with Article 3 of Chapter 82 of Title 36 of the O.C.G.A.,

- 1539 known as the "Revenue Bond Law," or in accordance with such other successor
1540 provisions governing bond validation generally or as may be provided by law;
- 1541 (8) Make application directly or indirectly to any private source for loans, grants,
1542 guarantees, or other financial assistance in furtherance of the district's public purposes
1543 and to accept and use the same upon such terms and conditions as are prescribed by such
1544 private source; provided, however, that the district and the board shall not have the power
1545 to apply for, receive, administer, or utilize grants from federal, state, county, or municipal
1546 governments or agencies or any other public sources;
- 1547 (9) Enter into agreements with the federal government or any agency thereof to use the
1548 facilities or services of the federal government or any agency thereof in order to further
1549 or carry out the public purposes of the district;
- 1550 (10) Contract for any period, not exceeding 50 years, with the State of Georgia, state
1551 institutions, or any municipal corporation, county, or political subdivision of this state for
1552 the use by the district of any facilities or services of the state or any such state institution,
1553 municipal corporation, county, or political subdivision of this state, or for the use by any
1554 state institution or any municipal corporation, county, or political subdivision of this state
1555 of any facilities or services of the district, provided that such contracts shall deal with
1556 such activities and transactions as the district and any such political subdivision with
1557 which the district contracts are authorized by law to undertake;
- 1558 (11) Grant, mortgage, convey, assign, or pledge its property, revenues or taxes, or fees
1559 or assessments to be received as security for its notes, or other indebtedness and
1560 obligations;
- 1561 (12) Receive and use the proceeds of any tax levied by any county or any municipal
1562 corporation to pay the costs of any project or for any other purpose for which the board
1563 may use its own funds pursuant hereto;
- 1564 (13) Receive and administer gifts, private grants, and devises of money and property of
1565 any kind and to administer trusts;
- 1566 (14) Use any real property, personal property, or fixtures or any interest therein or to rent
1567 or lease such property to or from others or make contracts with respect to the use thereof
1568 or to sell, lease, exchange, transfer, assign, pledge, or otherwise dispose of or grant
1569 options for any such property in any manner as it deems to be the best advantage of the
1570 district and the public purposes thereof;
- 1571 (15) Appoint, select, and employ engineers, surveyors, architects, urban or city planners,
1572 fiscal agents, attorneys, and others and to fix their compensation and pay their expenses;
- 1573 (16) Encourage and promote the improvement and development of the district and to
1574 make, contract for, or otherwise cause to be made long range plans or proposals for the

1575 district in cooperation with the City of Mableton and any municipal corporations in which
 1576 the district is wholly or partially located;

1577 (17) Invest its funds, whether derived from the issuance of its bonds or otherwise, in such
 1578 manner as it may deem prudent and appropriate, without further restriction;

1579 (18) Adopt bylaws governing the conduct of business by the board, the election and
 1580 duties of officers of the board, and other matters which the board determines to deal
 1581 within its bylaws;

1582 (19) Exercise any power granted by the laws of this state to public or private
 1583 corporations which is not in conflict with the public purposes of the district; and

1584 (20) Do all things necessary or convenient to carry out the powers conferred hereby.

1585 (b) The powers enumerated in subsection (a) of this section are cumulative of and in addition
 1586 to those powers enumerated herein and elsewhere in this article, and no such power limits
 1587 or restricts any other power of the board except where expressly noted.

1588 **SECTION 8.19.**

1589 Construction; notice, proceeding, publication, referendum.

1590 This article shall be liberally construed to effect the purposes hereof. No notice, proceeding,
 1591 or publication except those required hereby shall be necessary to the performance of any act
 1592 authorized hereby, nor shall any such act be subject to referendum.

1593 **SECTION 8.20.**

1594 Applicability of Chapter 5 of Title 10 of the O.C.G.A.,
 1595 the "Georgia Securities Act of 1973."

1596 The offer, sale, or issuance of notes or other obligations by the district shall not be subject
 1597 to regulation under Chapter 5 of Title 10 of the O.C.G.A., the "Georgia Securities Act of
 1598 1973."

1599 **SECTION 8.21.**

1600 Dissolution.

1601 (a) A district activated under the provisions of this article may be dissolved upon the
 1602 occurrence of any of the following:

1603 (1) The adoption of a resolution approving of the dissolution of the community
 1604 improvement district by the City of Mableton and such other municipalities, as
 1605 applicable, if partially within one or more municipalities; or

1606 (2) The written consent to the dissolution of the community improvement district by:

1607 (A) A majority of the owners of real property within the district subject to taxes, fees,
1608 and assessments levied by the board of the district; or

1609 (B) The owners of real property constituting at least 75 percent by value of all real
1610 property within the district subject to taxes, fees, and assessments levied by the board.

1611 For this purpose, value shall be determined by the most recent approved county ad
1612 valorem tax digest.

1613 The written consent provided for in this paragraph shall be submitted to the Cobb County
1614 tax commissioner, who shall certify whether subparagraphs (A) and (B) of this paragraph
1615 have been satisfied with respect to the proposed district dissolution.

1616 (b) In the event that successful action is taken pursuant to this section to dissolve the district,
1617 the dissolution shall become effective at such time as all debt obligations of the district have
1618 been satisfied. Following a successful dissolution action and until the dissolution becomes
1619 effective, no new projects may be undertaken, obligations or debts incurred, or property
1620 acquired.

1621 (c) Upon a successful dissolution action, all noncash assets of the district other than public
1622 facilities or land or easements to be used for such public facilities, as described in
1623 Section 8.10 of this article, shall be reduced to cash and, along with all other cash on hand,
1624 shall be applied to the repayment of any debt obligation of the district. Any cash remaining
1625 after all outstanding obligations are satisfied shall be refunded to each property owner in
1626 direct proportion to the total amount in taxes, fees, or assessments paid by the property owner
1627 relative to the total revenues paid by all properties in the district.

1628 (d) When a dissolution becomes effective, the municipal governing authority shall take title
1629 to all property previously in the ownership of the district and all taxes, fees, and assessments
1630 of the district shall cease to be levied and collected.

1631 (e) A district may be reactivated in the same manner as an original activation.

1632 APPENDIX A

1633 Corporate Boundaries of the City of Mableton

1634 The City of Mableton shall include all the territory embraced within the following census
1635 blocks based upon the 2010 United States decennial census:

1636 Plan: Mableton-Corp-2019

1637 Plan Type: Local

1638 Administrator: HD039

1639 User: bak

1640 District SOUTHCOBB
 1641 Cobb County
 1642 VTD: 067BR02 - BIRNEY 02
 1643 VTD: 067BT01 - BRYANT 01
 1644 VTD: 067BT02 - BRYANT 02
 1645 VTD: 067CO01 - COOPER 01
 1646 031405:
 1647 5009 5010 5011 5012 5013 5014 5015 5020
 1648 031409:
 1649 1000 1001
 1650 031507:
 1651 2012 2013 2015
 1652 VTD: 067HL01 - HARMONY-LELAND
 1653 VTD: 067LI01 - LINDLEY 01
 1654 VTD: 067MA01 - MABLETON 01
 1655 VTD: 067MA02 - MABLETON 02
 1656 VTD: 067MA03 - MABLETON 03
 1657 VTD: 067MA04 - MABLETON 04
 1658 031206:
 1659 1056 1082
 1660 031307:
 1661 1000 1003 1006 3007 3008 3009 3010 3011 3012 3013 3014 3015
 1662 3016 3017 3018 3019 3020 3021 3022 3023 3024 3025 3026 3027
 1663 3028 3029 3030 3031 3032 3033 3037 3040 3044 3046 3048 3049
 1664 3050 3051 3052 3053 3054 3055 3057 3058
 1665 VTD: 067NP01 - NORTON PARK 01
 1666 031106:
 1667 2027 2028
 1668 031117:
 1669 1025 1026 2025 2026
 1670 VTD: 067NP02 - NORTON PARK 02
 1671 031117:
 1672 3003 3004 3005 3006 3007 3008 3009 3010 3011 3012 3013 3014
 1673 3015 3016
 1674 VTD: 067OR02 - OREGON 02
 1675 031405:

1676 5000 5001 5002 5003 5004 5005 5006 5007 5008
 1677 VTD: 067PE01 - PEBBLEBROOK 01
 1678 VTD: 067PE02 - PEBBLEBROOK 02
 1679 031308:
 1680 2005 2006 2007 2008 2009 2010 2011 2012 2013 2014 2015 2016
 1681 2017 2018 2019 2022
 1682 031309:
 1683 1000 1003 1004 1009 1011 1012 1013 1014 1015 1016 1017 1020
 1684 1021 1022 1024 2000 2001 2002 2003 2004 2005 2014 2015 3000
 1685 3001 3002 3003 3004 3005 3006 3007 3008 3009 3010 3011 3012
 1686 3013 3014 3015
 1687 031408:
 1688 1002 1003 1004 1010 1020 1021 1022 1023 1027 1028 1029 1036
 1689 1043 1065 1066 1069
 1690 VTD: 067RS01 - RIVERSIDE 01
 1691 VTD: 067SW02 - SWEETWATER 02
 1692 VTD: 067SW04 - SWEETWATER 04

1693 For the purposes of this description, the term "VTD" shall mean and describe the same
 1694 geographical boundaries as provided in the report of the Bureau of the Census for the United
 1695 States decennial census of 2010 for the State of Georgia. The separate numeric designations
 1696 in the description which are underneath a VTD heading shall mean and describe individual
 1697 blocks within a VTD as provided in the report of the Bureau of the Census for the United
 1698 States decennial census of 2010 for the State of Georgia.

1699 APPENDIX B
 1700 City Council Districts

1701 Plan: Mableton-Dist-2019
 1702 Plan Type: Local
 1703 Administrator: HD039
 1704 User: bak
 1705
 1706 District 001
 1707 Cobb County
 1708 VTD: 067BT01 - BRYANT 01
 1709 VTD: 067BT02 - BRYANT 02

1710 031310:
 1711 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011 1012
 1712 1013 1014 1015 1016 1017 2000 2001 2002 2003 2004 2005 2006
 1713 2007 2008 2009 2010 2011 2012 2013 2014 2015 2016 2017 2018
 1714 2019 2020 2021 2022 2023 2024 2025 2026 2027 2028 2029 2030
 1715 2031 2032 2033 3006 3007 3008 3011 3012
 1716 031311:
 1717 1015 1016
 1718 VTD: 067PE01 - PEBBLEBROOK 01
 1719 031308:
 1720 1014 1015 1016 1017 1018 1019 1020 3013 3014 3015 3016 3017
 1721 3018 3019 3020 3021 3022
 1722 031309:
 1723 3016 3017 3018 3019 4000 4007 4008 4009 4012
 1724 VTD: 067PE02 - PEBBLEBROOK 02
 1725 031309:
 1726 3003 3004 3005 3011 3012 3013 3014 3015

 1727 District 002
 1728 Cobb County
 1729 VTD: 067BT02 - BRYANT 02
 1730 031310:
 1731 3000 3001 3002 3003 3004 3005 3013 3014
 1732 031311:
 1733 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011
 1734 1012 1013 1014 2006 2007 2008 2009 2010 2027 2028 2029
 1735 VTD: 067HL01 - HARMONY-LELAND
 1736 031312:
 1737 1024 1025 1032 1033 3031 3032 3033 3034 3035 3036 3037 3038
 1738 3039 3043 3044 4020 4021 4022 4023 4024 4025 4026 4028 4034
 1739 4035 4036 4037 4038 4043 4044 4046 4047 4048
 1740 VTD: 067RS01 - RIVERSIDE 01

 1741 District 003
 1742 Cobb County

1743 VTD: 067HL01 - HARMONY-LELAND
 1744 031312:
 1745 1000 1013 1014 1015 1016 1020 1021 1022 1023 1026 1027 1028
 1746 1029 1030 1031 2000 2001 2002 2003 2004 2005 2006 2007 2008
 1747 2009 2010 2011 2012 2013 2014 2015 2016 3000 3001 3002 3003
 1748 3004 3005 3006 3007 3008 3009 3010 3011 3012 3013 3014 3015
 1749 3016 3017 3018 3019 3020 3021 3022 3023 3024 3025 3026 3027
 1750 3028 3029 3030 3040 3041 3042
 1751 VTD: 067MA01 - MABLETON 01
 1752 031309:
 1753 1008
 1754 031408:
 1755 1001
 1756 VTD: 067MA02 - MABLETON 02
 1757 031306:
 1758 1030 1031 2031 2033 2042
 1759 031308:
 1760 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 2000 2001
 1761 2002 2003 2004 2020 2021
 1762 031312:
 1763 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011 1012
 1764 1017 1018 1019
 1765 VTD: 067PE01 - PEBBLEBROOK 01
 1766 031308:
 1767 1010 1011 1012 1013 3000 3001 3002 3003 3004 3005 3006 3007
 1768 3008 3009 3010 3011 3012
 1769 031309:
 1770 2006 2007 2008 2009 2010 2011 2012 2013 2016 2017 2018
 1771 VTD: 067PE02 - PEBBLEBROOK 02
 1772 031308:
 1773 2005 2006 2007 2008 2009 2010 2011 2012 2013 2014 2015 2016
 1774 2017 2018 2019 2022
 1775 031309:
 1776 1000 1003 1004 1009 1011 1012 1013 1014 1015 1016 1017 1020
 1777 1021 1022 1024 2000 2001 2002 2003 2004 2005 2014 2015 3000
 1778 3001 3002 3006 3007 3008 3009 3010
 1779 031408:

1780 1002 1003 1004 1010 1020 1021 1022 1023 1027 1028 1029 1036
 1781 1043 1065 1066 1069

 1782 District 004
 1783 Cobb County
 1784 VTD: 067HL01 - HARMONY-LELAND
 1785 031312:
 1786 4000 4001 4002 4003 4004 4005 4006 4007 4008 4009 4010 4011
 1787 4012 4013 4014 4015 4016 4017 4018 4019 4027 4029 4030 4031
 1788 4032 4033 4039 4040 4041 4042 4045
 1789 VTD: 067LI01 - LINDLEY 01
 1790 VTD: 067MA03 - MABLETON 03
 1791 VTD: 067MA04 - MABLETON 04
 1792 031206:
 1793 1056 1082
 1794 031307:
 1795 1000 1003 1006 3007 3008 3009 3010 3011 3012 3013 3014 3015
 1796 3016 3017 3018 3024 3025 3029 3031 3032 3033 3037 3040 3044
 1797 3046 3048 3049 3050 3051 3052 3053 3054 3055 3057 3058

 1798 District 005
 1799 Cobb County
 1800 VTD: 067CO01 - COOPER 01
 1801 031405:
 1802 5009 5010 5011 5012 5013 5014 5015 5020
 1803 031409:
 1804 1000 1001
 1805 031507:
 1806 2012 2013 2015
 1807 VTD: 067MA01 - MABLETON 01
 1808 031306:
 1809 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011
 1810 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023
 1811 1024 1025 1026 1027 2000 2001 2002 2003 2004 2005 2006 2007
 1812 2008 2009 2010 2011 2012 2013 2014 2037

1813 031404:
 1814 3006 3007 3009 3010 3011 3012 3013 3014 3015 3016 3019 3020
 1815 3025 4000 4001 4002 4003 4007 4009 4010 4011 4013 4017 4021
 1816 4024 4025 4027 4031
 1817 031409:
 1818 2077
 1819 VTD: 067MA02 - MABLETON 02
 1820 031306:
 1821 1028 1029 2015 2016 2017 2018 2019 2020 2023 2024 2025 2026
 1822 2028 2030 2032 2034 2035 2036 2039 2040 2041 2044 2046 2049
 1823 2051 2053 2054 2055
 1824 031404:
 1825 3017 3022
 1826 VTD: 067SW04 - SWEETWATER 04

 1827 District 006
 1828 Cobb County
 1829 VTD: 067BR02 - BIRNEY 02
 1830 VTD: 067MA04 - MABLETON 04
 1831 031307:
 1832 3019 3020 3021 3022 3023 3026 3027 3028 3030
 1833 VTD: 067NP01 - NORTON PARK 01
 1834 031106:
 1835 2027 2028
 1836 031117:
 1837 1025 1026 2025 2026
 1838 VTD: 067NP02 - NORTON PARK 02
 1839 031117:
 1840 3003 3004 3005 3006 3007 3008 3009 3010 3011 3012 3013 3014
 1841 3015 3016
 1842 VTD: 067OR02 - OREGON 02
 1843 031405:
 1844 5000 5001 5002 5003 5004 5005 5006 5007 5008
 1845 VTD: 067SW02 - SWEETWATER 02

1846 For the purposes of this plan (Mableton-dist-2019):

1847 (1) The term "VTD" shall mean and describe the same geographical boundaries as
 1848 provided in the report of the Bureau of the Census for the United States decennial census
 1849 of 2010 for the State of Georgia. The separate numeric designations in a district
 1850 description which are underneath a VTD heading shall mean and describe individual
 1851 blocks within a VTD as provided in the report of the Bureau of the Census for the United
 1852 States decennial census of 2010 for the State of Georgia;

1853 (2) Except as otherwise provided in the description of any district, whenever the
 1854 description of any district refers to a named city, it shall mean the geographical
 1855 boundaries of that city as shown on the census maps for the United States decennial
 1856 census of 2010 for the State of Georgia;

1857 (3) Any part of the City of Mableton which is not included in any district described in
 1858 this plan (Mableton-dist-2019) shall be included within that district contiguous to such
 1859 part which contains the least population according to the United States decennial census
 1860 of 2010 for the State of Georgia; and

1861 (4) Any part of the City of Mableton which is described in this plan
 1862 (Mableton-dist-2019) as being included in a particular district shall nevertheless not be
 1863 included within such district if such part is not contiguous to such district. Such
 1864 noncontiguous part shall instead be included within that district contiguous to such part
 1865 which contains the least population according to the United States decennial census of
 1866 2010 for the State of Georgia.

1867 APPENDIX C

1868 CERTIFICATE AS TO MINIMUM STANDARDS

1869 FOR INCORPORATION OF A NEW MUNICIPAL CORPORATION

1870 I, Representative Erica Thomas, Georgia State Representative from the 39th District and the
 1871 author of this bill introduced at the 2019 session of the General Assembly of Georgia, which
 1872 grants an original municipal charter to the City of Mableton, do hereby certify that this bill
 1873 is in compliance with the minimum standards required by Chapter 31 of Title 36 of the
 1874 O.C.G.A. in that the area embraced within the original incorporation in this bill is in all
 1875 respects in compliance with the minimum standards required by Chapter 31 of Title 36 of the
 1876 O.C.G.A. This certificate is executed to conform to the requirements of Code
 1877 Section 36-31-5 of the O.C.G.A.

1878 So certified, this _____ day of _____, 2019.

1879 _____
1880 Honorable Erica Thomas
1881 Representative, 39th District
1882 Georgia State House of Representatives