

House Bill 577 (AS PASSED HOUSE AND SENATE)

By: Representatives Reeves of the 34th, Teasley of the 37th, Smith of the 41st, Evans of the 42nd, Cooper of the 43rd, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act providing a new charter for the City of Marietta, approved March 23, 1977
2 (Ga. L. 1977, p. 3541), as amended, particularly by an Act approved April 12, 1982 (Ga. L.
3 1982, p. 4561), so as to revise the provisions for the mayor pro tem and presiding officer,
4 organizational meetings, and the board of lights and waterworks; to provide for related
5 matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 An Act providing a new charter for the City of Marietta, approved March 23, 1977 (Ga. L.
9 1977, p. 3541), as amended, particularly by an Act approved April 12, 1982 (Ga. L. 1982,
10 p. 4561), is amended by revising Section 2.7 as follows:

11 "Section 2.7. Mayor pro tem; presiding officer. The mayor pro tem shall be appointed at
12 the January meeting of each year for a term of one year from the councilmembers by the
13 mayor with the consent of a majority of the councilmembers. The mayor pro tem shall be
14 clothed with all rights, powers and duties of the mayor during the absence or disability of
15 the latter officer, except that the mayor pro tem shall not have the authority to veto any
16 item, but shall retain the right to vote as a member of the council while discharging the
17 duties of the mayor. If there shall be a vacancy in the office of the mayor pro tem, the
18 majority of the councilmembers may fill the same at any regular or special meeting of the
19 council. In the event of the death or resignation of the mayor or his or her removal from
20 office, the mayor pro tem shall discharge the duties of the mayor until the vacancy is filled
21 as provided in this charter. If the mayor should not appoint, with the consent of council,
22 a mayor pro tem by January 31 of each year, the council may select the mayor pro tem by
23 majority vote of the councilmembers. The mayor pro tem shall be paid, in addition to his
24 or her standard council salary, a salary of \$125.00 per month. The mayor shall also appoint
25 a presiding officer with the consent of a majority of the councilmembers, and such
26 presiding officer shall serve in the absence of the mayor and the mayor pro tem. The

27 presiding officer shall have the same duties, authority, and term as the mayor pro tem, but
28 shall receive no additional salary for such appointment."

29 **SECTION 2.**

30 Said Act is further amended by revising Section 2.8 as follows:

31 "Section 2.8. Organizational meeting; official oath. The council shall meet for
32 organization in January following their election prior to each year's January board of lights
33 and waterworks meeting at a special council meeting called by the mayor. The meeting
34 shall be for the purposes of, but not limited to, the annual appointments of mayor pro tem,
35 members of the board of lights and waterworks, committees with chairs and vice chairs,
36 city attorney, city clerk, municipal court judges, and prosecuting attorneys. The oath of
37 office as administered to the councilmembers and mayor shall be as follows: 'I do solemnly
38 swear that I will well and truly perform the duties of the city and that I will support and
39 defend the charter thereof as well as the Constitution and laws of the State of Georgia and
40 of the United States of America, as well as any other oath required by O.C.G.A. Section
41 45-3-1, et seq.' A member shall take the oath of office prior to January 1 of the year of
42 election. At the discretion of any individual councilmember, a councilmember may have
43 the words 'So Help Me God' added to that member's individual oath of office."

44 **SECTION 3.**

45 Said Act is further amended by revising Section 5.1 as follows:

46 "Section 5.1. Created; membership; terms, etc. (a)(1) The board of lights and waterworks,
47 hereinafter referred to as 'board,' is declared and created a body corporate with all the
48 powers incident to and necessary to its duties and which has the right to sue and be sued
49 and power to make all contracts and obligations necessary to the duties that devolve upon
50 it.

51 (2) The board shall consist of:

52 (A) The mayor of the city;

53 (B) A member of the city council;

54 (C) Three residents of the city;

55 (D) One nonresident of the city who resides in Cobb County within the board's service
56 district and who has received either electric, power, water, sewer, or
57 telecommunications service from the board for at least one and one-half years; and

58 (E) One member who resides in Cobb County who either:

59 (i) Meets the qualifications set forth in subparagraph (D) of this paragraph; or

60 (ii) Who is a business owner or employee of a business that has been, for at least one
61 and one-half years, the recipient of electric, power, water, sewer, or

62 telecommunications service from the board within the board's service district, but
63 outside of the corporate limits of the city. If a business owner or employee, the
64 business that said person owns or is employed by must continue to be a recipient of
65 services from the board within the board's service district outside of the corporate
66 limits of the city during the term served by such person, or such person shall
67 immediately become ineligible to serve, and such person's seat on the board shall be
68 deemed vacant.

69 (3) The clerk of the city council shall be ex officio clerk of the board, but shall not be a
70 member of the board and shall have such duties as the board may impose upon him or
71 her, and he or she shall be allowed such compensation as the board may fix prior to
72 entering upon his or her duties.

73 (4) The members of the board, except for the mayor, shall be elected by a majority vote
74 of the council and shall each serve for a term of four years, or a shorter term as may be
75 specified by the council at the time of the appointment, and at the end of said time, or
76 sooner if there should be a vacancy in any one of said places, their successors shall be
77 elected by the council for the unexpired term. The members of the board shall be paid
78 such compensation as is set by the council.

79 (b)(1) The councilmember that serves on the board of lights and waterworks shall be
80 appointed and serve as provided in paragraph (2) of this subsection.

81 (2) For the first year of the council term, the councilmember shall be appointed by the
82 mayor, with the consent of a majority of council, each January at either a special called
83 meeting or a regular meeting. If the mayor should not appoint, with the consent of the
84 council, a councilmember by January 31 of any year, the councilmembers may select the
85 council appointment from the council by majority vote at the subsequent February
86 council meeting, regular or special called, or successive meetings until the appointment
87 is made. Said appointment shall run through December 31 of that year. For the second,
88 third, and fourth years of the council term, the councilmember shall be appointed by the
89 mayor for a one-year term running January 1 through December 31, with the consent of
90 a majority of the councilmembers, in the December regular meeting before the
91 appointment is effective in January. If the mayor should not appoint, with the consent
92 of council, a councilmember by December 31, the councilmembers may select the council
93 appointment from the council by majority vote at the subsequent January council
94 meeting, regular or special called, or successive meetings until the appointment is made.

95 (c) The board of lights and waterworks shall have a chairperson, a vice chairperson, a
96 general manager, and a clerk. The chairperson shall preside at all meetings of the board,
97 shall set the agenda, and, together with the clerk, shall execute all documents in the name
98 of such board. The chairperson shall have the right to participate in meetings and vote.

99 The vice chairperson shall preside in the absence of the chairperson and otherwise perform
100 the duties of the chairperson in the chairperson's absence or inability to perform such
101 duties. The vice chairperson shall be elected annually by the board members from their
102 number at the first meeting of the calendar year. The mayor of the City of Marietta shall
103 serve ex officio as chairperson of the board with the right to participate in meetings and
104 vote, and the clerk of the City of Marietta shall serve ex officio as clerk and secretary of
105 the board without the right to participate in meetings and vote as determined by a majority
106 of the board. The general manager shall be hired by the city manager of the City of
107 Marietta and may be terminated by the city manager, either of which actions is subject to
108 the approval of the board. The general manager shall report to and coordinate with the city
109 manager concerning all shared departments and functions. The general manager may
110 attend and participate in meetings of the board, but shall have no vote."

111 **SECTION 4.**

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