

House Bill 826

By: Representatives Ehrhart of the 36th, Reeves of the 34th, and Setzler of the 35th

A BILL TO BE ENTITLED

AN ACT

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

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

26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

27 ARTICLE I.
28 INCORPORATION AND POWERS

29 SECTION 1.10.

30 Name.

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

35 SECTION 1.11.

36 Corporate boundaries.

37 (a) The boundaries of this city shall be those set forth and described in Appendix A of this
38 charter, and said Appendix A is incorporated into and made a part of this charter. The
39 boundaries of this city at all times shall be shown on a map, a written description, or any

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

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

48 SECTION 1.12.

49 Powers and construction.

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

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

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

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

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

91 or to provide for commitment of such persons to any county work camp or county jail by
92 agreement with the appropriate county officials;

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

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

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

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

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

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

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

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

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

118 facilities, public buildings, and charitable, cultural, educational, recreational,
119 conservation, and sport institutions, agencies, and facilities; and to regulate the use of
120 public improvements;

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

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

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

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

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

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

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

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

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

155 (b) Except as provided in subsection (c) of this section, the city shall exercise the powers
156 enumerated in subsection (a) of this section only for the purposes of planning and zoning,
157 code adoption and enforcement, and solid waste management services and those items
158 directly related to the provision of such services and for the general administration of the
159 city in providing such services.

160 (c) In the event that the city desires to provide services in addition to those services
161 enumerated in subsection (b) of this section, the city council shall pass a resolution
162 specifically stating the services sought to be offered by the city and shall submit the
163 approval of such resolution for ratification by the electors of the city in a referendum. If
164 the electors of the city vote in favor of ratifying such resolution, then the city shall be
165 authorized to exercise the powers enumerated in subsection (a) of this section for the
166 purpose of providing such services stated in such resolution and those items directly related
167 to the provision of such services and for the general administration of the city in providing
168 such services. If the electors of the city disapprove such resolution, it shall immediately
169 be null and void and of no force and effect.

170 SECTION 1.13.

171 Exercise of powers.

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

176 ARTICLE II.

177 GOVERNMENT STRUCTURE

178 SECTION 2.10.

179 City council creation; number; election.

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

183 SECTION 2.11.

184 City councilmembers;

185 terms and qualifications for office.

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

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

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

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

205 (d) Reserved.

206 SECTION 2.12.

207 Vacancy; filling of vacancies; suspensions.

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

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

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

221 SECTION 2.13.

222 Compensation and expenses.

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

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

229 SECTION 2.14.

230 Conflicts of interest; holding other offices.

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

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

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

- 239 (2) Engage in or accept private employment or render services for private interests when
240 such employment or service is incompatible with the proper discharge of that person's
241 official duties or would tend to impair the independence of that person's judgment or
242 action in the performance of that person's official duties;
- 243 (3) Disclose confidential information, including information obtained at meetings which
244 are closed pursuant to Chapter 14 of Title 50 of the O.C.G.A., concerning the property,
245 government, or affairs of the governmental body by which that person is engaged without
246 proper legal authorization or use such information to advance the financial or other
247 private interest of that person or others;
- 248 (4) Accept any valuable gift, whether in the form of service, loan, thing, or promise,
249 from any person, firm, or corporation which to that person's knowledge is interested,
250 directly or indirectly, in any manner whatsoever, in business dealings with the
251 governmental body by which that person is engaged; provided, however, that an elected
252 official who is a candidate for public office may accept campaign contributions and
253 services in connection with any such campaign;
- 254 (5) Represent other private interests in any action or proceeding against this city or any
255 portion of its government; or
- 256 (6) Vote or otherwise participate in the negotiation or in the making of any contract with
257 any business or entity in which that person has a financial interest.
- 258 (c) Disclosure. Any elected official, appointed officer, or employee who shall have any
259 financial interest, directly or indirectly, in any contract or matter pending before or within
260 any department of the city shall disclose such interest to the city council. The mayor or any
261 councilmember who has a financial interest in any matter pending before the city council
262 shall disclose such interest and such disclosure shall be entered on the records of the city
263 council, and that person shall disqualify himself or herself from participating in any
264 decision or vote relating thereto. Any elected official, appointed officer, or employee of
265 any agency or political entity to which this charter applies who shall have any financial

266 interest, directly or indirectly, in any contract or matter pending before or within such
267 entity shall disclose such interest to the governing body of such agency or entity.

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

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

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

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

288 (h) Penalties for violation.

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

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

296 SECTION 2.15.

297 Inquiries and investigations.

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

304 SECTION 2.16.

305 General power and authority of the city council.

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

308 SECTION 2.17.

309 Organizational meetings.

310 Unless otherwise provided by ordinance, the city council shall hold an organizational
311 meeting on the first Tuesday in January of each even-numbered year. The meeting shall be

312 called to order by the city clerk and the oath of office shall be administered to the newly
313 elected members as follows:

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

317 SECTION 2.18.

318 Meetings.

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

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

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

334 SECTION 2.19.

335 Rules of procedure.

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

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

342 SECTION 2.20.

343 Quorum; voting.

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

351 SECTION 2.21.

352 Ordinance form; procedures.

353 (a) Every proposed ordinance should be introduced in writing and in the form required for
354 final adoption. No ordinance shall contain a subject which is not expressed in its title. The

355 enacting clause shall be "It is hereby ordained by the governing authority of the City of
356 Lost Mountain..." and every ordinance shall so begin.

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

365 SECTION 2.22.

366 Action requiring an ordinance.

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

369 (b) In addition to any other notice or hearing provision of state law, prior to the adoption
370 of any ordinance or resolution changing any rate of taxation, amending the city's land use
371 plan, or approving the issuance of a general obligation or revenue bond the city shall:

372 (1) Publish notice of such proposed action for two consecutive weeks in the legal organ
373 of the county;

374 (2) Publish notice of such proposed action of any and all websites and social media
375 accounts maintained by the city; and

376 (3) Conduct two public hearings on the proposed actions.

377 SECTION 2.23.
378 Emergencies.

379 (a) To meet a public emergency affecting life, health, property, or public peace, the city
380 council may convene on call of the mayor or three councilmembers and may promptly
381 adopt an emergency ordinance, but such ordinance may not levy taxes; grant, renew, or
382 extend a franchise; regulate the rate charged by any public utility for its services; or
383 authorize the borrowing of money except for loans to be repaid within 30 days. An
384 emergency ordinance shall be introduced in the form prescribed for ordinances generally,
385 except that it shall be plainly designated as an emergency ordinance and shall contain, after
386 the enacting clause, a declaration stating that an emergency exists and describing the
387 emergency in clear and specific terms. An emergency ordinance may be adopted, with or
388 without amendment, or rejected at the meeting at which it is introduced, but the affirmative
389 vote of at least three councilmembers shall be required for adoption. It shall become
390 effective upon adoption or at such later time as it may specify. Every emergency ordinance
391 shall automatically stand repealed 30 days following the date upon which it was adopted,
392 but this shall not prevent reenactment of the ordinance in the manner specified in this
393 section if the emergency still exists. An emergency ordinance may also be repealed by
394 adoption of a repealing ordinance in the same manner specified in this section for adoption
395 of emergency ordinances.

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

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SECTION 2.24.

Codes of technical regulations.

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

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SECTION 2.25.

Signing; authenticating;
recording; codification; printing.

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- (a) The clerk shall authenticate by the clerk's signature and record in full in a properly indexed book kept for that purpose all ordinances adopted by the city council.
- (b) The city council shall provide for the preparation of a general codification of all the ordinances of the city having the force and effect of law. The general codification shall be adopted by the city council by ordinance and shall be published promptly, together with all amendments thereto and such codes of technical regulations and other rules and regulations as the city council may specify. This compilation shall be known and cited officially as "The Code of the City of Lost Mountain, Georgia." Copies of the code shall

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

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

434 SECTION 2.26.

435 Election of mayor; forfeiture; compensation.

436 By a majority vote, the councilmembers shall elect a councilmember to serve as mayor. The
437 mayor shall serve a two-year term of office. The mayor shall forfeit the office of mayor on
438 the same grounds and under the same procedure as for councilmembers. The compensation
439 of the mayor shall be established in the same manner as for councilmembers.

440 SECTION 2.27.

441 Mayor pro tempore.

442 By a majority vote, the councilmembers shall elect a councilmember to serve as mayor pro
443 tempore. The mayor pro tempore shall serve a two-year term of office. The mayor pro
444 tempore shall assume the duties and powers of the mayor during the mayor's physical or
445 mental disability or absence. Any such disability or absence shall be declared by a majority

446 vote of the councilmembers. The mayor pro tempore shall sign all contracts and ordinances
447 in which the mayor has a disqualifying financial interest as provided in Section 2.14 of this
448 charter.

449 SECTION 2.28.

450 Powers and duties of mayor.

451 The mayor shall:

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

463 SECTION 2.29.

464 Mayor and mayor pro tempore term limits.

- 465 (a) The mayor shall be limited to two consecutive terms of office as mayor. After being
466 out of the office of mayor for at least four years, a councilmember shall again be eligible
467 to serve as mayor.

468 (b) The mayor pro tempore shall be limited to two consecutive terms of office as mayor
469 pro tempore. After being out of the office of mayor pro tempore for at least four years, a
470 councilmember shall again be eligible to serve as mayor pro tempore.

471 (c) After a councilmember has served two consecutive terms as mayor, such
472 councilmember shall be ineligible to serve as mayor pro tempore until being out of office
473 as either mayor or mayor pro tempore for at least two years.

474 SECTION 2.30.

475 City manager; appointment; qualifications; compensation.

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

479 SECTION 2.31.

480 Removal of city manager.

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

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

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

491 (3) If the manager has not requested a public hearing within the time specified in
492 paragraph (2) of this subsection, the city council may adopt a final resolution for removal,
493 which may be made effective immediately, by an affirmative vote of a majority of all its
494 members. If the manager has requested a public hearing, the city council may adopt a
495 final resolution for removal, which may be made effective immediately, by an affirmative
496 vote of a majority of all its members at any time after the public hearing.

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

499 SECTION 2.32.

500 Acting city manager.

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

507 SECTION 2.33.

508 Powers and duties of the city manager.

509 The city manager shall be the chief administrative officer of the city. The city manager shall
510 be responsible to the city council for the administration of all city affairs placed in the city
511 manager's charge by or under this charter. As the chief administrative officer, the city
512 manager shall:

- 513 (1) Appoint and, when the city manager deems it necessary for the good of the city,
514 suspend or remove all city employees and administrative officers the city manager
515 appoints, except as otherwise provided by law or personnel ordinances adopted pursuant
516 to this charter. The city manager may authorize any department director or administrative
517 officer who is subject to the city manager's direction and supervision to exercise these
518 powers with respect to subordinates in that officer's department, office, or agency;
- 519 (2) Direct and supervise the administration of all departments, offices, and agencies of
520 the city, except as otherwise provided by this charter or by law;
- 521 (3) Attend all city council meetings except for closed meetings held for the purposes of
522 deliberating on the appointment, discipline, or removal of the city manager and have the
523 right to take part in discussion but the city manager may not vote;
- 524 (4) See that all laws, provisions of this charter, and acts of the city council, subject to
525 enforcement by the city manager or by officers subject to the city manager's direction and
526 supervision, are faithfully executed;
- 527 (5) Prepare and submit the annual operating budget and capital budget to the city
528 council;
- 529 (6) Submit to the city council and make available to the public a complete report on the
530 finances and administrative activities of the city as of the end of each fiscal year;
- 531 (7) Make such other reports as the city council may require concerning the operations
532 of city departments, offices, and agencies subject to the city manager's direction and
533 supervision;
- 534 (8) Keep the city council fully advised as to the financial condition and future needs of
535 the city, and make such recommendations to the city council concerning the affairs of the
536 city as the city manager deems desirable; and
- 537 (9) Perform other such duties as are specified in this charter or as may be required by the
538 mayor and city council.

539 SECTION 2.34.

540 Council interference with administration.

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

550 ARTICLE III.

551 ADMINISTRATIVE AFFAIRS

552 SECTION 3.10.

553 Administrative and service departments.

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

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

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

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

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

571 SECTION 3.11.

572 Boards, commissions, and authorities.

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

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

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

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

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

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

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

594 (h) Except as otherwise provided by this charter or by law, each board, commission, or
595 authority of the city shall elect one of its members as chairperson and one member as vice
596 chairperson and may elect as its secretary one of its own members or may appoint as
597 secretary an employee of the city. Each board, commission, or authority of the city
598 government may establish such bylaws, rules, and regulations, not inconsistent with this
599 charter, ordinances of the city, or law, as it deems appropriate and necessary for the
600 fulfillment of its duties or the conduct of its affairs. Copies of such bylaws, rules, and
601 regulations shall be filed with the clerk of the city.

602 SECTION 3.12.

603 City attorney.

604 The mayor and council shall appoint a city attorney, together with such assistant city
605 attorneys as may be authorized, and shall provide for the payment of such attorney or
606 attorneys for services rendered to the city. The city attorney shall be responsible for
607 providing for the representation and defense of the city in all litigation in which the city is
608 a party; may be the prosecuting officer in the municipal court; shall attend the meetings of
609 the city council as directed; shall advise the mayor and council and other officers and

610 employees of the city concerning legal aspects of the city's affairs; and shall perform such
611 other duties as may be required by virtue of such person's position as city attorney.

612 SECTION 3.13.

613 City clerk.

614 The city council shall appoint a city clerk who shall not be a councilmember. The city clerk
615 shall be custodian of the official city seal and city records; maintain city council records
616 required by this charter; and perform such other duties as may be required by the city
617 council.

618 SECTION 3.14.

619 Position classification and pay plans.

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

626 SECTION 3.15.

627 Personnel policies.

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

630 ARTICLE IV.
631 JUDICIAL BRANCH

632 SECTION 4.10.
633 Creation; name.

634 There shall be a court to be known as the Municipal Court of the City of Lost Mountain.

635 SECTION 4.11.
636 Chief judge; associate judge.

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

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

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

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

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

650 SECTION 4.12.

651 Convening.

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

653 SECTION 4.13.

654 Jurisdiction; powers.

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

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

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

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

666 (e) The municipal court shall have authority to establish bail and recognizances to ensure
667 the presence of those charged with violations before such court and shall have discretionary
668 authority to accept cash or personal or real property as surety for the appearance of persons
669 charged with violations. Whenever any person shall give bail for that person's appearance
670 and shall fail to appear at the time fixed for trial, that person's bond shall be forfeited by
671 the judge presiding at such time and an execution issued thereon by serving the defendant
672 and the defendant's sureties with a rule nisi at least two days before a hearing on the rule
673 nisi. In the event that cash or property is accepted in lieu of bond for security for the

674 appearance of a defendant at trial, and if such defendant fails to appear at the time and
675 place fixed for trial, the cash so deposited shall be on order of the judge declared forfeited
676 to the city, or the property so deposited shall have a lien against it for the value forfeited
677 which lien shall be enforceable in the same manner and to the same extent as a lien for city
678 property taxes.

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

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

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

689 SECTION 4.14.

690 Certiorari.

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

695 SECTION 4.15.

696 Rules for court.

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

704 ARTICLE V.

705 ELECTIONS AND REMOVAL

706 SECTION 5.10.

707 Applicability of general law.

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

710 SECTION 5.11.

711 Regular elections; time for holding.

712 Except as otherwise provided in Article VIII of this charter for the initial elections, there
713 shall be a municipal general election biennially in odd-numbered years on the Tuesday next
714 following the first Monday in November. There shall be elected three councilmembers at

715 one election and at every other election thereafter. The remaining councilmember seats shall
716 be filled at the election alternating with the first election so that a continuing body is created.

717 SECTION 5.12.
718 Partisan elections.

719 Political parties may conduct primaries for city offices and all names of candidates for city
720 offices shall be listed with party designations.

721 SECTION 5.13.
722 Election by majority vote.

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

725 SECTION 5.14.
726 Special elections; vacancies.

727 In the event that the office of councilmember shall become vacant as provided in Section
728 2.12 of this charter, the city council or those remaining shall order a special election to fill
729 the balance of the unexpired term of such official; provided, however, that, if such vacancy
730 occurs within 12 months of the expiration of the term of that office, the city council or those
731 members remaining shall appoint a successor for the remainder of the term. In all other
732 respects, the special election shall be held and conducted in accordance with Chapter 2 of
733 Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended.

734 SECTION 5.15.
735 Other provisions.

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

739 SECTION 5.16.
740 Removal of officers.

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

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

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

755 (2) By an order of the Superior Court of Cobb County following a hearing on a
756 complaint seeking such removal brought by any resident of the City of Lost Mountain.

757 ARTICLE VI.
758 FINANCE

759 SECTION 6.10.
760 Property tax.

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

767 SECTION 6.11.
768 Millage rate; due dates; payment methods.

769 The city council by ordinance shall establish a millage rate for the city property tax which
770 shall not exceed 1 mill, a due date, and the time period within which these taxes must be
771 paid. The city council by ordinance may provide for the payment of these taxes by
772 installments or in one lump sum, as well as authorize the voluntary payment of taxes prior
773 to the time when due.

774 SECTION 6.12.
775 Occupation and business taxes.

776 The city council by ordinance shall have the power to levy such occupation or business taxes
777 as are not denied by law. The city council may classify businesses, occupations, or

778 professions for the purpose of such taxation in any way which may be lawful and may
779 compel the payment of such taxes as provided in Section 6.18 of this charter.

780 SECTION 6.13.

781 Licenses; permits; fees.

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

787 SECTION 6.14.

788 Franchises.

789 (a) The city council shall have the power to grant franchises for the use of this city's streets
790 and alleys for the purposes of railroads, street railways, telephone companies, electric
791 companies, electric membership corporations, cable television and other
792 telecommunications companies, gas companies, transportation companies, and other
793 similar organizations. The city council shall determine the duration, terms, whether the
794 same shall be exclusive or nonexclusive, and the consideration for such franchises;
795 provided, however, that no franchise shall be granted for a period in excess of 35 years and
796 no franchise shall be granted unless the city receives just and adequate compensation
797 therefor. The city council shall provide for the registration of all franchises with the city
798 clerk in a registration book kept by the city clerk. The city council may provide by
799 ordinance for the registration within a reasonable time of all franchises previously granted.

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

805 SECTION 6.15.

806 Service charges.

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

811 SECTION 6.16.

812 Special assessments.

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

817 SECTION 6.17.

818 Construction; other taxes.

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

822 SECTION 6.18.

823 Collection of delinquent taxes and fees.

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

831 SECTION 6.19.

832 General obligation bonds.

833 The city council shall have the power to issue bonds for the purpose of raising revenue to
834 carry out any project, program, or venture authorized under this charter or the laws of the
835 state. Such bonding authority shall be exercised in accordance with the laws governing bond
836 issuance by municipalities in effect at the time said issue is undertaken, provided that no
837 general obligation bonds shall be issued by the city unless the issuance of such specific bond

838 series is approved by the voters of the city at a referendum called for approval of such
839 issuance.

840 SECTION 6.20.

841 Revenue bonds.

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

845 SECTION 6.21.

846 Short-term loans.

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

849 SECTION 6.22.

850 Lease-purchase contracts.

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

858 SECTION 6.23.

859 Fiscal year.

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

863 SECTION 6.24.

864 Budget ordinance.

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

870 SECTION 6.25.

871 Operating budget.

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

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

881 SECTION 6.26.

882 Action by city council on budget.

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

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

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

901 SECTION 6.27.

902 Levy of taxes.

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

909 SECTION 6.28.

910 Changes in appropriations.

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

915 SECTION 6.29.

916 Capital improvements.

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

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

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

933 SECTION 6.30.

934 Audits.

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

940 SECTION 6.31.

941 Procurement and property management.

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

943 (1) It is in writing;

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

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

948 SECTION 6.32.

949 Purchasing.

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

952 SECTION 6.33.

953 Sale and lease of property.

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

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

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

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

972 SECTION 6.34.
973 Apportionment of revenue.

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

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

983 ARTICLE VII.
984 GENERAL PROVISIONS

985 SECTION 7.10.
986 Bonds for officials.

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

990 SECTION 7.11.

991 Construction and definitions.

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

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

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

997 ARTICLE VIII.

998 REFERENDUM AND INITIAL ELECTIONS

999 SECTION 8.10.

1000 Referendum and initial election.

1001 (a) The election superintendent of Cobb County shall call a special election for the purpose
1002 of submitting this Act to the qualified voters of the proposed City of Lost Mountain for
1003 approval or rejection. The superintendent shall set the date of such election for the
1004 Tuesday after the first Monday in November, 2022. The superintendent shall issue the call
1005 for such election at least 30 days prior to the date thereof. The superintendent shall cause
1006 the date and purpose of the election to be published once a week for two weeks
1007 immediately preceding the date thereof in the official organ of Cobb County. The ballot
1008 shall have written or printed thereon the words:

1009 "() YES Shall the Act incorporating the City of Lost Mountain in Cobb County
1010 () NO according to the charter contained in the Act be approved?"

1011 All persons desiring to vote for approval of the Act shall vote "Yes," and those persons
1012 desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes

1013 cast on such question are for approval of the Act, it shall become of full force and effect
1014 as provided in Section 8.11 of this charter, otherwise it shall be void and of no force and
1015 effect.

1016 The initial expense of such election shall be borne by Cobb County. Within two years after
1017 the elections if the incorporation is approved, the City of Lost Mountain shall reimburse
1018 Cobb County for the actual cost of printing and personnel services for such election and for
1019 the initial election of the councilmembers pursuant to this charter. It shall be the duty of the
1020 superintendent to hold and conduct such election. It shall be his or her further duty to certify
1021 the result thereof to the Secretary of State.

1022 (b) For the purposes of the referendum election provided for in subsection (a) of this
1023 section and for the purposes of the special primary of the City of Lost Mountain to be held
1024 on the date of the third Tuesday of March, 2023, and the special election of the City of Lost
1025 Mountain to be held on the third Tuesday of June, 2023, the qualified electors of the City
1026 of Lost Mountain shall be those qualified electors of Cobb County residing within the
1027 corporate limits of the City of Lost Mountain as described by Appendix A of this charter.
1028 At subsequent municipal elections, the qualified electors of the City of Lost Mountain shall
1029 be determined pursuant to the authority of Chapter 2 of Title 21 of the O.C.G.A. known as
1030 the "Georgia Election Code."

1031 (c) Only for the purposes of holding and conducting the referendum election provided for
1032 in subsection (a) of this section and holding the special primary of the City of Lost
1033 Mountain to be held on the date of the third Tuesday of March, 2023, and the special
1034 election of the City of Lost Mountain to be held on the third Tuesday of June, 2023, the
1035 election superintendent of Cobb County is vested with the powers and duties of the election
1036 superintendent of the City of Lost Mountain and the powers and duties of the governing
1037 authority of the City of Lost Mountain.

SECTION 8.11.

1038
1039

Effective dates and transition.

1040 (a) The provisions of this Act necessary for the referendum election provided for in
1041 Section 8.10 of this charter shall become effective immediately upon this Act's approval
1042 by the Governor or upon its becoming law without such approval.

1043 (b) Those provisions of this Act necessary for the special primary and special election
1044 provided for in Section 8.13 of this charter shall be effective upon the certification of the
1045 results of the referendum election provided for by Section 8.10 of this charter if this Act
1046 is approved at such referendum election.

1047 (c) Except as provided in Section 8.10 of this charter, the remaining provisions of this Act
1048 shall become of full force and effect for all purposes at 12:00 Midnight on June 30, 2023,
1049 except that the initial councilmembers shall take office immediately following their
1050 election and by action of a quorum may prior to 12:00 Midnight on June 30, 2023, meet
1051 and take actions binding on the city.

1052 (d) A period of time will be needed for an orderly transition of various government
1053 functions from Cobb County to the City of Lost Mountain. Accordingly there shall be a
1054 transition period beginning on the date the initial mayor and councilmembers take office
1055 under this charter, and ending at 12:00 Midnight on December 31, 2025. During such
1056 transition period, all provisions of this charter shall be effective as law, but not all
1057 provisions of this charter shall be implemented.

1058 (e) During such transition period, Cobb County shall continue to provide within the
1059 territorial limits of the city all government services and functions which Cobb County
1060 provided in that area during the years 2021 and 2022 and at the same actual cost, except
1061 to the extent otherwise provided in this section; provided, however, that upon at least 60
1062 days' prior written notice to Cobb County by the City of Lost Mountain, responsibility for
1063 any such service or function shall be transferred to the City of Lost Mountain. During the

1064 transition period, the city shall remain within the Cobb County special services district, but
1065 shall be removed from such district at the conclusion of such period. Beginning December
1066 1, 2023, the City of Lost Mountain shall collect taxes, fees, assessments, fines and
1067 forfeitures, and other moneys within the territorial limits of the city in the same manner as
1068 authorized immediately prior to the effective date of this section; provided, however, that
1069 upon at least 60 days' prior written notice to Cobb County by the City of Lost Mountain,
1070 the authority to collect any tax, fee, assessment, fine or forfeiture, or other moneys shall
1071 remain with Cobb County after December 1, 2023, until such time as Cobb County
1072 receives subsequent notice from the City of Lost Mountain that such authority shall be
1073 transferred to the City of Lost Mountain.

1074 (f) During the transition period, the governing authority of the City of Lost Mountain:

1075 (1) Shall hold regular meetings and may hold special meetings as provided in this
1076 charter;

1077 (2) May enact ordinances and resolutions as provided in this charter;

1078 (3) May amend this charter by home rule action as provided by general law;

1079 (4) May accept gifts and grants;

1080 (5) May borrow money and incur indebtedness to the extent authorized by this charter
1081 and general law;

1082 (6) May levy and collect an ad valorem tax for calendar years 2023 and 2024;

1083 (7) May establish a fiscal year and budget;

1084 (8) May create, alter, or abolish departments, boards, offices, commissions, and agencies
1085 of the city; appoint and remove officers and employees; and exercise all necessary or
1086 appropriate personnel and management functions; and

1087 (9) May generally exercise any power granted by this charter or general law, except to
1088 the extent that a power is specifically and integrally related to the provision of a
1089 governmental service, function, or responsibility not yet provided or carried out by the
1090 city.

1091 (g) Except as otherwise provided in this section, during the transition period, the
1092 Municipal Court of the City of Lost Mountain shall not exercise its jurisdiction. During the
1093 transition period, all ordinances of Cobb County shall remain applicable within the
1094 territorial limits of the city and the appropriate court or courts of Cobb County shall retain
1095 jurisdiction to enforce such ordinances. However, by mutual agreement and concurrent
1096 resolutions and ordinances if needed Cobb County and the City of Lost Mountain may
1097 during the transition period transfer all or part of such regulatory authority and the
1098 appropriate court jurisdiction to the City of Lost Mountain. Any transfer of jurisdiction to
1099 the City of Lost Mountain during or at the end of the transition period shall not in and of
1100 itself abate any judicial proceeding pending in Cobb County or the pending prosecution of
1101 any violation of any ordinance of Cobb County.

1102 (h) During the transition period, the governing authority of the City of Lost Mountain may
1103 at any time, without the necessity of any agreement by Cobb County, commence to
1104 exercise its planning and zoning powers; provided, however, that the city shall give the
1105 county notice of the date on which the city will assume the exercise of such powers. Upon
1106 the governing authority of the City of Lost Mountain commencing to exercise its planning
1107 and zoning powers, the Municipal Court of the City of Lost Mountain shall immediately
1108 have jurisdiction to enforce the planning and zoning ordinances of the city. The provisions
1109 of this subsection shall control over any conflicting provisions of any other subsection of
1110 this section.

1111 (i) Effective upon the termination of the transition period, subsections (b) through (h) of
1112 this section shall cease to apply except for the last sentence of subsection (g) which shall
1113 remain effective. Effective upon the termination of the transition period, the City of Lost
1114 Mountain shall be a full functioning municipal corporation and subject to all general laws
1115 of this state.

1116 SECTION 8.12.

1117 Directory nature of dates.

1118 It is the intention of the General Assembly that this Act be construed as directory rather than
1119 mandatory with respect to any date prescribed in this Act. If it is necessary to delay any
1120 action called for in this Act for providential cause or any other reason, it is the intention of
1121 the General Assembly that the action be delayed rather than abandoned. Any delay in
1122 performing any action under this Act, whether for cause or otherwise, shall not operate to
1123 frustrate the overall intent of this Act. Without limiting the generality of the foregoing it is
1124 specifically provided that:

1125 (1) If it is not possible to hold the referendum election provided for in Section 8.10 of
1126 this charter on the date specified in that section, then such referendum shall be held as
1127 soon thereafter as is reasonably practicable; and

1128 (2) If it is not possible to hold the first election provided for in Section 8.13 of this
1129 charter on the date specified in that section, then there shall be a special primary and a
1130 special election for the initial members of the governing authority to be held as soon
1131 thereafter as is reasonably practicable, and the commencement of the initial terms of
1132 office shall be delayed accordingly.

1133 SECTION 8.13.

1134 Special primary and election.

1135 (a)(1) The first primary election for councilmembers shall be a special primary held on
1136 the third Tuesday of March, 2023. At such special primary, a political party, as that term
1137 is defined in paragraph (25) of Code Section 21-2-2 of the O.C.G.A. shall select
1138 candidates for the first election for councilmembers.

1139 (2) The first election for councilmembers shall be a special election held on the third
1140 Tuesday of June, 2023. At such election, the first councilmembers shall be elected to
1141 serve for the initial terms of office specified in subsections (b) and (c) of this section.
1142 Thereafter, the time for holding a regular municipal primary shall be on the third Tuesday
1143 in June of each odd-numbered year and municipal elections shall be on the Tuesday next
1144 following the first Monday in November of each odd-numbered year beginning in 2025.
1145 The successors to the first mayor and initial councilmembers and future successors shall
1146 take office at the first organizational meeting in January immediately following their
1147 election and shall serve for terms of four years and until their respective successors are
1148 elected and qualified.

1149 (b) The initial members elected from Post 2, Post 4, and Post 6 shall serve a term of office
1150 of two years and until their respective successors are elected and qualified. The initial
1151 members elected from Post 1, Post 3, and Post 5 shall serve a term of office of four years
1152 and until their respective successors are elected and qualified. Thereafter, successors to
1153 such initial members shall serve four-year terms of office and until their respective
1154 successors are elected and qualified.

1155 ARTICLE IX.
1156 GENERAL REPEALER

1157 SECTION 9.10.
1158 General repealer.

1159 All laws and parts of laws in conflict with this Act are repealed.

1160

APPENDIX A

1161

LEGAL DESCRIPTION

1162

CITY OF LOST MOUNTAIN, GEORGIA

1163 User: H036

1164 Plan Name: LostMtn-2021

1165 Plan Type: Local

1166 District LOSTMTN

1167 County Cobb GA

1168 VTD: 067CH02 - CHEATHAM HILL 02

1169 Block 030230:

1170 2076 2077 2078 2079

1171 Block 030231:

1172 1000 1001 1002 1003 1004 1005 1008 2000 2001 2002 2003 2004

1173 2006 2007 2008 2009 2010 2011 2012 2013 2014 2015 2016 2017

1174 2019

1175 VTD: 067CH03 - CHEATHAM HILL 03

1176 Block 030209:

1177 1008 1009 1010 1017 1018 3000

1178 VTD: 067DL01 - DOWELL 01

1179 Block 030232:

1180 2000 2001 2009 2010 2011 2012 2013 2014 2015 2016 2017 2021

1181 Block 030233:

1182 2001

1183 VTD: 067DU01 - DURHAM 01

1184 VTD: 067FR01 - FORD 01
1185 VTD: 067FY01 - FREY 01
1186 Block 030101:
1187 4027 4030
1188 Block 030219:
1189 3000 3001 3002 3003 3004 3005 3006 3007 3008
1190 VTD: 067HR01 - HARRISON 01
1191 VTD: 067HY01 - HAYES 01
1192 Block 030218:
1193 1000 1001 1015
1194 VTD: 067KP01 - KEMP 01
1195 VTD: 067KP02 - KEMP 02
1196 VTD: 067KP03 - KEMP 03
1197 VTD: 067LM01 - LOST MOUNTAIN 01
1198 Block 030234:
1199 2008 2009 2010 2011 2012 2013 2014 2015 2016 2017 2018
1200 Block 030235:
1201 2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011
1202 2013 2014 2015 2016 2017 2018 2019 2020
1203 VTD: 067LM02 - LOST MOUNTAIN 02
1204 VTD: 067LM03 - LOST MOUNTAIN 03
1205 VTD: 067LM04 - LOST MOUNTAIN 04
1206 VTD: 067LW01 - LEWIS 01
1207 Block 030101:
1208 4017 4031
1209 VTD: 067ML01 - MCCLURE 01

1210 Block 030214:
 1211 1005 1006
 1212 VTD: 067MS01 - MARS HILL 01
 1213 Block 030101:
 1214 3023 3024 3032
 1215 VTD: 067OR01 - OREGON 01
 1216 VTD: 067OR05 - OREGON 05
 1217 Block 030232:
 1218 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011
 1219 1013 1014 1015 1016 1017 1018 2002 2003 2004 2005 2006 2007
 1220 2018 2019 2020 2023
 1221 VTD: 067PM01 - PINE MOUNTAIN 01
 1222 VTD: 067PM02 - PINE MOUNTAIN 02
 1223 Block 030230:
 1224 2051 2060 2061 2062 2066 2067 2068
 1225 Block 030231:
 1226 4000 4001 4003 4004 4006 4007 4008 4009 4010 4011
 1227 VTD: 067RR01 - RED ROCK 01
 1228 VTD: 067VA01 - VAUGHAN 01

1229 For the purposes of such plan, LostMtn-2021:

1230 (1) The term "VTD" shall mean and describe the same geographical boundaries as
 1231 provided in the report of the Bureau of the Census for the United States decennial census
 1232 of 2010 for the State of Georgia. The separate numeric designations in a district
 1233 description which are underneath a "VTD" heading shall mean and describe individual
 1234 blocks within a VTD as provided in the report of the Bureau of the Census for the United
 1235 States decennial census of 2010 for the State of Georgia; and

1236 (2) Except as otherwise provided in the description of any district, whenever the
1237 description of any district refers to a named city, it shall mean the geographical
1238 boundaries of that city as shown on the census maps for the United States decennial
1239 census of 2010 for the State of Georgia.

1240

APPENDIX B

1241

City Council Districts

1242 *RESERVED*

1243

APPENDIX C

1244

CERTIFICATE AS TO MINIMUM STANDARDS

1245

FOR INCORPORATION OF A NEW MUNICIPAL CORPORATION

1246

I, Representative Ginny Ehrhart, Georgia State Representative from the 36th District and the

1247

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

1248

grants an original municipal charter to the City of Lost Mountain, do hereby certify that this

1249

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

1250

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

1251

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

1252

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

1253

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

1254

So certified this _____ day of _____, 2021.

1255

1256

1257

Honorable Ginny Ehrhart

1258

Representative, 36th District

1259

Georgia State House of Representatives