

House Bill 840

By: Representative Carson of the 46th

A BILL TO BE ENTITLED

AN ACT

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

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19 purchasing; to provide for the conveyance of property and interests therein; to provide for
20 bonds for officials; to provide for prior ordinances and rules, pending matters, and existing
21 personnel; to provide for penalties; to provide for definitions and construction; to provide for
22 other matters relative to the foregoing; to provide for a referendum; to provide effective dates
23 and transitional provisions governing the transfer of various functions and responsibilities
24 from Cobb County to the City of Vinings; to provide for severability; to provide for effective
25 dates; to 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 Vinings. The city and the inhabitants
32 thereof are constituted and declared a body politic and corporate under the name and style
33 "City of Vinings, Georgia," and by that name shall have perpetual succession.

34 SECTION 1.11.

35 Corporate boundaries.

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

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

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

47 SECTION 1.12.

48 Powers and construction.

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

53 (b) The powers of this city shall be construed liberally in favor of the city. The specific
54 mention or failure to mention powers shall not be construed as limiting in any way the
55 powers of this city.

56 (c) Except as provided in subsection (d) of this section, the city shall exercise the powers
57 enumerated in Section 1.13 of this charter only for the purposes of planning and zoning,
58 code adoption and enforcement, and parks and recreation services and those items directly
59 related to the provision of such services and for the general administration of the city in
60 providing such services.

61 (d) In the event that the city desires to provide services in addition to those services
62 enumerated in subsection (c) of this section, the city council shall pass a resolution
63 specifically stating the services sought to be offered by the city and shall submit the
64 approval of such resolution for ratification by the electors of the city in a referendum. If

65 the electors of the city vote in favor of ratifying such resolution, then the city shall be
66 authorized to exercise the powers enumerated in Section 1.13 of this charter for the purpose
67 of providing such services stated in such resolution and those items directly related to the
68 provision of such services and for the general administration of the city in providing such
69 services. If the electors of the city disapprove such resolution, it shall immediately be null
70 and void and of no force and effect.

71 SECTION 1.13.

72 Examples of powers.

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

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

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

85 (4) Business regulation and taxation. To levy and to provide for the collection of
86 regulatory fees and taxes on privileges, occupations, trades, and professions, as
87 authorized by Title 48 of the O.C.G.A., or other such applicable laws as are or may
88 hereafter be enacted; to permit and regulate the same; to provide for the manner and

89 method of payment of such regulatory fees and taxes; and to revoke such permits after
90 due process for failure to pay any city taxes or fees;

91 (5) Condemnation. To condemn property, inside or outside the corporate limits of the
92 city, for present or future use and for any corporate purpose deemed necessary by the
93 governing authority, utilizing procedures enumerated in Title 22 of the O.C.G.A., or such
94 other applicable laws as are or may hereafter be enacted;

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

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

101 (8) Environmental protection. To protect and preserve the natural resources,
102 environment, and vital areas of the state through the preservation and improvement of air
103 quality, the restoration and maintenance of water resources, the control of erosion and
104 sedimentation, the management of solid and hazardous waste, and other necessary actions
105 for the protection of the environment;

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

110 (10) Garbage fees. To levy, fix, assess, and collect a garbage, refuse and trash collection
111 and disposal, and other sanitary service charge, tax, or fee for such services as may be
112 necessary in the operation of the city from all individuals, firms, and corporations
113 residing in the city or doing business therein benefiting from such services; to enforce the
114 payment of such charges, taxes, or fees; and to provide for the manner and method of
115 collecting such service charges;

- 116 (11) General health, safety, and welfare. To define, regulate, and prohibit any act,
117 practice, conduct, or use of property which is detrimental to health, sanitation,
118 cleanliness, welfare, and safety of the inhabitants of the city and to provide for the
119 enforcement of such standards;
- 120 (12) Gifts. To accept or refuse gifts, donations, bequests, or grants from any source for
121 any purpose related to powers and duties of the city and the general welfare of its
122 citizens, on such terms and conditions as the donor or grantor may impose;
- 123 (13) Health and sanitation. To prescribe standards of health and sanitation and to
124 provide for the enforcement of such standards;
- 125 (14) Jail sentences. To provide that persons given jail sentences in the municipal court
126 may work out such sentences in any public works or on the streets, roads, drains, and
127 other public property in the city; to provide for commitment of such persons to any jail;
128 or to provide for commitment of such persons to any county work camp or county jail by
129 agreement with the appropriate county officials;
- 130 (15) Motor vehicles. To regulate the operation of motor vehicles and exercise control
131 over all traffic, including parking upon or across the streets, roads, alleys, and walkways
132 of the city;
- 133 (16) Municipal agencies and delegation of power. To create, alter, or abolish
134 departments, boards, offices, commissions, and agencies of the city and to confer upon
135 such agencies the necessary and appropriate authority for carrying out all the powers
136 conferred upon or delegated to the same;
- 137 (17) Municipal debts. To appropriate and borrow money for the payment of debts of the
138 city and to issue bonds for the purpose of raising revenue to carry out any project,
139 program, or venture authorized by this charter or the laws of the State of Georgia;
- 140 (18) Municipal property ownership. To acquire, dispose of, lease, and hold in trust or
141 otherwise any real, personal, or mixed property, in fee simple or lesser interest, inside or
142 outside the property limits of the city;

- 143 (19) Municipal property protection. To provide for the preservation and protection of
144 property and equipment of the city and the administration and use of same by the public;
145 and to prescribe penalties and punishment for violations thereof;
- 146 (20) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose
147 of public utilities, including but not limited to a system of waterworks, sewers and drains,
148 sewage disposal, storm-water management, gas works, electric light panels, cable
149 television and other telecommunications, transportation facilities, public airports, and any
150 other public utility; and to fix the taxes, charges, rates, fares, fees, assessments,
151 regulations, and penalties and provide for the withdrawal of service for refusal or failure
152 to pay the same;
- 153 (21) Nuisance. To define a nuisance and provide for its abatement, whether on public
154 or private property;
- 155 (22) Penalties. To provide penalties for violation of any ordinances adopted pursuant to
156 the authority of this charter and the laws of the State of Georgia;
- 157 (23) Planning and zoning. To provide comprehensive city planning for development by
158 zoning; and to provide subdivision regulation and the like as the city council deems
159 necessary and reasonable to ensure a safe, healthy, and esthetically pleasing community;
- 160 (24) Police and fire protection. To exercise the power of arrest through duly appointed
161 police officers, and to establish, operate, or contract for police and firefighting agencies;
- 162 (25) Public hazards; removal. To provide for the destruction and removal of any
163 building or other structure which is or may become dangerous or detrimental to the
164 public;
- 165 (26) Public improvements. To provide for the acquisition, construction, building,
166 operation, and maintenance of parks and playgrounds, public grounds, recreational
167 facilities, public buildings, and charitable, cultural, educational, recreational,
168 conservation, and sports institutions, agencies, and facilities; and to regulate the use of
169 public improvements;

170 (27) Public utilities and services. To grant franchises or make contracts for or impose
171 taxes on public utilities and public service companies and to prescribe the rates, fares,
172 regulations, and standards and conditions of services to be provided by the franchise
173 grantee or contractor, insofar as not in conflict with valid regulations of the Georgia
174 Public Service Commission;

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

180 (29) Retirement. To provide and maintain a retirement plan for officers and employees
181 of the city;

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

189 (31) Sewer fees. To levy a fee, charge, or sewer tax as necessary to assure the acquiring,
190 constructing, equipping, operating, maintaining, and extending of a sewage disposal plant
191 and sewerage system, and to levy on those to whom sewers and sewerage systems are
192 made available a sewer service fee, charge, or sewer tax for the availability or use of the
193 sewers; to provide for the manner and method of collecting such service charges and for
194 enforcing payment of the same; and to charge, impose, and collect a sewer connection fee
195 or fees to those connected with the system;

- 196 (32) Solid waste disposal. To provide for the collection and disposal of garbage, rubbish,
197 and refuse, and to regulate the collection and disposal of garbage, rubbish, and refuse by
198 others; and to provide for the separate collection of glass, tin, aluminum, cardboard,
199 paper, and other recyclable materials, and to provide for the sale of such items;
- 200 (33) Special areas of public regulation. To regulate or prohibit junk dealers, pawn shops,
201 the manufacture, sale, or transportation of any intoxicating liquors, alcoholic beverages,
202 and use of firearms; to regulate the transportation, storage, and use of combustible,
203 explosive, and inflammable materials, the use of lighting and heating equipment, and any
204 other business or situation which may be dangerous to persons or property; to regulate
205 and control the conduct of peddlers and itinerant traders, theatrical performances,
206 exhibitions, and shows of any kind, by taxation or otherwise; and to license, tax, regulate,
207 or prohibit professional fortunetelling, palmistry, adult bookstores, and massage parlors;
- 208 (34) Special assessments. To levy and provide for the collection of special assessments
209 to cover the costs for any public improvements;
- 210 (35) Taxes: ad valorem. To levy and provide for the assessment, valuation, revaluation,
211 and collection of taxes on all property subject to taxation subject to a maximum of 1 mill;
- 212 (36) Taxes: other. To levy and collect such other taxes as may be allowed, now or in the
213 future, by law;
- 214 (37) Taxicabs. To regulate and license vehicles operated for hire in the city; to limit the
215 number of such vehicles; to require the operators thereof to be licensed; to require public
216 liability insurance on such vehicles in the amounts to be prescribed by ordinance; and to
217 regulate the parking of such vehicles;
- 218 (38) Urban redevelopment. To organize and operate an urban redevelopment program;
219 and
- 220 (39) Other powers. To exercise and enjoy all other powers, functions, rights, privileges,
221 and immunities necessary or desirable to promote or protect the safety, health, peace,
222 security, good order, comfort, convenience, or general welfare of the city and its

223 inhabitants; to exercise all implied powers necessary or desirable to carry into execution
224 all powers granted in this charter as fully and completely as if such powers were fully
225 stated herein; to exercise all powers now or in the future authorized to be exercised by
226 other municipal governments under other laws of the State of Georgia; and no listing of
227 particular powers in this charter shall be held to be exclusive of others, nor restrictive of
228 general words and phrases granting powers, but shall be held to be in addition to such
229 powers, unless expressly prohibited to municipalities under the Constitution or applicable
230 laws of the State of Georgia.

231 SECTION 1.14.

232 Exercise of powers.

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

237 ARTICLE II.

238 GOVERNMENT STRUCTURE

239 SECTION 2.10.

240 City council creation; number; election.

241 The governing authority of the city, except as otherwise specifically provided in this charter,
242 shall be vested in a city council to be composed of a mayor and four councilmembers. The
243 councilmembers shall be elected in the manner provided by this charter.

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SECTION 2.11.
City councilmembers;
terms and qualifications for office.

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- (a) Except as otherwise provided in Article VIII of this charter for the initial terms of office, the mayor and the members of the city council shall serve for terms of four years and until their respective successors are elected and qualified. The term of office of the mayor and of each member of the city council shall begin on the first day of January immediately following the election of such member unless general law authorizes or requires the term to begin at the first organizational meeting in January or upon some other date. No person shall be eligible to serve as councilmember unless that person shall have been a resident of the city for 12 months prior to the date of the election of members of the city council; each shall continue to reside therein during that person's period of service and to be registered and qualified to vote in municipal elections of this city. No person shall serve more than two consecutive terms as a councilmember.
- (b) For the purposes of electing members of the city council, the city is divided into four districts. One member of the city council shall be elected from each district by the electors of the city voting at large. The four numbered districts as are described in the districting plan attached to and made a part of this Act and further identified as User: *RESERVED*.
- (c) *RESERVED*.

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SECTION 2.12.
Vacancy; filling of vacancies; suspensions.

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- (a) Vacancies. The office of councilmember shall become vacant upon such person's failing or ceasing to reside in the city, death, resignation, forfeiture of office, or upon the

267 occurrence of any event specified by the Constitution, Title 45 of the O.C.G.A., or such
268 other applicable laws as are or may hereafter be enacted.

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

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

279 SECTION 2.13.

280 Compensation and expenses.

281 (a) The mayor shall receive an initial salary of \$9,000 per year. Each councilmember shall
282 receive an initial salary of \$8,000.00 per year. The mayor and councilmembers shall be
283 paid in equal monthly installments from the funds of the municipality.

284 (b) The councilmembers may alter such compensation for their services as provided by
285 law.

286 (c) The mayor and councilmembers shall be reimbursed for actual expenses necessarily
287 incurred in connection with their service.

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SECTION 2.14.

Conflicts of interest; holding other offices.

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

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

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

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

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

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

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

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

317 (c) Disclosure. Any elected official, appointed officer, or employee who shall have any
318 financial interest, directly or indirectly, in any contract or matter pending before or within
319 any department of the city shall disclose such interest to the city council. The mayor or any
320 councilmember who has a financial interest in any matter pending before the city council
321 shall disclose such interest and such disclosure shall be entered on the records of the city
322 council, and that person shall disqualify himself or herself from participating in any
323 decision or vote relating thereto. Any elected official, appointed officer, or employee of
324 any agency or political entity to which this charter applies who shall have any financial
325 interest, directly or indirectly, in any contract or matter pending before or within such
326 entity shall disclose such interest to the governing body of such agency or entity.

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

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

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

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

347 (h) Penalties for violation.

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

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

355 SECTION 2.15.

356 Inquiries and investigations.

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

363 SECTION 2.16.

364 General power and authority of the city council.

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

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

374 SECTION 2.17.

375 Organizational meetings.

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

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

383 SECTION 2.18.

384 Meetings.

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

387 (b) Special meetings of the city council may be held on call of the mayor or three members
388 of the city council. Notice of such special meeting shall be served on all other members
389 personally, or by telephone personally, at least 48 hours in advance of the meeting. Such
390 notice to councilmembers shall not be required if the mayor and all councilmembers are
391 present when the special meeting is called. Such notice of any special meeting may be
392 waived by a councilmember in writing before or after such a meeting and attendance at the
393 meeting shall also constitute a waiver of notice on any business transacted in such
394 councilmember's presence. Only the business stated in the call may be transacted at the
395 special meeting.

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

400 SECTION 2.19.

401 Rules of procedure.

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

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

408 SECTION 2.20.

409 Quorum; voting.

410 Three councilmembers shall constitute a quorum and shall be authorized to transact business
411 of the city council. Voting on the adoption of ordinances shall be by voice vote and the vote
412 shall be recorded in the journal, but any councilmember shall have the right to request a
413 roll-call vote and such vote shall be recorded in the journal. Except as otherwise provided
414 in this charter, the affirmative vote of three councilmembers shall be required for the
415 adoption of any ordinance, resolution, or motion. An abstention shall be counted as an
416 affirmative vote.

417 SECTION 2.21.

418 Ordinance form; procedures.

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

423 (b) An ordinance may be introduced by any councilmember and be read at a regular or
424 special meeting of the city council. Ordinances shall be considered and adopted or rejected
425 by the city council in accordance with the rules which it shall establish; provided, however,
426 that an ordinance shall not be adopted the same day it is introduced, except for emergency
427 ordinances provided for in Section 2.23 of this charter. Upon introduction of any

428 ordinance, the clerk shall as soon as possible distribute a copy to the mayor and to each
429 councilmember and shall file a reasonable number of copies in the office of the clerk and
430 at such other public places as the city council may designate.

431 SECTION 2.22.

432 Action requiring an ordinance.

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

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

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

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

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

443 SECTION 2.23.

444 Emergencies.

445 (a) To meet a public emergency affecting life, health, property, or public peace, the city
446 council may convene on call of the mayor or three councilmembers and may promptly
447 adopt an emergency ordinance, but such ordinance may not levy taxes; grant, renew, or
448 extend a franchise; regulate the rate charged by any public utility for its services; or
449 authorize the borrowing of money except for loans to be repaid within 30 days. An
450 emergency ordinance shall be introduced in the form prescribed for ordinances generally,

451 except that it shall be plainly designated as an emergency ordinance and shall contain, after
452 the enacting clause, a declaration stating that an emergency exists and describing the
453 emergency in clear and specific terms. An emergency ordinance may be adopted, with or
454 without amendment, or rejected at the meeting at which it is introduced, but the affirmative
455 vote of at least three councilmembers shall be required for adoption. It shall become
456 effective upon adoption or at such later time as it may specify. Every emergency ordinance
457 shall automatically stand repealed 30 days following the date upon which it was adopted,
458 but this shall not prevent reenactment of the ordinance in the manner specified in this
459 section if the emergency still exists. An emergency ordinance may also be repealed by
460 adoption of a repealing ordinance in the same manner specified in this section for adoption
461 of emergency ordinances.

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

466 SECTION 2.24.

467 Codes of technical regulations.

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

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

478 SECTION 2.25.

479 Signing; authenticating;
480 recording; codification; printing.

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

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

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

500 SECTION 2.26.

501 City manager; appointment; qualifications; compensation.

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

505 SECTION 2.27.

506 Removal of city manager.

507 The city manager shall be employed at will and may be summarily removed from office at
508 any time by the city council.

509 SECTION 2.28.

510 Acting city manager.

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

516

SECTION 2.29.

517

Powers and duties of the city manager.

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

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

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

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

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

536 (5) Prepare and submit the annual operating budget and capital budget to the city
537 council;

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

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

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

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

548 SECTION 2.30.

549 Council interference with administration.

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

559 SECTION 2.31.

560 Election of mayor; forfeiture.

561 The mayor shall be elected at large by the voters of the city and serve for a term of four years
562 and until a successor is elected and qualified. The mayor shall be a qualified elector of this

563 city and shall have been a resident of the city for 12 months prior to the date of election. The
564 mayor shall continue to reside in this city during the period of service. Vacancies in the
565 office of mayor shall be addressed in the same manner as provided for councilmembers in
566 Section 2.12 of this charter. The mayor shall forfeit the office on the same grounds and
567 under the same procedure as for councilmembers. No persons shall serve more than two
568 consecutive terms as mayor.

569 SECTION 2.32.

570 Mayor pro tem.

571 The city council at the first regular meeting after the newly elected councilmembers have
572 taken office following each election shall elect a councilmember to serve as mayor pro tem.
573 The mayor pro tem shall be elected by a majority vote of the city council. The mayor pro
574 tem shall assume the duties and powers of the mayor during the mayor's physical or mental
575 disability, suspension from office, or absence. Any such disability of the mayor shall be
576 declared by a majority vote of the city council. The mayor pro tem shall sign all contracts
577 and ordinances in which the mayor has a disqualifying financial interest as provided in
578 Section 2.14 of this charter. When acting as mayor, the mayor pro tem shall be entitled to
579 vote as a member of the council.

580 SECTION 2.33.

581 Powers and duties of mayor.

582 The mayor shall:

583 (1) Preside at all meetings of the city council;

584 (2) Be the head of the city for the purpose of service of process and for ceremonial
585 purposes, and be the official spokesperson for the city and the chief advocate of policy;

- 586 (3) Have the power to administer oaths and to take affidavits;
- 587 (4) Sign as a matter of course on behalf of the city all written and approved contracts,
588 ordinances, resolutions, and other instruments executed by the city which by law are
589 required to be in writing;
- 590 (5) Vote on matters before the city council;
- 591 (6) If no city manager has been appointed, prepare and submit to the city council a
592 recommended annual operating budget and recommended capital budget; and
- 593 (7) Perform such other duties as may be required by law, this charter, or by ordinance.

594 ARTICLE III.
595 ADMINISTRATIVE AFFAIRS

596 SECTION 3.10.
597 Administrative and service departments.

- 598 (a) Except as otherwise provided in this charter, the city council by ordinance shall
599 prescribe the functions or duties and establish, abolish, alter, consolidate, or leave vacant
600 all nonelective offices, positions of employment, departments, and agencies of the city as
601 necessary for the proper administration of the affairs and government of this city.
- 602 (b) Except as otherwise provided by this charter or by law, the directors of departments
603 and other appointed officers of the city shall be appointed solely on the basis of their
604 respective administrative and professional qualifications.
- 605 (c) All appointed officers and directors of departments shall receive such compensation
606 as prescribed by ordinance.
- 607 (d) There shall be a director of each department or agency who shall be its principal
608 officer. Each director shall, subject to the direction and supervision of the city manager, be

609 responsible for the administration and direction of the affairs and operations of that
610 director's department or agency.

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

615 SECTION 3.11.

616 Boards, commissions, and authorities.

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

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

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

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

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

632 (f) No member of a board, commission, or authority shall assume office until that person
633 has executed and filed with the clerk of the city an oath obligating that person to perform

634 faithfully and impartially the duties of that person's office; such oath shall be prescribed
635 by ordinance and administered by the mayor.

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

638 (h) Except as otherwise provided by this charter or by law, each board, commission, or
639 authority of the city shall elect one of its members as chairperson and one member as vice
640 chairperson and may elect as its secretary one of its own members or may appoint as
641 secretary an employee of the city. Each board, commission, or authority of the city
642 government may establish such bylaws, rules, and regulations, not inconsistent with this
643 charter, ordinances of the city, or law, as it deems appropriate and necessary for the
644 fulfillment of its duties or the conduct of its affairs. Copies of such bylaws, rules, and
645 regulations shall be filed with the clerk of the city.

646 SECTION 3.12.

647 City attorney.

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

656 SECTION 3.13.

657 City clerk.

658 The city council shall appoint a city clerk who shall not be a councilmember. The city clerk
659 shall be custodian of the official city seal and city records; maintain city council records
660 required by this charter; and perform such other duties as may be required by the city
661 council.

662 SECTION 3.14.

663 Position classification and pay plans.

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

670 SECTION 3.15.

671 Personnel policies.

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

674 ARTICLE IV.
675 JUDICIAL BRANCH

676 SECTION 4.10.
677 Creation; name.

678 There shall be a court to be known as the Municipal Court of the City of Vinings.

679 SECTION 4.11.
680 Chief judge; associate judge.

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

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

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

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

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

694 SECTION 4.12.
695 Convening.

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

697 SECTION 4.13.
698 Jurisdiction; powers.

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

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

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

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

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

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

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

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

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

733 SECTION 4.14.

734 Certiorari.

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

739 SECTION 4.15.

740 Rules for court.

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

748 ARTICLE V.

749 ELECTIONS AND REMOVAL

750 SECTION 5.10.

751 Applicability of general law.

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

754 SECTION 5.11.

755 Regular elections; time for holding.

756 Except as otherwise provided in Article VIII of this charter for the initial elections, there
757 shall be a municipal general election biennially in odd-numbered years on the Tuesday next
758 following the first Monday in November. There shall be elected a mayor and two
759 councilmembers at one election and at every other election thereafter. The remaining two

760 councilmember seats shall be filled at the election alternating with the first election so that
761 a continuing body is created.

762 SECTION 5.12.
763 Nonpartisan elections.

764 Political parties shall not conduct primaries for city offices and all names of candidates for
765 city offices shall be listed without party labels.

766 SECTION 5.13.
767 Election by plurality.

768 The candidate receiving a plurality of the votes cast for any city office shall be elected.

769 SECTION 5.14.
770 Special elections; vacancies.

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

778 SECTION 5.15.
779 Other provisions.

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

783 SECTION 5.16.
784 Removal of officers.

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

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

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

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

801 ARTICLE VI.

802 FINANCE

803 SECTION 6.10.

804 Property tax.

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

811 SECTION 6.11.

812 Millage rate; due dates; payment methods.

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

818 SECTION 6.12.

819 Occupation and business taxes.

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

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

824 SECTION 6.13.

825 Licenses; permits; fees.

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

831 SECTION 6.14.

832 Franchises.

833 (a) The city council shall have the power to grant franchises for the use of this city's streets
834 and alleys for the purposes of railroads, street railways, telephone companies, electric
835 companies, electric membership corporations, cable television and other
836 telecommunications companies, gas companies, transportation companies, and other
837 similar organizations. The city council shall determine the duration, terms, whether the
838 same shall be exclusive or nonexclusive, and the consideration for such franchises;
839 provided, however, that no franchise shall be granted for a period in excess of 35 years and
840 no franchise shall be granted unless the city receives just and adequate compensation
841 therefor. The city council shall provide for the registration of all franchises with the city
842 clerk in a registration book kept by the city clerk. The city council may provide by
843 ordinance for the registration within a reasonable time of all franchises previously granted.

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

849 SECTION 6.15.

850 Service charges.

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

855 SECTION 6.16.

856 Special assessments.

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

861 SECTION 6.17.

862 Construction; other taxes.

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

866 SECTION 6.18.

867 Collection of delinquent taxes and fees.

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

875 SECTION 6.19.

876 General obligation bonds.

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

882 bond series is approved by the voters of the city at a referendum called for approval of such
883 issuance.

884 SECTION 6.20.

885 Revenue bonds.

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

889 SECTION 6.21.

890 Short-term loans.

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

893 SECTION 6.22.

894 Lease-purchase contracts.

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

902 SECTION 6.23.

903 Fiscal year.

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

907 SECTION 6.24.

908 Budget ordinance.

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

914 SECTION 6.25.

915 Operating budget.

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

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

925 SECTION 6.26.

926 Action by city council on budget.

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

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

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

945 SECTION 6.27.

946 Levy of taxes.

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

953 SECTION 6.28.

954 Changes in appropriations.

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

959 SECTION 6.29.

960 Capital improvements.

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

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

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

977 SECTION 6.30.

978 Audits.

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

984 SECTION 6.31.

985 Procurement and property management.

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

987 (1) It is in writing;

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

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

992 SECTION 6.32.

993 Purchasing.

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

996 SECTION 6.33.

997 Sale and lease of property.

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

1000 (b) The city council may quitclaim any rights it may have in property not needed for public
1001 purposes upon report by the city manager and adoption of a resolution, both finding that
1002 the property is not needed for public or other purposes and that the interest of the city has
1003 no readily ascertainable monetary value.

1004 (c) Whenever in opening, extending, or widening any street, avenue, alley, or public place
1005 of the city a small parcel or tract of land is cut off or separated by such work from a larger
1006 tract or boundary of land owned by the city, the city council may authorize the mayor to
1007 sell and convey said cut-off or separated parcel or tract of land to an abutting or adjoining
1008 property owner or owners where such sale and conveyance facilitates the highest and best
1009 use of the abutting owner's property. Included in the sales contract shall be a provision for
1010 the rights of way of said street, avenue, alley, or public place. Each abutting property
1011 owner shall be notified of the availability of the property and given the opportunity to
1012 purchase said property under such terms and conditions as set out by ordinance. All deeds

1013 and conveyances heretofore and hereafter so executed and delivered shall convey all title
1014 and interest the city has in such property, notwithstanding the fact that no public sale after
1015 advertisement was or is hereafter made.

1016 SECTION 6.34.

1017 Apportionment of revenue.

1018 Except as otherwise agreed pursuant to Chapter 70 of Title 36 of the O.C.G.A., the city is
1019 authorized to pay all revenues collected by Cobb County on behalf of the city to the county
1020 in exchange for continuation of services during the transition period provided in Section 8.11
1021 of this charter and beyond, with the exception of the following revenues, which shall stay
1022 with the city:

- 1023 (1) New revenues from utility franchise fees;
1024 (2) Fines collected in municipal court; and
1025 (3) Revenues generated from any additional millage of up to 1 mill above the millage
1026 rate imposed in the county special service district.

1027 ARTICLE VII.

1028 GENERAL PROVISIONS

1029 SECTION 7.10.

1030 Bonds for officials.

1031 The officers and employees of this city, both elected and appointed, shall execute such surety
1032 or fidelity bonds in such amounts and upon such terms and conditions as the city council
1033 shall from time to time require by ordinance or as may be provided by law.

SECTION 7.11.

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Construction and definitions.

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

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

1039

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

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ARTICLE VIII.

1041

REFERENDUM AND INITIAL ELECTIONS

1042

SECTION 8.10.

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Referendum and initial election.

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

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"() YES Shall the Act incorporating the City of Vinings in Cobb County according

1054

() NO to the charter contained in the Act be approved?"

1055

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

1056

1057 cast on such question are for approval of the Act, it shall become of full force and effect
1058 as provided in Section 8.11 of this charter, otherwise it shall be void and of no force and
1059 effect.

1060 The initial expense of such election shall be borne by Cobb County. Within two years after
1061 the elections if the incorporation is approved, the City of Vinings shall reimburse Cobb
1062 County for the actual cost of printing and personnel services for such election and for the
1063 initial election of the councilmembers pursuant to this charter. It shall be the duty of the
1064 superintendent to hold and conduct such election. It shall be his or her further duty to
1065 certify the result thereof to the Secretary of State.

1066 (b) For the purposes of the referendum election provided for in subsection (a) of this
1067 section and for the purposes of the special election of the City of Vinings to be held on the
1068 third Tuesday of June, 2023, the qualified electors of the City of Vinings shall be those
1069 qualified electors of Cobb County residing within the corporate limits of the City of
1070 Vinings as described by Appendix A of this charter. At subsequent municipal elections,
1071 the qualified electors of the City of Vinings shall be determined pursuant to the authority
1072 of Chapter 2 of Title 21 of the O.C.G.A. known as the "Georgia Election Code."

1073 (c) Only for the purposes of holding and conducting the referendum election provided for
1074 in subsection (a) of this section and holding the special election of the City of Vinings to
1075 be held on the third Tuesday of June, 2023, the election superintendent of Cobb County is
1076 vested with the powers and duties of the election superintendent of the City of Vinings and
1077 the powers and duties of the governing authority of the City of Vinings.

SECTION 8.11.

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Effective dates and transition.

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

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

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

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

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

1104 period, the city shall remain within the Cobb County special services district, but shall be
1105 removed from such district at the conclusion of such period. Beginning December 1, 2023,
1106 the City of Vinings shall collect taxes, fees, assessments, fines and forfeitures, and other
1107 moneys within the territorial limits of the city in the same manner as authorized
1108 immediately prior to the effective date of this section; provided, however, that upon at
1109 least 60 days' prior written notice to Cobb County by the City of Vinings, the authority to
1110 collect any tax, fee, assessment, fine or forfeiture, or other moneys shall remain with Cobb
1111 County after December 1, 2023, until such time as Cobb County receives subsequent notice
1112 from the City of Vinings that such authority shall be transferred to the City of Vinings.

1113 (f) During the transition period, the governing authority of the City of Vinings:

1114 (1) Shall hold regular meetings and may hold special meetings as provided in this
1115 charter;

1116 (2) May enact ordinances and resolutions as provided in this charter;

1117 (3) May amend this charter by home rule action as provided by general law;

1118 (4) May accept gifts and grants;

1119 (5) May borrow money and incur indebtedness to the extent authorized by this charter
1120 and general law;

1121 (6) May levy and collect an ad valorem tax for calendar years 2023 and 2024;

1122 (7) May establish a fiscal year and budget;

1123 (8) May create, alter, or abolish departments, boards, offices, commissions, and agencies
1124 of the city; appoint and remove officers and employees; and exercise all necessary or
1125 appropriate personnel and management functions; and

1126 (9) May generally exercise any power granted by this charter or general law, except to
1127 the extent that a power is specifically and integrally related to the provision of a
1128 governmental service, function, or responsibility not yet provided or carried out by the
1129 city.

1130 (g) Except as otherwise provided in this section, during the transition period, the
1131 Municipal Court of the City of Vinings shall not exercise its jurisdiction. During the
1132 transition period, all ordinances of Cobb County shall remain applicable within the
1133 territorial limits of the city and the appropriate court or courts of Cobb County shall retain
1134 jurisdiction to enforce such ordinances. However, by mutual agreement and concurrent
1135 resolutions and ordinances if needed Cobb County and the City of Vinings may during the
1136 transition period transfer all or part of such regulatory authority and the appropriate court
1137 jurisdiction to the City of Vinings. Any transfer of jurisdiction to the City of Vinings
1138 during or at the end of the transition period shall not in and of itself abate any judicial
1139 proceeding pending in Cobb County or the pending prosecution of any violation of any
1140 ordinance of Cobb County.

1141 (h) During the transition period, the governing authority of the City of Vinings may at any
1142 time, without the necessity of any agreement by Cobb County, commence to exercise its
1143 planning and zoning powers; provided, however, that the city shall give the county notice
1144 of the date on which the city will assume the exercise of such powers. Upon the governing
1145 authority of the City of Vinings commencing to exercise its planning and zoning powers,
1146 the Municipal Court of the City of Vinings shall immediately have jurisdiction to enforce
1147 the planning and zoning ordinances of the city. The provisions of this subsection shall
1148 control over any conflicting provisions of any other subsection of this section.

1149 (i) Effective upon the termination of the transition period, subsections (b) through (h) of
1150 this section shall cease to apply except for the last sentence of subsection (g) which shall
1151 remain effective. Effective upon the termination of the transition period, the City of
1152 Vinings shall be a full functioning municipal corporation and subject to all general laws of
1153 this state.

1154 SECTION 8.12.

1155 Directory nature of dates.

1156 It is the intention of the General Assembly that this Act be construed as directory rather than
1157 mandatory with respect to any date prescribed in this Act. If it is necessary to delay any
1158 action called for in this Act for providential cause or any other reason, it is the intention of
1159 the General Assembly that the action be delayed rather than abandoned. Any delay in
1160 performing any action under this Act, whether for cause or otherwise, shall not operate to
1161 frustrate the overall intent of this Act. Without limiting the generality of the foregoing it is
1162 specifically provided that:

1163 (1) If it is not possible to hold the referendum election provided for in Section 8.10 of
1164 this charter on the date specified in that section, then such referendum shall be held as
1165 soon thereafter as is reasonably practicable; and

1166 (2) If it is not possible to hold the first election provided for in Section 8.13 of this
1167 charter on the date specified in that section, then there shall be a special primary and a
1168 special election for the initial members of the governing authority to be held as soon
1169 thereafter as is reasonably practicable, and the commencement of the initial terms of
1170 office shall be delayed accordingly.

1171 SECTION 8.13.

1172 Special primary and election.

1173 (a) The first election for councilmembers shall be a special election held on the third
1174 Tuesday of June, 2023. At such election, the first mayor and councilmembers shall be
1175 elected to serve for the initial terms of office specified in subsections (b) and (c) of this
1176 section. Thereafter, the time for holding regular municipal elections shall be on the
1177 Tuesday next following the first Monday in November of each odd-numbered year

1178 beginning in 2025. The successors to the first initial councilmembers and future successors
1179 shall take office at the first organizational meeting in January immediately following their
1180 election and shall serve for terms of four years and until their respective successors are
1181 elected and qualified.

1182 (b) The initial members elected by a majority vote of the qualified electors of the city at
1183 large from District 2 and District 4 shall serve a term of office of two years and until their
1184 respective successors are elected and qualified. The initial members elected by a majority
1185 vote of the qualified electors of the city at large from District 1 and District 3 and the
1186 mayor shall serve a term of office of four years and until their respective successors are
1187 elected and qualified. Thereafter, successors to such initial members shall serve four-year
1188 terms of office and until their respective successors are elected and qualified.

1189 ARTICLE IX.

1190 GENERAL REPEALER

1191 SECTION 9.10.

1192 General repealer.

1193 All laws and parts of laws in conflict with this Act are repealed.

1194

APPENDIX A

1195

LEGAL DESCRIPTION

1196

CITY OF VININGS, GEORGIA

1197 User: H046

1198 Plan Name: vinings-2021

1199 Plan Type: Local

1200 District VININGS

1201 County Cobb GA

1202 VTD 067NJ01 - NICKAJACK 01

1203 Block 031205:

1204 3002 3003 3004 3005 3006 3007 3008 3009 3010 3011 3012 3013 3028 3029

1205 VTD 067VG01 - VININGS 01

1206 Block 031207:

1207 1026 1027 1028 1029 1030 1031 1032 1033 1034 1035

1208 Block 031212:

1209 1004 1011 1012 1013 1014 1016 1017 1018 1019 1020 1021 1022 1024 1025 1026

1210 1027 1028 1029 1030 1053 1054 1055 1056

1211 VTD 067VG02 - VININGS 02

1212 Block 031207:

1213 3003

1214 Block 031211:

1215 2000 2001 2002 2027 3000 3001 3002 3003 3004 3005 3006 3007 3009 3010 3011

1216 VTD 067VG03 - VININGS 03

1217 Block 031205:

1218 1002 1003 1006 1012 1013 1014 1015 1019 1020 1023 1024 1040

1219 1042 1043 1044 1045 1051 1055 2000 2001 2003 2004 2005 2006 3031

1220 VTD 067VG04 - VININGS 04

1221 Block 031205:

1222 1000 1001 1004 1005 1007 1008 1009 1010 1011 3000 3001 3032

1223 Block 031212:

1224 1000 1001 1002 1003 1005 1006 1007 1008 1009 1010 1015 1031 1033 1034 1035

1225 1036 1037 1038 1039 1040 1041 1042 1043 1044 1046 1047 1048 1049 1050 1051

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1227 For the purposes of such plan, vinings-2021:

1228 (1) The term "VTD" shall mean and describe the same geographical boundaries as
 1229 provided in the report of the Bureau of the Census for the United States decennial census
 1230 of 2010 for the State of Georgia. The separate numeric designations in a district
 1231 description which are underneath a "VTD" heading shall mean and describe individual
 1232 blocks within a VTD as provided in the report of the Bureau of the Census for the United
 1233 States decennial census of 2010 for the State of Georgia; and

1234 (2) Except as otherwise provided in the description of any district, whenever the
 1235 description of any district refers to a named city, it shall mean the geographical
 1236 boundaries of that city as shown on the census maps for the United States decennial
 1237 census of 2010 for the State of Georgia.

1238

APPENDIX B

1239

City Council Districts

1240 *RESERVED*

1241

APPENDIX C

1242

CERTIFICATE AS TO MINIMUM STANDARDS

1243

FOR INCORPORATION OF A NEW MUNICIPAL CORPORATION

1244

I, Representative John Carson, Georgia State Representative from the 46th District and the

1245

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

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

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

1248

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

1249

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

1250

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

1251

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

1252

So certified this _____ day of _____, 2021.

1253

1254

1255

Honorable John Carson

1256

Representative, 46th District

1257

Georgia State House of Representatives