

House Bill 840 (AS PASSED HOUSE AND SENATE)

By: Representatives Carson of the 46<sup>th</sup> and Dollar of the 45<sup>th</sup>

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

H. B. 840

- 1 -

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

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

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

#### SECTION 1.12.

##### Powers and construction.

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

(b) The city shall exercise the powers enumerated in Section 1.13 of this charter for the purposes of directly providing planning and zoning, code adoption and enforcement, and parks and recreation services and those items directly related to the provision of such services and for the general administration of the city in providing such services.

(c) Except for the services enumerated in subsection (b) of this section, the provision of services and exercise of powers enumerated in Section 1.13 of this charter shall be provided by the city contracting with service providers via intergovernmental agreements or contracts with private parties.

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

## SECTION 1.13.

## Examples of powers.

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

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

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

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

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

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

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

94 (8) Environmental protection. To protect and preserve the natural resources,  
95 environment, and vital areas of the state through the preservation and improvement of air  
96 quality, the restoration and maintenance of water resources, the control of erosion and  
97 sedimentation, the management of solid and hazardous waste, and other necessary actions  
98 for the protection of the environment;

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

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

109 (11) General health, safety, and welfare. To define, regulate, and prohibit any act,  
110 practice, conduct, or use of property which is detrimental to health, sanitation,  
111 cleanliness, welfare, and safety of the inhabitants of the city and to provide for the  
112 enforcement of such standards;

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

116 (13) Health and sanitation. To prescribe standards of health and sanitation and to  
117 provide for the enforcement of such standards;

118 (14) Jail sentences. To provide that persons given jail sentences in the municipal court  
119 may work out such sentences in any public works or on the streets, roads, drains, and  
120 other public property in the city; to provide for commitment of such persons to any jail;  
121 or to provide for commitment of such persons to any county work camp or county jail by  
122 agreement with the appropriate county officials;

123 (15) Motor vehicles. To regulate the operation of motor vehicles and exercise control  
124 over all traffic, including parking upon or across the streets, roads, alleys, and walkways  
125 of the city;

126 (16) Municipal agencies and delegation of power. To create, alter, or abolish  
127 departments, boards, offices, commissions, and agencies of the city and to confer upon  
128 such agencies the necessary and appropriate authority for carrying out all the powers  
129 conferred upon or delegated to the same;

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

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

136 (19) Municipal property protection. To provide for the preservation and protection of  
137 property and equipment of the city and the administration and use of same by the public;  
138 and to prescribe penalties and punishment for violations thereof;

139 (20) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose  
140 of public utilities, including but not limited to a system of waterworks, sewers and drains,  
141 sewage disposal, storm-water management, gas works, electric light panels, cable  
142 television and other telecommunications, transportation facilities, public airports, and any

other public utility; and to fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties and provide for the withdrawal of service for refusal or failure to pay the same;

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

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

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

(24) Police and fire protection. To exercise the power of arrest through duly appointed police officers, and to establish, operate, or contract for police and firefighting agencies;

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

(26) Public improvements. To provide for the acquisition, construction, building, operation, and maintenance of parks and playgrounds, public grounds, recreational facilities, public buildings, and charitable, cultural, educational, recreational, conservation, and sports institutions, agencies, and facilities; and to regulate the use of public improvements;

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

(28) Regulation of roadside areas. To prohibit or regulate and control the erection, removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any

and all other structures or obstructions upon or adjacent to the rights of way of streets and roads or within view thereof, within or abutting the corporate limits of the city; and to prescribe penalties and punishment for violation of such ordinances;

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

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

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

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

(33) Special areas of public regulation. To regulate or prohibit junk dealers, pawn shops, the manufacture, sale, or transportation of any intoxicating liquors, alcoholic beverages, and use of firearms; to regulate the transportation, storage, and use of combustible, explosive, and inflammable materials, the use of lighting and heating equipment, and any

other business or situation which may be dangerous to persons or property; to regulate and control the conduct of peddlers and itinerant traders, theatrical performances, exhibitions, and shows of any kind, by taxation or otherwise; and to license, tax, regulate, or prohibit professional fortunetelling, palmistry, adult bookstores, and massage parlors;

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

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

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

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

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

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

## SECTION 1.14.

## Exercise of powers.

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

## ARTICLE II.

## GOVERNMENT STRUCTURE

## SECTION 2.10.

## City council creation; number; election.

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

## SECTION 2.11.

## City councilmembers;

## Terms and qualifications for office.

(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 are described in Appendix B attached to and made a part of this Act and further identified as 'User: HD46 Plan Name: vinings-cc-2022 Plan Type: Local'.

(c)(1) For the purposes of such plan:

(A) The term 'VTD' shall mean and describe the same geographical boundaries as provided in the report of the Bureau of the Census for the United States decennial census of 2020 for the State of Georgia. The separate numeric designations in a district description which are underneath a VTD heading shall mean and describe individual Blocks within a VTD as provided in the report of the Bureau of the Census for the United States decennial census of 2020 for the State of Georgia; and

(B) Except as otherwise provided in the description of any district, whenever the description of any district refers to a named city, it shall mean the geographical boundaries of that city as shown on the census maps for the United States decennial census of 2020 for the State of Georgia.

(2) Any part of the City of Vinings as described in Appendix B which is not included in any district described in this plan shall be included within that district contiguous to such part which contains the least population according to the United States decennial census of 2020 for the State of Georgia.

(3) Any part of the City of Vinings as described in Appendix B as being included in a particular district shall nevertheless not be included within such district if such part is not contiguous to such district. Such noncontiguous part shall instead be included within that district contiguous to such part which contains the least population according to the United States decennial census of 2020 for the State of Georgia.

(4) If any area included within the descriptions of District 1, District 2, District 3, or District 4 is on the effective date of this Act within the municipal boundaries of another municipality or within a county other than Cobb County, such area shall not be included within the district descriptions of such districts.

#### SECTION 2.12.

##### Vacancy; filling of vacancies; suspensions.

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

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

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

## SECTION 2.13.

## Compensation and expenses.

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

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

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

## SECTION 2.14.

## Conflicts of interest; holding other offices.

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

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

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

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

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

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

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

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

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

(d) Use of public property. No elected official, appointed officer, or employee of the city or any agency or entity to which this charter applies shall use property owned by such

governmental entity for personal benefit, convenience, or profit except in accordance with policies promulgated by the city council or the governing body of such agency or entity.

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

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

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

(h) Penalties for violation.

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

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

## SECTION 2.15.

## Inquiries and investigations.

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

## SECTION 2.16.

## General power and authority of the city council.

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

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

## SECTION 2.17.

## Organizational meetings.

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

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

## SECTION 2.18.

## Meetings.

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

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

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

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

417 SECTION 2.19.  
418 Rules of procedure.

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

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

425 SECTION 2.20.  
426 Quorum; voting.

427 Three councilmembers, or two councilmembers and the mayor, shall constitute a quorum  
428 and shall be authorized to transact business of the city council. Voting on the adoption of  
429 ordinances shall be by voice vote and the vote shall be recorded in the journal, but any  
430 councilmember shall have the right to request a roll-call vote and such vote shall be  
431 recorded in the journal. Except as otherwise provided in this charter, the affirmative vote  
432 of three councilmembers, or two councilmembers and the mayor, shall be required for the  
433 adoption of any ordinance, resolution, or motion. An abstention shall be counted as an  
434 affirmative vote.

## SECTION 2.21.

Ordinance form; procedures.

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

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

## SECTION 2.22.

Action requiring an ordinance.

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

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

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

- 458 (2) Publish notice of such proposed action on any and all websites and social media  
459 accounts maintained by the city; and  
460 (3) Conduct two public hearings on the proposed actions.

461 SECTION 2.23.

462 Emergencies.

463 (a) To meet a public emergency affecting life, health, property, or public peace, the city  
464 council may convene on call of the mayor or three councilmembers and may promptly  
465 adopt an emergency ordinance, but such ordinance may not levy taxes; grant, renew, or  
466 extend a franchise; regulate the rate charged by any public utility for its services; or  
467 authorize the borrowing of money except for loans to be repaid within 30 days. An  
468 emergency ordinance shall be introduced in the form prescribed for ordinances generally,  
469 except that it shall be plainly designated as an emergency ordinance and shall contain, after  
470 the enacting clause, a declaration stating that an emergency exists and describing the  
471 emergency in clear and specific terms. An emergency ordinance may be adopted, with or  
472 without amendment, or rejected at the meeting at which it is introduced, but the affirmative  
473 vote of at least three councilmembers shall be required for adoption. It shall become  
474 effective upon adoption or at such later time as it may specify. Every emergency ordinance  
475 shall automatically stand repealed 30 days following the date upon which it was adopted,  
476 but this shall not prevent reenactment of the ordinance in the manner specified in this  
477 section if the emergency still exists. An emergency ordinance may also be repealed by  
478 adoption of a repealing ordinance in the same manner specified in this section for adoption  
479 of emergency ordinances.

480 (b) Such meetings shall be open to the public to the extent required by law and notice to  
481 the public of emergency meetings shall be made as fully as is reasonably possible in

482 accordance with Code Section 50-14-1 of the O.C.G.A. or such other applicable laws as  
483 are or may hereafter be enacted.

484 SECTION 2.24.  
485 Codes of technical regulations.

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

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

496 SECTION 2.25.  
497 Signing; authenticating;  
498 recording; codification; printing.

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

501 (b) The city council shall provide for the preparation of a general codification of all the  
502 ordinances of the city having the force and effect of law. The general codification shall be  
503 adopted by the city council by ordinance and shall be published promptly, together with  
504 all amendments thereto and such codes of technical regulations and other rules and

regulations as the city council may specify. This compilation shall be known and cited officially as "The Code of the City of Vinings, Georgia." Copies of the code shall be furnished to all officers, departments, and agencies of the city and made available for purchase by the public at a reasonable price as fixed by the city council.

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

#### SECTION 2.26.

City manager; appointment; qualifications; compensation.

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

#### SECTION 2.27.

Removal of city manager.

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

## SECTION 2.28.

## Acting city manager.

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

## SECTION 2.29.

## Powers and duties of the city manager.

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

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

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

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

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

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

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

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

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

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

#### SECTION 2.30.

##### Council interference with administration.

Except for the purpose of inquiries and investigations under Section 2.15 of this charter, the city council or its members shall deal with city officers and employees who are subject to the direction and supervision of the city manager solely through the city manager, and neither the city council nor its members shall give orders to any such officer or employee, either publicly or privately. The city council shall act in all matters as a body, and no member shall seek individually to influence the official acts of the city manager or any other officer or employee of the city, or direct or request the appointment of any person to, or his or her

575 removal from, any office or position of employment, or to interfere in any way with the  
576 performance of the duties by the city manager or other officers or employees.

577 SECTION 2.31.

578 Election of mayor; forfeiture.

579 The mayor shall be elected at large by the voters of the city and serve for a term of four years  
580 and until a successor is elected and qualified. The mayor shall be a qualified elector of this  
581 city and shall have been a resident of the city for 12 months prior to the date of election. The  
582 mayor shall continue to reside in this city during the period of service. Vacancies in the  
583 office of mayor shall be addressed in the same manner as provided for councilmembers in  
584 Section 2.12 of this charter. The mayor shall forfeit the office on the same grounds and  
585 under the same procedure as for councilmembers. No persons shall serve more than two  
586 consecutive terms as mayor.

587 SECTION 2.32.

588 Mayor pro tem.

589 The city council at the first regular meeting after the newly elected councilmembers have  
590 taken office following each election shall elect a councilmember to serve as mayor pro tem.  
591 The mayor pro tem shall be elected by a majority vote of the city council. The mayor pro  
592 tem shall assume the duties and powers of the mayor during the mayor's physical or mental  
593 disability, suspension from office, or absence. Any such disability of the mayor shall be  
594 declared by a majority vote of the city council. The mayor pro tem shall sign all contracts  
595 and ordinances in which the mayor has a disqualifying financial interest as provided in  
596 Section 2.14 of this charter. When acting as mayor, the mayor pro tem shall be entitled to  
597 vote as a member of the council.

598

## SECTION 2.33.

599

Powers and duties of mayor.

600 The mayor shall:

601

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

602

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

603

604

(3) Have the power to administer oaths and to take affidavits;

605

606

(4) Sign as a matter of course on behalf of the city all written and approved contracts, ordinances, resolutions, and other instruments executed by the city which by law are required to be in writing;

607

608

(5) Vote on matters before the city council;

609

610

(6) If no city manager has been appointed, prepare and submit to the city council a recommended annual operating budget and recommended capital budget; and

611

(7) Perform such other duties as may be required by law, this charter, or by ordinance.

612

## ARTICLE III.

613

## ADMINISTRATIVE AFFAIRS

614

## SECTION 3.10.

615

Administrative and service departments.

616

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

617

618

619

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

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

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

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

#### SECTION 3.11.

##### Boards, commissions, and authorities.

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

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

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

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

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

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

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

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

#### SECTION 3.12.

##### City attorney.

The city council shall appoint a city attorney, together with such assistant city attorneys as may be authorized, and shall provide for the payment of such attorney or attorneys for services rendered to the city. The city attorney shall be responsible for providing for the representation and defense of the city in all litigation in which the city is a party; may be the

670 prosecuting officer in the municipal court; shall attend the meetings of the city council as  
671 directed; shall advise the mayor and council and other officers and employees of the city  
672 concerning legal aspects of the city's affairs; and shall perform such other duties as may be  
673 required by virtue of such person's position as city attorney.

674 SECTION 3.13.  
675 City clerk.

676 The city council shall appoint a city clerk who shall not be a councilmember. The city clerk  
677 shall be custodian of the official city seal and city records; maintain city council records  
678 required by this charter; and perform such other duties as may be required by the city  
679 council.

680 SECTION 3.14.  
681 Position classification and pay plans.

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

688 SECTION 3.15.  
689 Personnel policies.

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

692 ARTICLE IV.  
693 JUDICIAL BRANCH

694 SECTION 4.10.  
695 Creation; name.

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

697 SECTION 4.11.  
698 Chief judge; associate judge.

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

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

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

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

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

712 SECTION 4.12.  
713 Convening.

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

715 SECTION 4.13.  
716 Jurisdiction; powers.

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

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

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

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

728 (e) The municipal court shall have authority to establish bail and recognizances to ensure  
729 the presence of those charged with violations before such court and shall have discretionary  
730 authority to accept cash or personal or real property as surety for the appearance of persons

731 charged with violations. Whenever any person shall give bail for that person's appearance  
732 and shall fail to appear at the time fixed for trial, that person's bond shall be forfeited by  
733 the judge presiding at such time and an execution issued thereon by serving the defendant  
734 and the defendant's sureties with a rule nisi at least two days before a hearing on the rule  
735 nisi. In the event that cash or property is accepted in lieu of bond for security for the  
736 appearance of a defendant at trial, and if such defendant fails to appear at the time and  
737 place fixed for trial, the cash so deposited shall be on order of the judge declared forfeited  
738 to the city, or the property so deposited shall have a lien against it for the value forfeited  
739 which lien shall be enforceable in the same manner and to the same extent as a lien for city  
740 property taxes.

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

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

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

751 SECTION 4.14.  
752 Certiorari.

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

757 SECTION 4.15.  
758 Rules for court.

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

766 ARTICLE V.  
767 ELECTIONS AND REMOVAL

768 SECTION 5.10.  
769 Applicability of general law.

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

772 SECTION 5.11.

773 Regular elections; time for holding.

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

780 SECTION 5.12.

781 Nonpartisan elections.

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

784 SECTION 5.13.

785 Election by majority.

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

787 SECTION 5.14.

788 Special elections; vacancies.

789 In the event that the office of mayor or councilmember shall become vacant as provided in  
790 Section 2.12 of this charter, the city council or those remaining shall order a special election  
791 to fill the balance of the unexpired term of such official; provided, however, that, if such

792 vacancy occurs within 12 months of the expiration of the term of that office, the city council  
793 or those members remaining shall appoint a successor for the remainder of the term. In all  
794 other respects, the special election shall be held and conducted in accordance with Chapter 2  
795 of Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended.

796 SECTION 5.15.  
797 Other provisions.

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

801 SECTION 5.16.  
802 Removal of officers.

803 (a) A councilmember, the mayor, or other appointed officers provided for in this charter  
804 shall be removed from office for any one or more of the causes provided in Title 45 of the  
805 O.C.G.A. or such other applicable laws as are or may hereafter be enacted.  
806 (b) Removal of an officer pursuant to subsection (a) of this section shall be accomplished  
807 by one of the following methods:  
808 (1) Following a hearing at which an impartial panel shall render a decision. In the event  
809 an elected officer is sought to be removed by the action of the city council, such officer  
810 shall be entitled to a written notice specifying the ground or grounds for removal and to  
811 a public hearing which shall be held not less than ten days after the service of such  
812 written notice. The city council shall provide by ordinance for the manner in which such  
813 hearings shall be held. Any elected officer sought to be removed from office as provided  
814 in this section shall have the right of appeal from the decision of the city council to the

815 Superior Court of Cobb County. Such appeal shall be governed by the same rules as  
816 govern appeals to the superior court from the probate court; or  
817 (2) By an order of the Superior Court of Cobb County following a hearing on a  
818 complaint seeking such removal brought by any resident of the City of Vinings.

819 ARTICLE VI.  
820 FINANCE

821 SECTION 6.10.  
822 Property tax.

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

829 SECTION 6.11.  
830 Millage rate; due dates; payment methods.

831 The city council by ordinance shall establish a millage rate for the city property tax, a due  
832 date, and the time period within which these taxes must be paid. The city council by  
833 ordinance may provide for the payment of these taxes by installments or in one lump sum,  
834 as well as authorize the voluntary payment of taxes prior to the time when due.

835 SECTION 6.12.  
836 Occupation and business taxes.

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

841 SECTION 6.13.  
842 Licenses; permits; fees.

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

848 SECTION 6.14.  
849 Franchises.

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

857 no franchise shall be granted unless the city receives just and adequate compensation  
858 therefor. The city council shall provide for the registration of all franchises with the city  
859 clerk in a registration book kept by the city clerk. The city council may provide by  
860 ordinance for the registration within a reasonable time of all franchises previously granted.

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

866 SECTION 6.15.

867 Service charges.

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

872 SECTION 6.16.

873 Special assessments.

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

878 SECTION 6.17.

879 Construction; other taxes.

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

883 SECTION 6.18.

884 Collection of delinquent taxes and fees.

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

892 SECTION 6.19.

893 General obligation bonds.

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

898 SECTION 6.20.

899 Revenue bonds.

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

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

902 for which they were issued.

903 SECTION 6.21.

904 Short-term loans.

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

906 of each year, unless otherwise provided by law.

907 SECTION 6.22.

908 Lease-purchase contracts.

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

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

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

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

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

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

915 or may hereafter be enacted.

916 SECTION 6.23.

917 Fiscal year.

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

921 SECTION 6.24.

922 Budget ordinance.

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

928 SECTION 6.25.

929 Operating budget.

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

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

939 SECTION 6.26.

940 Action by city council on budget.

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

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

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

960 SECTION 6.27.

961 Levy of taxes.

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

968 SECTION 6.28.

969 Changes in appropriations.

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

974 SECTION 6.29.

975 Capital improvements.

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

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

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

992 SECTION 6.30.

993 Audits.

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

999 SECTION 6.31.

1000 Procurement and property management.

1001 No contract with the city shall be binding on the city unless:

1002 (1) It is in writing;

1003 (2) It is drawn by or submitted and reviewed by the city attorney and, as a matter of  
1004 course, is signed by the city attorney to indicate such drafting or review; and

1005 (3) It is made or authorized by the city council and such approval is entered in the city  
1006 council journal of proceedings pursuant to Section 2.19 of this charter.

1007 SECTION 6.32.

1008 Purchasing.

1009 The city council shall by ordinance prescribe procedures for a system of centralized  
1010 purchasing for the city.

1011 SECTION 6.33.

1012 Sale and lease of property.

1013 (a) The city council may sell and convey or lease any real or personal property owned or  
1014 held by the city for governmental or other purposes as now or hereafter provided by law.

1015 (b) The city council may quitclaim any rights it may have in property not needed for public  
1016 purposes upon report by the city manager and adoption of a resolution, both finding that  
1017 the property is not needed for public or other purposes and that the interest of the city has  
1018 no readily ascertainable monetary value.

1019 (c) Whenever in opening, extending, or widening any street, avenue, alley, or public place  
1020 of the city a small parcel or tract of land is cut off or separated by such work from a larger  
1021 tract or boundary of land owned by the city, the city council may authorize the mayor to  
1022 sell and convey said cut-off or separated parcel or tract of land to an abutting or adjoining  
1023 property owner or owners where such sale and conveyance facilitates the highest and best  
1024 use of the abutting owner's property. Included in the sales contract shall be a provision for  
1025 the rights of way of said street, avenue, alley, or public place. Each abutting property  
1026 owner shall be notified of the availability of the property and given the opportunity to  
1027 purchase said property under such terms and conditions as set out by ordinance. All deeds

1028 and conveyances heretofore and hereafter so executed and delivered shall convey all title  
1029 and interest the city has in such property, notwithstanding the fact that no public sale after  
1030 advertisement was or is hereafter made.

1031 SECTION 6.34.  
1032 Apportionment of revenue.

1033 Except as otherwise agreed pursuant to Chapter 70 of Title 36 of the O.C.G.A., the city is  
1034 authorized to pay all revenues collected by Cobb County on behalf of the city to the county  
1035 in exchange for continuation of services during the transition period provided in Section 8.11  
1036 of this charter and beyond, with the exception of the following revenues, which shall stay  
1037 with the city:

- 1038 (1) New revenues from utility franchise fees;  
1039 (2) Fines collected in municipal court; and  
1040 (3) Revenues generated from any additional millage above the millage rate imposed in  
1041 the county special service district.

1042 ARTICLE VII.  
1043 GENERAL PROVISIONS

1044 SECTION 7.10.  
1045 Bonds for officials.

1046 The officers and employees of this city, both elected and appointed, shall execute such surety  
1047 or fidelity bonds in such amounts and upon such terms and conditions as the city council  
1048 shall from time to time require by ordinance or as may be provided by law.

## SECTION 7.11.

## Construction and definitions.

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

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

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

## ARTICLE VIII.

## REFERENDUM AND INITIAL ELECTIONS

## SECTION 8.10.

## Referendum and initial election.

(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 date of the 2022 general primary. 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:

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

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

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

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

(b) For the purposes of the referendum election provided for in subsection (a) of this section and for the purposes of the special election of the City of Vinings to be held on the Tuesday after the first Monday in November, 2022, the qualified electors of the City of Vinings shall be those qualified electors of Cobb County residing within the corporate limits of the City of Vinings as described by Appendix A of this charter. At subsequent municipal elections, the qualified electors of the City of Vinings shall be determined pursuant to the authority of Chapter 2 of Title 21 of the O.C.G.A. known as the "Georgia Election Code."

(c) Only for the purposes of holding and conducting the referendum election provided for in subsection (a) of this section and holding the special election of the City of Vinings to be held on the Tuesday after the first Monday in November, 2022, the election superintendent of Cobb County is vested with the powers and duties of the election superintendent of the City of Vinings and the powers and duties of the governing authority of the City of Vinings.

## SECTION 8.11.

## Effective dates and transition.

(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 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 January 1, 2023, except that the initial councilmembers shall take office immediately following their election and the certification thereof and by action of a quorum may prior to 12:00 Midnight on January 1, 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, 2024. 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

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

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

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

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

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

(4) May accept gifts and grants;

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

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

(7) May establish a fiscal year and budget;

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

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

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

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

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

## SECTION 8.12.

Directory nature of dates.

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

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

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

## SECTION 8.13.

Special election.

(a) The first election for councilmembers shall be a special election held on the Tuesday after the first Monday in November, 2022. At such election, the first mayor and councilmembers shall be elected to serve for the initial terms of office specified in subsections (b) and (c) of this section. Thereafter, the time for holding regular municipal elections shall be on the Tuesday next following the first Monday in November of each

1196 odd-numbered year beginning in 2025. The successors to the first initial councilmembers  
1197 and future successors shall take office at the first organizational meeting in January  
1198 immediately following their election and shall serve for terms of four years and until their  
1199 respective successors are elected and qualified.

1200 (b) The initial members elected by a majority vote of the qualified electors of the city at  
1201 large from District 2 and District 4 shall serve a term of office of three years and until their  
1202 respective successors are elected and qualified. The initial members elected by a majority  
1203 vote of the qualified electors of the city at large from District 1 and District 3 and the  
1204 mayor shall serve a term of office of five years and until their respective successors are  
1205 elected and qualified. Thereafter, successors to such initial members shall serve four-year  
1206 terms of office and until their respective successors are elected and qualified.

1207 ARTICLE IX.

1208 GENERAL REPEALER

1209 SECTION 9.10.

1210 General repealer.

1211 All laws and parts of laws in conflict with this Act are repealed.

1212

## APPENDIX A

1213

## LEGAL DESCRIPTION

1214

## CITY OF VININGS, GEORGIA

1215 User: HD46

1216 Plan Name: vinings-2022

1217 Plan Type: Local

1218 District VININGS

1219 County Cobb GA

1220 VTD Nickajack 01

1221 Block 031213:

1222 1009 2013

1223 Block 031214:

1224 1000 1002 1003 1011 1012 1013 1014 1015 1022 1023

1225 VTD Vinings 01

1226 Block 031207:

1227 4010 4011 4012 4013 4017

1228 Block 031212:

1229 2005 2007 2008 2009 2010

1230 VTD Vinings 02

1231 Block 031207:

1232 1016 1017

1233 Block 031218:

1234        2000   2001   2002   2003   2004   2005   3000   3001   3002   3005

1235       VTD Vinings 03

1236       Block 031213:

1237       1007   1008   2006   2007   2008   2009   2010   2011   2012

1238       Block 031214:

1239       2000

1240       VTD Vinings 04

1241       Block 031212:

1242       1000   1001   1002   1003   1004   1005   1006   1007   1008   1009   1010   1011

1243       1012   1013   1014   2000   2001   2002   2003   2004   2006   2011   2012

1244       Block 031213:

1245       2000   2001   2002   2003   2004   2005   2014   2015

1246       For the purposes of such plan, vinings-2022:

1247       (1) The term "VTD" shall mean and describe the same geographical boundaries as  
1248       provided in the report of the Bureau of the Census for the United States decennial census  
1249       of 2020 for the State of Georgia. The separate numeric designations in a district  
1250       description which are underneath a "VTD" heading shall mean and describe individual  
1251       blocks within a VTD as provided in the report of the Bureau of the Census for the United  
1252       States decennial census of 2020 for the State of Georgia; and

1253       (2) Except as otherwise provided in the description of any district, whenever the  
1254       description of any district refers to a named city, it shall mean the geographical  
1255       boundaries of that city as shown on the census maps for the United States decennial  
1256       census of 2020 for the State of Georgia.

1257 APPENDIX B  
1258 City Council Districts

1259 User: HD46  
1260 Plan Name: vinings-cc-2022  
1261 Plan Type: Local

1262 District 001  
1263 County Cobb GA  
1264 VTD Vinings 01  
1265 Block 031207:  
1266 4010 4011 4012 4013 4017  
1267 Block 031212:  
1268 2005 2009 2010  
1269 VTD Vinings 04  
1270 Block 031212:  
1271 1001 1002 1003 1004 1005 1006 2000 2001 2002 2003 2004 2006  
1272 2011 2012

1273 District 002  
1274 County Cobb GA  
1275 VTD Vinings 01  
1276 Block 031212:  
1277 2007 2008  
1278 VTD Vinings 02  
1279 Block 031207:  
1280 1016 1017

1281 Block 031218:  
 1282 2000 2001 2002 2003 2004 2005 3000 3001 3002 3005  
  
 1283 District 003  
 1284 County Cobb GA  
 1285 VTD Nickajack 01  
 1286 Block 031213:  
 1287 1009 2013  
 1288 VTD Vinings 03  
 1289 Block 031213:  
 1290 1007 1008 2007 2008 2009 2010 2011 2012  
 1291 Block 031214:  
 1292 2000  
  
 1293 District 004  
 1294 County Cobb GA  
 1295 VTD Nickajack 01  
 1296 Block 031214:  
 1297 1000 1002 1003 1011 1012 1013 1014 1015 1022 1023  
 1298 VTD Vinings 03  
 1299 Block 031213:  
 1300 2006  
 1301 VTD Vinings 04  
 1302 Block 031212:  
 1303 1000 1007 1008 1009 1010 1011 1012 1013 1014  
 1304 Block 031213:  
 1305 2000 2001 2002 2003 2004 2005 2014 2015

## APPENDIX C

## CERTIFICATE AS TO MINIMUM STANDARDS

## FOR INCORPORATION OF A NEW MUNICIPAL CORPORATION

I, Representative John Carson, Georgia State Representative from the 46th District and the author of this bill introduced at the 2021 session of the General Assembly of Georgia, which grants an original municipal charter to the City of Vinings, do hereby certify that this bill is in compliance with the minimum standards required by Chapter 31 of Title 36 of the O.C.G.A. in that the area embraced within the original incorporation in this bill is in all respects in compliance with the minimum standards required by Chapter 31 of Title 36 of the O.C.G.A. This certificate is executed to conform to the requirements of Code Section 36-31-5 of the O.C.G.A.

So certified this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

---

Honorable John Carson  
Representative, 46th District  
Georgia State House of Representatives