

CITY OF MABLETON, GEORGIA

Riverside EpiCenter
135 Riverside Pkwy, Austell, GA 30168
May 25, 2023 @ 6:30PM

The Honorable Michael Owens, Mayor
The Honorable Ron Davis, District 1 Councilmember
The Honorable Dami Oladapo, District 2 Councilmember
The Honorable Keisha Jeffcoat, District 3 Councilmember
The Honorable Patricia Auch, District 4 Councilmember
The Honorable TJ Ferguson, District 5 Councilmember
The Honorable Debora Herndon, District 6 Councilmember

SPECIAL CALLED **TRANSITIONAL CITY COUNCIL MEETING AGENDA**

1. **CALL TO ORDER** Mayor Michael Owens
2. **ROLL CALL**
3. **INVOCATION**
4. **PLEDGE OF ALLEGIANCE**
5. **APPROVAL OF AGENDA**
6. **PUBLIC COMMENTS**
7. **PROCLAMATION(S):**
 - a. *A Proclamation Proclaiming the Month of May as NATIONAL MILITARY APPRECIATION MONTH in the City of Mableton*
8. **RECOGNITION(S):**
 - a. *Congratulations to South Cobb High School Class of 2023 Valedictorian Miss Crystal Oleka! She'll be attending Emory University to major in Biology and Global Health!*
 - b. *Congratulations to South Cobb High School Class of 2023 Salutatorian Mr. Chinakazi Anyachonkeya! He'll be attending Duke University to major in Neuroscience!*
 - c. *Congratulations to Pebblebrook High School Class of 2023 Valedictorian Miss Maria de la Luz Barrios! She'll be attending Georgia Tech!*

- d. Congratulations to Pebblebrook High School Class of 2023 Salutatorian Miss Yarazet Ramos Gonzalez! She will be attending Oglethorpe University.*
- 9. **OLD BUSINESS:**
 - a. Approval of May 11, 2023 Special Called Transitional City Council Meeting Minutes*
- 10. **NEW BUSINESS:**
 - a. FIRST READ: City of Mableton Ethics Ordinance*
 - b. Approval of Resolution Establishing Ethics Principles for City Official Conduct*
 - c. Approval of Resolution Formally Adopting a City Legal Organ*
 - d. Approval of Resolution Providing for Rules of Procedure and Decorum*
 - e. Approval of Resolution Authorizing Banking and Related Financial Activity*
 - f. Approval of Resolution Providing Notice to Cobb County of City's Intent to Collect Certain Taxes*
 - g. Approval of Resolution Authorizing the Negotiation of Franchise Agreements*
 - h. Approval of Resolution Authorizing City to Secure Bids for Tax Anticipation Note*
- 11. **EXECUTIVE SESSION (IF NEEDED) FOR:**
 - Litigation O.C.G.A. 50-14-3 (b)(1)(A)*
 - Real Estate O.C.G.A. 50-14-3 (b)(1)*
 - Personnel O.C.G.A. 50-14-3 (b)(2)*
 - Exemptions O.C.G.A. 50-14-3 (b)(4)&(5)*
- 12. **DISCUSSION:** N/A
- 13. **CITY ATTORNEY COMMENTS**
- 14. **CITY CLERK COMMENTS**
- 15. **CITY COUNCIL COMMENTS**
- 16. **ADJOURNMENT**

City of Mableton, Georgia
Proclamation
National Military Appreciation Month

WHEREAS, for generations, the freedom and security enjoyed by the citizens of the United States are direct results of the continued vigilance and service of the United States Armed Forces over the history of our great nation;

WHEREAS, the sacrifices of those who served, those currently serving, and the family members that support them, have preserved the liberties that have enriched our city, our state and this nation making it unique in the world community;

WHEREAS, the City of Mableton contributes significantly to Georgia's military and veteran presence, which has a total economic impact of over \$20 billion annually on our state;

WHEREAS, Georgia is home to over 750,000 Veterans and over 155,000 total active-duty service members, National Guardsmen, and Reservists;

WHEREAS, in 1999, the U.S. Congress officially proclaimed May as National Military Appreciation Month, encouraging all citizens to honor current and former U.S. Armed Forces members and their families, including those who made the ultimate sacrifice;

WHEREAS, the month of May was selected for this display of patriotism because during this month we celebrate Victory in Europe (VE) Day, Military Spouse Day, Loyalty Day, Armed Forces Day, National Day of Prayer and Memorial Day; and

WHEREAS, on this month, and throughout the year, City of Mableton citizens express our gratitude and commitment to all American service members, veterans, and their families who have dedicated their lives in defense of our freedoms.

NOW, THEREFORE, be it resolved by virtue of the authority invested in me as Mayor of the City of Mableton, I, MICHAEL OWENS, do hereby proclaim the month of May as NATIONAL MILITARY APPRECIATION MONTH in our City of Mableton, and encourage all citizens to recognize this observance.

SO PROCLAIMED, this 25th day of May, 2023.

ATTEST:

CITY OF MABLETON, GEORGIA:

Susan D. Hiott, Interim City Clerk

Michael Owens, Mayor

CITY OF MABLETON, GEORGIA

Riverside EpiCenter
135 Riverside Pkwy, Austell, GA 30168
May 11, 2023 @ 6:30PM

Special Called **Transitional City Council Meeting Minutes -Draft**

1. **CALL TO ORDER** – Mayor Michael Owens called meeting to order.
2. **ROLL CALL** – Interim City Clerk Susan Hiott conducted. There was a quorum.

The Honorable Michael Owens, Mayor – Present
The Honorable Ron Davis, District 1 Councilmember - Present
The Honorable Dami Oladapo, District 2 Councilmember - Present
The Honorable Keisha Jeffcoat, District 3 Councilmember - Present
The Honorable Patricia Auch, District 4 Councilmember - Present
The Honorable TJ Ferguson, District 5 Councilmember - Present
The Honorable Debora Herndon, District 6 Councilmember – Present
3. **INVOCATION** – Pastor Boyd conducted.
4. **PLEDGE OF ALLEGIANCE**
5. **APPROVAL OF AGENDA** – Motion was made by Councilmember Ferguson to approve the agenda as presented and seconded by Councilmember Ron Davis. Motion was approved 7-0.
6. **PUBLIC COMMENTS (2- minute time limit per public comment card submitted)**

Prior to the Public Comment portion of the meeting, Mayor Owens recognized Cobb County Commissioner District 4 Monique Sheffield. She thanked Mayor and Council for running for office. She thanked the organizers of the event, especially Ms. Edwards. She shared her commitment to the City of Mableton. She expressed her commitment to make the transition as smooth as possible as there were a lot of steps to the start-up of a city. She expressed the County's support and encouraged Mableton residents to support the Mayor and Council. She asked the residents to give some grace to the Mableton Mayor and Council. She provided additional information about all the County would be doing to assist in the transition. She spoke about how her door of the County was always open to the City of Mableton.

Speakers and topic of their comments were:

- Tom Hunt of District 1 asked about what could be better provided by the City of Mableton than Cobb County. He asked why would residents need a City of Mableton. He would like more specifics.
- Leroy Tre Hutchins of Post 3 of the Cobb County Board of Education and Superintendent thanked Mayor and Council for their service and moving the community forward. He expressed support of the City.
- Angela Wynn of District 2 congratulated Mayor and Council. She wanted to see a policy change about eviction notices.
- Monica Delancy of District 2 congratulated Mayor and Council. She wanted a 90-day moratorium on evictions to evaluate eviction process and asked for ordinance changes.
- Corey Jiggetts of District 5 addressed strategic development and vision and affordable housing being a key component. He asked Mayor and Council to preserve the character of the Mableton community. He wanted teeth behind code enforcement. He will be attending upcoming meetings.
- Angela Aker of District 2 asked for clarification of the services such as code enforcement and sanitation to be implemented.
- Cassandra Brown of District 4 congratulated Mayor and Council. She expressed excitement about the new city and her wish for the Mayor and Council to do their utmost best to support, defend, and promote the well-being of the community. She spoke about the Mayor and Council's fiduciary responsibility.
- Sheila Edwards, congratulated Council for taking role of leadership and asked those that ran to stay involved. She spoke about working together and together to make the City the best it could be.

State Representative Terry Cummings congratulated Mayor and Council. She welcomed them to the other side. She expressed her support through the Legislature. She asked residents to support and pray for the Mayor and Council as they have a tremendous amount of work to do in the next months and years and to give them grace to make mistakes as they learn and become acclimated to their new office.

Mayor Owens recognized other elected and appointed officials in the room.

Cobb County District Attorney Flynn Broady congratulated the Mayor and Council. He thanked all that were present in the room. He commented about the potential of Mableton to grow and improve and expressed his excitement and thankfulness for the City of Mableton. He spoke about the City being the largest City in Cobb County. Cobb County was committed to the City.

7. ACTING APPOINTEES:

a. Approval of resolution appointing an interim city attorney

Motion was made by Councilmember Ferguson to approve RES 2023-05-01 appointing Emilia C. Walker Ashby, Esq. as interim City Attorney. Councilmember Ron Davis seconded. The motion passed unanimously.

b. Approval of resolution appointing an interim city clerk

Motion was made by Councilmember Jeffcoat and seconded by Councilmember Oladapo to approve ES 2023-05-02 appointing Susan Hiott as Interim City Clerk. The motion carried unanimously.

Mayor Owens administered the Interim City Clerk Oath of Office to Susan Hiott.

8. **NEW BUSINESS:**

a. Approval of resolution formally adopting city charter

Interim Attorney Walker-Ashbey provided background about the adoption of the Charter (HB839) for online codification. It was tradition in Georgia to formally adopt the Charter. The House Bill (Charter) created and incorporated the City and contains the rules for the City. Councilmember Herndon asked if the Charter could be reviewed and/or amended before adoption or after the adoption. Interim Attorney Walker-Ashbey explained there were state legal requirements such as notice to the legal organ, and other processes for amending the Charter. Adopting the Charter does not change the ability to change the Charter later.

Motion was made by Councilmember Ron Davis and seconded by TJ Ferguson to approve RES 2023-05-03 to adopt the City Charter (HB 839). The motion carried unanimously.

b. Approval of resolution electing mayor pro tempore

Interim City Attorney provided background She explained the appointment would be until January 2024. The appointment for mayor pro tempore occurred every January.

Mayor Owens asked for nominations from the Council. Councilmember Auch nominated Councilmember Ferguson. No additional nominations followed. Motion was made by Ron Davis to approve Councilmember TJ Ferguson as Mayor Pro Tempore. Motion carried unanimously.

c. Approval of resolution appointing an interim finance consultant

Councilmember Auch made motion to defer the appointments of all further appointments. Councilmember Herndon seconded the motion.

Councilmember Auch expressed concern that she did not have enough information in adequate time to review.

Interim City Attorney explained the item to be considered was for the interim finance consultant. She explained there are certain deadlines and constraints requiring a

financial consultant to crunch numbers and collaborate with the County and Tax Commissioner. If there were concerns of Council, the appointment could be deferred until after an executive session.

Question and discussion followed about the credentials, importance, and duties of the certified financial person. Mayor Owens clarified the motion that was made for tabling both item c and d. He noted the financial consultant was needed to collaborate with the County.

City Attorney recommended making motion for item c only. It was up to Councilmember Auck to amend her motion.

Motion was amended by Councilmember Auch to table the interim finance consultant appointment until after Executive Session. The motion was second by Councilmember Herndon. The motion passed unanimously.

d. Approval of resolution authorizing interim executive assistants

City Attorney provided background for two executive assistants, one assistant for the Mayor and one assistant for the Council. She explained how during the start-up phase there was not a money issue. It was a cash flow problem, and that the appointed interim positions would not receive compensation at this time.

Councilmember Herndon asked how the number of two was recommended. She asked if one could be sufficient. Councilmember Ferguson noted that one could be hired, and if needed, the second assistant could be hired at a later time. Discussion followed.

Mayor Owens reiterated how initial meetings were transitional and the interim appointments are made during the set-up period. The Mayor and Council are a working body and hold full-time jobs but want to be responsive to the needs and communications of the residents. The executive assistants would help meet those needs. He opined that having one or two executive assistants was within line for a City of Mableton's size.

Councilmember Jeffcoat explained how although the resolution was authorizing two, the decision would be considered as the City evolved during the start-up phase.

Motion was made by Councilmember Jeffcoat to approve RES 2023-05-06 authorizing interim executive assistants. Councilmember Ferguson seconded. The motion carried:

Yays: Mayor Owens, Councilmembers Davis, Oladapo, Jeffcoat, Ferguson

Nays: Councilmembers Herndon and Auch

Councilmembers Herndon and Auch pointed out that they voted no because they did not support having two executive assistants.

e. Approval of resolution establishing a city website domain – MabletonGA.gov

Motion was made by Councilmember Jeffcoat to approve RES 2023-05-07 and seconded by Councilmember Oladapo. The motion carried unanimously.

f. Approval of resolution authorizing discussions with Cobb County and Cobb County Tax Commissioner on intergovernmental tax collection agreement

Motion was made to defer RES 2023-05-08 until after Executive Session by Councilmember Ferguson. Mayor Owens commented about how the interim consultant would be important in the negotiations with the County and Tax Commissioner. Cobb County was waiting to hear from the City about whether the City would be establishing a millage rate. Until the resolution is adopted, the City couldn't notify the County of no millage rate. Councilmember Davis seconded the motion. The motion carried unanimously.

Motion was made by Councilmember Ferguson to approve RES 2023-05-08 and seconded by Councilmember Jeffcoat. The motion carried unanimously.

(Item f was approved after returning from Executive Session.)

9. EXECUTIVE SESSION:

Interim City Attorney explained the only reasons that a governmental body can go into executive session. The reasons are:

- Litigation o.c.g.a. 50-14-3 (b)(1)(a)
- Real estate o.c.g.a. 50-14-3 (b)(1)
- Personnel o.c.g.a. 50-14-3 (b)(2)
- Exemptions o.c.g.a. 50-14-3 (b)(4)&(5)

Motion to go into Executive Session to discuss item 8c (personnel) was made by Councilmember Jeffcoat. Councilmember Oladapo seconded. The motion was approved 7-0. Owens, Davis, Oladapo, Jeffcoat, Auch, Ferguson, Herndon

Mayor and Council went into Executive Session at 8:00 p.m.

Motion to close Executive Session was made by Councilmember Auch and seconded by Councilmember Davis. The Executive Session closed at 8:45 p.m.

Revisit of item 8c - Approval of resolution appointing an interim finance consultant

Motion to bring Item 8c back from being tabled was made by Councilmember Ferguson and seconded by Councilmember Herndon. The motion carried unanimously.

Motion to approve RES 2023-05-05 a resolution appointing Interim Financial Consultant Frank Milazi was made by Councilmember Davis and seconded by Councilmember Oladapo. The motion carried unanimously.

10. **DISCUSSION:**

- a. **Temporary meeting location** – The EpiCenter has been gracious to offer a place for the City to meet. Mayor Owens thanked Pastor Boyd for offering the space.
- b. **Determination of next council meeting** – To be determined pending working with the financial consultant and Cobb County. Once there was more information, Mayor and Council would call another transitional special called meeting. There will be proper notice given to the Council and legal organ.

11. **PUBLIC COMMENT** – Mayor Owens opened floor per an additional request for public comment. Joyce Steele of District 4 asked about how the Mayor and Council would be communicating with the residents. She found out about the meeting while watching the news that day.

12. **CITY COUNCIL COMMENTS**

The Council expressed their appreciation for all that attended (standing room only). Council expressed how they were honored and humble and grateful to serve the residents of Mableton. They have learned a lot in a short time, and they have a lot of work to do. They encouraged residents to reach out to them.

Mayor Owens expressed gratitude to be at the point of having the first historic inaugural transitional meeting. He explained how there was no transitional committee assigned. Mayor and Council will strive to be fiscally responsible and do the best they can to communicate.

13. **ADJOURNMENT**

Motion was made to adjourn by Councilmember Jeffcoat and seconded by Councilmember Oladapo. The meeting adjourned.

Attest: _____
Susan Hiott, Interim City Clerk

Mayor Michael Owens

1 **STATE OF GEORGIA**
2 **COBB COUNTY**
3 **CITY OF MABLETON**
4
5

ORD

6 **AN ORDINANCE CREATING CHAPTER 2, ADMINISTRATION, ARTICLE VIII,**
7 **CODE OF ETHICS, TO THE CITY CODE OF ORDINANCES; TO PROVIDE FOR**
8 **PENALTIES; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR**
9 **SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN**
10 **EFFECTIVE DATE AND FOR OTHER LAWFUL PURPOSES**
11

12 **WHEREAS**, the City of Mableton (“City”) is a municipal corporation duly organized
13 and existing under the laws of the State of Georgia;
14

15 **WHEREAS**, the duly elected governing authority of the City is the Mayor and Council
16 (“City Council”) thereof;
17

18 **WHEREAS**, the City Council is authorized by the City Charter Sec. 1.13 and O.C.G.A.
19 § 36-35-3 to adopt ordinances relating to its property, affairs and local government;
20

21 **WHEREAS**, the City Council deems it essential to the proper operation of democratic
22 government that the public officials be, and give the appearance of being, independent, impartial,
23 and responsible to the people; that governmental decisions and policies be made in the proper
24 channels of the governmental structure and that public office not be used for personal gain;
25

26 **WHEREAS**, such measures are necessary to provide the public with confidence in the
27 integrity of City government;
28

29 **WHEREAS**, it is the policy of the City that its officials, employees, appointees, and
30 volunteers conducting official City business: 1) serve others and not themselves; 2) be
31 independent, impartial and responsible; 3) use resources with efficiency and economy; 4) treat all
32 people fairly; 5) use the power of their position for the well-being of their constituents and 6)
33 create an environment of honesty, openness and integrity; and
34

35 **WHEREAS**, the City Council finds this Ordinance to be in the best interest of the
36 health, safety and welfare of the City.
37

38 **IT IS HEREBY ORDAINED** by the governing authority of the City of Mableton
39 as follows:
40

41 **Section 1.** Article VII, Chapter 2, of the City of Mableton Code of Ordinances is hereby
42 created, to read as follows:
43

44 **CHAPTER 2 - ADMINISTRATION**

45 **ARTICLE VIII - CODE OF ETHICS**

46 **Sec. 2.8.1 - Purpose**

47
48 The purpose of this code of ethics is to:

- 49
50 (a) Encourage high ethical standards in official conduct by city officials;
51 (b) Establish guidelines for ethical standards of conduct for all such officials by setting forth
52 those acts or actions that are incompatible with the interest of the city;
53 (c) Require disclosure by such officials of private financial or other interest in matters
54 affecting the city; and
55 (d) Serve as a basis for disciplining those who refuse to abide by its terms.
56

57 **Sec. 2.8.2 - Scope**

58
59 The provisions of this code of ethics shall be applicable to all elected or appointed city
60 officials. Notwithstanding anything herein to the contrary, state law and the charter of the city
61 shall be controlling in the event of an actual conflict with the provisions of this code of ethics.
62 This ordinance shall be interpreted to supplement, and not replace, said provisions of state law
63 and the charter.
64

65 **Sec. 2.8.3 - Definitions**

66
67 Solely for the purpose of this code of ethics:

- 68
69 (a) City official or official, unless otherwise expressly defined does not include city
70 employees but does mean the mayor, members of the city council, municipal court judges
71 (including substitute judges), city manager, city clerk, city attorney, and all other persons
72 holding positions designated by the city charter, as amended. The term “city official” also
73 includes all individuals, including city employees, appointed by the mayor and/or city
74 council as appropriate to city authorities, commissions, committees, boards, task forces,
75 or other bodies which can or may vote or take formal action or make official
76 recommendations to the mayor and/or city council.
77
78 (b) Decision means any ordinance, resolution, contract, franchise, formal action or other
79 matter voted on by the city council or other city board or commission, as well as the
80 discussions or deliberations of the council, board, or commission which can or may lead
81 to a vote or formal action by that body.
82
83 (c) Employee means any person who is a full-time or part-time employee of the city.
84
85 (d) Immediate family means the spouse, mother, father, grandparent, brother, sister, son or
86 daughter of any city official related by blood, adoption or marriage. The relationship by
87 marriage shall include in-laws.
88
89 (e) Incidental interest means an interest in a person, entity or property which is not a
90 substantial interest as defined herein and which has insignificant value.
91

(f) Remote interest means an interest of a person or entity, including a city official, which would be affected in the same way as the general public. For example, the interest of an official in the property tax rate, general city fees, city utility charges or a comprehensive zoning ordinance or similar matters is deemed remote to the extent that the official would be affected in common with the general public.

(g) Substantial interest means an interest, either directly or through a member of the immediate family, in another person or entity, where:

(1) the interest is ownership of five percent or more of the voting stock, shares or equity of the entity or ownership of \$5,000.00 or more of the equity or market value of the entity; or

(2) the funds received by the person from the other person or entity during the previous 12 months either equal or exceed:

(a) \$5,000.00 in salary, bonuses, commissions or professional fees, or \$5,000.00 in payment for goods, products or services, or

(b) ten percent of the recipient's gross income during that period, whichever is less;

(3) the person serves as a corporate officer or member of the board of directors or other governing board of a for-profit entity other than a corporate entity owned or created by the city council; or

(4) the person is a creditor, debtor, or guarantor of the other person or entity in an amount of \$5,000.00 or more.

Sec. 2.8.4 - Prohibitions

(a) No city official shall use such position to secure special privileges or exemptions for himself or herself or others, or to secure confidential information for any purpose other than official duties on behalf of the city.

(b) No city official, in any matter before the council or other city body, relating to a person or entity in which the official has a substantial interest, shall fail to disclose for the record such interest prior to any discussion or vote or fail to recuse himself/herself from such discussion or vote as applicable.

(c) No city official shall act as an agent or attorney for another in any matter before the city council or other city body.

(d) No city official shall directly or indirectly receive, or agree to receive, any compensation, gift, reward, or gratuity in any matter or proceeding connected with, or related to, the duties of his office except as may be provided by law.

- (e) No city official shall enter into any contract with, or have any interest in, either directly or indirectly, the city except as authorized by state law.
- i. This prohibition shall not be applicable to the professional activities of the city attorney in his or her work as an independent contractor and legal advisor on behalf of the city.
 - ii. This prohibition shall not be applicable to an otherwise valid employment contract between the city and a city official who is not elected (such as, by way of example, a city manager, city administrator or chief of police).
 - iii. Any official who has a proprietary interest in an agency doing business with the city shall make that interest known in writing to the city council and the city clerk.
- (f) All public funds shall be used for the general welfare of the people and not for personal economic gain.
- (g) Public property shall be disposed of in accordance with state law.
- (h) No city official shall solicit or accept other employment to be performed, or compensation to be received, while still a city official if the employment or compensation could reasonably be expected to impair such official's judgment or performance of city duties.
- (i) If a city official accepts or is soliciting a promise of future employment from any person or entity who has a substantial interest in a person, entity or property which would be affected by any decision upon which the official might reasonably be expected to act, investigate, advise, or make a recommendation, the official shall disclose the fact to the city council and shall recuse himself/herself and take no further action on matters regarding the potential future employer.
- (j) No city official shall use city facilities, personnel, equipment or supplies for private purposes, except to the extent such are lawfully available to the public.
- (k) No city official shall grant or make available to any person any consideration, treatment, advantage or favor beyond that which it is the general practice to grant or make available to the public at large.
- (l) A city official shall not directly or indirectly make use of, or permit others to make use of, official information not made available to the general public for the purpose of furthering a private interest.
- (m) A city official shall not use his or her position in any way to coerce, or give the appearance of coercing, another person to provide any financial benefit to such official or persons within the official's immediate family, or those with whom the official has business or financial ties amounting to a substantial interest.

(n) A city official shall not order any goods and services for the city without prior official authorization for such an expenditure. No city official shall attempt to obligate the city nor give the impression of obligating the city without proper prior authorization.

(o) No city official shall draw travel funds or per diem from the city for attendance at meetings, seminars, training or other educational events and fail to attend such events without promptly reimbursing the city therefore.

(p) No city official shall attempt to unduly influence the outcome of a case before the Municipal Court of the City of Mableton nor shall any city official engage in ex parte communication with a municipal court judge of the City of Mableton on any matter pending before the Municipal Court of the City of Mableton.

Sec. 2.8.5 - Conflict of Interest

(a) A city official may not participate in a vote or decision on a matter affecting an immediate family member or any person, entity, or property in which the official has a substantial interest.

(b) A city official who serves as a corporate officer or member of the board of directors of a nonprofit entity must disclose their interest in said entity to the mayor and council prior to participating in a vote or decision regarding funding of the entity by or through the city.

(c) Where the interest of a city official in the subject matter of a vote or decision is remote or incidental, the city official may participate in the vote or decision and need not disclose the interest.

Sec. 2.8.6 – Board of Ethics

(a) *Composition.* The Board of Ethics of the City shall consist of three (3) residents of the City, one appointed by the mayor, one appointed by the city council, and the third appointed by the mayor and approved by a majority of the city council.

(b) *Term.* All members of the Board of Ethics shall serve a 2-year term.

(c) *Vacancies/disqualification.* An alternate member of the Board of Ethics shall be selected in the same manner as the disqualified/replaced individual.

(d) *Compensation.* The members of the Board of Ethics shall serve without compensation. The city council shall provide meeting space for the Board of Ethics and, subject to budgetary procedures and requirements of the City, such supplies and equipment as may be reasonably necessary for the Board to perform its duties and responsibilities.

(e) *Qualifications.* No person shall serve on the Board of Ethics who:

1. Has been convicted of a felony involving moral turpitude in this state or any other state, unless such person's civil rights have been restored and at least ten years have elapsed from the date of the completion of the sentence without a subsequent conviction of another felony involving moral turpitude;
2. Is less than 21 years of age;
3. Has not been a City resident for at least one (1) year immediately preceding the date of taking office. All Board of Ethics members shall remain a resident while serving on the Board;
4. Holds a public elective office;
5. Is physically or mentally unable to discharge the duties of a member of the Board of Ethics; or
6. Is not qualified to be a registered voter in the City of Mableton;
7. Has, or has had within the preceding one (1) year period, any interest in any contract or contracting opportunity with the city or has been employed by the City; or
8. Has any permit or rezoning application pending before the city, or any pending or potential litigation against the city and/or any city official charged in the complaint.

(f) *Attestation.* Upon appointment, members of the Board of Ethics shall sign an affidavit attesting to their qualification to serve as a member of the Board of Ethics.

(g) *Removal.* Members of the Board of Ethics may be removed by majority vote of the city governing authority.

Sec. 2.8.7 – Receipt of Complaints

(a) *Contents.* All complaints shall be submitted and signed under oath, shall be legibly drawn and shall clearly address matters within the scope of this ordinance. The complaint shall specifically name all sections of this article of which the official is alleged to have violated. No complaint shall allege charges against more than one official.

(b) *Filing.* All complaints against city officials shall be filed with the city clerk, who will give it to the Mayor and Council. The Mayor and Council may require that oral complaints, and complaints illegibly or informally drawn, be reduced to a memorandum of complaint in such form as may be prescribed by the city council. Upon receipt of a complaint in proper form, the city clerk or the clerk's designee shall forward a copy of the complaint to the city official or officials charged in the complaint within no more than

seven (7) calendar days. The city clerk shall be authorized to reject a complaint that is not filed in proper form as required under this article.

(c) *Board review.* Upon receipt of a complaint in proper form, the Board shall review it to determine whether the complaint is unjustified, frivolous, patently unfounded or fails to state facts sufficient to invoke the disciplinary jurisdiction of the City Council. The Board of Ethics is empowered to dismiss in writing complaints that it determines are unjustified, frivolous, patently unfounded or fail to state facts sufficient to invoke the disciplinary jurisdiction of the City Council; provided, however, that a rejection of such complaint by the Board of Ethics shall not deprive the complaining party of any action such party might otherwise have at law or in equity against the city official. For complaints that are not dismissed, the Board of Ethics is empowered to collect evidence and information concerning any complaint and add the findings and results of its investigations to the file containing such complaint.

(d) Upon completion of its investigation of a complaint, the Board of Ethics is empowered to dismiss in writing those complaints which it determines are unjustified, frivolous, patently unfounded or which fail to state facts sufficient to invoke the disciplinary jurisdiction of the City Council.

(e) The Board of Ethics is empowered to conduct investigations, to take evidence, and to hold hearings to address the subject matter of a complaint.

(f) *Forms.* The Board of Ethics and/or City Clerk is empowered to adopt forms for formal complaints, notices, and any other necessary or desirable documents within its jurisdiction where the city council has not prescribed such forms.

(g) *Board findings.* Findings of the Board of Ethics shall be submitted to the City Council for action. Some elected officials raised concerns about potential misuse of the ethics complaint process for political purposes.

(h) *Political Timed Complaints.* To discourage the filing of ethics complaints solely for political purposes, complaints will not be accepted against a person seeking election as a city official, whether currently serving as a city official or not, from the date qualifying opens for the elected office at issue through the date the election results for that office are certified. The time for filing complaints will not run during this period.

Sec. 2.8.8 – Service of Complaint

The City Clerk shall cause the complaint to be served on the city official charged as soon as practicable but in no event later than seven (7) calendar days after receipt of a proper, verified complaint. Service may be by personal service, official City email, certified mail, return receipt requested or by statutory overnight delivery.

Sec. 2.8.9 – Hearing

A hearing shall be held within sixty (60) calendar days after filing of a properly filed complaint. The Board of Ethics shall conduct hearings in accordance with the procedures and regulations it establishes but, in all circumstances, at least one hearing shall include the taking of testimony and the cross-examination of available witnesses. The recommendation of the Board of Ethics shall be rendered to the Mayor and Council within seven (7) calendar days after completion of the final hearing. At any hearing held by the Board of Ethics, the city official who is the subject of inquiry shall have the right to written notice of the hearing and the allegations at least seven (7) calendar days before the first hearing, to be represented by counsel, to hear and examine the evidence and witnesses and, to oppose or try to mitigate the allegations. The city official subject to the inquiry shall have also have the right but not the obligation of submitting evidence and calling witnesses. Failure to comply with any of time deadlines in this section of the ordinance shall not invalidate any otherwise valid complaint or in any way affect the power or jurisdiction of the Board of Ethics or the City Council to act upon any complaint.

Sec. 2.8.10 - Penalty

Any person violating any provision of this article is subject to the following by the City Council:

- (a) Public reprimand or censure by the city council; or
- (b) Request for resignation by the city council.

Sec. 2.8.11 - Appeal

- (a) Any appeal of a final ethics decision by the City Council under this article shall be filed with the Cobb County, Georgia, Superior Court, as required by law.

Section 2. It is hereby declared to be the intention of the City Council that:

- (a) All sections, paragraphs, sentences and phrases of this Ordinance are or were, upon their enactment, believed by the City Council to be fully valid, enforceable and constitutional.
- (b) To the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. No section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.
- (c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the City Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance.

Section 3. The City Attorney and City Clerk are authorized to make non-substantive editing and renumbering revisions to this Ordinance for proofing and renumbering purposes.

Section 4. The effective date of this Ordinance shall be the date of adoption, unless provided otherwise by the City Charter, state and/or federal law.

SO ORDAINED this _____ day of 2023.

ATTEST:

CITY OF MABLETON, GEORGIA:

Susan D. Hiott, Interim City Clerk

Michael Owens, Mayor

APPROVAL AS TO FORM:

Emilia Walker-Ashby, Interim City Attorney

- (a) All sections, paragraphs, sentences, clauses and phrases of this Resolution are or were, upon their enactment, believed by the City Council to be fully valid, enforceable and constitutional.
- (b) To the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Resolution is severable from every other section, paragraph, sentence, clause or phrase of this Resolution. No section, paragraph, sentence, clause or phrase of this Resolution is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Resolution.
- (c) In the event that any phrase, clause, sentence, paragraph or section of this Resolution shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the City Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Resolution.

Section 3. The City Attorney and the City Clerk are authorized to make non-substantive editing and renumbering revisions to this Resolution for proofing and renumbering purposes.

Section 4. The effective date of this Resolution shall be the date of adoption, unless provided otherwise by the City Charter, state and/or federal law.

BE IT SO RESOLVED, this 25th day of May, 2023.

CITY OF MABLETON, GEORGIA:

ATTEST:

Susan D. Hiott, Interim City Clerk

Michael Owens, Mayor

APPROVAL AS TO FORM:

Ron Davis, District 1 Councilmember

Emilia Walker-Ashby, Interim City Attorney

Dami Oladapo, District 2 Councilmember

Keisha Jeffcoat, District 3 Councilmember

Patricia Auch, District 4 Councilmember

TJ Ferguson, District 5 Councilmember

Debora Herndon, District 6 Councilmember

1 STATE OF GEORGIA
2 COBB COUNTY
3 CITY OF MABLETON
4

RES

5 A RESOLUTION DESIGNATING A LEGAL ORGAN FOR THE CITY OF MABLETON
6 AND FOR OTHER LAWFUL PURPOSES

7 WHEREAS, the City of Mableton ("City") is a municipal corporation duly organized and
8 existing under the laws of the State of Georgia;
9

10 WHEREAS, the duly elected governing authority of the City is the Mayor and Council
11 ("City Council") thereof;
12

13 WHEREAS, the Georgia Open Meetings Act (O.C.G.A. 50-14-1 et al.), and/or other
14 applicable laws, provides for the City to submit certain notices to the City's legal organ;
15

16 WHEREAS, the City Council through this Resolution desires to formally designate the
17 Marietta Daily Journal, serving as a Cobb County local news source since 1866 and located at
18 or about 47 Waddell St. SE Marietta, GA 30060, as the City's official legal organ; and
19

20 WHEREAS, this Resolution is enacted to safeguard and promote the public health, safety,
21 and general welfare of the City.
22

23 NOW, THEREFORE, BE IT RESOLVED, by the governing authority of the City of
24 Mableton, Georgia, as follows:
25

26 **Section 1.** The City Council hereby officially designates the **Marietta Daily Journal** as
27 the official legal organ for the City of Mableton, Georgia.
28

29 *****
30

31 **Section 2.** It is hereby declared to be the intention of the City Council that:

- 32 (a) All sections, paragraphs, sentences, clauses and phrases of this Resolution are or were,
33 upon their enactment, believed by the City Council to be fully valid, enforceable and
34 constitutional.
35 (b) To the greatest extent allowed by law, each and every section, paragraph, sentence,
36 clause or phrase of this Resolution is severable from every other section, paragraph,
37 sentence, clause or phrase of this Resolution. No section, paragraph, sentence, clause
38 or phrase of this Resolution is mutually dependent upon any other section, paragraph,
39 sentence, clause or phrase of this Resolution.
40 (c) In the event that any phrase, clause, sentence, paragraph or section of this Resolution
41 shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise
42 unenforceable by the valid judgment or decree of any court of competent jurisdiction,
43 it is the express intent of the City Council that such invalidity, unconstitutionality or
44 unenforceability shall, to the greatest extent allowed by law, not render invalid,

45 unconstitutional or otherwise unenforceable any of the remaining phrases, clauses,
46 sentences, paragraphs or sections of the Resolution.
47

48 **Section 3.** The City Attorney and the City Clerk are authorized to make non-substantive
49 editing and renumbering revisions to this Resolution for proofing and renumbering purposes.
50

51 **Section 4.** The effective date of this Resolution shall be the date of adoption, unless provided
52 otherwise by the City Charter, state and/or federal law.
53

54 **BE IT SO RESOLVED**, this 25th day of May, 2023.
55

56
57 ATTEST:

CITY OF MABLETON, GEORGIA:

58
59
60 _____
61 Susan D. Hiott, Interim City Clerk

Michael Owens, Mayor

62
63 APPROVAL AS TO FORM:
64
65
66 _____
67 Emilia Walker-Ashby, Interim City Attorney

1 **STATE OF GEORGIA**
2 **COBB COUNTY**
3 **CITY OF MABLETON**

RES

4
5 **A RESOLUTION ADOPTING RULES AND PROCEDURES FOR CITY COUNCIL**
6 **MEETINGS AND DECORUM FOR OTHER LAWFUL PURPOSES**

7 **WHEREAS**, the City of Mableton (“City”) is a municipal corporation duly organized and
8 existing under the laws of the State of Georgia;
9

10 **WHEREAS**, the duly elected governing authority of the City is the Mayor and Council
11 (“City Council”) thereof;
12

13 **WHEREAS**, pursuant to the City Charter Section 2.20(a), the City Council is empowered
14 to “adopt its rules of procedure and order of business consistent with the provisions of [the City]
15 charter”;
16

17 **WHEREAS**, the City Council through this Resolution desires to adopt rules of procedure
18 and decorum to help ensure the orderly conduction of City business; and
19

20 **WHEREAS**, this Resolution is enacted to safeguard and promote the public health, safety,
21 and general welfare of the City.
22

23 **NOW, THEREFORE, BE IT RESOLVED**, by the governing authority of the City of
24 Mableton, Georgia, as follows:
25

26 **Section A.** The City Council hereby officially adopts the following Rules and Procedures
27 for City Council Meetings and Public Hearings:
28

29 **RULES AND PROCEDURES**
30
31 **FOR CITY COUNCIL MEETINGS AND DECORUM**
32

33 **Section 1. Open Meetings.** All City Council meetings shall be held in accordance with the City
34 Charter and Georgia law. Only the Executive Sessions portion of a City Council meeting may be
35 closed to the public, for the purposes allowed within State law. No Executive Session shall be
36 held except pursuant to a majority affirmative vote of the City Council.
37

38 **Section 2. Quorum.** Four Councilmembers, including the Mayor, shall constitute a quorum and
39 shall be authorized to transact business of the City Council. Voting on the adoption of ordinances,
40 resolutions, or motions shall be by roll call vote and such vote shall be recorded in the minutes.
41 Except as otherwise provided in the City Charter, the affirmative vote of the majority of the
42 quorum shall be required for the adoption of any ordinance, resolution, or motion.
43

Section 3. Tie. In the case of a tie vote, the item will be reconsidered at the next appropriate upcoming council meeting, unless the item is withdrawn or a substitute motion is approved.

Section 4. Abstentions. Pursuant to the City Charter, no member of the City Council shall abstain from voting on any matter properly brought before the council for official action except when such councilmember has a conflict of interest which is disclosed in writing prior to or at the meeting and made a part of the minutes. Any member of the City Council present and eligible to vote on a matter and refusing to do so for any reason other than a properly disclosed and recorded conflict of interest shall be deemed to have acquiesced or concurred with the members of the majority who did vote on the question involved.

Section 5. Mayor. As provided in the City Charter, the presiding officer of the City Council shall be the Mayor. As presiding officer, he or she is responsible for the orderly conduct of the meeting. The Mayor shall be impartial and conduct the meetings in a fair manner.

Section 6. Mayor Pro-Tempore. The Council shall select a Mayor Pro-Tempore from the Councilmembers by a majority vote at the first regular meeting each January. The Mayor Pro-Tempore shall fulfill the duties of the Mayor in the Mayor's absence. Any such absence shall be declared by a majority vote of the City Council.

Section 7. Presiding Officer. If the Mayor and the Mayor Pro-Tempore are absent or otherwise unable to serve as presiding officer at a meeting and a quorum of Councilmembers is present, the remaining Councilmembers shall select a Councilmember to serve as presiding officer of the meeting until either the Mayor or Mayor pro-tern is present at the meeting.

Section 8. Parliamentarian. The City Attorney shall serve as the parliamentarian for City Council meetings.

Section 9. Agenda. The Mayor shall prepare an agenda of subjects to be acted on for each meeting. The agenda shall be made available to the public in accordance with Georgia law.

Section 10. Changing the Agenda. The agenda may be changed during a meeting by a majority vote of the City Council. A new item, other than a zoning decision, may be added to the agenda by a majority vote of the City Council.

Section 11. Consent Agenda. A consent agenda may be prepared by the Mayor for the City Council to unanimously adopt motions on routine items. At the appropriate time of the meeting, the items shall be read by the City Clerk for public notification. If a Council Member objects to an item being on the consent agenda, the Council Member shall direct to move that particular item to the regular agenda, without the need for a second. The City Council shall approve the consent agenda by majority vote.

Section 12. Decorum. All Council Members shall conduct themselves in a professional and respectful manner. Personal remarks are inappropriate and may be ruled out of order. A Councilmember may not speak at a meeting until he or she has been recognized by the Mayor. All comments made by a Council Member shall address the motion that is being discussed. The Mayor

shall enforce these rules of decorum. If a Councilmember believes that a rule has been broken, he or she may raise a point of order. A second is not required. The Mayor may rule on the question alone or may allow the City Council to debate the issue and decide by majority vote.

Section 13. Roberts Rules of Order. In the absence of direction under the Charter or other applicable procedures and law, Roberts Rules of Order shall be followed. Where Robert's Rules conflict with the Charter and/or City policy, the Charter and thereafter City policy shall control.

Section 14. Public Participation.

(a) **Public Comments.** The floor may be open for public comments during the meeting. The public comments period may last a maximum of thirty minutes, and speakers will be limited to two (2) minutes each. All members of the public wishing to address the City Council shall submit their name and the topic of their comments to the City Clerk prior to the start of any meeting. These limits may be waived by the Mayor or a majority vote of the City Council.

(b) **Public Hearings.** The City Council may schedule public hearings for the purpose of soliciting public comment as required by law. Hearings may last up to, but not more than ten (10) minutes per side of an issue. These time limits may be waived by a majority vote of the City Council.

(c) **Public Decorum.** Members of the public shall not make inappropriate or offensive comments at a City Council meeting and are expected to comply with the rules of decorum that are established by the Mayor or City Council. Individuals violating any rules of the Mayor or City Council may be ruled out of order and removed from the meeting. The Mayor may rule on a point of order or submit it to the judgment of the City Council.

Section B. It is hereby declared to be the intention of the City Council that:

(a) All sections, paragraphs, sentences, clauses and phrases of this Resolution are or were, upon their enactment, believed by the City Council to be fully valid, enforceable and constitutional.

(b) To the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Resolution is severable from every other section, paragraph, sentence, clause or phrase of this Resolution. No section, paragraph, sentence, clause or phrase of this Resolution is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Resolution.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Resolution shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the City Council that such invalidity, unconstitutionality or

unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Resolution.

Section C. The City Attorney and the City Clerk are authorized to make non-substantive editing and renumbering revisions to this Resolution for proofing and renumbering purposes.

Section D. The effective date of this Resolution shall be the date of adoption, unless provided otherwise by the City Charter, state and/or federal law.

BE IT SO RESOLVED, this 25th day of May, 2023.

ATTEST:

CITY OF MABLETON, GEORGIA:

Susan D. Hiott, Interim City Clerk

Michael Owens, Mayor

APPROVAL AS TO FORM:

Emilia Walker-Ashby, Interim City Attorney

1 **STATE OF GEORGIA**
2 **COBB COUNTY**
3 **CITY OF MABLETON**
4
5

RES

6 **A RESOLUTION AUTHORIZING THE OPENING OF CITY BANK ACCOUNTS AND**
7 **FOR OTHER LAWFUL PURPOSES**

8 **WHEREAS**, the City of Mableton (“City”) is a municipal corporation duly organized and
9 existing under the laws of the State of Georgia;
10

11 **WHEREAS**, the duly elected governing authority of the City is the Mayor and Council
12 (“City Council”) thereof;
13

14 **WHEREAS**, Section 1.13(2) of the City Charter authorizes the City Council to “make
15 appropriations for the support of the government of the city; to authorize the expenditure of money
16 for any purposes authorized by this charter and for any purpose for which a municipality is
17 authorized by the laws of the State of Georgia; and to provide for the payment of expenses of the
18 city”;

19 **WHEREAS**, the City Council desires through this Resolution to authorize the opening of
20 City bank accounts, including but not limited to checking, savings, escrow, and trust accounts, as
21 necessary to ensure the proper maintenance and use of City funds;
22

23 **WHEREAS**, the City Council further desires through this Resolution to designate an
24 authorized signatory for any such accounts, and to cause for the City to obtain any necessary tax
25 identification numbers; and
26

27 **WHEREAS**, this Resolution is enacted to safeguard and promote the public health, safety,
28 and general welfare of the City.
29

30 **NOW, THEREFORE, BE IT RESOLVED**, by the governing authority of the City of
31 Mableton, Georgia, as follows:
32

33 **Section 1.** The City Council hereby authorizes the Mayor and City appointed City Finance
34 Consultant, to obtain any necessary tax identification numbers and to open such City bank accounts
35 as may be needed by the City to conduct the business of the City. The Mayor shall be designated
36 as the authorized signatory for such accounts, and shall be additionally authorized to write checks
37 and withdraw funds from the same to conduct the business of the City. All expenditures and
38 withdrawals from City accounts shall require advance approval by the City Council, as may be
39 authorized within adopted City resolutions, budgets, ordinances, motions and/or other formal
40 authorizations by the City Council.
41

Section 2. It is hereby declared to be the intention of the City Council that:

- (a) All sections, paragraphs, sentences, clauses and phrases of this Resolution are or were, upon their enactment, believed by the City Council to be fully valid, enforceable and constitutional.
- (b) To the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Resolution is severable from every other section, paragraph, sentence, clause or phrase of this Resolution. No section, paragraph, sentence, clause or phrase of this Resolution is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Resolution.
- (c) In the event that any phrase, clause, sentence, paragraph or section of this Resolution shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the City Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Resolution.

Section 3. The City Attorney and the City Clerk are authorized to make non-substantive editing and renumbering revisions to this Resolution for proofing and renumbering purposes.

Section 4. The effective date of this Resolution shall be the date of adoption, unless provided otherwise by the City Charter, state and/or federal law.

BE IT SO RESOLVED, this 25th day of May, 2023.

ATTEST:

CITY OF MABLETON, GEORGIA:

Susan D. Hiott, Interim City Clerk

Michael Owens, Mayor

APPROVAL AS TO FORM:

Emilia Walker-Ashby, Interim City Attorney

1 **STATE OF GEORGIA**
2 **COBB COUNTY**
3 **CITY OF MABLETON**
4

RES

5 **A RESOLUTION PROVIDING NOTICE TO COBB COUNTY OF THE CITY’S**
6 **INTENT TO COLLECT CERTAIN TAXES, FEES, ASSESSMENTS, FINES AND**
7 **FORFEITURES AND/OR OTHER MONEYS AND FOR OTHER LAWFUL PURPOSES**

8 **WHEREAS**, the City of Mableton (“City”) is a municipal corporation duly organized and
9 existing under the laws of the State of Georgia;
10

11 **WHEREAS**, the duly elected governing authority of the City is the Mayor and Council
12 (“City Council”) thereof;
13

14 **WHEREAS**, Cobb County currently collects certain taxes, fees, assessments, fines and
15 forfeitures, and/or other moneys within the territorial limits of the City;
16

17 **WHEREAS**, Section 7.15 of the City Charter provides that during the transition period the
18 “City of Mableton shall collect taxes, fees, assessments, fines and forfeitures, and other moneys
19 within the territorial limits of the City of Mableton... upon at least 30 days' prior written notice to
20 Cobb County by the City;”
21

22 **WHEREAS**, the City Council desires through this Resolution to provide notice to Cobb
23 County, Georgia, pursuant to Section 7.15 of the City Charter, that the City will collect certain
24 taxes, fees, assessments, fines and forfeitures, and other moneys within the territorial limits of the
25 City, as set forth in this Resolution; and

26 **WHEREAS**, this Resolution is enacted to safeguard and promote the public health, safety,
27 and general welfare of the City.
28

29 **NOW, THEREFORE, BE IT RESOLVED**, by the governing authority of the City of
30 Mableton, Georgia, as follows:
31

32 **Section 1.**
33

- 34 a. **Notice to Cobb County.** The City Council hereby provides notice to Cobb County,
35 Georgia, that effective as of **June 1, 2023**¹, the City will collect the following taxes, fees,
36 assessments, fines and forfeitures and/or other moneys within the territorial limits of the
37 City of Mableton:
38

¹ The City desires to commence collection of the above five enumerated taxes, fees, assessments on June 1, 2023, the first allowable date under the City Charter Sec. 7.15(b), to ensure proper funding for initial and immediate transition activities and costs. Should Cobb County object and/or demand the full notice set forth under the City Charter Sec. 7.15(b), the City hereby provides alternative notice that the City’s collection of Hotel/Motel Taxes, Insurance Premium Taxes, Franchise Fees, Motor Vehicle Taxes and Financial Institution Taxes shall instead commence on June 26, 2023.

1. Hotel/Motel Taxes²
2. Insurance Premium Taxes
3. Franchise Fees
4. Motor Vehicle Taxes
5. Financial Institution Taxes

- b. **Notice to Utility Providers and Financial Institutions.** Utility companies, including cable, electric, gas and telephone service providers, are hereby provided with notice that the City will commence collection of franchise fees and Financial Institution Taxes within the City's territorial limits, effective as of July 1, 2023.
- c. **Other assessments.** The City will provide Cobb County with notice of additional taxes, fees, assessments, fines and forfeitures, and/or other moneys within the City that the City will collect pursuant to Section 7.15 of the City Charter, as the transition period progresses.

Section 2. It is hereby declared to be the intention of the City Council that:

- (a) All sections, paragraphs, sentences, clauses and phrases of this Resolution are or were, upon their enactment, believed by the City Council to be fully valid, enforceable and constitutional.
- (b) To the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Resolution is severable from every other section, paragraph, sentence, clause or phrase of this Resolution. No section, paragraph, sentence, clause or phrase of this Resolution is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Resolution.
- (c) In the event that any phrase, clause, sentence, paragraph or section of this Resolution shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the City Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Resolution.

Section 3. The City Attorney and the City Clerk are authorized to make non-substantive editing and renumbering revisions to this Resolution for proofing and renumbering purposes.

Section 4. The effective date of this Resolution shall be the date of adoption, unless provided otherwise by the City Charter, state and/or federal law.

BE IT SO RESOLVED, this 25th day of May, 2023.

² 37.5 percent of the total hotel/motel taxes collected at the rate of 8 percent shall be remitted to City. The City will seek to meet with the County in the immediate future to arrange for the County to retain the remaining 62 1/2 percent of the total taxes collected at the rate of 8 percent as currently used "for purposes allowed under O.C.G.A. § 48-13-51(a)(5.1).

81
82
83
84
85
86
87
88
89
90
91
92
93
94

ATTEST:

CITY OF MABLETON, GEORGIA:

Susan D. Hiott, Interim City Clerk

Michael Owens, Mayor

APPROVAL AS TO FORM:

Emilia Walker-Ashby, Interim City Attorney

**STATE OF GEORGIA
COBB COUNTY
CITY OF MABLETON**

**A RESOLUTION AUTHORIZING THE NEGOTIATION OF FRANCHISE
AGREEMENTS FOR THE CITY OF MABLETON AND FOR OTHER LAWFUL
PURPOSES**

44 or phrase of this Resolution is mutually dependent upon any other section, paragraph,
45 sentence, clause or phrase of this Resolution.

- 46 (c) In the event that any phrase, clause, sentence, paragraph or section of this Resolution
47 shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise
48 unenforceable by the valid judgment or decree of any court of competent jurisdiction,
49 it is the express intent of the City Council that such invalidity, unconstitutionality or
50 unenforceability shall, to the greatest extent allowed by law, not render invalid,
51 unconstitutional or otherwise unenforceable any of the remaining phrases, clauses,
52 sentences, paragraphs or sections of the Resolution.

53
54 **Section 3.** The City Attorney and the City Clerk are authorized to make non-substantive
55 editing and renumbering revisions to this Resolution for proofing and renumbering purposes.

56
57 **Section 4.** The effective date of this Resolution shall be the date of adoption, unless provided
58 otherwise by the City Charter, state and/or federal law.

59
60 **BE IT SO RESOLVED**, this 25th day of May, 2023.

61
62
63 ATTEST:

CITY OF MABLETON, GEORGIA:

64
65
66 _____
67 Susan D. Hiott, Interim City Clerk

Michael Owens, Mayor

68
69 APPROVAL AS TO FORM:

70
71
72 _____
73 Emilia Walker-Ashby, Interim City Attorney

1 **STATE OF GEORGIA**
2 **COBB COUNTY**
3 **CITY OF MABLETON**
4

RES

5 **A RESOLUTION AUTHORIZING TAX ANTICIPATION NOTE BIDS AND FOR**
6 **OTHER LAWFUL PURPOSES**

7 **WHEREAS**, the City of Mableton (“City”) is a municipal corporation duly organized and
8 existing under the laws of the State of Georgia;
9

10 **WHEREAS**, the duly elected governing authority of the City is the Mayor and Council
11 (“City Council”) thereof;
12

13 **WHEREAS**, the City is authorized by Article IX, Section V, Paragraph V of the Georgia
14 Constitution, O.C.G.A. § 36-80-2 and Section 6.21 of the City Charter, to secure loans to support
15 the City’s operations, including a temporary loan to pay immediate calendar year expenses arising
16 from the City’s transition;
17

18 **WHEREAS**, cities in Georgia, including at least the last two cities to incorporate, have
19 sought tax anticipation loans within their immediate weeks of incorporation, to support their
20 immediate operational and transitional needs as they await the payment and transfer of taxes,
21 assessments and fees from the County and other entities;
22

23 **WHEREAS**, the City Council desires through this Resolution to authorize the solicitation
24 of bids regarding terms and conditions for a short-term tax anticipation loans banks doing business
25 in Georgia; and
26

27 **WHEREAS**, this Resolution is enacted to safeguard and promote the public health, safety,
28 and general welfare of the City.
29

30 **NOW, THEREFORE, BE IT RESOLVED**, by the governing authority of the City of
31 Mableton, Georgia, as follows:
32

33 **Section 1.** The City Council hereby authorizes the Mayor and City appointed City Finance
34 Consultant, in consultation with the interim City Attorney and Ed Wall, Managing Public Finance
35 Government Director of Piper Sandler, to attempt to secure terms and conditions for a short-term
36 tax anticipation loan from at least three banks doing business in Georgia. Any tax anticipation
37 loans proposals secured, shall be subject to final review and approval by the City Council.
38

39 *****
40

41 **Section 2.** It is hereby declared to be the intention of the City Council that:

- (a) All sections, paragraphs, sentences, clauses and phrases of this Resolution are or were, upon their enactment, believed by the City Council to be fully valid, enforceable and constitutional.
- (b) To the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Resolution is severable from every other section, paragraph, sentence, clause or phrase of this Resolution. No section, paragraph, sentence, clause or phrase of this Resolution is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Resolution.
- (c) In the event that any phrase, clause, sentence, paragraph or section of this Resolution shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the City Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Resolution.

Section 3. The City Attorney and the City Clerk are authorized to make non-substantive editing and renumbering revisions to this Resolution for proofing and renumbering purposes.

Section 4. The effective date of this Resolution shall be the date of adoption, unless provided otherwise by the City Charter, state and/or federal law.

BE IT SO RESOLVED, this 25th day of May, 2023.

ATTEST:

CITY OF MABLETON, GEORGIA:

Susan D. Hiott, Interim City Clerk

Michael Owens, Mayor

APPROVAL AS TO FORM:

Emilia Walker-Ashby, Interim City Attorney