

CITY OF MABLETON, GEORGIA

Riverside EpiCenter
135 Riverside Pkwy, Austell, GA 30168
May 11, 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. **ACTING APPOINTEES:**
 - a. *Approval of Resolution Appointing an Interim City Attorney*
 - b. *Approval of Resolution Appointing an Interim City Clerk*
8. **NEW BUSINESS:**
 - a. *Approval of Resolution Formally Adopting City Charter*
 - b. *Approval of Resolution Electing Mayor Pro Tempore*
 - c. *Approval of Resolution Appointing an Interim Finance Consultant*
 - d. *Approval of Resolution Authorizing Interim Executive Assistants*

- e. Approval of Resolution Establishing a City Website Domain*
- f. Approval of Resolution Authorizing Discussions with Cobb County and Cobb County Tax Commissioner on Intergovernmental Tax Collection Agreement*

9. 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)*

10. DISCUSSION:

- a. Temporary Meeting Location*
- b. Determination of Next Council Meeting*

11. CITY COUNCIL COMMENTS

12. ADJOURNMENT

1 STATE OF GEORGIA
2 CITY OF MABLETON

3
4 **RESOLUTION NO. _____**
5

6 **A RESOLUTION APPOINTING AN INTERIM CITY ATTORNEY AND FOR OTHER**
7 **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**, a majority of voters approved incorporating the City through referendum on
15 the November 8, 2022, general election ballot;

16
17 **WHEREAS**, on or about April 24, 2023, the Cobb County Board of Elections certified the
18 runoff election results for the inaugural City Council;

19
20 **WHEREAS**, Section 3.12 of the City Charter calls for the City Council to “appoint a city
21 attorney, together with such assistant city attorneys as may be authorized;”

22
23 **WHEREAS**, Section 3.10 of the City Charter provides that “all appointive officers and
24 directors shall be nominated by the mayor with confirmation of appointment by at least three of
25 the other members of the city council;”

26
27 **WHEREAS**, the Mayor has nominated Emilia C. Walker-Ashby, Esq., a licensed attorney
28 in good standing with the State Bar of Georgia, to serve as the interim City Attorney to aid the
29 City Council with its functions and responsibilities under the City Charter and applicable laws;
30 and

31
32 **WHEREAS**, this Resolution is enacted to safeguard and promote the public health, safety,
33 and general welfare of the City.

34
35 **NOW, THEREFORE, BE IT RESOLVED**, by the governing authority of the City of
36 Mableton, Georgia, as follows:

37
38 **Section 1.** The City Council hereby accepts the Mayor’s nomination of Emilia C. Walker-
39 Ashby, Esq. (“Attorney Walker-Ashby”) to serve as the Interim City Attorney, to perform the
40 duties of City Attorney as set forth under the City Charter. Attorney Walker-Ashby shall serve as
41 the Interim City Attorney at the City Council’s pleasure, up to and until such time as desired
42 otherwise by the City Council.

43
44 *****
45

Section 2. Attorney Walker-Ashby, and any attorney utilized by her for City purposes, may utilize an hourly billable rate of \$210/hour for day-to-day and routine legal services. In accepting this appointment of Interim City Attorney, Attorney Walker-Ashby acknowledges and agrees, as evidenced by and through her signature appearing below, that certain processes must be set in place to secure the City's initial funding, and that several weeks may pass before she receives any actual payment as may be authorized under this Resolution.

Section 3. 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 4. 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 5. 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 ____ day of _____, 2023.

ATTEST:

CITY OF MABLETON, GEORGIA:

xxxxxx, Interim City Clerk

Michael Owens, Mayor

RESOLUTION ACCEPTED AND AGREED TO BY:

xxxxxxxx, Interim City Attorney

Date:



FINCHER DENMARK LLC

ATTORNEYS



100 Hartsfield Centre Parkway
Suite 400
Atlanta, GA 30354
Office: (770) 478-9950
Fax: (770) 471-9948
www.fincherdenmark.com



Partner

Emilia Walker-Ashby

With a wealth of knowledge and an extensive law background, Emilia has negotiated millions of dollars in government contracts....

Phone (770) 478-9950

Email ewalker@fincherdenmark.com

Website fincherdenmark.com

About Emilia Walker-Ashby

With a wealth of knowledge and an extensive law background, Emilia has negotiated hundreds of millions of dollars in government contracts and argued hundreds of times before numerous courts, including municipal, magistrate, state, superior and federal courts, as well as the Georgia Supreme Court. Emilia was also instrumental in securing a favorable and landmark court decision extending the parameters of Hartsfield-Jackson Atlanta International Airport's municipal occupational tax obligations and liability. She has written hundreds of pages of municipal legislation and aided cities with incorporation and departmental transition. She specializes in urban redevelopment, code enforcement, nuisance abatement, zoning, economic development alcohol/occupational tax regulations and Open Meetings/Open Records Act compliance.

In her role as Partner, Emilia provides guidance to various local government clients, including city councils, city clerks, code enforcement, police, community development, planning officials and numerous employees. Other responsibilities include advocating for clients with respect to local option sales tax (L.O.S.T.) negotiations, litigation, assisting government clients with short/long-term goals, reviewing/negotiating contracts and aiding government clients with daily operations.

Emilia graduated from the University of Georgia with a Bachelor of Science Degree in Political Science. She received her Juris Doctorate from Florida Coastal School of Law with a concentration in Advanced Legal Writing. During law school she was awarded "Best Advocate" and winner of the highest annual appellate lawyering competition amongst Florida law schools by an en banc panel of the Florida Supreme Court. As a lawyer, she chaired Georgia's highest appellate advocacy lawyering competition run by the State Bar of

Georgia. She was awarded by the State Bar of Georgia in 2013 for her commitment to public service. She also served as a Greater Metro Atlanta Area Girl Scout Troop Leader from 2009-2019.

Emilia is a member in good standing with the State Bar of Georgia.

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1 STATE OF GEORGIA
2 CITY OF MABLETON

3
4 **RESOLUTION NO. _____**
5

6 **A RESOLUTION APPOINTING AN INTERIM CITY CLERK AND FOR OTHER**
7 **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 are the Mayor and Council
12 ("City Council") thereof;

13
14 **WHEREAS**, a majority of voters approved incorporating the City through referendum on
15 the November 8, 2022, general election ballot;

16
17 **WHEREAS**, on or about April 24, 2023, the Cobb County Board of Elections certified the
18 runoff election results for the inaugural City Council;

19
20 **WHEREAS**, Section 3.13 of the City Charter calls for the City Council to "appoint a city
21 clerk who shall not be a councilmember;"

22
23 **WHEREAS**, Section 3.10 of the City Charter provides that "all appointive officers and
24 directors shall be nominated by the mayor with confirmation of appointment by at least three of
25 the other members of the city council;"

26
27 **WHEREAS**, the Mayor has nominated Susan Hiott to serve as the interim City Clerk, to
28 perform the functions and responsibilities required of the City Clerk under the City Charter and
29 applicable laws; and

30
31 **WHEREAS**, this Resolution is enacted to safeguard and promote the public health, safety,
32 and general welfare of the City.

33
34 **NOW, THEREFORE, BE IT RESOLVED**, by the governing authority of the City of
35 Mableton, Georgia, as follows:

36
37 **Section 1.** The City Council hereby accepts the Mayor's nomination of Susan Hiott
38 ("Hiott") to serve as the interim City Clerk, to perform the functions and responsibilities required
39 of the City Clerk under the City Charter and applicable laws, up to and until such time as directed
40 otherwise by the Mayor or City Council.

41
42 *****
43

44 **Section 2.** Hiott shall only perform City Clerk services for the City as an independent
45 contractor and at a monthly and/or hourly rate to be negotiated and pre-approved, in writing,

by the Mayor. In agreeing to perform City Clerk services for the City, Hiott acknowledges and agrees, as evidenced by and through her signature appearing below, that certain process must be set in place to secure the City's initial funding and that several weeks may pass before Hiott receives any actual payment as may be authorized under this Resolution.

Section 3. 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 4. 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 5. 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 ____ day of _____, 2023.

RESOLUTION ATTESTED AND
AGREED TO BY:

CITY OF MABLETON, GEORGIA:

xxxxxx, Interim City Clerk

Michael Owens, Mayor

APPROVAL AS TO FORM:

xxxxxx, Interim City Attorney

1 STATE OF GEORGIA
2 CITY OF MABLETON

3
4 **RESOLUTION NO. _____**
5

6 **A RESOLUTION ADOPTING THE CITY CHARTER AND FOR OTHER LAWFUL**
7 **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**, the City was incorporated by the Georgia General Assembly in House Bill
15 839;

16
17 **WHEREAS**, House Bill 839 is attached hereto and incorporated herein by reference;

18
19 **WHEREAS**, the City Council through this Resolution desires to formally adopt House
20 Bill 839; and

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

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

27
28 **Section 1.** The City Council hereby formally adopts House Bill 839 as the Charter for the
29 City of Mableton, Georgia.

30
31 *****
32

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

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

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

42 (c) In the event that any phrase, clause, sentence, paragraph or section of this Resolution
43 shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise
44 unenforceable by the valid judgment or decree of any court of competent jurisdiction,

45 it is the express intent of the City Council that such invalidity, unconstitutionality or
46 unenforceability shall, to the greatest extent allowed by law, not render invalid,
47 unconstitutional or otherwise unenforceable any of the remaining phrases, clauses,
48 sentences, paragraphs or sections of the Resolution.
49

50 **Section 3.** The City Attorney and the City Clerk are authorized to make non-substantive
51 editing and renumbering revisions to this Resolution for proofing and renumbering purposes.
52

53 **Section 4.** The effective date of this Resolution shall be the date of adoption, unless provided
54 otherwise by the City Charter, state and/or federal law.
55

56 **BE IT SO RESOLVED**, this ____ day of _____, 2023.
57

58
59 ATTEST:

CITY OF MABLETON, GEORGIA:

60
61
62 _____
63 xxxxxx, Interim City Clerk

Michael Owens, Mayor

64
65 APPROVAL AS TO FORM:
66

67 _____
68 xxxxxx, Interim City Attorney

1 STATE OF GEORGIA
2 CITY OF MABLETON

3
4 RESOLUTION NO. _____
5

6 A RESOLUTION ELECTING AN INAUGURAL MAYOR PRO TEMPORE AND FOR
7 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, a majority of voters approved incorporating the City through referendum on
15 the November 8, 2022, general election ballot;

16
17 WHEREAS, on or about April 24, 2023, the Cobb County Board of Elections certified the
18 runoff election results for the City's inaugural City Council;

19
20 WHEREAS, Section 2.33 of the City Charter provides that "by a majority vote at the first
21 meeting of the city council in January of each year, the city council shall elect a councilmember
22 to serve as mayor pro tempore";

23
24 WHEREAS, per said Charter Section, "the mayor pro tempore shall assume the duties and
25 powers of the mayor during the mayor's physical or mental disability, suspension from office, or
26 absence. Any such disability or absence shall be declared by a majority vote of the city
27 council... When acting as mayor, the mayor pro tempore shall continue to have only one vote as a
28 member of the council";

29
30 WHEREAS, the City Council through this Resolution desires to elect the Mayor Pro
31 Tempore as set forth under Section 2.33 of the City Charter; and

32
33 WHEREAS, this Resolution is enacted to safeguard and promote the public health, safety,
34 and general welfare of the City.

35
36 NOW, THEREFORE, BE IT RESOLVED, by the governing authority of the City of
37 Mableton, Georgia, as follows:

38
39 Section 1. The City Council hereby elects _____ to serve as
40 the City's inaugural Mayor Pro Tempore.

41
42 *****
43
44

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 ____ day of _____, 2023.

ATTEST:

CITY OF MABLETON, GEORGIA:

xxxxxx, Interim City Clerk

Michael Owens, Mayor

APPROVAL AS TO FORM:

xxxxx, Interim City Attorney

1 STATE OF GEORGIA
2 CITY OF MABLETON

3
4 **RESOLUTION NO.** _____
5

6 **A RESOLUTION APPOINTING AN INTERIM FINANCIAL CONSULTANT AND FOR**
7 **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 of the City Charter authorizes the City Council to "exercise and
15 enjoy all other powers, functions, rights, privileges, and immunities necessary or desirable to
16 promote or protect the safety, health, peace, security, good order, comfort, convenience, or general
17 welfare of the city and its inhabitants; to exercise all implied powers necessary or desirable to carry
18 into execution all powers granted in" the City Charter;

19
20 **WHEREAS**, numerous transitional actions by the Council will require financial consulting
21 and expertise in the immediate near future, prior to the establishment of a fully functioning City
22 Finance Department, such as securing a federal tax ID, securing preliminary and initial allowable
23 funding, opening bank accounts, facilitating City authorized payments, accounting, and
24 coordinating with Cobb County, the Cobb County Tax Commissioner and Georgia Department of
25 Revenue on financial matters;

26
27 **WHEREAS**, the City Council desires through this Resolution to secure immediately
28 available financial consulting services in furtherance of its preliminary transition activities under
29 the City Charter, Resolutions and applicable law; and

30
31 **WHEREAS**, this Resolution is enacted to safeguard and promote the public health, safety,
32 and general welfare of the City.

33
34 **NOW, THEREFORE, BE IT RESOLVED**, by the governing authority of the City of
35 Mableton, Georgia, as follows:

36
37 **Section 1.** The City Council hereby authorizes Frank Milazi ("Milazi"), a Certified Plan
38 Fiduciary Advisor, Certified Public Funds Investment Manager and Certified Public Manager, to
39 provide interim financial consulting services in furtherance of the City's preliminary transitional
40 activities under the City's Charter, Ordinances and Resolutions, and other applicable law. Milazi
41 shall only perform such financial consulting tasks as are specifically requested and/or approved,
42 in writing, by the Mayor or City Council, up to and until such time as directed otherwise by the
43 Mayor or City Council. A description of such services which may be requested is attached hereto
44 as Exhibit A.
45

Section 2. Milazi shall only provide interim financial consulting services for the City under this Resolution as an independent contractor and at a monthly and/or hourly rate to be negotiated and pre-approved, in writing, by the Mayor. In agreeing to perform tasks for the City as authorized under this Resolution, Milazi acknowledges and agrees, as evidenced by and through his signature appearing below, that certain process must be set in place to secure the City's initial funding and that several weeks may pass before Milazi receives any actual payment as may be authorized under this Resolution.

Section 3. It is hereby declared to be the intention of the City Council that:

- (a) All sections, paragraphs, sentences, 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 4. 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 5. 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 ____ day of _____, 2023.

ATTEST:

CITY OF MABLETON, GEORGIA:

xxxxxx, Interim City Clerk

Michael Owens, Mayor

APPROVAL AS TO FORM:

Resolution accepted and agreed to by:

, Interim City Attorney

Frank Milazi

Exhibit A

Requested financial consulting services may include:

- a. Assessment, receipt, deposit and accounting of taxes and other revenue due and payable to the City;
- b. Assistance with the opening and closing of bank accounts;
- c. Financial management, accounting, reporting, budgeting, payroll, internal auditing and financial record keeping for the City;
- d. Implementation of short and/or long-term financing;
- e. Evaluation and development of City financial policies, procedures and practices;
- f. Recommendations and strategic analysis on the current and future financial status of the City, to include short and long-term planning to ensure its positive fiscal health;
- g. Participation with audits of City financial transactions;
- h. Recommendations on financial goals, objectives, organizational structure and overall financial direction of City departments;
- i. Direction, training and assistance to City officials, staff, contractors, agents and departments in the preparation and presentation of the City's budgets, financial audit reports, revenue administration and treasury management;
- j. Financial advice, counsel and direction to City officials, staff, contractors, agents and departments to help ensure effective administration and implementation of City-approved policies, plans, procedures and systems;
- k. Preparation, review and presentation of monthly, quarterly, and annual balance sheets, and schedule of revenues and expenditures;
- l. Researching financing options for the City;
- m. Review of City financial activities for compliance with State and Federal regulations and general accounting principles;
- n. Develop and recommend department operating budgets;
- o. Monitor and administer City Council approved payments, budgets and expenditures;
- p. Approve invoices for payment;
- q. Represent the City at various functions, including community functions and business meetings;
- r. Work with the public regarding City finances and collections; explain and enforce City policies and procedures regarding finances; and
- s. Performs other finance related duties as requested by the Mayor and/or City Council.

1 STATE OF GEORGIA
2 CITY OF MABLETON
3

4 RESOLUTION NO. _____
5

6 A RESOLUTION APPOINTING AN INTERIM EXECUTIVE ASSISTANT AND FOR
7 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, a majority of voters approved incorporating the City through referendum on
15 the November 8, 2022, general election ballot;
16

17 WHEREAS, on or about April 24, 2023, the Cobb County Board of Elections certified the
18 runoff election results for the inaugural City Council;
19

20 WHEREAS, Section 1.13 of the City Charter authorizes the City Council to "exercise and
21 enjoy all other powers, functions, rights, privileges, and immunities necessary or desirable to
22 promote or protect the safety, health, peace, security, good order, comfort, convenience, or general
23 welfare of the city and its inhabitants; to exercise all implied powers necessary or desirable to carry
24 into execution all [City Charter] powers.";
25

26 WHEREAS, the Mayor has numerous functions and duties under the City Charter, which
27 include serving as the "head of the city for the purpose of service of process and for ceremonial
28 purposes," being the "official spokesperson...and...chief advocate of policy," "administer[ing]
29 oaths," signing "all written and approved contracts, ordinances, and other instruments executed by
30 the city which by law are required to be in writing," and "if no city manager has been appointed,
31 prepare and submit to the city council a recommended annual operating budget...recommended
32 capital budget...[and] a position classification and pay plan." See Charter 2.34 and 3.14;
33

34 WHEREAS, the City Council desires through this Resolution to provide prompt and
35 preliminary administrative support to the Mayor in coming days and weeks in furtherance of his
36 functions and duties under Resolutions, applicable law and the City Charter; and
37

38 WHEREAS, this Resolution is enacted to safeguard and promote the public health, safety,
39 and general welfare of the City.
40

41 NOW, THEREFORE, BE IT RESOLVED, by the governing authority of the City of
42 Mableton, Georgia, as follows:
43

44 Section 1. The City Council hereby authorizes the Mayor to engage the services, in
45 consultation with the City Attorney and City's finance consultant, of no more than one person at a

time to provide preliminary administrative support as an interim Executive Assistant to the Mayor. The interim Executive Assistant shall only perform such tasks as requested in writing by the Mayor in furtherance of the Mayor's responsibilities and duties under the City Charter, Ordinances, Resolutions and/or applicable law. The interim Executive Assistant shall be authorized under this Resolution to perform only such tasks as are specifically authorized in writing by the Mayor or City Council. The interim Executive Assistant shall serve as an interim Executive Assistant to the Mayor at the City Council's pleasure, and until such time as determined otherwise by the Mayor and/or City Council.

Section 2. The interim Executive Assistant shall only provide interim executive assistant services for the City under this Resolution as an independent contractor and at a monthly and/or hourly rate to be negotiated and pre-approved, in writing, by the Mayor. In agreeing to perform tasks for the City as authorized under this Resolution, the interim Executive Assistant acknowledges and agrees, as evidenced by and through their signature appearing below, that certain process must be set in place to secure the City's initial funding and that several weeks may pass before the interim Executive Assistant receives any actual payment as may be authorized under this Resolution.

Section 3. 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 4. 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 5. 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 ____ day of _____, 2023.

92	ATTEST:	CITY OF MABLETON, GEORGIA:
93		
94		
95	_____	_____
96	xxxxxx, Interim City Clerk	Michael Owens, Mayor
97		
98	APPROVAL AS TO FORM:	Resolution accepted and agreed to by:
99		
100	_____	_____
101	xxxxx, Interim City Attorney	Insert Name

1 STATE OF GEORGIA
2 CITY OF MABLETON

3
4 **RESOLUTION NO. _____**
5

6 **A RESOLUTION ESTABLISHING A CITY WEBSITE DOMAIN AND FOR OTHER**
7 **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**, the City was incorporated by the Georgia General Assembly in House Bill
15 839;

16
17 **WHEREAS**, on or about April 24, 2023, the Cobb County Board of Elections certified the
18 runoff election results for the inaugural City Council;

19
20 **WHEREAS**, the City is in need of securing an official web domain; and

21
22 **WHEREAS**, “.gov” domains are available at no cost to qualifying U.S.-based government
23 organizations;

24
25 **WHEREAS**, the City desires through this Resolution to secure the domain
26 “MabletonGA.gov”; and

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

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

33
34 **Section 1.** The City Council hereby ratifies, acknowledges and accepts “MabletonGA.gov”
35 as the City’s official website domain. The Mayor is authorized to cause for all actions to be
36 completed and /or finalized to secure “MabletonGA.gov” as the City’s official website domain.
37 The Mayor shall be further authorized to change the City’s domain to similar variations of
38 “MabletonGA.gov,” should the domain name “MabletonGA.gov” become impracticable and/or
39 unavailable.

40 *****

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

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

58
59 **Section 3.** The City Attorney and the City Clerk are authorized to make non-substantive
60 editing and renumbering revisions to this Resolution for proofing and renumbering purposes.

61
62 **Section 4.** The effective date of this Resolution shall be the date of adoption, unless provided
63 otherwise by the City Charter, state and/or federal law.

64
65 **BE IT SO RESOLVED**, this ____ day of _____, 2023.

66
67
68 ATTEST:

CITY OF MABLETON, GEORGIA:

69
70
71 _____
72 xxxxxx, Interim City Clerk

Michael Owens, Mayor

73
74 APPROVAL AS TO FORM:

75
76 _____
77 xxxxxx, Interim City Attorney

1 STATE OF GEORGIA
2 CITY OF MABLETON

3
4 **RESOLUTION NO. _____**
5

6 **A RESOLUTION AUTHORIZING DISCUSSIONS FOR AN INTERGOVERNMENTAL**
7 **AGREEMENT ON TAX COLLECTION WITH COBB COUNTY AND THE COBB**
8 **COUNTY TAX COMMISSIONER AND FOR OTHER LAWFUL PURPOSES**

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

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

14
15 **WHEREAS**, a majority of voters approved incorporating the City through referendum on
16 the November 8, 2022, general election ballot;

17
18 **WHEREAS**, on or about April 24, 2023, the Cobb County Board of Elections certified the
19 runoff election results for the inaugural City Council;

20
21 **WHEREAS**, Section 7.15 of the City Charter provides that during the transition period the
22 "City of Mableton shall collect taxes, fees, assessments, fines and forfeitures, and other
23 moneys within the territorial limits of the City of Mableton;"

24
25 **WHEREAS**, Section 7.15 of the City Charter further provides that "during the transition
26 period, the governing authority of the City...May levy and collect an ad valorem tax for
27 calendar years 2023 and 2024;"

28
29 **WHEREAS**, Georgia law provides that "any municipality wholly or partially located
30 within such county may contract for the tax commissioner to prepare the tax digest for such
31 municipality; to assess and collect municipal taxes in the same manner as county taxes; and, for
32 the purpose of collecting such municipal taxes, to invoke any remedy permitted for collection of
33 municipal taxes." O.C.G.A. § 48-5-359.1;

34
35 **WHEREAS**, Georgia law further provides that any such contract "between the county
36 governing authority and a municipality shall specify an amount to be paid by the municipality to
37 the county which amount will substantially approximate the cost to the county of providing the
38 service to the municipality." O.C.G.A. § 48-5-359.1;

39
40 **WHEREAS**, the Cobb County Tax Commissioner's authority under Georgia law
41 specifically includes the ability to bill and collect state, county municipal ad valorem property
42 taxes, sanitation assessments, and applicable fees, including but not limited to stormwater, water,
43 sewer, and utility charges;

WHEREAS, the City Council desires to protect and secure the immediate, short-term and long-term needs of the citizens and City by promptly contracting with Cobb County and the Cobb County Tax Commissioner for the billing and collection of City taxes and fees; and

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

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

Section 1. The City Council hereby authorizes the Mayor, in consultation as needed with the City Attorney, City contractors and City officials, to promptly commence negotiations with Cobb County and the Cobb County Tax Commissioner for the transitional billing and collection of City taxes and fees, in accordance with O.C.G.A. § 48-5-359.1, the City Charter and other applicable laws. Any proposed tax collection agreement between the City, Cobb County Tax Commissioner and Cobb County, shall be brought back to the City Council for consideration and approval.

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 day of , 2023.

89 ATTEST:

90

91

92

93 _____
xxxxxx, Interim City Clerk

94

95 APPROVAL AS TO FORM:

96

97

98 _____
xxxxx, Interim City Attorney

CITY OF MABLETON, GEORGIA:

Michael Owens, Mayor