

**ACTS AND RESOLUTIONS OF THE GENERAL ASSEMBLY OF THE STATE OF
GEORGIA 1952 SESSION**

**LOCAL AND SPECIAL ACTS AND RESOLUTIONS OF THE GENERAL ASSEMBLY
OF THE STATE OF GEORGIA 1952 SESSION COMPILED AND PUBLISHED BY
AUTHORITY OF THE STATE PRESS OF LONGINO & PORTER, INC. HAPEVILLE,
GA.**

1952 Vol. 1 -- Page: 2246

Sequential Number: 311

Short Title: MARIETTA CHARTER AMENDMENTS.

Law Number: No. 586

Origin: (Senate Bill No. 281).

Full Title: An Act to amend an Act of the General Assembly of Georgia, approved August 15, 1904 (Ga. L. 1904, pp. 519-533), being an "Act to create a new charter for the City of Marietta," and the Acts amendatory thereof, especially the Act of the General Assembly, Ga. Laws, 1949, pp. 238-249, amending the charter of City of Marietta (being House Bill No. 163) to define the duties and powers of the mayor and councilmen, provide compensation therefor; to authorize the levy and collection of an ad valorem tax not to exceed one mill for the cost and expense of sewage disposal; to authorize appropriations by the board of lights and water works of the City of Marietta to the City of Marietta from any surplus revenues; to empower the council to adopt ordinances and resolutions as may be necessary, or proper, to carry into effect and provide for matters and things herein; to provide for civil service for the police and fire departments and to amend charter accordingly; to further amend the Acts of 1904 and amendatory Acts thereof by amending Sections 4, 5, 7 and 8 pertaining to voters registration; to provide for a new method of paying expenditures; to provide for the consolidation of the offices of city clerk and treasurer; and for other purposes.

Be it enacted by the General Assembly of the State of Georgia and it is hereby enacted by the authority of same, as follows:

Section 1. Section Twenty (20) of the Georgia Laws of 1904, pages 519-533, and Section Four (4) of the Georgia Laws of 1949, pages 238-249 (both laws being Acts of the General Assembly of Georgia, pertaining to the duties and powers of the mayor and councilmen of City of Marietta under the charter and sections as referred to) are hereby repealed, and a new Section Twenty (20) is hereby substituted therefor as follows:

[Sidenote: Sec. 20, Act of 1904, amended.]

"Section 20. Be it further enacted, that the mayor shall be the chief executive officer of said city, and he shall have general supervision over all its affairs. He shall sign all deeds and contracts, preside at all meetings of the council, and cast the deciding vote in case of a tie vote. It shall be his duty to see the laws of the State and ordinances of the city are faithfully executed within the corporate limits; to see that each officer of said city discharges his duty, and to cause any officer and employee to be prosecuted for neglect, or violation of duty, or immoral conduct. He shall keep the council advised from time to time of the general condition of the city, and shall recommend measures as he may deem necessary or expedient for the welfare thereof. He shall call the council together when so requested by a majority of the council, or when it seems to him to be important to the welfare of the city. The mayor shall be authorized to appoint a person to act in the capacity of a city manager at a salary to be determined and fixed by the council, and, in such event, the salary of the mayor shall be \$100.00 per month during the tenure of office of such city manager; but, in the event no such person is thus appointed to act in the capacity as city manager, then the mayor shall receive a salary of \$5500.00 per annum plus travel expenses and official business expenditures for and in behalf of the city, payable quarterly, between January 1 and December 31 of each of the years of 1952 and 1953. At the first regular meeting of the council after his qualifications, he shall appoint standing committees, to whom shall be referred such business as the council may deem proper. He shall preside over the mayor's court for the trial of offenders against the ordinances of the City of Marietta and violations of the laws of said State within the corporate limits of said city. He shall have full power and authority to impose such fines not exceeding one hundred dollars and costs for the violation of any ordinance of said city, as shall seem to him reasonable and just, or he may require such violator to work on the streets or public works of said city, or be confined to the calaboose of said city, for such time as will be just punishment for the offense, but not in any single instance to exceed fifty (50) days. The fines imposed under this section may be

enforced in the same manner as is provided for the collection of taxes, or by labor on the streets or confinement in the calaboose, as herein provided. The mayor and each member of council shall have all the powers of a justice of the peace to issue warrants, try and commit to the superior court of said county for trial of violators of the laws of said State for offenses committed within the corporate limits of said city. The mayor shall perform and is hereby empowered to perform such other duties as the ordinances of said city shall provide and require or that the council may refer to him from time to time."

[Sidenote: Mayor.]

Section 2. The mayor and council, in addition to any right of the board of lights and water works of the City of Marietta to assess and collect fees, tolls and charges for sewer and sewage services, shall have full power and authority to provide for, to enforce, to levy and collect for the cost and expense of providing for the disposal of sewage through sewerage facilities an ad valorem tax, annually, in addition to that now allowed by law to the City of Marietta for general

purposes of city government, of not more than one mill on each dollar of all taxable property in the City of Marietta, Georgia, as may be subject to an ad valorem tax by said city.

[Sidenote: Sewers.]

Section 3. That the board of lights and water works of the City of Marietta, as created by Ga. Laws, 1906, pages 846-848, is authorized to make appropriations from any surplus funds to the City of Marietta.

[Sidenote: Board of lights and water works.]

Section 4. That the regular monthly meeting of the mayor and council shall be on the first Monday night in each month, provided the council does not set some other time as the regular monthly meeting time by ordinance duly adopted. Any meeting of the mayor and council, provided a majority attends, shall have the same power, rights, force, and effect as a regular meeting has, or provides.

[Sidenote: Meetings of council.]

Section 5. That all officers and members of the fire and police departments of the City of Marietta, including the chiefs of said departments, must and shall be under

Page: 2249

and governed by the civil service regulations, under the direction and supervision of a board of civil service hereinafter created, and all persons who may hereafter be elected or appointed as officers or members of such departments shall thereafter remain and continue in their respective employment as such municipal officers and employees during good behavior, efficiency and obedience to such reasonable rules and regulations as may from time to time be prescribed by said civil service board, as hereinafter provided; provided, however, that nothing herein contained shall be construed to prevent or preclude the removal of any officer or member of said fire or police departments of the City of Marietta by said civil service board for cause, in the manner hereinafter prescribed.

[Sidenote: Civil service, fire and police departments.]

Section 6. The following definitions, as used hereinafter, shall apply:

Members of the fire department: The words "Members of the fire department," as used herein, shall mean and include the chief of the fire department, assistant chief of the fire department, captains, lieutenants, engineers, assistant engineers and firemen, fire inspectors, and all others who are regularly carried on the payroll of such fire department, and in addition to those specifically named hereinbefore such others as such civil service board may find and designate to properly be such members, respectively, of said fire department.

[Sidenote: Definitions.]

Members of the police department: The words "Members of the police department," as used herein, shall mean and include the city marshal which shall be construed to be, or mean chief of police, and all officers of said department, the patrolmen, plain clothesmen, and such other

persons as such civil service board may find and designate to properly be such members, respectively, of said police department.

Section 7. Within thirty days after the passage and approval of this Act, the mayor and council of the City of Marietta shall appoint a resident and freeholder of

Page: 2250

said city as a member of said civil service board for a term of four years; the members of the fire and police departments, by secret ballot, shall elect a resident and freeholder of said City of Marietta as a member of said civil service board for a term of six years, which election shall be certified by the chiefs of the fire and police departments to the mayor and council of the City of Marietta and entered upon the minutes of said council. The two men so selected shall select a third resident and freeholder of Marietta for a term of two years, whose selection shall be in writing and signed by them and entered upon the minutes of the mayor and council of the City of Marietta. Provided if the two men first selected as above provided, that is the person selected by the mayor and council of the City of Marietta and the person selected by the members of the fire and police departments of said city, shall fail within 30 days after their election to agree on and designate such third member of the civil service board, then in such event both of said members shall resign and successors shall immediately be selected in the manner in which such two members were selected. At the expiration of the term of each member, the election shall be thereafter by the same method and all persons shall be elected for a full period of six years; the board shall consist of three members at all times.

[Sidenote: Civil service board.]

[Sidenote: Selection, terms, qualifications, etc.]

In the event of a vacancy upon said board caused by death, resignation or other cause, the vacancy shall be filled by election by either the mayor and council of the City of Marietta, the members of the fire and police departments or the two members of said board, who shall elect such successor for the unexpired term, such vacancy to be filled in the same manner and by the same authority as the deceased or retired member has been elected. If any member of the civil service board shall miss and fail to attend any two consecutive meetings of the board duly and properly called as herein provided, then in such event the mayor and council of the City of Marietta at any regular or special meeting may by resolution terminate the term of such member and declare that a vacancy exists on said board which shall be filled as above provided. No person shall be eligible to be a

Page: 2251

member of said board who holds any office of profit or trust under the city, county or state, or who is less than twenty-five years of age or over sixty-five years of age, and who is not a freeholder and a bona fide resident and qualified voter of said city.

Section 8. Every person who shall be elected as a member of such civil service board according to the provisions of this Act shall, within fifteen days after such election, qualify by taking oath that he is eligible for said office and will execute the duties of the same according to the best of his knowledge and ability, and such other oath as may be required by the charter of the City of Marietta and the laws of the State of Georgia of public officials. Such oath shall be administered by any person authorized by law to administer oaths, and a copy thereof filed with the clerk of the mayor and council of the City of Marietta.

[Sidenote: Oath.]

Section 9. The civil service board shall make rules and regulations to carry out the purpose of this Act, and for examinations, appointments and removals in accordance with its provisions, and the board may, from time to time make changes in such rules. The chiefs of the fire and police departments, respectively, shall, from the membership of their departments, recommend for promotion such persons as the occasion may call for to fill any vacancy or vacancies that may occur in said departments and all such vacancies shall be filled and promotions shall be made by the civil service board. Said board shall make rules and regulations relating to the eligibility for promotion. The chiefs of the fire and police departments shall have authority to demote any member of their respective departments by and with the consent and approval of the civil service board; provided, however, that upon written demand filed with the civil service board within five days from the date of the order of demotion the person whom it is proposed to demote shall be given a public hearing by the civil service board before any order of demotion shall be final. The chiefs of the fire and police departments shall have authority to suspend any members of their respective departments pending

Page: 2252

hearing by the civil service board. In the event there is a reduction in the number of firemen or policemen employed by the City of Marietta (such number is to be fixed by the mayor and council of the City of Marietta), the men last employed shall be the first to be dropped, and so on in succession.

[Sidenote: Rules and regulations.]

[Sidenote: Promotions, demotions.]

Section 10. All applicants for place or position on the fire and police departments shall file their applications in writing with the civil service board, said applications to be on the blank forms furnished by the board, and all applicants must be subject to examinations, which shall be public, competitive, and open to all citizens of the United States, within limits as to age, health, habits and moral character, to be fixed by said civil service board. Said examinations shall be both oral and written and shall be practical in their character and shall relate to those matters which will fairly test the capacity of the persons examined to intelligently discharge the duties of the position to which they aspire.

[Sidenote: Application for employment.]

[Sidenote: Examinations.]

Section 11. The board shall control all examinations, and whenever an examination is to take place, shall conduct such examination. Every applicant for examination shall pay to the board clerk the sum of \$3.00, and the receipt therefor shall be attached to his application. Provided that before any such examination is held that public notice of same shall be given at least 15 days prior to same. Such public notice shall be posted in at least three prominent places in the City of Marietta, which shall be as follows: the city hall, post office and the Cobb County courthouse, and shall be run once a week for two weeks in a newspaper of general circulation in the City of Marietta and Cobb County.

[Sidenote: Same.]

Section 12. The chiefs of the fire and police departments shall notify the civil service board of any vacancy in the membership of their respective departments and the board shall furnish the chief with the name and address of the three candidates standing highest on the eligible list for such positions and the chiefs of the respective departments shall select one of the three so

Page: 2253

certified to him to fill such vacancy. All appointments shall be on probation for a period of six months from the date of the appointment, and at any time before the expiration of said probationary period the chiefs of the fire and police departments, respectively, with the consent of the civil service board, may discharge any probationer in their departments upon assigning, in writing, his reasons therefor to the board, and such probationer shall not be entitled to a hearing upon such charges. If a probationer be not discharged before the expiration of his probation, his appointment shall be deemed complete.

[Sidenote: Appointments, [Illegible Text] made.]

[Sidenote: Probation.]

Section 13. In the event any vacancy occurs in the office of the chief of the fire department or in the office of the chief of the police department the civil service board shall submit to the mayor and council of the City of Marietta the names of three persons deemed qualified to fill such positions. Such submission shall be made to the mayor and council in open session by a member or members of the civil service board, together with any comments that such board or any member thereof cares to make concerning same. At the next regular or special meeting of the mayor and council there shall be selected from the three persons so submitted the new chief of the police or fire department as the case may be.

[Sidenote: Chief of police and of fire department, how chosen.]

Section 14. No member of the fire or police department shall be removed or discharged, nor shall the chief of the fire department or the chief of the police department be removed, discharged or demoted except for cause upon written charges or complaint and after an opportunity for an open public hearing in his own defense before the civil service board. Such charge shall be served upon such person at least five days before the date fixed for such hearing. Such charges shall be investigated by and before the civil service board after service upon the person charged with a copy of the charges, as hereinbefore provided. The decision of the board thereon shall be given in writing to the accused, and a copy thereof filed with the clerk of the mayor and council of the

City of Marietta. In all proceedings before the civil service board the city attorney shall appear and represent

Page: 2254

the interest of the city when ordered to do so by the civil service board if approved by the mayor and council. The person against whom charges are preferred shall have the right to employ counsel to represent him on the hearing before said board. Said board shall have power to subpoena witnesses, both in behalf of the city and of the accused, and to require the production of any books, papers or records material to the issues in said case, by subpoena to be issued in the same manner as subpoenas are issued by the recorder's court of the City of Marietta, signed by the chairman of said board, and said board shall have power to punish for contempt by a fine not exceeding \$10.00 or imprisonment not exceeding five days any person willfully failing or refusing to obey such subpoena.

[Sidenote: Hearing to remove, discharge, members of departments.]

Section 15. In the course of any investigation by said civil service board, any member thereof shall have the power to administer oaths to any witness.

Section 16. The civil service board shall at all times have access to all files, records and data of the fire and police departments of the City of Marietta, and on request to either the chief of the fire department, the chief of the police department or the clerk of the mayor and council of the City of Marietta must be furnished with any such record information as may be approved by the mayor and council and upon their request the chief of the fire department or the chief of the police department shall furnish to them the name of any officer or fireman or member of either department whom they may suggest for the purpose of making any investigation concerning the operation of said department or the conduct of any member of said department.

[Sidenote: Records available to civil service board.]

Section 17. Said civil service board shall elect one of its members as chairman, who shall hold office as such chairman at the pleasure of the board. Said civil service board shall hold regular meetings on the third Mondays in January, April, July and October, for the transaction of any business that may come before it and may hold special, adjourned or call meetings at any time that the

Page: 2255

same may be called by the chairman of said board or by any two members thereof. In the case of any and all special or called meetings of the board, called in the manner hereinbefore provided, the clerk of the said board, which clerk shall be appointed by said board from the members of the police and fire departments, shall give all members of the board five days written notice of such call or special meeting; and such a meeting cannot be legally held unless each member receives such five days written notice or waives same in writing. Provided, however, that if a member absences himself from the city for more than 30 continuous days; then in such event a meeting

may be duly and regularly held upon giving the requisite notice to the other two members of the board. At any regular, special or call meeting any two members of the board shall constitute a quorum for the transaction of business and the votes of any two members of the board shall be sufficient to transact its business. All meetings of the board shall be held in the city hall of the City of Marietta, or in such place as the city council holds its meetings.

[Sidenote: Meetings of board.]

Section 18. Said civil service board shall keep minutes of their meetings and records of all business transacted by them at each and every meeting. All such minutes and records shall be open to inspection at all times by the public and shall be on file in the office of the clerk of the mayor and council of the City of Marietta. The clerk of the board, or his designee, shall attend all meetings of said civil service board and shall keep the minutes and records of same.

[Sidenote: Minutes and records.]

Section 19. The compensation of the members of said civil service board shall be \$10.00 for each member for each meeting attended, not in any event to exceed the sum of \$120.00 per annum. The mayor and council of the City of Marietta shall provide for the payment of the salaries of the members of said civil service board and the payment of all expenses of said board, if approved by the mayor and council, and shall provide in the annual budget for the estimation and appropriation of a sufficient amount to cover same.

[Sidenote: Compensation of board members.]

Page: 2256

Section 20. No officer or employee or member of said fire or police department shall solicit orally or by letter or otherwise or receive or be in any manner concerned in soliciting a vote, or votes or receiving any assessment or subscription or contribution for any candidate for any municipal office of the City of Marietta.

[Sidenote: Political activity forbidden.]

Section 21. No member of said fire or police department shall in any wise undertake or threaten to degrade, discharge or demote, or in any manner change the official rank or pay of any officer or employee of said departments, or promise or threaten to do so, for giving or withholding or neglecting to make any contribution of money or any valuable thing for any person, party or for any political purpose whatsoever, or for the support of any candidate. No member of said fire or police departments shall receive any promotion as a reward for his support of any candidate or political party, and no member of said fire or police departments shall be reduced in rank or pay or discharged for his failure to support any candidate for political office.

Section 22. No recommendation made by any officer or official, whether said officer or official be a city, county, State or National officer or official, of any person being examined for membership in said department shall be considered by the civil service board except as the same may apply to the general moral character of the applicant.

Section 23. Any member of the fire or police departments, by appointment under the civil service rules who shall willfully, or through culpable negligence violate any provisions of this Act, or any criminal statute of this State, or such ordinance of this city, or the rules of said civil service board or of said fire or police departments shall be dismissed from the services of the city, as hereinbefore provided, and shall not be subject to reappointment for two years thereafter.
[Sidenote: Dismissal for violation of statute, etc.]

Section 24. Any officer or employee of the city other than those holding office under the civil service rules who

Page: 2257

shall willfully, or through culpable negligence violate any of the provisions of this Act shall be guilty of a misdemeanor, and on conviction thereof in the recorder's court be fined a sum of not more than \$100.00 or sentences to serve not more than fifty days in the jail of said city.
[Sidenote: Violation of Act.]

Section 25. Every member of the fire and police departments of the City of Marietta coming within the provisions of this Act shall have been such member for a period of four years in any capacity, though not consecutively, prior to the day upon which this Act shall go into effect shall retain his position without examination, and be subject to all the conditions and benefits of this civil service law. This provision shall apply to the chiefs of said departments, the assistant chiefs and all officers in their present positions.
[Sidenote: Members of departments to which applicable.]

Section 26. No person shall be eligible to take the civil service examination or to be appointed as a member of the fire or police departments of the City of Marietta, under the provisions of this Act, who is not a citizen of the United States or who has ever been convicted of a felony, or who does not possess a good moral character.
[Sidenote: Qualifications of members of departments.]

Section 27. The civil service board shall, within ninety days from their appointment, adopt and have printed such rules and regulations for the government of the fire and police departments, in accordance with the provisions of this Act, as may seem necessary. Said board shall have the power and authority to fix the maximum and minimum age limits of applicants for examinations, and may specify the weight, heights and other physical requirements of all applicants. All such rules, regulations and qualifications shall be subject to approval by the mayor and council of the City of Marietta and shall only be effective on and after the date of such approval.
[Sidenote: Rules and regulations of board.]

Section 28. Any member of the civil service board who shall violate any of the provisions of this Act shall be subject to removal by a majority vote of the mayor

and council of the City of Marietta after a full hearing before same and after having been served with written notice of the charges against him five days before the date set for such hearing. The finding of the said mayor and council of the City of Marietta upon such a hearing shall be final and conclusive and such person so removed shall not thereafter be eligible for re-election upon said board for a period of five years. If so removed his successor shall be elected in the same manner as he was elected.

[Sidenote: Violation of Act by board members.]

Section 29. Section 4 of the Acts of 1904, Ga. Laws 1904, pages 519 to 533 together with any amendatory Acts thereof, pertaining to registration of voters, qualification of voters, oath, of said city be and the same are hereby repealed and a new section is substituted therefor as follows:

[Sidenote: Sec. 4, Act of 1904, amended.]

The clerk of the council shall receive all registrations of voters of said city and shall keep the books of registration open at all times during the business hours at the city offices to receive the registration of all qualified voters of said city except during the fifteen-day period next preceding the date of any election. Any voter registering under this Act shall be a qualified voter as long as he or she remains a citizen of the City of Marietta and pays all taxes required of him or her by the said City of Marietta or the State of Georgia, and in otherwise legally qualified to register in any general election in the State of Georgia. These books shall be open at all times to the inspection of any or all of the citizens of said city. The clerk shall procure book or books containing the oaths to be subscribed by persons entitled to register in said city, which shall be the same as prescribed in Section 36 of the Civil Code of Georgia except that instead of the last sentence the following shall be substituted: "I do further swear or affirm, that I have resided in the City of Marietta for six months immediately preceding the date of this oath; and my age is -- , my occupation is -- , my place of residence is -- ; I have been a resident of the County of Cobb since the -- day of -- 19 -- , said blank shall be properly

filled and the oath signed by the voter; the same shall be dated and the clerk, or any officer authorized by the laws of this State to administer oaths and who is employed in the office of the city clerk, is authorized and empowered to administer oaths to the persons so registering.

[Sidenote: Registration of voters.]

Section 30. Section 5 of the Acts of 1904, Ga. Laws 1904, pages 519 to 533 together with any amendatory Acts thereof, pertaining to registration of voters -- registration book and list of said city, be and the same are hereby repealed and a new section is substituted therefor as follows:

The names of the persons so registering shall be entered on a book kept for that purpose. As soon as the time for registration has expired the clerk of council shall cause to be made an alphabetical list of all registered voters, giving their name, occupation, color and ward number. He shall

immediately thereafter turn over to the city registrars said alphabetical list, the books containing the names of the persons registering, and also the oaths subscribed by the persons registering.
[Sidenote: Voters' list.]

Section 31. Section 7 of the Acts of 1904, Ga. Laws 1904, pages 519 to 533 together with any amendatory Acts thereof, pertaining to oath of registrars; registration list, how revised, of said city, be and the same are hereby repealed and a new section is substituted therefor as follows:
[Sidenote: Sec. 7, Act of 1904, amended.]

Said registrars, before entering upon their duties, shall take and subscribe the following oath: "I do solemnly swear that I will faithfully and impartially discharge, to the best of my ability, the duties imposed upon me by law as such registrar." Said oath shall be filed with the clerk of council, and entered upon the book of minutes. As soon as the list of registered voters is turned over to said registrars by the clerk of council, as hereinbefore provided, said registrars shall appoint a time when they, in open session, in the council chamber will hear all complaints. When a complaint is made that any voter has registered

Page: 2260

who is not entitled by law to do so, he shall have five days personal notice, if in the city, or if not in the city, then five days notice by leaving a copy at his residence or by publication of such notice in the organ in which sheriff's advertisements are published at least once five days prior to such hearing, of the time and place of hearing, and of the grounds of challenge, and the registrars shall sit as a court to review said case, and may subpoena witnesses, hear evidence, and determine whether in law such names should remain or be stricken. They shall also hear all complaints of any one who has been refused registration, hear evidence, and determine whether such applicants should be allowed to register. Said registrars may, on their own motion, review the list turned over to them, but any voter to be affected must be notified and have an opportunity to be heard, as hereinbefore provided. All actions of the registrars in revising the list of voters must be in public in the council chamber. In making said registration list, and in revising said work, the registrars shall examine the grounds of disqualification of voters, including criminal records, insolvent tax lists, tax digests, tax execution dockets and tax executions. They shall leave no one on said list who is not entitled to register, and shall strike no one off of said list who is entitled to register and vote.

[Sidenote: Oath of registrars.]

[Sidenote: Hearings as to registration list.]

Section 32. Section 8 of the Acts of 1904, Ga. Laws, pages 519 to 533 together with any amendatory Acts thereof, pertaining to revised lists of said city, be and the same are hereby repealed and a new section is substituted therefor as follows:
[Sidenote: Sec. 8, Act of 1904, amended.]

After such registrars have fully completed their work in revising the registration list, they shall carefully and plainly make, or cause to be made, two alphabetical lists, exactly the same, giving name, occupation, color and ward number, and shall certify to the correctness of each list and

date and sign the same officially. They shall file one copy with the clerk of council for the inspection of all parties concerned. The other copy they shall securely seal, plainly mark and sign on the outside officially, and deliver to the clerk of council, to be by him kept unopened

Page: 2261

until the day of election, and then handed to the managers of said election. Said registrars shall also at the same time turn back to the clerk of council the book of original entries of the persons registering and their oaths, and these shall remain in his office at all times during office hours, subject to the inspection of any parties at interest.

[Sidenote: Voters' list.]

Section 33. Section 6 of the Acts of 1949, Ga. Laws, pages 238 to 249 together with any amendatory Acts thereof, pertaining to city expenditures of said city, be and the same are hereby repealed and a new section is substituted therefor as follows:

All expenditures of the mayor and council including the salaries of the city officers, agents and employees shall be paid out of the general funds of said city upon the order of the mayor and council by check signed by the mayor and city clerk. The councilmen shall each receive a salary of not more than \$10.00 per council meeting, payable quarterly.

[Sidenote: City expenditures.]

Section 34. That from and after the passage of this Act the office of treasurer in the City of Marietta and the office of city clerk in the City of Marietta are consolidated and made into one and the duties of each shall be consolidated into one office and performed by the city clerk of the City of Marietta.

[Sidenote: City clerk.]

Section 35. That from and after the passage of this Act wherever the term city clerk appears in the charter of the City of Marietta it shall be the same and synonymous with clerk of council and wherein the term clerk of council appears in the charter of the City of Marietta it shall be the same and synonymous with city clerk.

Section 36. That from and after the passage of this Act that wherever the term city marshal appears in the charter of the City of Marietta it shall be the same and synonymous with chief of police of the City of Marietta and wherein the term chief of police appears in the charter of the City of Marietta it shall be the same and

Page: 2262

synonymous with city marshal of the City of Marietta.

[Sidenote: Chief of police, city marshal.]

Section 37. Section 3 of the Acts of 1949, page 238 to 249 together with any amendatory Acts thereof pertaining to said section is hereby repealed and a new section is substituted therefor, as follows:

The mayor and council at their first meeting after said election or as soon thereafter as is practicable shall proceed to appoint or elect a city clerk, city engineer, street overseer, sexton and in their discretion the mayor and council may appoint or elect such other officers, employees, agents or persons as may be necessary to carry on the activities, duties and functions of the city government with power in the mayor and council in their discretion to determine and fix the salaries or compensation, term of appointment or employment, nature of services, powers, rights, limitations and conditions thereof and for the discharge of any and all of them and the mayor and council are hereby authorized to confirm or ratify at any time the appointment of or the employment of any such persons or parties who shall likewise be subject to the provisions hereof. Provided, however, that none of the provisions set forth above and included in this section shall apply to members of the police department or members of the fire department or the chiefs of these respective departments except that the mayor and council shall have the right to determine the number of employees of said departments and fix their salaries or compensations, and except as provided for in the provisions of the civil service sections of this Act.
[Sidenote: City officers and employees.]

Section 38. In the event any word, or portion of this Act should be declared void, illegal, or unconstitutional, the same shall not affect the remainder of the Act as it is hereby enacted to provide for separable and divisible parts and provisions in such event.
[Sidenote: Provisions separable.]

Section 39. Notice of application for the passage of local legislation was duly made and published, as required by law and Constitution, as follows:

Page: 2263

"Georgia, Cobb County,

City of Marietta.

Notice of Local Legislation.

Notice is hereby given that application will be made to the Georgia General Assembly at its session, convening in January, 1952, for the passage of local legislation and law, amending, repealing sections, supplementing, and adding to the charter of the City of Marietta, as contained in the Georgia Laws, 1904, pages 519-533, being No. 614, which is entitled an `Act to create a new charter for the City of Marietta in the County of Cobb...' and the amendatory Acts thereof, especially Ga. Laws, 1949, pages 238-249, House Bill No. 163, amending the charter of City of

Marietta, to define duties and powers of the mayor and councilmen, provide compensation therefor, to authorize a sewerage charge, to authorize appropriations by the board of lights and water works of the said city to same from any surplus revenues, to authorize the council to adopt ordinances and resolutions to effect such matters; to provide for civil service for the police and fire departments and to amend charter accordingly; to further amend the Acts of 1904 and amendatory Acts thereof by amending Sections 4, 5, 7 and 8 pertaining to voters' registration; to provide for a new method of paying expenditures; to provide for the consolidation of the offices of city clerk and treasurer; and for other purposes.

City of Marietta. By: Sam J. Welsch, Mayor."

Georgia, Cobb County.

Before the undersigned attesting officer, personally came Harold S. Willingham, Harry Williams and Fred Bentley, who, after being duly sworn, say, respectively, that they are the Senator from the 39th Senatorial District, and the Representatives in the General Assembly of Georgia, from Cobb County, respectively, and that they know that the 'Notice of Local Legislation,' as above set forth, was duly published once a week for three weeks during a period of sixty days immediately preceding the

Page: 2264

introduction of said bill into the General Assembly in the Marietta Daily Journal, a newspaper of general circulation in Marietta, Cobb County, in which the sheriff's advertisements for Cobb County are published, as published in Marietta, Cobb County; that this affidavit is to be made a part of this bill as introduced by affiants herewith.

Harold S. Willingham Harry Williams Fred Bentley Sworn to and subscribed to before me, this the -- day of January, 1952.
Notary Public, Cobb County, Georgia.

Section 40. Be it further enacted by the authority aforesaid that Section 5 (pertaining to the installation of manholes, catch basins, etc., and for the assessment therefor, of Georgia Laws 1917, pages 757-767, in regard to Marietta street paving assessments, being an Act of the Georgia General Assembly entitled an Act to amend an Act to create a new charter for the City of Marietta, as approved August 15, 1904, pages 519-533, be amended by striking the said Section 5, and the same is hereby stricken and by substituting a new Section 5 therefor, to read as follows:

[Sidenote: Sec. 5, Act of 1917, amended.]

Section 5. "Be it further enacted by authority aforesaid that the City of Marietta is empowered to install and construct in or upon any street, avenue, alley, or other public place manholes, catch basins, necessary draining pipes, including storm water drainage and culverts, whenever in its

discretion, the public necessity may require it, the cost of which with such engineering, surveying and grading as the city may see proper to do, in or upon any street, avenue, alley or other public place, which it is hereby empowered to do shall be included in the assessment provided for in this Act with the cost for the improvement of a street intersection assessed against the abutting owners, provided, however, the city council in its discretion may pay a part or all of the expenses for the items and matters referred to in this section should

Page: 2265

it appear to the council, in its sole discretion, the facts and circumstances warrant or require such payment by the City of Marietta with regard to any project."
[Sidenote: Manholes, catch basins, etc.]

Section 41. All laws and parts of laws in conflict herewith be and the same are hereby repealed.

Approval Date: Approved February 7, 1952.