

AN ORDINANCE

**Amending the Municipal Code of Marietta, Chapter 1-6-2, related to Civil Service Board elections to comply with Delay v. Sutton, 304 Ga. 338 (2018) and other administrative updates.**

---

**NOW THEREFORE, THE COUNCIL OF THE CITY OF MARIETTA HEREBY ORDAINS:**

Section 1: That Chapter 1-6-2 of the Municipal Code of Marietta titled "Civil Service Board Elections," be amended as follows:

1-6-2-010 - Conduct of Civil Service Board elections, generally.

Civil Service Board elections shall be conducted as provided herein and as now or hereafter amended by ordinance of the city council.

Civil Service Board elections shall be held for three days, Tuesday through Thursday, beginning the second Tuesday in October for Posts 2 and 4 of the Board for the terms provided by Section 4.15 of the City Charter.

Civil Service Board elections shall be held in the office of the city clerk from 7:00 a.m. until 4:00 p.m.

The purpose of Civil Service Board elections is to nominate individuals to the City Council for appointment by the City Council to the Civil Service Board as per Part 1, Article IV, Division 2 of the City Charter. "Nominate," as used in this ordinance, is a formal but non-binding recommendation to the City Council. The City Council shall consider, but not be bound by, nominations made as a result of elections or the nominating process.

(Code 1978, 1-2100; Ord. No. 5498, 10-11-95; Ord. No. 5575, 6/12/96)

1-6-2-020 - Election officials.

The city clerk shall serve as the election superintendent and shall appoint any other officials as are necessary for the conduct of the Civil Service Board election.

(Code 1978, 1-2101; Ord. No. 5498, 10-11-95; Ord. No. 5575, 6/12/96)

1-6-2-030 - Call of the election; notice.

The call of the Civil Service Board election shall be made not later than the last week of August. The notice of the call shall be run at least two consecutive weeks in the local newspaper.

The call will include the dates, times, and location of the election, and the qualification for candidates.

(Code 1978, 1-2102; Ord. No. 5498, 10-11-95; Ord. No. 5575, 6/12/96)

1-6-2-040 - Filing notice of candidacy; date; postings.

The filing notice of candidacy for Posts 2 and 4 of the Civil Service Board shall be received by the city clerk's office for a two-week period, Monday through Friday, from 9:00 a.m. until 4:00 p.m. beginning the second Monday in September.

The filing notice shall include the candidate's biographical sketch.

Candidates' filing notices shall be posted on fire and police department bulletin boards.

(Code 1978, 1-2103; Ord. No. 5498, 10-11-95; Ord. No. 5575, 6/12/96)

1-6-2-050 - Electors to be civil service employees; electors' list.

All certified officers who have satisfactorily completed an initial work test period below the rank of police deputy chief of the Marietta Police Department and all certified firefighters who have satisfactorily completed an initial work test period below the rank of fire deputy chief of the Marietta Fire Department shall be eligible to vote in the Marietta Civil Service Board election. Any occupants of the position of deputy chief as of February 12, 1997, are also eligible to vote in the Marietta Civil Service Board election.

The director of human resources and risk management and the police chief and fire chief shall certify an accurate list of eligible electors as of the day before the first day that elections are to be held. Such list will be filed with the city clerk 14 calendar days prior to the first day of elections with a copy posted on the official bulletin boards of the police and fire departments.

(Code 1978, 1-2104; Ord. No. 5498, 10-11-95; Ord. No. 5575, 6/12/96; Ord. No. 6063, 11/10/1999, § 1)

1-6-2-060 - Challenges of names on the electors' list.

All challenges to the right of any person whose name appears upon the electors' list shall be filed in writing with the city clerk by 12:00 noon on the Friday before the second Tuesday of October, the first day that elections are to be held. The city clerk will determine whether such individual is eligible to vote and shall notify the challenger, the elector challenged, the chief of the department of such person, and the director of human resources and risk management of the decision and such decision shall be final. Such challenged elector shall not be allowed to vote until such time as a determination of their eligibility is made.

(Code 1978, 1-2105; Ord. No. 5498, 10-11-95; Ord. No. 5575, 6/12/96; Ord. No. 6063, 11/10/1999, § 2)

1-6-2-070 - Write-in candidates.

Write-in candidates must file a notice with the city clerk and local paper within four days following the close of qualifying of their intent to be a write-in candidate. Only candidates that have filed the proper notices shall be allowed to be write-in candidates for the Civil Service Board election.

(Code 1978, 1-2107; Ord. No. 5498, 10-11-95; Ord. No. 5575, 6/12/96; Ord. No. 6626, 2/11/2004, § 1)

1-6-2-080 - Contested elections.

All petitions to contest the results of a Civil Service Board election shall be filed in writing with the city clerk within five days after the results of the election are declared by the city council. Upon filing of the contest petition, a hearing shall be set before the council as soon as practicable. The council shall render its decision within a reasonable time after the hearing, and the decision of the city council shall be considered a final determination of the contest.

(Code 1978, 1-2108; Ord. No. 5498, 10-11-95; Ord. No. 5575, 6/12/96)

Section 2: It is hereby declared to be the intention of this Ordinance that its sections, paragraphs, sentences, clauses and phrases are severable, and if any section, paragraph, sentence, clause or phrase of this Ordinance is declared to be unconstitutional or invalid, it shall not affect any of the remaining sections, paragraphs, sentences, clauses or phrases of this Ordinance.

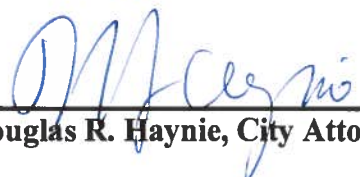
Section 3: All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

Section 4: This Ordinance shall become effective upon the signature or without the signature of the Mayor, subject to Georgia laws 1983, page 4119.

DATE: February 13, 2019

APPROVED:   
R. Steve Tumlin, Jr., Mayor

ATTEST:   
Stephanie Guy, City Clerk

Approved as to Form:   
Douglas R. Haynie, City Attorney