

WITHDRAWN

Senators Paul of the 40th and Price of the 56th offered the following amendment to SB 313:

By adding to line 5, page 1 the following:

1 To incorporate the City of Sandy Springs in Fulton County; to provide for a charter for the
 2 City of Sandy Springs; to provide for incorporation, boundaries, and powers of the city; to
 3 provide for general powers and limitations on powers; to provide for a governing authority
 4 of such city and the powers, duties, authority, election, terms, method of filling vacancies,
 5 compensation, qualifications, prohibitions, districts, and removal from office relative to
 6 members of such governing authority; to provide for inquiries and investigations; to provide
 7 for organization and procedures; to provide for ordinances and codes; to provide for the
 8 office of mayor and certain duties and powers relative to the office of mayor; to provide for
 9 administrative responsibilities; to provide for boards, commissions, and authorities; to
 10 provide for a city manager, a city attorney, a city clerk, a tax collector, a city accountant, and
 11 other personnel; to provide for personnel rules and regulations; to provide for a municipal
 12 court and the judge or judges thereof; to provide for practices and procedures; to provide for
 13 ethics and disclosures; to provide for taxation and fees; to provide for franchises, service
 14 charges, and assessments; to provide for bonded and other indebtedness; to provide for
 15 accounting and budgeting; to provide for purchases; to provide for homestead exemptions;
 16 to provide for the sale of property; to provide for bonds for officials; to provide for eminent
 17 domain; to provide for penalties; to provide for other matters relative to the foregoing; to
 18 provide for a referendum; to provide effective dates; to provide for severability; to repeal
 19 conflicting laws; and for other purposes.

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

21 ARTICLE I
 22 CREATION, INCORPORATION, POWERS

23 SECTION 1.01.
 24 Incorporation.

25 This Act shall constitute the charter of the City of Sandy Springs, Georgia. The City of
 26 Sandy Springs, Georgia, in the County of Fulton, and the inhabitants thereof, are constituted
 27 and declared a body politic and corporate under the same name and style of the "City of

1 Sandy Springs" and by that name shall have perpetual succession, may sue and be sued,
2 plead and be impleaded, in all the courts of law and equity, and in all actions whatsoever, and
3 may have and use a common seal.

4 **SECTION 1.02.**

5 Corporate Boundaries.

6 The boundaries of the City of Sandy Springs shall be as set forth and described in Exhibit A
7 of this charter, and said Exhibit A is incorporated into and made a part of this charter. The
8 city manager shall maintain a current map and written legal description of the corporate
9 boundaries of the city, and such map and description shall incorporate any changes which
10 may hereafter be made in such corporate boundaries.

11 **SECTION 1.03.**

12 Specific Powers.

13 (a) The corporate powers of the government of the City of Sandy Springs, to be exercised
14 by the governing authority, shall include the following:

15 (1) To levy and to provide for the valuation and revaluation of all property
16 subject to taxation, and collection of taxes on the same;

17 (2) To levy and to provide for the collection of license fees and taxes on
18 privileges, occupations, trades, and professions; to license and regulate such
19 privileges, occupations, trades, and professions; and to provide for the manner
20 and method of payment of such licenses and taxes;

21 (3) To make appropriations for the support of the government of the city; to
22 authorize the expenditure of money for any purposes authorized by this charter
23 and for any purpose for which a municipality is authorized by the laws of the
24 State of Georgia; and to provide for the payment of expenses of the city;

25 (4) To appropriate and borrow money for the payment of debts of the city and
26 to issue bonds for the purpose of raising revenue to carry out any project,
27 program, or venture authorized by this charter or the laws of the State of
28 Georgia;

29 (5) To acquire, dispose of, and hold in trust or otherwise, any real, personal, or mixed
30 property, in fee simple or lesser interest, inside or outside the corporate limits of the
31 city;

32 (6) To accept or refuse gifts, donations, bequests, or grants from any source for any
33 purpose related to the powers and duties of the city and the general welfare of its
34 citizens on such terms and conditions as the donor or grantor may impose;

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

1 (8) To acquire, lease, construct, operate, maintain, sell, and dispose of public utilities,
2 including, but not limited to, a system of waterworks, sewers and drains, sewage
3 disposal, gas works, electric light plants, transportation facilities, public airports, and
4 any other public utility; and to fix the taxes, charges, rates, fares, fees, assessments,
5 regulations, and penalties therefor; and to provide for the withdrawal of service for
6 refusal or failure to pay same and the manner in which such remedies shall be
7 enforced;

8 (9) To grant franchises or make contracts for public utilities and public services, not
9 to exceed periods of ten years; to prescribe the rates, fares, regulations, standards, and
10 conditions of service applicable to the service to be provided by the franchise grantee
11 or contractor, insofar as not in conflict with such regulations by the Public Service
12 Commission;

13 (10) To lay out, open, extend, widen, narrow, establish, change the grade of,
14 abandon, close, construct, pave, curb, gutter, adorn with shade trees, otherwise
15 improve, maintain, repair, clean, prevent erosion of, and light roads, alleys, and
16 walkways within the corporate limits of the city;

17 (11) To grant franchises and rights of way throughout the streets and roads and over
18 the bridges and viaducts, for the use of public utilities;

19 (12) To provide for the acquisition, construction, building, operation, and
20 maintenance of public ways, parks and playgrounds, recreational facilities,
21 cemeteries, markets and market houses, parking facilities, public buildings, libraries,
22 sewers, drains, sewerage systems, airports, hospitals, housing, and charitable, cultural,
23 educational, recreational, conservation, sport, curative, corrective, detentional, penal,
24 and medical institutions, agencies, and facilities; to provide any other public
25 improvements inside or outside the corporate limits of the city; to regulate the use of
26 public improvements; and, for such purposes, property may be acquired by
27 condemnation under Title 22 of the O.C.G.A. or such other applicable laws as are or
28 may hereafter be enacted;

29 (13) To require real estate owners to repair and maintain in a safe condition the
30 sidewalks adjoining their lots or lands; and to enact ordinances establishing the terms
31 and conditions under which such repairs and maintenance shall be effected, including
32 the penalties to be imposed for failure to do so;

33 (14) To regulate the erection and construction of buildings and all other structures;
34 to adopt building, housing, plumbing, electrical, gas, and heating and air-conditioning
35 codes; to regulate all housing, building, and building trades; to license all building
36 trades; to license the construction and erection of buildings and all other structures;

37 (15) To provide for the prevention and punishment of drunkenness, riots, and public
38 disturbances;

39 (16) To regulate junk dealers, pawn shops, the manufacture, sale, or transportation
40 of intoxicating liquors; to regulate the transportation, storage, and use of combustible,
41 explosive, and inflammable materials; and to regulate the use of lighting and heating
42 equipment, and any other business or situation which may be dangerous to persons
43 or property;

1 (17) To regulate the conduct of peddlers and itinerant traders, theatrical
2 performances, exhibitions, and shows of any kind, by taxation or otherwise;

3 (18) To license, tax, and regulate professional fortunetelling or palmistry;

4 (19) To regulate the erection, removal, and maintenance of signs, billboards, trees,
5 shrubs, fences, buildings, and any and all other structures or obstructions upon or
6 adjacent to the rights of way of streets and roads, inside or abutting the corporate
7 limits of the city and to prescribe penalties and punishment for violation of such
8 ordinances;

9 (20) To prescribe standards of public health and sanitation and to provide for the
10 enforcement of such standards;

11 (21) To regulate the emission of smoke or other exhaust which pollutes the air and
12 to prevent the pollution of natural streams which flow within the corporate limits of
13 the city;

14 (22) To fix and establish fire limits, and, from time to time, extend, enlarge, or
15 restrict same; to prescribe fire safety regulations not inconsistent with general law,
16 relating to both fire prevention and detection and to fire fighting, and to prescribe
17 penalties and punishment for violation thereof;

18 (23) To provide for the destruction and removal of any building or other structure
19 which is dangerous to the public;

20 (24) To provide for the collection and disposal of garbage, rubbish, and refuse; to
21 regulate the collection and disposal of garbage, rubbish, and refuse by others; to
22 provide for the separate collection of glass, tin, aluminum, cardboard, paper, and other
23 recyclable materials and to provide for the sale of such items;

24 (25) To levy, fix, assess, and collect a garbage, refuse, and trash collection and
25 disposal, and other sanitary service charge, tax, or fee, for such services as may be
26 necessary in the operation of the city, from all individuals, firms, and corporations
27 residing in or doing business therein benefiting from such services; to enforce the
28 payment of such charges, taxes, or fees, and to provide for the manner and method of
29 collecting such service charges;

30 (26) To levy a fee, charge, or sewer tax as necessary to assure the acquiring,
31 constructing, equipping, operating, maintaining, and extending of a sewage disposal
32 plant and sewerage system, and a water treatment or water distribution system; to levy
33 on the users of sewers and the sewerage system a sewer service charge, fee, or sewer
34 tax for the use of the sewers; and to provide for the manner and method of collecting
35 such service charges and for enforcing payment of same;

36 (27) To charge, impose, and collect a water and sewer connection fee or fees, and to
37 charge the same from time to time; such fees to be levied on the users connecting with
38 the water and sewerage system;

39 (28) To define and regulate any act, practice, conduct, or use of property which is
40 detrimental to the health, sanitation, cleanliness, welfare, and safety of the inhabitants
41 of the city and to provide for the enforcement of such standards;

42 (29) To define a nuisance and provide for its abatement, whether on public or private
43 property;

1 (30) To provide for the preservation and protection of property and equipment of the
2 city and the administration and use of same by the public, and to prescribe penalties
3 and punishment for violations thereof;

4 (31) To establish minimum standards for and to regulate building construction and
5 repair, electrical wiring and equipment, gas installation and equipment, plumbing, and
6 housing, for the health, sanitation, cleanliness, welfare, and safety of inhabitants of
7 the city, and to provide for the enforcement of such standards;

8 (32) To provide that persons given jail sentences by the municipal court shall work
9 out such sentence in any public works or on the streets, roads, drains, and squares in
10 the city; or to provide for commitment of such persons to any county correctional
11 institution or jail by agreement with the appropriate county officials;

12 (33) To adopt ordinances and regulations for the prevention of loitering, disorderly
13 conduct, public drunkenness, and disturbing the peace in the corporate limits of the
14 city and to prohibit the playing of lotteries therein; and to prohibit or regulate, by
15 ordinance, such other conduct and activities within said city which, while not
16 constituting an offense against the laws of this state, are deemed by the governing
17 authority to be detrimental and offensive to the peace and good order of the city or to
18 the welfare of the citizens thereof;

19 (34) To regulate the keeping or running at large of animals and fowl and to provide
20 for the impoundment of same if in violation of any ordinance or lawful order; also,
21 to provide for disposition by sale, gift, or humane destruction of animals and fowl
22 when not redeemed as provided by ordinance; to provide punishment for violation of
23 ordinances enacted under this paragraph;

24 (35) To regulate the operation of motor vehicles and exercise control over all traffic,
25 including parking, upon or across the streets, roads, alleys, and walkways of the city;

26 (36) To regulate and license vehicles operated for hire in the city; to require the
27 operators thereof to be licensed; to require public liability insurance on such vehicles
28 in amounts to be prescribed by ordinance; and to regulate parking spaces in public
29 ways for the use of such vehicles;

30 (37) To provide and maintain a system of pensions and retirement for officers and
31 employees of the city;

32 (38) To levy and provide for the collection of special assessments to cover the costs
33 from abutting property owners of improvements in public rights of way, sewers, water
34 system, and other public utilities;

35 (39) To enter into contracts and agreements with other governmental entities and
36 with private persons, firms, and corporations providing for services to be furnished
37 and payments to be made therefor;

38 (40) To create, alter, or abolish departments boards, offices, commissions,
39 authorities, and agencies of the city, and to confer upon such agencies the necessary
40 and appropriate authority for carrying out all the powers conferred upon or delegated
41 to same;

42 (41) To make, ordain, and establish such bylaws, ordinances, rules, and regulations

1 as shall appear necessary for the security, welfare, convenience, and interest of the
2 city and the inhabitants thereof, and for preserving the health, peace, order, and good
3 government of the city;

4 (42) To provide penalties for violations of any ordinance adopted pursuant to the
5 authority of this charter and the laws of the State of Georgia;

6 (43) To exercise the power of arrest through duly appointed law enforcement
7 personnel;

8 (44) To prepare, modify, and adopt land use plans to enact zoning ordinances and
9 other environmental control ordinances;

10 (45) To establish procedures for determining and proclaiming that an emergency
11 situation exists inside or outside the city, and to make and carry out all reasonable
12 provisions deemed necessary to deal with or meet such an emergency for the
13 protection, safety, health, or well-being of the citizens of the city;

14 (46) To safeguard all individuals in public employment from discrimination in
15 employment; to promote the elimination of discrimination against all individuals in
16 public employment because of such individuals' race, color, religion, national origin,
17 sex, handicap, or age thereby to promote the protection of their interest in personal
18 dignity and freedom from humiliation;

19 (47) To exercise and enjoy all other powers, functions, rights, privileges, and
20 immunities necessary or desirable to promote or protect the safety, health, peace,
21 security, good order, comfort, convenience, or general welfare of the city and its
22 inhabitants; to exercise all implied powers necessary to carry into execution all
23 powers granted in this charter as fully and completely as if such powers were fully
24 enumerated in this charter; and to exercise all powers now or in the future authorized
25 to be exercised by other municipal governments under other laws of the State of
26 Georgia.

27 (b) No enumeration of particular powers in this charter shall be held to be exclusive of
28 others, nor restrictive of general words and phrases granting powers, but shall be held to be
29 in addition to such powers unless expressly prohibited to municipalities under the
30 Constitution or applicable laws of the State of Georgia.

31 **SECTION 1.04.**

32 **General Powers and Limitations on Powers.**

33 In addition to all other powers granted by this charter the city shall be vested with any and
34 all powers which municipal corporations are, or may hereafter be, authorized or required to
35 exercise under the Constitution and laws of the State of Georgia, as fully and completely as
36 though such powers were specifically enumerated in this charter.

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SECTION 1.05.
Exercise of Powers.

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

ARTICLE II
GOVERNING BODY

SECTION 2.01.
Legislative Branch.

- (a) The legislative authority of the government of the City of Sandy Springs, except as otherwise specifically provided in this charter, shall be vested in a city council, to be composed of a mayor and eight councilmembers.
- (b) The mayor shall be elected by a majority vote of the qualified electors of the city at large voting at the elections provided for by Article V of this charter. Each councilmember shall be elected by a majority vote of the qualified electors of his or her respective council district voting at the elections provided for by Article V of this charter. For the purpose of electing the eight councilmembers, there shall be eight council districts as provided for by Section 2.05 of this charter.

SECTION 2.02.
First Election; Terms of Office.

The first election for mayor and councilmembers shall be a special election held in 2001 on the date specified in Article V of this charter. At said election, the mayor and the councilmembers elected from Council Districts 1, 3, 5, and 7 shall be elected for initial terms of office beginning the first day of January, 2002, and expiring on December 31, 2003. The councilmembers elected from Council Districts 2, 4, 6, and 8 shall be elected for initial terms of office beginning on the first day of January, 2002, and expiring on December 31, 2005. Thereafter, at the elections provided for by Article V of this charter, their successors shall be elected for terms of four years. All members shall serve until their successors are elected and qualified. The persons elected as mayor and councilmembers shall take office on the first day of January immediately following their election in the manner prescribed by Section 2.11 of this charter.

1 **SECTION 2.03.**

2 Qualification for Office of Mayor.

3 No person shall be eligible to serve as mayor unless he or she shall have been a resident of
4 the area comprising the corporate limits of the City of Sandy Springs for at least 12 months
5 and shall continue to reside within the city during his or her period of service and shall be
6 registered and qualified to vote in municipal elections of the City of Sandy Springs. In
7 addition to the foregoing, any person eligible to serve as mayor shall not be ineligible for
8 such office under Code Section 45-2-1 of the O.C.G.A.

9 **SECTION 2.04.**

10 Qualification for Office of Councilmembers.

11 No person shall be eligible to serve as a councilmember unless he or she shall have been a
12 resident of the area comprising the corporate limits of the City of Sandy Springs for at least
13 12 months and a resident of the area comprising the district he or she wishes to represent for
14 a continuous period of six months immediately prior to the date of the election of
15 councilmembers, and shall continue to reside within the district during his or her period of
16 service, and shall be registered and qualified to vote in municipal elections of the City of
17 Sandy Springs. In addition to the foregoing, any person eligible to serve as councilmember
18 shall not be ineligible for such office under Code Section 45-2-1 of the O.C.G.A.

19 **SECTION 2.05.**

20 Districts of the City of Sandy Springs.

21 For the purpose of electing the eight district councilmembers, the territory comprising the
22 corporate limits of the City of Sandy Springs shall be divided into eight council districts to
23 be designated Council Districts 1 through 8. Each person desiring to offer as a candidate for
24 councilmember shall designate the council district for which he or she is offering. The eight
25 council districts shall be as described in Exhibit B of this charter which is attached to and is
26 made a part of the charter of the City of Sandy Springs.

27 **SECTION 2.06.**

28 Vacancy; Forfeiture of Office; Filling of Vacancies.

29 (a) The office of mayor or councilmember shall become vacant upon the incumbent's death,
30 resignation, forfeiture of office, or removal from office in any manner authorized by this
31 charter or the laws of the State of Georgia.

32 (b) The mayor or any councilmember shall forfeit his or her office if he or she:

33 (1) Lacks at any time during his or her term of office any qualifications of the office
34 as prescribed by this charter or the laws of the State of Georgia;

35 (2) Willfully and knowingly violates any express prohibition of this charter, as
36 determined by a majority of the councilmembers; or

1 (3) Is finally convicted of a crime involving moral turpitude.

2 (c) A vacancy in the office of mayor shall be filled by the mayor pro tempore for the
3 unexpired term if the vacancy occurs in the last 27 months of the term of office. If the
4 vacancy occurs before the last 27 months of the term of office, the mayor pro tempore shall
5 fill the vacancy until a successor is elected for the remainder of the unexpired term at a
6 special election conducted at the next regular municipal election. An election to fill a
7 vacancy in the office of mayor shall be held in the city at large. A vacancy in the office of
8 councilmember shall be filled by vote of the remaining councilmembers for the unexpired
9 term if the vacancy occurs in the last 27 months of the term of office. If the vacancy occurs
10 before the last 27 months of the term of office, the remaining councilmembers shall fill the
11 vacancy until a successor is elected for the remainder of the unexpired term at a special
12 election conducted at the next regular municipal election. An election to fill a vacancy in the
13 office of a councilmember shall be held in the council district wherein the vacancy exists.

14 **SECTION 2.07.**

15 Compensation and Expenses.

16 The annual salary of the mayor shall be \$15,000.00 and for each councilmember from
17 Districts 2, 4, 5, 6, 7, and 8 shall be \$5,000.00 per annum and for each councilmember from
18 Districts 1 and 3 shall be \$7,500.00 per annum. Such salaries shall be paid from municipal
19 funds. Extraordinary expenses, such as attendance at conventions, may be paid from
20 municipal funds when approved in advance by the city council.

21 **SECTION 2.08.**

22 Prohibitions.

23 (a) Except as authorized by law, no member of the council shall hold any other elective city
24 office or city employment during the term for which he or she was elected.

25 (b) Neither the mayor nor any other member of the council shall vote upon any question in
26 which he or she has a personal interest.

27 **SECTION 2.09.**

28 General Power and Authority of the Council.

29 (a) Except as otherwise provided by law or by this charter, the council shall be vested with
30 all the powers of government of the City of Sandy Springs as provided by Article I of this
31 charter.

32 (b) In addition to all other powers conferred upon it by law, the council shall have the
33 authority to adopt and provide for the execution of such ordinances, resolutions, rules, and
34 regulations, not inconsistent with this charter, the Constitution and the laws of the State of
35 Georgia, which it shall deem necessary, expedient, or helpful for the peace, good order,
36 protection of life and property, health, welfare, sanitation, comfort, convenience, prosperity,

1 or well-being of the inhabitants of the City of Sandy Springs and may enforce such
2 ordinances by imposing penalties for violation thereof.
3 (c) The council may, by ordinance, create, change, alter, abolish, or consolidate offices,
4 agencies, and departments of the city and may assign additional functions to any of the
5 offices, agencies, and departments expressly provided for by this charter.

6 **SECTION 2.10.**
7 Powers and Duties of Mayor.

8 The mayor shall be the official spokesman for the city and the chief advocate of policy. He
9 or she shall preside at meetings of the council, sign ordinances and resolutions on their final
10 passage, and sign deeds, bonds, contracts, and other instruments or documents when
11 authorized by the council to do so. The mayor shall perform such other duties as may be
12 imposed by this charter or by ordinance of the council not inconsistent therewith. Unless
13 otherwise expressly provided by law or this charter, he or she shall have no vote on any
14 question before the city council, except in case of a tie. He or she shall have power to veto
15 any action of the city council, except an impeachment resolution against the mayor or any
16 resolution for removal of the mayor.

17 **SECTION 2.11.**
18 Organization and Procedures; Organization Meeting.

19 The council shall meet for organization on the first working day in January immediately
20 following each municipal election. The meeting may be called to order by the presiding
21 judge of the Superior Court of Fulton County or by a judge of the Superior Court of Fulton
22 County designated by said presiding judge and the oath of office shall be administered to the
23 newly elected members as follows:

24 "I do solemnly swear (or affirm) that I will well and truly perform the duties of (mayor
25 or councilmember, as the case may be) of the city and that I will support and defend the
26 charter thereof as well as the Constitution and laws of the State of Georgia and of the
27 United States of America."

28 Following the induction of members, the council, by majority vote of all the members
29 thereof, shall elect a councilmember to be mayor pro tempore, who shall serve for a term of
30 two years and until a successor is elected and qualified.

31 **SECTION 2.12.**
32 Regular and Special Meetings.

33 (a) The council shall hold regular meetings at such times and places as prescribed by
34 ordinance. The council may recess any regular meeting and continue such meeting on any
35 weekday or hour it may fix and may transact any business at such continued meeting as may
36 be transacted at any regular meeting.

37 (b) Special meetings of the council may be held on call of the mayor or four members of the

1 council. Notice of such special meetings shall be delivered to all members of the council and
2 the mayor personally, or by registered mail or a notice in writing that is received by each
3 member of the council and the mayor. Such notice of a special meeting shall be delivered
4 and received at least twelve hours in advance of the meeting. The notice of such special
5 meeting shall state what business may be transacted at the special meeting. Only the
6 business stated in the call may be transacted at the special meeting.
7 (c) All meetings of the city council, committee, and board shall be open to the public to the
8 extent required by law.

9 **SECTION 2.13.**
10 Rules of Procedure.

11 The council shall adopt its rules of procedure and order of business consistent with the
12 provisions of this charter and shall provide for keeping a journal of its proceedings which
13 shall be a public record.

14 **SECTION 2.14.**
15 Quorum; Voting.

16 Five councilmembers shall constitute a quorum and shall be authorized to transact business
17 of the council. Voting on the adoption of ordinances shall be taken by voice vote and the
18 yeas and nays shall be recorded in the journal, but on request of any member there shall be
19 a roll-call vote. The affirmative vote of a majority of councilmembers present shall be
20 required for the adoption of an ordinance, resolution, or motion, except as otherwise provided
21 in this charter.

22 **SECTION 2.15.**
23 Action Requiring an Ordinance.

24 (a) Except as provided in this charter, every official action of the council which is to become
25 law shall be by ordinance. Each proposed ordinance or resolution shall be introduced in
26 writing and in the form required for final adoption. No ordinance shall contain a subject
27 which is not expressed in its title. The enacting clause shall be "The council of the City of
28 Sandy Springs ordains...."

29 (b) An ordinance may be introduced by any member of the council and read at a regular or
30 special meeting of the council. Ordinances shall be considered and adopted or rejected by
31 the council in accordance with the rules which it shall establish; provided, however,
32 ordinances, except emergency ordinances, shall not be adopted until the next regular meeting
33 of the council following the meeting of their initial introduction. Upon introduction of any
34 ordinance, the clerk shall distribute a copy to the mayor and to each councilmember and shall
35 file a reasonable number of copies in the office of the clerk and at such other public places
36 as the council may designate.

1 affirmative vote of four members, it shall become law.
2 (d) The mayor may disapprove or reduce any item or items of appropriation in any
3 ordinance. The approved part or parts of any ordinance making appropriations shall become
4 law, and the part or parts disapproved shall not become law unless subsequently passed by
5 the city council over the mayor's veto as provided in this charter.
6 (e) All ordinances that have been signed by the mayor or adopted over his or her veto, as
7 provided for in subsection (c) of this section, shall be recorded in full in a properly indexed
8 book kept for that purpose. The council shall provide for the preparation of a general
9 codification of all of the ordinances of the city having the force and effect of law. The
10 general codification shall be adopted by the council by ordinance and shall be published
11 promptly, together with all amendments thereto with this charter and any amendment thereto,
12 and such codes of technical regulations and other rules and regulations as the city council
13 may specify. This compilation shall be known and cited officially as "The Code of the City
14 of Sandy Springs, Georgia." Copies of the code shall be furnished to all officers,
15 departments, and agencies of the city and made available for purchase by the public at a
16 reasonable price as fixed by the council.
17 (f) The council shall cause each ordinance and each amendment to this charter to be printed
18 promptly following its adoption, and the printed ordinances and charter amendments shall
19 be made available for purchase by the public at reasonable prices to be fixed by the council.
20 Following the initial publication of "The Code of the City of Sandy Springs, Georgia", and
21 at all times thereafter, the ordinances and charter amendments shall be printed in
22 substantially the same style as the code currently in effect and shall be suitable in form for
23 incorporation therein. The council shall make such further arrangements as deemed desirable
24 with respect to reproduction and distribution of any current changes in or additions to codes
25 of technical regulations and other rules and regulations included in the code.

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ARTICLE III
EXECUTIVE BRANCH
Organization and General Provisions.

SECTION 3.01.
Administrative and Service Department.

31 (a) The council, by ordinance, may establish, abolish, merge, or consolidate offices,
32 positions of employment, departments, and agencies of the city as they shall deem necessary
33 for the proper administration of the affairs and government of the city. The council shall
34 prescribe the functions and duties of existing departments, offices, and agencies or of any
35 departments, offices, and agencies hereinafter created or established; may provide that the
36 same person shall fill any number of offices and positions of employment; and may transfer
37 or change the functions and duties of offices, positions of employment, departments, and
38 agencies of the city.
39 (b) The operations and responsibilities of each department now or hereafter established in
40 the city shall be distributed among such divisions or bureaus as may be provided by

1 ordinance of the council. Each department shall consist of such officers, employees, and
2 positions as may be provided by this charter or by ordinance and shall be subject to the
3 general supervision and guidance of the mayor and council.

4 (c) Except as otherwise provided by law, the directors of departments and other appointed
5 officers of the city shall be appointed solely on the basis of their respective administrative
6 and professional qualifications.

7 (d) All appointive officers and directors of departments shall receive such compensation as
8 prescribed by ordinance of the city council.

9 **SECTION 3.02.**

10 **Boards, Commissions, and Authorities.**

11 (a) All members of boards, commissions, and authorities of the city shall be nominated by
12 the mayor and be confirmed by the council for such terms of office and such manner of
13 appointment as provided by ordinance, except where other appointing authority, term of
14 office, or manner of appointment is prescribed by this charter or by applicable state law.

15 (b) No member of any board, commission, or authority of the city shall hold any elective
16 office in the city. Councilmembers and the mayor, however, may serve as ex officio
17 members of such boards, commissions, or authorities, without a vote.

18 (c) Any vacancy in office of any member of a board, commission, or authority of the city
19 shall be filled for the unexpired term in the manner prescribed in this section for original
20 appointment, except as otherwise provided by this charter or any applicable state law.

21 (d) No member of any board, commission, or authority shall assume office until he or she
22 shall have executed and filed with the designated officer of the city an oath obligating
23 himself or herself to faithfully and impartially perform the duties of his or her office, such
24 oath to be prescribed by ordinance of the council and administered by the mayor.

25 (e) Any member of a board, commission or authority may be removed from office for cause
26 by a vote of a majority of the members of the council. He or she may file with the council
27 a written request for hearing in the same manner as provided in Section 3.06 of this charter.

28 (f) Members of boards, commissions, and authorities may receive such compensation and
29 expenses in the performance of their official duties as prescribed by ordinance.

30 (g) The qualifications required of members of boards, commissions, and authorities shall be
31 as prescribed by ordinance.

32 (h) Except as otherwise provided by this charter or by applicable state law, each board,
33 commission, or authority of the city government shall elect one of its members as
34 chairperson and one member as vice-chairperson for terms of one year and may elect as its
35 secretary one of its own members or may appoint as secretary an employee of the city. Each
36 board, commission, or authority of the city government may establish such bylaws, rules, and
37 regulations not inconsistent with this charter, ordinances of the city, or applicable state law
38 as it deems appropriate and necessary for the conduct of its affairs, copies of which shall be
39 filed with the designated officer of the city.

1 **SECTION 3.03.**

2 City Manager; Appointment, Qualification, and Compensation.

3 The council shall appoint for an indefinite term an officer whose title shall be the "city
4 manager." The city manager shall be appointed without regard to political beliefs and solely
5 on the basis of his or her executive and administrative qualifications with special reference
6 to his or her educational background and actual experience in, and knowledge of, the duties
7 of office as hereinafter prescribed. At the time of appointment, the city manager need not
8 be a resident of the City of Sandy Springs or the State of Georgia, but if he or she is not a
9 resident of the city at the time of appointment, the person appointed city manager shall
10 become a resident within 60 days after the date of appointment and continuously maintain
11 such residency while holding office as city manager. The compensation of the city manager
12 shall be fixed by the council by ordinance.

13 **SECTION 3.04.**

14 City Manager; Chief Executive Officer.

15 The city manager shall be the chief executive officer of the government of the City of Sandy
16 Springs. The city manager must devote all of his or her working time and attention to the
17 affairs of the city and shall be responsible to the mayor and council for the proper and
18 efficient administration of the affairs of the city over which said officer has jurisdiction.

19 **SECTION 3.05.**

20 City Manager; Powers and Duties Enumerated.

- 21 (a) The city manager shall have the power, and it shall be his or her duty to:
- 22 (1) See that all laws and ordinances are enforced;
- 23 (2) Appoint and employ all necessary employees of the city, provided that excepted
24 from the power of this appointment are those officers and employees who by this Act
25 are appointed or elected by the council or departments not under the jurisdiction of
26 the city manager;
- 27 (3) Remove employees employed by said officer without the consent of the council
28 and without assigning any reason therefor;
- 29 (4) Exercise supervision and control of all departments and all divisions created in
30 this charter or that may hereafter be created by the council except as otherwise
31 provided in this Act;
- 32 (5) Attend all meetings of the council with a right to take part in the discussions, but
33 having no vote. The city manager shall be entitled to notice of all special meetings;
- 34 (6) Recommend to the council for adoption such measures as said officer may deem
35 necessary or expedient;
- 36 (7) See that all terms and conditions imposed in favor of the city or its inhabitants in
37 any public utility franchise are faithfully kept and performed and upon knowledge of

1 any violation thereof to call the same to the attention of the city attorney, whose duty
2 it shall be forthwith to take such steps as are necessary to protect and enforce the
3 same;

4 (8) Make and execute all lawful contracts on behalf of the city as to matters within
5 said officer's jurisdiction, except such as may be otherwise provided by law or by
6 ordinance passed by the council; provided, however, that no contract purchase or
7 obligation involving over \$5,000.00 shall be valid and binding until after approval of
8 the council;

9 (9) Act as budget officer with such committee as the city council may appoint to
10 prepare and submit to the council prior to the beginning of each fiscal year a budget
11 of proposed expenditures for the ensuing year, showing in as much detail as
12 practicable the amounts allotted to each department of the city government and the
13 reasons for such estimated expenditures;

14 (10) Keep the council at all times fully advised as to the financial condition and needs
15 of the city;

16 (11) Make a full written report to the council on the first of each month showing the
17 operations and expenditures of each department of the city government for the
18 preceding month, and a synopsis of such reports shall be published by the clerk of the
19 city;

20 (12) Fix all salaries and compensation of city employees lawfully employed by said
21 officer, subject, however, to supervision, control, or disapproval by the council; and

22 (13) Perform such other duties as may be prescribed by this Act or required by
23 ordinance or resolution of the council.

24 (b) The city manager shall be the purchasing agent for the city by whom all the purchases
25 of supplies for departments under said officer's control and all contracts for printing shall be
26 made, as hereinbefore provided, and said officer shall approve all vouchers for same;
27 provided, however, that all contracts or agreements made by said officer requiring the
28 expenditure of money to the amount of \$5,000.00 or more shall be approved by the council.
29 In the capacity of purchasing agent, said officer shall conduct all sales of personal property
30 which the council may authorize to be sold and which have become unnecessary or unfit for
31 the city's use. All purchases and sales shall conform to such regulations as the council may
32 from time to time prescribe, but, in any case, if an amount in excess of \$5,000.00 is involved,
33 opportunity for competition shall be given after reasonable advertisement thereof.

34 **SECTION 3.06.**

35 City Manager; Removal.

36 (a) The mayor and council may remove the manager from office for cause in accordance
37 with the following procedures:

38 (1) The council shall adopt by affirmative vote of a majority of all its members a
39 preliminary resolution which must state the reasons for removal and may suspend the
40 city manager from duty for a period not to exceed 45 days. A copy of the resolution
41 shall be delivered promptly to the city manager;

1 (2) Within five days after a copy of the resolution is delivered to the city manager,
2 he or she may file with the council a written request for a public hearing. This hearing
3 shall be held at a council meeting not earlier than 15 days nor later than 30 days after
4 the request is filed. The city manager may file with the council a written reply not
5 later than five days before the hearing; and

6 (3) The council may adopt a final resolution of removal, which may be made
7 effective immediately, by affirmative vote of a majority of all its members at any time
8 after five days from the date when a copy of the preliminary resolution was delivered
9 to the city manager, if he or she has not requested a public hearing, or at any time
10 after the public hearing if he or she has requested one.

11 (b) The city manager shall continue to receive his or her salary until the effective date of a
12 final resolution of removal and, unless he or she has been convicted of a felony at that time,
13 he or she shall be given not less than 60 days' severance pay. The action of the council in
14 suspending or removing the city manager shall not be subject to review by any court or
15 agency.

16 (c) If the city manager becomes disabled and is unable to carry out the duties of the office
17 or if the city manager dies, the acting city manager shall perform the duties of the city
18 manager until the city manager's disability is removed or until the city manager is replaced.
19 Removal of the city manager because of disability shall be carried out in accordance with the
20 provisions of subsection (a) of this section.

21 **SECTION 3.07.**

22 Acting City Manager.

23 (a) The city manager may designate in writing any administrative employee of the city who
24 shall exercise all powers, duties, and functions of the city manager during the city manager's
25 temporary absence from the city or during the city manager's disability. If such designation
26 has not been made and the city manager is absent from the city or unable to perform the
27 duties of the office or to make such designation, the council may, by resolution, appoint any
28 qualified administrative employee of the city to perform the powers, duties, and functions
29 of the city manager until the city manager shall return to the city, the disability ceases, or the
30 council appoints a new city manager.

31 (b) In the event of a vacancy in the office of city manager, the council may designate a
32 person as acting city manager, who shall exercise all powers, duties, and functions of the city
33 manager until a city manager is appointed.

34 **SECTION 3.08.**

35 City Attorney.

1 The mayor shall nominate and the council shall confirm a city attorney, together with such
2 assistant city attorneys as may be authorized by ordinance, and shall provide for the payment
3 of such attorney or attorneys for services rendered to the city. The city attorney shall be
4 responsible for representing and defending the city in all litigation in which the city is a
5 party; may be the prosecuting officer in the municipal court; shall attend the meetings of the
6 council as directed; shall advise the council, mayor, other officers, and employees of the city
7 concerning legal aspects of the city's affairs; and shall perform such other duties as may be
8 required by virtue of his or her position as city attorney.

9 **SECTION 3.09.**

10 City Clerk.

11 The mayor may appoint a city clerk, subject to confirmation by the council, to keep a journal
12 of the proceedings of the city council; to maintain in a safe place all records and documents
13 pertaining to the affairs of the city; and to perform such duties as may be required by law or
14 ordinance or as the mayor or city manager may direct.

15 **SECTION 3.10.**

16 Tax Collector.

17 The mayor may appoint a tax collector, subject to confirmation by the council, to collect all
18 taxes, licenses, fees, and other moneys belonging to the city subject to the provisions of this
19 charter and the ordinances of the city; and the tax collector shall diligently comply with and
20 enforce all general laws of Georgia relating to the collection, sale, or foreclosure of taxes by
21 municipalities.

22 **SECTION 3.11.**

23 City Accountant.

24 The mayor may appoint a city accountant, subject to confirmation by the council, to perform
25 the duties of an accountant.

26 **SECTION 3.12.**

27 Consolidation of Functions.

28 The city manager, with the approval of the council, may consolidate any two or more of the
29 positions of city clerk, city tax collector, and city accountant, or any other positions or may
30 assign the functions of any one or more of such positions to the holder or holders of any other
31 positions. The city manager may also, with the approval of the city council, perform all or
32 any part of the functions of any of the positions or offices in lieu of the appointment of other
33 persons to perform the same.

1 **SECTION 4.02.**

2 Judge.

3 (a) No person shall be qualified or eligible to serve as judge unless he or she shall have
4 attained the age of 21 years and shall be a member of the State Bar of Georgia. The judge
5 shall be appointed by the council and shall serve at the discretion of the council. The
6 compensation of the judge shall be fixed by the council. The position of judge created in this
7 article shall not be a full-time position, and the person serving in said position may engage
8 in the private practice of law.

9 (b) The judge pro tem shall serve in the absence of the judge, shall have the same
10 qualifications as the judge, shall be appointed by the council, and shall take the same oath
11 as the judge.

12 (c) Before entering on duties of his or her office, the judge shall take an oath before an
13 officer duly authorized to administer oaths in this state declaring that he or she will truly,
14 honestly, and faithfully discharge the duties of his or her office to the best of his or her ability
15 without fear, favor, or partiality. The oath shall be entered upon the minutes of the council.

16 **SECTION 4.03.**

17 Convening.

18 Said court shall be convened at such times as designated by ordinance or at such times as
19 deemed necessary to keep current the dockets thereof.

20 **SECTION 4.04.**

21 Jurisdiction; Powers.

22 (a) The municipal court shall try and punish for crimes against the City of Sandy Springs
23 and for violation of its ordinances. The municipal court shall have authority to punish those
24 in its presence for contempt, provided that such punishment shall not exceed \$100.00 or 15
25 days in jail. The municipal court may fix punishment for offenses within its jurisdiction not
26 exceeding a fine of \$500.00 or imprisonment for 21 days or both, and as an alternative to fine
27 or imprisonment, any offender, upon conviction may be sentenced to labor in a city work
28 gang or on the streets, sidewalks, squares, or other public works for a period not exceeding
29 21 days.

30 (b) The municipal court shall have authority to establish a schedule of fees to defray the cost
31 of operation and shall be entitled to reimbursement of the cost of meals, transportation, and
32 caretaking of prisoners bound over to superior court for violations of state law.

33 (c) The municipal court shall have authority to establish bail and recognizances to insure the
34 presence of those charged with violations before said court and shall have discretionary

1 authority to accept cash or personal or real property as security for appearances of persons
2 charged with violations. Whenever any person shall give bail for his or her appearance and
3 shall fail to appear at the time fixed for trial, the bond shall be forfeited by the judge
4 presiding at such time and an execution issued thereon by serving the defendant and his or
5 her sureties with a rule nisi at least two days before a hearing on the rule nisi. In the event
6 that cash or property is accepted in lieu of bond for security for the appearance of a defendant
7 at trial, and if such defendant fails to appear at the time and place fixed for trial, the cash so
8 deposited shall be on order of the judge declared forfeited to the City of Sandy Springs, or
9 the property so deposited shall have a lien against it for the value forfeited.

10 (d) The municipal court shall have the authority to bind prisoners over to the appropriate
11 court when it appears, by probable cause, that a state law has been violated.

12 (e) The municipal court shall have the authority to administer oaths and to perform all other
13 acts necessary or proper to the conduct of said court.

14 (f) The municipal court may compel the presence of all parties necessary to a proper disposal
15 of each case by the issuance of summons, subpoena, and warrants which may be served as
16 executed by any officer as authorized by this charter or by state law.

17 (g) The municipal court is specifically vested with all of the judicial jurisdiction and judicial
18 powers throughout the entire area of the City of Sandy Springs granted by state laws
19 generally to municipal courts, and particularly by such laws as authorize the abatement of
20 nuisances.

21 **SECTION 4.05.**

22 Certiorari.

23 The right of certiorari from the decision and judgment of the municipal court shall exist in
24 all criminal cases and ordinance violation cases, and such certiorari shall be obtained under
25 the sanction of a judge of the Superior Court of Fulton County under the laws of the State of
26 Georgia regulating the granting and issuance of writs of certiorari.

27 **SECTION 4.06.**

28 Rules for Court.

29 With the approval of the council, the judge shall have full power and authority to make
30 reasonable rules and regulations necessary and proper to secure the efficient and successful
31 administration of the municipal court; provided, however, that the council may adopt in part
32 or in total the rules and regulations relative to the procedure of the operation of the superior
33 court under the general laws of the State of Georgia. The rules and regulations made or
34 adopted for said court shall be filed with the city clerk, shall be available for public
35 inspection, and, upon request, a copy shall be furnished to all defendants in municipal court
36 proceedings at least 48 hours prior to said proceedings.

1 employee of any other municipality or county of this state or the state itself while
2 holding any elective office of the city or while serving as a full-time employee of the
3 city;

4 (3) Engage in or accept private employment or render services for private interests
5 when such employment or service is incompatible with the proper discharge of his or
6 her official duties or would tend to impair his or her independence of judgment or
7 action in the performance of his or her official duties;

8 (4) Disclose confidential information concerning the property, government, or affairs
9 of the governmental body by which he or she is employed without proper legal
10 authorization, or use such information to advance the financial or other private
11 interest of himself or herself or others;

12 (5) Accept any valuable gift, whether in the form of service, loan, thing, or promise,
13 from any person, firm, or corporation which, to his or her knowledge, is interested,
14 directly or indirectly, in any manner whatsoever in business dealings with the
15 governmental body by which he or she is employed; provided, however, that an
16 elected official who is a candidate for public office may accept campaign
17 contributions and services in connection with any campaign;

18 (6) Represent private interests in any action or proceeding against the council by
19 which he or she is employed; or

20 (7) Vote or otherwise participate in the negotiation or the making of any contract
21 with any business or entity in which he or she has a financial interest.

22 **SECTION 6.02.**

23 Disclosure.

24 Any elected official, appointed officer, or employee of the City of Sandy Springs who shall
25 have any private financial interest, directly or indirectly, in any contract or matter pending
26 before or within any department of the city shall disclose such private interest to the council.
27 The mayor or any councilmember who has a private interest in any matter pending before
28 the council shall disclose such private interest and such disclosure shall be entered on the
29 records of the council and he or she shall disqualify himself or herself from participating in
30 any decision or vote relating thereto. Any elected official, appointed officer, or employee
31 of any agency or political entity to which this code of ethics applies who shall have any
32 private financial interest, directly or indirectly, in any contract or matter pending before or
33 within such agency or entity shall disclose such private interest to the governing body of such
34 agency or entity.

35 **SECTION 6.03.**

36 Financial Disclosure Statements.

37 Each elected official of the City of Sandy Springs shall file a financial disclosure statement
38 as required by Article 3 of Chapter 5 of Title 21 of the O.C.G.A.

1 **SECTION 7.05.**

2 Licenses, Occupational Taxes, Excise Taxes.

3 The council, by ordinance, shall have full power to levy such license and specific or
4 occupation taxes upon residents of the City of Sandy Springs, both individual and corporate,
5 and on all those who transact or offer to practice any profession or calling therein, as the
6 council may deem expedient for the public health, safety, benefit, convenience or advantage
7 of the city. The council may classify businesses, occupations, professions, or callings for the
8 purpose of such taxation in any way which may be lawful and may compel the payment of
9 such taxes by execution or any other lawful manner. The council may make laws and
10 regulations necessary or proper to carry out the powers conferred in this section and may
11 prescribe penalties for any violation thereof. The council shall have full power and authority
12 to levy an excise tax not prohibited by general law.

13 **SECTION 7.06.**

14 Water and Sewer Service Charges.

15 The council, by ordinance, shall have the right, power, and authority to assess and collect
16 fees, charges, and tolls for water and sewer services rendered both inside and outside the
17 corporate limits of the City of Sandy Springs to provide for the cost and expense of providing
18 for the treatment and distribution of water, and the collection and disposal of sewage through
19 the sewerage facilities of said city. If unpaid, said sewer service charge shall constitute a lien
20 against any property of persons served, which lien shall be second in priority only to liens
21 for county and city property taxes and shall be enforceable in the same manner and under the
22 same remedies as a lien for city property taxes.

23 **SECTION 7.07.**

24 Sanitary and Health Services Charge.

25 The council shall have authority, by ordinance, to provide for, to enforce, to levy, and to
26 collect the cost of sanitary and health services necessary in the operation of the city from all
27 individuals, firms, and corporations residing in or doing business in said city benefiting from
28 such service. Such authority shall include the power to assess, levy, and collect annual or
29 monthly sanitary taxes or fees in such amount or amounts and based upon and in accordance
30 with such classification of property and sanitary service or service provided, as may be fixed
31 by ordinance. Said sanitary taxes and the assessments thereof shall be a charge and lien
32 against the real estate in respect to which said taxes are so assessed and the owner or owners
33 thereof, superior to all other liens, except liens for county and city property taxes, and shall
34 be enforceable in the same manner and under the same remedies as a lien for city property
35 taxes.

1 **SECTION 7.08.**

2 Special Assessments.

3 The council shall have power and authority to assess all or part of the cost of constructing,
4 reconstructing, widening, or improving any public way, street, sidewalk, curbing, gutters,
5 sewers, or other utility mains and appurtenances against the abutting property owners, under
6 such terms and conditions as may be prescribed by ordinance. Such special assessments
7 shall become delinquent 30 days after their due dates, shall thereupon be subject, in addition
8 to fi. fa. charges, to a penalty of 10 percent and shall thereafter be subject to interest at the
9 rate of 7 percent per annum from date due until paid. A lien shall exist against the abutting
10 property superior to all other liens, except that it shall be of equal dignity with liens for
11 county and city property taxes, and said lien shall be enforceable by the same procedures and
12 under the same remedies as provided for in this article for city property taxes.

13 **SECTION 7.09.**

14 Transfer of Executions.

15 The city clerk shall be authorized to assign or transfer any fi. fa. or execution issued for any
16 tax or for any street, sewer, or other assessment in the same manner and to the same extent
17 as provided by Georgia law regarding sales and transfers of tax fi. fas. Such transfer or
18 assignment, when made, shall vest the purchaser or transferee with all right, title and interest
19 as provided by Georgia law governing sales and transfers of tax fi. fas., provided that, upon
20 levy of execution and sale of property pursuant to such tax fi. fas., whether assigned,
21 transferred, or executed by the city, the owner of such property, in fee simple or lesser
22 interest, shall not lose his right to redeem the property in accord with the requirements of
23 redemption of property sold under state or county ad valorem tax fi. fas., as said requirements
24 now exist or as may be hereinafter provided by law.

25 **SECTION 7.10.**

26 General Obligation Bonds.

27 The council shall have the power to issue bonds for the purpose of raising revenue to carry
28 out any project, program, or venture authorized under this charter or the general laws of the
29 state. Such bonding authority shall be exercised in accordance with the laws governing bond
30 issuances by municipalities in effect at the time said issue is undertaken.

31 **SECTION 7.11.**

32 Revenue Bonds.

33 Revenue bonds may be issued by the council as provided by Article 3 of Chapter 82 of Title
34 36 of the O.C.G.A., known as the "Revenue Bond Law," as now or hereafter amended, or by
35 any other Georgia law as now or hereafter provided.

1 **SECTION 7.12.**

2 Short Term Notes.

3 Pursuant to applicable state law, but not otherwise, the city may obtain temporary loans
4 between January 1 and December 31 of each year.

5 **SECTION 7.13.**

6 Fiscal Year.

7 The council shall set the fiscal year by ordinance. Said fiscal year shall constitute the budget
8 year and the year for financial accounting and reporting of each and every office, department
9 or institution, agency and activity of the city government, unless otherwise provided by state
10 or federal law.

11 **SECTION 7.14.**

12 Preparation of Budgets.

13 The council shall provide, by ordinance, the procedures and requirements for the preparation
14 and execution of an annual operating budget and a capital improvement program and a
15 capital budget, including requirements as to the scope, content, and form of such budgets and
16 programs.

17 **SECTION 7.15.**

18 Submission of Operating Budget to City Council.

19 On or before a date fixed by the council, but not later than 30 days prior to the beginning of
20 each fiscal year, the city manager shall submit to the council a proposed operating budget for
21 the ensuing fiscal year. The budget shall be accompanied by a message from the city
22 manager containing a statement of the general fiscal policies of the city, the important
23 features of the budget, explanations of major changes recommended for the next fiscal year,
24 a general summary of the budget, and such other comments and information as he or she may
25 deem pertinent. The operating budget and the capital improvements budget hereinafter
26 provided for, the budget message, and all supporting documents shall be filed in the office
27 of the city manager and shall be open to public inspection.

1 **SECTION 7.16.**

2 Action by Council on Budget.

3 (a) The council may amend the operating budget proposed by the city manager, except that
4 the budget, as finally amended and adopted, must provide for all expenditure required by
5 law, or by other provisions of this charter, and for all debt service requirements for the
6 ensuing fiscal year and the total appropriations from any fund shall not exceed the estimated
7 fund balance, reserves, and revenues, constituting the fund availability of such fund.

8 (b) The council shall adopt the final operating budget for the ensuing fiscal year on or before
9 a date fixed by ordinance of the council. If the council fails to adopt the budget by said date,
10 the amounts appropriated for the current fiscal year shall be applicable to the ensuing fiscal
11 year on a month-to-month basis, with all items prorated accordingly, until such time as the
12 council adopts a budget for the ensuing fiscal year. Such adoption shall take the form of an
13 appropriation ordinance setting out the estimated revenues in detail by sources and making
14 appropriations according to fund and by organizational unit, purpose, or activity as set out
15 in the budget document.

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

20 **SECTION 7.17.**

21 Property Tax Levies.

22 As the next order of business, following adoption of the operating budget, the council shall
23 levy, by ordinance, an annual tax on all real and personal property within the City of Sandy
24 Springs. The tax rate set by such ordinance shall be such that reasonable estimates of
25 revenues from such levy shall at least be sufficient, together with other anticipated revenues,
26 fund balances, and applicable reserves, to equal the total amount appropriated for each of the
27 several funds set forth in the annual operating budget for defraying the expenses of the
28 general government of the City of Sandy Springs and the retirement of bonds.

29 **SECTION 7.18.**

30 Additional Appropriations.

31 The council may make appropriations in addition to those contained in the current operating
32 budget at any regular or special meeting called for such purpose, but any such additional
33 appropriations may be made only from an existing unappropriated surplus in the fund to
34 which it applies.

1 **SECTION 7.19.**

2 Capital Improvements Budget.

3 (a) On or before the date fixed by the city council, but not later than 30 days prior to the
4 beginning of each fiscal year, the city manager shall submit to the council a proposed capital
5 improvements budget with his or her recommendations as to the means of financing the
6 improvements proposed for the ensuing fiscal year. The council shall have power to accept,
7 with or without amendments, or reject the proposed program and proposed means of
8 financing. The council shall not authorize an expenditure for the construction of any
9 building, structure, work, or improvement, unless the appropriations for such project are
10 included in the capital improvements budget, except to meet a public emergency threatening
11 the lives, health, or property of the inhabitants, when passed by two-thirds' vote of the
12 membership of the council.

13 (b) The council shall adopt the final capital improvements budget for the ensuing fiscal year
14 on or before a date fixed by ordinance of the council. No appropriation provided for in the
15 capital improvements budget shall elapse until the purpose for which the appropriation was
16 made shall have been accomplished or abandoned, provided the city manager may submit
17 amendments to the capital improvements budget at any time during the fiscal year,
18 accompanied by his or her recommendations thereon. Any such amendments to the capital
19 improvements budget shall become effective only upon adoption by a vote of the council.

20 **SECTION 7.20.**

21 Contracting Procedures.

22 All contracts shall be made or authorized by the council and shall not bind the city unless
23 reduced to writing, approved by the council, and spread upon the minutes. All contracts, and
24 all ordinances or resolutions making contracts or authorizing the same, shall be drawn by the
25 city attorney or shall be submitted to him or her before authorization by the council.

26 **SECTION 7.21.**

27 Centralized Purchasing; City Property.

28 (a) The council shall, by ordinance, prescribe procedures for a system of centralized
29 purchasing for the City of Sandy Springs.

30 (b) The council may sell and convey any real or personal property owned or held by the City
31 of Sandy Springs for governmental or other purposes, at a public or private sale, after due
32 advertisement, for such consideration as it shall deem equitable and just for the city.

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

37 (d) Whenever, in opening, extending, or widening any street, avenue, alley, or public place
38 of the city, a small parcel or tract of land is cut off or separated by such work from a larger

1 tract or boundary of land owned by the city, the council may authorize the city manager to
2 execute and deliver, in the name of the city, a deed conveying said cutoff or separated parcel
3 or tract of land to an abutting or adjoining property owner or owners in exchange for rights
4 of way of said street, avenue, alley, or public place, or in settlement of any alleged damages
5 sustained by said abutting or adjoining property owner. All deeds and conveyances, so
6 executed and delivered, shall convey all title and interest the city has in such property,
7 notwithstanding the fact that no public sale, after advertisement, was or is hereafter made.

8 **SECTION 7.22.**

9 Audits.

10 (a) There shall be an annual independent audit of all city accounts, funds, and financial
11 transactions by a certified public accountant selected by the city council. The audit shall be
12 conducted according to generally accepted accounting principles. Any audit of any funds by
13 the state or federal government may be accepted as satisfying the requirements of this
14 charter. Copies of all audit reports shall be available at printing cost to the public.

15 (b) As a minimum, all audits and budgets of the city shall satisfy the requirements of
16 Chapter 81 of Title 36 of the O.C.G.A., relating to local government audits and budgets.

17 **SECTION 7.23.**

18 Homestead Exemptions.

19 (a) There is granted a homestead exemption for each resident of the City of Sandy Springs
20 of \$5,000.00 on the resident's home which the resident owns and actually occupies as a
21 residence and homestead, such exemption to be applicable to all ad valorem taxes levied by
22 the City of Sandy Springs, except ad valorem taxes to pay interest on and retire bonded
23 indebtedness.

24 (b) Each resident of the City of Sandy Springs who is 65 years of age or over or who is
25 disabled is granted an exemption from all City of Sandy Springs ad valorem taxes in the
26 amount of \$10,000.00 on a homestead owned and occupied by such resident if such
27 resident's adjusted gross income, together with the adjusted gross income of the resident's
28 spouse who also resides at such homestead, does not exceed the maximum amount which
29 may be received by an individual and an individual's spouse under the federal Social
30 Security Act. As used in this subsection, the term "adjusted gross income" shall have the
31 same meaning as defined in the United States Internal Revenue Code of 1986, except that for
32 the purposes of this subsection, the term shall include only that portion of income or benefits
33 received as retirement, survivor, or disability benefits under the federal Social Security Act
34 or under any other public or private retirement, disability, or pension system which exceeds
35 the maximum amount which may be received by an individual and an individual's spouse
36 under the federal Social Security Act. The homestead exemption provided for in this
37 subsection shall apply to ad valorem taxes levied to pay interest on and retire bonded
38 indebtedness of the City of Sandy Springs.

39 (c) In order to qualify for the exemption provided for in subsection (b) of this section

1 because of disability, the person claiming such exemption shall be required to obtain a
2 certificate from not more than three physicians licensed to practice medicine under Chapter
3 34 of Title 43 of the O.C.G.A., relative to medical practitioners, as now or hereafter
4 amended, certifying that in the opinion of such physician or physicians such person is
5 mentally or physically incapacitated to the extent that such person is unable to be gainfully
6 employed and that such incapacity is likely to be permanent.
7 (d) Applications for the homestead exemptions provided for by this section shall be
8 processed in the same manner as other applications for homestead exemptions, and the
9 provisions of law applicable to the processing of homestead exemptions, as the same now
10 exist or may hereafter be amended, shall apply thereto.

11
12 **ARTICLE VIII**
GENERAL PROVISIONS

13
14 **SECTION 8.01.**
Qualified Electors.

15 (a) For the purposes of the referendum election provided for in Section 8.02 of this article
16 and for the purposes of the special election to be held on the Tuesday after the first Monday
17 in November, 2001, the qualified electors of the City of Sandy Springs shall be those
18 qualified electors of Fulton County residing within the corporate limits of the City of Sandy
19 Springs as described by Exhibit A of this charter. At subsequent municipal elections, the
20 qualified electors of the City of Sandy Springs shall be determined pursuant to the authority
21 of Chapter 2 of Title 21 of the O.C.G.A., known as the "Georgia Election Code."
22 (b) Only for the purpose of holding and conducting the referendum election provided for by
23 Section 8.02 of this article and only for the purpose of holding and conducting the special
24 election of the City of Sandy Springs to be held on the Tuesday after the first Monday in
25 November, 2001, the election superintendent of Fulton County is vested with the powers and
26 duties of the election superintendent of the City of Sandy Springs and the powers and duties
27 of the governing authority of the City of Sandy Springs.

28
29 **SECTION 8.02.**
Referendum.

30 Unless prohibited by the federal Voting Rights Act of 1965, as amended, the election
31 superintendent of Fulton County shall call a special election for the purpose of submitting
32 this Act to the qualified voters of the proposed City of Sandy Springs, as provided in Section
33 8.01 of this charter, for approval or rejection. The superintendent shall set the date of such
34 election for the third Tuesday in September, 2001. The superintendent shall issue the call
35 for such election at least 30 days prior to the date thereof. The superintendent shall cause the
36 date and purpose of the election to be published once a week for two weeks immediately
37 preceding the date thereof in the official organ of Fulton County. The ballot shall have
38 written or printed thereon the words:

1 "() YES Shall the Act incorporating the City of Sandy Springs and granting
2 () NO homestead exemptions in connection therewith be approved?"

3 All persons desiring to vote for approval of the Act shall vote "Yes," and those persons
4 desiring to vote for rejection of the Act shall vote "No." If more than one-half of the
5 votes cast on such question are for approval of the Act, it shall become of full force and
6 effect as provided in Section 8.03 below, otherwise it shall be void and of no force and
7 effect.

8 The expense of such election shall be borne by Fulton County. It shall be the duty of the
9 superintendent to hold and conduct such election. It shall be his or her further duty to
10 certify the result thereof to the Secretary of State.

11 **SECTION 8.03.**
12 Effective Dates.

13 This section and the provisions of this Act necessary for the special election provided for in
14 Section 8.02 of this Act shall become effective only if an amendment to Code Section
15 36-31-2 of the O.C.G.A., permitting incorporation of a municipal corporation less than three
16 miles from another municipality's boundaries, is enacted, in which event this section and the
17 provisions of this Act necessary for the election provided in Section 8.02 of this Act shall
18 become effective upon the same date that such amendment to Code Section 36-31-2 of the
19 O.C.G.A. becomes effective. The provisions of this Act necessary for the special election
20 to be held on the Tuesday after the first Monday in November, 2001, as provided by Articles
21 II and V of this Act shall be effective upon the certification of the results of the referendum
22 election provided for by Section 8.02 of this article, if this Act is approved at such
23 referendum election. The remaining provisions of this Act shall become of full force and
24 effect for all purposes on January 1, 2002, when members of the first governing authority of
25 the City of Sandy Springs take office as provided in Section 2.02 of this Act.

26 **SECTION 8.04.**
27 Severability.

28 In the event any section, subsection, sentence, clause or phrase of this Act shall be declared
29 or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other
30 sections, subsections, sentences, clauses, or phrases of this Act, which shall remain of full
31 force and effect, as if the section, subsection, sentence, clause or phrase so declared or
32 adjudged invalid or unconstitutional were not originally a part hereof. The General
33 Assembly hereby declares that it would have passed the remaining parts of this Act if it had
34 known that such part or parts hereof would be declared or adjudged invalid or
35 unconstitutional.

36 **SECTION 8.05.**
37 All laws and parts of laws in conflict with this Act are repealed.

EXHIBIT A

1

2 The corporate limits of the City of Sandy Springs shall consist of the following described
3 territory of Fulton County:

4 Beginning at the northwest corner of the City of Atlanta, as the boundaries of said city
5 existed on January 1, 2001, at the point when the northerly city limit line of said city
6 intersects the westerly county line of Fulton County and the Chattahoochee River, running
7 thence generally easterly along the said northerly city limit line of the City of Atlanta,
8 following the meanderings thereof, to the point where said line intersects the Fulton-
9 DeKalb County line; run thence northerly, generally easterly, and generally northerly along
10 the easterly county line of Fulton County at the point where the Fulton-Gwinnett County
11 line intersects the Chattahoochee River; run thence generally west and southwest along the
12 southern bank of said river, following the meanderings thereof, to the point of beginning.

1
2 EXHIBIT B
COUNCIL DISTRICTS

3 District No. 1

4 Fulton

5 Tract 101.03

6 Blocks 803 through 814

7 Tract 101.04

8 Block Groups 1 through 3 and 5

9 District No. 2

10 Fulton

11 Tract 101.04

12 Block Group 4

13 Tract 102.02

14 Blocks 119 through 123

15 Block Group 9

16 District No. 3

17 Fulton

18 Tract 102.02

19 Blocks 103, 105, 106, 108, 110, 112, 114 through 118, 124, and 125

20 Block Group 2

21 Blocks 301 through 307

22 District No. 4

23 Fulton

24 Tract 101.03

25 Blocks 101 through 106 and 109 through 115

26 Blocks 201 through 203 and 207 through 209

27 Block 309

28 Block Groups 4 through 7

29 Blocks 801 and 802

30 District No. 5

31 Fulton

32 Tract 100

33 Blocks 103 through 105

34 Those parts of Blocks 106 and 109 outside the City of Atlanta

35 Blocks 121 and 122

36 Block 415

37 That part of Block 416 outside the City of Atlanta

38 Tract 101.01

39 Block 101 through 103 and 115 through 118

40 That part of Block 120 outside the City of Atlanta

41 Block 131

42 Blocks 201 through 209 and 211 through 213

1 Tract 101.03
2 Blocks 206, 210, and 211
3 Blocks 301 through 308
4 District No. 6
5 Fulton
6 Tract 102.02
7 Block 308
8 Block Groups 5 and 6
9 Blocks 702 through 706, 709, and 710
10 Block Group 8
11 District No. 7
12 Fulton
13 Tract 101.01
14 Blocks 106 through 114, 121 through 125, and 128
15 Block 210
16 Tract 102.01
17 Block 107, 111 through 114, 120, and 121
18 Blocks 201 and 202
19 That part of Block 203 outside the City of Atlanta
20 Block 204
21 That part of Block 205 outside the City of Atlanta
22 Blocks 206 through 209
23 Those parts of Blocks 210 and 212 outside the City of Atlanta
24 Blocks 213 and 214
25 That part of Block 215 outside the City of Atlanta
26 That part of Block 303 outside the City of Atlanta
27 Block 304
28 That part of Block 305 outside the City of Atlanta

29 District No. 8
30 Fulton
31 Tract 98
32 Blocks 106 and 107
33 That part of Block 111 outside the City of Atlanta
34 Block 127
35 Tract 102.01
36 Blocks 101, 104, 106, 109, 110, and 115 through 119
37 That part of Block 315 outside the City of Atlanta
38 Block 316
39 Block Group 4
40 Blocks 501 through 507
41 Block Group 6

- 1 Blocks 701 and 702
- 2 That part of Block 703 outside the City of Atlanta
- 3 Blocks 704 and 705
- 4 That part of Block 715 outside the City of Atlanta
- 5 Tract 102.02
- 6 Blocks 309
- 7 Blocks 401, 403, 405, 406, and 409 through 417
- 8 Blocks 707 and 708

9 As used in this Exhibit B, the terms "Tract," "Block," and "Block Group" shall mean and
10 describe the same geographical boundaries as provided in the report of the Bureau of the
11 Census for the United States decennial census of 1990 for the State of Georgia. Any part of
12 the City of Sandy Springs which is not included in any such district described in this exhibit
13 shall be included within that district contiguous to such part which contains the least
14 population according to the United States decennial census of 1990 for the State of Georgia.
15 Any part of the City of Sandy Springs which is described in this exhibit as being in a
16 particular district shall nevertheless not be included within such district if such part is not
17 contiguous to such district. Such noncontiguous part shall instead be included within that
18 district contiguous to such part which contains the least population according to the United
19 States decennial census of 1990 for the State of Georgia. Except as otherwise provided in
20 the description of any council district, whenever the description of such district refers to a
21 named city, it shall mean the geographical boundaries of that city as shown on the census
22 map for the United States decennial census of 1990 for the State of Georgia.