

Senate Bill 304

By: Senator Thomas of the 10th

AS PASSED

A BILL TO BE ENTITLED

AN ACT

1 To provide a new Charter for the City of Decatur, Georgia; to provide for incorporation,
 2 boundaries and powers of the city; to provide for a governing authority of the city and the
 3 powers, duties, election, terms, method of filling vacancies and compensation of the
 4 members of such governing authority; to provide for investigations; to provide for
 5 organization and procedures; to provide for ordinances, rules and regulations; to provide for
 6 penalties; to provide for the office of mayor and powers and duties of the mayor; to provide
 7 for administrative responsibilities; to provide for boards, commissions and authorities; to
 8 provide for a city manager and other personnel; to provide for a municipal court and the
 9 judge or judges thereof; to provide for taxation, fees and charges; to provide for books and
 10 accounts; to provide for the Board of Education of the City of Decatur; to provide for other
 11 matters relative to the foregoing; to repeal conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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14

ARTICLE I

15

INCORPORATION; BOUNDARIES

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SECTION 1.10.

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Incorporation.

18 The City of Decatur, in DeKalb County, Georgia, originally incorporated as the "Town of
 19 Decatur" on December 10, 1823 is reincorporated by the enactment of this charter and is
 20 constituted and declared a body politic and corporate under the name of the "City of
 21 Decatur." References in this charter to "the city" or "this city" refer to the City of Decatur,
 22 Georgia. The city shall have perpetual existence.

SECTION 1.11.

Corporate boundaries.

The boundaries of this city shall be those existing on the effective date of this charter, with such alterations as may be made by local act or in any other manner provided by general state law. The boundaries of this city shall be shown at all times on a map, a written description or any combination thereof, to be retained permanently in the office of the city clerk and to be designated, as the case may be, as the "Official (Map and/or Description) of the Corporate Limits of the City of Decatur, Georgia." Photographic, typed or other copies of such map or description, certified by the mayor, shall be admitted as evidence in all courts and shall have the same force and effect as the original map or description.

ARTICLE II**MUNICIPAL POWERS****SECTION 2.10.**

Generally.

(a) The city shall have all rights, powers, privileges, titles, property, easements and hereditaments, within or without its corporate limits, existing on the effective date of this charter and belonging to or in any way pertaining to the city, or possible for a city to have under the present or future Constitution and laws of this state, as fully and completely as though they were specifically enumerated in this charter. The city may in its corporate name sue and be sued, contract and be contracted with, plead and be impleaded, and have and use a common seal. The city shall have all the powers of self-government not otherwise prohibited by this charter or by general law.

(b) The city commission may define, regulate and prohibit any act, practice, conduct or use of property that is detrimental to the inhabitants of the city and may provide for the enforcement of such standards.

(c) The city commission may adopt and enforce any and all ordinances, resolutions, bylaws, rules, regulations and restrictions, consistent with state law, that it may consider advisable and necessary:

(1) For the government of the city commission and the transaction of its business, and the regulation of the administrative and judicial services of the city;

(2) For the health, sanitation, cleanliness, prosperity, comfort, safety, security, good order, welfare or proper government of the city and the inhabitants thereof;

(3) To foster and promote virtue and good morals in the city;

1 (4) To suppress disorderly conduct; and

2 (5) To carry out and execute the powers granted to the city and to the city commission
3 under this charter.

4 (d) The city commission may enforce such ordinances by such penalties as are authorized
5 by law and may do any and all other acts and exercise all other powers conferred upon it
6 by this charter, or that may be done or exercised under the laws of this state conferring
7 powers on municipal corporations.

8 **SECTION 2.11.**

9 Property.

10 (a) The city may purchase, hold, rent, lease, sell, exchange, enjoy, possess and retain in
11 perpetuity or for any term of years any property, estate or estates, real or personal, lands,
12 tenements and hereditaments of whatsoever kind inside or outside the corporate limits of the
13 city.

14 (b) The government, control, management and protection of the real property of the city, as
15 it exists on the effective date of this charter or as it may be enlarged or extended by purchase,
16 gift or otherwise, and the disposition of any portions thereof, are continued and vested
17 exclusively in the city commission.

18 **SECTION 2.12.**

19 Rights and liabilities.

20 The city, as incorporated in this charter, shall succeed to all the rights of and is hereby
21 expressly made responsible, as a body corporate, for the legal debts, liabilities, contracts and
22 undertakings of the City of Decatur and its governing body, as a body corporate, as
23 incorporated in acts enacted before the effective date of this charter. This charter shall not
24 impair the effect of any valid subsisting contract, in existence on the effective date of this
25 charter, between the City of Decatur as heretofore incorporated and any person, firm,
26 company or corporation, and the city, as incorporated in this charter, shall enjoy all the rights
27 of the City of Decatur, as heretofore incorporated, under and by virtue of any such contract,
28 and shall assume the obligations undertaken in any such contract.

29 **SECTION 2.13.**

30 Public improvements; assessment of costs.

31 (a) The city commission shall have the power to:

1 (1) Provide for the acquisition, construction, building, operation and maintenance of
 2 streets, alleys, sidewalks and other public ways, parks, playgrounds, recreational
 3 facilities, cemeteries, markets and market houses, public buildings, squares, libraries,
 4 public housing, airports, hospitals, terminals, docks, parking facilities or charitable,
 5 cultural, educational, recreational, conservation, sport, curative, corrective, detentional,
 6 penal and medical institutions, agencies and facilities;

7 (2) Provide any other public improvements inside or outside the corporate limits of the
 8 city;

9 (3) Regulate the use of public improvements; and

10 (4) Acquire property by condemnation, in the manner prescribed in Title 22 of the
 11 O.C.G.A., as amended, or such other applicable laws as have been or may be enacted, for
 12 the purposes described in paragraphs (1) through (3) of this subsection or for the purposes
 13 of widening, straightening and grading streets, alleys or sidewalks, or in any way
 14 changing street lines or sidewalks. When the city commission desires to exercise the
 15 power and authority as to condemnation granted in this subsection, it may be done,
 16 whether the land to be condemned is in the hands of an owner, trustee, executor,
 17 administrator, guardian or agent. The city commission may abandon or discontinue such
 18 proceedings at any time upon payment of accrued costs.

19 (b) The city commission shall have full power and authority to remove, or cause to be
 20 removed, any buildings, steps, fences, trees, gates, posts or other obstructions or nuisances
 21 in the streets, alleys, lanes, sidewalks or other public places in the city, and to enforce the
 22 provisions of this section by appropriate ordinance.

23 (c) The city commission may levy and provide for the collection of special assessments to
 24 cover the costs of grading, regrading, paving, repaving, macadamizing and remacadamizing
 25 of streets, alleys, sidewalks or other public places or ways, and the construction,
 26 reconstruction and altering of curbing, guttering, storm sewers, turnouts, water mains, and
 27 water, gas or sewer connections therein, and to cover the costs of any other public
 28 improvements.

29 **SECTION 2.14.**

30 Public utilities; extensions; costs.

31 The city may acquire, lease, construct, operate, maintain, sell and dispose of public utilities,
 32 including, but not limited to, gas works, electric plants, transportation facilities, public
 33 airports and any other public utility; and may fix the taxes, charges, rates, fares, fees,
 34 assessments, regulations and penalties therefore; and may provide for the withdrawal of
 35 service for refusal or failure to pay therefore; and may make or authorize extensions of
 36 electrical distribution systems and other utility systems, and all necessary appurtenances by

1 which such utilities are distributed, inside and outside the corporate limits of the city; and
2 may provide utility services to persons, firms and corporations inside and outside the
3 corporate limits of the city as provided by ordinance.

4 **SECTION 2.15.**

5 Use of streets, sidewalks, and public grounds.

6 The city commission may provide for and regulate the curbs and gutters that empty into the
7 sidewalks or streets of the city; may regulate or prohibit (except as such power may be
8 restricted by general law) the use of the streets, alleys, sidewalks and public grounds for
9 signs, signposts, awnings, telegraph or telephone poles, wires for telegraph, telephone or
10 electric lighting or power purposes, electric light or power poles and for posting bills and
11 advertising matter; may regulate or prohibit the carrying of handbills, banners or placards on
12 the streets, sidewalks or other public places of the city, and the gathering or holding of public
13 meetings for any purpose therein or thereon. The city commission may compel any
14 telegraph, telephone or electric light or power company, having previously erected poles and
15 wires in the city, to remove such poles and wires to any location designated by the city
16 commission. If the company fails to remove any poles and wires within ten days after
17 written notification by the city, the city may remove such poles and wires at the expense of
18 such company and may collect such expenses by execution. The city commission may
19 require that only pedestrians use public sidewalks. The city commission may regulate the
20 use of whistles and other signals by stationary engines and factories.

21 **SECTION 2.16.**

22 Nuisances.

23 The city commission may declare what shall be deemed a nuisance in the city and may
24 provide for the abatement of nuisances.

25 **SECTION 2.17.**

26 Disorderly conduct and other disturbances.

27 The city commission, by ordinance, may protect all places of divine worship and all schools
28 and colleges within the city and may prohibit loitering or idling in or about such schools and
29 colleges or the grounds thereof or any conduct tending to disturb the classes, services or
30 duties being carried on or performed therein or the occupants of such institutions or the
31 grounds thereof. The city commission, by ordinance and within the confines of the United
32 States Constitution and the Georgia Code, may prohibit disorderly conduct and breaches of

1 the peace and may restrict gatherings on the streets, sidewalks, alleys, other public places,
2 buildings or vacant property, or in or about or near any residence in the city.

3 **SECTION 2.18.**

4 Fire prevention.

5 The city commission may enact any and all ordinances, rules and regulations necessary to
6 lay out a fire district in the city and may enlarge, change or modify such fire district; may
7 prescribe how and of what materials buildings within the fire district may be erected, how
8 thick the walls shall be; the manner in which chimneys, flues and stovepipes shall be
9 constructed; and may make such reasonable rules, regulations and requirements as it may
10 deem necessary to so far as possible protect the city from danger from fire; and may prevent
11 conflagrations. The city commission may also order changes in the construction or
12 arrangements of chimneys, stovepipes or flues, or the removal thereof when, in the judgment
13 of the city commission, they are dangerous or likely to be so, or to compel the owner or
14 occupant to make the changes or alterations ordered, by proper ordinance, and collect any
15 expenses incurred by the city, under any ordinance passed carrying out the powers granted
16 under this section by execution as in the case of collecting other costs due the city.

17 **SECTION 2.19.**

18 Building regulations.

19 The city commission may regulate and license the erection and construction of buildings and
20 all other structures in a manner that is consistent with general law, and may regulate all
21 housing and building trades, except as otherwise provided by general law.

22 **SECTION 2.20.**

23 Flood control.

24 The city commission may control and regulate the flow of surface water within the limits of
25 the city, whether occasioned by floods, freshets or otherwise. In the exercise of the power
26 conferred in this section, the city commission may utilize the power of eminent domain and
27 proceed by condemnation under and according to the provisions of Title 22 of the O.C.G.A.
28 and the acts amendatory thereof.

SECTION 2.21.

Public safety.

The city commission may provide for the inspection of steam boilers in the city, may regulate or prevent the storage of gunpowder, tar, pitch, rosin, coal, benzine, naphtha, nitroglycerin, turpentine, cotton, petroleum, kerosene oil, dynamite or other combustible or explosive substances, materials or liquids within the city limits; may regulate or prohibit fireworks, as defined in Code Section 25-10-1 of the O.C.G.A.; may regulate or prohibit the discharge or other use of firearms and other weapons; and may prohibit every kind of hunting within the corporate limits of the city.

SECTION 2.22.

Cemeteries.

The city commission may adopt ordinances, rules and regulations relating to city cemeteries, including, without limitation, provisions on burials in such cemeteries, disposition of lots, protection and preservation of property and punishment of violations. Such authority shall be extended over any additions to such cemeteries, whether within or without the corporate limits of the city.

SECTION 2.23.

Roadside areas.

The city commission may prohibit or regulate and control the erection, removal and maintenance of signs, billboards, trees, shrubs, fences, buildings and any and all other structures and obstructions upon or adjacent to the rights of way of streets and roads or within view thereof, inside or abutting the corporate limits of the city, and may prescribe penalties and punishments for the violation of such prohibitions and regulations.

SECTION 2.24.

Parking lots; parking meters.

(a) The city may operate and maintain lots, buildings and other areas for the parking of vehicles.

(b) The city may purchase, acquire, rent or lease property of all kinds and may construct buildings on, and equip such lots for, the purposes set forth in subsection (a) of this section and may install parking meters on such lots and operate such parking meters. For those purposes, the city may enter into contracts, appropriate funds and borrow money. The city

1 may make and collect such charges for the use of such parking lots as the city commission
2 may deem proper, and the city commission may adopt all ordinances that it deems necessary
3 or expedient to carry into effect the provisions of this section.

4 (1) To furnish to the city an adequate supply of pure water for the use of the city for any
5 and all municipal purposes, and also for the use of the citizens of the city for all domestic
6 purposes; may fix in such contracts such price or sum to be paid for the supply of water
7 for the city and its citizens as may be agreed upon by the city and such municipalities and
8 other governmental entities; and may stipulate in such contracts all of the terms and
9 conditions upon which such supply or supplies of water are to be furnished to the city for
10 municipal purposes and for the domestic use of its citizens.

11 (2) To furnish to such municipalities and other governmental entities an adequate supply
12 of pure water for the use of such municipalities and other governmental entities for any
13 and all municipal and other governmental purposes, and also for the use of the citizens
14 of such municipalities and other governmental entities for all domestic purposes; may fix
15 in such contracts such price or sum to be paid for the supply of water to be furnished such
16 municipalities and other governmental entities and their citizens as may be agreed upon
17 by the city and such municipalities and other governmental entities; and may stipulate in
18 such contracts all of the terms and conditions upon which such supply or supplies of
19 water are to be furnished to such municipalities and other governmental entities for
20 municipal and other governmental purposes and for the domestic use of their citizens.

21 (3) To furnish to the city sewer connections and sewer facilities for the disposal of the
22 sewage of the city; may fix in such contracts the price or sum to be paid for such sewer
23 connections and sewer facilities for the disposal of the sewage of the city, as may be
24 agreed upon by the city and such municipalities and other governmental entities; and may
25 stipulate in such contracts all of the terms and conditions upon which such sewer
26 connections and sewer facilities shall be furnished to the city.

27 (4) To furnish to such municipalities and other governmental entities sewer connections
28 and sewer facilities for the disposal of the sewage of such municipalities and other
29 governmental entities; may fix in such contracts the price or sum to be paid by such
30 municipalities and other governmental entities for such sewer connections and sewer
31 facilities for the disposal of the sewage of such municipalities and other governmental
32 entities, as may be agreed upon by the city and such municipalities and other
33 governmental entities; and may stipulate in such contracts all of the terms and conditions
34 upon which such sewer connections and sewer facilities shall be furnished to such
35 municipalities and other governmental entities.

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ARTICLE III

2

CITY COMMISSION

3

SECTION 3.10.

4

Created; number of commissioners; election.

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The legislative authority of the government of this city, except as otherwise specifically

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provided in this charter, shall be vested in a city commission to be composed of five city

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commissioners. City commissioners shall be elected by receiving a plurality of the votes cast

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in the election district in which he or she qualified. City commissioners shall exercise their

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powers in such manner as may be prescribed by this charter and the Constitution and

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applicable laws of the State of Georgia, or if not prescribed, in such manner as may be

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prescribed by the duly established ordinances of the city.

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SECTION 3.11.

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Qualifications.

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(a) No person shall be eligible for the office of city commissioner of the city unless he or

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she:

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(1) Has resided in the city not less than one year immediately preceding his or her

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election;

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(2) Is a qualified voter in municipal elections for officers of the city; and

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(3) Has not been convicted and sentenced for any violation of the criminal laws of

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Georgia involving moral turpitude, unless such person has received a full pardon or has

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all rights of citizenship restored.

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(b) All city commissioners shall continue to reside within the city and within their election

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district, if any, during their terms of office as city commissioners.

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SECTION 3.12.

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Compensation; expenses.

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The mayor and the other city commissioners shall receive compensation and expenses for

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their services as provided by ordinance and in accordance with the provisions of Chapter 35

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of Title 36 of the O.C.G.A.

SECTION 3.13.

Election districts; election dates.

(a)(1) For the purpose of electing city commissioners, the city is divided into two election districts consisting of the described territory of the City of Decatur contained in the description attached to this Act and made a part hereof and further identified as "Plan: decccsb 93b".

(2) There shall be a post A and a post B for each such district.

(3) The election districts provided for in paragraph (1) of this subsection shall not affect any city commissioners in office on the effective date of this subsection but shall apply to all elections held after the effective date of this subsection.

(b) For the purposes of this section:

(1) The term "tract" means and describes the same geographical boundaries as those provided in the report of the Bureau of the Census for the United States decennial census of 1990 for the State of Georgia.

(2) Whenever the description of any district refers to a named city, it shall mean the geographical boundaries of that city, as shown on the census maps for the United States decennial census of 1990 for the State of Georgia.

(3) Any part of the City of Decatur which is not included in any election district described in this section shall be included within that district contiguous to such part which contains the least population according to the United States decennial census of 1990 for the State of Georgia.

(c) Those persons in office as city commissioners on April 1, 2000, shall serve out the remainder of the terms to which they were elected. Two city commissioners shall be elected from each of the two elections districts provided for in subsection (a) of this section, and one city commissioner shall be elected from the city at large. The at-large city commissioner may reside anywhere within the city and shall be elected by the electors of the city. A city commissioner elected from an election district must reside within the election district from which elected and shall be elected by the electors residing within the election district.

(d) The first city commissioners elected under this charter shall be elected on the first Tuesday next following the first Monday in November 2001. Such city commissioners shall be the city commissioners from post A of each election district. They shall take office on the first Monday in January 2002 and shall serve terms of four years and until their successors are elected.

Successors to such city commissioners shall be elected at the general municipal election held on the first Tuesday next following the first Monday in November 2005 and quadrennially thereafter for terms of office of four years.

1 (e) City commissioners shall be elected to post B of each election district and the at-large
 2 post on the first Tuesday next following the first Monday in November 2003. Such city
 3 commissioners shall take office on the first Monday in January 2004 and shall serve terms
 4 of four years and until their successors are elected. Successors to such city commissioners
 5 shall be elected at the general municipal election held on the first Tuesday next following the
 6 first Monday in November 2007 and quadrennially thereafter for terms of office of four
 7 years.

8 (f) A person offering for election as a district city commissioner shall designate the election
 9 district and post for which the person is offering. A person offering for election as the at-
 10 large city commissioner shall designate that the person is offering for such position on the
 11 city commission. The regular city election of the City of Decatur shall be held on the first
 12 Tuesday next following the first Monday in November of each odd-numbered year.

13 (g) All commissioners shall serve until their successors are elected and qualified.

14 (h) Political parties shall not conduct primaries for city commission offices and all names
 15 of candidates for such offices shall be listed without party designation.

16 **SECTION 3.14.**

17 First meeting each year; commissioners' oath.

18 The city manager shall call to order the first meeting of the city commission in each calendar
 19 year. The city commissioners, before entering upon the duties of their office, shall take and
 20 subscribe the following oath or affirmation:

21 "I do solemnly (swear) (affirm) that I will well and truly demean myself as city
 22 commissioner of the City of Decatur for the ensuing term, and that I will faithfully
 23 enforce the Constitution and laws of the United States of America and of the State of
 24 Georgia, and the charter and ordinances of the City of Decatur, to the best of my ability
 25 and without fear or favor, and in all my acts as city commissioner, I will act as I believe
 26 for the best interest of this city (so help me God)."

27 Any city commissioner who is absent from such meeting shall take and subscribe the oath
 28 or affirmation as soon as possible.

29 **SECTION 3.15.**

30 Election, term of mayor.

31 At the first regular meeting of the city commission in each calendar year, the city
 32 commission shall elect one of its members to serve as mayor for one year from the time of
 33 his or her election as mayor until his or her successor shall have been elected and qualified.

SECTION 3.16.

Powers and duties of mayor.

The mayor shall:

(1) Be recognized as the head of the city government for all ceremonial purposes and by the governor for purposes of military law.

(2) Have no veto power, but shall have the same power to vote upon all questions passed upon as other city commissioners.

(3) Serve as the chair of the meetings of the city commission. The mayor shall have the power to convene the city commission in extra session whenever, in his or her judgment, it becomes necessary, and shall do so whenever requested by three city commissioners in writing.

SECTION 3.17.

Election, term, duties, absence of mayor pro tempore.

At the first regular meeting of the city commission in each calendar year, the city commission shall elect one of its members to serve as mayor pro tempore for one year from the time of his or her election as mayor pro tempore until his or her successor shall have been elected and qualified. The mayor pro tempore shall serve as the chair of the meetings of the city commission in the event of the absence or disability of the mayor. In the event of the absence or disability of both the mayor and the mayor pro tempore, the city commission shall elect a city commissioner to serve as chair of the meeting. The city commission shall declare the absence or disability of the mayor or the mayor pro tempore by majority vote.

SECTION 3.18.

Meetings.

(a) The city commission shall hold regular meetings at such times and places as shall be prescribed by ordinance.

(b) Special meetings of the city commission shall be held upon call of the mayor or three city commissioners. Notice of a special meeting shall be served on all other members of the city commission personally, or by telephone personally, at least 48 hours in advance of the meeting. Such notice to members of the city commission shall not be required if the mayor and all city commissioners are present when the special meeting is called. Notice of a special meeting may be waived by a member of the city commission in writing before or after such a meeting, and attendance at such a meeting shall also constitute a waiver of notice as to any

1 business transacted in such member's presence. Only the business stated in the call may be
2 transacted at a special meeting.

3 (c) All meetings of the city commission shall be public to the extent required by law and
4 notice to the public of special meetings shall be given as required by law.

5 (d) The city commission shall adopt rules to govern its procedures and order of business,
6 consistent with the provisions of this charter, and shall provide for the keeping of a journal
7 of its proceedings, which shall be a public record.

8 (e) All committees, committee chairs, and officers of the city commission, other than the
9 mayor, shall be appointed by the mayor and shall serve at the pleasure of the mayor. The
10 mayor shall have the power to appoint new members to any committee at any time.

11 **SECTION 3.19.**

12 Quorum; roll call vote.

13 (a) Except as provided in subsection (b) of this section, the mayor, or the mayor pro tempore,
14 and two city commissioners shall constitute a quorum for the transaction of business, and a
15 majority of votes cast shall determine questions before the city commission. On any question,
16 any city commissioner may demand a roll call vote, and on such demand the vote shall be
17 so taken and recorded in the minutes.

18 (b) If vacancies in office result in less than a quorum of commissioners holding office, the
19 remaining city commissioners in office shall constitute a quorum and shall be authorized to
20 transact business of the city commission. A vote of a majority of the remaining city
21 commissioners shall be required for the adoption of any ordinance, resolution, or motion.

22 (c) Once a quorum is established, the quorum cannot be defeated by the subsequent
23 departure of a city commissioner.

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SECTION 3.20.

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Supervision of administration.

27 The city commission, at any time, may appoint one or more city commissioners or other
28 persons to investigate the conduct and business of any officer, employee, department, or other
29 agency of the city, may compel the presence of persons or the production of books and
30 papers, and may swear all persons summoned, as may be necessary or pertinent to the
31 investigation.

SECTION 3.21.

Boards, commissions, and authorities generally.

(a) The city commission may, by ordinance or resolution, create boards, commissions, and authorities to fulfill any investigative, quasi-judicial, or quasi-legislative function that the city commission deems necessary and shall, by ordinance or resolution, establish the composition, period of existence, duties, and powers thereof.

(b) All members of boards, commissions, and authorities of the city shall be appointed by the city commission in such manner and for such terms of office as shall be provided by ordinance or resolution, except where other appointing authority, terms of office, or manner of appointment is prescribed by this charter or by general law.

(c) The city commission, by ordinance or resolution, may provide for the compensation and reimbursement for actual and necessary expenses of the members of any board, commission, or authority.

(d) Any vacancy on a board, commission, or authority of the city shall be filled for the unexpired term in the manner prescribed for the original appointment, except as otherwise provided by this charter or by general law.

(e) No member of a board, commission, or authority shall assume office until he or she has executed and filed with the city clerk an oath obligating him or her to perform faithfully and impartially the duties of his or her office, such oath to be prescribed by ordinance or resolution and administered by the mayor.

(f) Every member of a board, commission, or authority shall serve at will and may be removed from office by a vote of three members of the city commission.

(g) Except as otherwise provided in this charter or by general law, each board, commission, and authority of the city shall elect one of its members as chair and one of its members as vice chair, and may elect as its secretary one of its members, or it may appoint as secretary an employee of the city. Each board, commission, or authority of the city may establish such bylaws, rules, and regulations, not inconsistent with this charter, the ordinances of the city, or general law, as it deems appropriate and necessary for the fulfillment of its duties or the conduct of its affairs. Copies of such bylaws, rules, and regulations shall be filed with the city clerk.

SECTION 3.22.

Planning commission.

The city commission may appoint a commission to be known as a planning commission to recommend to the city commission the boundaries of various zoning districts to be laid out and to recommend the adoption of appropriate regulations and restrictions to apply to the

1 lands, buildings, and structures in such zoning districts. The members of the planning
 2 commission, the number of members constituting such commission, the duties of such
 3 commission, the terms for which the members of such commission shall serve, and any
 4 compensation that such members may receive for their services shall be determined by the
 5 city commission. The acts of the planning commission shall be advisory only.

6 **SECTION 3.23.**

7 Removal.

8 (a) The mayor or any other city commissioner shall be removed from office for any one or
 9 more of the following causes:

- 10 (1) Incompetence, misfeasance, or malfeasance in office;
 11 (2) Conviction of a crime involving moral turpitude;
 12 (3) Failure at any time to possess any qualification of office as provided by this charter
 13 or by law;
 14 (4) Knowingly violating any express prohibition of this charter; or
 15 (5) Abandonment of office or failure or neglect to perform the duties thereof as required
 16 by this charter or by state law.

17 (b) Removal of the mayor or any other city commissioner under this section shall be
 18 accomplished by one of the following methods:

- 19 (1) By a vote of four city commissioners, which may include the mayor, after an
 20 investigative hearing. The person under investigation shall be entitled to a written notice
 21 specifying the ground or grounds for removal, and to a public hearing that shall be held
 22 not less than ten days after the service of the written notice. The person under
 23 investigation shall have such rights as are provided by law; or
 24 (2) By an order of the Superior Court of DeKalb County following a hearing on a
 25 complaint seeking such removal brought by any resident of the city.

26 **SECTION 3.24.**

27 Vacancies.

28 (a) The office of mayor or city commissioner shall become vacant upon the incumbent's
 29 death, resignation, forfeiture of office, or removal from office in any manner authorized by
 30 this charter or by the general laws of the State of Georgia. Upon the suspension from office
 31 of the mayor or of a city commissioner in any manner authorized by the general laws of the
 32 State of Georgia, the city commission or the remaining city commissioners shall appoint a
 33 successor for the duration of the suspension. If the suspension becomes permanent, the
 34 office shall become vacant and shall be filled as provided in subsection (c) of this section.

1 (b) Upon the suspension from office of the mayor or of a city commissioner in any manner
 2 authorized by the general laws of the State of Georgia, the city commission or the remaining
 3 city commissioners shall appoint a successor for the duration of the suspension. If the
 4 suspension becomes permanent, the office shall become vacant and shall be filled as
 5 provided in subsection (c) of this section.

6 (c) If the office of mayor or city commissioner shall become vacant, the city commission or
 7 the remaining city commissioners shall call a special election to fill the balance of the
 8 unexpired term of such official; however, if such vacancy occurs within six months of the
 9 expiration of the term of that office, the city commission or the remaining city
 10 commissioners shall appoint a successor for the remainder of the term. In all other respects
 11 the special election shall be held and conducted in accordance with Chapter 2 of Title 21 of
 12 the O.C.G.A., the "Georgia Election Code," hereafter amended.

13 ARTICLE IV

14 ADMINISTRATION

15 SECTION. 4.10.

16 City manager; appointment; qualifications; compensation.

17 By majority vote, the city commission shall appoint a city manager for an indefinite term and
 18 shall fix his or her compensation. The city manager shall be appointed solely on the basis of
 19 his or her executive and administrative qualifications, with special reference to actual
 20 experience in or knowledge of accepted practices with respect to the duties of his or her
 21 office. At the time of his or her appointment, the city manager need not be a resident of the
 22 city or the state, but during his or her tenure of office, he or she shall reside within the city.

23 SECTION 4.11.

24 Powers and duties of city manager.

25 The city manager shall:

26 (1) Be the chief executive officer and the chief administrative officer of the city.

27 (2) Be responsible to the city commission for the administration of all municipal affairs
 28 placed in his or her charge by the city commission or by or under this charter.

29 (3) Appoint and, when he or she deems it necessary for the good of the city, suspend or
 30 remove all city employees in accordance with such general personnel rules, regulations,
 31 policies, or ordinances that the city commission may adopt, except that the heads of the
 32 city departments shall be nominated by him or her and confirmed by the city commission.

- 1 (4) Have the power to authorize the head of a department or office to appoint, suspend,
2 or remove subordinates in such department or office.
- 3 (5) Direct and supervise the administration of all departments, offices, and agencies of
4 the city, except as otherwise provided by this charter or by law, subject to the general
5 direction and control of the city commission.
- 6 (6) Attend all meetings of the city commission and shall have the right to take part in
7 discussion and to recommend any measures that he or she deems expedient, but he or she
8 may not vote. He or she shall be entitled to notice of all regular and special meetings of
9 the city commission.
- 10 (7) See that all laws of the state, provisions of this charter, and the ordinances,
11 resolutions, regulations, and other acts of the city commission are faithfully executed and
12 duly enforced within the city.
- 13 (8) Prepare and submit the annual operating budget and capital budget to the city
14 commission, together with a message describing the important features, and shall be
15 responsible for the administration of such budgets after adoption.
- 16 (9) Submit to the city commission and make available to the public a complete report on
17 the finances and administrative activities of the city as of the end of each fiscal year.
- 18 (10) Make such other reports as the city commission may require concerning the
19 operations of city departments, offices, and agencies subject to his or her direction and
20 control.
- 21 (11) Recommend to the city commission a standard schedule of pay for each appointive
22 office and position in the city service, including minimum, intermediate, and maximum
23 rates.
- 24 (12) Recommend to the city commission the adoption of such measures as may be
25 deemed necessary or expedient for the health, safety, or welfare of the inhabitants of the
26 city or for the improvement of administrative services.
- 27 (13) Consolidate or combine offices, positions, departments, or units under his or her
28 jurisdiction, with the approval of the city commission. He or she may be the head of one
29 or more departments.
- 30 (14) Investigate the affairs of the city or any department or division thereof. He or she
31 shall investigate all complaints concerning the administration of the city government and
32 the services provided by the public utilities of the city, and shall see that all franchises,
33 permits, and privileges granted by the city are faithfully observed.
- 34 (15) Devote his or her entire time to the discharge of his or her official duties.
- 35 (16) Keep the city commission fully advised as to the financial condition and future
36 needs of the city and make such recommendations to the city commission concerning the
37 affairs of the city as he or she deems desirable.

1 (17) Divide the operations and activities of the city government into departments. At the
2 head of each department there shall be a director, except that one or more departments
3 may be under the control of the same director, and one or more offices may be held by
4 the same person, as determined by the city manager.

5 (18) Perform such other duties as are specified in this charter or as may be required or
6 authorized by the city commission.

7 **SECTION 4.12.**

8 Acting city manager.

9 By letter filed with the city clerk, the city manager shall designate, subject to the approval
10 of the city commission, a qualified administrative officer of the city to exercise the powers
11 and perform the duties of the city manager during his or her temporary absence or disability.
12 During this absence or disability, the city commission may revoke that designation at any
13 time and appoint another administrative officer of the city to serve as acting city manager
14 until the city manager returns or his or her disability ceases.

15 **SECTION 4.13.**

16 Removal of city manager.

17 (a) The city commission may remove the city manager from office in accordance with this
18 section.

19 (b) The city commission shall adopt by an affirmative vote of a majority of all of its
20 members a preliminary resolution which must state the reasons for the removal of the city
21 manager and may suspend the city manager from duty for not more than 45 days. A copy
22 of the resolution shall be delivered promptly to the city manager.

23 (c) Within five days after a copy of the resolution is delivered to the city manager, he or she
24 may file with the city commission a written request for a public hearing. Such hearing shall
25 be held within 30 days after the request is filed. The city manager may file with the city
26 commission a written reply not later than five days before the hearing.

27 (d) If the city manager has not requested a public hearing within the time specified in
28 subsection (c) of this section, the city commission may adopt a final resolution for removal,
29 which may be made effective immediately, by an affirmative vote of a majority of all of its
30 members. If the city manager has requested a public hearing, the city commission may adopt
31 a final resolution for removal, which may be made effective immediately, by an affirmative
32 vote of a majority of all of its members, at any time after the public hearing.

33 (e) The city manager shall continue to receive his or her salary until the effective date of a
34 final resolution of removal.

SECTION 4.14.

Interim city manager.

When the position of city manager is vacant, the city commission shall designate an interim city manager to exercise the powers and perform the duties of the city manager until the vacancy is filled. The interim city manager shall be qualified to hold such office, as provided in section 4.10 of this charter.

SECTION 4.15.

Mayor or city commissioner serving as city manager.

Neither the mayor nor any other member of the city commission shall be eligible for appointment as city manager or acting or interim city manager during his or her term of office and for a period of one year after the end of his or her term as mayor or city commissioner.

SECTION 4.16.

Responsibilities of directors of departments.

The directors of departments shall be immediately responsible to the city manager for the proper administration of their departments. Such directors shall make regular reports concerning the work of their departments to the city manager and shall furnish him or her at all times with such information as he or she may desire concerning their departments. Any director who has received notice of removal from office may request a hearing as described in subsection (c) of Section 4.13, and the city manager, in his or her discretion, may grant such request.

SECTION 4.17.

Appointments to city positions.

(a) Every appointment of a director of a department of the city shall be made solely on the basis of his or her administrative and professional qualifications. Every appointment to any other position in the city government below the level of city manager shall be made solely on the basis of fitness.

(b) No appointment shall be made to any administrative position in the city of any person related to the mayor, to any other city commissioner, or to the city manager nearer than the fourth degree by affinity or sanguinity.

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ARTICLE V
MUNICIPAL COURT

SECTION 5.10.

Creation; judges.

(a) There shall be a court to be known as the Municipal Court of the City of Decatur, Georgia.

(b) The municipal court shall be presided over by a chief judge and such part-time, full-time, or substitute judges as shall be provided by ordinance, who shall serve for terms of not more than two years. Municipal judges shall be able to serve successive terms.

(c) No person shall be qualified or eligible to serve as a judge on the municipal court unless he or she shall have attained the age of 21 years and shall be a member of the State Bar of Georgia and shall be a resident of said city. All judges shall be appointed by the city commission.

(d) The compensation of the judge or judges shall be fixed by ordinance.

(e) Judges may be removed for cause by an affirmative vote of three members of the city commission.

(f) Before assuming office, each judge shall take an oath or affirmation, given by the mayor, that he or she will honestly and faithfully discharge the duties of his or her office to the best of his or her ability and without fear, favor, or partiality. The oath shall be entered upon the minutes of the city commission.

SECTION 5.11.

Powers.

(a) The municipal court shall try and punish violations of this charter, all city ordinances, and such other violations as are or shall be provided by law.

(b) The municipal court shall have the authority to preserve order and to punish persons in its presence for contempt or for disobedience to any of its mandates, provided that the punishment shall not exceed a fine of \$200.00, or imprisonment for ten days, or both, or alternative sentencing as now or hereafter provided by law.

(c) The municipal court may fix punishment for violations of the charter or any ordinance of the city, or other violations as provided by law, not exceeding a fine of \$1,000.00 or imprisonment for six months, or both such fine and imprisonment, or alternative sentencing as now or hereafter provided by law. Terms of imprisonment shall be served in the city jail, or in the DeKalb County jail pursuant to an arrangement with the county authorities. Any fines imposed may be collected by execution.

1 (d) The municipal court shall have the authority to establish a schedule of fees to defray the
 2 cost of operation and shall be entitled to reimbursement of the actual cost of meals,
 3 transportation, and caretaking of prisoners bound over to superior courts for violations of
 4 state law.

5 (e) The municipal court may:

6 (1) Establish bail and recognizances to ensure the presence of persons charged with
 7 violations before such court;

8 (2) Imprison the accused pursuant to law to await trial; or

9 (3) Accept cash, personal, or real property as a surety bond for the appearance of persons
 10 charged with violations.

11 Whenever any person shall give bail for his or her appearance and shall fail to appear at the
 12 time fixed for trial, the bond may be forfeited by the judge presiding at such time, and an
 13 execution shall be issued thereon after serving the defendant and his or her sureties with a
 14 rule nisi at least two days before a hearing on the rule nisi, requiring him or her to show
 15 cause why the bond should not be forfeited.

16 (f) The municipal court shall have the same authority as superior courts to order and compel
 17 the production of books, papers, and other evidence in the possession of any party; to enforce
 18 obedience to its orders, judgments, and sentences; and to administer such oaths as are
 19 necessary.

20 (g) The municipal court shall have the authority to bind prisoners over to the appropriate
 21 court when it appears by probable cause that state law has been violated.

22 (h) Each judge of the municipal court may compel the presence of all parties necessary to
 23 a proper disposal of each case by the issuance of summonses, subpoenas, and warrants that
 24 may be served and executed by any officer authorized by this charter or by law.

25 (i) Each judge of the municipal court shall be authorized to issue warrants for the arrest of
 26 persons charged with offenses against any ordinance of the city and each judge of the
 27 municipal court shall have the same authority as a magistrate of the state to issue warrants
 28 for offenses against state laws committed within the city.

29 (j) The municipal court is specifically vested with all the jurisdiction and powers throughout
 30 the geographic area of this city granted by law to municipal courts, and particularly by such
 31 laws that authorize the abatement of nuisances and the prosecution of traffic violations.

32 **SECTION 5.12.**

33 **Certiorari.**

34 Any person convicted in the municipal court of a violation of any city ordinance or state
 35 statute, or of a failure to comply therewith, shall have the right of certiorari to the Superior

1 Court of DeKalb County, in accordance with the laws of Georgia regulating the granting and
2 issuing of writs of certiorari.

3 **ARTICLE VI**

4 **FINANCE**

5 **SECTION 6.10.**

6 City books and accounts.

7 The city accounts shall be kept in such manner as to show fully at all times the financial
8 condition of the city and the books shall be open to the public for inspection during regular
9 office hours. The city manager shall see that the city's accounts are kept in the most
10 approved fashion, including all necessary balance sheets in detail, and in summary, revenue
11 and expense statements, operation statistics and other reports necessary to show completely
12 each month the state of the city's finances.

13 **SECTION 6.11.**

14 Expenditures.

15 (a) Generally accepted accounting and management practices shall be followed to ensure
16 that all payroll expenditures and other expenditures by the city are appropriate and proper.

17 (b) Expenditures shall be legal only on the basis of appropriations in the budget, for which
18 expenditures warrants shall be issued by the city manager or his or her designee. Except in
19 cases of emergency, such warrants shall be countersigned by the city manager and the mayor.
20 Such emergency shall be declared by the city commission, the facts being stated by
21 resolution.

22 (c) It shall be unlawful for any elected official, appointed officer or employee of the city or
23 any agency or political entity to which this charter applies to be interested, directly or
24 indirectly, in any transaction with, sale to, work for, or contract of, the city or any department
25 or service of the government of the city, involving the expenditure of any public funds of the
26 city, that is incompatible with the proper discharge of his or her official duties or that would
27 tend to impair the independence of his or her judgment or action in the performance of his
28 or her official duties.

29 **SECTION 6.12.**

30 Deposit of city's funds.

31 The city manager or his or her designee shall see that all monies belonging to the city are
32 deposited with such responsible banks as may be designated by the city commission.

SECTION 6.13.

Annual audit.

The accounts of all departments of the city shall be audited at least once each year by a disinterested certified public accountant designated by the city commission. A summary of the audit shall be published in the official newspaper of the city.

SECTION 6.14.

Taxation generally.

(a) For the purpose of raising revenues for the support and maintenance of the city, the city commission shall have full power and authority to assess, levy, and collect an ad valorem tax on all real and personal property, within the corporate limits of the city that is subject to taxation by the state and county, at a rate not to exceed 18 mills upon such taxable property.

(b) The city commission is authorized and empowered to assess, levy, and collect, annually, a tax on all taxable property of the city, as other taxes are assessed, levied, and collected, to pay the annual interest on the bonded indebtedness of the city and to provide a sinking fund to pay off and discharge such bonds as they fall due according to the terms upon which they were issued. The tax collected for the purposes described in this subsection shall be used solely for such purposes.

(c) The tax described in subsection (a) of this section shall be exclusive of the taxes for public schools, authorized by law, and the taxes required and sufficient to pay the annual interest on the bonded indebtedness of the city and to provide a sinking fund for the purpose of paying the principal of such bonded indebtedness as required by law, as described in subsection (b) of this section. The ad valorem tax authorized in subsection (a) of this section for general purposes, the public school tax, and the bonded interest and sinking fund tax, described in subsection (b) of this section, shall be levied under separate ordinances, each specifying the purpose for which levied, and all proceedings for collecting such taxes shall show the amount due on each of such tax levies. The city commission shall have power and authority to provide by ordinance for the returns and assessments of all taxable property in the city and to provide penalties for neglect or refusal to comply with such ordinances, as provided in this charter.

SECTION 6.15.

Occupation taxes; regulatory fees.

The city commission, by ordinance, may levy such occupation taxes and regulatory fees as are not prohibited by law.

SECTION 6.16.

Sanitary and health service fees.

The city commission by ordinance shall have the power to assess and collect fees, charges, and tolls for sanitary and health services, or any other services provided or made available inside or outside the corporate limits of the city, for the total cost to the city of providing or making available such services. If unpaid, such charges shall be collected as delinquent taxes are collected.

SECTION 6.17.

Contracts and purchases.

Contracts shall be awarded by the city manager, only after bona fide competitive bidding, to the lowest responsible bidder, where the amount to be paid by the city exceeds \$10,000.00. All purchases of supplies shall be made through a central purchasing agent at the lowest obtainable prices. Any violation of subsection (c) of Section 6.11 shall nullify and render void all contracts related to such violation.

ARTICLE VII**EDUCATION****SECTION 7.10.**

Public schools generally.

(a) The public school system in operation in the city on the effective date of this charter, established and continued under an Act of the General Assembly approved September 12, 1889, "to authorize the establishment of a system of public schools in the City of Decatur," as amended, is hereby continued under this charter. The Board of Education of the City of Decatur that exists on the effective date of this charter (sometimes referred to in this charter as the "board of education") is continued in existence.

(b) The Board of Education of the City of Decatur, so continued, shall continue to have the powers, duties, rights, obligations, and liabilities, of the Board of Education of the City of

1 Decatur that exist on the effective date of this charter and shall be subject to all constitutional
2 and statutory provisions relating to boards of education that are not in conflict with this
3 charter.

4 (c) The Board of Education of the City of Decatur shall be a body corporate and politic and
5 shall be empowered to engage in legal process and to enact such policies, bylaws, rules, and
6 regulations, not inconsistent with the laws of this state or of the United States, for the
7 government of the members of the board of education, the superintendent of schools, and
8 teachers and students of such schools, as the board may deem proper.

9 (d) The members of the Board of Education of the City of Decatur who are serving on such
10 board of education on the effective date of this charter, and any person selected to fill a
11 vacancy in any such offices, shall continue to serve as such members until their terms of
12 office expire. The Board of Education of the City of Decatur shall continue to consist of five
13 members, four of whom shall be elected from election districts described in this subsection,
14 and one member who shall be elected at large. For the purpose of electing the four district
15 members of the board of education, the City of Decatur School District is divided into two
16 election districts. The districts shall consist of the described territory of the City of Decatur
17 School District contained in the description attached to this Act and made a part hereof as
18 further identified as "Plan: decccsb 93b".

19 (e) For the purposes of subsection (d) of this section:

20 (1) The term "precinct" is synonymous with the term "voting precinct" and means a
21 geographical area, established in accordance with Code Section 21-2-260 of the
22 O.C.G.A., within which all electors vote at one polling place.

23 (2) The terms "tract," "block", and "VTD" shall mean and describe the same
24 geographical boundaries as provided in the report of the Bureau of the Census for the
25 United States decennial census of 1990 for the State of Georgia.

26 (3) Whenever the description of any election district refers to a named city, it shall mean
27 the geographical boundaries of that city as shown on the census map of the United States
28 decennial census of 1990 for the State of Georgia.

29 (4) Precinct names and designations following VTD designations are included for
30 convenience only; and if the description of any election district contains a conflict
31 between the geographical boundaries of any VTD and the boundaries of the subsequently
32 named precinct, the geographical boundary as shown on the census maps for the United
33 States decennial census of 1990 for the State of Georgia shall control.

34 (5) Any part of the City of Decatur School District that is not included in any election
35 district described in subsection (d) of this section shall be included within the election
36 district contiguous to such part that contains the least population according to the United
37 State Decennial census of 1990 for the State of Georgia.

1 (6) Any part of the City of Decatur School District that is described in subsection (d) of
2 this section as being included in a particular election district shall nevertheless not be
3 included within such election district if such part is not contiguous to such election
4 district. Such noncontiguous part shall instead be included within that election district
5 contiguous to such part that contains the least population according to the United States
6 decennial census of 1990 for the State of Georgia.

7 (f) Two members shall be elected from each election district provided for in subsection (d)
8 of this section. The members elected from an election district shall be elected solely by the
9 voters of the election district voting in an election thereon. There shall be a Post A and a
10 Post B in each election district and each candidate must designate the post for which the
11 candidate is offering. A candidate for the board of education from an election district shall
12 have been a resident of the district from which the candidate is offering for at least one year
13 prior to the election. A member elected to the board of education from an election district
14 shall remain a resident of the respective district during the term for which elected.

15 (g) A candidate for the at-large office on the board of education may reside anywhere within
16 the City of Decatur School District and shall be elected by the voters of the City of Decatur
17 School District voting in an election thereon.

18 (h) All candidates for office on the board of education shall be at least 21 years of age.
19 Persons employed by the City of Decatur School System shall not be eligible to be members
20 of the board of education.

21 (i) The first members of the Board of Education of the City of Decatur elected under this
22 charter shall be elected on the first Tuesday next following the first Monday in November
23 2001. Such members shall be the persons elected to Post A of Election District 1, Post A of
24 Election District 2 and the at-large post. They shall take office on January 1, 2002, and shall
25 serve terms of four years and until their successors are elected. Successors to such members
26 shall be elected at the general municipal election held on the first Tuesday next following the
27 first Monday in November 2005 and quadrennially thereafter for terms of office of four
28 years.

29 (j) Members shall be elected to Post B of Election District 1 and Post B of Election District
30 2 on the first Tuesday next following the first Monday in November 2003. Such members
31 shall take office on January 1, 2004, and shall serve terms of four years and until their
32 successors are elected. Successors to such members shall be elected at the general municipal
33 election held on the first Tuesday following the first Monday in November 2007 and
34 quadrennially thereafter for terms of office of four years.

35 (k) Political parties shall not conduct primaries for board of education offices and all names
36 of candidates for such offices shall be listed without party designation.

37 (l) The person receiving a plurality of the votes cast for any office on the board of education
38 shall be elected.

1 (m) Any vacancy in the board of education as a result of death, resignation, removal from
 2 the city, removal from an election district, or otherwise, except for the expiration of a term
 3 of office, shall be filled as provided in the Code Section 20-2-54.1 of the O.C.G.A.

4 **SECTION 7.11.**

5 General powers and duties of board of education.

6 (a) The chair and the vice chair of the board of education shall be elected from the
 7 membership of the board of education at its first meeting in each calendar year, and such
 8 members shall serve as chair and vice chair for terms of one year. A member may succeed
 9 himself or herself as chair or vice chair.

10 (b) The board of education shall make such bylaws, policies, rules, regulations, and orders
 11 for its government as it deems wise. The board of education shall have the entire supervision,
 12 direction, and control of the public school system of the city and may make such changes
 13 therein as it deems proper; provided, that the board of education shall not have the power or
 14 authority to contract any debt for or on account of the city. However, the board of education
 15 may contract on its own behalf for short-term debt whose repayment is pledged by specific
 16 tax receipts. The city may transfer to the board of education and the board of education may
 17 accept from the city, title to property for the use of the school system, especially including
 18 but not limited to title to the properties known as Clairemont Elementary School, College
 19 Heights Elementary School, Fifth Avenue Elementary School, Glennwood Elementary
 20 School, Oakhurst Elementary School, Westchester Elementary School, Winnona Park
 21 Elementary School, Renfroe Middle School, and Decatur High School.

22 (c) The board of education shall have the exclusive right, power, and authority to:

- 23 (1) Prescribe the curriculum of the public school system of the city;
- 24 (2) Appoint and employ a superintendent of schools and all other employees of such
 25 school system at the recommendation of the superintendent of schools, and to fix their
 26 compensation;
- 27 (3) Suspend or remove the superintendent of schools, or any other employee, at the
 28 recommendation of the superintendent, for cause satisfactory to it.
- 29 (4) Make such bylaws, policies, rules, regulations, and orders for the government,
 30 discipline and conduct of the school system and of the superintendent of schools,
 31 employees, and students as it may deem proper and not in conflict with the laws of
 32 Georgia; and
- 33 (5) Generally to have power and authority to do and perform all acts necessary to and in
 34 promotion of the best educational interests of the city not in conflict with this charter or
 35 the laws of this state.

1 (d) No member of the board of education may serve in the office of superintendent of
2 schools or in the position of employee in such schools.

3 (e) The treasurer of the board of education shall give bond in such sum as the board may
4 fix.

5 (f) The board of education shall cause to be kept regular minutes of all its proceedings,
6 which shall be open to inspection.

7 (g) The board of education shall upon request submit to the city commission, a report for
8 the scholastic year ending June 30, showing:

9 (1) The condition of the public schools;

10 (2) The attendance therein with resident and nonresident students shown separately;

11 (3) The receipts and expenditures for the scholastic year; and

12 (4) Such other information that the city commission may call for or that the board of
13 education may deem proper and such recommendations as the board of education may
14 desire to make.

15 The report, or so much thereof as the city commission shall order, shall be published in the
16 city.

17 (h) The board of education shall provide schools for children, which schools shall be kept
18 open and free for not less than nine scholastic months in each year.

19 (i) When there are vacant seats in the city schools of Decatur not needed for children of the
20 city as mentioned in this article, the board of education may provide for the admission of
21 children whose parents or guardians are not residents of the city upon terms and conditions
22 as the board of education may prescribe.

23 **SECTION 7.12.**

24 Per diem and expenses of board of education.

25 The members of the board of education shall, when approved by the board of education,
26 receive a per diem of not less than \$15.00 and not more than \$50.00 for each day of
27 attendance at meetings of the board of education, not to exceed five in any one month, and
28 while meeting and traveling within or outside the state as a member of a committee of the
29 board of education on official business first authorized by a majority of the board of
30 education, plus reimbursement for actual expenses necessarily incurred in connection
31 therewith. The accounts for such service and expenses shall be submitted for approval to the
32 superintendent of schools.

33 No member of the board of education shall be paid such per diem for any meeting unless he
34 or she shall:

- 1 (1) Be actually present at such meeting not later than 15 minutes after the time for such
 2 meeting to convene; and
 3 (2) Not leave such meeting until it has been adjourned.

4 **SECTION 7.13.**

5 Educational funds; school tax.

- 6 (a) On or before March 1 of each year, or another date specified by the city commission, the
 7 Board of Education of the City of Decatur shall provide to the city commission the rate of
 8 the ad valorem tax levy, on taxable property in the city, necessary for the support,
 9 maintenance, and operation of the public schools of the city. Such rate shall not exceed 25
 10 mills. The city commission shall assess, levy, and cause to be collected such ad valorem tax
 11 as provided by the board of education upon all property subject to taxation in the city.
 12 (b) The city commission may provide for the payment of the school tax described in this
 13 section in installments as in the case of the collection of the general ad valorem tax levied
 14 in the city, but such school tax shall be paid over to the board of education, as collected, at
 15 the close of each month during which received.
 16 (c) No part of the school fund derived from the school tax described in this section shall be
 17 used for purposes other than:
 18 (1) Support and maintenance of the schools and the school system;
 19 (2) Contracting for or erecting schools or school related buildings and additions thereto,
 20 or providing furniture and other necessary equipment thereof; or
 21 (3) Repairs and upkeep of the buildings and grounds of the schools.

22 **ARTICLE VIII**

23 **GENERAL PROVISIONS**

24 **SECTION 8.10.**

25 Powers and duties of police.

26 The police officers of the city may make arrests in the manner provided by law. Such
 27 officers are authorized, to the same extent as sheriffs of this state, to execute warrants placed
 28 in their hands charging any person with violating the criminal laws of this state. Such
 29 officers may arrest, anywhere within this state, any person charged with violating any
 30 ordinance of the city; provided, when the arrest is not made within 24 hours after the offense
 31 is committed, such officers are not authorized to arrest the offender outside the corporate
 32 limits of the city except in obedience to a written warrant signed by a judge of the municipal
 33 court. Bonds and recognizances may be accepted and forfeited as provided by law. The city

1 commission may authorize and direct any police officer of the city to summon any or all
 2 bystanders to aid in the arrest of any persons violating any ordinance of the city or any
 3 criminal law of the state, and may provide punishment for any persons failing or refusing to
 4 provide such aid.

5 **SECTION 8.11.**

6 Criminal procedure and incarceration.

7 (a) Any person who violates an ordinance of the city and flees from the jurisdiction thereof
 8 may be apprehended and arrested, whenever found in the state, and the warrants of the judge
 9 of the municipal court shall be sufficient authority for such person's return and trial upon the
 10 charge resting against such person. Any person who escapes after trial and conviction may
 11 be apprehended or arrested whenever found in this state, and the warrant of the judge of the
 12 municipal court shall be sufficient authority for his or her arrest and return.

13 (b) The city commission may provide for the city a safe and suitable jail for the keeping and
 14 detention of inmates and of persons charged with a violation of the ordinances of the city
 15 before or after conviction, and may appoint a person or persons to operate such jail.

16 **SECTION 8.12.**

17 Charter as defense for official actions taken.

18 Except as otherwise provided by law, if the mayor, any other commissioner or any other
 19 officer of the city is sued for any acts or things done in his or her official capacity under and
 20 in accordance with this charter and the ordinances passed in pursuance hereof, he or she may
 21 be justified under this charter, and the provisions of this charter may be pleaded and shall be
 22 a full defense to any action brought against such officer.

23 **SECTION 8.13.**

24 Existing legislation to remain in effect.

25 All ordinances, resolutions, bylaws, rules, and regulations adopted by the city commission
 26 before the effective date of this charter that are in force on such date and not inconsistent
 27 with nor repugnant to any provision of the Constitution and laws of Georgia or this charter
 28 shall remain in full force and effect under this charter until repealed, altered, or amended by
 29 the city commission.

SECTION 8.14.

Continuation of powers.

Authority to carry out and effectuate the provisions of this charter by ordinance and to provide for violations thereof, whenever the city commission may deem it necessary, and all further powers granted to the city, as reincorporated under this charter, are expressly conferred on the members of the city commission in office on the effective date of this charter and their successors.

SECTION 8.15.

Powers consolidated; former acts repealed.

All local Acts of the General Assembly passed before the effective date of this charter incorporating and conferring powers on the city are consolidated into and superseded by this charter. All laws or parts of laws in conflict with this charter, or any provision hereof, are repealed.

SECTION 8.16.

Effective date.

This charter shall become effective on July 1, 2001.