

House Bill 150

By: Representatives Wilkinson of the 41st and Willard of the 40th

A BILL TO BE ENTITLED
AN ACT

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:

ARTICLE I

CREATION, INCORPORATION, POWERS

SECTION 1.01.

Incorporation.

5 This Act shall constitute the charter of the City of Sandy Springs, Georgia. The City of
6 Sandy Springs, Georgia, in the County of Fulton, and the inhabitants thereof, are constituted
7 and declared a body politic and corporate under the same name and style of the "City of
8 Sandy Springs" and by that name shall have perpetual succession, may sue and be sued,
9 plead and be impleaded, in all the courts of law and equity, and in all actions whatsoever, and
10 may have and use a common seal.

SECTION 1.02.

Corporate boundaries.

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

SECTION 1.03.

Specific powers.

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

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

24 (2) To levy and to provide for the collection of license fees and taxes on privileges,
25 occupations, trades, and professions; to license and regulate such privileges, occupations,
26 trades, and professions; and to provide for the manner and method of payment of such
27 licenses and taxes;

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

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

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

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

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

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

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

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

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

30 (12) To provide for the acquisition, construction, building, operation, and maintenance
31 of public ways, parks and playgrounds, recreational facilities, cemeteries, markets and
32 market houses, parking facilities, public buildings, libraries, sewers, drains, sewerage
33 systems, airports, hospitals, housing, and charitable, cultural, educational, recreational,
34 conservation, sport, curative, corrective, detentional, penal, and medical institutions,
35 agencies, and facilities; to provide any other public improvements inside or outside the
36 corporate limits of the city; to regulate the use of public improvements; and, for such

1 purposes, property may be acquired by condemnation under Title 22 of the O.C.G.A. or
2 such other applicable laws as are or may hereafter be enacted;

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

7 (14) To regulate the erection and construction of buildings and all other structures; to
8 adopt building, housing, plumbing, electrical, gas, and heating and air-conditioning
9 codes; to regulate all housing, building, and building trades; to license all building trades;
10 to license the construction and erection of buildings and all other structures;

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

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

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

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

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

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

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

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

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

35 (24) To provide for the collection and disposal of garbage, rubbish, and refuse; to
36 regulate the collection and disposal of garbage, rubbish, and refuse by others; to provide

1 for the separate collection of glass, tin, aluminum, cardboard, paper, and other recyclable
2 materials and to provide for the sale of such items;

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

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

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

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

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

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

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

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

34 (33) To adopt ordinances and regulations for the prevention of loitering, disorderly
35 conduct, public drunkenness, and disturbing the peace in the corporate limits of the city
36 and to prohibit the playing of lotteries therein; and to prohibit or regulate, by ordinance,
37 such other conduct and activities within said city which, while not constituting an offense

1 against the laws of this state, are deemed by the governing authority to be detrimental and
2 offensive to the peace and good order of the city or to the welfare of the citizens thereof;

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

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

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

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

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

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

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

25 (41) To make, ordain, and establish such bylaws, ordinances, rules, and regulations as
26 shall appear necessary for the security, welfare, convenience, and interest of the city and
27 the inhabitants thereof, and for preserving the health, peace, order, and good government
28 of the city;

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

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

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

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

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

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

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

17 **SECTION 1.04.**

18 General powers and limitations on powers.

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

23 **SECTION 1.05.**

24 Exercise of powers.

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

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ARTICLE II

2

GOVERNING BODY

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SECTION 2.01.

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Legislative branch.

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(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 six councilmembers.

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(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 six councilmembers, there shall be six council districts as provided for by Section 2.05 of this charter.

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SECTION 2.02.

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First election; districts and terms of office.

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(a) The first election for mayor and councilmembers shall be a special election held in 2003 on the date specified in Article V of this charter. At said election, the mayor and the councilmembers elected from Council Districts 1, 3, and 5 shall be elected for initial terms of office beginning the first day of January, 2004, and expiring on December 31, 2005. The councilmembers elected from Council Districts 2, 4, and 6 shall be elected for initial terms of office beginning on the first day of January, 2004, and expiring on December 31, 2007. 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.

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(b) Each councilmember, for the special election and each subsequent election for councilmember, shall be elected by the qualified electors of the council district for which the councilmember has qualified for office.

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SECTION 2.03.

Qualification for office of mayor.

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

SECTION 2.04.

Qualification for office of councilmembers.

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

SECTION 2.05.

Districts of the City of Sandy Springs.

For the purpose of electing the six district councilmembers, the territory comprising the corporate limits of the City of Sandy Springs shall be divided into six council districts to be designated Council Districts 1 through 6. Each person desiring to offer as a candidate for councilmember shall designate the council district for which he or she is offering. The six council districts shall be as described in Exhibit B of this charter which is attached to and is made a part of the charter of the City of Sandy Springs.

SECTION 2.06.

Vacancy; forfeiture of office; filling of vacancies.

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

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

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

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

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

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

SECTION 2.07.

Compensation and expenses.

The annual salary of the mayor shall be \$15,000.00 and for each councilmember shall be \$7,500.00 per annum. Such salaries shall be paid from municipal funds. Extraordinary expenses, such as attendance at conventions, may be paid from municipal funds when approved in advance by resolution of the city council.

SECTION 2.08.

Prohibitions.

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

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

SECTION 2.09.

General power and authority of the council.

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

(b) In addition to all other powers conferred upon it by law, the council shall have the authority to adopt and provide for the execution of such ordinances, resolutions, rules, and regulations, not inconsistent with this charter, the Constitution and the laws of the State of Georgia, which it shall deem necessary, expedient, or helpful for the peace, good order, protection of life and property, health, welfare, sanitation, comfort, convenience, prosperity, or well-being of the inhabitants of the City of Sandy Springs and may enforce such ordinances by imposing penalties for violation thereof.

(c) The council may, by ordinance, create, change, alter, abolish, or consolidate offices, agencies, and departments of the city and may assign additional functions to any of the offices, agencies, and departments expressly provided for by this charter.

SECTION 2.10.

Powers and duties of mayor.

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

SECTION 2.11.

Organization and procedures; organization meeting.

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

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

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

SECTION 2.12.

Regular and special meetings.

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

(b) Special meetings of the council may be held on call of the mayor or three members of the council. Notice of such special meetings shall be delivered to all members of the council and the mayor personally, or by registered mail or a notice in writing that is received by each member of the council and the mayor. Such notice of a special meeting shall be delivered and received at least 24 hours in advance of the meeting. The notice of such special meeting shall state what business is to be transacted at the special meeting. Only the business stated in the call may be transacted at the special meeting.

(c) All meetings of the city council, committee, and board shall be held within the city limits and open to the public to the extent required by law.

SECTION 2.13.

Rules of procedure.

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

SECTION 2.14.

Quorum; voting.

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

SECTION 2.15.

Action requiring an ordinance.

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

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

SECTION 2.16.

Emergency ordinances.

To meet a public emergency affecting life, health, property, or public peace, the council may adopt one or more emergency ordinances, but such ordinances may not levy taxes; grant, renew, or extend a franchise; regulate the rate charged by any public utility for its services; or authorize the borrowing of money, except as provided by law. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance may be adopted with or without amendment or rejection at the meeting at which it is introduced, but the affirmative vote of a majority of the quorum of councilmembers present shall be required for adoption. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance shall automatically stand repealed at the next regular meeting of the council unless reenacted at the next regular meeting upon which it was adopted.

SECTION 2.17.

Codes of technical regulations.

(a) The council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such adopting ordinance shall be as prescribed for ordinances generally, except that (1) the requirements of Section 2.18 of this charter for distribution and filing of copies of the ordinance shall be construed to include copies of any code of technical regulations, as well as the adopting ordinance; and (2) a copy of each adopted code of technical regulations, as well as the adopting ordinance, shall be authenticated and recorded pursuant to said Section 2.18.

(b) Copies of any adopted code of technical regulations shall be made available by the clerk for distribution or for purchase.

SECTION 2.18.

Submission of ordinances to the mayor.

(a) Every ordinance adopted by the council shall be presented promptly to the mayor.

(b) The mayor, within five calendar days of receipt of an ordinance, shall return it, with or without his or her signature of approval, or with his or her disapproval. If the ordinance has been signed and approved by the mayor, it shall become law; if the ordinance is neither

1 approved nor disapproved, it shall become law at 12:00 Noon on the fifth calendar day after
2 its adoption; if the ordinance is disapproved, the mayor shall submit to the council a written
3 statement of the reasons for his or her veto. The date of the delivery to and receipt from the
4 mayor shall be recorded upon the ordinance.

5 (c) Ordinances vetoed by the mayor shall be presented to the council at its next regular
6 meeting, and if the council then or at its next regular meeting adopts the ordinance by an
7 affirmative vote of a majority of councilmembers present, it shall become law.

8 (d) The mayor may disapprove or reduce any item or items of appropriation in any
9 ordinance. The approved part or parts of any ordinance making appropriations shall become
10 law, and the part or parts disapproved or reduced shall not become law unless subsequently
11 passed by the city council over the mayor's veto as provided in this charter.

12 (e) All ordinances that have been signed by the mayor or adopted over his or her veto, as
13 provided for in subsection (c) of this section, shall be recorded in full in a properly indexed
14 book kept for minutes of meetings of the council. The council shall provide for the
15 preparation of a general codification of all of the ordinances of the city having the force and
16 effect of law. The general codification shall be adopted by the council by ordinance and
17 shall be published promptly, together with all amendments thereto with this charter and any
18 amendment thereto, and such codes of technical regulations and other rules and regulations
19 as the city council may specify. This compilation shall be known and cited officially as "The
20 Code of the City of Sandy Springs, Georgia." Copies of the code shall be furnished to all
21 officers, departments, and agencies of the city and made available for purchase by the public
22 at a reasonable price as fixed by the council.

23 (f) The council shall cause each ordinance and each amendment to this charter to be printed
24 promptly following its adoption, and the printed ordinances and charter amendments shall
25 be made available for purchase by the public at reasonable prices to be fixed by the council.
26 Following the initial publication of "The Code of the City of Sandy Springs, Georgia", and
27 at all times thereafter, the ordinances and charter amendments shall be printed in
28 substantially the same style as the code currently in effect and shall be suitable in form for
29 incorporation therein. The council shall make such further arrangements as deemed desirable
30 with respect to reproduction and distribution of any current changes in or additions to codes
31 of technical regulations and other rules and regulations included in the code.

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ARTICLE III
EXECUTIVE BRANCH
SECTION 3.01.

Administrative and service department.

(a) The council, by ordinance, may establish, abolish, merge, or consolidate offices, positions of employment, departments, and agencies of the city as they shall deem necessary for the proper administration of the affairs and government of the city. The council shall prescribe the functions and duties of existing departments, offices, and agencies or of any departments, offices, and agencies hereinafter created or established; may provide that the same person shall fill any number of offices and positions of employment; and may transfer or change the functions and duties of offices, positions of employment, departments, and agencies of the city.

(b) The operations and responsibilities of each department now or hereafter established in the city shall be distributed among such divisions or bureaus as may be provided by ordinance of the council. Each department shall consist of such officers, employees, and positions as may be provided by this charter or by ordinance and shall be subject to the general supervision and guidance of the mayor and council.

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

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

SECTION 3.02.

Boards, commissions, and authorities.

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

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

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

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

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

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

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

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

20 **SECTION 3.03.**

21 City Manager; appointment, qualification, and compensation.

22 The council, by resolution, shall appoint for an indefinite term an officer whose title shall be
23 the "city manager" and the city manager shall serve at the pleasure of the council. The city
24 manager shall be appointed without regard to political beliefs and solely on the basis of his
25 or her executive and administrative qualifications with special reference to his or her
26 educational background and actual experience in, and knowledge of, the duties of office as
27 hereinafter prescribed. At the time of appointment, the city manager need not be a resident
28 of the City of Sandy Springs or the State of Georgia, but if he or she is not a resident of the
29 city at the time of appointment, the person appointed city manager shall become a resident
30 within 60 days after the date of appointment and continuously maintain such residency while
31 holding office as city manager. The compensation of the city manager shall be fixed by the
32 council by ordinance.

SECTION 3.04.

City manager; chief executive officer.

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

SECTION 3.05.

City manager; powers and duties enumerated.

(a) The city manager shall have the power, and it shall be his or her duty to:

- (1) See that all laws and ordinances are enforced;
- (2) Appoint and employ all necessary employees of the city, provided that excepted from the power of this appointment are those officers and employees who by this Act are appointed or elected by the council or departments not under the jurisdiction of the city manager;
- (3) Remove employees employed by said officer without the consent of the council and without assigning any reason therefor;
- (4) Exercise supervision and control of all departments and all divisions created in this charter or that may hereafter be created by the council except as otherwise provided in this Act;
- (5) Attend all meetings of the council with a right to take part in the discussions, but having no vote. The city manager shall be entitled to notice of all special meetings;
- (6) Recommend to the council for adoption such measures as said officer may deem necessary or expedient;
- (7) See that all terms and conditions imposed in favor of the city or its inhabitants in any public utility franchise are faithfully kept and performed and upon knowledge of any violation thereof to call the same to the attention of the city attorney, whose duty it shall be forthwith to take such steps as are necessary to protect and enforce the same;
- (8) Make and execute all lawful contracts on behalf of the city as to matters within said officer’s jurisdiction, except such as may be otherwise provided by law or by ordinance passed by the council; provided, however, that no contract purchase or obligation involving over \$5,000.00 shall be valid and binding until after approval of the council;

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

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

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

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

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

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

26 **SECTION 3.06.**

27 City manager; removal.

28 (a) The mayor and council may remove the manager from office in accordance with the
29 following procedures:

30 (1) The council shall adopt by affirmative vote of a majority of all its members a
31 preliminary resolution removing the city manager and may suspend the city manager
32 from duty for a period not to exceed 45 days. A copy of the resolution shall be
33 delivered promptly to the city manager;

34 (2) Within five days after a copy of the resolution is delivered to the city manager,
35 he or she may file with the council a written request for a public hearing. This hearing

1 shall be held at a council meeting not earlier than 15 days nor later than 30 days after
2 the request is filed. The city manager may file with the council a written reply not
3 later than five days before the hearing; and

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

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

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

19 **SECTION 3.07.**

20 Acting city manager.

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

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

SECTION 3.08.

City attorney.

The mayor shall nominate and the council shall confirm by majority vote of the council a city attorney, together with such assistant city attorneys as may be authorized by ordinance, and shall provide for the payment of such attorney or attorneys for services rendered to the city.

The city attorney shall be responsible for representing and defending the city in all litigation in which the city is a party; may be the prosecuting officer in the municipal court; shall attend the meetings of the council as directed; shall advise the council, mayor, other officers, and employees of the city concerning legal aspects of the city's affairs; and shall perform such other duties as may be required by virtue of his or her position as city attorney.

SECTION 3.09.

City clerk.

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

SECTION 3.10.

Tax collector.

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

SECTION 3.11.

City accountant.

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

SECTION 3.12.

Consolidation of functions.

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

SECTION 3.13.

Position classification and pay plans.

The city manager shall be responsible for the preparation of a position classification and a pay plan which shall be submitted to the council for approval. Said plan may apply to all employees of the City of Sandy Springs, and any of its agencies and offices. When a pay plan has been adopted by the council, neither the council nor the city manager shall increase or decrease the salaries of individual employees except in conformity with such pay plan or pursuant to an amendment of said pay plan duly adopted by the council.

SECTION 3.14.

Personnel policies.

The council shall adopt rules and regulations consistent with this charter concerning:

- (1) The method of employee selection and probationary periods of employment;
- (2) The administration of the position classification and pay plan, methods of promotion and application of service ratings thereto, and transfer of employees within the classification plan;
- (3) Hours of work, vacation, sick leave, and other leaves of absence, overtime pay, and the order and manner in which layoff shall be effected; and
- (4) Such other personnel policies as may be necessary to provide for adequate and systematic handling of the personnel affairs of the City of Sandy Springs.

1 ARTICLE IV

2 MUNICIPAL COURT

3 SECTION 4.01.

4 Creation.

5 There is established a court to be known as the Municipal Court of the City of Sandy Springs
6 which shall have jurisdiction and authority to try offenses against the laws and ordinances
7 of said city and to punish for a violation of the same. Such court shall have the power to
8 enforce its judgments by the imposition of such penalties as may be provided by law,
9 including ordinances of the city; to punish witnesses for nonattendance and to punish also
10 any person who may counsel or advise, aid, encourage, or persuade another whose testimony
11 is desired or material in any proceeding before said court to go or move beyond the reach of
12 the process of the court; to try all offenses within the territorial limits of the city constituting
13 traffic cases which, under the laws of Georgia, are placed within the jurisdiction of municipal
14 courts to the extent of, and in accordance with, the provisions of such laws and all laws
15 subsequently enacted amendatory thereof. Said court shall be presided over by the judge of
16 said court. In the absence or disqualification of the judge, the judge pro tem shall preside and
17 shall exercise the same powers and duties as the judge when so acting.

18 SECTION 4.02.

19 Judge.

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

25 (b) The judge pro tem shall serve in the discretion of the judge, shall have the same
26 qualifications as the judge, shall be appointed by resolution of the council, and shall take the
27 same oath as the judge.

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

33 (d) The judge, or judge pro tem, shall serve for a term of four years but may be removed
34 from the position by a two-thirds vote of the entire membership of the council.

SECTION 4.03.

Convening.

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

SECTION 4.04.

Jurisdiction; powers.

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

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

(c) The municipal court shall have authority to establish bail and recognizances to insure the presence of those charged with violations before said court and shall have discretionary authority to accept cash or personal or real property as security for appearances of persons charged with violations. Whenever any person shall give bail for his or her appearance and shall fail to appear at the time fixed for trial, the bond shall be forfeited by the judge presiding at such time and an execution issued thereon by serving the defendant and his or her sureties with a rule nisi at least two days before a hearing on the rule nisi. In the event that cash or property is accepted in lieu of bond for security for the appearance of a defendant at trial, and if such defendant fails to appear at the time and place fixed for trial, the cash so deposited shall be on order of the judge declared forfeited to the City of Sandy Springs, or the property so deposited shall have a lien against it for the value forfeited.

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

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

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

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

8 **SECTION 4.05.**

9 Certiorari.

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

14 **SECTION 4.06.**

15 Rules for court.

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

24 **ARTICLE V**

25 **ELECTION AND REMOVAL OF OFFICERS**

26 **SECTION 5.01.**

27 Nonpartisan elections.

28 Political parties shall not conduct primaries for city offices and all names of candidates for
 29 city offices shall be listed without party labels.

SECTION 5.02.

Regular elections; time for holding.

A special election shall be held on the Tuesday after the first Monday in November, 2003, to elect the first mayor and council as provided in Section 2.02 of this charter. At such election, the first mayor and council shall be elected to serve for the initial terms of office specified in said Section 2.02. Thereafter, the time for holding regular municipal elections shall be on the Tuesday next following the first Monday in November of each odd-numbered year beginning in 2005. The successors to the first mayor and councilmembers and future successors shall be elected at the municipal election immediately preceding the expiration of the respective terms of office and shall take office on the first day of January immediately following their election for terms of four years and until their successors are elected and qualified.

SECTION 5.03.

Qualifying; nomination of candidates; absentee ballots.

In conformity with the provisions of Chapter 2 of Title 21 of the O.C.G.A., known as the "Georgia Election Code," the council may, by ordinance, prescribe rules and regulations governing qualifying fees, nomination of candidates, absentee ballots, write-in votes, challenge of votes, and such other rules and regulations as may be necessary for the conduct of elections in the City of Sandy Springs.

SECTION 5.04.

Applicability of general laws.

Except for the requirements of Section 5.01 of this charter that city elections shall be nonpartisan, the procedures and requirements for election of all elected officials of the City of Sandy Springs, including but not limited to the special election of 2003 to elect the first mayor and council, shall be in conformity with the provisions of Chapter 2 of Title 21 of the O.C.G.A., known as the "Georgia Election Code."

SECTION 5.05.

Grounds for removal.

The mayor or any councilmember shall be subject to removal from office for any one or more of the following causes:

- 1 (1) Incompetence, misfeasance, or malfeasance in office;
 2 (2) Final conviction of a crime involving moral turpitude;
 3 (3) Failure at any time to possess any of the qualifications of office as provided by
 4 this charter or by law;
 5 (4) Willfull violation of any express prohibition of this charter;
 6 (5) Abandonment of office or neglect to perform the duties thereof; or
 7 (6) Failure for any other cause to perform the duties of office as required by this
 8 charter or by law.

9 **SECTION 5.06.**

10 Procedure for removal.

11 Removal of an elected officer from office may be accomplished by one of the following
 12 methods:

- 13 (1) By action of two-thirds' vote of the entire membership of the council. In the
 14 event an elected officer is sought to be removed by the action of the council, such
 15 officer shall be entitled to a written notice specifying the grounds for removal and to
 16 a public hearing which shall be held not less than ten days after the service of such
 17 written notice. Any elected officer sought to be removed from office as provided in
 18 this section shall have the right of appeal from the decision of the council to the
 19 Superior Court of Fulton County. Such appeal shall be governed by the same rules
 20 as govern appeals to the superior court from the probate court; or
 21 (2) By information filed in the Superior Court of Fulton County as provided by law.

22 **ARTICLE VI**

23 **CODE OF ETHICS AND PROHIBITED PRACTICES**

24 **SECTION 6.01.**

25 Conflict of interest.

26 No elected official, appointed officer, or employee of the City of Sandy Springs or any
 27 agency or political entity to which this code of ethics applies shall knowingly:

- 28 (1) Engage in any business or transaction or have a financial or other personal
 29 interest, direct or indirect, which is incompatible with the proper discharge of his or
 30 her official duties or which would tend to impair his or her independence of judgment
 31 or action in the performance of his or her official duties;
 32 (2) Contract with, engage in any business or transaction with, or be or become an
 33 employee of any other municipality or county of this state or the state itself while

1 holding any elective office of the city or while serving as a full-time employee of the
2 city;

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

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

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

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

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

21 **SECTION 6.02.**

22 Disclosure.

23 Any elected official, appointed officer, or employee of the City of Sandy Springs who shall
24 have any private financial interest, directly or indirectly, in any contract or matter pending
25 before or within any department of the city shall disclose such private interest to the council.

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

SECTION 6.03.

Financial disclosure statements.

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

SECTION 6.04.

Use of public property.

No elected official, appointed officer, employee of the city, or any agency or entity to which this code of ethics applies shall use property owned by such governmental body for personal benefit, convenience, or profit, except in accordance with policies promulgated by the council or the governing body of such agency or entity.

SECTION 6.05.

Contracts voidable and rescindable.

Any violation of this code of ethics which occurs with the knowledge, express or implied, of another party to a contract or sale shall render said contract or sale voidable as to that party, at the option of the council.

SECTION 6.06.

Ineligibility of elected officials.

Except where authorized by law, neither the mayor nor any councilmember shall hold any other elective or appointive office in the city or otherwise be employed by said government or any agency thereof during the term for which he or she was elected. No former mayor and no former councilmember shall hold any compensated appointive office in the city until one year after leaving office.

SECTION 6.07.

Political activities of certain officers and employees.

No appointive officer and no employee of the city shall continue in such employment upon qualifying as a candidate for nomination or election to any public office.

1 **SECTION 6.08.**

2 Penalties for violation.

3 (a) Any city officer or employee who willfully conceals such financial interest or willfully
4 violates any of the requirements of this article shall, upon conviction, be guilty of
5 malfeasance in office or position and shall be deemed to have forfeited his office or position.

6 (b) Any officer or employee of the city who shall forfeit his or her office or position as
7 described in subsection (a) of this section shall be ineligible for appointment or election to
8 or employment in a position in the city government for a period of three years thereafter.

9 **ARTICLE VII**

10 **FINANCE AND FISCAL**

11 **SECTION 7.01.**

12 Property taxes.

13 All property subject to taxation for state or county purposes, assessed as of January 1 in each
14 year, shall be subject to the property tax levied by the City of Sandy Springs. The council
15 shall use the county assessment for the year in which the city taxes are to be levied, as
16 provided by the laws of the State of Georgia.

17 **SECTION 7.02.**

18 Tax levy.

19 The council shall be authorized to levy an ad valorem tax on all real and personal property
20 within the corporate limits of the city for the purpose of raising revenues to defray the costs
21 of operating the city government, providing governmental services, and for any other public
22 purpose as determined by the council in its discretion. The council is also authorized to
23 provide for sufficient levy to pay principal and interest on general obligations.

24 **SECTION 7.03.**

25 Tax due dates and tax bills.

26 The council shall provide, by ordinance, when the taxes of the city shall fall due and the time
27 period within which said taxes may be paid and shall provide, by ordinance, for the payment
28 of taxes due to the city in installments or in one lump sum, and when and how and upon what

1 terms such taxes shall be due and payable, as well as authorize the voluntary payment of
2 taxes prior to the time when due.

3 **SECTION 7.04.**

4 Collection of delinquent taxes.

5 The council may provide, by ordinance, for the collection of delinquent taxes by fi. fa. or by
6 the use of any other available legal processes and remedies. A lien shall exist against all
7 property upon which city property taxes are levied, as of the assessment date of each year,
8 which lien shall be superior to all other liens, except that it shall have equal dignity with
9 those of federal, state, or county taxes. In cases of hardship, the council shall have
10 discretionary authority to waive any and all penalties imposed by this charter on delinquent
11 taxes, fees, assessments, or on other amounts due to the city.

12 **SECTION 7.05.**

13 Licenses, occupational taxes, excise taxes.

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

24 **SECTION 7.06.**

25 Water and sewer service charges.

26 The council, by ordinance, shall have the right, power, and authority to assess and collect
27 fees, charges, and tolls for water and sewer services rendered both inside and outside the
28 corporate limits of the City of Sandy Springs to provide for the cost and expense of providing
29 for the treatment and distribution of water, and the collection and disposal of sewage through
30 the sewerage facilities of said city. If unpaid, said sewer service charge shall constitute a lien
31 against any property of persons served, which lien shall be second in priority only to liens

1 for county and city property taxes and shall be enforceable in the same manner and under the
2 same remedies as a lien for city property taxes.

3 **SECTION 7.07.**

4 Sanitary and health services charge.

5 The council shall have authority, by ordinance, to provide for, to enforce, to levy, and to
6 collect the cost of sanitary and health services necessary in the operation of the city from all
7 individuals, firms, and corporations residing in or doing business in said city benefiting from
8 such service. Such authority shall include the power to assess, levy, and collect annual or
9 monthly sanitary taxes or fees in such amount or amounts and based upon and in accordance
10 with such classification of property and sanitary service or service provided, as may be fixed
11 by ordinance. Said sanitary taxes and the assessments thereof shall be a charge and lien
12 against the real estate in respect to which said taxes are so assessed and the owner or owners
13 thereof, superior to all other liens, except liens for county and city property taxes, and shall
14 be enforceable in the same manner and under the same remedies as a lien for city property
15 taxes.

16 **SECTION 7.08.**

17 Special assessments.

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

28 **SECTION 7.09.**

29 Transfer of executions.

30 The city clerk shall be authorized to assign or transfer any fi. fa. or execution issued for any
31 tax or for any street, sewer, or other assessment in the same manner and to the same extent

1 as provided by Georgia law regarding sales and transfers of tax fi. fas. Such transfer or
 2 assignment, when made, shall vest the purchaser or transferee with all right, title and interest
 3 as provided by Georgia law governing sales and transfers of tax fi. fas., provided that, upon
 4 levy of execution and sale of property pursuant to such tax fi. fas., whether assigned,
 5 transferred, or executed by the city, the owner of such property, in fee simple or lesser
 6 interest, shall not lose his right to redeem the property in accord with the requirements of
 7 redemption of property sold under state or county ad valorem tax fi. fas., as said requirements
 8 now exist or as may be hereinafter provided by law.

9 **SECTION 7.10.**

10 General obligation bonds.

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

15 **SECTION 7.11.**

16 Revenue bonds.

17 Revenue bonds may be issued by the council as provided by Article 3 of Chapter 82 of Title
 18 36 of the O.C.G.A., known as the "Revenue Bond Law," as now or hereafter amended, or by
 19 any other Georgia law as now or hereafter provided.

20 **SECTION 7.12.**

21 Short term notes.

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

24 **SECTION 7.13.**

25 Fiscal year.

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

SECTION 7.14.

Preparation of budgets.

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

SECTION 7.15.

Submission of operating budget to city council.

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

SECTION 7.16.

Action by council on budget.

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

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

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

5 **SECTION 7.17.**

6 Property tax levies.

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

14 **SECTION 7.18.**

15 Additional appropriations.

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

20 **SECTION 7.19.**

21 Capital improvements budget.

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

1 (b) The council shall adopt the final capital improvements budget for the ensuing fiscal year
 2 on or before a date fixed by ordinance of the council. No appropriation provided for in the
 3 capital improvements budget shall lapse until the purpose for which the appropriation was
 4 made shall have been accomplished or abandoned, provided the city manager may submit
 5 amendments to the capital improvements budget at any time during the fiscal year,
 6 accompanied by his or her recommendations thereon. Any such amendments to the capital
 7 improvements budget shall become effective only upon adoption by a vote of the council.

8 **SECTION 7.20.**

9 Contracting procedures.

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

14 **SECTION 7.21.**

15 Centralized purchasing; city property.

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

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

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

25 (d) Whenever, in opening, extending, or widening any street, avenue, alley, or public place
 26 of the city, a small parcel or tract of land is cut off or separated by such work from a larger
 27 tract or boundary of land owned by the city, the council may authorize the city manager to
 28 execute and deliver, in the name of the city, a deed conveying said cutoff or separated parcel
 29 or tract of land to an abutting or adjoining property owner or owners in exchange for rights
 30 of way of said street, avenue, alley, or public place, or in settlement of any alleged damages
 31 sustained by said abutting or adjoining property owner. All deeds and conveyances, so
 32 executed and delivered, shall convey all title and interest the city has in such property,
 33 notwithstanding the fact that no public sale, after advertisement, was or is hereafter made.

SECTION 7.22.

Audits.

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

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

SECTION 7.23.

Homestead exemptions.

(a) The homestead of each resident of the City of Sandy Springs actually occupied by the owner as a residence and homestead shall be exempted from all ad valorem taxes levied by the City of Sandy Springs, except ad valorem taxes to pay interest on and retire bonded indebtedness, for as long as the residence and homestead is actually occupied by the owner primarily as a residence and homestead. The amount of this exemption shall be \$5,000.00 and the value of the homestead in excess of such exemption amount shall remain subject to taxation.

(b) Applications for the homestead exemptions provided for by this section shall be processed in the same manner as other applications for homestead exemptions, and the provisions of law applicable to the processing of homestead exemptions, as the same now exist or may hereafter be amended, shall apply thereto.

ARTICLE VIII

GENERAL PROVISIONS

SECTION 8.01.

Qualified electors.

(a) For the purposes of the referendum election provided for in Section 8.02 of this charter and for the purposes of the special election to be held on the Tuesday after the first Monday in November, 2003, the qualified electors of the City of Sandy Springs shall be those qualified electors of Fulton County residing within the corporate limits of the City of Sandy Springs as described by Exhibit A of this charter. At subsequent municipal elections, the

1 qualified electors of the City of Sandy Springs shall be determined pursuant to the authority
 2 of Chapter 2 of Title 21 of the O.C.G.A., known as the "Georgia Election Code."
 3 (b) Only for the purpose of holding and conducting the referendum election provided for by
 4 Section 8.02 of this charter and only for the purpose of holding and conducting the special
 5 election of the City of Sandy Springs to be held on the Tuesday after the first Monday in
 6 November, 2003, the election superintendent of Fulton County is vested with the powers and
 7 duties of the election superintendent of the City of Sandy Springs and the powers and duties
 8 of the governing authority of the City of Sandy Springs.

9 **SECTION 8.02.**

10 Referendum.

11 Unless prohibited by the federal Voting Rights Act of 1965, as amended, the election
 12 superintendent of Fulton County shall call a special election for the purpose of submitting
 13 this Act to the qualified voters of the proposed City of Sandy Springs, as provided in Section
 14 8.01 of this charter, for approval or rejection. The superintendent shall set the date of such
 15 election for the third Tuesday in September, 2003. The superintendent shall issue the call for
 16 such election at least 30 days prior to the date thereof. The superintendent shall cause the
 17 date and purpose of the election to be published once a week for two weeks immediately
 18 preceding the date thereof in the official organ of Fulton County. The ballot shall have
 19 written or printed thereon the words:

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

22 All persons desiring to vote for approval of the Act shall vote "Yes," and those persons
 23 desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes
 24 cast on such question are for approval of the Act, it shall become of full force and effect as
 25 provided in Section 8.03 of this charter, otherwise it shall be void and of no force and effect.
 26 The expense of such election shall be borne by Fulton County. It shall be the duty of the
 27 superintendent to hold and conduct such election. It shall be his or her further duty to certify
 28 the result thereof to the Secretary of State.

29 **SECTION 8.03.**

30 Effective dates.

31 This section and the provisions of this Act necessary for the special election provided for in
 32 Section 8.02 of this charter shall become effective only if an amendment to Code Section
 33 36-31-2 of the O.C.G.A., permitting incorporation of a municipal corporation less than three

1 miles from another municipality's boundaries, is enacted, in which event this section and the
 2 provisions of this Act necessary for the election provided in Section 8.02 of this charter shall
 3 become effective upon the same date that such amendment to Code Section 36-31-2 of the
 4 O.C.G.A. becomes effective. The provisions of this Act necessary for the special election
 5 to be held on the Tuesday after the first Monday in November, 2003, as provided by Articles
 6 II and V of this charter shall be effective upon the certification of the results of the
 7 referendum election provided for by Section 8.02 of this charter, if this Act is approved at
 8 such referendum election. The remaining provisions of this Act shall become of full force
 9 and effect for all purposes on January 1, 2004, when members of the first governing authority
 10 of the City of Sandy Springs take office as provided in Section 2.02 of this charter.

11 **SECTION 8.04.**

12 Severability.

13 In the event any section, subsection, sentence, clause, or phrase of this Act shall be declared
 14 or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other
 15 sections, subsections, sentences, clauses, or phrases of this Act, which shall remain of full
 16 force and effect, as if the section, subsection, sentence, clause, or phrase so declared or
 17 adjudged invalid or unconstitutional were not originally a part hereof. The General
 18 Assembly hereby declares that it would have passed the remaining parts of this Act if it had
 19 known that such part or parts hereof would be declared or adjudged invalid or
 20 unconstitutional.

21 **SECTION 8.05.**

22 All laws and parts of laws in conflict with this Act are repealed.

23 **EXHIBIT A**

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

26 Beginning at the northwest corner of the City of Atlanta, as the boundaries of said city
 27 existed on January 1, 2003, at the point when the northerly city limit line of said city
 28 intersects the westerly county line of Fulton County and the Chattahoochee River, running
 29 thence generally easterly along the said northerly city limit line of the City of Atlanta,
 30 following the meanderings thereof, to the point where said line intersects the
 31 Fulton-DeKalb County line; run thence northerly, generally easterly, and generally

1 northerly along the easterly county line of Fulton County at the point where the
2 Fulton-Gwinnett County line intersects the Chattahoochee River; run thence generally west
3 and southwest along the southern bank of said river, following the meanderings thereof,
4 to the point of beginning.

5 EXHIBIT B

6 Council Districts 1 through 6 shall consist of the described territory of the City of Sandy
7 Springs attached to this Act and made a part thereof and further identified as "Plan Name:
8 sandysprs1 Plan Type: Local User: Linda Administrator: Sandy Springs."

9 When used in such attachment, the terms "Tract" and "BG" (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 2000 for the State of Georgia. The separate
12 numeric designations in a Tract description which are underneath a "BG" heading shall mean
13 and describe individual Blocks within a Block Group as provided in the report of the Bureau
14 of the Census for the United States decennial census of 2000 for the State of Georgia. Any
15 part of the City of Sandy Springs which is not included in any such district described in that
16 attachment shall be included within that district contiguous to such part which contains the
17 least population according to the United States decennial census of 2000 for the State of
18 Georgia. Any part of the City of Sandy Springs which is described in that attachment as
19 being in a particular district shall nevertheless not be included within such district if such part
20 is not contiguous to such district. Such noncontiguous part shall instead be included with
21 that district contiguous to such part which contains the least population according to the
22 United States decennial census of 2000 for the State of Georgia.