

Senate Bill 49

By: Senators Price of the 56th, Moody of the 27th and Tanksley of the 32nd

AS PASSED SENATE

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:

21 ARTICLE I
 22 CREATION, INCORPORATION, POWERS
 23 SECTION 1.01.
 24 Incorporation.

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

7 **SECTION 1.02.**

8 Corporate boundaries.

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

14 **SECTION 1.03.**

15 Specific powers.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 1 (14) To regulate the erection and construction of buildings and all other structures; to
2 adopt building, housing, plumbing, electrical, gas, and heating and air-conditioning
3 codes; to regulate all housing, building, and building trades; to license all building trades;
4 to license the construction and erection of buildings and all other structures;
- 5 (15) To provide for the prevention and punishment of drunkenness, riots, and public
6 disturbances;
- 7 (16) To regulate junk dealers, pawn shops, the manufacture, sale, or transportation of
8 intoxicating liquors; to regulate the transportation, storage, and use of combustible,
9 explosive, and inflammable materials; and to regulate the use of lighting and heating
10 equipment, and any other business or situation which may be dangerous to persons or
11 property;
- 12 (17) To regulate the conduct of peddlers and itinerant traders, theatrical performances,
13 exhibitions, and shows of any kind, by taxation or otherwise;
- 14 (18) To license, tax, and regulate professional fortunetelling or palmistry;
- 15 (19) To regulate the erection, removal, and maintenance of signs, billboards, trees,
16 shrubs, fences, buildings, and any and all other structures or obstructions upon or adjacent
17 to the rights of way of streets and roads, inside or abutting the corporate limits of the city
18 and to prescribe penalties and punishment for violation of such ordinances;
- 19 (20) To prescribe standards of public health and sanitation and to provide for the
20 enforcement of such standards;
- 21 (21) To regulate the emission of smoke or other exhaust which pollutes the air and to
22 prevent the pollution of natural streams which flow within the corporate limits of the city;
- 23 (22) To fix and establish fire limits, and, from time to time, extend, enlarge, or restrict
24 same; to prescribe fire safety regulations not inconsistent with general law, relating to
25 both fire prevention and detection and to fire fighting, and to prescribe penalties and
26 punishment for violation thereof;
- 27 (23) To provide for the destruction and removal of any building or other structure which
28 is dangerous to the public;
- 29 (24) To provide for the collection and disposal of garbage, rubbish, and refuse; to
30 regulate the collection and disposal of garbage, rubbish, and refuse by others; to provide
31 for the separate collection of glass, tin, aluminum, cardboard, paper, and other recyclable
32 materials and to provide for the sale of such items;
- 33 (25) To levy, fix, assess, and collect a garbage, refuse, and trash collection and disposal,
34 and other sanitary service charge, tax, or fee, for such services as may be necessary in the
35 operation of the city, from all individuals, firms, and corporations residing in or doing
36 business therein benefiting from such services; to enforce the payment of such charges,

1 taxes, or fees, and to provide for the manner and method of collecting such service
2 charges;

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

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

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

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

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

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

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

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

34 (34) To regulate the keeping or running at large of animals and fowl and to provide for
35 the impoundment of same if in violation of any ordinance or lawful order; also, to provide
36 for disposition by sale, gift, or humane destruction of animals and fowl when not

1 redeemed as provided by ordinance; to provide punishment for violation of ordinances
2 enacted under this paragraph;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 **SECTION 1.04.**

13 General powers and limitations on powers.

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

18 **SECTION 1.05.**

19 Exercise of powers.

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

25 **ARTICLE II**

26 **GOVERNING BODY**

27 **SECTION 2.01.**

28 Legislative branch.

29 (a) The legislative authority of the government of the City of Sandy Springs, except as
 30 otherwise specifically provided in this charter, shall be vested in a city council, to be
 31 composed of a mayor and six councilmembers.

1 (b) The mayor shall be elected by a majority vote of the qualified electors of the city at large
 2 voting at the elections provided for by Article V of this charter. Each councilmember shall
 3 be elected by a majority vote of the qualified electors of his or her respective council district
 4 voting at the elections provided for by Article V of this charter. For the purpose of electing
 5 the six councilmembers, there shall be six council districts as provided for by Section 2.05
 6 of this charter.

7 **SECTION 2.02.**

8 First election; districts and terms of office.

9 (a) The first election for mayor and councilmembers shall be a special election held in 2004
 10 on the date specified in Article V of this charter. At said election, the mayor and the
 11 councilmembers elected from Council Districts 1, 3, and 5 shall be elected for initial terms
 12 of office beginning the first day of January, 2005, and expiring on December 31, 2005. The
 13 councilmembers elected from Council Districts 2, 4, and 6 shall be elected for initial terms
 14 of office beginning on the first day of January, 2005, and expiring on December 31, 2007.
 15 Thereafter, at the elections provided for by Article V of this charter, their successors shall
 16 be elected for terms of four years. All members shall serve until their successors are elected
 17 and qualified. The persons elected as mayor and councilmembers shall take office on the
 18 first day of January immediately following their election in the manner prescribed by Section
 19 2.11 of this charter.

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

23 **SECTION 2.03.**

24 Qualification for office of mayor.

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

31 **SECTION 2.04.**

32 Qualification for office of councilmembers.

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

9 **SECTION 2.05.**

10 Districts of the City of Sandy Springs.

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

17 **SECTION 2.06.**

18 Vacancy; forfeiture of office; filling of vacancies.

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

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

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

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

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

28 (c) A vacancy in the office of mayor shall be filled by the mayor pro tempore for the
 29 unexpired term if the vacancy occurs within the last 27 months of the term of office. If the
 30 vacancy occurs before the last 27 months of the term of office, the mayor pro tempore shall
 31 fill the vacancy until a successor is elected for the remainder of the unexpired term at a
 32 special election conducted at the next regular municipal election. An election to fill a
 33 vacancy in the office of mayor shall be held in the city at large. A vacancy in the office of

1 councilmember shall be filled by vote of the remaining councilmembers for the unexpired
2 term if the vacancy occurs within the last 27 months of the term of office. If the vacancy
3 occurs before the last 27 months of the term of office, the remaining councilmembers shall
4 fill the vacancy until a successor is elected for the remainder of the unexpired term at a
5 special election conducted at the next regular municipal election. An election to fill a
6 vacancy in the office of a councilmember shall be held in the council district wherein the
7 vacancy exists.

8 **SECTION 2.07.**

9 Compensation and expenses.

10 The annual salary of the mayor shall be \$15,000.00 and for each councilmember shall be
11 \$7,500.00 per annum. Such salaries shall be paid from municipal funds. Extraordinary
12 expenses, such as attendance at conventions, may be paid from municipal funds when
13 approved in advance by resolution of the city council.

14 **SECTION 2.08.**

15 Prohibitions.

16 (a) Except as authorized by law, no member of the council shall hold any other elective city
17 office or city employment during the term for which he or she was elected.
18 (b) Neither the mayor nor any other member of the council shall vote upon any question in
19 which he or she has a personal interest.

20 **SECTION 2.09.**

21 General power and authority of the council.

22 (a) Except as otherwise provided by law or by this charter, the council shall be vested with
23 all the powers of government of the City of Sandy Springs as provided by Article I of this
24 charter.
25 (b) In addition to all other powers conferred upon it by law, the council shall have the
26 authority to adopt and provide for the execution of such ordinances, resolutions, rules, and
27 regulations, not inconsistent with this charter, the Constitution and the laws of the State of
28 Georgia, which it shall deem necessary, expedient, or helpful for the peace, good order,
29 protection of life and property, health, welfare, sanitation, comfort, convenience, prosperity,
30 or well-being of the inhabitants of the City of Sandy Springs and may enforce such
31 ordinances by imposing penalties for violation thereof.

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

4 **SECTION 2.10.**

5 Powers and duties of mayor.

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

16 **SECTION 2.11.**

17 Organization and procedures; organization meeting.

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

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

27 Following the induction of members, the council, by majority vote of all the members
 28 thereof, shall elect a councilmember to be mayor pro tempore, who shall serve for a term of
 29 two years, except that the initial term shall be one year if the first special municipal election
 30 is held in an even year, and until a successor is elected and qualified.

31 **SECTION 2.12.**

32 Regular and special meetings.

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

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

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

14 **SECTION 2.13.**

15 Rules of procedure.

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

19 **SECTION 2.14.**

20 Quorum; voting.

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

27 **SECTION 2.15.**

28 Action requiring an ordinance.

29 (a) Except as provided in this charter, every official action of the council which is to become
30 law shall be by ordinance. Each proposed ordinance or resolution shall be introduced in
31 writing and in the form required for final adoption. No ordinance shall contain a subject

1 which is not expressed in its title. The enacting clause shall be "The council of the City of
2 Sandy Springs ordains...."

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

11 **SECTION 2.16.**

12 Emergency ordinances.

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

26 **SECTION 2.17.**

27 Codes of technical regulations.

28 (a) The council may adopt any standard code of technical regulations by reference thereto
29 in an adopting ordinance. The procedure and requirements governing such adopting
30 ordinance shall be as prescribed for ordinances generally, except that (1) the requirements
31 of Section 2.18 of this charter for distribution and filing of copies of the ordinance shall be
32 construed to include copies of any code of technical regulations, as well as the adopting

1 ordinance; and (2) a copy of each adopted code of technical regulations, as well as the
2 adopting ordinance, shall be authenticated and recorded pursuant to said Section 2.18.

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

5 **SECTION 2.18.**

6 Submission of ordinances to the mayor.

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

8 (b) The mayor, within five calendar days of receipt of an ordinance, shall return it, with or
9 without his or her signature of approval, or with his or her disapproval. If the ordinance has
10 been signed and approved by the mayor, it shall become law; if the ordinance is neither
11 approved nor disapproved, it shall become law at 12:00 Noon on the fifth calendar day after
12 its adoption; if the ordinance is disapproved, the mayor shall submit to the council a written
13 statement of the reasons for his or her veto. The date of the delivery to and receipt from the
14 mayor shall be recorded upon the ordinance.

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

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

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

33 (f) The council shall cause each ordinance and each amendment to this charter to be printed
34 promptly following its adoption, and the printed ordinances and charter amendments shall
35 be made available for purchase by the public at reasonable prices to be fixed by the council.

1 Following the initial publication of "The Code of the City of Sandy Springs, Georgia", and
 2 at all times thereafter, the ordinances and charter amendments shall be printed in
 3 substantially the same style as the code currently in effect and shall be suitable in form for
 4 incorporation therein. The council shall make such further arrangements as deemed desirable
 5 with respect to reproduction and distribution of any current changes in or additions to codes
 6 of technical regulations and other rules and regulations included in the code.

7 **ARTICLE III**

8 **EXECUTIVE BRANCH**

9 **SECTION 3.01.**

10 **Administrative and service department.**

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

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

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

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

29 **SECTION 3.02.**

30 **Boards, commissions, and authorities.**

31 (a) All members of boards, commissions, and authorities of the city shall be nominated by
 32 the mayor and be confirmed by the council for such terms of office and such manner of

1 appointment as provided by ordinance, except where other appointing authority, term of
2 office, or manner of appointment is prescribed by this charter or by applicable state law.

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

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

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

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

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

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

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

28 **SECTION 3.03.**

29 City Manager; appointment, qualification, and compensation.

30 The mayor shall appoint, subject to confirmation by the council, for an indefinite term an
31 officer whose title shall be the "city manager" and the city manager shall serve at the pleasure
32 of the council. The city manager shall be appointed without regard to political beliefs and
33 solely on the basis of his or her executive and administrative qualifications with special
34 reference to his or her educational background and actual experience in, and knowledge of,
35 the duties of office as hereinafter prescribed. At the time of appointment, the city manager

1 need not be a resident of the City of Sandy Springs or the State of Georgia, but if he or she
 2 is not a resident of the city at the time of appointment, the person appointed city manager
 3 shall become a resident within 60 days after the date of appointment and continuously
 4 maintain such residency while holding office as city manager. The compensation of the city
 5 manager shall be fixed by the council by ordinance.

6 **SECTION 3.04.**

7 City manager; chief administrative officer.

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

12 **SECTION 3.05.**

13 City manager; powers and duties enumerated.

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

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

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

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

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

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

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

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

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

31 **SECTION 3.06.**

32 City manager; removal.

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

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

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

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

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

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

25 **SECTION 3.07.**

26 Acting city manager.

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

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

4 **SECTION 3.08.**

5 City attorney.

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

14 **SECTION 3.09.**

15 City clerk.

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

20 **SECTION 3.10.**

21 Tax collector.

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

27 **SECTION 3.11.**

28 City accountant.

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

3 **SECTION 3.12.**

4 Consolidation of functions.

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

11 **SECTION 3.13.**

12 Position classification and pay plans.

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

19 **SECTION 3.14.**

20 Personnel policies.

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

- 22 (1) The method of employee selection and probationary periods of employment;
23 (2) The administration of the position classification and pay plan, methods of
24 promotion and application of service ratings thereto, and transfer of employees within
25 the classification plan;
26 (3) Hours of work, vacation, sick leave, and other leaves of absence, overtime pay,
27 and the order and manner in which layoff shall be effected; and
28 (4) Such other personnel policies as may be necessary to provide for adequate and
29 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.

30 **SECTION 5.02.**

31 Regular elections; time for holding.

1 A special election shall be held on the Tuesday after the first Monday in November, 2004,
 2 to elect the first mayor and council as provided in Section 2.02 of this charter. At such
 3 election, the first mayor and council shall be elected to serve for the initial terms of office
 4 specified in said Section 2.02. Thereafter, the time for holding regular municipal elections
 5 shall be on the Tuesday next following the first Monday in November of each odd-numbered
 6 year beginning in 2005. The successors to the first mayor and councilmembers and future
 7 successors shall be elected at the municipal election immediately preceding the expiration
 8 of the respective terms of office and shall take office on the first day of January immediately
 9 following their election for terms of four years and until their successors are elected and
 10 qualified.

11 **SECTION 5.03.**

12 Qualifying; nomination of candidates; absentee ballots.

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

18 **SECTION 5.04.**

19 Applicability of general laws.

20 Except for the requirements of Section 5.01 of this charter that city elections shall be
 21 nonpartisan, the procedures and requirements for election of all elected officials of the City
 22 of Sandy Springs, including but not limited to the special election of 2004 to elect the first
 23 mayor and council, shall be in conformity with the provisions of Chapter 2 of Title 21 of the
 24 O.C.G.A., known as the "Georgia Election Code."

25 **SECTION 5.05.**

26 Grounds for removal.

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

- 29 (1) Incompetence, misfeasance, or malfeasance in office;
 30 (2) Final conviction of a crime involving moral turpitude;

- 1 (3) Failure at any time to possess any of the qualifications of office as provided by
 2 this charter or by law;
- 3 (4) Willful violation of any express prohibition of this charter;
- 4 (5) Abandonment of office or neglect to perform the duties thereof; or
- 5 (6) Failure for any other cause to perform the duties of office as required by this
 6 charter or by law.

7 **SECTION 5.06.**

8 Procedure for removal.

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

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

20 **ARTICLE VI**

21 **CODE OF ETHICS AND PROHIBITED PRACTICES**

22 **SECTION 6.01.**

23 Conflict of interest.

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

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

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

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

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

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

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

19 **SECTION 6.02.**

20 Disclosure.

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

32 **SECTION 6.03.**

33 Financial disclosure statements.

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

3 **SECTION 6.04.**

4 Use of public property.

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

9 **SECTION 6.05.**

10 Contracts voidable and rescindable.

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

14 **SECTION 6.06.**

15 Ineligibility of elected officials.

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

21 **SECTION 6.07.**

22 Political activities of certain officers and employees.

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

25 **SECTION 6.08.**

26 Penalties for violation.

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

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

7 **ARTICLE VII**

8 **FINANCE AND FISCAL**

9 **SECTION 7.01.**

10 **Property taxes.**

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

15 **SECTION 7.02.**

16 **Tax levy.**

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

22 **SECTION 7.03.**

23 **Tax due dates and tax bills.**

24 The council shall provide, by ordinance, when the taxes of the city shall fall due and the time
25 period within which said taxes may be paid and shall provide, by ordinance, for the payment
26 of taxes due to the city in installments or in one lump sum, and when and how and upon what
27 terms such taxes shall be due and payable, as well as authorize the voluntary payment of
28 taxes prior to the time when due.

29 **SECTION 7.04.**

30 **Collection of delinquent taxes.**

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

8 **SECTION 7.05.**

9 Licenses, occupational taxes, excise taxes, and franchises.

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

20 (b) The city council shall have the power to grant franchises for the use of this city's streets
21 and alleys for the purposes of railroads, street railways, telephone companies, electric
22 companies, electric membership corporations, cable television and other telecommunications
23 companies, gas companies, transportation companies, and other similar organizations. The
24 city council shall determine the duration, terms, whether the same shall be exclusive or
25 nonexclusive, and the consideration for such franchises; provided, however, no franchise
26 shall be granted for a period in excess of 35 years and no franchise shall be granted unless
27 the city receives just and adequate compensation therefor. The city council shall provide for
28 the registration of all franchises with the city clerk in a registration book kept by the city
29 clerk. The city council may provide by ordinance for the registration within a reasonable
30 time of all franchises previously granted. If no franchise agreement is in effect, the city
31 council has the authority to impose a tax on gross receipts for the use of this city's streets and
32 alleys for the purposes of railroads, street railways, telephone companies, electric companies,
33 electric membership corporations, cable television and other telecommunications companies,
34 gas companies, transportation companies, and other similar organizations.

SECTION 7.06.

Water and sewer service charges.

1
2
3 The council, by ordinance, shall have the right, power, and authority to assess and collect
4 fees, charges, and tolls for water and sewer services rendered both inside and outside the
5 corporate limits of the City of Sandy Springs to provide for the cost and expense of providing
6 for the treatment and distribution of water, and the collection and disposal of sewage through
7 the sewerage facilities of said city. If unpaid, said sewer service charge shall constitute a lien
8 against any property of persons served, which lien shall be second in priority only to liens
9 for county and city property taxes and shall be enforceable in the same manner and under the
10 same remedies as a lien for city property taxes.

SECTION 7.07.

Sanitary and health services charge.

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

SECTION 7.08.

Special assessments.

24
25
26 The council shall have power and authority to assess all or part of the cost of constructing,
27 reconstructing, widening, or improving any public way, street, sidewalk, curbing, gutters,
28 sewers, or other utility mains and appurtenances against the abutting property owners, under
29 such terms and conditions as may be prescribed by ordinance. Such special assessments
30 shall become delinquent 30 days after their due dates, shall thereupon be subject, in addition
31 to fi. fa. charges, to a penalty of 10 percent and shall thereafter be subject to interest at the
32 rate of 7 percent per annum from date due until paid. A lien shall exist against the abutting

1 property superior to all other liens, except that it shall be of equal dignity with liens for
 2 county and city property taxes, and said lien shall be enforceable by the same procedures and
 3 under the same remedies as provided for in this article for city property taxes.

4 **SECTION 7.09.**

5 Transfer of executions.

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

16 **SECTION 7.10.**

17 General obligation bonds.

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

22 **SECTION 7.11.**

23 Revenue bonds.

24 Revenue bonds may be issued by the council as provided by Article 3 of Chapter 82 of Title
 25 36 of the O.C.G.A., known as the "Revenue Bond Law," as now or hereafter amended, or by
 26 any other Georgia law as now or hereafter provided.

27 **SECTION 7.12.**

28 Short term notes.

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

3 **SECTION 7.13.**

4 Fiscal year.

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

9 **SECTION 7.14.**

10 Preparation of budgets.

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

15 **SECTION 7.15.**

16 Submission of operating budget to city council.

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

26 **SECTION 7.16.**

27 Action by council on budget.

28 (a) The council may amend the operating budget proposed by the city manager, except that
29 the budget, as finally amended and adopted, must provide for all expenditures required by

1 law, or by other provisions of this charter, and for all debt service requirements for the
 2 ensuing fiscal year and the total appropriations from any fund shall not exceed the estimated
 3 fund balance, reserves, and revenues, constituting the fund availability of such fund.

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

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

16 **SECTION 7.17.**

17 Property tax levies.

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

25 **SECTION 7.18.**

26 Additional appropriations.

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

31 **SECTION 7.19.**

32 Capital improvements budget.

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

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

18 **SECTION 7.20.**

19 Contracting procedures.

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

24 **SECTION 7.21.**

25 Centralized purchasing; city property.

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

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

31 (c) The council may quitclaim any rights it may have in property not needed for public
 32 purposes upon report by the city manager and adoption of a resolution, both finding that the

1 property is not needed for public or other purposes and that the interest of the city has no
2 readily ascertainable monetary value.

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

12 **SECTION 7.22.**

13 Audits.

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

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

21 **SECTION 7.23.**

22 Homestead exemptions.

23 Each resident of the City of Sandy Springs who qualifies for one or more homestead
24 exemptions from Fulton County ad valorem taxes for county purposes shall be granted one
25 or more corresponding homestead exemptions from City of Sandy Springs ad valorem
26 taxation. The eligibility requirements for each such exemption shall be the same as those for
27 the corresponding exemption from Fulton County ad valorem taxes for county purposes; and
28 the amount of each such exemption shall be the same as the amount of the corresponding
29 exemption from Fulton County ad valorem taxes. No separate application for the exemption
30 from City of Sandy Springs ad valorem taxation shall be required; and the eligibility for any
31 such exemption shall be determined by reference to eligibility for the corresponding
32 exemption from Fulton County ad valorem taxes for county purposes. Any such exemption
33 shall apply only to a home which the resident owns and actually occupies as a residence and

1 homestead; and any such exemption shall be applicable to all ad valorem taxes levied by the
 2 City of Sandy Springs except ad valorem taxes to pay interest on and retire bonded
 3 indebtedness.

4 **ARTICLE VIII**

5 **GENERAL PROVISIONS**

6 **SECTION 8.01.**

7 Qualified electors.

8 (a) For the purposes of the referendum election provided for in Section 8.02 of this charter
 9 and for the purposes of the special election to be held on the Tuesday after the first Monday
 10 in November, 2004, the qualified electors of the City of Sandy Springs shall be those
 11 qualified electors of Fulton County residing within the corporate limits of the City of Sandy
 12 Springs as described by Exhibit A of this charter. At subsequent municipal elections, the
 13 qualified electors of the City of Sandy Springs shall be determined pursuant to the authority
 14 of Chapter 2 of Title 21 of the O.C.G.A., known as the "Georgia Election Code."

15 (b) Only for the purpose of holding and conducting the referendum election provided for by
 16 Section 8.02 of this charter and only for the purpose of holding and conducting the special
 17 election of the City of Sandy Springs to be held on the Tuesday after the first Monday in
 18 November, 2004, the election superintendent of Fulton County is vested with the powers and
 19 duties of the election superintendent of the City of Sandy Springs and the powers and duties
 20 of the governing authority of the City of Sandy Springs.

21 **SECTION 8.02.**

22 Referendum.

23 Unless prohibited by the federal Voting Rights Act of 1965, as amended, the election
 24 superintendent of Fulton County shall call a special election for the purpose of submitting
 25 this Act to the qualified voters of the proposed City of Sandy Springs, as provided in Section
 26 8.01 of this charter, for approval or rejection. The superintendent shall set the date of such
 27 election for the date of the July, 2004, general primary election. The superintendent shall
 28 issue the call for such election at least 30 days prior to the date thereof. The superintendent
 29 shall cause the date and purpose of the election to be published once a week for two weeks
 30 immediately preceding the date thereof in the official organ of Fulton County. The ballot
 31 shall have written or printed thereon the words:

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

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

8 **SECTION 8.03.**

9 Effective dates.

10 This section and the provisions of this Act necessary for the special election provided for in
 11 Section 8.02 of this charter shall become effective only if an amendment to Code Section
 12 36-31-2 of the O.C.G.A., permitting incorporation of a municipal corporation less than three
 13 miles from another municipality's boundaries, is enacted, in which event this section and the
 14 provisions of this Act necessary for the election provided in Section 8.02 of this charter shall
 15 become effective upon the same date that such amendment to Code Section 36-31-2 of the
 16 O.C.G.A. becomes effective. The provisions of this Act necessary for the special election
 17 to be held on the Tuesday after the first Monday in November, 2004, as provided by Articles
 18 II and V of this charter shall be effective upon the certification of the results of the
 19 referendum election provided for by Section 8.02 of this charter, if this Act is approved at
 20 such referendum election. The remaining provisions of this Act shall become of full force
 21 and effect for all purposes on January 1, 2005, when members of the first governing authority
 22 of the City of Sandy Springs take office as provided in Section 2.02 of this charter.

23 **SECTION 8.04.**

24 Severability.

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

SECTION 8.05.

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

EXHIBIT A

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

Beginning on the western border of Fulton County at the intersection of the Chattahoochee River and Powers Ferry Road, running thence generally easterly along the northern edge of Powers Ferry Road until its intersection with Northside Drive; thence running generally southerly along the eastern edge of Northside Drive until its intersection with Mount Vernon Highway; thence running generally northeasterly along the northern edge of Mount Vernon Highway until its intersection with Powers Ferry Road; thence running generally southerly along the eastern edge of Powers Ferry Road until its intersection with the City Limits of the City of Atlanta; thence running generally easterly along the northerly city limit line of the City of Atlanta, following the meanderings thereof, to the point where said line intersects the Fulton-DeKalb County line; running thence northerly, generally easterly, and generally northerly along the easterly county line of Fulton County at the point where the Fulton-Gwinnett County line intersects the Chattahoochee River; running thence generally west and southwest along the southern bank of said river, following the meanderings thereof, to the point of beginning.

EXHIBIT B

Council Districts 1 through 6 shall consist of the territory of the City of Sandy Springs described in the Redistricting Plan Components Report attached to this Act and made a part thereof and further identified as "Plan Name: SANDYSPR04-1 Plan Type: Local User: Linda Administrator: Sandy Springs."

When used in such attachment, the terms "Tract" and "BG" (Block Group) shall mean and describe the same geographical boundaries as provided in the report of the Bureau of the Census for the United States decennial census of 2000 for the State of Georgia. The separate numeric designations in a Tract description which are underneath a "BG" heading shall mean and describe individual Blocks within a Block Group as provided in the report of the Bureau of the Census for the United States decennial census of 2000 for the State of Georgia. Any part of the City of Sandy Springs which is not included in any such district described in that attachment shall be included within that district contiguous to such part which contains the

1 least population according to the United States decennial census of 2000 for the State of
2 Georgia. Any part of the City of Sandy Springs which is described in that attachment as
3 being in a particular district shall nevertheless not be included within such district if such part
4 is not contiguous to such district. Such noncontiguous part shall instead be included with
5 that district contiguous to such part which contains the least population according to the
6 United States decennial census of 2000 for the State of Georgia.

1 Plan Name: SANDYSPR04-1 Plan Type: Local User: Linda Administrator: Sandy
2 Springs

3 Redistricting Plan Components Report

4 District 001

5 Fulton County

6 Tract: 101.06

7 BG: 1

8 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011

9 1995 1998 1999

10 BG: 2

11 BG: 3

12 Tract: 101.07

13 Tract: 101.08

14 Tract: 101.09

15 BG: 8

16 8000 8001 8002 8003

17 Tract: 101.11

18 BG: 1

19 1000 1001 1002 1003 1004 1005

20 BG: 2

21 2004 2005

22 Tract: 101.12

23 BG: 3

24 Tract: 114.11

25 BG: 1

26 1995 1996

27

28 District 002

29 Fulton County

30 Tract: 101.11

31 BG: 2

32 2000 2001 2002 2003

33 BG: 3

34 Tract: 102.08

35 Tract: 102.09

36 Tract: 102.10

1 BG: 2
2 2000 2001 2002 2003 2005 2998 2999
3 Tract: 114.06
4 BG: 1
5 1006 1007 1009 1995 1997 1998 1999
6 BG: 9
7 9013 9999
8
9 District 003
10 Fulton County
11 Tract: 102.04
12 Tract: 102.05
13 Tract: 102.07
14 BG: 2
15 2000
16 Tract: 102.10
17 BG: 1
18 BG: 2
19 2004 2006 2007 2008 2009 2010 2011
20
21 District 004
22 Fulton County
23 Tract: 101.09
24 BG: 6
25 6002 6003 6004 6005 6006 6007 6008 6009
26 BG: 7
27 BG: 8
28 8004 8005 8006 8007 8008 8009 8010 8011 8012 8013 8014 8015
29 8016 8017 8018 8019 8020 8021 8022 8023 8024 8025 8026 8027
30 Tract: 101.12
31 BG: 1
32
33 District 005
34 Fulton County
35 Tract: 100
36 BG: 1
37 1000 1001 1002 1003 1004 1005 1006 1007

1 BG: 4
 2 4000 4001 4002 4003 4007
 3 Tract: 101.01
 4 BG: 1
 5 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1016 1017
 6 1018 1019 1020 1021 1022 1023 1024 1025 1026 1027 1028 1029
 7 1030 1034 1999
 8 BG: 2
 9 Tract: 101.09
 10 BG: 6
 11 6000 6001
 12 Tract: 101.10
 13
 14 District 006
 15 Fulton County
 16 Tract: 101.01
 17 BG: 1
 18 1010 1011 1012 1013 1014 1015 1031 1032 1033
 19 Tract: 102.06
 20 BG: 4
 21 4000 4001 4002 4003 4004 4011 4021 4997 4998 4999
 22 BG: 5
 23 BG: 6
 24 6000 6001 6002 6003 6004 6005 6006 6007 6008 6011 6013
 25 Tract: 102.07
 26 BG: 1
 27 BG: 2
 28 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011 2012
 29 2013 2014
 30 BG: 4
 31 4000 4001 4002 4003 4004 4005 4006 4007 4008 4009 4011 4014
 32 4015 4016 4017 4018 4019 4020 4024 4996 4999