

Senate Bill 7

By: Senators Moody of the 56th, Hill of the 32nd, Shafer of the 48th and Johnson of the 1st

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

SECTION 1.01.

Incorporation.

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

SECTION 1.02.

Corporate boundaries.

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

SECTION 1.03.

Specific powers.

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

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

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

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

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

- 1 (5) To acquire, dispose of, and hold, in trust or otherwise, any real, personal, or mixed
2 property, in fee simple or lesser interest, inside or outside the corporate limits of the city;
- 3 (6) To accept or refuse gifts, donations, bequests, or grants from any source for any
4 purpose related to the powers and duties of the city and the general welfare of its citizens
5 on such terms and conditions as the donor or grantor may impose;
- 6 (7) To condemn property, inside or outside the corporate limits of the city, for present
7 or future use, and for any corporate purpose deemed necessary by the governing
8 authority, utilizing procedures enumerated in Title 22 of the O.C.G.A. or such other laws
9 as are or may hereafter be enacted;
- 10 (8) To acquire, lease, construct, operate, maintain, sell, and dispose of public utilities,
11 including, but not limited to, a system of waterworks, sewers and drains, sewage disposal,
12 gas works, electric light plants, transportation facilities, public airports, and any other
13 public utility; and to fix the taxes, charges, rates, fares, fees, assessments, regulations, and
14 penalties therefor; and to provide for the withdrawal of service for refusal or failure to
15 pay same and the manner in which such remedies shall be enforced;
- 16 (9) To grant franchises or make contracts for public utilities and public services, not to
17 exceed periods of ten years; to prescribe the rates, fares, regulations, standards, and
18 conditions of service applicable to the service to be provided by the franchise grantee or
19 contractor, insofar as not in conflict with regulations of the Public Service Commission;
- 20 (10) To lay out, open, extend, widen, narrow, establish, change the grade of, abandon,
21 close, construct, pave, curb, gutter, adorn with shade trees, otherwise improve, maintain,
22 repair, clean, prevent erosion of, and light roads, alleys, and walkways within the
23 corporate limits of the city;
- 24 (11) To grant franchises and rights of way throughout the streets and roads and over the
25 bridges and viaducts, for the use of public utilities;
- 26 (12) To provide for the acquisition, construction, building, operation, and maintenance
27 of public ways, parks and playgrounds, recreational facilities, cemeteries, markets and
28 market houses, parking facilities, public buildings, libraries, sewers, drains, sewerage
29 systems, airports, hospitals, housing, and charitable, cultural, educational, recreational,
30 conservation, sport, curative, corrective, detentional, penal, and medical institutions,
31 agencies, and facilities; to provide any other public improvements inside or outside the
32 corporate limits of the city; to regulate the use of public improvements; and, for such
33 purposes, property may be acquired by condemnation under Title 22 of the O.C.G.A. or
34 such other applicable laws as are or may hereafter be enacted;
- 35 (13) To require real estate owners to repair and maintain in a safe condition the
36 sidewalks adjoining their lots or lands; and to enact ordinances establishing the terms and

1 conditions under which such repairs and maintenance shall be effected, including the
2 penalties to be imposed for failure to do so;

3 (14) To regulate the erection and construction of buildings and all other structures; to
4 adopt building, housing, plumbing, electrical, gas, and heating and air-conditioning
5 codes; to regulate all housing, building, and building trades; to license all building trades;
6 to license the construction and erection of buildings and all other structures;

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

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

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

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

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

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

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

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

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

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

35 (25) To levy, fix, assess, and collect a garbage, refuse, trash collection and disposal, and
36 other sanitary service charge, tax, or fee, for such services as may be necessary in the
37 operation of the city, from all individuals, firms, and corporations residing in or doing

1 business therein benefiting from such services; to enforce the payment of such charges,
2 taxes, or fees, and to provide for the manner and method of collecting such service
3 charges;

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

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

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

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

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

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

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

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

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

1 as provided by ordinance; and to provide punishment for violation of ordinances enacted
2 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 and to enact zoning ordinances and
28 other 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 or restrictive of general words and phrases granting powers, but any such enumeration
 10 shall be held to be in addition to such powers unless expressly prohibited to municipalities
 11 under the 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 and its offices, agencies,
 21 or 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 2005
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, 2006, and expiring on December 31, 2007. 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, 2006, and expiring on December 31, 2009.
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.

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

11 **SECTION 2.07.**

12 Compensation and expenses.

13 The annual salary of the mayor shall be \$15,000.00 and for each councilmember shall be
14 \$7,500.00 per annum. Such salaries shall be paid from municipal funds. Extraordinary
15 expenses, such as attendance at conventions, may be paid from municipal funds when
16 approved in advance by resolution of the city council.

17 **SECTION 2.08.**

18 Prohibitions.

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

23 **SECTION 2.09.**

24 General power and authority of the council.

- 25 (a) Except as otherwise provided by law or by this charter, the council shall be vested with
26 all the powers of government of the City of Sandy Springs as provided by Article I of this
27 charter.
28 (b) In addition to all other powers conferred upon it by law, the council shall have the
29 authority to adopt and provide for the execution of such ordinances, resolutions, rules, and
30 regulations, not inconsistent with this charter, the Constitution and the laws of the State of
31 Georgia, which it shall deem necessary, expedient, or helpful for the peace, good order,

1 protection of life and property, health, welfare, sanitation, comfort, convenience, prosperity,
 2 or well-being of the inhabitants of the City of Sandy Springs and may enforce such
 3 ordinances by imposing penalties for violation thereof.

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

7 **SECTION 2.10.**

8 Powers and duties of mayor.

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

19 **SECTION 2.11.**

20 Organization and procedures; organization meeting.

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

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

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

SECTION 2.12.

Regular and special meetings.

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

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

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

SECTION 2.13.

Rules of procedure.

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

SECTION 2.14.

Quorum; voting.

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

SECTION 2.15.

Action requiring an ordinance.

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

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

SECTION 2.16.

Emergency ordinances.

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

1 amendment thereto, and such codes of technical regulations and other rules and regulations
 2 as the city council may specify. This compilation shall be known and cited officially as "The
 3 Code of the City of Sandy Springs, Georgia." Copies of the code shall be furnished to all
 4 officers, departments, and agencies of the city and made available for purchase by the public
 5 at a reasonable price as fixed by the council.

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

15 ARTICLE III

16 EXECUTIVE BRANCH

17 SECTION 3.01.

18 Administrative and service department.

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

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

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

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

3 **SECTION 3.02.**

4 Boards, commissions, and authorities.

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

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

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

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

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

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

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

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

SECTION 3.03.

City Manager; appointment, qualification, and compensation.

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

SECTION 3.04.

City manager; chief administrative officer.

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

SECTION 3.05.

City manager; powers and duties enumerated.

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

(1) See that all laws and ordinances are enforced;

(2) Appoint and employ all necessary employees of the city, provided that excepted from the power of this appointment are those officers and employees who by this Act are appointed or elected by the council or departments not under the jurisdiction of the city manager;

(3) Remove employees employed by said officer without the consent of the council and without assigning any reason therefor;

(4) Exercise supervision and control of all departments and all divisions created in this charter or that may hereafter be created by the council except as otherwise provided in this Act;

- 1 (5) Attend all meetings of the council with a right to take part in the discussions, but
2 having no vote. The city manager shall be entitled to notice of all special meetings;
- 3 (6) Recommend to the council, after prior review and comment by the mayor, for
4 adoption such measures as the city manager may deem necessary or expedient;
- 5 (7) See that all terms and conditions imposed in favor of the city or its inhabitants in any
6 public utility franchise are faithfully kept and performed and upon knowledge of any
7 violation thereof to call the same to the attention of the city attorney, whose duty it shall
8 be forthwith to take such steps as are necessary to protect and enforce the same;
- 9 (8) Make and execute all lawful contracts on behalf of the city as to matters within said
10 officer's jurisdiction, except such as may be otherwise provided by law or by ordinance
11 passed by the council; provided, however, that no contract purchase or obligation
12 involving over \$5,000.00 shall be valid and binding until after approval of the council;
- 13 (9) Act as budget officer with such committee as the city council may appoint to prepare
14 and submit to the council prior to the beginning of each fiscal year a budget of proposed
15 expenditures for the ensuing year, showing in as much detail as practicable the amounts
16 allotted to each department of the city government and the reasons for such estimated
17 expenditures;
- 18 (10) Keep the council at all times fully advised as to the financial condition and needs
19 of the city;
- 20 (11) Make a full written report to the council on the first of each month showing the
21 operations and expenditures of each department of the city government for the preceding
22 month, and a synopsis of such reports shall be published by the clerk of the city;
- 23 (12) Fix all salaries and compensation of city employees lawfully employed by said
24 officer, subject, however, to supervision, control, or disapproval by the council; and
- 25 (13) Perform such other duties as may be prescribed by this Act or required by ordinance
26 or resolution of the council.
- 27 (b) The city manager shall be the purchasing agent for the city by whom all the purchases
28 of supplies for departments under said officer's control and all contracts for printing shall be
29 made, as hereinbefore provided, and said officer shall approve all vouchers for same;
30 provided, however, that all contracts or agreements made by said officer requiring the
31 expenditure of money to the amount of \$5,000.00 or more shall be approved by the council.
32 In the capacity of purchasing agent, said officer shall conduct all sales of personal property
33 which the council may authorize to be sold and which have become unnecessary or unfit for
34 the city's use. All purchases and sales shall conform to such regulations as the council may
35 from time to time prescribe, but, in any case, if an amount in excess of \$5,000.00 is involved,
36 opportunity for competition shall be given after reasonable advertisement thereof.

SECTION 3.06.

City manager; removal.

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

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

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

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

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

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

SECTION 3.07.

Acting city manager.

(a) The city manager may designate in writing any administrative employee of the city who shall exercise all powers, duties, and functions of the city manager during the city manager's temporary absence from the city or during the city manager's disability. If such designation has not been made and the city manager is absent from the city or unable to perform the

1 duties of the office or to make such designation, the council may, by resolution, appoint any
2 qualified administrative employee of the city to perform the powers, duties, and functions
3 of the city manager until the city manager shall return to the city, the disability ceases, or the
4 council appoints a new city manager.

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

8 **SECTION 3.08.**

9 City attorney.

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

18 **SECTION 3.09.**

19 City clerk.

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

24 **SECTION 3.10.**

25 Tax collector.

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

SECTION 3.11.

City accountant.

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

SECTION 3.12.

Consolidation of functions.

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

SECTION 3.13.

Position classification and pay plans.

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

SECTION 3.14.

Personnel policies.

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

(1) The method of employee selection and probationary periods of employment;

(2) The administration of the position classification and pay plan, methods of promotion and application of service ratings thereto, and transfer of employees within the classification plan;

(3) Hours of work, vacation, sick leave, and other leaves of absence, overtime pay, and the order and manner in which layoff shall be effected; and

1 (4) Such other personnel policies as may be necessary to provide for adequate and
 2 systematic handling of the personnel affairs of the City of Sandy Springs.

3 ARTICLE IV
 4 MUNICIPAL COURT

5 **SECTION 4.01.**

6 Creation.

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

20 **SECTION 4.02.**

21 Judge.

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

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

30 (c) Before entering on duties of his or her office, the judge and judge pro tem shall take an
 31 oath before an officer duly authorized to administer oaths in this state declaring that he or she
 32 will truly, honestly, and faithfully discharge the duties of his or her office to the best of his

1 or her ability without fear, favor, or partiality. The oath shall be entered upon the minutes
2 of the council.

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

5 **SECTION 4.03.**

6 Convening.

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

9 **SECTION 4.04.**

10 Jurisdiction; powers.

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

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

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

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

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

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

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

12 **SECTION 4.05.**

13 Certiorari.

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

18 **SECTION 4.06.**

19 Rules for court.

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

28 **ARTICLE V**

29 **ELECTION AND REMOVAL OF OFFICERS**

SECTION 5.01.

Nonpartisan elections.

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

SECTION 5.02.

Regular elections; time for holding.

A special election shall be held on the Tuesday after the first Monday in November, 2005, to elect the first mayor and council as provided in Section 2.02 of this charter. At such election, the first mayor and council shall be elected to serve for the initial terms of office specified in said Section 2.02. Thereafter, the time for holding regular municipal elections shall be on the Tuesday next following the first Monday in November, 2007, and every two years thereafter. The successors to the first mayor and councilmembers and future successors shall be elected at the municipal election immediately preceding the expiration of the respective terms of office and shall take office on the first day of January immediately following their election for terms of four years and until their successors are elected and qualified.

SECTION 5.03.

Qualifying; nomination of candidates; absentee ballots.

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

SECTION 5.04.

Applicability of general laws.

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

1 (1) Engage in any business or transaction or have a financial or other personal interest,
2 direct or indirect, which is incompatible with the proper discharge of his or her official
3 duties or which would tend to impair his or her independence of judgment or action in the
4 performance of his or her official duties;

5 (2) Contract with, engage in any business or transaction with, or be or become an
6 employee of any other municipality or county of this state or the state itself while holding
7 any elective office of the city or while serving as a full-time employee of the city;

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

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

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

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

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

26 **SECTION 6.02.**

27 Disclosure.

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

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

1 private financial interest, directly or indirectly, in any contract or matter pending before or
2 within such agency or entity shall disclose such private interest to the governing body of such
3 agency or entity.

4 **SECTION 6.03.**

5 Financial disclosure statements.

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

8 **SECTION 6.04.**

9 Use of public property.

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

14 **SECTION 6.05.**

15 Contracts voidable and rescindable.

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

19 **SECTION 6.06.**

20 Ineligibility of elected officials.

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

SECTION 6.07.

Political activities of certain officers and employees.

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

SECTION 6.08.

Penalties for violation.

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

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

ARTICLE VII**FINANCE AND FISCAL****SECTION 7.01.**

Property taxes.

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

SECTION 7.02.

Tax levy.

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

SECTION 7.03.

Tax due dates and tax bills.

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

SECTION 7.04.

Collection of delinquent taxes.

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

SECTION 7.05.

Licenses, occupational taxes, excise taxes, and franchises.

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

(b) The city council shall have the power to grant franchises for the use of this city's streets and alleys for the purposes of railroads, street railways, telephone companies, electric companies, electric membership corporations, cable television and other telecommunications companies, gas companies, transportation companies, and other similar organizations. The

1 city council shall determine the duration, terms, whether the same shall be exclusive or
2 nonexclusive, and the consideration for such franchises; provided, however, no franchise
3 shall be granted for a period in excess of 35 years and no franchise shall be granted unless
4 the city receives just and adequate compensation therefor. The city council shall provide for
5 the registration of all franchises with the city clerk in a registration book kept by the city
6 clerk. The city council may provide by ordinance for the registration within a reasonable
7 time of all franchises previously granted. If no franchise agreement is in effect, the city
8 council has the authority to impose a tax on gross receipts for the use of this city's streets and
9 alleys for the purposes of railroads, street railways, telephone companies, electric companies,
10 electric membership corporations, cable television and other telecommunications companies,
11 gas companies, transportation companies, and other similar organizations.

12 **SECTION 7.06.**

13 Water and sewer service charges.

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

22 **SECTION 7.07.**

23 Sanitary and health services charge.

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

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

3 **SECTION 7.08.**

4 Special assessments.

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

15 **SECTION 7.09.**

16 Transfer of executions.

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

27 **SECTION 7.10.**

28 General obligation bonds.

29 The council shall have the power to issue bonds for the purpose of raising revenue to carry
30 out any project, program, or venture authorized under this charter or the general laws of the

1 state. Such bonding authority shall be exercised in accordance with the laws governing bond
2 issuances by municipalities in effect at the time said issue is undertaken.

3 **SECTION 7.11.**

4 Revenue bonds.

5 Revenue bonds may be issued by the council as provided by Article 3 of Chapter 82 of Title
6 36 of the O.C.G.A., known as the "Revenue Bond Law," as now or hereafter amended, or by
7 any other Georgia law as now or hereafter provided.

8 **SECTION 7.12.**

9 Short term notes.

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

12 **SECTION 7.13.**

13 Fiscal year.

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

18 **SECTION 7.14.**

19 Preparation of budgets.

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

24 **SECTION 7.15.**

25 Submission of operating budget to city council.

26 On or before a date fixed by the council, but not later than 30 days prior to the beginning of
27 each fiscal year, the city manager shall submit to the council a proposed operating budget for

1 the ensuing fiscal year. The budget shall be accompanied by a message from the city
 2 manager containing a statement of the general fiscal policies of the city, the important
 3 features of the budget, explanations of major changes recommended for the next fiscal year,
 4 a general summary of the budget, and such other comments and information as he or she may
 5 deem pertinent. The operating budget and the capital improvements budget hereinafter
 6 provided for, the budget message, and all supporting documents shall be filed in the office
 7 of the city manager and shall be open to public inspection.

8 **SECTION 7.16.**

9 Action by council on budget.

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

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

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

27 **SECTION 7.17.**

28 Property tax levies.

29 As the next order of business, following adoption of the operating budget, the council shall
 30 levy, by ordinance, an annual tax on all real and personal property within the City of Sandy
 31 Springs. The tax rate set by such ordinance shall be such that reasonable estimates of
 32 revenues from such levy shall at least be sufficient, together with other anticipated revenues,
 33 fund balances, and applicable reserves, to equal the total amount appropriated for each of the

1 several funds set forth in the annual operating budget for defraying the expenses of the
2 general government of the City of Sandy Springs and the retirement of bonds.

3 **SECTION 7.18.**

4 Additional appropriations.

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

9 **SECTION 7.19.**

10 Capital improvements budget.

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

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

28 **SECTION 7.20.**

29 Contracting procedures.

30 All contracts shall be made or authorized by the council and shall not bind the city unless
31 reduced to writing, approved by the council, and spread upon the minutes. All contracts, and

1 all ordinances or resolutions making contracts or authorizing the same, shall be drawn by the
2 city attorney or shall be submitted to him or her before authorization by the council.

3 **SECTION 7.21.**

4 Centralized purchasing; city property.

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

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

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

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

23 **SECTION 7.22.**

24 Audits.

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

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

1 and effect for all purposes on January 1, 2006, when members of the first governing authority
2 of the City of Sandy Springs take office as provided in Section 2.02 of this charter.

3 **SECTION 8.04.**

4 Severability.

5 In the event any section, subsection, sentence, clause, or phrase of this Act shall be declared
6 or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other
7 sections, subsections, sentences, clauses, or phrases of this Act, which shall remain of full
8 force and effect, as if the section, subsection, sentence, clause, or phrase so declared or
9 adjudged invalid or unconstitutional were not originally a part hereof. The General
10 Assembly hereby declares that it would have passed the remaining parts of this Act if it had
11 known that such part or parts hereof would be declared or adjudged invalid or
12 unconstitutional.

13 **SECTION 8.05.**

14 Repealer.

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

16 **EXHIBIT A**

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

19 Beginning at the northwest corner of the City of Atlanta, as the boundaries of said city
20 existed on January 1, 2003, at the point when the northerly city limit line of said city
21 intersects the westerly county line of Fulton County and the Chattahoochee River, running
22 thence generally easterly along the said northerly city limit line of the City of Atlanta,
23 following the meanderings thereof, to the point where said line intersects the
24 Fulton-DeKalb County line; run thence northerly, generally easterly, and generally
25 northerly along the easterly county line of Fulton County to the point where the
26 Fulton-Gwinnett County line intersects the Chattahoochee River; run thence generally west
27 and southwest along the southern bank of said river, following the meanderings thereof,
28 to the point of beginning.

1

EXHIBIT B

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

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

EXHIBIT C

CERTIFICATE AS TO MINIMUM STANDARDS
FOR INCORPORATION OF A NEW MUNICIPAL CORPORATION

I, Senator Dan Moody, Georgia State Senator from the 56th District and the author of this bill introduced at the 2005 Session of the General Assembly of Georgia, which grants an original municipal charter to the City of Sandy Springs do hereby certify that this bill is in compliance with the minimum standards required by Chapter 31 of Title 36 of the O.C.G.A. in that:

(1) This bill by its terms will not be subject to the minimum standards required by Code Section 36-31-2 of the O.C.G.A., in that this bill will become effective only if an amendment to Code Section 36-31-2 becomes effective; and

(2) The area embraced within the original incorporation in this bill is in all other respects in compliance with the minimum standards required by Chapter 31 of Title 36 of the O.C.G.A..

This certificate is executed to conform to the requirements of Code Section 36-31-5 of the O.C.G.A.

So certified, this 7th day of January, 2005.

/s/Moody of the 56th

Senator, District 56

Georgia State Senate

1 Plan Name: sandysprs1 Plan Type: Local User: Linda Administrator: Sandy Springs

2 Redistricting Plan Components Report

3 District 001

4 Fulton County

5 Tract: 101.06

6 BG: 1

7 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011

8 1995 1998 1999

9 BG: 2

10 BG: 3

11 Tract: 101.07

12 Tract: 101.08

13 Tract: 101.09

14 BG: 8

15 8000 8001 8002 8003

16 Tract: 101.11

17 BG: 1

18 1000 1001 1002 1003 1004 1005

19 Tract: 101.12

20 BG: 1

21 1000 1003 1004

22 BG: 3

23 Tract: 114.11

24 BG: 1

25 1995 1996

26 District 002

27 Fulton County

28 Tract: 101.11

29 BG: 2

30 BG: 3

31 Tract: 102.08

32 Tract: 102.09

33 Tract: 102.10

34 BG: 2

1 2000 2001 2002 2003 2005 2006 2007 2009 2998 2999

2 Tract: 114.06

3 BG: 1

4 1006 1007 1009 1995 1997 1998 1999

5 BG: 9

6 9013 9999

7 District 003

8 Fulton County

9 Tract: 101.10

10 BG: 2

11 2005 2006 2007 2008 2009 2013 2014 2015 2016 2017 2018 2019

12 Tract: 102.04

13 Tract: 102.05

14 Tract: 102.07

15 BG: 2

16 2000

17 Tract: 102.10

18 BG: 1

19 BG: 2

20 2004 2008 2010 2011

21 District 004

22 Fulton County

23 Tract: 101.09

24 BG: 6

25 BG: 7

26 BG: 8

27 8004 8005 8006 8007 8008 8009 8010 8011 8012 8013 8014 8015

28 8016 8017 8018 8019 8020 8021 8022 8023 8024 8025 8026 8027

29 Tract: 101.12

30 BG: 1

31 1001 1002 1005 1006 1007 1008 1009

32 District 005

33 Fulton County

1 Tract: 100
 2 BG: 1
 3 1000 1001 1002 1003 1004 1005 1006 1007
 4 BG: 4
 5 4000 4001 4002 4003 4007
 6 Tract: 101.01
 7 BG: 1
 8 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011
 9 1012 1013 1016 1017 1018 1019 1020 1021 1022 1023 1024 1025
 10 1026 1027 1028 1029 1030 1034 1999
 11 BG: 2
 12 Tract: 101.10
 13 BG: 1
 14 BG: 2
 15 2000 2001 2002 2003 2004 2010 2011 2012

 16 District 006
 17 Fulton County
 18 Tract: 101.01
 19 BG: 1
 20 1014 1015 1031 1032 1033
 21 Tract: 102.06
 22 BG: 4
 23 4000 4001 4002 4003 4004 4005 4006 4007 4008 4009 4010 4011
 24 4012 4013 4014 4015 4016 4017 4021 4022 4997 4998 4999
 25 BG: 5
 26 BG: 6
 27 Tract: 102.07
 28 BG: 1
 29 BG: 2
 30 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011 2012
 31 2013 2014
 32 BG: 3
 33 3000 3001 3005 3010 3015
 34 BG: 4
 35 4000 4001 4002 4003 4004 4005 4006 4007 4008 4009 4011 4014
 36 4015 4016 4017 4018 4019 4020 4024 4996 4999

- 1 Tract: 98
- 2 BG: 1
- 3 1003 1004 1006