

The House Committee on Governmental Affairs offers the following substitute to
HB 37:

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, expenses, qualifications, prohibitions, and districts relative to members of
6 such governing authority; to provide for inquiries and investigations; to provide for
7 organization and procedures: to provide for ordinances; to provide for the office of mayor
8 and certain duties and powers relative to the office of mayor; to provide for administrative
9 responsibilities; to provide for boards, commissions, and authorities; to provide for a city
10 manager, a city attorney, a city clerk, a tax collector, a city accountant, and other personnel;
11 to provide for a municipal court and the judge or judges thereof; to provide for practices and
12 procedures; to provide for ethics and disclosures; to provide for taxation, licenses and fees;
13 to provide for franchises, service charges, and assessments; to provide for bonded and other
14 indebtedness; to provide for accounting and budgeting; to provide for purchases; to provide
15 for homestead exemptions; to provide for bonds for officials; to provide for other matters
16 relative to the foregoing; to provide for a referendum; to provide effective dates and
17 transitional provisions governing the transfer of various functions and responsibilities from
18 Fulton County to the City of Sandy Springs; to provide for severability; to repeal conflicting
19 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.

H. B. 37 (SUB)

1 This Act shall constitute the charter of the City of Sandy Springs, Georgia. The City of Sandy
2 Springs, Georgia, in the County of Fulton, and the inhabitants thereof, are constituted and
3 declared a body politic and corporate under the same name and style of the "City of Sandy
4 Springs" and by that name shall have perpetual succession, may sue and be sued, plead and
5 be impleaded, in all courts of law and equity, and in all actions whatsoever, and may have
6 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 Appendix
10 A of this charter, and said Appendix A is incorporated into and made a part of this charter.
11 The 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 Powers and construction.

16 (a) This city shall have all powers possible for a city to have under the present or future
17 Constitution and laws of this state as fully and completely as though they were specifically
18 enumerated in this Act. This city shall have all the powers of self-government not otherwise
19 prohibited by this Act or by general law.

20 (b) The powers of this city shall be construed liberally in favor of the city. The specific
21 mention or failure to mention particular powers shall not be construed as limiting in any way
22 the powers of this city. These powers shall include, but not be limited to, the following:

23 (1) Animal regulations. To regulate and license or to prohibit the keeping or running
24 at-large of animals and fowl, and to provide for the impoundment of same if in violation
25 of any ordinance or lawful order; to provide for the disposition by sale, gift, or humane
26 destruction of animals and fowl when not redeemed as provided by ordinance; and to
27 provide punishment for violation of ordinances enacted hereunder;

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

32 (3) Building regulation. To regulate and to license the erection and construction of
33 buildings and all other structures; to adopt building, housing, plumbing, electrical, gas, and

1 heating and air conditioning codes; and to regulate all housing, and building trades to the
2 extent permitted by general law;

3 (4) Business regulation and taxation. To levy and to provide for the collection of
4 regulatory fees and taxes on privileges, occupations, trades and professions as authorized
5 by Title 48 of the O.C.G.A., or other such applicable laws as are or may hereafter be
6 enacted; to permit and regulate the same; to provide for the manner and method of payment
7 of such regulatory fees and taxes; and to revoke such permits after due process for failure
8 to pay any city taxes or fees;

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

13 (6) Contracts. To enter into contracts and agreements with other governmental entities and
14 with private persons, firms and corporations;

15 (7) Emergencies. To establish procedures for determining and proclaiming that an
16 emergency situation exists within or without the city, and to make and carry out all
17 reasonable provisions deemed necessary to deal with or meet such an emergency for the
18 protection, safety, health or well-being of the citizens of the city;

19 (8) Environmental protection. To protect and preserve the natural resources, environment
20 and vital areas of the city, the region, and the state through the preservation and
21 improvement of air quality, the restoration and maintenance of water resources, the control
22 of erosion and sedimentation, the management of stormwater and establishment of a
23 stormwater utility, the management of solid and hazardous waste, and other necessary
24 actions for the protection of the environment;

25 (9) Ethics. To adopt ethics ordinances and regulations governing the conduct of municipal
26 elected officials, appointed officials, and employees, establishing procedures for ethics
27 complaints and setting forth penalties for violations of such rules and procedures;

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

32 (11) Garbage fees. To levy, fix, assess, and collect a garbage, refuse, and trash collection
33 and disposal, and other sanitary service charge, tax, or fee for such services as may be
34 necessary in the operation of the city from all individuals, firms, and corporations residing
35 in or doing business therein benefiting from such services; to enforce the payment of such
36 charges, taxes or fees; and to provide for the manner and method of collecting such service
37 charges;

- 1 (12) General health, safety, and welfare. To define, regulate, and prohibit any act, practice,
2 conduct, or use of property which is detrimental to health, sanitation, cleanliness, welfare,
3 and safety of the inhabitants of the city, and to provide for the enforcement of such
4 standards;
- 5 (13) Gifts. To accept or refuse gifts, donations, bequests, or grants from any source for any
6 purpose related to powers and duties of the city and the general welfare of its citizens, on
7 such terms and conditions as the donor or grantor may impose;
- 8 (14) Health and sanitation. To prescribe standards of health and sanitation and to provide
9 for the enforcement of such standards;
- 10 (15) Jail sentences. To provide that persons given jail sentences in the city's court may
11 work out such sentences in any public works or on the streets, roads, drains, and other
12 public property in the city, to provide for commitment of such persons to any jail, to
13 provide for the use of pretrial diversion and any alternative sentencing allowed by law, or
14 to provide for commitment of such persons to any county work camp or county jail by
15 agreement with the appropriate county officials;
- 16 (16) Motor vehicles. To regulate the operation of motor vehicles and exercise control over
17 all traffic, including parking upon or across the streets, roads, alleys, and walkways of the
18 city;
- 19 (17) Municipal agencies and delegation of power. To create, alter, or abolish departments,
20 boards, offices, commissions, and agencies of the city, and to confer upon such agencies
21 the necessary and appropriate authority for carrying out all the powers conferred upon or
22 delegated to the same;
- 23 (18) Municipal debts. To appropriate and borrow money for the payment of debts of the
24 city and to issue bonds for the purpose of raising revenue to carry out any project, program,
25 or venture authorized by this charter or the laws of the State of Georgia;
- 26 (19) Municipal property ownership. To acquire, dispose of, lease, and hold in trust or
27 otherwise any real, personal, or mixed property, in fee simple or lesser interest, inside or
28 outside the property limits of the city;
- 29 (20) Municipal property protection. To provide for the preservation and protection of
30 property and equipment of the city and the administration and use of same by the public;
31 and to prescribe penalties and punishment for violations thereof;
- 32 (21) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose
33 of public utilities, including but not limited to a system of waterworks, sewers and drains,
34 sewage disposal, stormwater management, gas works, electric light plants, cable television
35 and other telecommunications, transportation facilities, public airports, and any other
36 public utility; to fix the taxes, charges, rates, fares, fees, assessments, regulations, and

- 1 penalties; and to provide for the withdrawal of service for refusal or failure to pay the
2 same;
- 3 (22) Nuisance. To define a nuisance and provide for its abatement whether on public or
4 private property;
- 5 (23) Penalties. To provide penalties for violation of any ordinances adopted pursuant to
6 the authority of this charter and the laws of the State of Georgia;
- 7 (24) Planning and zoning. To provide comprehensive city planning for development by
8 zoning; and to provide subdivision regulation and the like as the city council deems
9 necessary and reasonable to insure a safe, healthy, and aesthetically pleasing community;
- 10 (25) Police and fire protection. To exercise the power of arrest through duly appointed
11 police officers, and to establish, operate, or contract for a police and a fire-fighting agency;
- 12 (26) Public hazards: removal. To provide for the destruction and removal of any building
13 or other structure which is or may become dangerous or detrimental to the public;
- 14 (27) Public improvements. To provide for the acquisition, construction, building,
15 operation, and maintenance of public ways, parks and playgrounds, recreational facilities,
16 cemeteries, public buildings, libraries, public housing, parking facilities, or charitable,
17 cultural, educational, recreational, conservation, sport, detentional, penal, and medical
18 institutions, agencies, and facilities; and to provide any other public improvements, inside
19 or outside the corporate limits of the city and to regulate the use of public improvements;
20 and for such purposes, property may be acquired by condemnation under Title 22 of the
21 O.C.G.A., or such other applicable laws as are or may hereafter be enacted;
- 22 (28) Public peace. To provide for the prevention and punishment of loitering, disorderly
23 conduct, drunkenness, riots, and public disturbances;
- 24 (29) Public transportation. To organize and operate such public transportation systems as
25 are deemed beneficial;
- 26 (30) Public utilities and services. To grant franchises or make contracts for, or impose
27 taxes on, public utilities and public service companies; and to prescribe the rates, fares,
28 regulations, and standards and conditions of service applicable to the service to be provided
29 by the franchise grantee or contractor, insofar as not in conflict with valid regulations of
30 the Public Service Commission;
- 31 (31) Regulation of roadside areas. To prohibit or regulate and control the erection,
32 removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any and
33 all other structures or obstructions upon or adjacent to the rights of way of streets and roads
34 or within view thereof, within or abutting the corporate limits of the city; and to prescribe
35 penalties and punishment for violation of such ordinances;
- 36 (32) Retirement. To provide and maintain a retirement plan for officers and employees of
37 the city;

1 (33) Roadways. To lay out, open, extend, widen, narrow, establish or change the grade of,
2 abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise
3 improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and
4 walkways within the corporate limits of the city; to grant franchises and rights of way
5 throughout the streets and roads and over the bridges and viaducts for the use of public
6 utilities; and to require real estate owners to repair and maintain in a safe condition the
7 sidewalks adjoining their lots or lands and to impose penalties for failure to do so;

8 (34) Sewer fees. To levy a fee, charge, or sewer tax as necessary to assure the acquiring,
9 constructing, equipping, operating, maintaining, and extending of a sewage disposal plant
10 and sewerage system, and to levy on those to whom sewers and sewerage systems are made
11 available a sewer service fee, charge, or sewer tax for the availability or use of the sewers;
12 to provide for the manner and method of collecting such service charges and for enforcing
13 payment of the same; and to charge, impose, and collect a sewer connection fee or fees to
14 those connected with the system;

15 (35) Solid waste disposal. To provide for the collection and disposal of garbage, rubbish,
16 and refuse and to regulate the collection and disposal of garbage, rubbish, and refuse by
17 others; and to provide for the separate collection of glass, tin, aluminum, cardboard, paper,
18 and other recyclable materials and to provide for the sale of such items;

19 (36) Special assessments. To levy and provide for the collection of special assessments to
20 cover the costs for any public improvements;

21 (37) Taxes: ad valorem. To levy and provide for the assessment, valuation, revaluation,
22 and collection of taxes on all property subject to taxation; provided, however, that:

23 (A) For taxable years 2006, 2007, and 2008 only, the millage rate imposed for ad
24 valorem taxes on real property shall not exceed 4.731 unless a higher limit is recommend
25 by resolution of the city council and approved by the qualified voters of Sandy Springs
26 in a referendum;

27 (B) For all years, the fair market value of all property subject to taxation shall be
28 determined according to the tax digest of Fulton County, as provided in Code Section
29 48-5-352 of the O.C.G.A.; and

30 (C) For all years, the billing date or dates and due date or due dates for municipal ad
31 valorem taxes shall be the same as for Fulton County ad valorem taxes;

32 (38) Taxes: other. To levy and collect such other taxes as may be allowed now or in the
33 future by law;

34 (39) Taxicabs. To regulate and license vehicles operated for hire in the city; to limit the
35 number of such vehicles; to require the operators thereof to be licensed; to require public
36 liability insurance on such vehicles in the amounts to be prescribed by ordinance; and to
37 regulate the parking of such vehicles;

1 (40) Urban redevelopment. To organize and operate an urban redevelopment program;
 2 (41) Other powers. To exercise and enjoy all other powers, functions, rights, privileges,
 3 and immunities necessary or desirable to promote or protect the safety, health, peace,
 4 security, good order, comfort, convenience, or general welfare of the city and its
 5 inhabitants; to exercise all implied powers necessary or desirable to carry into execution
 6 all powers granted in this charter as fully and completely as if such powers were fully
 7 stated herein; and to exercise all powers now or in the future authorized to be exercised by
 8 other municipal governments under other laws of the State of Georgia; and any listing of
 9 particular powers in this charter shall not be held to be exclusive of others or restrictive of
 10 general words and phrases granting powers, but shall be held to be in addition to such
 11 powers unless expressly prohibited to municipalities under the Constitution or applicable
 12 laws of the State of Georgia.

13 **SECTION 1.04.**

14 Exercise of powers.

15 All powers, functions, rights, privileges, and immunities of the city, its officers, agencies, or
 16 employees shall be carried into execution as provided by this Act. If this charter makes no
 17 provision, such shall be carried into execution as provided by ordinance or as provided by
 18 pertinent laws of the State of Georgia.

19 **ARTICLE II**

20 **GOVERNMENT STRUCTURE, ELECTIONS**

21 **AND LEGISLATIVE BRANCH**

22 **SECTION 2.01.**

23 City council creation; number; election.

24 (a) The legislative authority of the government of Sandy Springs, except as otherwise
 25 specifically provided in this Act, shall be vested in a city council to be composed of a mayor
 26 and six councilmembers.

27 (b) The mayor shall be elected by a majority vote of the qualified electors of the city at large
 28 voting at the elections of the city.

29 (c) Each councilmember shall be elected by a majority vote of the qualified electors of his
 30 or her respective council district voting at the elections of the city. For the purpose of
 31 electing the six councilmembers, there shall be six council districts, designated Council
 32 Districts 1 through 6, as described in Appendix B of this Act and the accompanying

1 Redistricting Plan Components Report, which are attached to and made a part of the charter
 2 of the City of Sandy Springs. Each person desiring to offer as a candidate for councilmember
 3 shall designate the council district for which he or she is offering.

4 **SECTION 2.02.**

5 Mayor and city councilmembers; election, terms, and qualifications for office.

6 (a) Except as otherwise provided in subsection (c) of this section, the mayor and members
 7 of the city council shall serve for terms of four years and until their respective successors are
 8 elected and qualified. No person shall be eligible to serve as mayor or councilmember unless
 9 that person shall have been a resident of the area comprising the corporate limits of the City
 10 of Sandy Springs for a continuous period of at least 12 months immediately prior to the date
 11 of the election for mayor or councilmember, shall continue to reside therein during that
 12 person's period of service, and shall continue to be registered and qualified to vote in
 13 municipal elections of the City of Sandy Springs. In addition to the above requirements, no
 14 person shall be eligible to serve as a councilmember representing a council district unless that
 15 person has been a resident of the district such person seeks to represent for a continuous
 16 period of at least six months immediately prior to the date of the election for councilmember
 17 and continues to reside in such district during that person's period of service.

18 (b) General municipal elections shall be held on the Tuesday next following the first
 19 Monday in November of 2005 and quadrennially thereafter.

20 (c) The first mayor and the initial councilmembers shall take office on December 1, 2005,
 21 and shall serve for terms which expire when their successors take office in January of 2010.
 22 Thereafter the mayor and councilmembers shall take office as provided in Code Section
 23 21-2-541.1 of the O.C.G.A. and serve for terms of four years. The initial members and future
 24 members of the governing authority shall serve until their successors are elected and
 25 qualified.

26 **SECTION 2.03.**

27 Vacancy; filling of vacancies; suspensions.

28 The office of mayor or councilmember shall become vacant upon the incumbent's death,
 29 resignation, forfeiture of office, or removal from office in any manner authorized by this Act
 30 or the general laws of the State of Georgia. A vacancy in the office of mayor or
 31 councilmember shall be filled for the remainder of the unexpired term by a special election
 32 if such vacancy occurs 12 months or more prior to the expiration of the term of that office.
 33 If such vacancy occurs within 12 months of the expiration of the term of that office, the city

1 council or those members remaining shall appoint a successor for the remainder of the term.
2 This provision shall also apply to a temporary vacancy created by the suspension from office
3 of the mayor or any councilmember.

4 **SECTION 2.04.**

5 Nonpartisan elections.

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

8 **SECTION 2.05.**

9 Election by majority vote.

10 The candidates for mayor and councilmen who receive a majority of the votes cast in the
11 applicable election shall be elected to a term of office. In the event no candidate receives a
12 majority of the votes cast in said election, a run-off election shall be held between the two
13 candidates receiving the highest number of votes. Such run-off shall be held at the time
14 specified by state election law, unless such run-off date is postponed by court order.

15 **SECTION 2.06.**

16 Applicability of general laws; qualifying; other provisions.

17 All primaries and elections shall be held and conducted in accordance with Chapter 2 of Title
18 21 of the O.C.G.A., the "Georgia Election Code", as now or hereafter amended. Except as
19 otherwise provided by this Act, the city council shall, by ordinance or resolution, prescribe
20 such rules and regulations as it deems appropriate, including but not limited to the
21 establishment of qualifying fees, to fulfill any options and duties under Chapter 2 of Title 21
22 of the O.C.G.A., the "Georgia Election Code", as now or hereafter amended.

23 **SECTION 2.07.**

24 Compensation and expenses.

25 The annual salary of the mayor shall be \$25,000.00 and the annual salary for each
26 councilmember shall be \$12,000.00. Such salary shall be paid from municipal funds in
27 monthly installments. The city council may provide by ordinance for the provision of
28 insurance, retirement, workers' compensation, and other employee benefits to the mayor and
29 members of the city council and may provide by ordinance for the reimbursement of

1 expenses actually and necessarily incurred by the mayor and members of the city council in
 2 carrying out their official duties.

3 **SECTION 2.08.**

4 Inquiries and investigations.

5 The city council may make inquiries and investigations into the affairs of the city and
 6 conduct of any department, office, or agency thereof and for this purpose may subpoena
 7 witnesses, administer oaths, take testimony, and require the production of evidence. Any
 8 person who fails or refuses to obey a lawful order issued in the exercise of these powers by
 9 the city council shall be punished as may be provided by ordinance.

10 **SECTION 2.09.**

11 Meetings and mayor pro tempore.

12 (a) The city council shall meet on the first working day in January immediately following
 13 each regular municipal election. The meeting shall be called to order by the mayor-elect and
 14 the oath of office shall be administered to the newly elected mayor and councilmembers by
 15 a judicial officer authorized to administer oaths. The oath shall, to the extent that it comports
 16 with federal and state law, be as follows:

17 "I do solemnly swear or affirm that I will faithfully execute the office of [councilmember
 18 or mayor as the case may be] of the City of Sandy Springs, and will to the best of my
 19 ability support and defend the Constitution of the United States, the Constitution of
 20 Georgia, and the charter, ordinances, and regulations of the City of Sandy Springs. I am not
 21 the holder of any unaccounted for public money due this state or any political subdivision
 22 or authority thereof. I am not the holder of any office of trust under the government of the
 23 United States, any other state, or any foreign state which I by the laws of the State of
 24 Georgia am prohibited from holding. I am otherwise qualified to hold said office according
 25 to the Constitution and laws of Georgia. I have been a resident of my district and the City
 26 of Sandy Springs for the time required by the Constitution and laws of this state and by the
 27 municipal charter. I will perform the duties of my office in the best interest of the City of
 28 Sandy Springs to the best of my ability without fear, favor, affection, reward, or
 29 expectation thereof."

30 (b) Following the induction of the mayor and councilmembers, the city council, by a
 31 majority vote of the councilmembers, shall elect a councilmember to be mayor pro tempore,
 32 who shall serve for a term of four years and until a successor is elected and qualified. The
 33 mayor pro tempore shall assume the duties and powers of the mayor during the mayor's

1 disability or absence, except that the mayor pro tempore shall continue to vote as a
2 councilmember and may not exercise the mayor's prerogative to vote in the case of a tie.
3 During the mayor's disability or absence, the mayor pro tempore may veto any action of
4 council. If the mayor pro tempore is absent because of sickness or disqualification, any one
5 of the remaining councilmembers, chosen by the members present, shall be clothed with all
6 the rights and privileges of the mayor and shall perform the mayor's duties in the same
7 manner as the mayor pro tempore.

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

12 (d) Special meetings of the council may be held on the call of the mayor or three members
13 of the council. Notice of such special meetings shall be delivered to all members of the
14 council and the mayor personally, by registered mail, or by electronic means, at least 24
15 hours in advance of the meeting. Such notice to councilmembers shall not be required if the
16 mayor and all councilmembers are present when the special meeting is called. Such notice
17 of any special meeting may be waived by the mayor or a councilmember in writing before
18 or after such a meeting and attendance at the meeting shall also constitute a waiver of notice.
19 The notice of such special meeting shall state what business is to be transacted at the special
20 meeting. Only the business stated in the call may be transacted at the special meeting.

21 **SECTION 2.10.**

22 **Quorum; voting.**

23 Four councilmembers shall constitute a quorum and shall be authorized to transact business
24 for the council. Voting on the adoption of ordinances shall be taken by voice vote and the
25 yeas and nays shall be recorded in the minutes, but on the request of any member there shall
26 be a roll-call vote. In order for any ordinance, resolution, motion, or other action of the
27 council to be adopted, the measure must receive at least three affirmative votes and must
28 receive the affirmative votes of a majority of those voting. No member of the city council
29 shall abstain from voting on any matter properly brought before the council for official action
30 except when such member of council has a conflict of interest which is disclosed in writing
31 prior to or at the meeting and made a part of the minutes. Any member of the city council
32 present and eligible to vote on a matter and refusing to do so for any reason other than a
33 properly disclosed and recorded conflict of interest shall be deemed to have acquiesced or
34 concurred with the members of the majority who did vote on the question involved. The

1 mayor shall vote only in the case of a tie or in the case where his or her vote will provide the
2 third affirmative vote required for approval of a matter.

3 **SECTION 2.11.**

4 General power and authority of the council.

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

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

15 **SECTION 2.12.**

16 Administrative and service departments.

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

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

1

2

SECTION 2.13.

3

Boards, commissions, and authorities.

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

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

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

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

18 (e) Any member of a board, commission, or authority may be removed from office for cause
 19 by a vote of a majority of the members of the council.

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

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

30

SECTION 2.14.

31

Ordinance form; procedures.

32 (a) Every proposed ordinance and resolution shall be introduced in writing and the city
 33 council shall have the authority to approve, disapprove, or amend the same. A resolution may
 34 be passed at the time it is offered, but an ordinance shall not be adopted until the title of said

1 ordinance shall have been read at two city council meetings, provided that the beginning of
 2 said meetings be not less than 24 hours nor more than 60 days apart. This requirement of two
 3 readings shall not apply to emergency ordinances or to ordinances adopted at the first
 4 business meeting of the city council in a calendar year.

5 (b) The catchlines of sections of this charter or any ordinance printed in boldface type,
 6 italics, or otherwise, are intended as mere catchwords to indicate the contents of the section,
 7 and:

8 (1) Shall not be deemed or taken to be titles of such sections or as any part of the section;
 9 and

10 (2) Shall not be so deemed when any of such sections, including the catchlines, are
 11 amended or reenacted unless expressly provided to the contrary.

12 Furthermore, the chapter, article, and section headings contained in this Act shall not be
 13 deemed to govern, limit, or modify or in any manner affect the scope, meaning, or intent of
 14 the provisions of any chapter, article, or section hereof.

15 (c) The city council may, by ordinance or resolution, adopt rules and bylaws to govern the
 16 conduct of its business, including procedures and penalties for compelling the attendance of
 17 absent members. Such rules may include punishment for contemptuous behavior conducted
 18 in the presence of the city council.

19 **SECTION 2.15.**

20 Submission of ordinances to the mayor.

21 (a) Every ordinance, resolution, and other action adopted by the council shall be presented
 22 promptly to the mayor. Except for council approval of appointments to committees, boards,
 23 and commissions, the employment of any appointed officer, internal affairs, or matters which
 24 must be approved by the voters, the mayor may veto any action adopted by the city council.

25 (b) The veto must be exercised no later than the next regular city council meeting following
 26 the meeting at which the action was taken. If an action is disapproved, the mayor shall submit
 27 to the council a written statement of the reasons for the mayor's veto.

28 (c) An action vetoed by the mayor shall automatically be on the agenda at the next regular
 29 meeting of the city council for reconsideration. If the minimum number of councilmembers
 30 necessary to vote on overriding the veto are not present, the action may be continued until
 31 the next meeting at which the minimum number of councilmembers are present. Such action
 32 shall not become effective unless it is readopted by the affirmative votes of at least four
 33 members of council within 60 days of the veto.

34 (d) The mayor may disapprove or reduce any item or items of appropriation in any ordinance
 35 or resolution. The approved part or parts of any ordinance or resolution making

1 appropriations shall become law, and the part or parts disapproved or reduced shall not
 2 become law unless subsequently passed by the city council over the mayor's veto as provided
 3 in this charter.

4 (e) If an ordinance or resolution has been signed by the mayor, it shall become effective. If
 5 an ordinance or resolution is neither approved nor disapproved by the next regular meeting
 6 of the city council, it shall become effective.

7 ARTICLE III

8 EXECUTIVE BRANCH

9 SECTION 3.01.

10 Powers and duties of the mayor.

11 (a) The mayor shall be the chief executive officer of the city government, a member of and
 12 the presiding officer of the city council, and responsible for the efficient and orderly
 13 administration of the city's affairs. The mayor shall be responsible for the enforcement of
 14 laws, rules, regulations, ordinances, and franchises in the city. The mayor may conduct
 15 inquiries and investigations into the conduct of the city's affairs and shall have such powers
 16 and duties as specified in this charter or as may be provided by ordinance consistent with this
 17 charter.

18 (b) The mayor shall:

19 (1) Preside at all meetings of the city council;

20 (2) Be the head of the city for the purpose of service of process and for ceremonial
 21 purposes and be the official spokesperson for the city and the advocate of policy;

22 (3) Sign as a matter of course on behalf of the city all written and approved contracts,
 23 ordinances, resolutions, and other instruments executed by the city which by law are
 24 required to be in writing;

25 (4) See that all laws and ordinances of the city are faithfully executed;

26 (5) Vote on any motion, resolution, ordinance, or other question before the council only
 27 as provided in Section 2.10 of this charter and vote on any matter before a committee on
 28 which he or she serves;

29 (6) Obtain short term loans in the name of the city when authorized by the city council to
 30 do so;

31 (7) Appoint councilmembers to oversee and report on the functions of the various
 32 departments of the city;

33 (8) Require the city manager to meet with him or her at a time and place designated for
 34 consultation and advice upon the affairs of the city;

- 1 (9) Name qualified residents of the city to boards and commissions with approval of the
 2 city council;
- 3 (10) Make recommendations with respect to the employment or termination of city
 4 employees;
- 5 (11) Prepare or have prepared an agenda for each meeting of the city council which shall
 6 include all business submitted by the mayor, any councilmember, the city manager, and the
 7 city attorney; and
- 8 (12) Fulfill and perform such other duties as are imposed by this charter and duly adopted
 9 ordinances.

10 **SECTION 3.02.**

11 City manager; appointment, qualification, and compensation.

12 The mayor shall appoint, subject to confirmation by the council, for an indefinite term an
 13 officer whose title shall be the "city manager" and the city manager shall serve at the pleasure
 14 of the council. The city manager shall be appointed without regard to political beliefs and
 15 solely on the basis of his or her executive and administrative qualifications with special
 16 reference to his or her educational background and actual experience in, and knowledge of,
 17 the duties of office as hereinafter prescribed.

18 **SECTION 3.03.**

19 City manager; chief administrative officer.

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

24 **SECTION 3.04.**

25 City manager; powers and duties enumerated.

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

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

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

- 1 (3) Remove employees employed by said officer without the consent of the council and
2 without assigning any reason therefore;
- 3 (4) Exercise supervision and control of all departments and all divisions created in this
4 charter or that may hereafter be created by the council except as otherwise provided in this
5 Act;
- 6 (5) Attend all meetings of the council with a right to take part in the discussions, but
7 having no vote. The city manager shall be entitled to notice of all special meetings;
- 8 (6) Recommend to the council, after prior review and comment by the mayor, for adoption
9 such measures as the city manager may deem necessary or expedient;
- 10 (7) See that all terms and conditions imposed in favor of the city or its inhabitants in any
11 public utility franchise are faithfully kept and performed and upon knowledge of any
12 violation thereof to call the same to the attention of the city attorney, whose duty it shall
13 be forthwith to take such steps as are necessary to protect and enforce the same;
- 14 (8) Make and execute all lawful contracts on behalf of the city as to matters within said
15 officer's jurisdiction to the extent that such contracts are funded in the city's budget, except
16 such as may be otherwise provided by law; provided, however, that no contract purchase
17 or obligation requiring a budget amendment shall be valid and binding until after approval
18 of the council;
- 19 (9) Act as budget officer to prepare and submit to the council, after review and comment
20 by the mayor, prior to the beginning of each fiscal year a budget of proposed expenditures
21 for the ensuing year, showing in as much detail as practicable the amounts allotted to each
22 department of the city government and the reasons for such estimated expenditures;
- 23 (10) Keep the council at all times fully advised as to the financial condition and needs of
24 the city;
- 25 (11) Make a full written report to the council on the first of each month showing the
26 operations and expenditures of each department of the city government for the preceding
27 month, and a synopsis of such reports shall be published by the clerk of the city;
- 28 (12) Fix all salaries and compensation of city employees in accordance with the city
29 budget and the city pay and classification plan; and
- 30 (13) Perform such other duties as may be prescribed by this Act or required by ordinance
31 or resolution of the council.

32 **SECTION 3.05.**

33 Council interference with administration.

34
35 Except for the purpose of inquiries and investigations under Section 2.08 of this charter, the
36 city council or its members shall deal with city officers and employees who are subject to the

1 direction or supervision of the manager solely through the manager, and neither the city
2 council nor its members shall give orders to any such officer or employee, either publicly or
3 privately.

4 **SECTION 3.06.**

5 City manager; removal.

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

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

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

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

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

27 (c) If the city manager becomes disabled and is unable to carry out the duties of the office
28 or if the city manager dies, the acting city manager shall perform the duties of the city
29 manager until the city manager's disability is removed or until the city manager is replaced.
30 Removal of the city manager because of disability shall be carried out in accordance with the
31 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 duties of the office or to make such designation, the council may, by resolution, appoint any qualified administrative employee of the city to perform the powers, duties, and functions of the city manager until the city manager shall return to the city, the disability ceases, or the council appoints a new city manager.

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

SECTION 3.08.

City attorney.

The mayor shall nominate and the council shall confirm by majority vote of the council a city attorney, together with such assistant city attorneys as may be deemed appropriate, and shall provide for the payment of such attorney or attorneys for services rendered to the city. The city attorney shall be responsible for representing and defending the city in all litigation in which the city is a party; may be the prosecuting officer in the municipal court; shall attend the meetings of the council as directed; shall advise the council, mayor, other officers, and employees of the city concerning legal aspects of the city's affairs; and shall perform such other duties as may be required by virtue of his or her position as city attorney. The city attorney shall review all contracts of the city but shall not have the power to bind the city.

SECTION 3.09.

City clerk.

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

SECTION 3.10.

Tax collector.

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

SECTION 3.11.

City accountant.

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

SECTION 3.12.

Consolidation of functions.

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

SECTION 3.13.

Position classification and pay plans; employment at will.

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. Except as otherwise provided in this charter, all employees of the city shall be subject to removal or discharge, with or without cause, at any time.

1 (d) The judge, or judge pro tem, shall serve for a term of four years but may be removed
 2 from the position by a two-thirds vote of the entire membership of the city council or upon
 3 action taken by the State Judicial Qualifications Commission for:

- 4 (1) Willful misconduct in office;
 5 (2) Willful and persistent failure to perform duties;
 6 (3) Habitual intemperance;
 7 (4) Conduct prejudicial to the administration of justice which brings the judicial office into
 8 disrepute; or
 9 (5) Disability seriously interfering with the performance of duties, which is, or is likely to
 10 become, of a permanent character.

11 **SECTION 4.03.**

12 Convening.

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

15 **SECTION 4.04.**

16 Jurisdiction; powers.

17 (a) The municipal court shall try and punish for crimes against the City of Sandy Springs
 18 and for violation of its ordinances. The municipal court shall have authority to punish those
 19 in its presence for contempt, provided that such punishment shall not exceed \$200.00 or
 20 imprisonment for 15 days. The municipal court may fix punishment for offenses within its
 21 jurisdiction to the full extent allowed by state law.

22 (b) The municipal court shall have authority to establish a schedule of fees to defray the cost
 23 of operation.

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

1 deposited shall be on order of the judge declared forfeited to the City of Sandy Springs, or
 2 the property so deposited shall have a lien against it for the value forfeited.

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

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

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

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

14 **SECTION 4.05.**

15 Certiorari.

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

20 **SECTION 4.06.**

21 Rules for court.

22 With the approval of the council, the judge shall have full power and authority to make
 23 reasonable rules and regulations necessary and proper to secure the efficient and successful
 24 administration of the municipal court.

25 **ARTICLE V**

26 **FINANCE AND FISCAL**

27 **SECTION 5.01.**

28 Fiscal year.

29 The council shall set the fiscal year by ordinance. Said fiscal year shall constitute the budget
 30 year and the year for financial accounting and reporting of each and every office, department

1 or institution, agency, and activity of the city government, unless otherwise provided by state
2 or federal law.

3 **SECTION 5.02.**

4 Preparation of budgets.

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

9 **SECTION 5.03.**

10 Submission of operating budget to city council.

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

21 **SECTION 5.04.**

22 Action by council on budget.

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

1

2

SECTION 5.05.

3

Audits.

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

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

11

SECTION 5.06.

12

Homestead exemptions.

13 Any homestead exemptions applicable to ad valorem taxes levied by the city shall be as
 14 provided by Act of the General Assembly pursuant to Article VII, Section II, Paragraph II
 15 of the Georgia Constitution.

16

ARTICLE VI

17

GENERAL PROVISIONS.

18

SECTION 6.01.

19

Referendum and initial election.

20 (a) Unless prohibited by the federal Voting Rights Act of 1965, as amended, the election
 21 superintendent of Fulton County shall call a special election for the purpose of submitting
 22 this Act to the qualified voters of the proposed City of Sandy Springs for approval or
 23 rejection. The superintendent shall set the date of such election for the third Tuesday in June,
 24 2005. The superintendent shall issue the call for such election at least 30 days prior to the
 25 date thereof. The superintendent shall cause the date and purpose of the election to be
 26 published once a week for two weeks immediately preceding the date thereof in the official
 27 organ of Fulton County. The ballot shall have written or printed thereon the words:

28 "() YES Shall the Act incorporating the City of Sandy Springs in Fulton County

29 () NO according to the charter contained in the Act be approved?"

30 All persons desiring to vote for approval of the Act shall vote "Yes," and those persons
 31 desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes

1 cast on such question are for approval of the Act, it shall become of full force and effect as
 2 provided in Section 6.02 of this charter, otherwise it shall be void and of no force and effect.
 3 The initial expense of such election shall be borne by Fulton County. Within two years after
 4 the elections if the incorporation is approved, the City of Sandy Springs shall reimburse
 5 Fulton County for the actual cost of printing and personnel services for such election and for
 6 the initial election of the mayor and members of the city council pursuant to subsection (b)
 7 of Section 2.02 of this charter. It shall be the duty of the superintendent to hold and conduct
 8 such election. It shall be his or her further duty to certify the result thereof to the Secretary
 9 of State.

10 (b) For the purposes of the referendum election provided for in this section and for the
 11 purposes of the election to be held on the Tuesday after the first Monday in November, 2005,
 12 the qualified electors of the City of Sandy Springs shall be those qualified electors of Fulton
 13 County residing within the corporate limits of the City of Sandy Springs as described by
 14 Appendix A of this charter. At subsequent municipal elections, the qualified electors of the
 15 City of Sandy Springs shall be determined pursuant to the authority of Chapter 2 of Title 21
 16 of the O.C.G.A., known as the "Georgia Election Code."

17 (c) Only for the purposes of holding and conducting the referendum election provided for
 18 by this section and holding and conducting the election of the City of Sandy Springs to be
 19 held on the Tuesday after the first Monday in November, 2005, the election superintendent
 20 of Fulton County is vested with the powers and duties of the election superintendent of the
 21 City of Sandy Springs and the powers and duties of the governing authority of the City of
 22 Sandy Springs.

23 **SECTION 6.02.**

24 Effective dates.

25 (a) This Act shall become effective only if an amendment to Code Section 36-31-2 of the
 26 O.C.G.A., permitting incorporation of a municipal corporation less than three miles from
 27 another municipality's boundaries, is enacted at the 2005 regular session of the General
 28 Assembly, in which event this section and the provisions of this Act necessary for the
 29 election provided in Section 6.01 of this charter shall become effective upon the same date
 30 that such amendment to Code Section 36-31-2 of the O.C.G.A. becomes effective or as soon
 31 thereafter as this Act is approved by the Governor or becomes law without such approval if
 32 this Act is the later of the two to become law. The provisions of this Act necessary for the
 33 election to be held on the Tuesday after the first Monday in November, 2005, shall be
 34 effective upon the certification of the results of the referendum election provided for by
 35 Section 6.01 of this charter, if this Act is approved at such referendum election.

1 (b) A period of time will be needed for an orderly transition of various government functions
2 from Fulton County to the City of Sandy Springs. Accordingly there shall be a transition
3 period beginning December 1, 2005, and ending at midnight on December 31, 2006. During
4 such transition period, all provisions of this charter shall be effective as law, but not all
5 provisions of this charter shall be implemented.

6 (c) During such transition period, Fulton County shall continue to provide within the
7 territorial limits of Sandy Springs all government services and functions which Fulton
8 County provided in that area as of the date of enactment of this charter, except to the extent
9 otherwise provided in this section; provided, however, that by agreement of Fulton County
10 and the City of Sandy Springs responsibility for any such service or function may be
11 transferred to the City of Sandy Springs at such time as may be agreed upon by the parties.
12 Effective December 1, 2005, the City of Sandy Springs shall collect taxes, fees, assessments,
13 fines and forfeitures, and other moneys within the territorial limits of Sandy Springs. Where
14 a particular tax, fee, assessment, fine, forfeiture, or other amount collected is specifically
15 related to the provision of a particular government service or function by Fulton County, the
16 service or function shall continue to be provided by the county contingent upon payment by
17 the city of the actual cost of providing such service or function unless otherwise provided in
18 a written agreement between the city and the county. Any existing contract for the
19 performance of a governmental service with a private person residing or doing business
20 within the city limits shall not be altered or adversely affected by the establishment of this
21 Act of the City of Sandy Springs.

22 (d) During the transition period, the governing authority of the City of Sandy Springs:

- 23 (1) Shall hold regular meetings and may hold special meetings as provided in this charter;
- 24 (2) May enact ordinances and resolutions as provided in this charter;
- 25 (3) May amend this charter by home rule action as provided by general law;
- 26 (4) May accept gifts and grants;
- 27 (5) May borrow money and incur indebtedness to the extent authorized by this charter and
28 general law;
- 29 (6) May levy and collect an ad valorem tax for calendar year 2006;
- 30 (7) May establish a fiscal year and budget;
- 31 (8) May create, alter, or abolish departments, boards, offices, commissions, and agencies
32 of the city; appoint and remove officers and employees; and exercise all necessary or
33 appropriate personnel and management functions;
- 34 (9) May generally exercise any power granted by this charter or general law, except to the
35 extent that a power is specifically and integrally related to the provision of a governmental
36 service, function, or responsibility not yet provided or carried out by the city.

1 (e) During the transition period, the Municipal Court of Sandy Springs shall exercise its
 2 jurisdiction to the extent appropriate with respect to the government services and functions
 3 performed by the City of Sandy Springs and the appropriate court or courts of Fulton County
 4 shall retain jurisdiction over the area incorporated as the City of Sandy Springs with respect
 5 to government services and functions performed by Fulton County. Any transfer of
 6 jurisdiction to the City of Sandy Springs at the beginning of, during, at the end of, or after
 7 the transition period shall not in and of itself abate any judicial proceeding pending in Fulton
 8 County or the pending prosecution of any violation of any ordinance of Fulton County.

9 (f) During the transition period, the governing authority of Sandy Springs may at any time,
 10 without the necessity of any agreement by Fulton County, commence to exercise its planning
 11 and zoning powers; provided, however, that the city shall give the county at least 30 days
 12 written notice of the date on which the city will assume the exercise of such powers. Upon
 13 the governing authority of Sandy Springs commencing to exercise its planning and zoning
 14 powers, the Municipal Court of Sandy Springs shall immediately have jurisdiction to enforce
 15 the planning and zoning ordinances of the city. The provisions of this subsection shall control
 16 over any conflicting provisions of any other subsection of this section.

17 (g) Effective upon the termination of the transition period, subsections (c) through (f) of this
 18 section shall cease to apply except for the last sentence of subsection (e) which shall remain
 19 effective. Effective upon the termination of the transition period, the City of Sandy Springs
 20 shall be a full functioning municipal corporation and subject to all general laws of this state.

21 **SECTION 6.03.**

22 Directory nature of dates.

23 It is the intention of the General Assembly that this Act be construed as directory rather
 24 than mandatory with respect to any date prescribed in this Act. If it is necessary to delay
 25 any action called for in this Act for providential cause, delay in securing approval under
 26 the federal Voting Rights Act, or any other reason, it is the intention of the General
 27 Assembly that the action be delayed rather than abandoned. Any delay in performing any
 28 action under this Act, whether for cause or otherwise, shall not operate to frustrate the
 29 overall intent of this Act. Without limiting the generality of the foregoing it is specifically
 30 provided that:

31 (1) If it is not possible to hold the referendum election provided for in Section 6.01 of
 32 this Act on the date specified in that section, then such referendum shall be held as soon
 33 thereafter as is reasonably practicable; and

34 (2) If it is not possible to hold the first regular municipal election provided for in Section
 35 2.02 of this Act on the date specified in that section, then there shall be a special election

1 for the initial members of the governing authority to be held as soon thereafter as is
2 reasonably practicable, and the commencement of the initial terms of office shall be
3 delayed accordingly.

4 **SECTION 6.04.**

5 Charter commission.

6 At the first regularly scheduled city council meeting, five years after the inception of the City
7 of Sandy Springs, the mayor and city council shall call for a charter commission to review
8 the city's experience and recommend to the General Assembly any changes to the city
9 charter. Members of the charter commission shall be appointed as follows: one by the mayor,
10 one by the city council, and one by each member of the Georgia House of Representatives
11 and Senate whose district lies wholly or partially within the corporate boundaries of Sandy
12 Springs. All members of the charter commission must reside in Sandy Springs. The
13 commission must complete the recommendations within six months of its creation.

14 **SECTION 6.05.**

15 Severability.

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

23 **SECTION 6.06.**

24 Repealer.

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

1

APPENDIX A

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

4 Beginning at the northwest corner of the City of Atlanta, as the boundaries of said city
5 existed on January 1, 2005, at the point where the northerly city limit line of said city
6 intersects the westerly county line of Fulton County and the Chattahoochee River, running
7 thence generally easterly along the said northerly city limit line of the City of Atlanta,
8 following the meanderings thereof, to the point where said line intersects the
9 Fulton-DeKalb County line; run thence northerly, generally easterly, and generally
10 northerly along the easterly county line of Fulton County to the point where the
11 Fulton-Gwinnett County line intersects the Chattahoochee River; run thence generally west
12 and southwest along the southern bank of said river, following the meanderings thereof,
13 to the point of beginning.

1

APPENDIX 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 sterling1 Plan Type: Local User: staff 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.

1

APPENDIX C

2

CERTIFICATE AS TO MINIMUM STANDARDS

3

FOR INCORPORATION OF A NEW MUNICIPAL CORPORATION

4 I, Representative Joe Wilkinson, Georgia State Representative from the 52nd District and the
 5 author of this bill introduced at the 2005 Session of the General Assembly of Georgia, which
 6 grants an original municipal charter to the City of Sandy Springs do hereby certify that this
 7 bill is in compliance with the minimum standards required by Chapter 31 of Title 36 of the
 8 O.C.G.A. in that:

9 (1) This bill by its terms will not be subject to the minimum standards required on this date
 10 by Code Section 36-31-2 of the O.C.G.A., in that this bill will become effective only if an
 11 amendment to Code Section 36-31-2 permitting incorporation of a municipal corporation
 12 less than three miles from another municipality’s boundaries becomes effective; and

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

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

18 So certified, this _____ day of _____, 20__.

19

20

Representative, 52nd District

21

Georgia House of Representatives