Senate Bill 552

By: Senator Reed of the 35th

A BILL TO BE ENTITLED

AN ACT

To incorporate the City of South Fulton in Fulton County; to provide for a charter for the City of South Fulton; to provide for incorporation, boundaries, and powers of the city; to provide for general powers and limitations on powers; to provide for a governing authority of such city and the powers, duties, authority, election, terms, method of filling vacancies, compensation, expenses, qualifications, prohibitions, and districts relative to members of such governing authority; to provide for inquiries and investigations; to provide for organization and procedures; to provide for ordinances; to provide for the office of mayor and certain duties and powers relative to the office of mayor; to provide for administrative responsibilities; to provide for boards, commissions, and authorities; to provide for a city manager, a city attorney, a city clerk, a tax collector, a city accountant, and other personnel; to provide for a municipal court and the judge or judges thereof; to provide for practices and procedures; to provide for ethics and disclosures; to provide for taxation, licenses, and fees; to provide for franchises, service charges, and assessments; to provide for bonded and other indebtedness; to provide for accounting and budgeting; to provide for purchases; to provide for homestead exemptions; to provide for bonds for officials; to provide for other matters relative to the foregoing; to provide for referenda; to provide effective dates and transitional provisions governing the transfer of various functions and responsibilities from Fulton County to the City of South Fulton; to provide for severability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

ARTICLE I

CREATION, INCORPORATION, POWERS

SECTION 1.01.

Incorporation.

This Act shall constitute the charter of the City of South Fulton. The City of South Fulton 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 South Fulton" and by that name shall have perpetual succession, may sue and be sued, plead and be impleaded, in all 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 South Fulton shall be as set forth and described in Appendix A of this Act, and said Appendix A is incorporated into and made a part of this Act. 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.

Powers and construction.

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

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

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

(2) Appropriations and expenditures. To make appropriations for the support of the government of the city; to authorize the expenditure of money for any purposes authorized by this Act 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;

(3) Building regulation. To regulate and to license the erection and construction of buildings and all other structures; to adopt building, housing, plumbing, electrical, gas, and heating and air conditioning codes; and to regulate all housing and building trades to the extent permitted by general law;

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

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

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

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

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

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

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

(11) Garbage fees. To levy, fix, assess, and collect a garbage, refuse, and trash collection and disposal and other sanitary service charge, tax, or fee for such services as may be necessary in the operation of the city from all individuals, firms, and corporations

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

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

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

(14) Health and sanitation. To prescribe standards of health and sanitation and to provide for the enforcement of such standards;

(15) Jail sentences. To provide that persons given jail sentences in the city´s court may work out such sentences in any public works or on the streets, roads, drains, and other public property in the city; to provide for commitment of such persons to any jail; to provide for the use of pretrial diversion and any alternative sentencing allowed by law; or to provide for commitment of such persons to any county work camp or county jail by agreement with the appropriate county officials;

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

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

(18) Municipal debts. 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 Act or the laws of the State of Georgia;

(19) Municipal property ownership. To acquire, dispose of, lease, and hold in trust or otherwise any real, personal, or mixed property, in fee simple or lesser interest, inside or outside the property limits of the city;

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

(21) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose of public utilities, including but not limited to a system of waterworks, sewers and drains, sewage disposal, storm-water management, gas works, electric light plants, cable

television and other telecommunications, transportation facilities, public airports, and any other public utility; to fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties; and to provide for the withdrawal of service for refusal or failure to pay the same;

(22) Nuisance. To define a nuisance and provide for its abatement whether on public or private property;

(23) Penalties. To provide penalties for violation of any ordinances adopted pursuant to the authority of this Act and the laws of the State of Georgia;

(24) Planning and zoning. To provide comprehensive city planning for development by zoning; and to provide subdivision regulation and the like as the city council deems necessary and reasonable to ensure a safe, healthy, and esthetically pleasing community;

(25) Police and fire protection. To exercise the power of arrest through duly appointed police officers; and to establish, operate, or contract for a police and a fire-fighting agency;

(26) Public hazards: removal. To provide for the destruction and removal of any building or other structure which is or may become dangerous or detrimental to the public;

(27) Public improvements. To provide for the acquisition, construction, building, operation, and maintenance of public ways, parks and playgrounds, recreational facilities, cemeteries, public buildings, libraries, public housing, parking facilities, or charitable, cultural, educational, recreational, conservation, sport, detentional, penal, and medical institutions, agencies, and facilities; and to provide any other public improvements inside or outside the corporate limits of the city and to regulate the use of public improvements; and for such purposes, property may be acquired by condemnation under Title 22 of the O.C.G.A., or such other applicable laws as are or may hereafter be enacted;

(28) Public peace. To provide for the prevention and punishment of loitering, disorderly conduct, drunkenness, riots, and public disturbances;

(29) Public transportation. To organize and operate such public transportation systems as are deemed beneficial;

(30) Public utilities and services. To grant franchises or make contracts for, or impose taxes on, public utilities and public service companies; and to prescribe the rates, fares, regulations, and standards and conditions of service applicable to the service to be provided by the franchise grantee or contractor, insofar as not in conflict with valid regulations of the Public Service Commission;

(31) Regulation of roadside areas. To prohibit or regulate and control the erection, removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any and all other structures or obstructions upon or adjacent to the rights of way of streets and

roads or within view thereof, within or abutting the corporate limits of the city; and to prescribe penalties and punishment for violation of such ordinances;

(32) Retirement. To provide and maintain a retirement plan for officers and employees of the city;

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

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

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

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

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

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

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

(40) Urban redevelopment. To organize and operate an urban redevelopment program; and

(41) Other powers. To exercise and enjoy all other powers, functions, rights, privileges, and immunities necessary or desirable to promote or protect the safety, health, peace, security, good order, comfort, convenience, or general welfare of the city and its

inhabitants; to exercise all implied powers necessary or desirable to carry into execution all powers granted in this Act as fully and completely as if such powers were fully stated herein; and to exercise all powers now or in the future authorized to be exercised by other municipal governments under other laws of the State of Georgia; and any listing of particular powers in this Act shall not be held to be exclusive of others or restrictive of general words and phrases granting powers, but shall be held to be in addition to such powers unless expressly prohibited to municipalities under the Constitution or applicable laws of the State of Georgia.

SECTION 1.04.

Exercise of powers.

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

ARTICLE II

GOVERNMENT STRUCTURE, ELECTIONS,
AND LEGISLATIVE BRANCH

SECTION 2.01.

City council creation; number; election.

(a) The legislative authority of the government of South Fulton, except as otherwise specifically provided in this Act, shall be vested in a city council to be composed of a mayor and five councilmembers.

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

(c) Each councilmember shall be elected by a majority vote of the qualified electors of his or her respective council district voting at the elections of the city. For the purpose of electing the five councilmembers, there shall be five council districts, designated Council Districts 1 through 5, as described in Appendix B of this Act and the accompanying Redistricting Plan Components Report, which are attached to and made a part of the Act of the City of South Fulton. Each person desiring to offer as a candidate for councilmember shall designate the council district for which he or she is offering.

SECTION 2.02.

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

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

(b) The first general municipal elections shall be held on the next special election date permissible pursuant to the provisions of Code Section 21-2-540 of the O.C.G.A. following the date of the approval of this Act as provided for by Section 6.01 of this Act. Thereafter, general municipal elections shall be held on the Tuesday next following the first Monday in November in the odd-numbered year following by more than two years the year in which said first municipal election is held, and quadrennially thereafter.

(c) The first mayor and the initial councilmembers shall take office on the first day of the first month immediately following the first municipal election provided for in subsection (b) of this section and shall serve for terms which expire when their successors take office in January of the first year immediately following the second municipal election provided for therein. Thereafter the mayor and councilmembers shall take office as provided in Code Section 21-2-541.1 of the O.C.G.A. and serve for terms of four years. The initial members and future members of the governing authority shall serve until their successors are elected and qualified.

SECTION 2.03.

Vacancy; filling of vacancies; suspensions.

The office of mayor or councilmember shall become vacant upon the incumbent´s death, resignation, forfeiture of office, or removal from office in any manner authorized by this Act or the general laws of the State of Georgia. A vacancy in the office of mayor or

councilmember shall be filled for the remainder of the unexpired term by a special election if such vacancy occurs 12 months or more prior to the expiration of the term of that office. If such vacancy occurs within 12 months of the expiration of the term of that office, the city council or those members remaining shall appoint a successor for the remainder of the term. This provision shall also apply to a temporary vacancy created by the suspension from office of the mayor or any councilmember.

SECTION 2.04.

Nonpartisan elections.

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

SECTION 2.05.

Election by majority vote.

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

SECTION 2.06.

Applicability of general laws; qualifying; other provisions.

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

SECTION 2.07.

Compensation and expenses.

The annual salary of the mayor shall be $16,500.00 and the annual salary for each councilmember shall be $12,500.00. Such salary shall be paid from municipal funds in

monthly installments. The city council may provide by ordinance for the provision of insurance, retirement, workers´ compensation, and other employee benefits to the mayor and members of the city council and may provide by ordinance for the reimbursement of expenses actually and necessarily incurred by the mayor and members of the city council in carrying out their official duties.

SECTION 2.08.

Inquiries and investigations.

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

SECTION 2.09.

Meetings and mayor pro tempore.

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

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

(b) Following the induction of the mayor and councilmembers, the city council, by a majority vote of the councilmembers, shall elect a councilmember to be mayor pro tempore, who shall serve for a term of four years and until a successor is elected and qualified. The mayor pro tempore shall assume the duties and powers of the mayor during the mayor´s disability or absence, except that the mayor pro tempore shall continue to vote as a councilmember and may not exercise the mayor´s prerogative to vote in the case of a tie. During the mayor´s disability or absence, the mayor pro tempore may veto any action of the city council. If the mayor pro tempore is absent because of sickness or disqualification, any one of the remaining councilmembers, chosen by the members present, shall be clothed with all the rights and privileges of the mayor and shall perform the mayor´s duties in the same manner as the mayor pro tempore.

(c) The city 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.

(d) Special meetings of the council may be held on the 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, by registered mail, or by electronic means, at least 24 hours in advance of the meeting. Such notice to councilmembers shall not be required if the mayor and all councilmembers are present when the special meeting is called. Such notice of any special meeting may be waived by the mayor or a councilmember in writing before or after such a meeting and attendance at the meeting shall also constitute a waiver of notice. 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.

SECTION 2.10.

Quorum; voting.

Three councilmembers shall constitute a quorum and shall be authorized to transact business for the council. Voting on the adoption of ordinances shall be taken by voice vote and the yeas and nays shall be recorded in the minutes, but on the request of any member there shall be a roll-call vote. In order for any ordinance, resolution, motion, or other action of the council to be adopted, the measure must receive at least two affirmative votes and must receive the affirmative votes of a majority of those voting. No member of the city council shall abstain from voting on any matter properly brought before the council for official action except when such member of council has a conflict of interest which is disclosed in writing prior to or at the meeting and made a part of the minutes. Any member of the city council

present and eligible to vote on a matter and refusing to do so for any reason other than a properly disclosed and recorded conflict of interest shall be deemed to have acquiesced or concurred with the members of the majority who did vote on the question involved. The mayor shall vote only in the case of a tie or in the case where his or her vote will provide the affirmative vote required for approval of a matter.

SECTION 2.11.

General power and authority of the council.

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

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

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

SECTION 2.12.

Administrative and service departments.

The council, by ordinance, may establish, abolish, merge, or consolidate offices, positions of employment, departments, and agencies of the city as it shall deem necessary for the proper administration of the affairs and government of the city; provided, however, that the office of city manager may be abolished only upon an affirmative vote of four of the five members of the council. The council shall prescribe the functions and duties of existing departments, offices, and agencies or of any departments, offices, and agencies hereinafter created or established; may provide that the same person shall fill any number of offices and positions of employment; and may transfer or change the functions and duties of offices, positions of employment, departments, and agencies of the city.

(b) The operations and responsibilities of each department now or hereafter established in the city shall be distributed among such divisions or bureaus as may be provided by

ordinance of the council. Each department shall consist of such officers, employees, and positions as may be provided by this Act or by ordinance and shall be subject to the general supervision and guidance of the mayor and council.

SECTION 2.13.

Boards, commissions, and authorities.

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

(b) No member of any board, commission, or authority of the city shall hold any elective office in the city. Councilmembers and the mayor, however, may serve as voting ex officio members of such boards, commissions, or authorities.

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

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

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

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

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

SECTION 2.14.

Ordinance form; procedures.

Every proposed ordinance and resolution shall be introduced in writing and the city council shall have the authority to approve, disapprove, or amend the same. A resolution may be passed at the time it is offered, but an ordinance shall not be adopted until the title of said ordinance shall have been read at two city council meetings, provided that the beginnings of said meetings shall be not less than 24 hours nor more than 60 days apart. This requirement of two readings shall not apply to emergency ordinances or to ordinances adopted at the first business meeting of the city council in a calendar year.

SECTION 2.15.

Submission of ordinances to the mayor.

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

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

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

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

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

ARTICLE III

EXECUTIVE BRANCH

SECTION 3.01.

Powers and duties of the mayor.

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

(b) The mayor shall:

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

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

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

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

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

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

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

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

(9) Name qualified residents of the city to boards and commissions with approval of the city council;

(10) Make recommendations with respect to the employment or termination of city employees;

(11) Prepare or have prepared an agenda for each meeting of the city council which shall include all business submitted by the mayor, any councilmember, the city manager, and the city attorney; and

(12) Fulfill and perform such other duties as are imposed by this Act and duly adopted ordinances.

SECTION 3.02.

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 "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.

SECTION 3.03.

City manager; chief administrative officer.

The city manager shall be the chief administrative officer of the government of the City of South Fulton. 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; provided, however, that the council may by resolution permit the office of city manager to be a part-time position.

SECTION 3.04.

City manager; powers and duties enumerated.

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 Act or that may hereafter be created by the council except as otherwise provided in this Act;

(5) Attend all meetings of the council with a right to take part in the discussions, but having no vote. The city manager shall be entitled to notice of all special meetings;

(6) Recommend to the council, after prior review and comment by the mayor, for adoption such measures as the city manager may deem necessary or expedient;

(7) See that all terms and conditions imposed in favor of the city or its inhabitants in any public utility franchise are faithfully kept and performed and upon knowledge of any violation thereof to call the same to the attention of the city attorney, whose duty it shall be forthwith to take such steps as are necessary to protect and enforce the same;

(8) Make and execute all lawful contracts on behalf of the city as to matters within said officer´s jurisdiction to the extent that such contracts are funded in the city´s budget, except such as may be otherwise provided by law; provided, however, that no contract purchase or obligation requiring a budget amendment shall be valid and binding until after approval of the council;

(9) Act as budget officer to prepare and submit to the council, after review and comment by the mayor, prior to the beginning of each fiscal year a budget of proposed expenditures for the ensuing year, showing in as much detail as practicable the amounts allotted to each department of the city government and the reasons for such estimated expenditures;

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

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

(12) Fix all salaries and compensation of city employees in accordance with the city budget and the city pay and classification plan; and

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

SECTION 3.05.

Council interference with administration.

Except for the purpose of inquiries and investigations under Section 2.08 of this Act, the city council or its members shall deal with city officers and employees who are subject to the direction or supervision of the manager solely through the manager, and neither the city

council nor its members shall give orders to any such officer or employee, either publicly or privately.

SECTION 3.06.

City manager; removal.

(a) The mayor and council may remove the city 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 four of 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 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 Act 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.

As elsewhere herein, the city manager, with the approval of the council, may consolidate any two or more of the positions of city clerk, 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 South Fulton 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 Act, all employees of the city shall be subject to removal or discharge, with or without cause, at any time.

ARTICLE IV

MUNICIPAL COURT

SECTION 4.01.

Creation.

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

SECTION 4.02.

Judge.

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

(b) The judge pro tempore shall serve as requested by the judge, shall have the same qualifications as the judge, shall be appointed by resolution of the council, and shall take the same oath as the judge.

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

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

(1) Willful misconduct in office;

(2) Willful and persistent failure to perform duties;

(3) Habitual intemperance;

(4) Conduct prejudicial to the administration of justice which brings the judicial office into disrepute; or

(5) Disability seriously interfering with the performance of duties, which is, or is likely to become, of a permanent character.

SECTION 4.03.

Convening.

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

SECTION 4.04.

Jurisdiction; powers.

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

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

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

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

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

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

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

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

SECTION 4.05.

Certiorari.

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

SECTION 4.06.

Rules for court.

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

ARTICLE V

FINANCE AND FISCAL

SECTION 5.01.

Fiscal year.

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

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

SECTION 5.02.

Preparation of budgets.

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

SECTION 5.03.

Submission of operating budget to city council.

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

SECTION 5.04.

Action by council on budget.

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

SECTION 5.05.

Audits.

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

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

SECTION 5.06.

Homestead exemptions.

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

ARTICLE VI

GENERAL PROVISIONS

SECTION 6.01.

Referendum and initial election.

(a) Unless prohibited by the federal Voting Rights Act of 1965, as amended, the election superintendent of Fulton County shall call a special election for the purpose of submitting this Act to the qualified voters of the proposed City of South Fulton for approval or rejection. The superintendent shall set the date of such election for the Tuesday next following the first Monday in November, 2006, unless:

(i) A special election shall be called by the superintendent to be held prior to that date for the purpose of submitting any other Act to incorporate a proposed city for approval or rejection, the proposed boundaries of which proposed city are in any respect contiguous with the boundaries of the proposed City of South Fulton as set forth and described herein, in which event the superintendent shall also call a special election to be held on that date for the purpose of submitting this Act to the qualified voters of the proposed City of South Fulton for approval or rejection; or

(ii) There shall be passed prior to 30 days before that date any municipal resolution proposing the annexation of any area or areas of unincorporated Fulton County in any respect, in whole or in part, contained within the boundaries of the proposed City of South Fulton as set forth and described herein, in which event the superintendent shall call a special election to be held on the next special election date permissible pursuant to the provisions of Code Section 21-2-540 of the O.C.G.A. for the purpose of submitting this Act to the qualified voters of the proposed City of South Fulton for approval or rejection. The superintendent shall issue the call for such election at least 30 days prior to the date thereof. The superintendent shall cause the date and purpose of the election to be published once a week for two weeks immediately preceding the date thereof in the official organ of Fulton County. The ballot shall have written or printed thereon the words:

"( ) YES Shall the Act incorporating the City of South Fulton in Fulton County be
( ) NO approved?"

All persons desiring to vote for approval of the Act shall vote "Yes," and those persons desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on such question are for approval of the Act, it shall become of full force and effect as provided in Section 6.02 of this Act; otherwise this Act shall not take effect and a second referendum shall be called and held in like manner on the Tuesday next following the first Monday in November, 2007. If more than one-half of the votes cast on such question are for approval of this Act, it shall become of full force and effect; otherwise it shall be void and of no force and effect. The initial expense of such election shall be borne by Fulton County. Within two years after the election if the incorporation is approved, the City of South Fulton shall reimburse Fulton County for the actual cost of printing and personnel services for such election and for the initial election of the mayor and members of the city council pursuant to subsection (b) of Section 2.02 of this Act. It shall be the duty of the superintendent to hold and conduct such election. It shall be his or her further duty to certify the result thereof to the Secretary of State.

(b) For the purposes of the referendum election provided for in this section and for the purposes of the election to be held on the next special election date thereafter permissible pursuant to the provisions of Code Section 21-2-540 of the O.C.G.A., the qualified electors of the City of South Fulton shall be those qualified electors of Fulton County residing within the corporate limits of the City of South Fulton as described by Appendix A of this Act. At subsequent municipal elections, the qualified electors of the City of South Fulton shall be determined pursuant to the authority of Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code."

(c) Only for the purposes of holding and conducting the referendum election provided for by this section and holding and conducting the election of the City of South Fulton to be held on the next special election date thereafter permissible pursuant to the provisions of Code Section 21-2-540 of the O.C.G.A., the election superintendent of Fulton County is vested with the powers and duties of the election superintendent of the City of South Fulton and the powers and duties of the governing authority of the City of South Fulton.

SECTION 6.02.

Effective dates.

(a) This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval. The provisions of this Act necessary for the election to be held on the next special election date permissible pursuant to the provisions of Code Section 21-2-540 of the O.C.G.A. following the date of the approval of this Act as provided for by Section 6.01 of this Act shall be effective upon the certification of the results of such referendum election.

(b) A period of time will be needed for an orderly transition of various government functions from Fulton County to the City of South Fulton. Accordingly, if this Act is approved as provided for by Section 6.01 of this Act, there shall be a transition period beginning the first day of the first month immediately following the special election to be held on the next special election date permissible pursuant to the provisions of Code Section 21-2-540 of the O.C.G.A. following the date of such approval, and ending at midnight of the last day of the seventeenth month following said first month after said special election. During such transition period, all provisions of this Act shall be effective as law, but not all provisions of this Act shall be implemented.

(c) During such transition period, Fulton County shall continue to provide within the territorial limits of South Fulton all government services and functions which Fulton County provided in that area as of the date of enactment of this Act, except to the extent otherwise provided in this section; provided, however, that by agreement of Fulton County and the City of South Fulton responsibility for any such service or function may be transferred to the City of South Fulton at such time as may be agreed upon by the parties. If this Act is approved as provided for by Section 6.01 of this Act, effective the first day of the first month immediately following the election to be held on the next special election date permissible pursuant to the provisions of Code Section 21-2-540 of the O.C.G.A. following the date of such approval, the City of South Fulton shall collect taxes, fees, assessments, fines and forfeitures, and other moneys within the territorial limits of South Fulton. Where a particular tax, fee, assessment, fine, forfeiture, or other amount collected is specifically related to the provision of a

particular government service or function by Fulton County, the service or function shall continue to be provided by the county contingent upon payment by the city of the actual cost of providing such service or function unless otherwise provided in a written agreement between the city and the county. Any existing contract for the performance of a governmental service with a private person residing or doing business within the city limits shall not be altered or adversely affected by the establishment of this Act of the City of South Fulton.

(d) During the transition period, the governing authority of the City of South Fulton:

(1) Shall hold regular meetings and may hold special meetings as provided in this Act;

(2) May enact ordinances and resolutions as provided in this Act;

(3) May amend this Act by home rule action as provided by general law;

(4) May accept gifts and grants;

(5) May borrow money and incur indebtedness to the extent authorized by this Act and general law;

(6) May levy and collect an ad valorem tax for the calendar year next following the first municipal election;

(7) May establish a fiscal year and budget;

(8) May create, alter, or abolish departments, boards, offices, commissions, and agencies of the city; appoint and remove officers and employees; and exercise all necessary or appropriate personnel and management functions; and

(9) May generally exercise any power granted by this Act or general law, except to the extent that a power is specifically and integrally related to the provision of a governmental service, function, or responsibility not yet provided or carried out by the city.

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

(f) During the transition period, the governing authority of South Fulton may at any time, without the necessity of any agreement by Fulton County, commence to exercise its planning and zoning powers; provided, however, that the city shall give the county at least 30 days´ written notice of the date on which the city will assume the exercise of such powers. Upon the governing authority of South Fulton commencing to exercise its planning and zoning

powers, the Municipal Court of South Fulton shall immediately have jurisdiction to enforce the planning and zoning ordinances of the city. The provisions of this subsection shall control over any conflicting provisions of any other subsection of this section.

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

SECTION 6.03.

Catchlines.

The catchlines of sections of this Act or any ordinance printed in boldface type, italics, or otherwise, are intended as mere catchwords to indicate the contents of the section, and:

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

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

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

SECTION 6.04.

Directory nature of dates.

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

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

(2) If it is not possible to hold the first regular municipal election provided for in Section 2.02 of this Act on the date specified in that section, then there shall be a special election for the initial members of the governing authority to be held as soon thereafter as is

reasonably practicable, and the commencement of the initial terms of office shall be delayed accordingly.

SECTION 6.05.

Severability.

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

SECTION 6.06.

Repealer.

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

APPENDIX A

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

All that territory lying in Fulton County south of the municipal limits of the City of Atlanta, exclusive of the following territory: and north of a line described as follows:

Fulton County

Tract: 103.01

BG: 7

7018 7024 7040 7041 7042 7043 7044 7045 7046 7047 7048 7049

7050 7051 7052 7997

Tract: 104

BG: 1

1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1015

1016 1017 1018 1019 1020 1021 1022 1023 1024 1025 1026 1027

1028 1029 1030 1031 1032 1033 1034 1035 1036 1037 1038 1039

1040 1041 1042 1043 1044 1045 1046 1047 1048 1049 1050 1051

1052 1053 1054 1055 1056 1057 1058 1059 1060 1061 1062 1063

1064 1065 1066 1067 1068 1069 1070 1071 1072 1073 1074 1075

1076 1077 1078 1079 1080 1081 1082 1083 1084 1085 1086 1087

1993 1994 1995 1996 1997 1998

BG: 2

2003 2004 2005 2006 2007 2008 2009 2010 2011 2018 2019 2020

2021 2022 2023 2024 2025 2026 2027 2028 2029 2030 2031 2032

2033 2034 2035 2036 2037 2038 2039 2040 2041 2042 2043 2044

2045 2046 2047 2048 2050 2994 2995 2996 2999

BG: 4

4002 4003 4004 4005 4039 4040 4041 4042

The corporate limits of the city shall not include the territory described in that amendment to the Constitution of Georgia creating within Fulton County the Fulton County Industrial District and prohibiting the governing authority of Fulton County from levying any tax for educational purposes within such district which amendment was proposed by 1979 House Resolution No. 1-35, Resolution Act No. 22 (Ga. L. 1979, p. 1797) and was continued in force and effect by an Act approved March 14, 1983 (Ga. L. 1983, p. 4077), and an Act approved March 30, 1986 (Ga. L. 1986, p. 4438); provided, however, that such territory shall automatically be included in the corporate limits of the city upon the repeal of such

amendment to the Constitution. The corporate limits shall not include any such territory which, on the date of approval of this Act, was a part of any other municipal corporation.

APPENDIX B

Council Districts 1 through 5 shall consist of the described territory of the City of South Fulton attached to this Act and made a part thereof and further identified as _____.

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

APPENDIX C

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

I, _____, Georgia State _____ from the ___ District and the author of this bill introduced at the 2006 Session of the General Assembly of Georgia, which grants an original municipal Act to the City of South Fulton, 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. This certificate is executed to conform to the requirements of Code Section 36-31-5 of the O.C.G.A.

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

_____

_____