

The House Committee on Governmental Affairs offers the following substitute to SB 552:

A BILL TO BE ENTITLED
AN ACT

1 To incorporate the City of South Fulton in Fulton County; to provide for a charter for the
2 City of South Fulton; 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 referenda; to provide for an automatic repeal; to
17 provide effective dates and transitional provisions governing the transfer of various functions
18 and responsibilities from Fulton County to the City of South Fulton; to provide for
19 severability; to repeal conflicting laws; and for other purposes.

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

21 **ARTICLE I**
22 **CREATION, INCORPORATION, POWERS**

- 1 (3) Building regulation. To regulate and to license the erection and construction of
2 buildings and all other structures; to adopt building, housing, plumbing, electrical, gas,
3 and heating and air conditioning codes; and to regulate all housing and building trades
4 to the extent permitted by general law;
- 5 (4) Business regulation and taxation. To levy and to provide for the collection of
6 regulatory fees and taxes on privileges, occupations, trades, and professions as authorized
7 by Title 48 of the O.C.G.A. or other such applicable laws as are or may hereafter be
8 enacted; to permit and regulate the same; to provide for the manner and method of
9 payment of such regulatory fees and taxes; and to revoke such permits after due process
10 for failure to pay any city taxes or fees;
- 11 (5) Condemnation. To condemn property, inside or outside the corporate limits of the
12 city, for present or future use and for any corporate purpose deemed necessary by the city
13 council, utilizing procedures enumerated in Title 22 of the O.C.G.A., or such other
14 applicable laws as are or may hereafter be enacted;
- 15 (6) Contracts. To enter into contracts and agreements with other governmental entities
16 and with private persons, firms, and corporations;
- 17 (7) Emergencies. To establish procedures for determining and proclaiming that an
18 emergency situation exists within or outside the city, and to make and carry out all
19 reasonable provisions deemed necessary to deal with or meet such an emergency for the
20 protection, safety, health, or well-being of the citizens of the city;
- 21 (8) Environmental protection. To protect and preserve the natural resources,
22 environment, and vital areas of the city, the region, and the state through the preservation
23 and improvement of air quality, the restoration and maintenance of water resources, the
24 control of erosion and sedimentation, the management of storm water and establishment
25 of a storm-water utility, the management of solid and hazardous waste, and other
26 necessary actions for the protection of the environment;
- 27 (9) Ethics. To adopt ethics ordinances and regulations governing the conduct of
28 municipal elected officials, appointed officials, and employees, establishing procedures
29 for ethics complaints and setting forth penalties for violations of such rules and
30 procedures;
- 31 (10) Fire regulations. To fix and establish fire limits and from time to time to extend,
32 enlarge, or restrict the same; to prescribe fire safety regulations not inconsistent with
33 general law, relating to both fire prevention and detection and to fire fighting; and to
34 prescribe penalties and punishment for violations thereof;
- 35 (11) Garbage fees. To levy, fix, assess, and collect a garbage, refuse, and trash collection
36 and disposal and other sanitary service charge, tax, or fee for such services as may be
37 necessary in the operation of the city from all individuals, firms, and corporations

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

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

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

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

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

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

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

26 (18) Municipal debts. To appropriate and borrow money for the payment of debts of the
27 city and to issue bonds for the purpose of raising revenue to carry out any project,
28 program, or venture authorized by this Act or the laws of the State of Georgia;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 **SECTION 1.04.**

10 Exercise of powers.

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

15 **ARTICLE II**

16 **GOVERNMENT STRUCTURE, ELECTIONS,**
 17 **AND LEGISLATIVE BRANCH**

18 **SECTION 2.01.**

19 City council creation; number; election.

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

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

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

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

6 **SECTION 2.04.**

7 Nonpartisan elections.

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

10 **SECTION 2.05.**

11 Election by majority vote.

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

17 **SECTION 2.06.**

18 Applicability of general laws; qualifying; other provisions.

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

25 **SECTION 2.07.**

26 Compensation and expenses.

27 The annual salary of the mayor shall be \$16,500.00 and the annual salary for each
28 councilmember shall be \$12,500.00. Such salary shall be paid from municipal funds in
29 monthly installments. The city council may provide by ordinance for the provision of

1 insurance, retirement, workers' compensation, and other employee benefits to the mayor and
2 members of the city council and may provide by ordinance for the reimbursement of
3 expenses actually and necessarily incurred by the mayor and members of the city council in
4 carrying out their official duties.

5 **SECTION 2.08.**

6 Inquiries and investigations.

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

12 **SECTION 2.09.**

13 Meetings and mayor pro tempore.

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

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

32 (b) Following the induction of the mayor and councilmembers, the city council, by a
33 majority vote of the councilmembers, shall elect a councilmember to be mayor pro tempore,

1 who shall serve for a term of four years and until a successor is elected and qualified. The
 2 mayor pro tempore shall assume the duties and powers of the mayor during the mayor's
 3 disability or absence, except that the mayor pro tempore shall continue to vote as a
 4 councilmember and may not exercise the mayor's prerogative to vote in the case of a tie.
 5 During the mayor's disability or absence, the mayor pro tempore may veto any action of the
 6 city council. If the mayor pro tempore is absent because of sickness or disqualification, any
 7 one of the remaining councilmembers, chosen by the members present, shall be clothed with
 8 all the rights and privileges of the mayor and shall perform the mayor's duties in the same
 9 manner as the mayor pro tempore.

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

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

23 **SECTION 2.10.**

24 **Quorum; voting.**

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

1 concurred with the members of the majority who did vote on the question involved. The
 2 mayor shall vote only in the case of a tie or in the case where his or her vote will provide the
 3 affirmative vote required for approval of a matter.

4 **SECTION 2.11.**

5 General power and authority of the council.

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

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 Act and the Constitution and the laws of the State of
 11 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 South Fulton and may enforce such ordinances
 14 by imposing penalties for violation thereof.

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 2.12.**

20 Administrative and service departments.

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

30 (b) The operations and responsibilities of each department now or hereafter established in
 31 the city shall be distributed among such divisions or bureaus as may be provided by
 32 ordinance of the council. Each department shall consist of such officers, employees, and

1 positions as may be provided by this Act or by ordinance and shall be subject to the general
2 supervision and guidance of the mayor and council.

3 **SECTION 2.13.**

4 Boards, commissions, and authorities.

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

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

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

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

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

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

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

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

3 **SECTION 3.02.**

4 City manager; appointment, qualification,
5 and compensation.

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

12 **SECTION 3.03.**

13 City manager; chief administrative officer.

14 The city manager shall be the chief administrative officer of the government of the City of
15 South Fulton. The city manager must devote all of his or her working time and attention to
16 the affairs of the city and shall be responsible to the mayor and council for the proper and
17 efficient administration of the affairs of the city over which said officer has jurisdiction;
18 provided, however, that the council may by resolution permit the office of city manager to
19 be a part-time position.

20 **SECTION 3.04.**

21 City manager; powers and duties enumerated.

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

- 23 (1) See that all laws and ordinances are enforced;
- 24 (2) Appoint and employ all necessary employees of the city, provided that excepted from
25 the power of this appointment are those officers and employees who by this Act are
26 appointed or elected by the council or departments not under the jurisdiction of the city
27 manager;
- 28 (3) Remove employees employed by said officer without the consent of the council and
29 without assigning any reason therefor;

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

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

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

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

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

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

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

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

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

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

31 **SECTION 3.05.**

32 Council interference with administration.

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

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

3 **SECTION 3.06.**

4 City manager; removal.

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

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

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

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

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

26 (c) If the city manager becomes disabled and is unable to carry out the duties of the office
27 or if the city manager dies, the acting city manager shall perform the duties of the city
28 manager until the city manager's disability is removed or until the city manager is replaced.
29 Removal of the city manager because of disability shall be carried out in accordance with the
30 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.

1 **ARTICLE IV**
 2 **MUNICIPAL COURT**

3 **SECTION 4.01.**

4 Creation.

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

18 **SECTION 4.02.**

19 Judge.

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

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

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

1 (d) The judge, or judge pro tempore, 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
 8 into disrepute; or

9 (5) Disability seriously interfering with the performance of duties, which is, or is likely
 10 to 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 South Fulton and
 18 for violation of its ordinances. The municipal court shall have authority to punish those in
 19 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 ensure
 25 the 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 South Fulton, or the
2 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 Act 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 South Fulton granted by state laws generally
12 to municipal courts, and particularly by such laws as authorize the abatement of nuisances.

13 **SECTION 4.05.**

14 Certiorari.

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

19 **SECTION 4.06.**

20 Rules for court.

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

24 **ARTICLE V**

25 **FINANCE AND FISCAL**

26 **SECTION 5.01.**

27 Fiscal year.

28 The council shall set the fiscal year by ordinance. Said fiscal year shall constitute the budget
29 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 Act, and for all debt service requirements for the ensuing fiscal
26 year and the total appropriations from any fund shall not exceed the estimated fund balance,
27 reserves, and revenues, constituting the fund availability of such fund.

1 subsection (b) of this section to notify the governing authority of the City of South Fulton,
2 or the designee thereof, in the event that person for any reason becomes ineligible for that
3 exemption.

4 (e) The exemption granted by subsection (b) of this section shall not apply to or affect state
5 ad valorem taxes, county ad valorem taxes for county purposes, or county or independent
6 school district ad valorem taxes for educational purposes. The homestead exemption granted
7 by subsection (b) of this section shall be in addition to and not in lieu of any other homestead
8 exemption applicable to municipal ad valorem taxes for municipal purposes.

9 (f) The exemption granted by subsection (b) of this section shall apply to all taxable years
10 beginning on or after January 1, 2007.

11 **SECTION 5.07.**

12 General homestead exemption for citizens age 65 or over.

13 (a) As used in this section, the term:

14 (1) "Ad valorem taxes for municipal purposes" means all ad valorem taxes for municipal
15 purposes levied by, for, or on behalf of the City of South Fulton except for any ad
16 valorem taxes to pay interest on and to retire municipal bonded indebtedness.

17 (2) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of
18 the O.C.G.A., as amended.

19 (3) "Senior citizen" means a person who is 65 years of age or over on or before January
20 1 of the year in which application for the exemption under subsection (b) of this section
21 is made.

22 (b) Each resident of the City of South Fulton who is a senior citizen is granted an exemption
23 on that person's homestead from City of South Fulton ad valorem taxes for municipal
24 purposes in the amount of \$15,000.00 of the assessed value of that homestead. The value of
25 that property in excess of such exempted amount shall remain subject to taxation.

26 (c) A person shall not receive the homestead exemption granted by subsection (b) of this
27 section unless the person or person's agent files an application with the governing authority
28 of the City of South Fulton, or the designee thereof, giving the person's age and such
29 additional information relative to receiving such exemption as will enable the governing
30 authority of the City of South Fulton, or the designee thereof, to make a determination
31 regarding the initial and continuing eligibility of such owner for such exemption. The
32 governing authority of the City of South Fulton, or the designee thereof, shall provide
33 application forms for this purpose.

34 (d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of
35 the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year

1 so long as the owner occupies the residence as a homestead. After a person has filed the
 2 proper application, as provided in subsection (c) of this section, it shall not be necessary to
 3 make application thereafter for any year and the exemption shall continue to be allowed to
 4 such person. It shall be the duty of any person granted the homestead exemption under
 5 subsection (b) of this section to notify the governing authority of the City of South Fulton,
 6 or the designee thereof, in the event that person for any reason becomes ineligible for that
 7 exemption.

8 (e) The exemption granted by subsection (b) of this section shall not apply to or affect state
 9 ad valorem taxes, county ad valorem taxes for county purposes, or county or independent
 10 school district ad valorem taxes for educational purposes. The homestead exemption granted
 11 by subsection (b) of this section shall be in addition to and not in lieu of any other homestead
 12 exemption applicable to municipal ad valorem taxes for municipal purposes.

13 (f) The exemption granted by subsection (b) of this section shall apply to all taxable years
 14 beginning on or after January 1, 2007.

15 **SECTION 5.08.**

16 Homestead exemption for citizens age 65 or over
 17 meeting certain income requirements.

18 (a) As used in this section, the term:

19 (1) "Ad valorem taxes for municipal purposes" means all ad valorem taxes for municipal
 20 purposes levied by, for, or on behalf of the City of South Fulton, including, but not
 21 limited to, any ad valorem taxes to pay interest on and to retire municipal bonded
 22 indebtedness.

23 (2) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of
 24 the O.C.G.A., as amended.

25 (3) "Income" means adjusted gross income as such term is defined in the Internal
 26 Revenue Code of 1986, as such code is defined in Code Section 48-1-2 of the O.C.G.A.,
 27 except that for purposes of this section the term shall include only that portion of income
 28 or benefits received as retirement, survivor, or disability benefits under the federal Social
 29 Security Act or under any other public or private retirement, disability, or pension system
 30 which exceeds the maximum amount which may be received by an individual and an
 31 individual's spouse under the federal Social Security Act.

32 (4) "Senior citizen" means a person who is 65 years of age or over on or before January
 33 1 of the year in which application for the exemption under subsection (b) of this section
 34 is made.

1 (b) Each resident of the City of South Fulton who is a senior citizen is granted an exemption
2 on that person's homestead from City of South Fulton ad valorem taxes for municipal
3 purposes in the amount of \$10,000.00 of the assessed value of that homestead. The
4 exemption granted by this subsection shall only be granted if that person's income, together
5 with the income of the spouse who also occupies and resides at such homestead does not
6 exceed the maximum amount which may be received by an individual and an individual's
7 spouse under the federal Social Security Act for the immediately preceding year. The value
8 of that property in excess of such exempted amount shall remain subject to taxation.

9 (c) A person shall not receive the homestead exemption granted by subsection (b) of this
10 section unless the person or person's agent files an application with the governing authority
11 of the City of South Fulton, or the designee thereof, giving the person's age, income, and
12 such additional information relative to receiving such exemption as will enable the governing
13 authority of the City of South Fulton, or the designee thereof, to make a determination
14 regarding the initial and continuing eligibility of such owner for such exemption. The
15 governing authority of the City of South Fulton, or the designee thereof, shall provide
16 application forms for this purpose.

17 (d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of
18 the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year
19 so long as the owner occupies the residence as a homestead. After a person has filed the
20 proper application, as provided in subsection (c) of this section, it shall not be necessary to
21 make application thereafter for any year and the exemption shall continue to be allowed to
22 such person. It shall be the duty of any person granted the homestead exemption under
23 subsection (b) of this section to notify the governing authority of the City of South Fulton,
24 or the designee thereof, in the event that person for any reason becomes ineligible for that
25 exemption.

26 (e) The exemption granted by subsection (b) of this section shall not apply to or affect state
27 ad valorem taxes, county ad valorem taxes for county purposes, or county or independent
28 school district ad valorem taxes for educational purposes. The homestead exemption granted
29 by subsection (b) of this section shall be in addition to and not in lieu of any other homestead
30 exemption applicable to municipal ad valorem taxes for municipal purposes.

31 (f) The exemption granted by subsection (b) of this section shall apply to all taxable years
32 beginning on or after January 1, 2007.

1 (2) A person shall not receive the homestead exemption granted by subsection (b) of this
 2 section unless the person or person's agent files an application with the governing
 3 authority of the City of South Fulton, or the designee thereof, giving the person's age,
 4 income, and such additional information relative to receiving such exemption as will
 5 enable the governing authority of the City of South Fulton, or the designee thereof, to
 6 make a determination regarding the initial and continuing eligibility of such owner for
 7 such exemption. The governing authority of the City of South Fulton, or the designee
 8 thereof, shall provide application forms for this purpose.

9 (d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of
 10 the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year
 11 so long as the owner occupies the residence as a homestead. After a person has filed the
 12 proper application, as provided in subsection (c) of this section, it shall not be necessary to
 13 make application thereafter for any year and the exemption shall continue to be allowed to
 14 such person. It shall be the duty of any person granted the homestead exemption under
 15 subsection (b) of this section to notify the governing authority of the City of South Fulton,
 16 or the designee thereof, in the event that person for any reason becomes ineligible for that
 17 exemption.

18 (e) The exemption granted by subsection (b) of this section shall not apply to or affect state
 19 ad valorem taxes, county ad valorem taxes for county purposes, or county or independent
 20 school district ad valorem taxes for educational purposes. The homestead exemption granted
 21 by subsection (b) of this section shall be in addition to and not in lieu of any other homestead
 22 exemption applicable to municipal ad valorem taxes for municipal purposes.

23 (f) The exemption granted by subsection (b) of this section shall apply to all taxable years
 24 beginning on or after January 1, 2007.

25 **ARTICLE VI**

26 **GENERAL PROVISIONS**

27 **SECTION 6.01.**

28 **Referendum and initial election.**

29 (a) Unless prohibited by the federal Voting Rights Act of 1965, as amended, the election
 30 superintendent of Fulton County shall call a special election for the purpose of submitting
 31 this Act to the qualified voters of the proposed City of South Fulton for approval or rejection.
 32 The superintendent shall set the date of such election for the third Tuesday in June, 2007. The
 33 superintendent shall issue the call for such election at least 30 days prior to the date thereof.
 34 The superintendent shall cause the date and purpose of the election to be published once a

1 week for two weeks immediately preceding the date thereof in the official organ of Fulton
2 County. The ballot shall have written or printed thereon the words:

3 "() YES Shall the Act incorporating the City of South Fulton in Fulton County and
4 () NO granting homestead exemption described therein be approved?"

5 All persons desiring to vote for approval of the Act shall vote "Yes," and those persons
6 desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes
7 cast on such question are for approval of the Act, it shall become of full force and effect as
8 provided in Section 6.02 of this Act; otherwise this Act shall not take effect and shall be void
9 and of no force and effect. The initial expense of such election shall be borne by Fulton
10 County. Within two years after the election if the incorporation is approved, the City of
11 South Fulton shall reimburse Fulton County for the actual cost of printing and personnel
12 services for such election and for the initial election of the mayor and members of the city
13 council pursuant to subsection (b) of Section 2.02 of this Act. It shall be the duty of the
14 superintendent to hold and conduct such election. It shall be his or her further duty to certify
15 the result thereof to the Secretary of State.

16 (b) For the purposes of the referendum election provided for in this section and for the
17 purposes of the election to be held on the Tuesday next following the first Monday in
18 November, 2007, the qualified electors of the City of South Fulton shall be those qualified
19 electors of Fulton County residing within the corporate limits of the City of South Fulton as
20 described by Appendix A of this Act. At subsequent municipal elections, the qualified
21 electors of the City of South Fulton shall be determined pursuant to the authority of Chapter
22 2 of Title 21 of the O.C.G.A., the "Georgia Election Code."

23 (c) Only for the purposes of holding and conducting the referendum election provided for
24 by this section and holding and conducting the election of the mayor and city
25 councilmembers of the City of South Fulton to be held on the Tuesday next following the
26 first Monday in November, 2007, the election superintendent of Fulton County is vested with
27 the powers and duties of the election superintendent of the City of South Fulton and the
28 powers and duties of the governing authority of the City of South Fulton.

29 **SECTION 6.02.**

30 Effective dates.

31 (a) Section 6.01 of this Act shall become effective upon its approval by the Governor or
32 upon its becoming law without such approval. The remaining provisions of this Act shall
33 become effective on October 30, 2006; provided, however, that the provisions of this Act
34 necessary for the election to be held on the next special election date permissible pursuant
35 to the provisions of Code Section 21-2-540 of the O.C.G.A. following the date of the

1 approval of this Act as provided for by Section 6.01 of this Act shall be effective upon the
2 certification of the results of such referendum election.

3 (b) A period of time will be needed for an orderly transition of various government functions
4 from Fulton County to the City of South Fulton. Accordingly, there shall be a transition
5 period beginning on October 30, 2006, and ending at midnight of the last day of the
6 twenty-fourth month following such date. During such transition period, all provisions of this
7 Act shall be effective as law, but not all provisions of this Act shall be implemented.

8 (c) During such transition period, Fulton County shall continue to provide within the
9 territorial limits of South Fulton all government services and functions which Fulton County
10 provided in that area as of the date of enactment of this Act, except to the extent otherwise
11 provided in this section; provided, however, that by agreement of Fulton County and the City
12 of South Fulton responsibility for any such service or function may be transferred to the City
13 of South Fulton at such time as may be agreed upon by the parties. Beginning on December
14 1, 2007, the City of South Fulton shall collect taxes, fees, assessments, fines and forfeitures,
15 and other moneys within the territorial limits of South Fulton; provided, however, that upon
16 at least 30 days' prior written notice to Fulton County by the City of South Fulton, the
17 authority to collect any tax, fee, assessment, fine, forfeiture, or other moneys shall remain
18 with Fulton County after December 1, 2007, until such time as Fulton County receives
19 subsequent notice from the City of South Fulton that such authority shall be transferred to
20 the City of South Fulton. Where a particular tax, fee, assessment, fine, forfeiture, or other
21 amount collected is specifically related to the provision of a particular government service
22 or function by Fulton County, the service or function shall continue to be provided by the
23 county contingent upon payment by the city of the actual cost of providing such service or
24 function unless otherwise provided in a written agreement between the city and the county.
25 Any existing contract for the performance of a governmental service with a private person
26 residing or doing business within the city limits shall not be altered or adversely affected by
27 the establishment of this Act of the City of South Fulton.

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

- 29 (1) Shall hold regular meetings and may hold special meetings as provided in this Act;
- 30 (2) May enact ordinances and resolutions as provided in this Act;
- 31 (3) May amend this Act by home rule action as provided by general law;
- 32 (4) May accept gifts and grants;
- 33 (5) May borrow money and incur indebtedness to the extent authorized by this Act and
34 general law;
- 35 (6) May levy and collect an ad valorem tax for the calendar year next following the first
36 municipal election;
- 37 (7) May establish a fiscal year and budget;

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

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

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

16 (f) During the transition period, the governing authority of South Fulton may at any time,
 17 without the necessity of any agreement by Fulton County, commence to exercise its planning
 18 and zoning powers; provided, however, that the city shall give the county at least 30 days'
 19 written notice of the date on which the city will assume the exercise of such powers. Upon
 20 the governing authority of South Fulton commencing to exercise its planning and zoning
 21 powers, the Municipal Court of South Fulton shall immediately have jurisdiction to enforce
 22 the planning and zoning ordinances of the city. The provisions of this subsection shall control
 23 over any conflicting provisions of any other subsection of this section.

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

28 **SECTION 6.03.**

29 Catchlines.

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

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

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

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

4 **SECTION 6.04.**

5 Directory nature of dates.

6 If it is necessary to delay any action called for in this Act for providential cause, delay in
7 securing approval under the federal Voting Rights Act, or any other reason, it is the intention
8 of the General Assembly that the action be delayed rather than abandoned. Any delay in
9 performing any action under this Act, whether for cause or otherwise, shall not operate to
10 frustrate the overall intent of this Act. Without limiting the generality of the foregoing, it is
11 specifically provided that:

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

15 (2) If it is not possible to hold the first regular municipal election provided for in Section
16 2.02 of this Act on the date specified in that section, then there shall be a special election
17 for the initial members of the governing authority to be held as soon thereafter as is
18 reasonably practicable, and the commencement of the initial terms of office shall be
19 delayed accordingly.

20 **SECTION 6.05.**

21 Severability.

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

29 **SECTION 6.06.**

30 Repealer.

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

1

APPENDIX A

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

4 All that territory lying in Fulton County south of the municipal limits of the City of Atlanta,
5 exclusive of the following territory:

6 Fulton County

7 Tract: 103.01

8 Tract: 103.03

9 BG: 1

10 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1039 1040

11 1041 1042 1996 1997 1998 1999

12 BG: 2

13 Tract: 103.04

14 BG: 4

15 BG: 5

16 5003 5004 5005 5014 5015 5017 5018 5019 5020 5021 5022 5023

17 5024 5025 5026 5027 5028 5029 5030 5031 5032 5033 5034 5035

18 5036 5037 5038 5039 5040 5041

19 Tract: 104

20 BG: 1

21 1000 1001 1002 1003 1004 1005 1006 1007 All that portion of block 1008

22 located easterly of Pea Creek/Little Pea Creek to its intersection of

23 Hemp Road and Rivertown Road 1009 1011 1085

24 1086 1087 1088 1999

25 BG: 4

26 4000 4001 4006 4007 4009 4010 4013 4014 4015 4016 4017 4018

27 4019 4020 4021 4026 4028 4031 4032 4045 4046 4047 4048 4049

28 4050 4051 4052 4053 4054 4055 4056 4057 4058 4059

29 Tract: 105.07

30 BG: 1

31 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013

32 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023 1024 1998

33 BG: 3

34 3001 3002 3003 3004 3005 3006 3007 3008 3009 3010 3011 3012

35 3013 3014 3015 3016 3017 3018 3019 3999

36 BG: 9

1 9003 9004 9005 9008 9010 9011 9012 9013 9014 9015 9016 9017
2 9018 9022 9023 9024 9026 9028 9998
3 Tract: 105.08
4 Tract: 105.09
5 BG: 1
6 BG: 2
7 BG: 3
8 3000 3001 3002 3003 3004 3005 3006 3007 3008 3009 3010 3011
9 3012 3013 3014 3015 3016 3017 3018 3019 3020 3021 3022 3023
10 3034 3035 3036 3037 3998 3999
11 Tract: 105.10
12 BG: 4
13 BG: 5
14 5000 5001 5005 5009 5010 5011 5012 5013 5014 5015 5016 5017
15 5018 5019 5020 5026 5027 5036
16 BG: 6
17 6001 6002 6005 6006 6007 6008 6009 6010 6011 6012 6013 6014
18 6015 6016 6017 6020 6021 6022 6023 6024 6025 6026 6027 6028
19 6029 6035 6036 6037 6038 6043 6044 6045 6046 6047 6055 6057
20 6058 6059 6061 6062 6063 6064 6065 6066 6067 6068 6069 6070
21 6071 6072 6073 6074 6075 6076 6077
22 Tract: 105.11
23 BG: 1
24 1000 1001 1002 1003 1004 1005 1006 1007
25 1008 1009 1010 1011 1012 1013 1014 1015
26 1016 1017 1018 1019 1020 1021 1022 1023
27 1024 1025 1026 1027 1028 1029 1030 1034
28 BG: 2
29 BG: 4
30 4000 4001 4002 4003 4004 4005 4006 4007 4008
31 Tract: 105.12
32 BG: 5
33 5000 5001 5002 5005 5018
34 BG: 6
35 6000 6001 6003 6005 6033 6034
36 Tract: 105.13
37 BG: 2

1 2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011
 2 2012 2013 2014 2015 2016 2017 2018 2019 2020 2021 2022 2023
 3 2024 2025 2026 2027 2028 2029 2030 2031 2032 2033 2034 2035
 4 2036 2037 2041 2042 2056 2057 2997
 5 BG: 8
 6 8024 8025 8026 8027 8028 8029 8030 8031 8032 8033
 7 Tract: 105.14
 8 BG: 4
 9 4000 4001 4002 4003 4004 4005 4006 4007 4008 4009 4010 4011
 10 4012 4013 4014 4015 4016 4017 4018 4019 4020 4021 4022 4023
 11 4024 4025 4026 4027 4028 4029 4030 4031 4032 4034 4035 4065
 12 4066 4067 4068 4069 4070 4071 4072 4073 4074 4075 4078 4079
 13 4080 4081 4082 4083 4084 4085 4088 4089 4090 4998 4999
 14 BG: 6
 15 6000 6003 6041 6043 6044 6046 6051
 16 Tract: 106.04
 17 BG: 3
 18 3012 3013 3014 3015 3016 3017 3018
 19 Tract: 113.04
 20 BG: 1
 21 1030 1033 1034 1035 1036 1049 1060 1061 1063 1064 1065 1066
 22 1067 1068 1069 1070
 23 Tract: 77.01
 24 BG: 5
 25 5001 5002 5003 5004 5005 5006
 26 Tract: 77.02
 27 BG: 4
 28 4008 4011 4012 4013 4014 4997
 29 Tract: 78.02
 30 BG: 1
 31 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1016
 32 1017 1018 1033 1034 1035 1036 1037 1038 1040
 33 BG: 2
 34 2001 2002 2006 2007 2008 2009 2010
 35 Tract: 78.05
 36 BG: 1
 37 1001 1002 1003 1004 1005 1008 1009 1010 1011 1012 1013 1014

1 1015 1016 1017 1018 1019 1020 1021 1022 1023 1027 1028 1029

2 1030 1031 1999

3 BG: 2

4 2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011

5 2012 2013 2014 2015 2019 2020 2021 2022 2023 2024 2031 2032

6 2033 2035 2036 2037 2038 2039 2040 2999

7 Tract: 78.06

8 BG: 2

9 2013 2014 2016 2017 2018 2028 2029 2030 2031

10 Tract: 79

11 BG: 3

12 3021 3022 3026 3027 3028 3029

13 Tract: 82.02

14 BG: 4

15 4001 4002 4004 4007 4008 4998

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

25 The corporate limits shall not include any such territory which, on the date of approval of this
 26 Act by the voters, was a part of any other municipal corporation.

1

APPENDIX B

2 Council Districts 1 through 5 shall consist of the described territory of the City of South
3 Fulton attached to this Act and made a part thereof and further identified as Plan Name:
4 sfulccp1re Plan Type: Local User: staff Administrator: SthFulton. When used in such
5 attachment, the terms "Tract" and "BG" (Block Group) shall mean and describe the same
6 geographical boundaries as provided in the report of the Bureau of the Census for the United
7 States decennial census of 2000 for the State of Georgia. The separate numeric designations
8 in a Tract description which are underneath a "BG" heading shall mean and describe
9 individual Blocks within a Block Group as provided in the report of the Bureau of the Census
10 for the United States decennial census of 2000 for the State of Georgia. Any part of the City
11 of South Fulton which is not included in any such district described in that attachment shall
12 be included within that district contiguous to such part which contains the least population
13 according to the United States decennial census of 2000 for the State of Georgia. Any part
14 of the City of South Fulton which is described in that attachment as being in a particular
15 district shall nevertheless not be included within such district if such part is not contiguous
16 to such district. Such noncontiguous part shall instead be included with that district
17 contiguous to such part which contains the least population according to the United States
18 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, _____, Georgia State _____ from the ___ District
 5 and the author of this bill introduced at the 2006 Session of the General Assembly of
 6 Georgia, which grants an original municipal Act to the City of South Fulton, do hereby
 7 certify that this bill is in compliance with the minimum standards required by Chapter 31 of
 8 Title 36 of the O.C.G.A. This certificate is executed to conform to the requirements of Code
 9 Section 36-31-5 of the O.C.G.A.

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

11 _____
 12 _____