

House Bill 755

By: Representatives Heckstall of the 62nd and Holmes of the 61st

A BILL TO BE ENTITLED
AN ACT

1 To provide a new charter for the City of East Point; to provide for reincorporation,
2 boundaries, and powers of the city; to provide for a governing authority of such city and the
3 powers, duties, authority, election, terms, vacancies, compensation, expenses, qualifications,
4 prohibitions, conflicts of interest, and suspension and removal from office relative to
5 members of such governing authority; to provide for inquiries and investigations; to provide
6 for oaths, organization, meetings, quorum, voting, rules, and procedures; to provide for
7 ordinances and codes; to provide for a mayor and certain duties, powers, and other matters
8 relative thereto; to provide for administrative affairs and responsibilities; to provide for
9 boards, commissions, and authorities; to provide for a city attorney, a city clerk, a city
10 manager, and other personnel and matters relating thereto; to provide for rules and
11 regulations; to provide for a municipal court and the judge or judges thereof and other
12 matters relative to such judges; to provide for the court's jurisdiction, powers, practices, and
13 procedures; to provide for the right of certiorari; to provide for elections; to provide for
14 taxation, licenses, and fees; to provide for franchises, service charges, and assessments; to
15 provide for bonded and other indebtedness; to provide for auditing, accounting, budgeting,
16 and appropriations; to provide for city contracts and purchasing; to provide for the
17 conveyance of property and interests therein; to provide for prior ordinances and rules,
18 pending matters, and existing personnel; to provide for penalties; to provide for definitions
19 and construction; to restate a homestead exemption; to provide for other matters relative to
20 the foregoing; to repeal a specific Act and amendments thereto; to provide for an effective
21 date; to repeal conflicting laws; and for other purposes.

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

23 CHARTER AND RELATED LOCAL LAWS
24 OF THE CITY OF EAST POINT, GEORGIA

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33 **CHARTER AND RELATED LOCAL LAWS**
34 **OF THE CITY OF EAST POINT, GEORGIA**

BILL OF RIGHTS

1
2 This Bill of Rights is aspirational in nature. It incorporates guiding principles from the
3 United States Constitution, as well as the Georgia Constitution. It reflects the beliefs,
4 convictions, and goals of the citizens of East Point, the mayor, city council, city manager,
5 and all departments of city government.

6 1. All persons are born free and equal in dignity and rights. They are endowed with reason
7 and conscience and should act toward one another with respect.

8 2. All government, of right, originates with the people, is founded on their will alone, and
9 is instituted to protect the rights of the individual and to provide for the general welfare of
10 the people.

11 3. The people have the right to a government responsive to their will and the right to take
12 part in the governing of the city, either directly or through freely chosen representatives.

13 4. The people have the right to lawful and peaceful assembly, to petition the government
14 for redress of grievances, and to equal access to public services.

15 5. The people have the right to life, liberty, and security of person; the right to live free
16 from fear or violence; and the right to safe neighborhoods conducive to the enjoyment of
17 liberty.

18 6. No law shall deprive any person of any rights, privileges, or immunities secured by the
19 Constitution and laws of the United States or the State of Georgia, nor shall any law
20 discriminate against any person because of race, color, gender, age, religion, marital status,
21 national origin, disability, sexual orientation, culture, language, or political affiliation.

22 7. The people have the right to freedom of opinion and expression. No law shall restrain
23 freedom of speech or freedom of press.

24 8. The people have the right to freedom of thought, conscience, and religion. No law shall
25 be enacted respecting an establishment of religion.

26 9. The people have the right to a government of the highest ethical standards, free from
27 corruption, untainted by graft, and conducted in accordance with sound fiscal planning and
28 administration.

29 10. The natural resources of the city and the healthful, scenic, historic, and aesthetic
30 quality of the municipal environment shall be protected, conserved, and replenished insofar
31 as possible consistent with the health, safety, and welfare of the people.

32 11. This Bill of Rights shall not create any enforceable rights, duties, obligations, or causes
33 of action under this charter beyond those guaranteed by the Constitution of the United
34 States or the Constitution of the State of Georgia.

1 **Article I. REINCORPORATION, BOUNDARIES, AND POWERS**

2 **Section 1-101. Reincorporation.**

3 By enactment of this charter, the City of East Point shall be reincorporated and shall continue
 4 as a body politic and corporate of the State of Georgia. The city shall have perpetual
 5 duration and shall be vested with all authority, rights, powers, jurisdiction, privileges,
 6 exemptions, and immunities conferred by law and shall have all duties, obligations, and
 7 liabilities imposed by law.

8 **Section 1-102. Boundaries.**

9 (a) The boundaries of this city shall be those existing on the effective date of the adoption
 10 of this charter, with such alterations as may be made from time to time in the manner
 11 provided by law. The boundaries of the city shall at all times be shown on a map and set
 12 forth in a written legal description, both of which shall be maintained permanently in the
 13 office of the city clerk and shall be designated as: "Official Map and Official Legal
 14 Description of the corporate limits of the City of East Point, Georgia." Copies of such map
 15 and legal description certified by the city clerk shall be admitted as evidence in all courts and
 16 shall have the same force and effect as the original official map and legal description.

17 (b) The city council may provide for the redrawing of such map and the amendment of such
 18 legal description by ordinance to reflect lawful changes in the corporate boundaries of the
 19 city. A map which is redrawn or a legal description which is amended pursuant to city
 20 council ordinance shall supersede for all purposes the map and legal description which it is
 21 designated to replace.

22 **Section 1-103. Powers.**

23 (a) Specific Powers. The city shall have the following specifically enumerated powers:

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

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

- 1 (3) Attracting Commerce and Industry. To make appropriations and authorize the
2 expenditure of money in advertising and public relations for the purpose of causing
3 commerce and industry to locate and to remain in the city;
- 4 (4) Building Regulation. To regulate and to license the erection and construction of
5 buildings and all other structures; to adopt building, housing, plumbing, electrical, gas, and
6 heating and air conditioning codes; and to regulate all housing and building trades;
- 7 (5) Business Regulation and Taxation. To levy and to provide for the collection of
8 regulatory fees and taxes on privileges, occupations, trades, and professions as authorized
9 by Title 48 of the Official Code of Georgia Annotated or such other applicable laws as are
10 or may hereafter be enacted; to permit and regulate the same; to provide for the manner and
11 method of payment of such regulatory fees and taxes; and to revoke such permits after due
12 process for failure to pay any city taxes or fees;
- 13 (6) Condemnation. To condemn property, inside or outside the incorporated limits of the
14 city, for present or future public use deemed necessary by the governing authority, utilizing
15 procedures enumerated in Title 22 of the Official Code of Georgia Annotated or such other
16 applicable laws as are or may hereafter be enacted;
- 17 (7) Consolidation. To transfer or consolidate functions of the city government to or with
18 appropriate functions of the state, county, or other municipal government or to make use
19 of such functions of the state, county, or other municipal government;
- 20 (8) Contracts. To enter into contracts and agreements with other governmental entities and
21 with private persons, firms, and corporations;
- 22 (9) Emergencies. To establish procedures for determining and proclaiming that an
23 emergency situation exists inside or outside the city and to make and carry out all
24 reasonable provisions deemed necessary to deal with or meet such an emergency for the
25 protection, safety, health, or well-being of the citizens of the city;
- 26 (10) Environmental Protection. To protect and preserve the natural resources,
27 environment, and vital areas of the City through the preservation and improvement of air
28 quality, the restoration and maintenance of water resources, the control of erosion and
29 sedimentation, the management of solid and hazardous waste, and other necessary actions
30 for the protection of the environment;
- 31 (11) Fire Regulation. 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 (12) Garbage Fees. To levy, fix, assess, and collect garbage, refuse, trash collection and
36 disposal, and other sanitary service charges, taxes, or fees for such services as may be
37 necessary in the operation of the city from all individuals, firms, and corporations residing

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

4 (13) 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, cleanliness,
6 welfare, and safety of the inhabitants of the city; to provide for the enforcement of such
7 standards; to adopt ordinances to protect the health, peace, safety, good order, dignity, and
8 general welfare of the city and its inhabitants; and to prohibit and regulate conduct and
9 activities within said city which, while not constituting an offense against the laws of this
10 state, is deemed by the governing authority to be detrimental and offensive to the peace,
11 good order, and dignity of the city and to the welfare and morals of its inhabitants;

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

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

17 (16) Indigent Defense. To contract with the office of the circuit public defender of the
18 judicial circuit in which the city is located to provide defense counsel to indigent persons
19 appearing before municipal courts in relation to alleged violations of municipal ordinances,
20 county ordinances, or state law;

21 (17) Intergovernmental Cooperation. To cooperate or join by contract or otherwise with
22 other cities, counties, the state or nation, or other governmental bodies, singly or jointly,
23 or in districts or associations for promoting or carrying out any of the powers of the city
24 or any of the purposes or objects authorized by this charter;

25 (18) Jail Sentences. To provide that persons given jail sentences in the municipal court
26 may work out such sentences in any public works or on the streets, roads, drains, and other
27 public property in the city; to provide for commitment of such persons to any jail; or to
28 provide for commitment of such persons to any county work camp or county jail by
29 agreement with the appropriate county officials;

30 (19) Motor Vehicles. To regulate the operation of motor vehicles and exercise control
31 over all traffic, including parking upon or across the streets, roads, alleys, and walkways
32 of the city; to provide by ordinance for the city police to impound motor vehicles and other
33 personal property which they have lawfully seized after such vehicles have been stolen,
34 lost, wrecked, abandoned, or wrongfully left upon streets or public or private parking lots,
35 areas, drives, or elsewhere in the city without authority or permission of the owner; and to
36 provide by ordinance for the sale and disposition of such property;

- 1 (20) Municipal Agencies. To create, alter, or abolish departments, boards, offices,
2 commissions, and authorities of the city and to confer upon such agencies the necessary
3 and appropriate authority for carrying out all powers conferred upon or delegated to the
4 same;
- 5 (21) Municipal Associations. To become a member of and pay dues to the Georgia
6 Municipal Association and the National League of Cities and in such other state, regional,
7 or national municipal associations as to which the city would qualify as a member, and to
8 permit officers and employees of the city to attend meetings, conferences, seminars, and
9 conventions of such associations at city expense;
- 10 (22) Municipal Debts. To appropriate and borrow money for the payment of debts of the
11 city and to issue bonds for the purpose of raising revenue to carry out any project, program,
12 or venture authorized by this charter or the laws of the State of Georgia;
- 13 (23) Municipal Property Ownership. To acquire, dispose of, lease, and hold in trust or
14 otherwise any real, personal, or mixed property, in fee simple or lesser interest, inside or
15 outside the property limits of the city;
- 16 (24) Municipal Property Protection. To provide for the preservation and protection of
17 property and equipment of the city and the administration and use of same by the public,
18 and to prescribe penalties and punishment for violations thereof;
- 19 (25) Municipal Utilities. To acquire, lease, construct, operate, maintain, sell, and dispose
20 of public utilities, including, but not limited to, a system of waterworks, sewers and drains,
21 sewage disposal, gas works, electric light plants, cable television and other
22 telecommunications, transportation facilities, public airports, and any other public utility;
23 to fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties; and to
24 provide for the withdrawal of service for refusal or failure to pay the same;
- 25 (26) Nuisance. To define a nuisance and provide for its abatement whether on public or
26 private property;
- 27 (27) Penalties. To provide penalties for violation of any ordinances adopted pursuant to
28 the authority of this charter and the laws of the State of Georgia;
- 29 (28) Pensions. To provide and maintain a system of pensions and retirement for city
30 officials and employees, as provided by the laws of the State of Georgia;
- 31 (29) Planning and Zoning. To provide comprehensive city planning for development by
32 zoning and to provide subdivision regulation and the like as the city council deems
33 necessary and reasonable to insure a safe, healthy, and aesthetically pleasing community;
- 34 (30) Police and Fire Protection. To exercise the power of arrest through duly appointed
35 police officers and to establish, operate, or contract for a police and a fire-fighting agency;
- 36 (31) Public Hazards: Removal. To provide for the destruction and removal of any building
37 or other structure that is or may become dangerous or detrimental to the public;

1 (32) Public Housing. To exercise the power and to provide services in the area of public
2 housing; to make appropriations and to authorize expenditure of funds for such purposes;
3 and to provide a definition of public housing;

4 (33) Public Improvements. To provide for the acquisition, construction, building,
5 operation, and maintenance of public ways, parks and playgrounds, recreational facilities,
6 cemeteries, markets and market houses, public buildings, libraries, public housing, airports,
7 hospitals, terminals, docks, parking facilities, and charitable, cultural, educational,
8 recreational, conservation, sport, curative, corrective, detention, penal, and medical
9 institutions, agencies, and facilities and to provide any other public improvements;

10 (34) Public Peace. To provide for the prevention and punishment of drunkenness, riots,
11 and public disturbances;

12 (35) Public Transportation. To organize and operate such public transportation systems
13 as are deemed beneficial;

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

19 (37) Regulation of Roadside Areas. To prohibit or regulate and control the erection,
20 removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any and
21 all other structures or obstructions upon or adjacent to the rights of way of streets and roads
22 or within view thereof, within or abutting the corporate limits of the city, and to prescribe
23 penalties and punishment for violation of such ordinances;

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

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

33 (40) Sewer Fees. To levy a fee, charge, or sewer tax as necessary to assure the acquiring,
34 constructing, equipping, operating, maintaining, and extending of a sewage disposal plant
35 and sewerage system; to levy on those to whom sewers and sewerage systems are made
36 available a sewer service fee, charge, or sewer tax for the availability or use of the sewers;
37 to provide for the manner and method of collecting such service charges and for enforcing

- 1 payment of the same; and to charge, impose, and collect a sewer connection fee or fees to
2 those connected with the system;
- 3 (41) Solid Waste Disposal. To provide for the collection and disposal of garbage, rubbish,
4 and refuse and to regulate the collection and disposal of garbage, rubbish, and refuse by
5 others; to provide for the separate collection of glass, tin, aluminum, cardboard, paper, and
6 other recyclable materials; and to provide for the sale of such items;
- 7 (42) Special Areas of Public Regulation. To regulate or prohibit junk dealers; pawn shops;
8 the manufacture, sale, or transportation of intoxicating liquors; and the use of firearms; to
9 regulate the transportation, storage, and use of combustible, explosive, and inflammable
10 materials, the use of lighting and heating equipment, and any other business or situation
11 which may be dangerous to persons or property; and to regulate and control the conduct
12 of peddlers and itinerant traders; and to provide lawful time, manner, and location
13 regulation of theatrical performances, exhibitions, and shows;
- 14 (43) Special Assessments. To levy and provide for the collection of special assessments
15 to cover the costs for any public improvements;
- 16 (44) Special Tax Districts. To provide by ordinance for the creation of one or more taxing
17 districts whereby ad valorem taxes shall be assessed, levied, and collected by the city in
18 accordance with the kind, character, type, and degree of services provided by the city
19 within said taxing districts; to provide by ordinance that the rate of ad valorem taxation
20 may vary in one district from that in another district or districts; and to provide by
21 ordinance that the authority, duties, liabilities, and functions of the city may vary from tax
22 district to tax district;
- 23 (45) Taxes: Ad Valorem. To levy and provide for the assessment, valuation, revaluation,
24 and collection of taxes on all property subject to taxation;
- 25 (46) Taxes: Other. To levy and collect such other taxes as may be allowed now or in the
26 future by law;
- 27 (47) Taxicabs and Vehicles for Hire. To regulate and license taxicabs and other vehicles
28 operated for hire in the city; to limit the number of such vehicles; to require the operators
29 thereof to be licensed; to require public liability insurance on such vehicles in the amounts
30 to be prescribed by ordinance; and to regulate the parking of such vehicles; and
- 31 (48) Urban Redevelopment. To organize and operate urban redevelopment programs.
- 32 (b) General Powers. In addition to all powers specifically enumerated and granted in this
33 charter, the city shall be vested with any and all powers which municipal corporations are or
34 may hereafter be authorized to exercise under the constitution and laws of the State of
35 Georgia as fully and completely as though such powers were specifically enumerated in this
36 charter. The city shall have all powers of self-government not otherwise prohibited by this
37 charter or by general law. The powers of the city shall be construed liberally in favor of the

1 city, and the specific mention or failure to mention particular powers shall not be construed
2 as limiting in any way the powers of the city.

3 **Article II. GOVERNANCE**

4 Chapter 1 City Council and Mayor

5 **Section 2-101. City Council.**

6 All legislative powers and authority of the city shall be vested in a city council to be
7 composed of a mayor and eight councilmembers. The city council established shall in all
8 respects be a successor to and continuation of the governing authority under prior law. The
9 mayor and councilmembers shall be elected in the manner provided by general law and this
10 charter. The mayor and councilmembers shall receive compensation and expenses for their
11 services as provided by ordinance.

12 **Section 2-102. Mayor.**

13 (a) The mayor shall serve as the chief spokesperson for the city and chief advocate of
14 formally approved and adopted city policy. In addition, the mayor shall preside at all
15 meetings of the city council and shall be recognized as the head of the city government for
16 all ceremonial purposes and by the governor for purposes of military law. The mayor shall
17 sign ordinances and resolutions only on their passage; shall sign deeds, bonds, contracts, and
18 other instruments approved by the city council as required by law; and shall appoint city
19 council committees and such other committees subject to city council approval and as
20 provided by law. The mayor shall serve the city in a part-time capacity. Unless otherwise
21 expressly provided by law or this Charter, the mayor shall have no vote on any question
22 before the city council except in case of a tie.

23 (b) The mayor shall have power to veto any action of the city council except its appointment,
24 suspension, and termination of officers and employees and except in an impeachment
25 resolution against the mayor or a resolution of removal of the mayor; and no act shall take
26 effect over such veto unless subsequently passed by the affirmative vote of at least five
27 councilmembers on a yea-and-nay vote duly recorded in the minutes of the city council at
28 the next regular meeting, and said measure shall not again be considered or acted upon within
29 less than 90 days with unanimous consent of all councilmembers who are present, except in
30 case of a substantial change of condition material to the subject matter of such measure and
31 unless disapproved by the mayor's veto filed in writing with the city clerk by the conclusion
32 of the third day after the date such action was taken, with the reasons for withholding the
33 mayor's assent, which shall take effect as if signed and approved by the mayor, but if the
34 mayor approves it, the measure shall go into effect immediately upon such approval; unless
35 affirmatively asserted by the mayor, his approval shall be assumed; in the event of a veto,

1 such action shall stand disapproved until and unless such measure shall again be passed as
2 aforesaid by affirmative vote of at least five councilmembers.

3 **Section 2-103. Mayor Pro Tempore.**

4 The city council shall, in January of each year, elect one of its members as mayor pro
5 tempore for that year. Such member shall discharge the duties and exercise the powers and
6 authority of mayor in the absence, disability, or disqualification of the mayor and during a
7 vacancy in the office of mayor, provided that his or her rights and duties as a councilmember
8 shall remain unimpaired; except that he or she shall not receive the salary and expense of a
9 councilmember while receiving the salary and expense of mayor; nor shall appointment
10 authority vest with the mayor pro tempore unless there is a vacancy in the office of mayor.

11 **Section 2-104. Qualifications of Mayor and Councilmembers.**

12 (a) No person shall be eligible to hold the office of mayor unless such person:

13 (1) Is at least 21 years of age at the time of being sworn into office;

14 (2) Is a registered voter of the city; and

15 (3) Has continuously resided and maintained his or her domicile in the city for at least one
16 year immediately preceding his or her election as mayor of the city.

17 (b) No one shall hold the office of councilmember unless such person;

18 (1) Is at least 21 years of age at the time of being sworn into office;

19 (2) Is a registered voter of the city;

20 (3) Is a resident in one of the four specified wards for an at-large district

21 (4) Has continuously resided in and maintained his or her domicile in the city for at least
22 one year immediately preceding his or her election as a councilmember in the city; and

23 (5) Has been a resident within the ward to which such councilmember was elected for a
24 period of six months prior to qualifying.

25 Each councilmember must reside in the ward to which that member was elected during that
26 member's entire term of office.

27 (c) Every individual who has been elected to a first term as mayor or councilmember of the
28 city shall attend the municipal training course required by Chapter 45 of Title 36 of the
29 O.C.G.A. or such other applicable laws as are or may hereafter be enacted. Such newly
30 elected official shall attend the first or second available offered course after being sworn into
31 office. Failure to attend one of such municipal training courses shall be grounds for removal
32 from office.

1 **Section 2-105. Terms of Mayor and Councilmembers.**

2 The mayor and members of the city council shall serve for terms of four years and until their
3 respective successors are elected and sworn into office. The terms of mayor and
4 councilmembers shall commence on the first Monday of January following their election;
5 provided, however, that, in the case that a mayor or councilmember is elected to the balance
6 of an unexpired term, such newly elected officer shall qualify and commence serving the
7 balance of the unexpired term immediately upon the declaration of the result of the election
8 by the city council and the administering of the oath of office.

9 **Section 2-106. Sanctions.**

10 The mayor or any councilmember who engages in willful, material violations of provisions
11 of this charter shall be subject to sanction as follows: the Board of Ethics established
12 pursuant to Section 2-508 of this charter shall, in addition to its authority to hear complaints
13 arising under Chapter 5 of Article II of this charter, be empowered to hear complaints against
14 the mayor or any councilmember alleging that such elected official has committed willful,
15 material violations of this charter. If, after investigation and hearing, the Board of Ethics
16 finds that an elected official has committed a willful, material violation of the charter, the
17 Board of Ethics shall be empowered to recommend the appropriate sanction to the city
18 council, which sanctions may include censure, suspension from office, or removal from
19 office in accordance with Section 2-107 of this charter.

20 **Section 2-107. Removal.**

21 (a) The mayor, councilmembers, or other appointed officers provided for in this charter shall
22 be removed from office for any one or more of the causes provided in Title 45 of the
23 O.C.G.A. or such other applicable laws as are or may hereafter be enacted.

24 (b) Removal of an officer pursuant to subsection (a) of this section shall be accomplished
25 by one of the following methods:

26 (1) Following a hearing at which an impartial panel shall render a decision. In the event
27 an elected officer is sought to be removed by the action of the city council, such officer
28 shall be entitled to a written notice specifying the ground or grounds for removal and to a
29 public hearing, which shall be held not less than ten days after the service of such written
30 notice. The city council shall provide by ordinance for the manner in which such hearings
31 shall be held. Any elected officer sought to be removed from office as herein provided
32 shall have the right of appeal from the decision of the city council to the Superior Court of
33 Fulton County. Such appeal shall be governed by the same rules as govern appeals to the
34 superior court from the probate court; or

1 (2) By an order of the Superior Court of Fulton County following a hearing on a complaint
2 seeking such removal brought by any resident of the city.

3 **Section 2-108. Recall.**

4 The provisions and procedures pertaining to the recall of local officials who hold elected
5 office set forth in Chapter 4 of Title 21 of the O.C.G.A., or such other applicable laws as are
6 or may hereafter be enacted, shall constitute the recall provisions of the city.

7 **Section 2-109. Oath of Office.**

8 The persons elected as mayor and councilmembers at such elections shall, on or before the
9 first day of January following their elections, qualify by taking and subscribing before some
10 officer authorized by law to administer oaths the following oath: "I, (NAME), do solemnly
11 swear that I will honestly and faithfully perform the duties of East Point councilmember or
12 mayor by adopting such measures as in my judgment shall be best calculated to promote the
13 general welfare of the inhabitants of the City of East Point and the common interest thereof.
14 I further swear that I am not the holder of any unaccounted for public money due this state
15 or any political subdivision or authority thereof; that I am not the holder of any office of trust
16 under the government of the United States, any other state, or any foreign state which I am
17 by the laws of the State of Georgia prohibited; that I am otherwise qualified to hold said
18 office according to the Constitution and the laws of Georgia; that I will support the
19 Constitution of the United States and this state and observe the provisions of the charter and
20 code of ordinances of the City of East Point. I further swear that I have been a resident of
21 the City of East Point for the time required by the Constitution and laws of this state and the
22 charter and code of ordinances of the City of East Point. So help me God or so I affirm."
23 They shall file such oath with the city clerk, who shall spread the same upon the minutes of
24 the meeting of the city council of East Point next following such filing, unless such oath is
25 filed during a regular meeting then in session.

26 Chapter 2 Legislative Process

27 **Section 2-201. Regular and Special Meetings.**

28 (a) Regular meetings of the city council shall be held at such time and place within the city
29 as the city council shall fix by ordinance. Special meetings of the city council may be held
30 on the call of the mayor and two councilmembers or on the call of three councilmembers.
31 Notice of such special meetings shall be served on all other members personally, or by
32 telephone personally, at least 48 hours in advance of the meeting. Such notice of any special
33 meeting may be waived by a councilmember in writing before or after such a meeting, and
34 attendance shall also constitute a waiver of notice of any business transacted in such

1 councilmember's presence, unless such councilmember attends for the express purpose of
2 objecting to the legality of the notice provided for the meeting and refuses to participate
3 based upon such objection. In the event of an objection regarding the legality of the notice
4 for the special meeting, the city attorney shall make the determination as to whether notice
5 was properly given. Only the business stated in the call may be transacted at the special
6 meeting.

7 (b) The mayor, as presiding officer of the city council, shall have the authority to cancel a
8 meeting of the city council on the grounds of an emergency. Notice of such cancellation
9 shall be served on all councilmembers personally, or by telephone personally, as soon as
10 practical after the emergency event. The mayor shall state the nature of the emergency and
11 reschedule the city council meeting within a reasonable time, not to exceed ten days. Such
12 notice to members shall not be required as to any member who is present when the
13 emergency becomes apparent. Notice to the public shall be made as soon as is reasonably
14 possible in accordance with Code Section 50-14-1 of the O.C.G.A. or such other applicable
15 laws as are or may hereafter be enacted.

16 **Section 2-202. Investigations and Inquiries.**

17 Following the adoption of an authorizing resolution, the city council may make
18 investigations and inquiries into the affairs of the city and the conduct of any department,
19 office, or agency thereof and, for this purpose, may subpoena witnesses, administer oaths,
20 take testimony, and require the production of evidence. Any person who fails or refuses to
21 obey a lawful order issued by the city council in the exercise of these powers shall be
22 punished as provided by ordinance. The initiation and conduct of any investigations or
23 inquiries by the city council under this charter provision shall not be deemed to constitute
24 interference by the city council with the administration of the government by the city
25 manager.

26 **Section 2-203. Emergencies.**

27 (a) To meet a public emergency affecting life, health, property, or public peace, the city
28 council may convene on call of the mayor or two councilmembers and promptly adopt an
29 emergency ordinance, but such ordinance may not levy taxes; grant, renew, or extend a
30 franchise; regulate the rate charged by any public utility for its services; or authorize the
31 borrowing of money except for loans to be repaid within 30 days. An emergency ordinance
32 shall be introduced in the form prescribed for ordinances generally, except that it shall be
33 plainly designated as an emergency ordinance and shall contain, after the enacting clause,
34 a declaration stating that an emergency exists and describing the emergency in clear and
35 specific terms. An emergency ordinance may be adopted, with or without amendment, or

1 rejected at the meeting at which it is introduced, but the affirmative vote of at least three
2 councilmembers shall be required for adoption. It shall become effective upon adoption or
3 at such later time as it may specify. Every emergency ordinance shall automatically stand
4 repealed 30 days following the date upon which it was adopted, but this shall not prevent
5 reenactment of the ordinance in the manner specified in this section if the emergency still
6 exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance
7 in the same manner specified in this section for adoption of emergency ordinances.

8 (b) Such meetings shall be open to the public to the extent required by law, and notice to the
9 public of emergency meetings shall be made as fully as is reasonably possible in accordance
10 with Code Section 50-14-1 of the O.C.G.A. or such other applicable laws as are or may
11 hereafter be enacted.

12 **Section 2-204. Rules of Procedure.**

13 The city council shall adopt its rules of procedure and order of business consistent with the
14 provisions of this charter and shall provide for keeping a journal of its proceedings, which
15 shall be a public record. The mayor, as presiding officer, shall serve or otherwise designate
16 the city attorney to serve as parliamentarian for the purposes of ruling on questions of
17 procedure. The mayor or any councilmember may, at any time, question the city attorney
18 as to procedural matters governing the meetings of council. The mayor may designate a
19 police officer of the city to serve as sergeant at arms for the express purpose of maintaining
20 the decorum or order at meetings of city council; however, it will remain within the sole
21 discretion of the presiding officer to rule a councilmember out of order.

22 **Section 2-205. Decorum.**

23 It is the intent of this charter provision to encourage decorum, civility, and respect in city
24 council debate. Towards that end, councilmembers shall aspire to the following standards
25 of decorum:

- 26 (1) In legislative debate, councilmembers shall, to the maximum extent possible, keep their
27 remarks germane to the matter before the city council at that time; and
- 28 (2) Councilmembers shall refrain from attacking the motives and character of other
29 councilmembers participating in the debate.

30 It is not the intent of this provision to, in any way, hinder or impair the full and free
31 expression of competing viewpoints in city council debate. Instead, it is the intent of this
32 provision to foster citizen confidence in government through encouraging civil, respectful
33 meetings.

1 **Section 2-206. Quorum; Voting.**

2 Five councilmembers and the mayor or six councilmembers shall constitute a quorum and
3 shall be authorized to transact business of the city council. Voting on the adoption of
4 ordinances shall be by voice vote and the vote shall be recorded in the journal or by voting
5 machine and recorded thereby, but any member of the city council shall have the right to
6 request a roll-call vote, and such vote shall be recorded in the journal. Except as otherwise
7 provided in this charter, the affirmative vote of five councilmembers shall be required for the
8 adoption of any ordinance, resolution, or motion.

9 **Section 2-207. Form of Legislation.**

10 Every official act of the city council having the force and effect of law shall be by ordinance.
11 All other actions of the city council shall be by resolution. Every proposed ordinance shall
12 be introduced in writing and in the form required for final adoption. Each ordinance which
13 involves lengthy documents not included within the body of such ordinance shall include a
14 reference to such documents. No ordinance shall contain more than one subject matter,
15 which subject shall be clearly expressed in the title of the ordinance. The enacting clause
16 shall be 'Be it ordained by the city council of East Point...'. Any ordinance which repeals or
17 amends an existing ordinance or part of the city code shall set forth the ordinance sections
18 or subsections to be repealed or amended. An ordinance may be introduced by any
19 councilmember at any regular meeting of the city council or at any special meeting at which
20 an ordinance may be lawfully considered and adopted. Each ordinance shall be read by title
21 at two different regular meetings of the city council unless such reading be waived by two
22 or more councilmembers at any meeting of the city council duly convened at which a quorum
23 is present; provided, however, that any zoning ordinance, assessing ordinance, or any other
24 ordinance requiring a public hearing shall not be finally adopted until after such ordinance has
25 been properly advertised and a public hearing held thereon.

26 **Section 2-208. Processing of Adopted Legislation.**

27 (a) The city clerk shall authenticate by the clerk's signature and record in full, in a properly
28 indexed book kept for that purpose, all ordinances adopted by the council.

29 (b) The city council shall provide for the preparation of a general codification of all the
30 ordinances of the city having the force and effect of law. The general codification shall be
31 adopted by the city council by ordinance and shall be published promptly, together with all
32 amendments thereto and such codes of technical regulations and other rules and regulations
33 as the city council may specify. This compilation shall be known and cited officially as "The
34 Code of the City of East Point, Georgia." Copies of the code shall be furnished to all

1 officers, departments, and agencies of the city and made available for purchase by the public
2 at a price fixed by applicable state law.

3 (c) The city council shall cause each ordinance, each resolution, and each charter
4 amendment to be printed promptly following its adoption, and the printed ordinances,
5 resolutions, and charter amendments shall be made available for purchase by the public at
6 reasonable prices to be fixed by the city council. Following publication of the first code
7 under this charter and at all times thereafter, the ordinances and charter amendments shall
8 be printed in substantially the same style as the code currently in effect and shall be suitable
9 in form for incorporation therein. The city council shall make such further arrangements as
10 deemed desirable with reproduction and distribution of any current changes in or additions
11 to codes of technical regulations and other rules and regulations included in the code.

12 Chapter 3 City Manager

13 **Section 2-301. City Manager Appointment; Qualifications; Compensation.**

14 The city council shall select and appoint a city manager for the city by an affirmative vote
15 of a majority of all its members and fix such city manager's compensation. The city council
16 may enter into an employment contract with the city manager upon such terms and
17 conditions as, in their opinion, are in the best interest of the city; provided, however, that
18 such employment contract shall not have a term of longer than four years. In the absence of
19 an employment contract specifying otherwise, said appointment shall be for an indefinite
20 term. The city manager shall be appointed solely on the basis of such city manager's
21 executive and administrative qualifications. The city manager need not be a resident of the
22 city but must reside in the state of Georgia during the time of appointment. On request, the
23 city manager shall be eligible to participate in a pension plan for employees and shall have
24 all of the benefits offered to all other employees of the city.

25 **Section 2-302. Powers and Duties of the City Manager.**

26 The city manager shall, subject to the policy control, direction, and supervision of the mayor
27 and city council, be the head of the administrative branch of the municipal government of the
28 City of East Point and responsible for the efficient administration of all departments of said
29 municipal government. The city manager shall be responsible to the city council for the
30 administration of all city affairs placed in the city manager's charge by or under this charter.
31 As the chief executive and administrative officer, the city manager shall:

32 (1) Appoint and, when the city manager deems it necessary for the good of the city,
33 suspend or remove all city employees and administrative officers the city manager
34 appoints, except as otherwise provided by law or personnel ordinances adopted pursuant
35 to this charter. The city manager may authorize any administrative officer who is subject

- 1 to the city manager's direction and supervision to exercise these powers with respect to
2 subordinates in that officer's department, office, or agency;
- 3 (2) Direct and supervise the administration of all departments, offices, and agencies of the
4 city, except as otherwise provided by this charter or by law;
- 5 (3) Attend all city council meetings except for closed meetings held for the purposes of
6 deliberating on the appointment, discipline, or removal of the city manager and have the
7 right to take part in discussion but not vote;
- 8 (4) See that all laws, provisions of this charter, and acts of the city council, subject to
9 enforcement by the city manager or by officers subject to the city manager's direction and
10 supervision, are faithfully executed;
- 11 (5) Prepare and submit the annual operating budget and capital budget to the city council;
- 12 (6) Submit to the city council and make available to the public a complete report on the
13 finances and administrative activities of the city as of the end of each fiscal year;
- 14 (7) Make such other reports as the city council may require concerning the operations of
15 city departments, offices, and agencies subject to the city manager's direction and
16 supervision;
- 17 (8) Keep the city council fully advised as to the financial condition and future needs of the
18 city and make such recommendations to the city council concerning the affairs of the city
19 as the city manager deems desirable;
- 20 (9) Make recommendations to the city council concerning the affairs of the city and
21 facilitate the work of the city council in developing policy;
- 22 (10) Assist the city council to develop long-term goals for the city and strategies to
23 implement these goals;
- 24 (11) Encourage and provide staff support for regional and intergovernmental cooperation;
- 25 (12) Promote partnerships among city council, staff, and citizens in developing public
26 policy and building a sense of community; and
- 27 (13) Perform other such duties as are specified in this charter or as may be required by the
28 city council.

29 **Section 2-303. Deputy City Manager.**

30 The city manager shall appoint a deputy city manager who shall report to and assist the city
31 manager in carrying out the functions, duties, and responsibilities of the city manager's
32 office. The deputy city manager shall be subject to confirmation by the city council.

33 **Section 2-304. Acting City Manager.**

34 By letter filed with the city clerk, the city manager shall designate a qualified city
35 administrative officer to exercise the powers and perform the duties of the city manager

1 during his or her temporary absence or disability for a period not to exceed two weeks, if the
 2 deputy city manager is unable to perform these duties. When both the city manager and
 3 deputy city manager are unable to perform these duties for more than a two-week period, the
 4 city council shall appoint an acting city manager from among the department heads including
 5 the city attorney but specifically excluding the chiefs of police and fire departments.

6 **Section 2-305. Removal.**

7 Except where the city council has approved an employment agreement for the hiring of the
 8 city manager and such employment agreement provides for different procedures regarding
 9 the removal of the city manager, the city council may remove the city manager from office
 10 only in accordance with the following procedures:

11 (1) The city council shall adopt by affirmative vote of two-thirds of its members a
 12 preliminary resolution which shall state the reasons for removal and may suspend the city
 13 manager from duty for a period not to exceed 45 days. A copy of the resolution shall be
 14 delivered promptly to the city manager;

15 (2) Within five days after a copy of the resolution is delivered to the city manager, the city
 16 manager may file with the city council a written request for a public hearing. This hearing
 17 shall be held within 30 days after the request is filed. The city manager may file with the
 18 city council a written reply no later than five days before the hearing;

19 (3) If the city manager has not requested a public hearing within the time specified in
 20 paragraph (2) of this section, the city council may adopt a final resolution for removal,
 21 which may be made effective immediately, by an affirmative vote of a majority of its
 22 members. If the city manager has requested a public hearing, the city council may adopt
 23 a final resolution for removal, which may be made effective immediately, by an affirmative
 24 vote of two-thirds of the council members at any time after the public hearing; and

25 (4) The city manager shall continue to receive a salary until the effective date of a final
 26 resolution of removal.

27 Chapter 4 Relationship Among Mayor, City Council, and City Manager.

28 **Section 2-401. Role Delineation.**

29 Based upon the firm belief that the proper, efficient, and effective administration and
 30 operation of the city's council-manager form of government will be fostered by a clear
 31 definition of the roles and responsibilities of the city council, mayor, and city manager, this
 32 charter provision states the following principles, which are intended to be fully consistent
 33 with this article:

34 (1) The full and complete legislative and policy making authority of the city resides in the
 35 city council, and the city manager shall take no action which impinges upon or interferes

1 with the city council's policy making role. Other than providing information relevant and
2 germane to the city council's legislative deliberations, the city manager shall strive to
3 remain a neutral party in such legislative deliberations. To ensure the actuality and
4 appearance of neutrality, neither the city manager nor any department heads shall
5 participate in any political activity on behalf of the mayor, any councilmember, or any
6 candidate for such offices, nor shall the city manager or any department head make any
7 political contribution to the mayor, any councilmember, or any candidate for such offices.
8 The mayor and councilmembers shall not solicit or accept any campaign contributions from
9 any city employee;

10 (2) The city manager is the chief executive officer of the city, and, as such, all department
11 heads, except the city attorney and city clerk who are appointed by and report to the city
12 council, report to the city manager. The mayor and city council shall observe the
13 management authority of the city manager.

14 (A) The mayor and councilmembers shall not in any manner dictate the appointment or
15 removal of any city administrative officers or employees whom the city manager or any
16 of his or her subordinates are empowered to appoint;

17 (B) Except for the purpose of conducting an investigation or inquiry authorized by the
18 city council pursuant to Section 2-202 of this charter, the mayor and councilmembers
19 shall deal with city officers and employees who are subject to the direction and
20 supervision of the city manager solely through the city manager, and neither the mayor
21 nor any councilmembers shall give orders to any such officers or employees either
22 publicly or privately;

23 (C) The mayor and city council shall not give directives to any city officers or
24 employees, other than the city manager, city attorney, and city clerk, regarding any
25 matters including, but not limited to, constituent complaints and complaints regarding the
26 services, operation, or administration of any department or function of city government.
27 Although the mayor and city council shall not be prohibited from communicating with
28 city officers or employees with constituent complaints or concerns, the city manager shall
29 be copied on all such communications;

30 (D) The mayor and councilmembers, unless acting pursuant to a duly authorized
31 investigation or inquiry, shall not discuss in open session the performance of or
32 complaints against any city officer or employee during a city council meeting. This
33 provision is not intended to prevent the mayor or city council from discussing, in general
34 terms, the performance of or any issue relating to any department or function of city
35 government; and

- 1 (E) It shall be prohibited for the mayor or any councilmember to sit in on personnel and
 2 management meetings between the city manager and city employees unless such
 3 participation is consented to by the city manager and approved by the city council; and
 4 (3) The mayor shall have no management authority or responsibility with respect to the
 5 operations and administration of city government; and
 6 (4) The mayor and city council, as elected officials, shall possess fundamental oversight
 7 duties and responsibilities with respect to all operations and administration of city
 8 government, and the city manager shall be responsible and duty bound to facilitate the
 9 mayor and city council's oversight function. Once the city council has passed the operating
 10 and capital budgets of the city, it shall be the responsibility of the city manager to
 11 administer such budgets and to keep the mayor and city council fully informed as to the
 12 city's progress against such budgets. The city manager shall provide monthly financial
 13 updates on the budgets with year to date information, and such updates shall contain all
 14 material information necessary for the mayor and city council to evaluate the financial
 15 performance and condition of the city. However, once the city council has appropriated
 16 funds in the budget and encumbered such funds through subsequent legislative action, the
 17 city manager shall have the authority to administer such budget including contract
 18 administration and account payables as part of the management function.

19 Chapter 5 Ethics

20 **Section 2-501. Fiduciary Responsibility.**

21 Elected officials and appointed officers of the city are trustees and servants of the citizens
 22 of the city, have a fiduciary duty to such citizens, and shall act in accordance with their
 23 fiduciary responsibilities and duties for the benefit of such citizens.

24 **Section 2-502. Conflicts of Interest.**

25 No elected official, appointed officer, or employee of the city or any board, commission, or
 26 authority to which this charter applies shall knowingly:

- 27 (1) Engage in any business or transaction, or have a financial or other personal interest,
 28 direct or indirect, which is incompatible with the proper discharge of that person's official
 29 duties or which would tend to impair the independence of the official's judgment or action
 30 in the performance of those official duties;
 31 (2) Engage in or accept private employment or render services for private interests when
 32 such employment or service is incompatible with the proper discharge of that person's
 33 official duties or would tend to impair the independence of the official's judgment or action
 34 in the performance of those official duties;

1 (3) Disclose confidential information, including information obtained at meetings which
2 are closed pursuant to Chapter 14 of Title 50 of the O.C.G.A., or such other applicable laws
3 as are or may hereafter be enacted, concerning the property, government, or affairs of the
4 governmental body by which the official is engaged, without proper legal authorization;
5 or use such information to advance the financial or other private interest of the official or
6 others;

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

13 (5) Represent other private interests in any action or proceeding against the city or any
14 portion of its government; or

15 (6) Vote or otherwise participate in the negotiation or in the making of any contract with
16 any business or entity in which the official has financial interest.

17 **Section 2-503. Disclosure Requirements.**

18 Any elected official, appointed officer, or employee who shall have any financial interest,
19 directly or indirectly, in any contract or matter pending before or within any department of
20 the city shall disclose such interest to the city council. The mayor or any councilmember
21 who has a financial interest in any matter pending before the city council shall disclose such
22 interest, and such disclosure shall be entered on the records of the city council, and that
23 official shall disqualify himself or herself from participating in any decision or vote relating
24 thereto. Any elected official, appointed officer, or employee of the city or of any board,
25 commission, or agency to which this charter applies who shall have any financial interest,
26 directly or indirectly, in any contract or matter pending before or within such entity shall
27 disclose such interest to the governing body of such agency or entity and refrain from
28 participation in any decision or vote relating thereto.

29 **Section 2-504. Use of Public Property.**

30 No elected official, appointed officer, or employee of the city or any agency or entity to
31 which this charter applies shall use property owned by such governmental entity for personal
32 benefit, convenience, or profit except in accordance with policies promulgated by the city
33 council or the governing body of such agency or entity.

1 **Section 2-505. Voidable Contracts.**

2 Any violation of this chapter which occurs with the knowledge, express or implied, of a party
3 to a contract or sale shall render said contract or sale voidable at the option of the city
4 council.

5 **Section 2-506. Ineligibility of Elected Officials.**

6 Except where authorized by law, neither the mayor nor any councilmember shall hold any
7 other elected or compensated appointed office in the city or otherwise be employed by said
8 government or any agency thereof during the term for which that official was elected. No
9 former mayor and no former councilmember shall hold any compensated or appointed office
10 in the city until one year after the expiration of the term for which such official was elected.

11 **Section 2-507. Restrictions on Certain Political Activities.**

12 No appointed officer of the city shall continue in such employment upon qualifying as a
13 candidate for nomination or election to any public office. No employee of the city shall
14 continue in such employment upon election to any public office in this city or any other
15 public office which is inconsistent, incompatible, or in conflict with the duties of the city
16 employee. Such determination shall be made by the city council either immediately upon
17 election or at any time such conflict may arise.

18 **Section 2-508. Board of Ethics.**

19 (a) There is created a Board of Ethics consisting of nine members who shall be residents of
20 the city.

21 (b) Members of the Board of Ethics shall not be elected officials, full-time appointed
22 officials, or city employees. Members of the Board of Ethics shall not serve on any other
23 city board, commission, or authority. No person shall serve as a member of the Board of
24 Ethics if the person has, or has had within the preceding one year period, any interest in any
25 contract, transaction, or official action of the city.

26 (c) The mayor and each councilmember shall each designate one member to the Board of
27 Ethics. Each member of the Board of Ethics shall have been a resident of the city for at least
28 one year immediately preceding the date of taking office and shall remain a resident of the
29 city while serving as a member of the Board of Ethics.

30 (d) Members of the Board of Ethics shall be appointed for a term to run concurrently with
31 the appointing official. The board shall select its own presiding officer from among its
32 members. All appointments to fill a vacancy shall be made in the same manner as the
33 original appointment.

1 (e) The city council shall provide by ordinance the specific powers and duties of the Board
 2 of Ethics. The city council shall provide such staff support for the Board of Ethics as is
 3 determined to be necessary for the board to fulfill its duties.

4 **Article III. ELECTIONS**

5 **Section 3-101. Wards.**

6 The city is hereby divided into four wards to be designated respectively as Wards A, B, C,
 7 and D. The boundaries of these wards are set forth in legal descriptions that are set forth in
 8 Appendix I attached to this charter. Said appendix is incorporated herein as if fully set forth
 9 in this section.

10 **Section 3-102. Reapportionment of Wards.**

11 Subject to the limitations of state and federal law, the city council shall apportion the wards
 12 of the city from which members of the city council are elected following publication of the
 13 2010 United States decennial census and any such future census. Such reapportionment shall
 14 be effective for the election of members to the city council at the next regular general
 15 municipal election following the publication of the decennial census.

16 **Section 3-103. Election of Councilmembers and Mayor.**

17 (a) Election of Councilmembers.

18 The eight councilmembers of the city council shall be elected as follows:

19 (1) Ward Councilmembers.

20 There shall be one councilmember elected from each of the four wards in the city. Each
 21 ward councilmember shall be a resident of the ward in which he or she seeks election and
 22 shall be elected exclusively by the qualified electors residing within each such ward at the
 23 place or places as the city council designates. The elections for the ward councilmembers
 24 shall be on the date of the general election and quadrennially thereafter. The terms of all
 25 regularly elected ward councilmembers shall be as set forth in Section 2-105 of this charter.

26 (2) At-Large Councilmembers.

27 There shall be four at-large councilmembers elected. One councilmember shall be a
 28 resident of Ward A, one councilmember shall be a resident of Ward B, one councilmember
 29 shall be a resident of Ward C, and one councilmember shall be a resident of Ward D, and
 30 each shall be elected by the qualified electors of the entire city at such place or places as
 31 the city council designates. The election for the at-large councilmembers shall be on the
 32 date of the general election and quadrennially thereafter. The terms of all regularly elected
 33 at-large councilmembers shall be as set forth in Section 2-105 of this charter.

1 (b) Election of Mayor.

2 The election of the mayor shall be conducted on a city-wide basis held and elected
 3 exclusively by qualified voters in the entire city at such place or places as the city council
 4 designates. The election of the mayor shall next be conducted on the date of the general
 5 election. The term of the mayor shall be as set forth in Section 2-105 of this charter.

6 **Section 3-104. Special Elections.**

7 In the event that the office of mayor or any councilmember shall become vacant for any
 8 cause, the city council shall order a special election to fill the balance of the unexpired term
 9 of such official; provided, however, that, if the vacancy occurs within 12 months of the
 10 expiration of the term of that office, the city council shall appoint a successor for the
 11 remainder of the term.

12 **Section 3-105. Conduct of Elections.**

13 Except as set forth in this charter, all regular and special city elections shall be held pursuant
 14 to Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," or such other
 15 applicable laws as are or may hereafter be enacted.

16 **Section 3-106. Nonpartisan Elections.**

17 All elections for the purpose of electing the mayor and members of the city council shall be
 18 nonpartisan, and no political party shall conduct primaries for the purpose of nominating
 19 candidates for municipal elections.

20 **Article IV. ADMINISTRATION**

21 **Section 4-101. Administrative and Operating Departments.**

22 (a) Except as otherwise provided in this charter, the city council by ordinance shall prescribe
 23 the functions or duties and establish, abolish, alter, consolidate, or leave vacant all nonelected
 24 offices, positions of employment, departments, and agencies of the city as necessary for the
 25 proper administration of the affairs and government of this city. The exercise of the city
 26 council of the powers shall not be deemed to constitute interference with the management
 27 authority and responsibility of the city manager, and no provision contained in Section 2-401
 28 of this charter is intended to abridge or limit the city council's power as set forth in this
 29 charter.

30 (b) Except as otherwise provided by this charter or by law, the directors of departments and
 31 other appointed officers of the city shall be appointed solely on the basis of their respective
 32 administrative and professional qualifications.

1 (c) All appointed officers and directors of departments shall receive such compensation as
2 prescribed by ordinance.

3 (d) There shall be a director of each department or agency who shall be its principal officer.
4 Each director shall, subject to the direction and supervision of the city manager, be
5 responsible for the administration and direction of the affairs and operations of that director's
6 department or agency.

7 (e) All appointed officers and directors under the supervision of the city manager shall be
8 nominated by the city manager with confirmation of appointment by the city council. All
9 appointed officers and directors shall be employees at-will and subject to removal or
10 suspension at any time by the city manager, unless otherwise provided by law or ordinance.

11 **Section 4-102. City Attorney.**

12 The city council shall appoint a city attorney, together with such assistant city attorneys as
13 may be authorized, and shall provide for the payment of such attorney or attorneys for
14 services rendered to the city. The city attorney shall be responsible for providing for the
15 representation and defense of the city in all litigation to which the city is a party; may be the
16 prosecuting officer in the municipal court; shall attend the meetings of the city council as
17 directed; shall advise the city council, mayor, city manager, and other officers and employees
18 of the city concerning legal aspects of the city's affairs; and shall perform such other duties
19 as may be required by virtue of the person's position as city attorney. The city attorney shall
20 coordinate the handling of the day-to-day legal affairs of the city with the city manager but
21 shall ultimately report to the city council.

22 **Section 4-103. City Clerk.**

23 The city council shall appoint a city clerk who shall not be a councilmember. The city clerk
24 shall be custodian of the official city seal and shall impress documents with such seal when
25 authorized, shall maintain city council records required by this charter, and shall perform
26 such other duties as may be required by the city council. The city clerk shall coordinate the
27 handling of the day-to-day affairs of the office with the city manager but shall ultimately
28 report to the city council.

29 **Section 4-104. City Seal.**

30 The city shall have a corporate seal that bears the words "The City of East Point, Georgia,
31 Seal" and the figures "1887".

32 **Section 4-105. Personnel Policies and Regulation.**

33 The city council may adopt rules and regulations consistent with this charter concerning:

- 1 (1) The method of employee selection and probationary periods of employment;
 - 2 (2) The administration of a position classification and pay plan, methods of promotion and
3 application of service ratings thereto, and transfer of employees within the classification
4 plan;
 - 5 (3) Hours of work, vacation, sick leave and other leaves of absence, overtime pay, and the
6 order and manner in which layoff shall be effected;
 - 7 (4) Such dismissal hearings as due process may require;
 - 8 (5) An employee retirement plan and adjustments to the retirement benefits of retired
9 persons; and
 - 10 (6) Such other personnel policies as may be necessary to provide for adequate and
11 systematic handling of personnel affairs.
- 12 Notwithstanding any other provision of this charter, all existing seniority rights of present
13 officers and employees of said city are preserved and continued.

14 **Section 4-106. Civil Service Board of Appeals.**

- 15 (a) There is created a Civil Service Board of Appeals consisting of nine members who shall
16 be residents of the city. The Civil Service Board of Appeals shall be empowered to hold
17 hearings when requested by an employee of the city regarding proposed demotions,
18 promotions, suspensions, dismissals, or other such actions and shall have such powers to
19 dispose of such cases as shall be provided by ordinance.
- 20 (b) Members of the Civil Service Board of Appeals shall not be elected officials, full-time
21 appointed officials of the city, or employees of the city. Members of the Civil Service Board
22 of Appeals shall not serve on any other city board or commission.
- 23 (c) The mayor and each councilmember shall designate one member to the Civil Service
24 Board of Appeals. Each member of the Civil Service Board of Appeals shall have been a
25 resident of the city for at least one year immediately preceding the date of accepting the
26 appointment and shall remain a resident of the city while serving as a member of the Civil
27 Service Board of Appeals.
- 28 (d) Members of the Civil Service Board of Appeals shall be appointed for a term to run
29 concurrently with the appointing official. The board shall select its own presiding officer
30 from among its members. All appointments to fill a vacancy shall be made in the same
31 manner as the original appointment.
- 32 (e) The city council shall provide by ordinance the specific powers and duties of the Civil
33 Service Board of Appeals and shall incorporate such board of appeals into the personnel
34 policies and procedures of the city. The city council shall provide such staff support for the
35 Civil Service Board of Appeals as is determined to be necessary for the board to fulfill its
36 duties.

1 **Section 4-107. Boards, Commissions, and Authorities.**

2 (a) The city council shall create by ordinance such boards, commissions, and authorities to
3 fulfill any investigative, quasi-judicial, or quasi-legislative function the city council deems
4 necessary and shall by ordinance establish the composition, period of existence, duties, and
5 powers thereof.

6 (b) All members of boards, commissions, and authorities of the city shall be appointed by
7 the city council for such terms of office and in such manner as shall be provided by
8 ordinance, except where other appointing authority, terms of office, or manner of
9 appointment is prescribed by this charter or by state law.

10 (c) The city council by ordinance may provide for the compensation and reimbursement for
11 actual and necessary expenses of the members of any board, commission, or authority.

12 (d) Except as otherwise provided by charter or by state law, no member of any board,
13 commission, or authority shall hold any elected office in the city.

14 (e) Any vacancy on a board, commission, or authority of the city shall be filled for the
15 unexpired term in the manner prescribed herein for original appointment, except as otherwise
16 provided by this charter or by state law.

17 (f) No member of a board, commission, or authority shall assume office until that person has
18 executed and filed with the city clerk the oath of office required pursuant to Section 7-102
19 of this charter.

20 (g) No member of a board, commission, or authority shall serve on another board,
21 commission, or authority of the city, unless one of the boards, commissions, or authorities
22 is created to have a period of existence of less than one year.

23 (h) No person who is a relative of the mayor or any councilmember shall be eligible to serve
24 on a board, commission, or authority of the city. For purposes of this subsection, the term
25 "relative" means a person who is related to the mayor or any councilmember as spouse or
26 domestic partner or as any of the following, whether by marriage, blood, or adoption: parent,
27 child, brother, sister, aunt, uncle, niece, nephew, grandparent, grandchild, father-in-law,
28 mother-in-law, son-in-law, daughter-in-law, stepfather, stepmother, stepson, stepdaughter,
29 stepbrother, stepsister, half-brother, half-sister, brother-in-law, or sister-in-law. A domestic
30 partner is defined to include any two people who are defined as living within the following
31 criteria:

- 32 (1) Responsible for each other's welfare;
- 33 (2) Neither person is in a marriage "expressly recognized" by a legal definition;
- 34 (3) Neither person is registered in a union or domestic partnership with another party;
- 35 (4) Not related as defined by the State of Georgia;
- 36 (5) Share a primary residence; and
- 37 (6) Have declared their intent for a permanent partnership.

1 (i) Except as otherwise provided by this charter or by law, each board, commission, or
2 authority of the city shall elect one of its members as chair and one member as vice chair and
3 may elect as its secretary one of its own members or may appoint as secretary an employee
4 of the city. Each board, commission, or authority of the city government may establish such
5 bylaws, rules, and regulations, not inconsistent with this charter, ordinances of the city, or
6 state law, as it deems appropriate and necessary for the fulfillment of its duties or the conduct
7 of its affairs. Each board, commission, or authority shall adopt the provisions of Chapter 5
8 of Article II of this charter as its rules of ethics; provided, however, that each such board,
9 commission, or authority shall have the power and authority to adopt additional or more
10 stringent ethical requirements. Copies of bylaws, rules, and regulations adopted by boards,
11 commissions, and authorities of the city shall be filed with the city clerk.

12 **Section 4-108. Municipal Utility Advisory Commission.**

13 (a) Creation.

14 There is hereby created and established the Municipal Utility Advisory Commission which
15 shall consist of nine members.

16 (b) Appointments; Terms; Vacancies.

17 The mayor and each councilmember shall have an appointment to the commission. Any
18 person so appointed shall be a resident of the city at the time of appointment and during the
19 term of their service in office. Of the initial members appointed to the commission, three of
20 the members shall be appointed for a term expiring two years after the organizational
21 meeting of the commission; three members shall be appointed for a term expiring three years
22 after the organizational meeting of the commission; and three members shall be appointed
23 for a term expiring four years after the organizational meeting of the commission.
24 Thereafter, all members shall be appointed for four-year terms. Members of the commission
25 shall select one of its members as chairperson. Any vacancy on the commission, however
26 created, shall be filled for the unexpired term in the same manner as the position was
27 originally filled, and the person filling the vacancy shall have and retain all the qualifications
28 prescribed for membership.

29 (c) Powers and Duties.

30 The commission shall study, evaluate, and review the operations and financial performance
31 of any municipal utility owned by the city. The commission will report to the mayor, city
32 council, city manager, and citizens of East Point on its findings and any recommendations
33 that it has to improve the operations and financial performance of such utilities. All
34 employees of the city shall cooperate with the commission in the performance of its official
35 duties. The commission shall not have any operational, management, or governance
36 authority over the municipal utilities but shall act in an advisory role.

1 (d) Assistance to the Commission.

2 The city manager's office shall provide the necessary staff and assistance to the commission
3 as required for the completion of its tasks.

4 (e) Organization of Commission.

5 The mayor and city council shall make its appointments to this commission within 90 days
6 of the effective date of this charter. The commission shall hold an organizational meeting
7 no later than 180 days after the effective date of this charter. The commission shall establish
8 a schedule or regular meetings, which shall occur no less frequently than quarterly, and shall
9 adopt its rules of procedure.

10 **Article V. FINANCE**

11 Chapter 1 Budget and Accounting.

12 **Section 5-101. Budget Preparation and Submission.**

13 (a) On or before the second regular meeting of city council during the month of April of
14 each year, the city manager shall submit to the city council a budget for the ensuing fiscal
15 year and an accompanying message so that city council can approve the budget by the first
16 city council meeting in June.

17 (b) The city manager's message shall explain the budget both in fiscal terms and in terms
18 of the work programs. It shall outline the proposed financial policies of the city for the
19 ensuing fiscal year, describe the important features of the budget, indicate any major changes
20 from the current year and financial policies, expenditures, and revenues together with the
21 reasons for such changes, summarize the city's debt position, and include such other material
22 as the city manager deems desirable.

23 (c) The budget shall provide a complete financial plan of all city funds and activities for the
24 ensuing fiscal year and, except as required by law or this charter, shall be in such form as the
25 city manager deems desirable or the city council may require. In organizing the budget, the
26 city manager shall utilize the most feasible combination of expenditure classification by
27 fund, organization unit, program purpose of activity, and object. It shall begin with a clear
28 general summary of its contents; shall show in detail all estimated income, indicating the
29 proposed property tax levy and all proposed expenditures including debt service, for the
30 ensuing fiscal year; and shall be so arranged so as to show comparative figures for actual and
31 estimated income and expenditures of the current fiscal year and actual income and
32 expenditures of the preceding fiscal year. It shall indicate in separate sections:

33 (1) Proposed expenditures for current operations during the ensuing fiscal year detailed
34 by offices, departments, and agencies in terms of their respective work programs and
35 method of financing such expenditures;

1 (2) Proposed capital expenditures during the ensuing fiscal year detailed by offices,
2 departments, and agencies, when practicable, and the proposed method of financing each
3 such capital expenditure; and

4 (3) Anticipated net surplus or deficit for the ensuing fiscal year of each utility owned or
5 operated by the city and the proposed method of its disposition. Subsidiary budgets for
6 each such utility giving detailed income and expenditure information shall be attached as
7 appendices to the budget. The total proposed expenditure shall not exceed the total of
8 estimated income.

9 **Section 5-102. Budget Action.**

10 (a) Notice and Hearing.

11 The city council shall publish, in one or more newspapers of general circulation of the city,
12 the general summary of the budget in a notice stating:

13 (1) The times and places where copies of the message and budget are available for
14 inspection by the public; and

15 (2) The time and place, not less than two weeks after such publication, for a public hearing
16 on the budget.

17 (b) Amendment before Adoption.

18 After the public hearing, the city council may adopt the budget with or without amendment.
19 In amending the budget, it may add or increase programs or amounts and may delete or
20 decrease any programs or amounts, except expenditures required by law or for debt service
21 or for estimated cash deficit; provided, however, that no amendment to the budget shall
22 increase the authorized expenditures to an amount greater than the total of estimated income.

23 (c) Adoption.

24 The city council shall adopt the budget on or before the first meeting of June. If it fails to
25 adopt the budget by this date, the amounts appropriated for current operation for the current
26 fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis,
27 with all items in it prorated accordingly, until such time as the city council adopts a budget
28 for the ensuing fiscal year. Adoption of the budget shall constitute appropriations of the
29 amounts specified therein as expenditures from the funds indicated and shall constitute a levy
30 of the property tax therein proposed.

31 **Section 5-103. Budget Amendment.**

32 (a) Supplemental Appropriations.

33 If, during the fiscal year, the city manager certifies that there are available for appropriation
34 revenues in excess of those estimated in the budget, the city council by ordinance may make
35 supplemental appropriations for the year up to the amount of such excess.

1 (b) Emergency Appropriations.

2 To meet a public emergency affecting life, health, property, or the public peace, the city
3 council may make emergency appropriations. Such appropriations may be made by
4 ordinance. To the extent that there are no available unappropriated revenues to meet such
5 appropriations, the city council may by such emergency ordinance authorize the issuance of
6 emergency notes which may be renewed from time to time, but the emergency notes and
7 renewals of any fiscal year shall be paid not later than the last day of the fiscal year next
8 succeeding that in which the emergency appropriation was made.

9 (c) Reduction of Appropriations.

10 If, at any time during the fiscal year, it appears probable to the city manager that the revenues
11 available will be insufficient to meet the amount appropriated, the city manager shall report
12 to the city council without delay, indicating the estimated amount of the deficit, any remedial
13 action taken by the city manager, and his or her recommendations as to any other steps to be
14 taken. The city council shall then take such further action as it deems necessary to prevent
15 or minimize any deficit, and for that purpose, it may by ordinance reduce one or more
16 appropriations.

17 (d) Transfer of Appropriations.

18 At any time during the fiscal year, the city manager may transfer part or all of any
19 unencumbered appropriation balance among programs within a department, office, or
20 agency. The city manager shall not transfer part or all of any unencumbered appropriation
21 balance from one department, office, or agency to another, unless such transfer has been
22 approved by an ordinance enacted by the city council.

23 (e) Limitations; Effective Date.

24 No appropriation for debt service shall be reduced or transferred, and no appropriation shall
25 be reduced below any amount required by law to be appropriated or by more than the amount
26 of the unencumbered balance thereof. The supplemental and emergency appropriations and
27 reduction or transfer of appropriations authorized by this section may be made effective
28 immediately upon adoption.

29 **Section 5-104. Capital Budget.**

30 (a) On or before the date that is three months prior to the final date for submission of the
31 budget, the city manager shall submit to the city council a proposed capital improvements
32 plan with a recommended capital budget containing the means of financing the
33 improvements proposed for the ensuing fiscal year. The city council shall have power to
34 accept, with or without amendments, or reject the proposed plan and proposed budget. The
35 city council shall not authorize an expenditure for the construction of any building, structure,

1 work, or improvement, unless the appropriations for such project are included in the capital
2 budget, except to meet a public emergency as provided in Section 2-203.

3 (b) The city council shall adopt by ordinance the final capital budget for the ensuing fiscal
4 year on or before the first meeting of the city council in June of each year. No appropriation
5 provided for in a prior capital budget shall lapse until the purpose for which the appropriation
6 was made shall have been accomplished or abandoned; provided, however, that the city
7 manager may submit amendments to the capital budget at any time during the fiscal year,
8 accompanied by recommendations. Any such amendments to the capital budget shall
9 become effective only upon adoption by ordinance.

10 **Section 5-105. Disclosure of Unfunded Capital Projects.**

11 The city council shall be required to disclose publicly by the attachment of an addendum to
12 the capital budget adopted each year a listing of all capital projects set forth in the prior year
13 budget that have not been funded by the city government.

14 **Section 5-106. Fiscal Controls.**

15 (a) Separate Fund Accounting.

16 The city manager shall ensure that separate accounts and accounting are maintained by each
17 fund of the city, including the general fund, the municipal utility fund, and all enterprise
18 funds.

19 (b) Contingency and Reserve Account.

20 There shall be no expenditure of any funds from a contingency or reserve fund account,
21 unless such expenditure has been approved by the council.

22 (c) Liquidation of City Term Investments.

23 There shall be no liquidation of city term investments, unless such liquidation has been
24 approved by the council.

25 **Section 5-107. Fiscal Year.**

26 The city council shall set the fiscal year by ordinance. This fiscal year shall constitute the
27 budget year and the year for financial accounting and reporting of each and every office,
28 department, agency, and activity of the city government.

29 **Section 5-108. Independent Audit.**

30 There shall be an annual independent audit of all city accounts, funds, and financial
31 transactions by a certified public accountant selected by the city council. The audit shall be
32 conducted according to generally accepted auditing principles. Any audit of any funds by

- 1 the state or federal governments may be accepted as satisfying the provisions of this section.
2 Copies of annual audit reports shall be available at printing costs to the public.

3 Chapter 2 Revenue and Taxation

4 **Section 5-201. Tax Levy.**

5 The city council shall levy by ordinance such taxes as are necessary to provide for the
6 operation, maintenance, support, and expenses of the city and its various functions and
7 departments, including such taxes as are necessary for the payment of the principal and
8 interest of the bonded indebtedness and related sinking funds of the city as the same shall
9 become due and payable. The taxes and tax rates set by such ordinance shall be such that
10 reasonable estimates of revenues from such levy shall at least be sufficient, together with
11 other anticipated revenues, fund balances, and applicable reserves, to equal the total amount
12 appropriated for each of the several funds set forth in the annual operating budget and current
13 year capital budget for defraying the expenses of the general government of this city.

14 **Section 5-202. Property Tax; Millage Rate Limitation.**

15 The city council may assess, levy, and collect an ad valorem tax on all real and personal
16 property within the corporate limits of the city that is subject to such taxation by the state and
17 county. This tax shall not exceed 15 mills on each dollar of taxable value. This tax shall be
18 for the purpose of raising revenues to defray the costs of operating the city government, of
19 providing governmental services, for the repayment of principal and interest on general
20 obligations, and for any other public purpose as determined by the city council in its
21 discretion.

22 **Section 5-203. Occupation and Business Taxes.**

23 The city council by ordinance shall have the power to levy such occupation or business taxes
24 as are not denied by law. The city council may classify businesses, occupations, or
25 professions for the purpose of such taxation in any way which may be lawful and may
26 compel the payment of such taxes. If unpaid, such taxes shall be collected as provided in
27 Section 5-209 of this charter.

28 **Section 5-204. Regulatory Fees; Permits.**

29 The city council by ordinance shall have the power to require businesses or practitioners
30 doing business within this city to obtain a permit for such activity from the city and pay a
31 reasonable regulatory fee for such permit as provided by general law. Such fees shall reflect
32 the reasonably estimated cost to the city of regulating the activity. If unpaid, such taxes shall
33 be collected as provided in Section 5-209 of this charter.

1 **Section 5-205. Franchises.**

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

13 (b) If no franchise agreement is in effect, the city council shall have the authority to impose
14 a tax on gross receipts for the use of this city's streets and alleys for the purposes of railroads,
15 street railways, telephone companies, electric companies, electric membership corporations,
16 cable television and other telecommunications companies, gas companies, transportation
17 companies, and other similar organizations. If unpaid, such taxes shall be collected as
18 provided in Section 5-209 of this charter.

19 **Section 5-206. Service Charges.**

20 The city council by ordinance shall have the power to assess and collect fees, charges, and
21 tolls for sewers, sanitary and health services, or any other services provided or made
22 available within and without the corporate limits of the city for the reasonably estimated cost
23 to the city of providing or making available such services. If unpaid, such charges shall be
24 collected as provided in Section 5-209 of this charter.

25 **Section 5-207. Special Assessments.**

26 The city council by ordinance shall have the power to assess and collect the cost of
27 constructing, reconstructing, widening, or improving any public way, street, sidewalk,
28 curbing, gutters, sewers, or other utility mains and appurtenances from the abutting property
29 owners under such terms and conditions as are reasonable. If unpaid, such assessments shall
30 be collected as provided in Section 5-209 of this charter.

31 **Section 5-208. Construction; Other Taxes and Fees.**

32 This city shall be empowered to levy any other tax or fee allowed now or hereafter by law,
33 and the specific mention of any right, power, or authority in this chapter shall not be
34 construed as limiting in any way the general powers of this city to govern its local affairs.

1 **Section 5-209. Collection of Delinquent Taxes.**

2 The city council by ordinance may provide generally for the collection of delinquent taxes,
3 fees, charges, assessments, or other revenue due the city under this chapter by whatever
4 reasonable means as are not precluded by law. This shall include providing for the dates
5 when the taxes or fees are due, late penalties or interest, issuance and execution of fi.fas.,
6 creation and priority of liens, making delinquent taxes and fees personal debts of the persons
7 required to pay the taxes or fees imposed, revoking city permits for failure to pay any city
8 taxes or fees, and providing for the assignment or transfer of tax executions.

9 **Section 5-210. Tax Commissioner.**

10 The city council may establish the position of tax commissioner of the city. The tax
11 commissioner's duties and functions shall include the following: to receive tax returns, assess
12 unreturned property and property returned at less than its fair market value after notice to the
13 owner to return his or her unreturned property or correct his or her erroneous or false return
14 and after affording such property owner an opportunity to be heard; collect all property taxes
15 and promptly pay over the same to the city treasurer; equalize taxes; determine, subject to
16 revision by the board of tax assessors, the value for taxation of all real and personal property
17 subject to taxation within said city; seek out and return or cause unreturned properties to be
18 returned and assessed for taxation from the best information that can reasonably be secured
19 from the most reliable sources as determined by the tax commissioner; issue and file for
20 record on the general execution docket tax fi. fas. for taxes not paid when due; and proceed
21 at once to collect same by placing such fi. fas. in the hands of the city marshal for prompt
22 collection by levy and sale, and such tax commissioner may sue at law or in equity for such
23 taxes; provided, however, that such tax fi. fas. may be sold and transferred by the city
24 marshal for the full amount of taxes and accrued interest and costs. Said commissioner shall
25 perform such other duties as may be incidental to his or her office or the duties hereof and
26 such others as may be required by ordinance. The city council may contract with the Fulton
27 County Tax Commissioner to authorize such official to exercise such powers of the city tax
28 commissioner as are permitted and necessary to assess and collect city ad valorem taxes.

29 **Section 5-211. Tax Exemptions.**

30 Exemption for Elderly and Disabled Residents.

31 Each resident of the city who is 70 years of age or older or who is disabled shall be granted
32 an exemption from all ad valorem taxes levied for city government purposes, including ad
33 valorem taxes levied to pay interest on and retire bonded indebtedness of the city
34 government, for the full value of the homestead owned and occupied by such resident if such
35 resident's adjusted gross income, together with the adjusted gross income of the resident's

1 spouse who also resides at such homestead, does not exceed the maximum amount which
2 may be received by an individual and an individual's spouse under the federal Social
3 Security Act. As used in this subsection, the term "adjusted gross income" shall have the
4 same meaning as defined in the United States Internal Revenue Code of 1986, except that for
5 the purposes of this subsection, the term shall include only that portion of income or benefits
6 received as retirement, survivor, or disability benefits under the federal Social Security Act
7 or under any other public or private retirement, disability, or pension system which exceeds
8 the maximum amount which may be received by an individual and an individual's spouse
9 under the federal Social Security Act. The homestead exemption provided for in this Act
10 shall not apply to any state ad valorem taxes or to any ad valorem taxes levied for the Fulton
11 County School District. In order to qualify for the exemption for disabled residents provided
12 for in this subsection, the person claiming such exemption shall be required to obtain a
13 certificate from not more than three physicians licensed to practice medicine under Chapter
14 34 of Title 43 of the O.C.G.A., or such applicable laws as are or may be hereafter enacted,
15 certifying that in the opinion of such physician or physicians, such person is mentally or
16 physically incapacitated to the extent that such person is unable to be gainfully employed and
17 that such incapacity is likely to be permanent. A person shall not receive the homestead
18 exemption granted by this section unless the person or person's agent files an affidavit with
19 the tax commissioner giving the person's age or, if disabled, the certificate or certificates
20 required by this section and the amount of income which the person and the person's spouse
21 received during the last taxable year for income tax purposes and such additional information
22 relative to receiving such exemption as will enable the tax commissioner to make a
23 determination as to whether such owner is entitled to such exemption. The tax commissioner
24 shall provide affidavit forms for this purpose. After a person has filed the proper affidavit
25 and certificate or certificates, if disabled, as provided in this subsection, it shall not be
26 necessary to make application and file the said affidavit and certificate thereafter for any
27 year, and the exemption shall continue to be allowed to such person. It shall be the duty of
28 any such person to notify the tax commissioner in the event such person becomes ineligible
29 for any reason to receive the homestead exemption granted by this subsection. The
30 homestead exemption granted by this subsection shall be cumulative of any other homestead
31 exemption applicable to the city's ad valorem taxes. The homestead exemption granted by
32 this subsection shall be a restatement and continuation of the homestead exemption created
33 by Ga. L. 1994, p. 5048.

Chapter 3 Borrowing

Section 5-301. General Obligation Bonds.

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

Section 5-302. Revenue Bonds.

Revenue bonds may be issued by the city council as state law now or hereafter provided. Such bonds shall be paid out of any revenue produced by the project, program, or venture for which they were issued.

Section 5-303. Short-Term Loans.

The city may obtain short-term loans and shall repay such loans no later than December 31 of each year, unless otherwise provided by law.

Section 5-304. Lease-Purchase Contracts.

The city may enter into multiyear lease, purchase, or lease purchase contracts for the acquisition of goods, materials, real and personal property, services, and supplies, provided that the contract terminates without further obligation on the part of the municipality at the close of the calendar year in which it was executed and at the close of each succeeding calendar year for which it may be renewed. Contracts shall be executed in accordance with the requirements of Code Section 36-60-13 of the O.C.G.A. or other such applicable laws as are or may hereafter be enacted.

Chapter 4 Procurement and Disposal of Property

Section 5-401. Contracting Procedures.

No contract with the city shall be binding on the city unless:

- (1) It is in writing;
- (2) It is drawn by or submitted and reviewed by the city attorney and, as a matter of course, is signed by the city attorney to indicate such drafting or review;
- (3) It is reviewed as to substance by the city manager or the director of the department most affected by the contract, signed by the city manager or director of such city department to indicate approval as to substance of the contract, and is signed by the mayor; and
- (4) If it involves the expenditure of more than \$25,000.00, it is authorized by the city council, and such approval is entered in the city council journal of proceedings.

1 **Section 5-402. Centralized Purchasing.**

2 The city council shall by ordinance prescribe procedures for a system of centralized
3 purchasing for the city, including comprehensive bidding procedures for the purchase of
4 assets and the award of contracts; provided, however, that unless otherwise required by law,
5 purchases or contracts involving the expenditure of more than \$25,000.00 shall require city
6 council approval.

7 **Section 5-403. Sale and Lease of City Property.**

8 (a) The city council may sell and convey or lease any real or personal property owned or
9 held by the city for governmental or other purposes as now or hereafter provided by law.

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

14 (c) Whenever in opening, extending, or widening any street, avenue, alley, or public place
15 of the city, a small parcel or tract of land is cut off or separated by such work from a larger
16 tract or boundary of land owned by the city, the city council may authorize the city manager
17 to sell and convey said cutoff or separated parcel or tract of land to an abutting or adjoining
18 property owner or owners where such sale and conveyance facilitates the enjoyment of the
19 highest and best use of the abutting owner's property. Included in the sales contract shall be
20 a provision for the rights of way of said street, avenue, alley, or public place. Each abutting
21 property owner shall be notified of the availability of the property and given the opportunity
22 to purchase said property under such terms and conditions as set out by ordinance. All deeds
23 and conveyances heretofore and hereafter so executed and delivered shall convey all title and
24 interest the city has in such property, notwithstanding the fact that no public sale after
25 advertisement was or is hereafter made.

26 **Article VI. MUNICIPAL COURT**

27 **Section 6-101. Municipal Court.**

28 There shall be a court to be known as the Municipal Court of the City of East Point. The
29 municipal court shall be convened at regular intervals as provided by ordinance.

30 **Section 6-102. Chief Judge; Assistant Judges.**

31 (a) Judges.

32 The municipal court shall be presided over by a chief judge and such assistant judges as shall
33 be provided by ordinance.

1 (b) Qualifications.

2 No person shall be qualified or eligible to serve as a judge on the municipal court unless that
3 person:

4 (1) Has been licensed to practice law in the State of Georgia for at least five years prior
5 to appointment;

6 (2) Is a member in good standing of the State Bar of Georgia at the time of his or her
7 appointment; and

8 (3) Is a resident of Fulton County at the time of and during their appointment.

9 All judges shall be appointed by the city council and shall serve until a successor is appointed
10 and qualified.

11 (c) Compensation.

12 The judges shall receive compensation and expenses for their service as provided by
13 ordinance.

14 (d) Terms.

15 Judges shall be appointed by the city council for a term of four years and shall be authorized
16 to serve in office until such judge's successor shall be appointed and qualified.

17 (e) Oath.

18 Before assuming office, each judge shall take the oath of office required pursuant to Section
19 7-102 of this charter.

20 **Section 6-103. Jurisdiction; Powers.**

21 (a) Violations of City Ordinances and Other Laws.

22 The municipal court shall try and punish violations of this charter, all city ordinances, and
23 such other violations as provided by law; provided, however, that the municipal court shall
24 not impose any punishment of imprisonment, probation, or other loss of liberty, nor any fine,
25 fee, or cost the nonpayment of which is enforceable by imprisonment, probation, or other
26 loss of liberty under this charter or under any county or other general law unless the
27 municipal court provides to those persons accused of a criminal offense the right to
28 representation by a lawyer and provides to those indigent persons who are accused of a
29 criminal offense the right to representation by a lawyer at no cost to the accused.

30 (b) Contempt.

31 The municipal court shall have authority to punish those in its presence for contempt,
32 provided that such punishment shall not exceed \$200.00 or ten days in jail.

33 (c) Punishment.

34 The municipal court may fix punishment for offenses within its jurisdiction not exceeding
35 a fine of \$1,000.00 or imprisonment for six months or both such fine and imprisonment. The

1 municipal court shall have the power to impose such fines, periods of imprisonment, or
2 alternative sentencing as may now or may hereafter be provided by law.

3 (d) Schedule of Fees.

4 The municipal court shall have authority to establish a schedule of fees to defray the cost of
5 operation and shall be entitled to reimbursement of the cost of meals, transportation, and
6 casemaking of prisoners bound over to superior courts for violations of state law.

7 (e) Bail.

8 The municipal court shall have authority to establish bail and recognizance to ensure the
9 presence of those charged with violations before said court and shall have discretionary
10 authority to accept cash or personal or real property as surety for the appearance of persons
11 charged with violations. Whenever any person shall give bail for that person's appearance
12 and shall fail to appear at the time fixed for trial, the bond shall be forfeited by the judge
13 presiding at such time and an execution issued thereon by serving the defendant and the
14 defendant's sureties with a rule nisi at least two days before a hearing on the rule nisi. In the
15 event that cash or property is accepted in lieu of bond for security for the appearance of a
16 defendant at trial, and if such defendant fails to appear at the time and place fixed for trial,
17 the cash so deposited shall be on order of the judge declared forfeited to the city or the
18 property so deposited shall have a lien against it for the value forfeited which lien shall be
19 enforceable in the same manner and to the same extent as a lien for city property taxes.

20 (f) Production of Evidence.

21 The municipal court shall have the same authority as superior courts to compel the
22 production of evidence in the possession of any party; to enforce obedience to its orders,
23 judgments, and sentences; and to administer such oaths as are necessary.

24 (g) Subpoenas.

25 The municipal court may compel the presence of all parties necessary to a proper disposal
26 of each case by the issuance of subpoenas and summonses, which may be served, as executed
27 by any officer as authorized by this charter or by law.

28 (h) Warrants.

29 Each judge of the municipal court shall be authorized to issue warrants for the arrest of
30 persons charged with offenses against any ordinance of the city, and each judge of the
31 municipal court shall have the same authority as a magistrate of the state to issue warrants
32 for offenses against state laws committed within the city.

33 **Section 6-104. Appeals from Municipal Court.**

34 The right to appeal the decisions and judgments of the municipal court shall exist in all
35 criminal cases and ordinance violation cases, and such appeals shall be made to the Superior

1 Court of Fulton County under the laws of the State of Georgia that govern the making of
2 appeals from municipal courts.

3 **Section 6-105. Rules of Court.**

4 The chief judge shall have full power and authority to make reasonable rules and regulations
5 necessary and proper to secure the efficient and successful administration of the municipal
6 court. The rules and regulations made or adopted shall be filed with the city clerk, shall be
7 available for public inspection, and, upon request, a copy shall be furnished to all defendants
8 in municipal court proceedings at least 48 hours prior to said proceedings.

9 **Article VII. GENERAL PROVISIONS**

10 **Section 7-101. Reserved.**

11 **Section 7-102. Oath.**

12 All persons appointed as city managers, city attorneys, and city clerks appointed by the city
13 council; all chief and associate judges of the municipal court; and all individuals appointed
14 to serve on boards, commissions, and authorities created by the city council shall, prior to
15 taking such offices, qualify by taking and subscribing before some officer authorized by law
16 to administer oaths the following oath: "I, (name), do solemnly swear and affirm that I will
17 honestly and faithfully perform the duties of (position) of the City of East Point. I further
18 swear that I am not the holder of any unaccounted for public money due this state or any
19 political subdivision or authority thereof; that I am not the holder of any office of trust under
20 the government of the United States, any other state, or any foreign state from which I am
21 by the laws of the State of Georgia prohibited; that I am otherwise qualified to hold said
22 office according to the Constitution and the laws of Georgia; that I will support the
23 Constitution of the United States and this state and observe the provisions of the charter and
24 code of ordinances of the City of East Point. So help me God or so I affirm."

25 **Section 7-103. Existing Ordinances.**

26 (a) All ordinances, resolutions, rules, and regulations now in force in the city not
27 inconsistent with this charter shall be declared valid and of full effect and force until
28 amended or repealed by the city council.

29 (b) Within six months after the adoption of this charter, the city council shall provide for the
30 review of all ordinances, resolutions, rules, and regulations of the city and shall readopt,
31 repeal, or amend each so that a remodification, as required by subsection (b) of Section 2-208
32 of this charter, is accomplished.

1 **Section 7-104. Existing Personnel.**

2 Except as specifically provided otherwise by this charter, all personnel and officers of the
3 city and their rights, privileges, and powers shall continue beyond the time this charter takes
4 effect for a period of 90 days before or during which the existing city council shall pass a
5 transition ordinance detailing the changes in personnel and appointed officers required or
6 desired and arranging such titles, rights, privileges, and powers as may be required or desired
7 to allow a reasonable transition.

8 **Section 7-105. Pending Matters.**

9 Except as specifically provided otherwise by this charter, all rights, claims, actions, orders,
10 contracts, and legal or administrative proceedings shall continue, and any such ongoing work
11 or cases shall be completed by such city agencies, personnel, or offices as may be provided
12 by the city council.

13 **Section 7-106. Construction.**

14 (a) Section captions in this charter are informative only and are not to be considered as a part
15 thereof.

16 (b) The word "shall" is mandatory and the word "may" is permissive.

17 (c) The singular shall include the plural, the masculine shall include the feminine, and vice
18 versa.

19 **Section 7-107. Severability.**

20 If any article, section, subsection, paragraph, sentence, or part thereof of this charter shall be
21 held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect
22 or impair other parts of this charter unless it clearly appears that such other parts are wholly
23 and necessarily dependent upon the part held to be invalid or unconstitutional, it being the
24 legislative intent in enacting this charter that each article, section, subsection, paragraph,
25 sentence, or part thereof be enacted separately and independent of each other.

26 **Section 7-108. Repealer.**

27 An Act incorporating the City of East Point in the County of Fulton, approved August 19,
28 1912 (Ga. L. 1912, p. 862), shall be repealed in its entirety and all acts of the General
29 Assembly or of the city council that amended the act that incorporated East Point in 1912
30 shall also be repealed in their entirety. All other laws and parts of laws in conflict with this
31 charter are hereby repealed.

1 **Section 7-109. Effective Date.**

2 This charter shall become effective on July 1, 2007.

3 **APPENDIX I**

4 The City of East Point shall be divided into four wards, to wit: Wards A, B, C, and D, which
5 are more particularly described as follows:

6 (1) Ward A: The boundaries of Ward A of said city are as follows: Commencing at a point
7 on the northern line of the city limits of the City of East Point formed by the intersection
8 of the northerly city limits line of the City of East Point and the center line of Delowe
9 Drive; thence along the city limits line of the City of East Point easterly, northerly, easterly,
10 and southerly to a point where said city limits line intersects with the center line of Utoy
11 Creek Fork; thence west along the center line of Utoy Creek Fork to the center line of
12 Stanton Road; thence southerly along the center line of Stanton Road to the center line of
13 State Road 166; thence easterly along the center line of State Road 166 to a point where
14 said center line would intersect with the center line of Lawrence Avenue, if Lawrence
15 Avenue were extended to said intersecting point; thence southerly along the center line
16 of Lawrence Avenue to a point formed by the intersection of the center line of Lawrence
17 Avenue and the center line of Main Street, if Lawrence Avenue were extended to the center
18 of Main Street; thence southerly along the center line of Main Street to the city limits of
19 the City of East Point, thence westerly along said city limits to the point where would lie
20 the center line of Delowe Drive, if said center line were extended to form an intersection
21 with the southerly limits of the City of East Point; thence northerly along the center line
22 Delowe Drive and following the meandering thereof to its point of intersection with the
23 northerly limits of the City of East Point and the point of beginning.

24 (2) Ward B: The boundaries of Ward B of said city are as follows: Commencing at a point
25 at the easternmost intersection of the city limits of the City of East Point and the center line
26 of Utoy Creek Fork; thence southerly along said city limits and following said city limits
27 to the center line of Main Street in Land Lot 158 of the 14th District, Fulton County,
28 Georgia; thence northerly along the center line of Main Street to a point formed by the
29 intersection of said center line with the center line of Lawrence Avenue, if Lawrence
30 Avenue were extended to the center of Main Street; thence northerly along the center line
31 of Lawrence Avenue to a point formed by the intersection of said center line with the
32 center line of State Road 166, if Lawrence Avenue were extended to the center of State
33 Road 166; thence westerly along the center line of State Road 166 to the point of
34 intersection of said center line with the center line of Stanton Road; thence northerly along
35 the center line of Stanton Road to the center line of Utoy Creek Fork; thence easterly along

1 the center line of Utoy Creek Fork to the city limits of the City of East Point and the point
2 of beginning.

3 (3) Ward C: The boundaries of Ward C of said city are as follows: Commencing at a point
4 on the northern limits of the city limits of the City of East Point where said city limits line
5 intersects with the center line of Delowe Drive; thence south along the center line of
6 Delowe Drive and following the meandering thereof to a point formed by the intersection
7 of the center line of Delowe Drive with the southerly limits of the City of East Point, if the
8 center line of Delowe Drive were extended to form a point of intersection; thence westerly
9 along the southerly limits of the City of East Point and following the meanderings thereof
10 to a point formed by the intersection of the city limits of the City of East Point with the
11 center line of Dodson Drive Connector, if said center line were extended to form a point
12 of intersection; thence northerly along the center line of Dodson Drive Connector to a point
13 formed by the intersection of Dodson Drive Connector and the center line of Stone Road,
14 if the respective center lines were extended to form a point of intersection; running thence
15 easterly along the center line of Stone Road to a point formed by the intersection of the
16 center line of Stone Road with the center line of Pebble Drive, if the respective center lines
17 were extended to form a point of intersection; thence northerly along the center line of
18 Pebble Drive to a point formed by the intersection of the center line of Pebble Drive with
19 the center line of Beech Drive, if said center lines were extended to form a point of
20 intersection; thence easterly, northeasterly and northwesterly and following the
21 meanderings of the center line of Beech Drive to its point of intersection with the center
22 line of Camp Creek North Fork; thence northwesterly along the center line of Camp Creek
23 North Fork to the point of intersection of said center line with the center line of Dodson
24 Drive; thence northerly along the center line of Dodson Drive to the point of intersection
25 of said center line with the center line of Hogan Road; thence westerly along the center line
26 of Hogan Road to its point of intersection with the westerly limits of the city limits of the
27 City of East Point at the west line of Land Lot 221 of the Fourteenth District of Fulton
28 County, Georgia; thence northerly and easterly along the city limits line of the City of East
29 Point and following the meanderings thereof to a point on the northern limits of the city
30 limits of the City of East Point where said city limits line intersects with the center line of
31 Delowe Drive and the point of beginning.

32 (4) Ward D: The boundaries of Ward D of said city are as follows: Commencing at a point
33 on the southerly city limits line of the City of East Point in Land Lot 194 of the Fourteenth
34 District of Fulton County, Georgia, formed by the intersection of said city limits line with
35 the center line of Dodson Drive Connector, if said center line were extended to form a point
36 of intersection; thence southerly along the city limits of the City of East Point and
37 following the meanderings thereof to a point on the westerly limits of the City of East Point

1 formed by the intersection of said city limits line with the center line of Hogan Road;
2 thence easterly along the center line of Hogan Road to a point formed by the intersection
3 of the center line of Hogan Road with the center line of Dodson Drive, if the respective
4 center lines were extended to form a point of intersection; thence southerly along the center
5 line of Dodson Drive to a point formed by the intersection of the center line of Dodson
6 Drive and the center line of Camp Creek North Fork; thence easterly and southerly along
7 the center line of Camp Creek North Fork to a point formed by the intersection of said
8 center line with the center line of Beech Drive; thence southerly along the center line of
9 Beech Drive to the point of intersection of said center line with the center line of Pebble
10 Drive, if the respective center lines were extended to form a point of intersection; thence
11 southerly along the center line of Pebble Drive to a point formed by the intersection of said
12 center line with the center line of Stone Road if the center line of Pebble Drive was
13 extended to form a point of intersection; thence westerly along the center line of Stone
14 Road to point formed by the intersection of said center line with the center line of Dodson
15 Drive Connector if the respective center lines were extended to form an intersection; thence
16 south, southeasterly and south along the center line of Dodson Drive Connector to a point
17 formed by the intersection of said center line, if extended with the limits of the City of East
18 Point on its southern boundary and the point of beginning.