

The Senate State and Local Governmental Operations Committee offered the following substitute to SB 191:

A BILL TO BE ENTITLED
AN ACT

1 To provide a new charter for the City of Stone Mountain; to provide for incorporation,
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 city manager, mayor, and mayor pro tempore and
8 certain duties, powers, and other matters relative thereto; to provide for administrative affairs
9 and responsibilities; to provide for boards, commissions, and authorities; to provide for a city
10 attorney, a city clerk, and other personnel and matters relating thereto; to provide for rules
11 and regulations; to provide for a municipal court and the judge or judges thereof and other
12 matters relative to those 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 bonds for officials; to provide
18 for prior ordinances and rules, pending matters, and existing personnel; to provide for
19 penalties; to provide for definitions and construction; to provide for other matters relative to
20 the foregoing; to repeal a specific Act; to provide for a referendum; to provide for effective
21 dates; to provide for submission of this Act for preclearance under the federal Voting Rights
22 Act of 1965, as amended; to repeal conflicting laws; and for other purposes.

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

ARTICLE I
INCORPORATION AND POWERS

SECTION 1.10.

Name.

The City of Stone Mountain, in DeKalb County, Georgia, is reincorporated by the enactment of this charter and is constituted and declared a body politic and corporate under the name and style Stone Mountain, Georgia, and by that name shall have perpetual succession.

SECTION 1.11.

Corporate boundaries.

(a) The boundaries of this city shall be those existing on the effective date of the adoption of this charter with such alterations as may be made from time to time in the manner provided by law. The boundaries of this city at all times shall be shown on a map, a written description, or any combination thereof, to be retained permanently in the office of the city clerk and to be designated, as the case may be: "Official Map of the corporate limits of the City of Stone Mountain, Georgia." Photographic, typed, or other copies of such map or description certified by the city clerk shall be admitted as evidence in all courts and shall have the same force and effect as with the original map or description.

(b) The city council may provide for the redrawing of any such map by ordinance to reflect lawful changes in the corporate boundaries. A redrawn map shall supersede for all purposes the entire map or maps which it is designated to replace.

SECTION 1.12.

Powers and construction.

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

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

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

- 58 (2) Appropriations and expenditures. To make appropriations for the support of the
59 government of the city; to authorize the expenditure of money for any purposes
60 authorized by this charter and for any purpose for which a municipality is authorized by
61 the laws of the State of Georgia; and to provide for the payment of expenses of the city;
- 62 (3) Building regulation. To regulate and to license the erection and construction of
63 buildings and all other structures; to adopt building, housing, plumbing, electrical, gas,
64 and heating and air-conditioning codes; and to regulate all housing and building trades;
- 65 (4) Business regulation and taxation. To levy and to provide for collection of regulatory
66 fees and taxes on privileges, occupations, trades, and professions as authorized by Title
67 48 of the O.C.G.A. or such other applicable laws as are or may hereafter be enacted; to
68 permit and regulate the same; to provide for the manner and method of payment of such
69 regulatory fees and taxes; and to revoke such permits after due process for failure to pay
70 any city taxes or fees;
- 71 (5) Condemnation. To condemn property, inside or outside the corporate limits of the
72 city, for present or future use and for any corporate purpose deemed necessary by the
73 governing authority, utilizing procedures enumerated in Title 22 of the O.C.G.A. or such
74 other applicable laws as are now or may hereafter be enacted;
- 75 (6) Contracts. To enter into contracts and agreements with other governmental entities
76 and with private persons, firms, and corporations;
- 77 (7) Emergencies. To establish procedures for determining and proclaiming that an
78 emergency situation exists within or outside the city and to make and carry out all
79 reasonable provisions deemed necessary to deal with or meet such an emergency for the
80 protection, safety, health, or well-being of the citizens of the city;
- 81 (8) Environmental protection. To protect and preserve the natural resources,
82 environment, and vital areas of the state through the preservation and improvement of air
83 quality, the restoration and maintenance of water resources, the control of erosion and
84 sedimentation, the management of solid and hazardous waste, and other necessary actions
85 for the protection of the environment;
- 86 (9) Fire regulations. To fix and establish fire limits and from time to time to extend,
87 enlarge, or restrict the same; to prescribe fire safety regulations not inconsistent with
88 general law, relating to both fire prevention and detection and to fire fighting; and to
89 prescribe penalties and punishment for violations thereof;
- 90 (10) Garbage fees. To levy, fix, assess, and collect a garbage, refuse, and trash collection
91 and disposal and other sanitary service charge, tax, or fee for such services as may be
92 necessary in the operation of the city from all individuals, firms, and corporations
93 residing in or doing business in the city benefiting from such services; to enforce the

94 payment of such charges, taxes, or fees; and to provide for the manner and method of
95 collecting such service charges;

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

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

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

105 (14) Jail sentences. To provide that persons given jail sentences in the municipal court
106 may work out such sentences in any public works or on the streets, roads, drains, and
107 other public property in the city; to provide for commitment of such persons to any jail;
108 or to provide for commitment of such persons to any county work camp or county jail by
109 agreement with the appropriate county officials;

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

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

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

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

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

126 (20) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose
127 of public utilities, including but not limited to a system of waterworks, sewers and drains,
128 sewage disposal, gas works, electric light plants, cable television and other
129 telecommunications, transportation facilities, public airports, and any other public utility;

130 and to fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties and
131 to provide for the withdrawal of service for refusal or failure to pay the same;

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

134 (22) Penalties. To provide penalties for violation of any ordinances adopted pursuant to
135 the authority of this charter and the laws of the State of Georgia;

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

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

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

144 (26) Public improvements. To provide for the acquisition, construction, building,
145 operation, and maintenance of public ways, parks and playgrounds, public grounds,
146 recreational facilities, cemeteries, markets and market houses, public buildings, libraries,
147 sewers, drains, sewage treatment, waterworks, electrical systems, gas systems, other
148 public utilities, public housing, airports, hospitals, terminals, docks, parking facilities, and
149 charitable, cultural, educational, recreational, conservation, sport, curative, corrective,
150 detentional, penal, and medical institutions, agencies, and facilities; and to provide any
151 other public improvements, inside or outside the corporate limits of the city; to regulate
152 the use of public improvements; and, for such purposes, property may be acquired by
153 condemnation under Title 22 of the O.C.G.A. or such other applicable laws as are now
154 or may hereafter be enacted;

155 (27) Public peace. To provide for the prevention and punishment of drunkenness, riots,
156 and public disturbances;

157 (28) Public transportation. To organize and operate or contract for such public
158 transportation systems as are deemed beneficial;

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

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

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

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

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

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

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

189 (35) Special areas of public regulation. To regulate or prohibit junk dealers, pawn shops,
190 the manufacture, sale, or transportation of any intoxicating liquors, alcoholic beverages,
191 and the use of firearms; to regulate the transportation, storage, and use of combustible,
192 explosive, and inflammable materials, the use of lighting and heating equipment, and any
193 other business or situation which may be dangerous to persons or property; to regulate
194 and control the conduct of peddlers and itinerant traders, theatrical performances,
195 exhibitions, and shows of any kind, by taxation or otherwise; and to license, tax, regulate,
196 or prohibit professional fortunetelling, palmistry, adult bookstores, and massage parlors;

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

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

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

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

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

209 (41) Other powers. To exercise and enjoy all other powers, functions, rights, privileges,
 210 and immunities necessary or desirable to promote or protect the safety, health, peace,
 211 security, good order, comfort, convenience, or general welfare of the city and its
 212 inhabitants; and to exercise all implied powers necessary or desirable to carry into
 213 execution all powers granted in this charter as fully and completely as if such powers
 214 were fully stated in this charter; and to exercise all powers now or in the future authorized
 215 to be exercised by other municipal governments under other laws of the State of Georgia;
 216 and no listing of particular powers in this charter shall be held to be exclusive of others,
 217 nor restrictive of general words and phrases granting powers, but shall be held to be in
 218 addition to such powers unless expressly prohibited to municipalities under the
 219 Constitution or applicable laws of the State of Georgia.

220 **SECTION 1.13.**

221 Exercise of powers.

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

226 **ARTICLE II**

227 **GOVERNMENT STRUCTURE**

228 **SECTION 2.10.**

229 City council creation; number; election.

230 The legislative authority of the government of this city, except as otherwise specifically
 231 provided in this charter, shall be vested in a city council to be composed of a mayor and six
 232 councilmembers.

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SECTION 2.11.

City councilmembers;
terms and qualifications for office.

The mayor and city council shall be elected at large pursuant to Section 5.11 of this charter. The mayor and councilmembers shall serve for terms of four years and until their respective successors are elected and qualified. No person shall be eligible to serve as mayor or councilmember unless he or she shall have been a resident of this city for 12 months immediately preceding the election of mayor or councilmembers; each such person shall continue to reside within the city during said period of service and shall be registered and qualified to vote in municipal elections of this city. No person's name shall be listed as a candidate on the ballot for election for either mayor or councilmember unless such person has filed a written notice with the city clerk that he or she desires his or her name to be placed on said ballot as a candidate either for mayor or councilmember. No person shall be eligible for the office of mayor or councilmember unless such person has filed the notice within the time provided for in Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code."

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SECTION 2.12.

Vacancy; filling of vacancies; suspensions.

(a) Vacancies—The office of mayor or councilmember shall become vacant upon such person's failing or ceasing to reside in the city or upon the occurrence of any event specified by the Constitution, Title 45 of the O.C.G.A., or such other applicable laws as are or may hereafter be enacted.

(b) Filling of vacancies—A vacancy in the office of mayor or councilmember shall be filled for the remainder of the unexpired term, if any, by appointment if less than 12 months remain in the unexpired term, otherwise by an election as provided for in Section 5.14 of this charter and Titles 21 and 45 of the O.C.G.A. or such other laws as are or may hereafter be enacted.

(c) Suspension—Upon the suspension from office of mayor or councilmember in any manner authorized by the general laws of the State of Georgia, the city council or those remaining shall appoint a successor for the duration of the suspension. If the suspension becomes permanent, then the office shall become vacant and shall be filled for the remainder of the unexpired term, if any, as provided for in this charter.

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SECTION 2.13.

Compensation and expenses.

The mayor and councilmembers shall receive compensation and expenses for their services as provided by ordinance.

SECTION 2.14.

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Conflicts of interest; holding other offices.

(a) Elected and appointed officers of the city are trustees and servants of the residents of the city and shall act in a fiduciary capacity for the benefit of such residents.

(b) Conflict of interest—No elected official, appointed officer, or employee of the city or any agency or political entity to which this charter applies shall knowingly:

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

(2) Engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of that person's official duties or would tend to impair the independence of that person's judgment or action in the performance of that person's official duties;

(3) Disclose confidential information, including information obtained at meetings which are closed pursuant to Chapter 14 of Title 50 of the O.C.G.A., concerning the property, government, or affairs of the governmental body by which that person is engaged without proper legal authorization or use such information to advance the financial or other private interest of that person or others;

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

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

(6) Vote or otherwise participate in the negotiation or in the making of any contract with any business or entity in which that person has a financial interest.

(c) Disclosure—Any elected official, appointed officer, or employee who shall have any financial interest, directly or indirectly, in any contract or matter pending before or within any department of the city shall disclose such interest to the city council. The mayor or any councilmember who has a financial interest in any matter pending before the city council shall disclose such interest and such disclosure shall be entered on the records of the city council, and that person shall disqualify himself or herself from participating in any decision or vote relating thereto. Any elected official, appointed officer, or employee of any agency or political entity to which this charter applies who shall have any financial interest, directly

305 or indirectly, in any contract or matter pending before or within such entity shall disclose
 306 such interest to the governing body of such agency or entity.

307 (d) Use of public property—No elected official, appointed officer, or employee of the city
 308 or any agency or entity to which this charter applies shall use property owned by such
 309 governmental entity for personal benefit, convenience, or profit except in accordance with
 310 policies promulgated by the city council or the governing body of such agency or entity.

311 (e) Contracts voidable and rescindable—Any violation of this section which occurs with the
 312 knowledge, express or implied, of a party to a contract or sale shall render such contract or
 313 sale voidable at the option of the city council.

314 (f) Ineligibility of elected official—Except where authorized by law, neither the mayor nor
 315 any councilmember shall hold any other elective or compensated appointive office in the city
 316 or otherwise be employed by said government or any agency thereof during the term for
 317 which that person was elected. No former councilmember and no former mayor shall hold
 318 any compensated appointive office in the city until one year after the expiration of the term
 319 for which that person was elected.

320 (g) Political activities of certain officers and employees—No employee of the city shall
 321 continue in such employment upon election to any public office in this city or any other
 322 public office which is inconsistent, incompatible, or in conflict with the duties of the city
 323 employee. Such determination shall be made by the city council either immediately upon
 324 election or at any time such conflict may arise.

325 (h) Penalties for violation—

326 (1) Any city officer or employee who knowingly conceals such financial interest or
 327 knowingly violates any of the requirements of this section shall be guilty of malfeasance
 328 in office or position and shall be deemed to have forfeited that person's office or position.

329 (2) Any officer or employee of the city who shall forfeit that person's office or position
 330 as described in paragraph (1) of this subsection shall be ineligible for appointment or
 331 election to or employment in a position in the city government for a period of three years
 332 thereafter.

333 **SECTION 2.15.**

334 Inquiries and investigations.

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

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SECTION 2.16.

General power and authority of the city council.

(a) Except as otherwise provided by law or this charter, the city council shall be vested with all the powers of government of this city.

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

SECTION 2.17.

Organizational meetings.

The city council shall hold an organizational meeting at the first regular meeting in January following an election. The meeting shall be called to order by the city clerk and the oath of office shall be administered to the newly elected members as follows:

"I do swear (or affirm) that I will faithfully perform the duties of (mayor) (councilmember) of the City of Stone Mountain during my term of office; that I am not the holder of any unaccounted for public money due the State of Georgia or any political subdivision or authority thereof; that I am not the holder of any office of trust under the government of the United States, any other state, or any foreign state which I may, by the laws of the State of Georgia, be prohibited from holding; that I am otherwise qualified to hold the office to which I have been elected according to the Constitution and laws of Georgia; that I will support the Constitution of the United States and of the State of Georgia; that I am a resident of the City of Stone Mountain; and that I will enforce the charter and ordinances of the City of Stone Mountain to the best of my skill and ability."

SECTION 2.18.

Meetings.

(a) The city council shall hold regular meetings at such times and places as shall be prescribed by ordinance.

(b) Special meetings of the city council may be held on call of the mayor or three members of the city council. Notice of such special meeting shall be served on all other members personally, or by telephone personally, at least 48 hours in advance of the meeting. Such notice to councilmembers shall not be required if the mayor and all councilmembers are present when the special meeting is called. Such notice of any special meeting may be

376 waived by a councilmember in writing before or after such a meeting and attendance at the
 377 meeting shall also constitute a waiver of notice on any business transacted in such
 378 councilmember's presence. Only the business stated in the call may be transacted at the
 379 special meeting.

380 (c) All meetings of the city council shall be public to the extent required by law, and notice
 381 to the public of special meetings shall be made as fully as is reasonably possible as provided
 382 by Code Section 50-14-1 of the O.C.G.A. or other such applicable laws as are or may
 383 hereafter be enacted.

384 **SECTION 2.19.**

385 Rules of procedure.

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

389 (b) All committees and committee chairpersons and officers of the city council shall be
 390 appointed by the mayor and shall serve at the pleasure of the mayor. The mayor shall have
 391 the power to appoint new members to any committee at any time.

392 **SECTION 2.20.**

393 Quorum; voting.

394 Three members of the city council and the mayor or mayor pro tempore shall constitute a
 395 quorum and shall be authorized to transact business of the city council. Voting on the
 396 adoption of ordinances shall be by show of hands and the vote shall be recorded in the
 397 journal, but any member of the city council shall have the right to request a roll-call vote and
 398 such vote shall be recorded in the journal. Except as otherwise provided in this charter, the
 399 affirmative vote of four members of the city council shall be required for the adoption of any
 400 ordinance, resolution, or motion.

401 **SECTION 2.21.**

402 Ordinance form; procedures.

403 (a) Every proposed ordinance should be introduced in writing and in the form required for
 404 final adoption. No ordinance shall contain a subject which is not expressed in its title. The
 405 enacting clause shall be "It is hereby ordained by the governing authority of the City of Stone
 406 Mountain..." and every ordinance shall so begin. Prior to the submission of any ordinance
 407 for consideration by the mayor and city council, the same shall be submitted to the city
 408 attorney and be approved by him or her as to form and to ensure such ordinance is not
 409 covered by, or in conflict with, any law of general application or other city ordinance.

410 (b) An ordinance may be introduced by any member of the city council and be read at a
 411 regular meeting, work session, or special meeting of the city council. Ordinances shall be
 412 considered and adopted or rejected by the city council in accordance with the rules which it
 413 shall establish; provided, however, an ordinance shall not be adopted the same day it is
 414 introduced, except for emergency ordinances provided for in Section 2.23 of this charter.
 415 Upon introduction of any ordinance, the city clerk shall as soon as possible distribute a copy
 416 to the mayor and to each councilmember and shall file a reasonable number of copies in the
 417 office of the city clerk and at such other public places as the city council may designate.

418 (c) The reading of the preamble to an ordinance shall be sufficient to meet the requirements
 419 of a "read" or "reading." By an affirmative vote of a majority of the city council, a reading
 420 of the ordinance in its entirety shall be required.

421 **SECTION 2.22.**

422 Action requiring an ordinance.

423 Acts of the city council which have the force and effect of law shall be enacted by ordinance.

424 **SECTION 2.23.**

425 Emergencies.

426 (a) To meet a public emergency affecting life, health, property, or public peace, the city
 427 council may convene on call of the mayor or three councilmembers and may promptly adopt
 428 an emergency ordinance, but such ordinance may not levy taxes; grant, renew, or extend a
 429 franchise; regulate the rate charged by any public utility for its services; or authorize the
 430 borrowing of money except for loans to be repaid within 30 days. An emergency ordinance
 431 shall be introduced in the form prescribed for ordinances generally, except that it shall be
 432 plainly designated as an emergency ordinance and shall contain, after the enacting clause,
 433 a declaration stating that an emergency exists and describing the emergency in clear and
 434 specific terms. An emergency ordinance may be adopted, with or without amendment, or
 435 rejected at the meeting at which it is introduced, but the affirmative vote of at least three
 436 councilmembers shall be required for adoption. It shall become effective upon adoption or
 437 at such later time as it may specify. Every emergency ordinance shall automatically stand
 438 repealed 30 days following the date upon which it was adopted, but this shall not prevent
 439 reenactment of the ordinance in the manner specified in this section if the emergency still
 440 exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance
 441 in the same manner specified in this section for adoption of emergency ordinances.

442 (b) Such meetings shall be open to the public to the extent required by law and notice to the
 443 public of emergency meetings shall be made as fully as is reasonably possible in accordance

444 with Code Section 50-14-1 of the O.C.G.A. or such other applicable laws as are or may
445 hereafter be enacted.

446 **SECTION 2.24.**

447 Codes of technical regulations.

448 (a) The city council may adopt any standard code of technical regulations by reference
449 thereto in an adopting ordinance. The procedure and requirements governing such adopting
450 ordinance shall be as prescribed for ordinances generally except that: (1) the requirements
451 of subsection (b) of Section 2.21 of this charter for distribution and filing of copies of the
452 ordinance shall be construed to include copies of any code of technical regulations, as well
453 as the adopting ordinance; and (2) a copy of each adopted code of technical regulations, as
454 well as the adopting ordinance, shall be authenticated and recorded by the city clerk pursuant
455 to Section 2.25 of this charter.

456 (b) Copies of any adopted code of technical regulations shall be made available by the city
457 clerk for inspection by the public.

458 **SECTION 2.25.**

459 Signing; authenticating;

460 recording; codification; printing.

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

463 (b) The city council shall provide for the preparation of a general codification of all the
464 ordinances of the city having the force and effect of law. The general codification shall be
465 adopted by the city council by ordinance and shall be published promptly, together with all
466 amendments thereto and such codes of technical regulations and other rules and regulations
467 as the city council may specify. This compilation shall be known and cited officially as "The
468 Code of the City of Stone Mountain, Georgia." Copies of the code shall be furnished to all
469 officers, departments, and agencies of the city and made available for purchase by the public
470 at a reasonable price as fixed by the city manager.

471 (c) The city council shall cause each ordinance and each amendment to this charter to be
472 printed promptly following its adoption, and the printed ordinances and charter amendments
473 shall be made available for purchase by the public at reasonable prices to be fixed by the city
474 manager. Following publication of the first code under this charter and at all times
475 thereafter, the ordinances and charter amendments shall be printed in substantially the same
476 style as the code currently in effect and shall be suitable in form for incorporation therein.
477 The city council shall make such further arrangements as deemed desirable with reproduction

478 and distribution of any current changes in or additions to codes of technical regulations and
 479 other rules and regulations included in the code.

480 **SECTION 2.26.**

481 City manager; appointment;
 482 qualifications; compensation.

483 The city council shall appoint a city manager for an indefinite term and shall fix the city
 484 manager's compensation. The city manager shall be appointed solely on the basis of that
 485 person's executive and administrative qualifications.

486 **SECTION 2.27.**

487 Removal of city manager.

488 (a) The city council may remove the city manager from office in accordance with the
 489 following procedures:

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

494 (2) Within five days after a copy of the resolution is delivered to the city manager, the city
 495 manager may file with the city council a written request for a public hearing. This hearing
 496 shall be held within 30 days after the request is filed. The manager may file with the city
 497 council a written reply not later than five days before the hearing; and

498 (3) If the city manager has not requested a public hearing within the time specified in
 499 paragraph (2) of this subsection, the city council may adopt a final resolution for removal,
 500 which may be made effective immediately, by an affirmative vote of a majority of all its
 501 members. If the city manager has requested a public hearing, the city council may adopt
 502 a final resolution for removal, which may be made effective immediately, by an affirmative
 503 vote of a majority of all its members at any time after the public hearing.

504 (b) The city manager may continue to receive a salary until the effective date of a final
 505 resolution of removal.

506 **SECTION 2.28.**

507 Acting city manager.

508 By letter filed with the city clerk, the city manager shall designate, subject to approval of the
 509 city council, a qualified city administrative officer to exercise the powers and perform the
 510 duties of city manager during the city manager's temporary absence or physical or mental
 511 disability. During such absence or disability, the city council may revoke such designation

512 at any time and appoint another officer of the city to serve until the city manager shall return
513 or the city manager's disability shall cease.

514 **SECTION 2.29.**

515 Powers and duties of the city manager.

516 The city manager shall be the chief executive and administrative officer of the city. The city
517 manager shall be responsible to the city council for the administration of all city affairs
518 placed in the city manager's charge by or under this charter. As the chief executive and
519 administrative officer, the city manager shall:

520 (1) Appoint and, when the city manager deems it necessary for the good of the city,
521 suspend or remove all city employees and administrative officers the city manager
522 appoints, except as otherwise provided by law or personnel ordinances adopted pursuant
523 to this charter. The city manager may authorize any administrative officer who is subject
524 to the city manager's direction and supervision to exercise these powers with respect to
525 subordinates in that officer's department, office, or agency;

526 (2) Direct and supervise the administration of all departments, offices, and agencies of
527 the city, except as otherwise provided by this charter or by law;

528 (3) Attend all city council meetings, except for closed meetings held for the purposes of
529 deliberating on the appointment, discipline, or removal of the city manager, and have the
530 right to take part in discussion, but the city manager may not vote;

531 (4) See that all laws, provisions of this charter, and acts of the city council, subject to
532 enforcement by the city manager or by officers subject to the city manager's direction and
533 supervision, are faithfully executed;

534 (5) Prepare and submit the annual operating budget and capital budget to the city
535 council;

536 (6) Submit to the city council and make available to the public a complete report on the
537 finances and administrative activities of the city as of the end of each fiscal year;

538 (7) Make such other reports as the city council may require concerning the operations
539 of city departments, offices, and agencies subject to the city manager's direction and
540 supervision;

541 (8) Keep the city council fully advised as to the financial condition and future needs of
542 the city, and make such recommendations to the city council concerning the affairs of the
543 city as the city manager deems desirable; and

544 (9) Perform other such duties as are specified in this charter or as may be required by the
545 city council.

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SECTION 2.30.

547

Council's interference with administration.

548

Except for the purpose of inquiries and investigations under Section 2.15 of this charter, the city council or its members shall deal with city officers and employees who are subject to the direction and supervision of the city manager solely through the city manager, and neither the city council nor its members shall give orders to any such officer or employee, either publicly or privately.

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SECTION 2.31.

554

Selection of mayor pro tempore.

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By a majority vote of all its members, the city council shall elect a councilmember to serve as mayor pro tempore who shall serve at the pleasure of the city council. The mayor pro tempore shall continue to vote and otherwise participate as a councilmember.

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SECTION 2.32.

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Powers and duties of mayor.

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The mayor shall:

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(1) Preside at all meetings of the mayor and city council and have the right to take part in the deliberations of the city council, but shall not vote on any question except in the case of a tie;

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

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(3) Have power to administer oaths and to take affidavits;

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

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(5) Be clothed with veto power as pursuant to Section 2.34 of this charter;

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(6) Sign, along with an individual so designated by majority vote of the city council, all checks for the payment of money; and

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(7) Call the city council together at any time when deemed necessary by him or her.

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SECTION 2.33.

575

Mayor pro tempore.

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During the absence or physical or mental disability of the mayor for any cause, the mayor pro tempore of the city council, or in such person's absence or disability for any reason, any one of the councilmembers chosen by a majority vote of the city council, shall be clothed with all the rights and privileges of the mayor and shall perform the duties of the office of

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580 the mayor so long as such absence or disability shall continue. Any such absence or
 581 disability shall be declared by majority vote of all councilmembers. The mayor pro tempore
 582 or selected councilmember shall sign all contracts and ordinances in which the mayor has a
 583 disqualifying financial interest as provided in Section 2.14 of this charter.

584 **SECTION 2.34.**

585 Submission of ordinances to the mayor; veto power.

586 (a) Every ordinance adopted by the city council shall be presented by the city clerk to the
 587 mayor within three days after its adoption.

588 (b) The mayor shall within four days of receipt of an ordinance return it to the city clerk with
 589 or without his or her approval or with his or her disapproval. If the ordinance has been
 590 approved by the mayor, it shall become law upon its return to the city clerk; if the ordinance
 591 is neither approved nor disapproved, it shall become law on the fifteenth day after its
 592 adoption; if the ordinance is disapproved, the mayor shall submit to the city council through
 593 the city clerk a written statement of the reasons for the veto. The city clerk shall record upon
 594 the ordinance the date of its delivery to and receipt from the mayor.

595 (c) Ordinances vetoed by the mayor shall be presented by the city clerk to the city council
 596 at its next meeting when a quorum shall be present, and should the city council then or at its
 597 next general meeting adopt the ordinance by an affirmative vote of a majority of the quorum
 598 then present, it shall become law.

599 (d) The mayor may disapprove or reduce any item or items of appropriation in any
 600 ordinance. The approved part or parts of any ordinance making appropriations shall become
 601 law, and the part or parts disapproved shall not become law unless subsequently passed by
 602 the city council over the mayor's veto as provided in this section. The reduced part or parts
 603 shall be presented to the city council as though disapproved and shall not become law unless
 604 overridden by the council as provided in subsection (c) of this section.

605 **ARTICLE III**

606 **ADMINISTRATIVE AFFAIRS**

607 **SECTION 3.10.**

608 Administrative and service departments.

609 (a) Except as otherwise provided in this charter, the city council by ordinance shall prescribe
 610 the functions or duties and establish, abolish, alter, consolidate, or leave vacant all
 611 nonelective offices, positions of employment, departments, and agencies of the city as
 612 necessary for the proper administration of the affairs and government of this city.

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

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

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

622 (e) All appointed officers and directors under the supervision of the city manager shall be
623 nominated by the city manager with confirmation of appointment by the city council. All
624 appointed officers and directors shall be employees at will and subject to removal or
625 suspension at any time by the city manager unless otherwise provided by law or ordinance.

626 **SECTION 3.11.**

627 **Boards, commissions, and authorities.**

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

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

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

638 (d) Except as otherwise provided by charter or by law, no member of any board,
639 commission, or authority shall hold any elective office in the city.

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

643 (f) No member of a board, commission, or authority shall assume office until that person has
644 executed and filed with the clerk of the city an oath obligating that person to perform
645 faithfully and impartially the duties of that person's office, such oath shall be prescribed by
646 ordinance and administered by the mayor.

647 (g) All members of boards, commissions, or authorities of the city serve at will and may be
648 removed at any time by the city council unless otherwise provided by law.

649 (h) Except as otherwise provided by this charter or by law, each board, commission, or
650 authority of the city shall elect one of its members as chairperson and one member as vice
651 chairperson and may elect as its secretary one of its own members or may appoint as
652 secretary an employee of the city. Each board, commission, or authority of the city
653 government may establish such bylaws, rules, and regulations, not inconsistent with this
654 charter, ordinances of the city, or law, as it deems appropriate and necessary for the
655 fulfillment of its duties or the conduct of its affairs. Copies of such bylaws, rules, and
656 regulations shall be filed with the clerk of the city.

657 **SECTION 3.12.**

658 City attorney.

659 The city council shall appoint a city attorney, together with such assistant city attorneys as
660 may be authorized, and shall provide for the payment of such attorney or attorneys for
661 services rendered to the city. The city attorney shall be responsible for providing for the
662 representation and defense of the city in all litigation in which the city is a party; may be the
663 prosecuting officer in the municipal court; shall attend the meetings of the city council as
664 directed; shall advise the councilmembers, city manager, and other officers and employees
665 of the city concerning legal aspects of the city's affairs; and shall perform such other duties
666 as may be required by virtue of such person's position as city attorney.

667 **SECTION 3.13.**

668 City clerk.

669 The city council shall appoint a city clerk who shall not be a councilmember. The city clerk
670 shall be custodian of the official city seal and city records; maintain city council records
671 required by this charter; and perform such other duties as may be required by the city
672 council.

673 **SECTION 3.14.**

674 Position classification and pay plans.

675 The city manager shall be responsible for the preparation of a position classification and pay
676 plan which shall be submitted to the city council for approval. Such plan may apply to all
677 employees of the city and any of its agencies, departments, boards, commissions, or
678 authorities. When a pay plan has been adopted, the city council shall not increase or decrease
679 the salary range applicable to any position except by amendment of such pay plan. For
680 purposes of this section, all elected and appointed city officials are not city employees.

681 **SECTION 3.15.**

682 Personnel policies.

683 All employees serve at will and may be removed from office at any time unless otherwise
684 provided by ordinance.685 **ARTICLE IV**
686 **JUDICIAL BRANCH**687 **SECTION 4.10.**

688 Creation; name.

689 There shall be a court to be known as the Municipal Court of the City of Stone Mountain.

690 **SECTION 4.11.**

691 Chief judge; associate judge.

692 (a) The municipal court shall be presided over by a chief judge and such part-time, full-time,
693 or stand-by judges as shall be provided by ordinance.694 (b) No person shall be qualified or eligible to serve as a judge on the municipal court unless
695 that person shall have attained the age of 21 years and shall be a member of the State Bar of
696 Georgia and shall possess all qualifications required by law. All judges shall be appointed
697 by the city council and shall serve until a successor is appointed and qualified.

698 (c) Compensation of the judges shall be fixed by ordinance.

699 (d) Judges serve at will and may be removed from office at any time by the city council
700 unless otherwise provided by ordinance.701 (e) Before assuming office, each judge shall take an oath, given by the mayor, that such
702 judge will honestly and faithfully discharge the duties of the judge's office to the best of the
703 judge's ability and without fear, favor, or partiality. The oath shall be entered upon the
704 minutes of the city council journal required in Section 2.19 of this charter.705 **SECTION 4.12.**

706 Convening.

707 The municipal court shall be convened at regular intervals as provided by ordinance.

708 **SECTION 4.13.**

709 Jurisdiction; powers.

710 (a) The municipal court shall try and punish violations of this charter, all city ordinances,
711 and such other violations as provided by law.

- 712 (b) The municipal court shall have authority to punish those in its presence for contempt,
713 provided that such punishment shall not exceed \$100.00 or 15 days in jail.
- 714 (c) The municipal court may fix punishment for offenses within its jurisdiction not
715 exceeding a fine of \$1,000.00 or imprisonment for 90 days or both such fine and
716 imprisonment or may fix punishment by fine, imprisonment, or alternative sentencing, as
717 now or hereafter provided by law.
- 718 (d) The municipal court shall have authority to establish a schedule of fees to defray the cost
719 of operation and shall be entitled to reimbursement of the cost of meals, transportation, and
720 caretaking of prisoners bound over to superior courts for violations of state law.
- 721 (e) The municipal court shall have authority to establish bail and recognizances to ensure
722 the presence of those charged with violations before such court and shall have discretionary
723 authority to accept cash or personal or real property as surety for the appearance of persons
724 charged with violations. Whenever any person shall give bail for that person's appearance
725 and shall fail to appear at the time fixed for trial, that person's bond shall be forfeited by the
726 judge presiding at such time and an execution issued thereon by serving the defendant and
727 the defendant's sureties with a rule nisi at least two days before a hearing on the rule nisi.
728 In the event that cash or property is accepted in lieu of bond for security for the appearance
729 of a defendant at trial, and if such defendant fails to appear at the time and place fixed for
730 trial, the cash so deposited shall be on order of the judge declared forfeited to the city, or the
731 property so deposited shall have a lien against it for the value forfeited which lien shall be
732 enforceable in the same manner and to the same extent as a lien for city property taxes.
- 733 (f) The municipal court shall have the same authority as superior courts to compel the
734 production of evidence in the possession of any party; to enforce obedience to its orders,
735 judgments, and sentences; and to administer such oaths as are necessary.
- 736 (g) The municipal court may compel the presence of all parties necessary to a proper
737 disposal of each case by the issuance of summonses, subpoenas, and warrants which may be
738 served as executed by any officer as authorized by this charter or by law.
- 739 (h) Each judge of the municipal court shall be authorized to issue warrants for the arrest of
740 persons charged with offenses against any ordinance of the city, and each judge of the
741 municipal court shall have the same authority as a magistrate of the state to issue warrants
742 for offenses against state laws committed within the city.

743 **SECTION 4.14.**

744 Certiorari.

745 The right of certiorari from the decision and judgment of the municipal court shall exist in
746 all criminal cases and ordinance violation cases, and such certiorari shall be obtained under

747 the sanction of a judge of the Superior Court of DeKalb County under the laws of the State
748 of Georgia regulating the granting and issuance of writs of certiorari.

749 **SECTION 4.15.**

750 Rules for court.

751 With the approval of the city council, the judge shall have full power and authority to make
752 reasonable rules and regulations necessary and proper to secure the efficient and successful
753 administration of the municipal court; provided, however, that the city council may adopt in
754 part or in toto the rules and regulations applicable to municipal courts. The rules and
755 regulations made or adopted shall be filed with the city clerk, shall be available for public
756 inspection, and, upon request, a copy shall be furnished to all defendants in municipal court
757 proceedings at least 48 hours prior to such proceedings.

758 **ARTICLE V**

759 **ELECTIONS AND REMOVAL**

760 **SECTION 5.10.**

761 Applicability of general law.

762 All primaries and elections shall be held and conducted in accordance with Chapter 2 of Title
763 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended.

764 **SECTION 5.11.**

765 Regular elections; time for holding.

766 The mayor and councilmembers elected in the general municipal elections in 2007 and 2009,
767 and any person selected to fill a vacancy in any such office, shall serve until the regular
768 expiration of their respective terms of office. Regular general municipal elections shall be
769 held on the Tuesday next following the first Monday in November of each odd-numbered
770 year for the election of successors to the mayor and councilmembers. The terms of office
771 shall begin at the time of taking the oath of office as provided in Section 2.17 of this charter.

772 **SECTION 5.12.**

773 Nonpartisan elections.

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

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SECTION 5.13.

777

Election by plurality vote.

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The person receiving a plurality of the votes cast for any city office shall be elected.

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SECTION 5.14.

780

Special elections; vacancies.

781

In the event that the office of councilmember shall become vacant as provided in Section 2.12 of this charter, the city council or those remaining shall order a special election to fill the balance of the unexpired term of such official; provided, however, if such vacancy occurs within 12 months of the expiration of the term of that office, the city council or those members remaining shall appoint a successor for the remainder of the term. In all other respects, the special election shall be held and conducted in accordance with Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended.

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SECTION 5.15.

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Other provisions.

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Except as otherwise provided by this charter, the city council shall, by ordinance, prescribe such rules and regulations as it deems appropriate to fulfill any options and duties under Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code."

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SECTION 5.16.

794

Removal of officers.

795

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

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(b) Removal of an officer pursuant to subsection (a) of this section shall be accomplished by a hearing at which an impartial panel shall render a decision. In the event an elected officer is sought to be removed by the action of the city council, such officer shall be entitled to a written notice specifying the ground or grounds for removal and to a public hearing which shall be held not less than ten days after the service of such written notice. The city council shall provide by ordinance for the manner in which such hearings shall be held. Any elected officer sought to be removed from office as provided in this section shall have the right of appeal from the decision of the city council to the Superior Court of DeKalb County. Such appeal shall be governed by the same rules as govern appeals to the superior court from the probate court.

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808 ARTICLE VI
809 FINANCE
810 **SECTION 6.10.**
811 Property tax.

812 The city council may assess, levy, and collect an ad valorem tax on all real and personal
813 property within the corporate limits of the city that is subject to such taxation by the state and
814 county. This tax is for the purpose of raising revenues to defray the costs of operating the
815 city government, of providing governmental services, for the repayment of principal and
816 interest on general obligations, and for any other public purpose as determined by the city
817 council in its discretion.

818 **SECTION 6.11.**
819 Millage rate; due dates; payment methods.

820 The city council by ordinance shall establish a millage rate for the city property tax, a due
821 date, and the time period within which these taxes must be paid. The city council by
822 ordinance may provide for the payment of these taxes by installments or in one lump sum,
823 as well as authorize the voluntary payment of taxes prior to the time when due.

824 **SECTION 6.12.**
825 Occupation and business taxes.

826 The city council by ordinance shall have the power to levy such occupation or business taxes
827 as are not denied by law. The city council may classify businesses, occupations, or
828 professions for the purpose of such taxation in any way which may be lawful and may
829 compel the payment of such taxes as provided in Section 6.18 of this charter.

830 **SECTION 6.13.**
831 Licenses; permits; fees.

832 The city council by ordinance shall have the power to require businesses or practitioners
833 doing business in this city to obtain a permit for such activity from the city and pay a
834 regulatory fee for such permit as provided by general law. Such fees shall reflect the total
835 cost to the city of regulating the activity and, if unpaid, shall be collected as provided in
836 Section 6.18 of this charter.

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SECTION 6.14.

Franchises.

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

(b) If no franchise agreement is in effect, the city council has the authority to impose a tax on gross receipts for the use of this city's streets and alleys for the purposes of railroads, street railways, telephone companies, electric companies, electric membership corporations, cable television and other telecommunications companies, gas companies, transportation companies, and other similar organizations.

SECTION 6.15.

Service charges.

The city council by ordinance shall have the power to assess and collect fees, charges, and tolls for sewers, sanitary and health services, or any other services provided or made available within and outside the corporate limits of the city for the total cost to the city of providing or making available such services. If unpaid, such charges shall be collected as provided in Section 6.18 of this charter.

SECTION 6.16.

Special assessments.

The city council by ordinance shall have the power to assess and collect the cost of constructing, reconstructing, widening, or improving any public way, street, sidewalk, curbing, gutters, sewers, or other utility mains and appurtenances from the abutting property owners under such terms and conditions as are reasonable. If unpaid, such charges shall be collected as provided in Section 6.18 of this charter.

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SECTION 6.17.

870

Construction; other taxes.

871

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

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SECTION 6.18.

875

Collection of delinquent taxes and fees.

876

The city council by ordinance may provide generally for the collection of delinquent taxes, fees, or other revenue due the city under Sections 6.10 through 6.17 of this charter by whatever reasonable means as are not precluded by law. This shall include providing for the dates when the taxes or fees are due; late penalties or interest; issuance and execution of fi. fas.; creation and priority of liens; making delinquent taxes and fees personal debts of the persons required to pay the taxes or fees imposed; revoking city permits for failure to pay any city taxes or fees; and providing for the assignment or transfer of tax executions.

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SECTION 6.19.

884

General obligation bonds.

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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 such issue is undertaken.

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SECTION 6.20.

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Revenue bonds.

891

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

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SECTION 6.21.

895

Short-term loans.

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The city may obtain short-term loans and must repay such loans not later than December 31 of each year, unless otherwise provided by law.

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SECTION 6.22.

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 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 must 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.

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SECTION 6.23.

Fiscal year.

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

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SECTION 6.24.

Budget ordinance.

The city council shall provide an ordinance on the procedures and requirements for the preparation and execution of an annual operating budget, a capital improvement plan, and a capital budget, including requirements as to the scope, content, and form of such budgets and plans. The city council shall also comply with the budgeting and auditing provisions of Chapter 81 of Title 36 of the O.C.G.A.

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SECTION 6.25.

Operating budget.

On or before a date fixed by the city council but not later than 45 days prior to the beginning of each fiscal year, the city manager shall submit to the city council a proposed operating budget for the ensuing fiscal year. The budget shall be accompanied by a message from the city manager containing a statement of the general fiscal policies of the city, the important features of the budget, explanations of major changes recommended for the next fiscal year, a general summary of the budget, and other pertinent comments and information. The operating budget and the capital budget provided for in Section 6.29 of this charter, the budget message, and all supporting documents shall be filed in the office of the city clerk and shall be open to public inspection.

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SECTION 6.26.

Action by city council on budget.

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

(b) The city council by ordinance shall adopt the final operating budget for the ensuing fiscal year not later than the first day of the ensuing fiscal year. If the city council fails to adopt the budget by said date, the amounts appropriated for operation for the then current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items prorated accordingly, until such time as the city council adopts a budget for the ensuing fiscal year. Adoption of the budget shall take the form of an appropriations ordinance setting out the estimated revenues in detail by sources and making appropriations according to fund and by organizational unit, purpose, or activity as set out in the budget preparation ordinance adopted pursuant to Section 6.24 of this charter.

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

SECTION 6.27.

Levy of taxes.

The city council shall levy by ordinance such taxes as are necessary. The taxes and tax rates set by such ordinance shall be such that reasonable estimates of revenues from such levy shall at least be sufficient, together with other anticipated revenues, fund balances, and applicable reserves, to equal the total amount appropriated for each of the several funds set forth in the annual operating budget for defraying the expenses of the general government of this city.

SECTION 6.28.

Changes in appropriations.

The city council by ordinance may make changes in the appropriations contained in the current operating budget at any regular meeting or special or emergency meeting called for such purpose, but any additional appropriations may be made only from an existing unexpended surplus.

SECTION 6.29.

Capital improvements.

(a) On or before the date fixed by the city council, but not later than 45 days prior to the beginning of each fiscal year, the city manager shall submit to the city council a proposed capital improvements plan with a recommended capital budget containing the means of financing the improvements proposed for the ensuing fiscal year. The city council shall have power to accept, with or without amendments, or reject the proposed plan and budget. The city council shall not authorize an expenditure for the construction of any building, structure, work, or improvement unless the appropriations for such project are included in the capital budget, except to meet a public emergency as provided in Section 2.23 of this charter.

(b) The city council shall adopt by ordinance the final capital budget for the ensuing fiscal year not later than the first day of the ensuing fiscal year. No appropriation provided for in a prior capital budget shall lapse until the purpose for which the appropriation was made shall have been accomplished or abandoned; provided, however, the city manager may submit amendments to the capital budget at any time during the fiscal year, accompanied by recommendations. Any such amendments to the capital budget shall become effective only upon adoption by ordinance.

SECTION 6.30.

Audits.

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

SECTION 6.31.

Procurement and property management.

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; and
- (3) It is made or authorized by the city council and such approval is entered in the city council journal of proceedings pursuant to Section 2.19 of this charter.

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SECTION 6.32.

Purchasing.

The city council shall by ordinance prescribe procedures for a system of centralized purchasing for the city.

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SECTION 6.33.

Sale and lease of property.

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

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

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

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ARTICLE VII

GENERAL PROVISIONS

SECTION 7.10.

Bonds for officials.

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The officers and employees of this city, both elected and appointed, shall execute such surety or fidelity bonds in such amounts and upon such terms and conditions as the city council shall from time to time require by ordinance or as may be provided by law.

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SECTION 7.11.

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Prior ordinances.

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All ordinances, resolutions, rules, and regulations now in force in the city not inconsistent with this charter are declared valid and of full effect and force until amended or repealed by the city council.

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SECTION 7.12.

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Existing personnel and officers.

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Except as specifically provided otherwise by this charter, all personnel and officers of this city and their rights, privileges, and powers shall continue beyond the time this charter takes effect for a period of 60 days before or during which time the existing city council shall pass a transition ordinance detailing the changes in personnel and appointed officers required or desired and arranging such titles, rights, privileges, and powers as may be required or desired to allow a reasonable transition.

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SECTION 7.13.

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Pending matters.

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

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SECTION 7.14.

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Construction and definitions.

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

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

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

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(d) Except as specifically provided otherwise by this charter, the term:

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(1) "City council" means the members of the city council.

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(2) "Councilmember" means a member of the city council.

SECTION 7.15.

Specific repealer.

An Act incorporating the City of Stone Mountain, approved March 28, 1990 (Ga. L. 1990, P. 4790), is repealed in its entirety and all amendatory Acts thereto are likewise repealed in their entirety.

SECTION 7.16.

Referendum.

Unless prohibited by the federal Voting Rights Act of 1965, as amended, the election superintendent of the City of Stone Mountain shall call and conduct an election as provided in this section for the purpose of submitting this Act to the electors of the City of Stone Mountain for approval or rejection. The election superintendent shall conduct that election on the date of the general election in November, 2009, and shall issue the call and conduct that election as provided by general law. The election superintendent shall cause the date and purpose of the election to be published once a week for two weeks immediately preceding the date thereof in the official organ of DeKalb County. The ballot shall have written or printed thereon the words:

"() YES Shall the Act which provides a new charter for the City of Stone Mountain
() NO be approved?"

All persons desiring to vote for approval of the Act shall vote "Yes," and all persons desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on such question are for approval of the Act, it shall become of full force and effect on January 1, 2010. If the Act is not so approved or if the election is not conducted as provided in this section, the remaining sections of this Act shall not become effective and this Act shall be automatically repealed on January 1, 2010. The expense of such election shall be borne by the City of Stone Mountain. It shall be the election superintendent's duty to certify the result thereof to the Secretary of State.

SECTION 7.17.

Effective date.

Section 7.16 and this section shall become effective upon signature of the Governor. The remaining sections of this charter shall become effective as provided in Section 7.16.

SECTION 7.18.

Preclearance.

The governing authority of the City of Stone Mountain shall through its legal counsel cause this Act to be submitted for preclearance under the federal Voting Rights Act of 1965, as

1090 amended; and such submission shall be made to the United States Department of Justice or
1091 filed with the appropriate court no later than 45 days after the date on which this Act is
1092 approved by the Governor or otherwise becomes law without such approval.

1093 **SECTION 7.19.**

1094 General repealer.

1095 All laws and parts of laws in conflict with this Act are repealed.