

The House Committee on Governmental Affairs offers the following substitute to HB 636:

A BILL TO BE ENTITLED
AN ACT

1 To incorporate the City of Ashford in DeKalb County; to provide for a charter for the City
2 of Ashford; to provide for incorporation, boundaries, and powers of the city; to provide for
3 general powers and limitations on powers; to provide for a governing authority of such city
4 and the powers, duties, authority, election, terms, method of filling vacancies, compensation,
5 expenses, qualifications, prohibitions, and districts relative to members of such governing
6 authority; to provide for inquiries and investigations; to provide for organization and
7 procedures; to provide for ordinances; to provide for codes; to provide for a transition task
8 force; to provide for the office of mayor and certain duties and powers relative to the office
9 of mayor; to provide for administrative responsibilities; to provide for boards, commissions,
10 and authorities; to provide for a city manager, a city attorney, a city clerk, a city accountant,
11 and other personnel; to provide for a municipal court and the judge or judges thereof; to
12 provide for practices and procedures; to provide for ethics and disclosures; to provide for
13 taxation, licenses, and fees; to provide for franchises, service charges, and assessments; to
14 provide for bonded and other indebtedness; to provide for accounting and budgeting; to
15 provide for purchases; to provide for homestead exemptions; to provide for bonds for
16 officials; to provide for other matters relative to the foregoing; to provide for a referendum;
17 to provide effective dates and transitional provisions governing the transfer of various
18 functions and responsibilities from DeKalb County to the City of Ashford; to provide for
19 severability; to provide an effective date; to repeal conflicting laws; and for other purposes.

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

- 52 (2) Appropriations and expenditures. To make appropriations for the support of the
53 government of the city; to authorize the expenditure of money for any purposes
54 authorized by this charter and for any purpose for which a municipality is authorized by
55 the laws of the State of Georgia; and to provide for the payment of expenses of the city;
- 56 (3) Building regulation. To regulate and to license the erection and construction of
57 buildings and all other structures; to adopt building, housing, plumbing, electrical, gas,
58 and heating and air conditioning codes; and to regulate all housing and building trades
59 to the extent permitted by general law;
- 60 (4) Business regulation and taxation. To levy and to provide for the collection of
61 regulatory fees and taxes on privileges, occupations, trades, and professions as authorized
62 by Title 48 of the O.C.G.A. or other such applicable laws as are or may hereafter be
63 enacted; to permit and regulate the same; to provide for the manner and method of
64 payment of such regulatory fees and taxes; and to revoke such permits after due process
65 for failure to pay any city taxes or fees;
- 66 (5) Condemnation.
- 67 (A) To condemn property inside the corporate limits of the city for present or future
68 use and for any public purpose deemed necessary by the city council utilizing
69 procedures enumerated in Title 22 of the O.C.G.A. or such other applicable laws as are
70 or may hereafter be enacted;
- 71 (B) The municipality shall have the right to condemn and cause to be remediated or
72 removed any building, structure, or existing condition within its corporate limits that
73 is dangerous to life, limb, or property, by reasons of decay, dilapidation, or unsanitary
74 condition. Nothing in this subparagraph shall be construed to relieve the municipality
75 of any duty to give owners or interested persons reasonable notice and opportunity to
76 remedy the situation. Nothing in this subparagraph shall be construed as relieving the
77 municipality of liability to any interested person for damages to person or property
78 taken or destroyed in furtherance of this subparagraph. This subparagraph shall not be
79 construed as authorizing the doing of any act or thing contrary to the Constitution of
80 this state and the policy of the general laws of this state. The municipality shall have
81 authority to adopt reasonable ordinances and resolutions for the purpose of carrying out
82 this subparagraph;
- 83 (6) Contracts. To enter into contracts and agreements with other governmental entities
84 and with private persons, firms, and corporations;
- 85 (7) Emergencies. To establish procedures for determining and proclaiming that an
86 emergency situation exists within or without the city, and to make and carry out all
87 reasonable provisions deemed necessary to deal with or meet such an emergency for the
88 protection, safety, health, or well-being of the citizens of the city;

89 (8) Environmental protection. To protect and preserve the natural resources,
90 environment, and vital areas of the city, the region, and the state through the enactment
91 of ordinances that preserve and improve air quality, restore and maintain water resources,
92 the control of erosion and sedimentation, manage storm water and establish a storm-water
93 utility, manage solid and hazardous waste, and provide other necessary or beneficial
94 actions for the protection of the environment. These ordinances shall include, without
95 limitation, ordinances that protect, maintain, and enhance the public health, safety,
96 environment, and general welfare and minimize public and private losses due to flood
97 conditions in flood hazard areas, as well as protect the beneficial uses of flood plain areas
98 for water quality protection, stream bank and stream corridor protection, wetlands
99 preservation, and ecological and environmental protection. Such ordinances may require
100 that users vulnerable to floods, including facilities which serve such uses, be protected
101 against flood damage at the time of initial construction; restrict or prohibit uses which are
102 dangerous to health, safety, and property due to flooding or erosion hazards, or which
103 increase flood heights, velocities, or erosion; control filling, grading, dredging, and other
104 development which may increase flood damage or erosion; prevent or regulate the
105 construction of flood barriers which will unnaturally divert flood waters or which may
106 increase flood hazards to other lands; limit the alteration of natural flood plains, stream
107 channels, and natural protective barriers which are involved in the accommodation of
108 flood waters; and protect the storm-water management, water quality, stream bank
109 protection, stream corridor protection, wetland preservation, and ecological functions of
110 natural flood plain areas;

111 (9) Ethics. To adopt ethics ordinances and regulations governing such things as, but not
112 limited to, the conduct of municipal elected officials, appointed officials, contractors,
113 vendors, and employees, establishing procedures for ethics complaints, and setting forth
114 penalties for violations of such rules and procedures;

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

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

- 125 (12) General health, safety, and welfare. To define, regulate, and prohibit any act,
126 practice, conduct, or use of property which is detrimental to health, sanitation,
127 cleanliness, welfare, and safety of the inhabitants of the city, and to provide for the
128 enforcement of such standards;
- 129 (13) Gifts. To accept or refuse gifts, donations, bequests, or grants from any source for
130 any purpose related to powers and duties of the city and the general welfare of its
131 citizens, on such terms and conditions as the donor or grantor may impose;
- 132 (14) Health and sanitation. To prescribe standards of health and sanitation and to
133 provide for the enforcement of such standards;
- 134 (15) Homestead exemption. To establish and maintain procedures for offering
135 homestead exemptions to residents of the city and maintaining current homestead
136 exemptions of residents of the city as authorized by Act of the General Assembly;
- 137 (16) Jail sentences. To provide that persons given jail sentences in the city's court may
138 work out such sentences in any public works or on the streets, roads, drains, and other
139 public property in the city; to provide for commitment of such persons to any jail; to
140 provide for the use of pretrial diversion and any alternative sentencing allowed by law;
141 or to provide for commitment of such persons to any county work camp or county jail by
142 agreement with the appropriate county officials;
- 143 (17) Motor vehicles. To regulate the operation of motor vehicles and exercise control
144 over all traffic, including parking upon or across the streets, roads, alleys, and walkways
145 of the city;
- 146 (18) Municipal agencies and delegation of power. To create, alter, or abolish
147 departments, boards, offices not specified in this charter, commissions, authorities, and
148 agencies of the city; and to confer upon such agencies the necessary and appropriate
149 authority for carrying out all the powers conferred upon or delegated to the same;
- 150 (19) Municipal debts. To appropriate and borrow money for the payment of debts of the
151 city and to issue bonds for the purpose of raising revenue to carry out any project,
152 program, or venture authorized by this charter or the laws of the State of Georgia;
- 153 (20) Municipal property ownership. To acquire, dispose of, lease, and hold in trust or
154 otherwise any real, personal, or mixed property, in fee simple or lesser interest, inside or
155 outside the property limits of the city;
- 156 (21) Municipal property protection. To provide for the preservation and protection of
157 property and equipment of the city and the administration and use of same by the public;
158 and to prescribe penalties and punishment for violations thereof;
- 159 (22) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose
160 of public utilities, including but not limited to a system of waterworks, sewers and drains,
161 sewage disposal, storm-water management, gasworks, electricity generating plants, cable

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

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

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

170 (25) Planning and zoning. To provide comprehensive city planning for city land use,
171 signage and outside advertising, and development by zoning; and to provide subdivision
172 regulation and the like as the city council deems necessary and reasonable to ensure a
173 safe, healthy, and aesthetically pleasing community;

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

177 (27) Public hazards; removal. To provide for the destruction and removal of any
178 building or other structure that is or may become dangerous or detrimental to the public;

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

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

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

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

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

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

201 (33) Employee benefits. To provide and maintain a retirement plan, insurance, and such
202 other employee benefits for appointed officers and employees of the city as are
203 determined by the city council;

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

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

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

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

219 (A) The millage rate imposed for ad valorem taxes on real property shall not exceed
220 3.35 unless a higher limit is recommended by resolution of the city council and
221 approved by a majority of the qualified electors of the City of Ashford voting on the
222 issue, provided that the amount of millage associated with general obligation bonds
223 shall not count as part of the 3.35 limit since such millage is already subject to approval
224 by the electors of the city in a separate referendum;

225 (B) For all years, the fair market value of all property subject to taxation shall be
226 determined according to the tax digest of DeKalb County, as provided in Code Section
227 48-5-352 of the O.C.G.A.; and

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

230 (39) Taxicabs. To regulate and license vehicles operated for hire in the city; to limit the
231 number of such vehicles; to require the operators thereof to be licensed; to require public
232 liability insurance on such vehicles in the amounts to be prescribed by ordinance; to
233 inspect said vehicles and mandate standards of safety and cleanliness; and to regulate the
234 parking of such vehicles;

235 (40) Tourism, conventions, and trade shows. To provide for the structure, operation, or
 236 management of the Ashford Convention and Visitors Bureau created pursuant to Section
 237 1.05 of this charter and to authorize the City of Ashford to contract with private sector
 238 nonprofit organizations or other governmental agencies to promote tourism, conventions,
 239 and trade shows.

240 (41) Urban redevelopment. To organize and operate an urban redevelopment program;
 241 and

242 (42) Other powers. To exercise and enjoy all other powers, functions, rights, privileges,
 243 and immunities necessary or desirable to promote or protect the safety, health, peace,
 244 security, good order, comfort, convenience, or general welfare of the city and its
 245 inhabitants; to exercise all implied powers necessary or desirable to carry into execution
 246 all powers granted in this charter as fully and completely as if such powers were fully
 247 stated herein; and to exercise all powers now or in the future authorized to be exercised
 248 by other municipal governments under other laws of the State of Georgia; and any listing
 249 of particular powers in this charter shall not be held to be exclusive of others or restrictive
 250 of general words and phrases granting powers, but shall be held to be in addition to such
 251 powers unless expressly prohibited to municipalities under the Constitution or applicable
 252 laws of the State of Georgia.

253 **SECTION 1.04.**

254 Exercise of powers.

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

259 **SECTION 1.05.**

260 Tourism, conventions, and trade shows.

261 The Ashford Convention and Visitors Bureau is hereby created.

297 (iv) Any part of the City of Ashford which is described in subparagraph (A) of this
298 paragraph as being included in a particular district which, on the effective date of this
299 Act is within the corporate boundaries of another municipality, shall not be included
300 within such district.

301 (C) Following each decennial census, the city council shall revise such districts
302 pursuant to Code Section 36-35-4.1 of the O.C.G.A. to maintain a proper population
303 balance among such districts.

304 (3) One councilmember shall be elected from each of the three council districts and shall
305 hold Council Posts 1, 2, and 3, respectively. Each person desiring to offer as a candidate
306 for councilmember for such posts shall designate the council post for which he or she is
307 offering. Councilmembers for such posts shall be elected by a majority vote of the
308 qualified electors of the respective council districts voting at the elections of the city. In
309 the event that no candidate for a council post obtains a majority vote of the qualified
310 electors of the council district voting in the election, then a run-off election shall be held.
311 The candidates receiving the two highest numbers of votes in the election for such
312 council post will be included in the run-off election. The person receiving the highest
313 number of votes of the qualified electors of the council district voting at such run-off
314 election shall be elected. Each candidate for election to the city council must reside in
315 the district he or she seeks to represent.

316 (4) Three councilmembers shall be elected from the city at large and shall represent
317 Council Posts 4, 5, and 6. Candidates offering for election to Council Post 4 shall reside
318 in Council District 1, candidates offering for election to Council Post 5 shall reside in
319 Council District 2, and candidates offering for election to Council Post 6 shall reside in
320 Council District 3. Each person desiring to offer as a candidate for councilmember for
321 such posts shall designate the council post for which he or she is offering.
322 Councilmembers for such posts shall be elected by a majority vote of the qualified
323 electors of the entire city voting at the elections of the city. In the event that no candidate
324 for a council post obtains a majority vote of the qualified electors of the entire city voting
325 in the election, then a run-off election shall be held. The candidates receiving the two
326 highest numbers of votes in the election for such council post will be included in the
327 run-off election. The person receiving the highest number of votes of the qualified
328 electors of the city voting at such run-off election shall be elected.

329 (c) With the exception of the initial terms set forth in subsection (d) of this section,
330 councilmembers shall be elected to terms of four years and until their successors are elected
331 and qualified on a staggered basis in alternate election cycles such that every two years three
332 councilmembers are up for election.

333 (d) In order to assure staggered elections of the councilmembers, in the first election of the
334 city council the terms for the candidates elected for Council Posts 1, 2, and 3 shall expire
335 upon the administration of the oath of office to their successors elected in the regular
336 elections held in November, 2013, as provided in subsection (b) of Section 2.02 of this
337 charter. The terms for the candidates elected for Council Posts 4, 5, and 6 shall expire upon
338 the administration of the oath of office to their successors elected in the regular elections held
339 in November, 2015, as provided in subsection (b) of Section 2.02 of this charter. Thereafter,
340 a successor to each councilmember shall be elected at the November election immediately
341 preceding the end of such councilmember's term of office and the term of each
342 councilmember shall expire upon the administration of the oath of office to his or her
343 successor.

344 (e) With the exception of the initial term of office, the mayor of the City of Ashford, with
345 the powers and duties specified herein, shall be elected to a term of four years and until his
346 or her successor is elected and qualified. The mayor shall be elected by a majority vote of
347 the qualified electors of the city at large voting at the elections of the city. In the event that
348 no candidate for mayor obtains a majority vote of the qualified electors of the city at large
349 voting at the elections of the city, then a run-off election shall be held. The candidates
350 receiving the two highest numbers of votes in the election shall be included in the run-off
351 election and the candidate receiving the highest number of votes in the runoff of the qualified
352 electors of the city at large voting at such runoff shall be elected. The term of the first
353 elected mayor shall expire upon the administration of the oath of office to his or her
354 successor elected in the regular election held in November, 2015, as provided in
355 subsection (b) of Section 2.02 of this charter. Thereafter, a successor to each mayor shall be
356 elected at the November election immediately preceding the end of such mayor's term of
357 office and the term of each mayor shall expire upon the administration of the oath of office
358 to his or her successor.

359 **SECTION 2.02.**

360 Mayor and councilmembers; terms and qualifications for office.

361 (a) For all elections subsequent to the first election, the mayor and councilmembers shall
362 serve for terms of four years and until their terms shall expire upon the administration of the
363 oath of office to their successors. No person shall be eligible to serve as mayor or
364 councilmember unless that person shall have been a resident of the City of Ashford for a
365 continuous period of at least 12 months immediately prior to the date of the election for
366 mayor or councilmember, shall continue to reside therein during that person's period of
367 service, and shall continue to be registered and qualified to vote in municipal elections of the

368 City of Ashford. In addition to the above requirements, no person shall be eligible to serve
 369 as a councilmember representing a council district unless that person has been a resident of
 370 the district such person seeks to represent for a continuous period of at least six months
 371 immediately prior to the date of the election for councilmember and continues to reside in
 372 such district during that person's period of service.

373 (b) An election shall be held on the Tuesday after the first Monday in November, 2012, to
 374 elect the first mayor and city council. At such election, the first mayor and council shall be
 375 elected to serve for the initial terms of office specified in subsections (d) and (e) of Section
 376 2.01 of this charter. Thereafter, the time for holding regular municipal elections shall be on
 377 the Tuesday next following the first Monday in November of each odd-numbered year
 378 beginning in 2013.

379 (c) The number of consecutive terms an individual may hold a position as a councilmember
 380 shall be unlimited.

381 (d) The number of consecutive terms an individual may hold the position of mayor shall be
 382 limited to two terms.

383 (e) No person who was a member of the General Assembly at the time of the enactment of
 384 this charter shall be eligible for election or to serve as mayor or councilmember of the City
 385 of Ashford during the first four years of the city's existence.

386 **SECTION 2.03.**

387 Vacancy; filling of vacancies; suspensions.

388 (a) Elected officials of the city cannot hold other elective or public offices. The elective
 389 offices of the city's government shall become vacant upon the member's death, resignation,
 390 forfeiture of office, or removal from office. The following shall result in an elected city
 391 official forfeiting his or her office:

392 (1) Violating the provisions of this charter;

393 (2) Being convicted of, or pleading guilty or "no contest" to, a felony or a crime of moral
 394 turpitude; or

395 (3) Failing to attend one-third of the regular meetings of the council in a three-month
 396 period without being excused by the council.

397 (b) The office of mayor shall become vacant upon the incumbent's death, resignation,
 398 forfeiture of office, or removal from office in any manner authorized by this charter or the
 399 general laws of the State of Georgia. A vacancy in the office of mayor shall be filled for the
 400 remainder of the unexpired term by a special election if such vacancy occurs 12 months or
 401 more prior to the expiration of the term of that office. If such vacancy occurs within 12
 402 months of the expiration of the term of that office, the city council or those members

403 remaining shall appoint a successor for the remainder of the term. This provision shall also
 404 apply to a temporary vacancy created by the suspension from office of the mayor.

405 (c) The office of a councilmember shall become vacant upon the incumbent's death,
 406 resignation, forfeiture of office, or removal from office in any manner authorized by this
 407 charter or the general laws of the State of Georgia. A vacancy in the office of a
 408 councilmember shall be filled for the remainder of the unexpired term by a special election
 409 if such vacancy occurs 12 months or more prior to the expiration of the term of that office.
 410 If such vacancy occurs within 12 months of the expiration of the term of that office, the
 411 mayor shall appoint a successor for the remainder of the term subject to the approval of the
 412 city council or those members remaining. This provision shall also apply to a temporary
 413 vacancy created by the suspension from office of a councilmember.

414 **SECTION 2.04.**

415 Nonpartisan elections.

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

418 **SECTION 2.05.**

419 Election votes.

420 The candidates for mayor and Council Posts 4, 5, and 6 who receive a majority vote of the
 421 qualified electors of the city at large voting at the elections of the city shall be elected to a
 422 term of office. The candidates for Council Posts 1, 2, and 3 who receive a majority vote of
 423 the qualified electors of Council Districts 1, 2, and 3, respectively, voting at the elections of
 424 the city shall be elected to a term of office.

425 **SECTION 2.06.**

426 Applicability of general laws; qualifying; other provisions.

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

434

SECTION 2.07.

435

Compensation and expenses.

436 The annual salary of the mayor shall be \$16,000.00 and the annual salary for each
437 councilmember shall be \$12,000.00. Such salaries shall be paid from municipal funds in
438 monthly installments. The mayor shall be provided an annual expense allowance of
439 \$5,000.00 and each councilmember shall be provided an annual expense allowance of
440 \$3,000.00 for the reimbursement of expenses actually and necessarily incurred by the mayor
441 and councilmembers in carrying out their duties as elected officials of the city.

442

SECTION 2.08.

443

Inquiries and investigations.

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

449

SECTION 2.09.

450

Meetings, oath of office, and mayor pro tempore.

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

456 "I do solemnly swear (or affirm) that I will faithfully execute the office of [councilmember
457 or mayor, as the case may be] of the City of Ashford, and will to the best of my ability
458 support and defend the Constitution of the United States, the Constitution of Georgia, and
459 the charter, ordinances, and regulations of the City of Ashford. I am not the holder of any
460 unaccounted for public money due this state or any political subdivision or authority
461 thereof. I am not the holder of any office of trust under the government of the United
462 States, any other state, or any foreign state which I by the laws of the State of Georgia am
463 prohibited from holding. I am otherwise qualified to hold said office according to the
464 Constitution and laws of Georgia. I have been a resident of my district and the City of
465 Ashford for the time required by the Constitution and laws of this state and by the

466 municipal charter. I will perform the duties of my office in the best interests of the City
467 of Ashford to the best of my ability without fear, favor, affection, reward, or expectation
468 thereof."

469 (b) Following the induction of the mayor and councilmembers, the city council, by a
470 majority vote of the councilmembers, shall elect a councilmember to be mayor pro tempore,
471 who shall serve for a term of two years and until a successor is elected and qualified. The
472 number of successive terms an individual may hold a position as mayor pro tempore shall
473 be unlimited.

474 (c) The mayor pro tempore shall assume the duties and powers of the mayor during the
475 mayor's temporary disability, suspension, or absence. If the mayor pro tempore is absent
476 because of sickness or disqualification, any one of the remaining councilmembers, chosen
477 by the councilmembers present, shall be clothed with all the rights and privileges of the
478 mayor as described herein and shall perform the mayor's duties in the same manner as the
479 mayor pro tempore.

480 (d) The city council shall, at least once a month, hold regular meetings at such times and
481 places as prescribed by ordinance. The city council may recess any regular meeting and
482 continue such meeting on any day or hour it may fix and may transact any business at such
483 continued meeting as may be transacted at any regular meeting.

484 (e) Special meetings of the city council may be held on the call of either the mayor and one
485 councilmember or three councilmembers. Notice of such special meetings shall be delivered
486 to all councilmembers, the mayor, and the city manager personally, by registered mail, or by
487 electronic means at least 24 hours in advance of the meeting. Such notice shall not be
488 required if the mayor, all councilmembers, and city manager are present when the special
489 meeting is called. Such notice of any special meeting may be waived by the mayor, a
490 councilmember, or the city manager in writing before or after such a meeting and attendance
491 at the meeting shall also constitute a waiver of notice. The notice of such special meeting
492 shall state what business is to be transacted at the special meeting. Only the business stated
493 in the call may be transacted at the special meeting.

494 **SECTION 2.10.**

495 **Quorum; voting.**

496 (a) Four councilmembers shall constitute a quorum and shall be authorized to transact
497 business for the city council. Voting on the adoption of ordinances shall be taken by voice
498 vote and the yeas and nays shall be recorded in the minutes, but on the request of any
499 member, there shall be a roll-call vote. In order for any ordinance, resolution, motion, or
500 other action of the city council to be adopted, the measure must receive at least three

501 affirmative votes and must receive the affirmative votes of a majority of those voting. No
 502 member of the city council shall abstain from voting on any matter properly brought before
 503 the city council for official action except when such councilmember has a conflict of interest
 504 which is disclosed in writing prior to or at the meeting and made a part of the minutes. Any
 505 member of the city council present and eligible to vote on a matter and refusing to do so for
 506 any reason, other than a properly disclosed and recorded conflict of interest, shall be deemed
 507 to have acquiesced or concurred with the members of the majority who did vote on the
 508 question involved. The mayor shall vote only in the case of a tie or in the case where his or
 509 her vote will provide the number of votes necessary for approval of a matter.

510 (b) The following types of actions require an ordinance in order to have the force of law:

511 (1) Adopting or amending an administrative code or establishing, altering or abolishing
 512 a department, office not specified in this charter, or agency;

513 (2) Providing a fine or other penalty;

514 (3) Levying taxes;

515 (4) Granting, renewing, or extending a franchise;

516 (5) Regulating a rate for a public utility;

517 (6) Authorizing the borrowing of money;

518 (7) Conveying, leasing, or encumbering city land;

519 (8) Regulating land use and development; and

520 (9) Amending or repealing an ordinance already adopted.

521 (c) The city council shall establish by ordinance procedures for convening emergency
 522 meetings. In an emergency, an ordinance may be passed without notice or hearings if the city
 523 council passes the ordinance by three-fourths' vote; provided, however, that the city council
 524 cannot in an emergency meeting:

525 (1) Levy taxes;

526 (2) Grant, renew, or extend a franchise;

527 (3) Regulate a rate for a public utility; or

528 (4) Borrow money.

529 **SECTION 2.11.**

530 **General power and authority of the city council.**

531 (a) Except as otherwise provided by law or by this charter, the city council shall be vested
 532 with all the powers of government of the City of Ashford as provided by Article I of this
 533 charter.

534 (b) In addition to all other powers conferred upon it by law, the city council shall have the
 535 authority to adopt and provide for the execution of such ordinances, resolutions, rules, and

536 regulations, not inconsistent with this charter and the Constitution and the laws of the State
 537 of Georgia, which it shall deem necessary, expedient, or helpful for the peace, good order,
 538 protection of life and property, health, welfare, sanitation, comfort, convenience, prosperity,
 539 or well-being of the inhabitants of the City of Ashford and may enforce such ordinances by
 540 imposing penalties for violation thereof.

541 **SECTION 2.12.**

542 Administrative and service departments.

543 (a) Except for the office of city manager and the elected positions provided for in this
 544 charter, the city council, by ordinance, may establish, abolish, merge, or consolidate offices
 545 not specified in this charter, positions of employment, departments, and agencies of the city
 546 as it shall deem necessary for the proper administration of the affairs and government of the
 547 city. The city council shall prescribe the functions and duties of existing departments,
 548 offices, and agencies or of any departments, offices, and agencies hereinafter created or
 549 established; may provide that the same person shall fill any number of offices and positions
 550 of employment; and may transfer or change the functions and duties of offices, positions of
 551 employment, departments, and agencies of the city.

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

557 **SECTION 2.13.**

558 Prohibitions.

559 (a) No elected official, appointed officer, or employee of the city or any agency or political
 560 entity to which this charter applies shall knowingly:

561 (1) Engage in any business or transaction or have a financial or other personal interest,
 562 direct or indirect, which is incompatible with the proper discharge of official duties or
 563 which would tend to impair the independence of his or her judgment or action in the
 564 performance of official duties;

565 (2) Engage in or accept private employment or render services for private interests when
 566 such employment or service is incompatible with the proper discharge of official duties
 567 or would tend to impair the independence of his or her judgment or action in the
 568 performance of official duties;

- 569 (3) Disclose confidential information concerning the property, government, or affairs of
570 the governmental body by which engaged without proper legal authorization or use such
571 information to advance the financial or other private interest of himself or herself or
572 others, except as required by law;
- 573 (4) Accept any valuable gift, whether in the form of service, loan, object, or promise,
574 from any person, firm, or corporation which to his or her knowledge is interested, directly
575 or indirectly, in any manner whatsoever in business dealings with the governmental body
576 by which he or she is engaged. "Valuable" shall be an amount determined by the city
577 council; provided, however, that the amount shall not exceed \$100.00;
- 578 (5) Represent other private interests in any action or proceeding against this city or any
579 portion of its government; or
- 580 (6) Vote or otherwise participate in the negotiation or in the making of any contract with
581 any business or entity in which he or she, or members of his or her immediate family, has
582 a financial interest.
- 583 (b) Any elected official, appointed officer, or employee who has any private financial
584 interest, directly or indirectly, in any contract or matter pending before or within any
585 department of the city shall disclose such private interest to the city council. "Private
586 financial interest" shall include interests of immediate family. The mayor or any
587 councilmember who has a private interest in any matter pending before the city council shall
588 disclose in writing such private interest and such disclosure shall be entered on the records
589 of the city council, and he or she shall disqualify himself or herself from participating in any
590 decision or vote relating thereto. Any elected official, appointed officer, or employee of any
591 agency or political entity to which this charter applies who shall have any private financial
592 interest, directly or indirectly, in any contract or matter pending before or within such entity
593 shall disclose such private interest to the governing body of such agency or entity.
- 594 (c) No elected official, appointed officer, or employee of the city or any agency or entity to
595 which this charter applies shall use property owned by such governmental entity for personal
596 benefit, convenience, or profit, except in accordance with policies promulgated by the city
597 council or the governing body of such agency or entity.
- 598 (d) Any violation of this section which occurs with the knowledge, express or implied, of
599 a party to a contract or sale shall render said contract or sale voidable at the option of the city
600 council.
- 601 (e) Except as authorized by law, no member of the city council shall hold any other elective
602 city office or be employed by any city or county government during the term for which
603 elected.

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SECTION 2.14.

605

Boards, commissions, and authorities.

606 (a) All members of boards, commissions, and authorities of the city shall be appointed by
607 the mayor subject to confirmation by the city council for such terms of office and such
608 manner of appointment as provided by ordinance, except where other appointing authority,
609 term of office, or manner of appointment is prescribed by this charter or by applicable state
610 law.

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

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

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

622 (e) Any member of a board, commission, or authority may be removed from office for cause
623 by a vote of a majority of the councilmembers in accordance with state laws.

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

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

634

SECTION 2.15.

635

Ordinance form; procedures.

636 (a) Every proposed ordinance and resolution shall be introduced in writing and the city
637 council shall have the authority to approve, disapprove, or amend the same. A resolution

638 may be passed at the time it is offered, but an ordinance shall not be adopted until the title
639 of said ordinance shall have been read at two city council meetings, provided that the
640 beginnings of said meetings are not less than 24 hours nor more than 60 days apart. This
641 requirement of two readings shall not apply to emergency ordinances, to ordinances passed
642 during the first 90 days from the date on which the city begins operation, to ordinances
643 adopted at the first business meeting of the city council in a calendar year, or to ordinances
644 adopted at the first meeting of the initial city council elected under subsection (b) of Section
645 2.02 of this charter. The catchlines of sections of this charter or any ordinance printed in
646 boldface type, italics, or otherwise are intended as mere catchwords to indicate the contents
647 of the section, and:

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

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

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

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

659 **SECTION 2.16.**

660 Submission of ordinances to the city clerk.

661 (a) Every ordinance, resolution, and other action adopted by the city council shall be
662 presented to the city clerk within 15 days of its adoption or approval. The city clerk shall
663 record upon the ordinance the date of its delivery from the city council.

664 (b) An ordinance or resolution that has been passed by the city council shall become
665 effective on the date the ordinance is passed by the city council or on such other date as may
666 be specified in the ordinance.

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ARTICLE III
EXECUTIVE BRANCH
SECTION 3.01.
Powers and duties of the mayor.

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- (a) The mayor shall:
- (1) Preside over all meetings of the city council;
 - (2) Set the agenda for meetings of the city council; provided, however, that additional items shall be added to the agenda upon the written request of any two members of the city council;
 - (3) Serve as the ceremonial head of the city and as its official representative to federal, state, and local governmental bodies and officials;
 - (4) Sign all orders, checks, and warrants for payment of money within a level of authorization as established by the city council;
 - (5) Execute all contracts, deeds, and other obligations of the city within a level of authorization as established by the city council;
 - (6) Vote in matters before the city council to the extent provided in subsection (a) of Section 2.10 of this charter;
 - (7) Make all appointments of city officers as provided by this charter, subject to confirmation by the city council;
 - (8) Serve in a part-time capacity and be compensated accordingly; and
 - (9) Perform any other duties and exercise any other powers required by state or federal law or authorized by a duly adopted ordinance that is not in conflict with this charter.
- (b) The mayor shall have the authority to transfer appropriations within a department, fund, service, strategy, or organizational unit but only with approval of the city council.
- (c) The mayor shall have the authority to certify that a supplemental appropriation is possible due to unexpected revenue increases but only with approval of the city council.
- (d) The mayor shall have all of the powers specifically granted to the mayor elsewhere in this charter regardless of whether such powers are enumerated in this section.

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SECTION 3.02.
City manager; appointment and qualification.

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The mayor shall appoint, subject to confirmation by the city council, an officer whose title shall be the "city manager." The city manager shall be appointed without regard to political beliefs and solely on the basis of his or her education and experience in the accepted competencies and practices of local government management.

701 **SECTION 3.03.**

702 City manager; chief administrative officer.

703 The city manager shall be the chief administrative officer of the government of the city. The
 704 city manager must devote all of his or her working time and attention to the affairs of the city
 705 and shall be responsible to the mayor and city council for the proper and efficient
 706 administration of the affairs of the city over which said officer has jurisdiction.

707 **SECTION 3.04.**

708 City manager; powers and duties enumerated.

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

- 710 (1) See that all laws and ordinances are enforced;
- 711 (2) Appoint and employ all necessary employees of the city, provided that the power of
 712 this appointment shall not include officers and employees who by this charter are
 713 appointed or elected by the mayor and the city council or departments not under the
 714 jurisdiction of the city manager;
- 715 (3) Remove employees appointed and employed under paragraph (2) of this section
 716 without the consent of the city council and without assigning any reason therefor;
- 717 (4) Exercise supervision and control of all departments and all divisions created in this
 718 charter or that may hereafter be created by the city council except as otherwise provided
 719 in this charter;
- 720 (5) Attend all meetings of the city council, without a right to vote, but with a right to take
 721 part in the discussions as seen fit by the chair; provided, however, that regardless of the
 722 decision of the meeting chair, the city manager may take part in any discussion and report
 723 on any matter requested and approved by the city council at such meeting. The city
 724 manager shall be entitled to notice of all special meetings;
- 725 (6) Recommend to the city council, after prior review and comment by the mayor, for
 726 adoption of such measures as the city manager may deem necessary or expedient;
- 727 (7) See that all terms and conditions imposed in favor of the city or its inhabitants in any
 728 public utility franchise are faithfully kept and performed and upon knowledge of any
 729 violation thereof to call the same to the attention of the city attorney, whose duty it shall
 730 be forthwith to take such steps as are necessary to protect and enforce the same;
- 731 (8) Make and execute all lawful contracts on behalf of the city as to matters within the
 732 city manager's level of authorization as established by the city council to the extent that
 733 such contracts are funded in the city's budget, except such as may be otherwise provided

734 by law; provided, however, that no contract purchase or obligation requiring a budget
 735 amendment shall be valid and binding until after approval of the city council;

736 (9) Sign all orders, checks, and warrants for payment of money within the city manager's
 737 level of authorization as established by the city council to the extent that such contracts
 738 are funded in the city's budget, except such as may be otherwise provided by law;
 739 provided, however, that no such order, check, or warrant requiring a budget amendment
 740 shall be valid and binding until after approval of the city council;

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

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

748 (12) Make a full written report to the city council on the fifteenth of each month showing
 749 the operations and expenditures of each department of the city government for the
 750 preceding month, and a synopsis of such reports shall be published by the city clerk;

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

753 (14) Perform such other duties as may be prescribed by this charter or required by
 754 ordinance or resolution of the city council.

755 **SECTION 3.05.**

756 City council interference with administration.

757 Except for the purpose of inquiries and investigations under Section 2.08 of this charter, the
 758 mayor or city council or its members shall deal with city officers and employees who are
 759 subject to the direction or supervision of the city manager solely through the city manager,
 760 and neither the mayor, the city council, nor its members shall give orders to any such officer
 761 or employee, either publicly or privately.

762 **SECTION 3.06.**

763 City manager; removal.

764 (a) The mayor and city council may suspend the city manager from office by a vote at least
 765 four members. The mayor and city council, by a vote of at least four members, may remove
 766 the city manager from office at a subsequent meeting of the city council held on a different

767 day following the suspension of the city manager. The mayor shall be permitted to vote on
 768 the suspension and removal of the city manager notwithstanding the provisions of
 769 subsection (a) of Section 2.10 of this charter. This provision may be supplemented, but not
 770 supplanted, by an employment contract of the city manager which provides for additional
 771 procedures for suspension or removal from office.

772 (b) The city manager shall continue to receive his or her salary until the effective date of a
 773 final resolution of his or her removal. The action of the city council in suspending or
 774 removing the city manager shall not be subject to review by any court or agency.

775 (c) If the city manager is suspended in accordance with subsection (a) of this section or
 776 becomes disabled and is unable to carry out the duties of the office or if the city manager
 777 dies, the acting city manager shall perform the duties of the city manager until the city
 778 manager's disability is removed or until the city manager is replaced. Removal of the city
 779 manager because of disability shall be carried out in accordance with the provisions of
 780 subsection (a) of this section.

781 **SECTION 3.07.**

782 Acting city manager.

783 (a) The mayor with the approval of the city council may appoint any person to exercise all
 784 powers, duties, and functions of the city manager during the city manager's suspension under
 785 subsection (a) of Section 3.06, temporary absence from the city, or during the city manager's
 786 disability.

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

790 **SECTION 3.08.**

791 City attorney.

792 The mayor shall appoint the city attorney together with such assistant city attorneys as may
 793 be deemed appropriate subject to confirmation by the city council and shall provide for the
 794 payment of such attorney for services rendered to the city. The rates or salary paid to any
 795 city attorney or assistant city attorney shall be approved in advance by the city council. The
 796 city attorney shall be responsible for representing and defending the city in all litigation in
 797 which the city is a party; may be the prosecuting officer in the municipal court; shall attend
 798 the meetings of the city council as directed; shall advise the city council, mayor, other
 799 officers, and employees of the city concerning legal aspects of the city's affairs; and shall

800 perform such other duties as may be required by virtue of his or her position as city attorney.
801 The city attorney shall review all contracts of the city but shall not have the power to bind
802 the city.

803 **SECTION 3.09.**

804 City clerk.

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

809 **SECTION 3.10.**

810 City accountant.

811 The mayor may appoint a city accountant subject to confirmation by the city council to
812 perform the duties of an accountant. The city accountant shall also act as tax collector to
813 collect all taxes, licenses, fees, and other moneys belonging to the city subject to the
814 provisions of this charter and the ordinances of the city; and such tax collector shall
815 diligently comply with and enforce all general laws of Georgia relating to the collection, sale,
816 or foreclosure of taxes by municipalities.

817 **SECTION 3.11.**

818 City internal auditor.

819 The city council shall appoint an internal auditor to audit the financial records and
820 expenditures of city funds and to report the results of such audits in writing to the city
821 council at times and intervals set by the city council but no less than quarterly. Such audit
822 reports shall, at a minimum, identify all city expenditures and other financial matters that the
823 internal auditor either determines are not in compliance with or cannot conclusively be
824 determined to be in compliance with the provisions of this charter, the applicable city budget,
825 and applicable ordinances, resolutions, or other actions duly adopted or approved under the
826 provisions of this charter.

827

SECTION 3.12.

828

Consolidation of functions.

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

834

SECTION 3.13.

835

Position classification and pay plans; employment at will.

836 The city manager shall be responsible for the preparation of a position classification and a
 837 pay plan which shall be submitted to the city council for adoption. Said plan may apply to
 838 all employees of the City of Ashford and any of its agencies and offices. When a pay plan
 839 has been adopted by the city council, neither the city council nor the city manager shall
 840 increase or decrease the salaries of individual employees except in conformity with such pay
 841 plan or pursuant to an amendment of said pay plan duly adopted by the city council. Except
 842 as otherwise provided in this charter, all employees of the city shall be subject to removal or
 843 discharge, with or without cause, at any time.

844

ARTICLE IV

845

MUNICIPAL COURT

846

SECTION 4.01.

847

Creation.

848 There is established a court to be known as the Municipal Court of the City of Ashford which
 849 shall have jurisdiction and authority to try offenses against the laws and ordinances of said
 850 city and to punish for a violation of the same. Such court shall have the power to enforce its
 851 judgments by the imposition of such penalties as may be provided by law, including
 852 ordinances of the city; to punish witnesses for nonattendance and to punish also any person
 853 who may counsel or advise, aid, encourage, or persuade another whose testimony is desired
 854 or material in any proceeding before said court to go or move beyond the reach of the process
 855 of the court; to try all offenses within the territorial limits of the city constituting traffic cases
 856 which, under the laws of Georgia, are placed within the jurisdiction of municipal courts to
 857 the extent of, and in accordance with, the provisions of such laws and all laws subsequently
 858 enacted amendatory thereof. Said court shall be presided over by the judge of said court.

859 In the absence or disqualification of the judge, the judge pro tempore shall preside and shall
860 exercise the same powers and duties as the judge when so acting.

861 **SECTION 4.02.**

862 Judge.

863 (a) No person shall be qualified or eligible to serve as judge unless he or she shall have
864 attained the age of 28 years and shall have been a member of the State Bar of Georgia for a
865 minimum of three years. The judge shall be nominated by the mayor subject to approval by
866 the city council. The compensation and number of the judges shall be fixed by the city
867 council.

868 (b) The judge pro tempore shall serve as requested by the judge, shall have the same
869 qualifications as the judge, shall be nominated by the mayor subject to approval of the city
870 council, and shall take the same oath as the judge.

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

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

879 (1) Willful misconduct in office;

880 (2) Willful and persistent failure to perform duties;

881 (3) Habitual intemperance;

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

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

886 **SECTION 4.03.**

887 Convening.

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

890

SECTION 4.04.

891

Jurisdiction; powers.

892 (a) The municipal court shall try and punish for crimes against the City of Ashford and for
 893 violation of its ordinances. The municipal court may fix punishment for offenses within its
 894 jurisdiction to the fullest extent allowed by state law.

895 (b) The municipal court shall have authority to recommend to the city council for approval
 896 a schedule of fees to defray the cost of operation.

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

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

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

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

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

918

SECTION 4.05.

919

Certiorari.

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

924 **SECTION 4.06.**

925 Rules for court.

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

929 **ARTICLE V**

930 **FINANCE AND FISCAL**

931 **SECTION 5.01.**

932 Fiscal year.

933 The city council shall set the fiscal year by ordinance. Said fiscal year shall constitute the
 934 budget year and the year for financial accounting and reporting of each and every office,
 935 department, or institution, agency, and activity of the city government, unless otherwise
 936 provided by state or federal law.

937 **SECTION 5.02.**

938 Preparation of budgets.

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

942 **SECTION 5.03.**

943 Submission of operating budget to city council.

944 (a) On or before a date fixed by the city council, but no later than 45 days prior to the end
 945 of the current fiscal year, the city manager shall, after input, review, and comment by the
 946 mayor, submit to the city council a proposed operating budget and capital budget for the
 947 ensuing fiscal year. The budget shall be accompanied by a message from the mayor and city
 948 manager containing a statement of the general fiscal policies of the city, the important
 949 features of the budget, explanations of major changes recommended for the next fiscal year,
 950 a general summary of the budget, and such other comments and information as they may
 951 deem pertinent. The operating budget, capital budget, budget message, and all supporting
 952 documents shall be filed in the office of the city manager and shall be open to public
 953 inspection.

954 (b) In each year of the city's operation, the city manager and mayor shall present to the city
955 council a budget which is balanced in projected spending and revenues.

956 (c) Prior to passage of the budget, the city council shall hold a special public hearing at
957 which the budget will be presented and public comment on the budget will be solicited. The
958 date, time, and place of the special public hearing shall be announced no less than 30 days
959 prior to the scheduled date for such hearing.

960 (d) All unencumbered balances of appropriations in the current operating budget at the end
961 of the fiscal year shall lapse into the unappropriated surplus or reserves of the fund or funds
962 from which such appropriations were made. When a supplemental appropriation is certified
963 by the mayor to exist pursuant to subsection (c) of Section 3.01 of this charter, these
964 appropriations can be spent during the current fiscal year following passage of a
965 supplemental appropriation ordinance.

966 **SECTION 5.04.**

967 Action by city council on budget.

968 (a) The city council may amend the operating budget or capital budget proposed by the city
969 manager in accordance with subsection (a) of Section 5.03 of this charter except that the
970 budget, as finally amended and adopted, must provide for all expenditures required by law
971 or by other provisions of this charter and for all debt service requirements for the ensuing
972 fiscal year; and the total appropriations from any fund shall not exceed the estimated fund
973 balance, reserves, and revenues constituting the fund availability of such fund.

974 (b) The city council shall adopt a budget on or before the last day of the current fiscal year.
975 If the city council fails to adopt the budget by the prescribed deadline, the operating budget
976 and capital budget proposed by the mayor and city manager shall be adopted without further
977 action by the city council.

978 **SECTION 5.05.**

979 Procurement and property management.

980 No contract with the city shall be binding on the city unless it is in writing. The city council
981 may adopt procedures for the authorization of certain contracts without city attorney review
982 or city council approval. Absent the foregoing, no contract with the city shall be binding on
983 the city unless:

984 (1) It is drawn or submitted and reviewed by the city attorney and, as a matter of course,
985 is signed by the city attorney to indicate such drafting or review; and

986 (2) It is made or authorized by the city council and such approval is entered in the city
987 council journal of proceedings.

988 **SECTION 5.06.**

989 Purchasing.

990 The city council shall by ordinance prescribe procedures for a system of centralized
991 purchasing for the city in accordance with recognized public purchasing standards and with
992 the requirements of state law.

993 **SECTION 5.07.**

994 Audits.

995 (a) There shall be an annual independent audit of all city accounts, funds, and financial
996 transactions by a certified public accountant selected by the city council. The audit shall be
997 conducted according to generally accepted accounting principles, general audit standards,
998 and state law. Copies of all audit reports shall be available at printing cost to the public.

999 (b) As a minimum, all audits and budgets of the city shall satisfy the requirements of
1000 Chapter 81 of Title 36 of the O.C.G.A., relating to local government audits and budgets.

1001 **SECTION 5.08.**

1002 Homestead exemption; freeze.

1003 (a) As used in this section, the term:

1004 (1) "Ad valorem taxes for municipal purposes" means all municipal ad valorem taxes for
1005 municipal purposes levied by, for, or on behalf of the City of Ashford, including, but not
1006 limited to, ad valorem taxes to pay interest on and to retire municipal bonded
1007 indebtedness.

1008 (2) "Base year" means the taxable year immediately preceding the taxable year in which
1009 the exemption under this section is first granted to the most recent owner of such
1010 homestead.

1011 (3) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of
1012 the O.C.G.A., as amended, with the additional qualification that it shall include not more
1013 than five contiguous acres of homestead property.

1014 (b) Each resident of the City of Ashford is granted an exemption on that person's homestead
1015 from City of Ashford ad valorem taxes for municipal purposes in an amount equal to the
1016 amount by which the current year assessed value of that homestead exceeds the base year

1017 assessed value of that homestead. This exemption shall not apply to taxes assessed on
 1018 improvements to the homestead or additional land that is added to the homestead after
 1019 January 1 of the base year. If any real property is added to or removed from the homestead,
 1020 the base year assessed value shall be adjusted to reflect such addition or removal, and the
 1021 exemption shall be recalculated accordingly. The value of that property in excess of such
 1022 exempted amount shall remain subject to taxation.

1023 (c) A person shall not receive the homestead exemption granted by subsection (b) of this
 1024 section unless the person or person's agent files an application with the governing authority
 1025 of the City of Ashford, or the designee thereof, giving such information relative to receiving
 1026 such exemption as will enable the governing authority of the City of Ashford, or the designee
 1027 thereof, to make a determination regarding the initial and continuing eligibility of such owner
 1028 for such exemption. The governing authority of the City of Ashford, or the designee thereof,
 1029 shall provide application forms for this purpose.

1030 (d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of
 1031 the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year
 1032 so long as the owner occupies the residence as a homestead. After a person has filed the
 1033 proper application as provided in subsection (c) of this section, it shall not be necessary to
 1034 make application thereafter for any year, and the exemption shall continue to be allowed to
 1035 such person. It shall be the duty of any person granted the homestead exemption under
 1036 subsection (b) of this section to notify the governing authority of the City of Ashford, or the
 1037 designee thereof, in the event that person for any reason becomes ineligible for that
 1038 exemption.

1039 (e) The exemption granted by subsection (b) of this section shall not apply to or affect state
 1040 ad valorem taxes, county ad valorem taxes for county purposes, or county or independent
 1041 school district ad valorem taxes for educational purposes. The homestead exemption granted
 1042 by subsection (b) of this section shall be in addition to and not in lieu of any other homestead
 1043 exemption applicable to municipal ad valorem taxes for municipal purposes.

1044 (f) The exemption granted by subsection (b) of this section shall apply to all taxable years
 1045 beginning on or after January 1, 2013.

1046 **SECTION 5.09.**

1047 Homestead exemption; senior citizens; disabled.

1048 (a) As used in this section, the term:

1049 (1) "Ad valorem taxes for municipal purposes" means all ad valorem taxes for municipal
 1050 purposes levied by, for, or on behalf of the City of Ashford, including, but not limited to,
 1051 any ad valorem taxes to pay interest on and to retire municipal bonded indebtedness.

1052 (2) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of
1053 the O.C.G.A., as amended.

1054 (3) "Income" means Georgia taxable net income determined pursuant to Chapter 7 of
1055 Title 48 of the O.C.G.A., as amended, for state income tax purposes, except income shall
1056 not include income received as retirement, survivor, or disability benefits under the
1057 federal Social Security Act or under any other public or private retirement, disability, or
1058 pension system, except such income which is in excess of the maximum amount
1059 authorized to be paid to an individual and such individual's spouse under the federal
1060 Social Security Act. Income from such sources in excess of such maximum amount shall
1061 be included as income for the purposes of this Act.

1062 (4) "Senior citizen" means a person who is 65 years of age or over on or before January 1
1063 of the year in which application for the exemption under subsection (b) of this section is
1064 made.

1065 (b) Each resident of the City of Ashford who is disabled or is a senior citizen is granted an
1066 exemption on that person's homestead from City of Ashford ad valorem taxes for municipal
1067 purposes in the amount of \$14,000.00 of the assessed value of that homestead. The
1068 exemption granted by this subsection shall only be granted if that person's income, together
1069 with the income of the spouse who also occupies and resides at such homestead does not
1070 exceed \$15,000.00 for the immediately preceding year. The value of that property in excess
1071 of such exempted amount shall remain subject to taxation.

1072 (c)(1) In order to qualify for the exemption provided for in subsection (b) of this section
1073 as being disabled, the person claiming such exemption shall be required to obtain a
1074 certificate from not more than three physicians licensed to practice medicine under
1075 Chapter 34 of Title 43 of the O.C.G.A., as amended, certifying that in the opinion of such
1076 physician or physicians such person is mentally or physically incapacitated to the extent
1077 that such person is unable to be gainfully employed and that such incapacity is likely to
1078 be permanent. Such certificate or certificates shall constitute part of and be submitted
1079 with the application provided for in paragraph (2) of this subsection.

1080 (2) A person shall not receive the homestead exemption granted by subsection (b) of this
1081 section unless the person or person's agent files an application with the governing
1082 authority of the City of Ashford, or the designee thereof, giving the person's age, income,
1083 and such additional information relative to receiving such exemption as will enable the
1084 governing authority of the City of Ashford, or the designee thereof, to make a
1085 determination regarding the initial and continuing eligibility of such owner for such
1086 exemption. The governing authority of the City of Ashford, or the designee thereof, shall
1087 provide application forms for this purpose.

1088 (d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of
 1089 the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year
 1090 so long as the owner occupies the residence as a homestead. After a person has filed the
 1091 proper application, as provided in subsection (c) of this section, it shall not be necessary to
 1092 make application thereafter for any year and the exemption shall continue to be allowed to
 1093 such person. It shall be the duty of any person granted the homestead exemption under
 1094 subsection (b) of this section to notify the governing authority of the City of Ashford, or the
 1095 designee thereof, in the event that person for any reason becomes ineligible for that
 1096 exemption.

1097 (e) The exemption granted by subsection (b) of this section shall not apply to or affect state
 1098 ad valorem taxes, county ad valorem taxes for county purposes, or county or independent
 1099 school district ad valorem taxes for educational purposes. The homestead exemption granted
 1100 by subsection (b) of this section shall be in addition to and not in lieu of any other homestead
 1101 exemption applicable to municipal ad valorem taxes for municipal purposes.

1102 (f) The exemption granted by subsection (b) of this section shall apply to all taxable years
 1103 beginning on or after January 1, 2013.

1104 **SECTION 5.10.**

1105 Homestead exemption; general.

1106 (a) As used in this section, the term:

1107 (1) "Ad valorem taxes for municipal purposes" means all ad valorem taxes for municipal
 1108 purposes levied by, for, or on behalf of the City of Ashford, including, but not limited to,
 1109 any ad valorem taxes to pay interest on and to retire municipal bonded indebtedness.

1110 (2) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of
 1111 the O.C.G.A., as amended.

1112 (b) Each resident of the City of Ashford is granted an exemption on that person's homestead
 1113 from City of Ashford ad valorem taxes for municipal purposes in the amount of \$20,000.00
 1114 of the assessed value of that homestead. The value of that property in excess of such
 1115 exempted amount shall remain subject to taxation.

1116 (c) A person shall not receive the homestead exemption granted by subsection (b) of this
 1117 section unless the person or person's agent files an application with the governing authority
 1118 of the City of Ashford, or the designee thereof, giving such information relative to receiving
 1119 such exemption as will enable the governing authority of the City of Ashford, or the designee
 1120 thereof, to make a determination regarding the initial and continuing eligibility of such owner
 1121 for such exemption. The governing authority of the City of Ashford, or the designee thereof,
 1122 shall provide application forms for this purpose.

1123 (d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of
 1124 the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year
 1125 so long as the owner occupies the residence as a homestead. After a person has filed the
 1126 proper application, as provided in subsection (c) of this section, it shall not be necessary to
 1127 make application thereafter for any year and the exemption shall continue to be allowed to
 1128 such person. It shall be the duty of any person granted the homestead exemption under
 1129 subsection (b) of this section to notify the governing authority of the City of Ashford, or the
 1130 designee thereof, in the event that person for any reason becomes ineligible for that
 1131 exemption.

1132 (e) The exemption granted by subsection (b) of this section shall not apply to or affect state
 1133 ad valorem taxes, county ad valorem taxes for county purposes, or county or independent
 1134 school district ad valorem taxes for educational purposes. The homestead exemption granted
 1135 by subsection (b) of this section shall be in addition to and not in lieu of any other homestead
 1136 exemption applicable to municipal ad valorem taxes for municipal purposes.

1137 (f) The exemption granted by subsection (b) of this section shall apply to all taxable years
 1138 beginning on or after January 1, 2013.

1139 **SECTION 5.11.**

1140 Homestead exemption; surviving spouses.

1141 (a) As used in this section, the term:

1142 (1) "Ad valorem taxes for municipal purposes" means all ad valorem taxes for municipal
 1143 purposes levied by, for, or on behalf of the City of Ashford, including, but not limited to,
 1144 ad valorem taxes to pay interest on and to retire municipal bonded indebtedness.

1145 (2) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of
 1146 the O.C.G.A., as amended.

1147 (3) "Unremarried surviving spouse" of a member of the armed forces includes the
 1148 unmarried widow or widower of a member of the armed forces who is receiving spousal
 1149 benefits from the United States Department of Veterans Affairs.

1150 (b) Any person who is a resident of the City of Ashford and who is an unremarried surviving
 1151 spouse of a member of the armed forces of the United States who has been killed in or has
 1152 died as a result of any war or armed conflict in which the armed forces of the United States
 1153 engaged, whether under United States command or otherwise, shall be granted a homestead
 1154 exemption from all City of Ashford ad valorem taxation for municipal purposes in the
 1155 amount of the greater of \$32,500.00 or the maximum amount which may be granted to a
 1156 disabled veteran under Section 2102 of Title 38 of the United States Code, as amended. The
 1157 exemption shall be on the homestead which the unremarried surviving spouse owns and

1158 actually occupies as a residence and homestead. In the event such surviving spouse
1159 remarries, such person shall cease to be qualified to continue the exemption under this
1160 section effective December 31 of the taxable year in which such person remarries. The value
1161 of all property in excess of such exemption granted to such unremarried surviving spouse
1162 shall remain subject to taxation.

1163 (c) In order to qualify for the exemption provided for in this section, the unremarried
1164 surviving spouse shall furnish to the governing authority of the City of Ashford, or the
1165 designee thereof, documents from the United States Secretary of Defense evidencing that
1166 such unremarried surviving spouse receives spousal benefits as a result of the death of such
1167 person's spouse who as a member of the armed forces of the United States was killed or died
1168 as a result of a war or armed conflict while on active duty or while performing authorized
1169 travel to or from active duty during such war or armed conflict in which the armed forces of
1170 the United States engaged, whether under United States command or otherwise, pursuant to
1171 the Survivor Benefit Plan under Subchapter II of Chapter 73 of Title 10 of the United States
1172 Code or pursuant to any preceding or subsequent federal law which provides survivor
1173 benefits for spouses of members of the armed forces who were killed or who died as a result
1174 of any war or armed conflict.

1175 (d) An unremarried surviving spouse filing for the exemption under this section shall be
1176 required to file with the governing authority of the City of Ashford, or the designee thereof,
1177 information relative to marital status and other such information which the governing
1178 authority of the City of Ashford, or the designee thereof, deems necessary to determine
1179 eligibility for the exemption. Each unremarried surviving spouse shall file for the exemption
1180 only once with the governing authority of the City of Ashford, or the designee thereof. Once
1181 filed, the exemption shall automatically be renewed from year to year, except that the
1182 governing authority of the City of Ashford, or the designee thereof, may require annually that
1183 the holder of an exemption substantiate his or her continuing eligibility for the exemption.
1184 It shall be the duty of any person granted the homestead exemption under this section to
1185 notify the governing authority of the City of Ashford, or the designee thereof, in the event
1186 that person for any reason becomes ineligible for such exemption.

1187 (e) The exemption granted by this section shall be in lieu of and not in addition to any other
1188 exemption from ad valorem taxation for municipal purposes which is equal to or lower in
1189 amount than such exemption granted by this section. If the amount of any other exemption
1190 from ad valorem taxation for municipal purposes applicable to any resident qualifying under
1191 this section is greater than or is increased to an amount greater than the amount of the
1192 applicable exemption granted by this section, such other exemption shall apply and shall be
1193 in lieu of and not in addition to the exemption granted by this section.

1194 (f) The exemptions granted by this section shall apply to all tax years beginning on or after
 1195 January 1, 2013.

1196 **ARTICLE VI**

1197 **GENERAL PROVISIONS.**

1198 **SECTION 6.01.**

1199 DeKalb County Special Services Tax District.

1200 For the taxable years beginning on or after January 1, 2013, the adjusted ad valorem tax
 1201 millage rate and amount for service charges or fees for district services for the Ashford
 1202 special services tax district shall be zero percent. This section is enacted pursuant to the
 1203 authority granted to the General Assembly under Section 1 of that local constitutional
 1204 amendment providing that certain municipalities in DeKalb County shall constitute special
 1205 services tax districts, Resolution Act. No. 168; House Resolution No. 715-1916; Ga. L. 1978,
 1206 p. 2468, to control the subject matter of such local constitutional amendment. Municipal
 1207 services provided by DeKalb County for the City of Ashford will be established through
 1208 intergovernmental agreements or established as otherwise authorized by statute.

1209 **SECTION 6.02.**

1210 Referendum and initial election.

1211 (a) Unless prohibited by the federal Voting Rights Act of 1965, as amended, the election
 1212 superintendent of DeKalb County shall call a special election for the purpose of submitting
 1213 this Act to the qualified voters of the proposed City of Ashford for approval or rejection. The
 1214 superintendent shall set the date of such election for the date of the general primary in 2012.
 1215 The superintendent shall issue the call for such election at least 30 days prior to the date
 1216 thereof. The superintendent shall cause the date and purpose of the election to be published
 1217 once a week for two weeks immediately preceding the date thereof in the official organ of
 1218 DeKalb County. The ballot shall have written or printed thereon the words:

1219 "() YES Shall the Act incorporating the City of Ashford in DeKalb County according
 1220 to the charter contained in the Act and the homestead exemptions described in
 1221 () NO the Act be approved?"

1222 All persons desiring to vote for approval of the Act shall vote "Yes," and those persons
 1223 desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes
 1224 cast on such question are for approval of the Act, it shall become of full force and effect as
 1225 provided in this charter, otherwise it shall be void and of no force and effect. The initial
 1226 expense of such election shall be borne by DeKalb County. Within two years after the

1227 elections if the incorporation is approved, the City of Ashford shall reimburse DeKalb
 1228 County for the actual cost of printing and personnel services for such election and for the
 1229 initial election of the mayor and councilmembers pursuant to Section 2.02 of this charter.
 1230 It shall be the duty of the superintendent to hold and conduct such election. It shall be his
 1231 or her further duty to certify the result thereof to the Secretary of State.

1232 (b) For the purposes of the referendum election provided for in subsection (a) of this section
 1233 and for the purposes of the special election of the City of Ashford to be held on the Tuesday
 1234 after the first Monday in November, 2012, the qualified electors of the City of Ashford shall
 1235 be those qualified electors of DeKalb County residing within the corporate limits of the City
 1236 of Ashford as described by Appendix A of this charter. At subsequent municipal elections,
 1237 the qualified electors of the City of Ashford shall be determined pursuant to the authority of
 1238 Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code."

1239 (c) Only for the purposes of holding and conducting the referendum election provided for
 1240 by subsection (a) of this section and holding and conducting the special election of the City
 1241 of Ashford to be held on the Tuesday after the first Monday in November, 2012, the election
 1242 superintendent of DeKalb County is vested with the powers and duties of the election
 1243 superintendent of the City of Ashford and the powers and duties of the governing authority
 1244 of the City of Ashford.

1245 **SECTION 6.03.**

1246 Effective dates and transition.

1247 (a) The initial mayor and councilmembers shall take the oath of office the next business day
 1248 after certification of the election of such officers, and by action of any four members of the
 1249 governing authority may, prior to December 17, 2012, meet and take actions binding on the
 1250 city.

1251 (b) A period of time will be needed for an orderly transition of various government functions
 1252 from DeKalb County to the City of Ashford. Accordingly there shall be a two-year transition
 1253 period as allowed by law beginning at 12:01 A.M. on December 17, 2012.

1254 (c) During such transition period, DeKalb County shall continue to provide within the
 1255 territorial limits of the city all government services and functions which DeKalb County
 1256 provided prior to such date in 2012 and at the same actual direct cost and level of service,
 1257 except to the extent otherwise provided in this section; provided, however, that upon at least
 1258 30 days' prior written notice to the governing authority of DeKalb County by the governing
 1259 authority of City of Ashford, responsibility for any such service or function shall be
 1260 transferred to the City of Ashford. The governing authority of the City of Ashford shall
 1261 determine the date of commencement of collection of taxes, fees, assessments, fines, and

1262 forfeitures, and other moneys within the territorial limits of the city and the date upon which
1263 the City of Ashford is considered removed from the special tax district.

1264 (d) During the transition period, the governing authority of the City of Ashford may
1265 generally exercise any power granted by this charter or general law, except to the extent that
1266 a power is specifically and integrally related to the provision of a governmental service,
1267 function, or responsibility not yet provided or carried out by the city.

1268 (e) During the transition period, all ordinances of DeKalb County shall remain applicable
1269 within the territorial limits of the city unless otherwise amended, repealed, or replaced by the
1270 City of Ashford. Any transfer of jurisdiction to the City of Ashford during or at the end of
1271 the transition period shall not in and of itself abate any judicial proceeding pending in
1272 DeKalb County or the pending prosecution of any violation of any ordinance of DeKalb
1273 County.

1274 (f) During the transition period, the governing authority of the City of Ashford may at any
1275 time, without the necessity of any agreement by DeKalb County, commence to exercise its
1276 planning and zoning powers; provided, however, that the city shall give the county notice of
1277 the date on which the city will assume the exercise of such powers. Upon the governing
1278 authority of the City of Ashford commencing to exercise its planning and zoning powers, the
1279 Municipal Court of the City of Ashford shall immediately have jurisdiction to enforce the
1280 planning and zoning ordinances of the city. The provisions of this subsection shall control
1281 over any conflicting provisions of any other subsection of this section.

1282 (g) Effective upon the termination of the transition period, subsections (b) through (f) of this
1283 section shall cease to apply except for the last sentence of subsection (e) which shall remain
1284 effective. Effective upon the termination of the transition period, the City of Ashford shall
1285 be a full functioning municipal corporation and subject to all general laws of this state.

1286 **SECTION 6.04.**

1287 Directory nature of dates.

1288 It is the intention of the General Assembly that this Act be construed as directory rather than
1289 mandatory with respect to any date prescribed in this Act. If it is necessary to delay any
1290 action called for in this Act for providential cause, delay in securing approval under the
1291 federal Voting Rights Act, or any other reason, it is the intention of the General Assembly
1292 that the action be delayed rather than abandoned. Any delay in performing any action under
1293 this Act, whether for cause or otherwise, shall not operate to frustrate the overall intent of this
1294 Act. Without limiting the generality of the foregoing it is specifically provided that if it is
1295 not possible to hold the referendum election provided for in Section 6.02 of this Act on the
1296 date specified in that section, then such referendum shall be held as soon thereafter as is

1297 reasonably practicable but not later than 45 days after securing approval under the federal
 1298 Voting Rights Act. If the referendum election provided for in Section 6.02 of this Act is
 1299 conducted on or before August 21, 2012, the special election for the initial members of the
 1300 governing authority shall be conducted on the date specified in Section 2.02 of this Act. If
 1301 the referendum election provided for under Section 6.02 of this Act is conducted after
 1302 August 21, 2012, then the special election for the initial members of the governing authority
 1303 shall be held as soon thereafter as is reasonably practicable, and the commencement of the
 1304 initial terms of office shall be delayed accordingly. If the first election provided for in
 1305 Section 2.02 of this Act occurs after the Tuesday following the first Monday in November,
 1306 2012, the city council shall be authorized to delay the dates otherwise specified in
 1307 Section 6.03 of this Act.

1308 **SECTION 6.05.**

1309 Transition task force.

1310 After the close of the qualifying period for the first election for mayor and city council, each
 1311 state representative and state senator whose district includes all or part of the territory
 1312 embraced within the City of Ashford, except for a state representative or state senator whose
 1313 district contains only a road or a portion of a road in the City of Ashford, shall each appoint
 1314 one member to serve on the transition task force. Such appointees shall be residents of the
 1315 territory of such representative or senator's district located within the City of Ashford and
 1316 cannot be candidates for the office of mayor or city council in such initial election. All
 1317 meetings of the transition task force shall be subject to Chapter 14 of Title 50 of the
 1318 O.C.G.A. regarding open and public meetings as it now exists or is subsequently amended.
 1319 The task force shall prepare and present a written report to the new mayor and city council
 1320 on the following matters:

- 1321 (1) Backgrounds and qualifications of possible candidates for the positions of city
 1322 manager, city attorney, city clerk, and city accountant;
 1323 (2) A proposed plan for cost-effectively privatizing the delivery of as many city services
 1324 as practicable based upon the best practices of other municipalities; and
 1325 (3) Possible locations and pricing for leased city office facilities.

1326 Such report shall be made public via the Internet on the day immediately following the
 1327 general election date of the mayor and city council and shall be delivered to the newly
 1328 elected mayor and city council. After publication and delivery of the report, the transition
 1329 task force shall stand dissolved.

SECTION 6.06.

Severability.

1332 In the event any section, subsection, sentence, clause, or phrase of this Act shall be declared
1333 or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other
1334 sections, subsections, sentences, clauses, or phrases of this Act, which shall remain of full
1335 force and effect, as if the section, subsection, sentence, clause, or phrase so declared or
1336 adjudged invalid or unconstitutional were not originally a part hereof. The General
1337 Assembly hereby declares that it would have passed the remaining parts of this Act if it had
1338 known that such part or parts hereof would be declared or adjudged invalid or
1339 unconstitutional.

SECTION 6.07.

Effective date.

1342 This Act shall become effective upon its approval by the Governor or upon its becoming law
1343 without such approval. The boundaries of the proposed City of Ashford shall become
1344 effective upon the effective date of this Act for the purposes of annexation of territory by
1345 other municipalities and no portion of the territory within the proposed City of Ashford shall
1346 be subject to annexation as of the effective date of this Act. If the referendum provided for
1347 in Section 6.02 fails, then such boundaries shall cease to exist and shall be subject to
1348 annexation by other municipalities.

SECTION 6.08.

Repealer.

1351 All laws and parts of laws in conflict with this Act are repealed.

1352 APPENDIX A
 1353 LEGAL DESCRIPTION
 1354 CORPORATE LIMITS
 1355 CITY OF ASHFORD, DEKALB COUNTY, GEORGIA

1356 Commence at a point on the land lot line common to Land Lot 6 of the 17th District of
 1357 Fulton County, Georgia and Land Lot 154 of the 18th District of DeKalb County, Georgia,
 1358 where said land lot line intersects with the southerly right-of-way line of the Northeast
 1359 Expressway (inclusive of access roads) (a/k/a Interstate I-85); thence run north along said
 1360 land lot line dividing Fulton and DeKalb Counties following the easterly boundaries of the
 1361 City of Atlanta and the City of Sandy Springs, respectively, (including any deviations from
 1362 said land lot line to the extent that boundary of the City of Atlanta crosses into DeKalb
 1363 County, Georgia as of the date of this description) to a point on the land lot line common to
 1364 Land Lot 17 of the 17th District of Fulton County, Georgia, and Land Lot 329 of the 18th
 1365 District of DeKalb County where said land lot line intersects with the southerly boundary of
 1366 the City of Dunwoody, Georgia, and the southerly right-of-way line of the Perimeter
 1367 Highway (a/k/a I-285); thence running northwesterly and westerly along said southerly
 1368 right-of-way line following the southerly boundary of the City of Dunwoody, Georgia, to a
 1369 point in Land Lot 345 of the 18th District of DeKalb County, Georgia, where said southerly
 1370 right-of-way line and the southerly border of the City of Dunwoody, Georgia intersect with
 1371 the westerly right-of-way line of Chamblee Dunwoody Road and the boundary of the City
 1372 of Chamblee, Georgia; thence follow said westerly right-of-way line running southerly
 1373 following the westerly boundary of the City of Chamblee, Georgia to a point in Land Lot 308
 1374 of the 18th District of DeKalb County, Georgia, where said westerly right-of-way line
 1375 intersects with the northerly right-of-way line of Harts Mill Road; thence running
 1376 southwesterly, northwesterly and southwesterly along said right-of-way line following the
 1377 boundary of the City of Chamblee, Georgia, to the point where said right-of-way line
 1378 intersects with the land lot line common to Land Lots 306 and 307 in the 18th District of
 1379 DeKalb County, Georgia; thence leaving said right-of-way line, following said land lot line
 1380 south along the westerly boundary of the City of Chamblee, Georgia, to a point where the
 1381 land lot line common to Land Lots 277 and 278 of the 18th District of DeKalb County,
 1382 Georgia, intersects with the northerly right-of-way line of Peachtree Road (f/k/a Peachtree
 1383 Industrial Boulevard); thence leave said land lot line running southwesterly along said
 1384 northerly right-of-way line of Peachtree Road for a distance of 1250 feet, more or less to a
 1385 point following the boundary of the City of Chamblee, Georgia, as described in Article 1,
 1386 Section 2.6 of the Charter of the City of Chamblee, Georgia (1967 Annexation); thence
 1387 leaving said northerly right-of-way line following the boundary of the City of Chamblee,

1388 Georgia, following the boundary being described in Article 1, Section 2.8 of the Charter of
1389 the City of Chamblee, Georgia (1978 Annexation), easterly to a point where said boundary
1390 intersects with the land lot line common to Land Lots 277 and 278 of the 18th District of
1391 DeKalb County; thence continuing along the boundary of the City of Chamblee, Georgia,
1392 southerly and easterly to the point where said boundary intersects with the right-of-way of
1393 8th Street; thence running easterly along the right-of-way of 8th Street, following the
1394 boundary of the City of Chamblee, to the intersection of said right-of-way and the City of
1395 Chamblee boundary with the westerly right-of-way line of Clairmont Road; thence running
1396 due east across said right-of-way to the easterly right-of-way line of Clairmont Road; thence
1397 running south along said easterly right-of-way line of Clairmont Road to the point where said
1398 right-of-way line intersects the northwest corner of that certain parcel of land identified as
1399 Tax Parcel No. 18 270 01 013; thence running east along the northerly property line of said
1400 parcel to the point at the westernmost intersection of said parcel and Tax Parcel
1401 No. 18 270 01 021; thence running north, east, southeast, southwest and west along the
1402 westerly, northerly, easterly and southerly property lines of Tax Parcel No. 18 270 01 021
1403 to a point where said property line intersects the northerly right-of-way line of West Hardee
1404 Avenue, said point also intersecting with the westerly property line of Tax Parcel
1405 No. 18 270 01 017 (hereinafter "DeKalb-Peachtree Airport"); thence running generally
1406 southerly along the boundary of DeKalb-Peachtree Airport following the courses and
1407 distances thereof to the point where said boundary intersects with the northerly right-of-way
1408 line of Dresden Drive in Land Lot 244 of the 18th District, DeKalb County, Georgia; thence
1409 running east along said northerly right-of-way line of Dresden Drive to a point in Land
1410 Lot 244 of the 18th District, DeKalb County, Georgia on the westerly right-of-way line of
1411 Buford Highway; thence running due east across said right-of-way to a point on the easterly
1412 right-of-way line of Buford Highway; thence running southwesterly along said easterly
1413 right-of-way line of Buford Highway to a point at the intersection of said easterly
1414 right-of-way line and the easterly right-of-way line of Clairmont Road located in Land
1415 Lot 236 of the 18th District of DeKalb County, Georgia; thence running southerly following
1416 the easterly right-of-way line of Clairmont Road to a point at the intersection of said easterly
1417 right-of-way line and the southerly right-of-way line of the Northeast Expressway (inclusive
1418 of access roads) (a/k/a Interstate I-85) in Land Lot 196 of the 18th District of DeKalb
1419 County, Georgia; thence following said southerly right-of-way line southwest to the POINT
1420 OF BEGINNING.

1421 All right-of-way and boundary descriptions shall be as of the date of the passage of this
1422 legislation.

1423 APPENDIX B
 1424 LEGAL DESCRIPTION
 1425 CITY COUNCIL DISTRICTS
 1426 CITY OF ASHFORD, DEKALB COUNTY, GEORGIA

1427 Plan: BHcc-2012
 1428 Plan Type: Local
 1429 Administrator: H080
 1430 User: Gina
 1431
 1432 District 001
 1433 DeKalb County
 1434 VTD: 089AG - ASHFORD DUNWOOD
 1435 VTD: 089AH - ASHFORD PARKSIDE
 1436 VTD: 089MU - MONTGOMERY ELEM
 1437 VTD: 089NA - NANCY CREEK ELEM
 1438 021202:
 1439 1010 1013 1014 1015 1027 1028 2012
 1440 VTD: 089SE - SILVER LAKE
 1441 021102:
 1442 1000 1001 1002 1003 1005 1006 2000 2001 2002 2003 2004 2005
 1443 2006 2007 2008 2009 2010 2011 2012 2013 2014 2015 2016 2017
 1444 2018 2019 3001 3002 3003 3004 3005 4000 4001 4002 4003 4004
 1445 4005 4006 4007 4008 4009 4010 4011 4012 4013 4014 4020 4021

 1446 District 002
 1447 DeKalb County
 1448 VTD: 089AB - ASHFORD PARK ELEMENTARY
 1449 VTD: 089BE - BRIARWOOD
 1450 021413:
 1451 1014 1015 1016 1018
 1452 VTD: 089BI - BROOKHAVEN
 1453 021411:
 1454 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011
 1455 1012 1013 1014 2001 2004 2005 2006
 1456 VTD: 089MJ - MONTCLAIR ELEM
 1457 021414:

1458 1000 1001 1002 1003 1004 1005 1006 2000 2001 2002 2003 2004
 1459 2005 2006 2007 2008 2009
 1460 021603:
 1461 2000
 1462 VTD: 089SE - SILVER LAKE
 1463 021102:
 1464 1004 2020 3006 4018
 1465 021209:
 1466 3011 3016
 1467 VTD: 089SF - SKYLAND
 1468 021204:
 1469 That portion of Block 3015 that is south and west of a line that extends
 1470 from the intersection of the southern boundary of the DeKalb-Peachtree
 1471 Airport at its southern point of intersection with Clairmont Road and
 1472 following the boundary of DeKalb-Peachtree Airport until its intersection
 1473 with Young Road
 1474 3018 3019
 1475 021405:
 1476 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011
 1477 1012 3000 3001 3002
 1478 021412:
 1479 2013 2014 2015 2016 2017 2018 2019 2020 2021 2022 2023 2024
 1480 021413:
 1481 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011
 1482 1012 1013 1017 2000 2001 2002

 1483 District 003
 1484 DeKalb County
 1485 VTD: 089BE - BRIARWOOD
 1486 021405:
 1487 2012 2021 3012 3013 3014 3015 3016 3017 3018 3019 3020
 1488 021416:
 1489 1000 1001 1002 1003 1004 1005 1006 2000 2001 2002 2003
 1490 VTD: 089BI - BROOKHAVEN
 1491 021405:
 1492 2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011
 1493 2013 2014 2015 2016 2017 2018 2019 2020 2022 2023 3003 3004

1494 3005 3006 3007 3008 3009 3010 3011
1495 VTD: 089CO - CROSS KEYS HIGH
1496 VTD: 089MJ - MONTCLAIR ELEM
1497 021417:
1498 2000 2001 2002 2003 2004 2005 2009 2017
1499 021603:
1500 2007
1501 VTD: 089SE - SILVER LAKE
1502 021102:
1503 4015 4016 4017 4019
1504 VTD: 089WJ - WOODWARD ELEM

1505

APPENDIX C

1506

CERTIFICATE AS TO MINIMUM STANDARDS

1507

FOR INCORPORATION OF A NEW MUNICIPAL CORPORATION

1508 I, Representative Mike Jacobs, Georgia State Representative from the 80th District and the
 1509 author of this bill introduced at the 2011 session of the General Assembly of Georgia, which
 1510 grants an original municipal charter to the City of Ashford, do hereby certify that this bill is
 1511 in compliance with the minimum standards required by Chapter 31 of Title 36 of the
 1512 O.C.G.A. in that the area embraced within the original incorporation in this bill is in all
 1513 respects in compliance with the minimum standards required by Chapter 31 of Title 36 of the
 1514 O.C.G.A.

1515 This certificate is executed to conform to the requirements of Code Section 36-31-5 of the
 1516 O.C.G.A.

1517 So certified this ____ day of _____, 2012.

1518

1519

Honorable Mike Jacobs

1520

Representative, 80th District

1521

Georgia House of Representatives