

The House Committee on Intragovernmental Coordination - Local Legislation offers the following substitute to HB 1291:

A BILL TO BE ENTITLED
AN ACT

To amend an Act providing for a new charter for the City of Sandy Springs in Fulton County, approved April 15, 2005 (Ga. L. 2005 p. 3515), so as to modify provisions relating to the City of Sandy Springs and the executive and judicial officials of such city; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

An Act providing for a new charter for the City of Sandy Springs in Fulton County, approved April 15, 2005 (Ga. L. 2005 p. 3515), is amended as follows:

"ARTICLE I
CREATION, INCORPORATION, POWERS

SECTION 1.01.

Incorporation.

This Act shall constitute the charter of the City of Sandy Springs, Georgia. The City of Sandy Springs, Georgia, in the County of Fulton, and the inhabitants thereof, are constituted and declared a body politic and corporate under the same name and style of the 'City of Sandy Springs' and by that name shall have perpetual succession, may sue and be sued, plead and be impleaded, in all courts of law and equity, and in all actions whatsoever, and may have and use a common seal.

SECTION 1.02.

Corporate boundaries.

The boundaries of the City of Sandy Springs shall be as set forth and described in Appendix A of this charter, and said Appendix A is incorporated into and made a part of this charter. The city manager shall maintain a current map and written legal description of the corporate boundaries of the city, and such map and description shall incorporate any changes which may hereafter be made in such corporate boundaries.

SECTION 1.03.

Powers and construction.

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

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

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

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

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

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

54 payment of such regulatory fees and taxes; and to revoke such permits after due process
55 for failure to pay any city taxes or fees;

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

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

62 (7) Emergencies. To establish procedures for determining and proclaiming that an
63 emergency situation exists within or without the city, and to make and carry out all
64 reasonable provisions deemed necessary to deal with or meet such an emergency for the
65 protection, safety, health or well-being of the citizens of the city;

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

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

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

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

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

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

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

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

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

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

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

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

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

(21) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose of public utilities, including but not limited to a system of waterworks, sewers and drains, sewage disposal, stormwater management, gas works, electric light plants, cable television and other telecommunications, transportation facilities, public airports, and any other public utility; to fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties; and to provide for the withdrawal of service for refusal or failure to pay the same;

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

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

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

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

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

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

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

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

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

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

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

(33) Roadways. To lay out, open, extend, widen, narrow, establish or change the grade of, abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise

improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and walkways within the corporate limits of the city; to grant franchises and rights of way throughout the streets and roads and over the bridges and viaducts for the use of public utilities; and to require real estate owners to repair and maintain in a safe condition the sidewalks adjoining their lots or lands and to impose penalties for failure to do so;

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

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

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

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

(A) For all years, the millage rate imposed for ad valorem taxes on real property shall not exceed 4.731 unless a higher limit is recommended by resolution of the city council and approved by the qualified voters of the City of Sandy Springs;

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

(C) For all years, the billing date or dates and due date or due dates for municipal ad valorem taxes shall be the same as for Fulton County ad valorem taxes;

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

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

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

(41) Other powers. To exercise and enjoy all other powers, functions, rights, privileges, and immunities necessary or desirable to promote or protect the safety, health, peace,

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

SECTION 1.04.

Exercise of powers.

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

ARTICLE II

GOVERNMENT STRUCTURE, ELECTIONS AND LEGISLATIVE BRANCH

SECTION 2.01.

City council creation; number; election.

(a) The legislative authority of the government of Sandy Springs, except as otherwise specifically provided in this Act, shall be vested in the mayor and a city council to be composed of six city councilmembers. References in this Act to the terms 'councilmember' shall not include the mayor.

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

(c) Each city councilmember shall be elected by a majority vote of the qualified electors of his or her respective city council district voting at the elections of the city. For the purpose of electing the six city councilmembers, there shall be six city council districts, designated City Council Districts 1 through 6, as described in Appendix B of this Act and the accompanying Redistricting Plan Components Report, which are attached to and made a part of the charter of the City of Sandy Springs. Each person desiring to offer as a

232 candidate for city councilmember shall designate the city council district for which he or
233 she is offering.

234 **SECTION 2.02.**

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

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

249 (b) General municipal elections shall be held on the Tuesday next following the first
250 Monday in November of 2005 and quadrennially thereafter.

251 (c) The first mayor and the initial city councilmembers shall take office on December 1,
252 2005, and shall serve for terms which expire when their successors take office in January
253 of 2010. Thereafter the mayor and city councilmembers shall take office as provided in
254 Code Section 21-2-541.1 of the O.C.G.A. and serve for terms of four years. The initial
255 members and future members of the governing authority shall serve until their successors
256 are elected and qualified.

257 **SECTION 2.03.**

258 Vacancy; filling of vacancies; suspensions.

259 The office of mayor or city councilmember shall become vacant upon the incumbent's death,
260 resignation, forfeiture of office, or removal from office in any manner authorized by this Act
261 or the general laws of the State of Georgia. A vacancy in the office of mayor or city
262 councilmember shall be filled for the remainder of the unexpired term by a special election
263 if such vacancy occurs 12 months or more prior to the expiration of the term of that office.
264 If such vacancy occurs within 12 months of the expiration of the term of that office, the city

265 council or those members remaining shall appoint a successor for the remainder of the term.
266 This provision shall also apply to a temporary vacancy created by the suspension from office
267 of the mayor or any city councilmember.

268 **SECTION 2.04.**

269 Nonpartisan elections.

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

272 **SECTION 2.05.**

273 Election by majority vote.

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

279 **SECTION 2.06.**

280 Applicability of general laws; qualifying; other provisions.

281 All primaries and elections shall be held and conducted in accordance with Chapter 2 of Title
282 21 of the O.C.G.A., the 'Georgia Election Code,' as now or hereafter amended. Except as
283 otherwise provided by this Act, the city council shall, by ordinance or resolution, prescribe
284 such rules and regulations as it deems appropriate, including but not limited to the
285 establishment of qualifying fees, to fulfill any options and duties under Chapter 2 of Title 21
286 of the O.C.G.A., the 'Georgia Election Code,' as now or hereafter amended.

287 **SECTION 2.07.**

288 Compensation and expenses.

289 Through December 31, 2012, the starting salary of the mayor shall be not less than
290 \$25,000.00 and the starting salary for each city councilmember shall be not less than
291 \$12,000.00. Effective January 1, 2013, the starting salary of the mayor shall not be less than
292 \$40,000.00 and the starting salary for each city councilmember shall not be less than
293 \$18,000.00. Such salary shall be paid from municipal funds in monthly installments. The

294 city council shall have authority to vote annually to raise the mayor and city councilmembers'
295 salaries in an amount consistent with the Consumer Price Index or similar inflationary index.
296 The city council may provide by ordinance for the provision of insurance, retirement,
297 workers' compensation, and other employee benefits to the mayor and members of the city
298 council and may provide by ordinance for the reimbursement of expenses actually and
299 necessarily incurred by the mayor and members of the city council in carrying out their
300 official duties.

301 **SECTION 2.08.**

302 Inquiries and investigations.

303 The city council may make inquiries and investigations into the affairs of the city and
304 conduct of any department, office, or agency thereof including inquiries and investigation
305 into the services provided to the city by contractors or other persons doing business with the
306 city. For such purpose, the city council may subpoena witnesses, administer oaths, take
307 testimony, and require the production of evidence. Any person who fails or refuses to obey
308 a lawful order issued in the exercise of these powers by the city council shall be punished as
309 may be provided by ordinance.

310 **SECTION 2.09.**

311 Meetings and mayor pro tempore.

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

317 'I do solemnly swear or affirm that I will faithfully execute the office of [city
318 councilmember or mayor as the case may be] of the City of Sandy Springs, and will to
319 the best of my ability support and defend the Constitution of the United States, the
320 Constitution of Georgia, and the charter, ordinances, and regulations of the City of Sandy
321 Springs. I am not the holder of any unaccounted for public money due this state or any
322 political subdivision or authority thereof. I am not the holder of any office of trust under
323 the government of the United States, any other state, or any foreign state which I by the
324 laws of the State of Georgia am prohibited from holding. I am otherwise qualified to
325 hold said office according to the Constitution and laws of Georgia. I have been a resident
326 of my district and the City of Sandy Springs for the time required by the Constitution and

laws of this state and by the municipal charter. I will perform the duties of my office in the best interest of the City of Sandy Springs to the best of my ability without fear, favor, affection, reward, or expectation thereof.'

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

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

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

SECTION 2.10.

Quorum; voting.

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

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

SECTION 2.11.

General power and authority of the city council.

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

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

SECTION 2.12.

Administrative and service departments.

(a) Except for the office of city manager, the city council, by ordinance, may establish, abolish, merge, or consolidate offices, positions of employment, departments, and agencies of the city as they shall deem necessary for the proper administration of the affairs and government of the city. The city council shall prescribe the functions and duties of existing departments, offices, and agencies or of any departments, offices, and agencies hereinafter created or established; may provide that the same person shall fill any number of offices and positions of employment; and may transfer or change the functions and duties of offices, positions of employment, departments, and agencies of the city.

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

(c) Except for the services provided by the mayor, city council, and city manager, the city council may establish contracts for services with private or public entities for services authorized by this Act or the laws of this state.

SECTION 2.13.

Boards, commissions, and authorities.

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

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

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

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

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

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

(g) Except as otherwise provided by this charter or by applicable state law, each board, commission, or authority of the city government shall elect one of its members as chairperson and one member as vice chairperson for terms of one year and may elect as its secretary one of its own members or may appoint as secretary an employee of the city. Each board, commission, or authority of the city government may establish such bylaws, rules, and regulations not inconsistent with this charter, ordinances of the city, or applicable

428 state law as it deems appropriate and necessary for the conduct of its affairs, copies of
429 which shall be filed with the designated officer of the city.

430 **SECTION 2.14.**

431 Ordinance form; procedures.

432 (a) Every proposed ordinance and resolution shall be introduced in writing, and the city
433 council shall have the authority to approve, disapprove, or amend the same. After the title
434 of any proposed resolution or ordinance is read at a city council meeting, it may be
435 approved and passed at such time by the city council.

436 (b) The catchlines of sections of this charter or any ordinance printed in boldface type,
437 italics, or otherwise, are intended as mere catchwords to indicate the contents of the
438 section, and:

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

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

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

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

450 **SECTION 2.15.**

451 Submission of ordinances to the mayor.

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

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

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

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

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

ARTICLE III

EXECUTIVE BRANCH

SECTION 3.01.

Powers and duties of the mayor.

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

(b) The mayor shall:

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

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

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

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

- (5) Vote on any motion, resolution, ordinance, or other question before the city council only as provided in Section 2.10 of this charter and vote on any matter before a committee on which he or she serves;
- (6) Obtain short term loans in the name of the city when authorized by the city council to do so;
- (7) Appoint councilmembers to review the functions of the various departments of the city and report to the mayor and full city council regarding the same;
- (8) Require the city manager to meet with him or her at a time and place designated for consultation and advice upon the affairs of the city;
- (9) Name qualified residents of the city to boards and commissions with approval of the city council;
- (10) Make recommendations to the city council with respect to employment or termination decisions of city employees;
- (11) Prepare or have prepared an agenda for each meeting of the city council which shall include all business submitted by the mayor, any councilmember, the city manager, and the city attorney; and
- (12) Fulfill and perform such other duties as are imposed by this charter and duly adopted ordinances.

SECTION 3.02.

City manager; appointment, qualification, and compensation.

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

SECTION 3.03.

City manager; chief administrative officer.

The city manager shall be the chief administrative officer of the government of the City of Sandy Springs. Except as approved by the mayor and city council, the city manager must devote all of his or her working time and attention to the affairs of the city and shall be responsible to the mayor and city council for the proper and efficient administration of the affairs of the city over which said officer has jurisdiction.

SECTION 3.04.

City manager; powers and duties enumerated.

The city manager shall have the power, and it shall be his or her duty to: (1) See that all laws and ordinances are enforced;

(2) Appoint and employ all necessary employees of the city, provided that excepted from the power of this appointment are those officers and employees who by this Act are appointed or elected by the city council or departments not under the jurisdiction of the city manager;

(3) Remove employees employed by said officer without the consent of the city council and without assigning any reason therefore;

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

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

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

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

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

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

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

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

- (12) Fix all salaries and compensation of city employees in accordance with the city budget and the city pay and classification plan; and
- (13) Perform such other duties as may be prescribed by this Act or required by ordinance or resolution of the city council.

SECTION 3.05.

City council interference with administration.

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

SECTION 3.06.

City manager; removal.

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

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

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

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

(b) The city manager shall continue to receive his or her salary until the effective date of a final resolution of removal and, unless he or she has been convicted of a felony at that time, he or she shall be given not less than 60 days' severance pay. The action of the city

council in suspending or removing the city manager shall not be subject to review by any court or agency.

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

SECTION 3.07.

Acting city manager.

(a) The city manager may designate in writing any administrative employee of the city who shall exercise all powers, duties, and functions of the city manager during the city manager's temporary absence from the city or during the city manager's disability. If such designation has not been made and the city manager is absent from the city or unable to perform the duties of the office or to make such designation, the city council may, by resolution, appoint any qualified administrative employee of the city to perform the powers, duties, and functions of the city manager until the city manager shall return to the city, the disability ceases, or the city council appoints a new city manager.

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

SECTION 3.08.

City attorney.

The mayor shall nominate and the city council shall confirm by majority vote of the city council a city attorney, together with such assistant city attorneys as may be deemed appropriate, and shall provide for the payment of such attorney or attorneys for services rendered to the city. The city attorney shall be responsible for representing and defending the city in all litigation in which the city is a party; may be the prosecuting officer in the municipal court; shall attend the meetings of the city council as directed; shall advise the city council, mayor, other officers, and employees of the city concerning legal aspects of the city's affairs; and shall perform such other duties as may be required by virtue of his or her position as city attorney. The city attorney shall review all contracts of the city but shall not have the power to bind the city.

SECTION 3.09.

City clerk.

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

SECTION 3.10.

Tax collector.

The mayor may appoint a tax collector, subject to confirmation by majority vote of the city council, to collect all taxes, licenses, fees, and other moneys belonging to the city subject to the provisions of this charter and the ordinances of the city; and the tax collector shall diligently comply with and enforce all general laws of Georgia relating to the collection, sale, or foreclosure of taxes by municipalities.

SECTION 3.11.

City accountant.

The mayor may appoint a city accountant, subject to confirmation by majority vote of the city council, to perform the duties of an accountant.

SECTION 3.12.

Consolidation of functions.

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

SECTION 3.13.

Position classification and pay plans; employment at will.

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

ARTICLE IV**MUNICIPAL COURT****SECTION 4.01.**

Creation.

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

SECTION 4.02.

Judge.

(a) No person shall be qualified or eligible to serve as judge unless he or she shall have attained the age of 25 years and shall have been a member of the State Bar of Georgia for a minimum of three years.

(b) All judges shall be appointed by resolution of the city council and shall serve for a term of four years. The compensation of the judge shall be fixed by the city council by adoption of a resolution. The position of judge created in this article shall not be a full-time position, and the person serving in said position may engage in the private practice of law; provided, however, a judge may not appear and represent a client before the court.

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

(d) A judge of the municipal court shall serve for the designated term but may be removed from the position by a two-thirds vote of the entire membership of the city council or upon action taken by the State Judicial Qualifications Commission for:

(1) Willful misconduct in office;

(2) Willful and persistent failure to perform duties;

(3) Habitual intemperance;

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

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

SECTION 4.03.

Administration.

(a) The position of clerk of the court is created. The clerk shall be appointed by the city manager and shall serve at the pleasure of the city manager.

(b) The clerk of the court shall be responsible for all record keeping of the court and bill keeping and collection of all fines received by the court.

(c) In addition, the clerk of the court shall serve as administrator of the court, supervising all personnel of the court, setting times and dates for convening of the court, preparing the court docket, scheduling of judges to preside over the court sessions, and for such other services as may be assigned by resolution or ordinance of the council.

SECTION 4.04.

Jurisdiction; and powers.

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

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

SECTION 4.05.

Certiorari.

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

SECTION 4.06.

Rules for court.

The judges, by majority vote, shall have authority to make reasonable rules and regulations necessary and proper for addressing the operations of the municipal court. The clerk of the court, as administrator of the court, shall prepare reasonable rules and regulations necessary and proper to secure the efficient and successful administration of the municipal court. All rules shall be subject to the approval of the city council.

ARTICLE V**FINANCE AND FISCAL****SECTION 5.01.**

Fiscal year.

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

SECTION 5.02.

Preparation of budgets.

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

SECTION 5.03.

Submission of operating budget to city council.

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

SECTION 5.04.

Action by city council on budget.

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

SECTION 5.05.

Audits.

(a) There shall be an annual independent audit of all city accounts, funds, and financial transactions by a certified public accountant selected by the city council. The audit shall

be conducted according to generally accepted accounting principles. Any audit of any funds by the state or federal government may be accepted as satisfying the requirements of this charter. Copies of all audit reports shall be available at printing cost to the public.

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

SECTION 5.06.

Homestead exemptions.

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

ARTICLE VI

GENERAL PROVISIONS.

SECTION 6.01.

Effective dates.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 6.02.

Charter commission.

At the first regularly scheduled city council meeting 15 years after the inception of the City of Sandy Springs, the mayor and city council shall call for a charter commission to review the city's experience and recommend to the General Assembly any changes to the city charter. Members of the charter commission shall be appointed as follows: one by the mayor, one by the city council, and one by each member of the Georgia House of Representatives and Senate whose district lies wholly or partially within the corporate boundaries of Sandy Springs. All members of the charter commission must reside in Sandy Springs. The commission must complete the recommendations within six months of its creation.

SECTION 6.03.**Severability.**

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

SECTION 6.06.**Repealer.**

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

APPENDIX A

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

Beginning at the northwest corner of the City of Atlanta, as the boundaries of said city existed on January 1, 2005, at the point where the northerly city limit line of said city intersects the westerly county line of Fulton County and the Chattahoochee River, running thence generally easterly along the said northerly city limit line of the City of Atlanta, following the meanderings thereof, to the point where said line intersects the Fulton-DeKalb County line; run thence northerly, generally easterly, and generally northerly along the easterly county line of Fulton County to the point where the Fulton-Gwinnett County line intersects the Chattahoochee River; run thence generally west and southwest along the southern bank of said river, following the meanderings thereof, to the point of beginning. The corporate limits of the City of Sandy Springs shall also consist of properties, if any, annexed by local ordinance.

APPENDIX B

City Council Districts 1 through 6 shall consist of the described territory of the City of Sandy Springs identified as 'Plan: sterling1R Plan Type: Local Administrator: Sandy Springs User:

831 Gina'. When used in such plan, the terms 'Tract' and 'BG' shall mean and describe the same
832 geographical boundaries as provided in the report of the Bureau of the Census for the United
833 States decennial census of 2000 for the State of Georgia. The separate numeric designations
834 in a Tract description which are underneath a 'BG' heading shall mean and describe
835 individual Blocks within a Block Group as provided in the report of the Bureau of the Census
836 for the United States decennial census of 2000 for the State of Georgia. Any part of the City
837 of Sandy Springs which is not included in any such district described in that plan shall be
838 included within that district contiguous to such part which contains the least population
839 according to the United States decennial census of 2000 for the State of Georgia. Any part
840 of the City of Sandy Springs which is described in that plan as being in a particular district
841 shall nevertheless not be included within such district if such part is not contiguous to such
842 district. Such noncontiguous part shall instead be included with that district contiguous to
843 such part which contains the least population according to the United States decennial census
844 of 2000 for the State of Georgia.