

House Bill 1291 (COMMITTEE SUBSTITUTE)

By: Representatives Wilkinson of the 52<sup>nd</sup>, Geisinger of the 48<sup>th</sup>, Lindsey of the 54<sup>th</sup>, and Willard of the 49<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

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

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

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

10 "ARTICLE I

11 CREATION, INCORPORATION, POWERS

12 **SECTION 1.01.**

13 Incorporation.

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

20 **SECTION 1.02.**

21 Corporate boundaries.

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

27 **SECTION 1.03.**

28 Powers and construction.

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

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

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

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

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

50 (4) Business regulation and taxation. To levy and to provide for the collection of  
 51 regulatory fees and taxes on privileges, occupations, trades and professions as authorized  
 52 by Title 48 of the O.C.G.A., or other such applicable laws as are or may hereafter be  
 53 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;

- 90 (13) Gifts. To accept or refuse gifts, donations, bequests, or grants from any source for  
91 any purpose related to powers and duties of the city and the general welfare of its  
92 citizens, on such terms and conditions as the donor or grantor may impose;
- 93 (14) Health and sanitation. To prescribe standards of health and sanitation and to  
94 provide for the enforcement of such standards;
- 95 (15) Jail sentences. To provide that persons given jail sentences in the city's court may  
96 work out such sentences in any public works or on the streets, roads, drains, and other  
97 public property in the city, to provide for commitment of such persons to any jail, to  
98 provide for the use of pretrial diversion and any alternative sentencing allowed by law,  
99 or to provide for commitment of such persons to any county work camp or county jail by  
100 agreement with the appropriate county officials;
- 101 (16) Motor vehicles. To regulate the operation of motor vehicles and exercise control  
102 over all traffic, including parking upon or across the streets, roads, alleys, and walkways  
103 of the city;
- 104 (17) Municipal agencies and delegation of power. To create, alter, or abolish  
105 departments, boards, offices, commissions, and agencies of the city, and to confer upon  
106 such agencies the necessary and appropriate authority for carrying out all the powers  
107 conferred upon or delegated to the same;
- 108 (18) Municipal debts. To appropriate and borrow money for the payment of debts of the  
109 city and to issue bonds for the purpose of raising revenue to carry out any project,  
110 program, or venture authorized by this charter or the laws of the State of Georgia;
- 111 (19) Municipal property ownership. To acquire, dispose of, lease, and hold in trust or  
112 otherwise any real, personal, or mixed property, in fee simple or lesser interest, inside or  
113 outside the property limits of the city;
- 114 (20) Municipal property protection. To provide for the preservation and protection of  
115 property and equipment of the city and the administration and use of same by the public;  
116 and to prescribe penalties and punishment for violations thereof;
- 117 (21) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose  
118 of public utilities, including but not limited to a system of waterworks, sewers and drains,  
119 sewage disposal, stormwater management, gas works, electric light plants, cable  
120 television and other telecommunications, transportation facilities, public airports, and any  
121 other public utility; to fix the taxes, charges, rates, fares, fees, assessments, regulations,  
122 and penalties; and to provide for the withdrawal of service for refusal or failure to pay the  
123 same;
- 124 (22) Nuisance. To define a nuisance and provide for its abatement whether on public or  
125 private property;

- 126 (23) Penalties. To provide penalties for violation of any ordinances adopted pursuant to  
127 the authority of this charter and the laws of the State of Georgia;
- 128 (24) Planning and zoning. To provide comprehensive city planning for development by  
129 zoning; and to provide subdivision regulation and the like as the city council deems  
130 necessary and reasonable to insure a safe, healthy, and aesthetically pleasing community;
- 131 (25) Police and fire protection. To exercise the power of arrest through duly appointed  
132 police officers, and to establish, operate, or contract for a police and a fire-fighting  
133 agency;
- 134 (26) Public hazards: removal. To provide for the destruction and removal of any  
135 building or other structure which is or may become dangerous or detrimental to the  
136 public;
- 137 (27) Public improvements. To provide for the acquisition, construction, building,  
138 operation, and maintenance of public ways, parks and playgrounds, recreational facilities,  
139 cemeteries, public buildings, libraries, public housing, parking facilities, or charitable,  
140 cultural, educational, recreational, conservation, sport, detentional, penal, and medical  
141 institutions, agencies, and facilities; and to provide any other public improvements, inside  
142 or outside the corporate limits of the city and to regulate the use of public improvements;  
143 and for such purposes, property may be acquired by condemnation under Title 22 of the  
144 O.C.G.A., or such other applicable laws as are or may hereafter be enacted;
- 145 (28) Public peace. To provide for the prevention and punishment of loitering, disorderly  
146 conduct, drunkenness, riots, and public disturbances;
- 147 (29) Public transportation. To organize and operate such public transportation systems  
148 as are deemed beneficial;
- 149 (30) Public utilities and services. To grant franchises or make contracts for, or impose  
150 taxes on, public utilities and public services, and to prescribe the rates, fares, regulations,  
151 and standards and conditions of service applicable to the service to be provided by the  
152 franchise grantee or contractor, insofar as not in conflict with valid regulations of the  
153 Public Service Commission.
- 154 (31) Regulation of roadside areas. To prohibit or regulate and control the erection,  
155 removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any  
156 and all other structures or obstructions upon or adjacent to the rights of way of streets and  
157 roads or within view thereof, within or abutting the corporate limits of the city; and to  
158 prescribe penalties and punishment for violation of such ordinances;
- 159 (32) Retirement. To provide and maintain a retirement plan for officers and employees  
160 of the city;
- 161 (33) Roadways. To lay out, open, extend, widen, narrow, establish or change the grade  
162 of, abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise

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

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

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

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

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

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

186 (B) For all years, the fair market value of all property subject to taxation shall be  
 187 determined according to the tax digest of Fulton County, as provided in Code Section  
 188 48-5-352 of the O.C.G.A.; and

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

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

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

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

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

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

209 **SECTION 1.04.**

210 Exercise of powers.

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

215 **ARTICLE II**

216 **GOVERNMENT STRUCTURE, ELECTIONS**

217 **AND LEGISLATIVE BRANCH**

218 **SECTION 2.01.**

219 City council creation; number; election.

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

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

226 (c) Each city councilmember shall be elected by a majority vote of the qualified electors  
 227 of his or her respective city council district voting at the elections of the city. For the  
 228 purpose of electing the six city councilmembers, there shall be six city council districts,  
 229 designated City Council Districts 1 through 6, as described in Appendix B of this Act and  
 230 the accompanying Redistricting Plan Components Report, which are attached to and made  
 231 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

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

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

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

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

## 355 **SECTION 2.10.**

### 356 Quorum; voting.

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

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

372 **SECTION 2.11.**

373 General power and authority of the city council.

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

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

384 **SECTION 2.12.**

385 Administrative and service departments.

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

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

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

### 402 **SECTION 2.13.**

#### 403 **Boards, commissions, and authorities.**

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

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

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

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

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

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

422 (g) Except as otherwise provided by this charter or by applicable state law, each board,  
 423 commission, or authority of the city government shall elect one of its members as  
 424 chairperson and one member as vice chairperson for terms of one year and may elect as its  
 425 secretary one of its own members or may appoint as secretary an employee of the city.  
 426 Each board, commission, or authority of the city government may establish such bylaws,  
 427 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.

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

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

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

### 476 ARTICLE III

#### 477 EXECUTIVE BRANCH

#### 478 SECTION 3.01.

#### 479 Powers and duties of the mayor.

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

487 (b) The mayor shall:

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

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

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

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

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

513 **SECTION 3.02.**

514 City manager; appointment, qualification, and compensation.

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

521 **SECTION 3.03.**

522 City manager; chief administrative officer.

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

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**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;

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

568 **SECTION 3.05.**

569 City council interference with administration.

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

575 **SECTION 3.06.**

576 City manager; removal.

- 577 (a) The mayor and city council may remove the city manager from office in accordance  
 578 with the following procedures:
- 579 (1) The city council shall adopt by affirmative vote of a majority of all its members a  
 580 preliminary resolution removing the city manager and may suspend the city manager  
 581 from duty for a period not to exceed 45 days. A copy of the resolution shall be delivered  
 582 promptly to the city manager;
- 583 (2) Within five days after a copy of the resolution is delivered to the city manager, he or  
 584 she may file with the city council a written request for a public hearing. This hearing  
 585 shall be held at a city council meeting not earlier than 15 days nor later than 30 days after  
 586 the request is filed. The city manager may file with the city council a written reply not  
 587 later than five days before the hearing; and
- 588 (3) The city council may adopt a final resolution of removal, which may be made  
 589 effective immediately, by affirmative vote of four of its members at any time after five  
 590 days from the date when a copy of the preliminary resolution was delivered to the city  
 591 manager, if he or she has not requested a public hearing, or at any time after the public  
 592 hearing if he or she has requested one.
- 593 (b) The city manager shall continue to receive his or her salary until the effective date of  
 594 a final resolution of removal and, unless he or she has been convicted of a felony at that  
 595 time, he or she shall be given not less than 60 days' severance pay. The action of the city

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

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

603 **SECTION 3.07.**

604 Acting city manager.

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

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

616 **SECTION 3.08.**

617 City attorney.

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

628 **SECTION 3.09.**

629 City clerk.

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

634 **SECTION 3.10.**

635 Tax collector.

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

641 **SECTION 3.11.**

642 City accountant.

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

645 **SECTION 3.12.**

646 Consolidation of functions.

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

653 **SECTION 3.13.**

654 Position classification and pay plans; employment at will.

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

663 **ARTICLE IV**  
 664 **MUNICIPAL COURT**

665 **SECTION 4.01.**

666 Creation.

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

679 **SECTION 4.02.**

680 Judge.

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

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

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

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

- 697 (1) Willful misconduct in office;
- 698 (2) Willful and persistent failure to perform duties;
- 699 (3) Habitual intemperance;
- 700 (4) Conduct prejudicial to the administration of justice which brings the judicial office  
 701 into disrepute; or
- 702 (5) Disability seriously interfering with the performance of duties, which is, or is likely  
 703 to become, of a permanent character.

704 **SECTION 4.03.**

705 Administration.

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

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

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

714 **SECTION 4.04.**

715 Jurisdiction; and powers.

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

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

723 **SECTION 4.05.**

724 Certiorari.

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

729 **SECTION 4.06.**

730 Rules for court.

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

736 **ARTICLE V**737 **FINANCE AND FISCAL**738 **SECTION 5.01.**

739 Fiscal year.

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

744 **SECTION 5.02.**

745 Preparation of budgets.

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

750 **SECTION 5.03.**

751 Submission of operating budget to city council.

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

762 **SECTION 5.04.**

763 Action by city council on budget.

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

770 **SECTION 5.05.**

771 Audits.

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

774 be conducted according to generally accepted accounting principles. Any audit of any  
 775 funds by the state or federal government may be accepted as satisfying the requirements  
 776 of this charter. Copies of all audit reports shall be available at printing cost to the public.  
 777 (b) As a minimum, all audits and budgets of the city shall satisfy the requirements of  
 778 Chapter 81 of Title 36 of the O.C.G.A., relating to local government audits and budgets.

779 **SECTION 5.06.**

780 Homestead exemptions.

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

784 **ARTICLE VI**

785 **GENERAL PROVISIONS.**

786 **SECTION 6.01.**

787 Effective dates.

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

790 **SECTION 6.02.**

791 Charter commission.

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

801 **SECTION 6.03.**

802 Severability.

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

811 **SECTION 6.06.**

812 Repealer.

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

814 **APPENDIX A**

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

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

828 **APPENDIX B**

829 City Council Districts 1 through 6 shall consist of the described territory of the City of Sandy  
 830 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.