

Senate Bill 278

By: Senators Ramsey, Sr. of the 43rd, Davenport of the 44th and Carter of the 42nd

A BILL TO BE ENTITLED  
AN ACT

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

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

22 ARTICLE I

23 CREATION, INCORPORATION, POWERS

24 SECTION 1.01.

25 Incorporation.

26 This Act shall constitute the charter of the City of Stonecrest, Georgia. The City of  
 27 Stonecrest, Georgia, in the County of DeKalb, and the inhabitants thereof, are constituted and  
 28 declared a body politic and corporate under the same name and style of the "City of  
 29 Stonecrest" and by that name shall have perpetual succession, may sue and be sued, plead  
 30 and be impleaded, in all courts of law and equity, and in all actions whatsoever, and may  
 31 have and use a common seal.

32 SECTION 1.02.

33 Corporate boundaries.

34 The boundaries of the City of Stonecrest shall be those set forth and described in Appendix  
 35 A of this charter, and said Appendix A is incorporated into and made a part of this charter.  
 36 The city clerk shall maintain a current map and written legal description of the corporate  
 37 boundaries of the city, and such map and description shall incorporate any changes which  
 38 may hereafter be made in such corporate boundaries.

39 SECTION 1.03.

40 Powers and construction.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

219 (A) The millage rate imposed for ad valorem taxes on real property shall not  
220 exceed 3.04 unless a higher limit is recommended by resolution of the city council and  
221 approved by a majority vote of the qualified voters of the City of Stonecrest voting on  
222 the issue in a referendum; and

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

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

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

233 (40) Tourism, conventions, and trade shows. To provide for the structure, operation, or  
234 management of the Stonecrest Convention and Visitors Bureau created pursuant to  
235 Section 1.05 of this charter and to authorize the City of Stonecrest to contract with private

236 sector nonprofit organizations or other governmental agencies to promote tourism,  
237 conventions, and trade shows;  
238 (41) Urban redevelopment. To organize and operate an urban redevelopment program;  
239 and  
240 (42) Other powers. To exercise and enjoy all other powers, functions, rights, privileges,  
241 and immunities necessary or desirable to promote or protect the safety, health, peace,  
242 security, good order, comfort, convenience, or general welfare of the city and its  
243 inhabitants; to exercise all implied powers necessary or desirable to carry into execution  
244 all powers granted in this charter as fully and completely as if such powers were fully  
245 stated herein; and to exercise all powers now or in the future authorized to be exercised  
246 by other municipal governments under other laws of the State of Georgia; and any listing  
247 of particular powers in this charter shall not be held to be exclusive of others or restrictive  
248 of general words and phrases granting powers, but shall be held to be in addition to such  
249 powers unless expressly prohibited to municipalities under the Constitution or applicable  
250 laws of the State of Georgia.

251 **SECTION 1.04.**

252 Exercise of powers.

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

257 **SECTION 1.05.**

258 Tourism, conventions, and trade shows.

259 The Stonecrest Convention and Visitors Bureau is hereby created.

260 ARTICLE II  
 261 GOVERNMENT STRUCTURE, ELECTIONS, AND LEGISLATIVE BRANCH

262 SECTION 2.01.

263 City council creation; number; election.

264 (a) The legislative authority of the government of the City of Stonecrest, except as otherwise  
 265 specifically provided in this Act, shall be vested in a city council of which the mayor shall  
 266 be a voting member.

267 (b)(1) The city council of Stonecrest, Georgia, shall consist of six members plus the  
 268 mayor.

269 (2) There shall be six council districts, designated Council Districts 1 through 6, as  
 270 described in Appendix B of this Act, which is attached to and made a part of this charter  
 271 of the City of Stonecrest.

272 (3) One councilmember shall be elected from each of the six council districts and shall  
 273 hold Council Posts 1, 2, 3, 4, 5, and 6, respectively. Each person desiring to offer as a  
 274 candidate for councilmember for such posts shall designate the council post for which he  
 275 or she is offering. Councilmembers for such posts shall be elected by a majority vote of  
 276 the qualified electors of the respective council districts voting at the elections of the city.  
 277 In the event that no candidate for a council post obtains a majority vote of the qualified  
 278 electors of the council district voting in the election, a run-off election shall be held. The  
 279 candidates receiving the two highest numbers of votes in the election for such council  
 280 post shall be included in the run-off election. The person receiving the highest number  
 281 of votes of the qualified electors of the council district voting at such run-off election  
 282 shall be elected. Each candidate for election to the city council must reside in the district  
 283 he or she seeks to represent.

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

288 (d) In order to assure staggered elections of the councilmembers, in the first election of the  
 289 city council, the terms for the candidates elected for Council Posts 1, 3, and 5 shall expire  
 290 upon the administration of the oath of office to their successors elected in the regular  
 291 elections held in November, 2015, as provided in subsection (b) of Section 2.02. The terms  
 292 for the candidates elected for Council Posts 2, 4, and 6 shall expire upon the administration  
 293 of the oath of office to their successors elected in the regular elections held in  
 294 November, 2017, as provided in subsection (b) of Section 2.02. Thereafter, a successor to

295 each councilmember shall be elected at the November election immediately preceding the  
296 end of such councilmember's term of office and the term of each councilmember shall expire  
297 upon the administration of the oath of office to his or her successor.

298 (e) With the exception of the initial term of office, the mayor of the City of Stonecrest, with  
299 the powers and duties specified herein, shall be elected to a term of four years and until his  
300 or her successor is elected and qualified. The mayor shall be elected by a majority vote of  
301 the qualified electors of the city at large voting at the elections of the city. In the event that  
302 no candidate for mayor obtains a majority vote of the qualified electors of the city at large  
303 voting at the elections of the city, then a run-off election shall be held. The candidates  
304 receiving the two highest numbers of votes in the election shall be included in the run-off  
305 election and the candidate receiving the highest number of votes in the runoff of the qualified  
306 electors of the city at large voting at such runoff shall be elected. The term of the first  
307 elected mayor shall expire upon the administration of the oath of office to his or her  
308 successor elected in the regular election held in November, 2017, as provided in  
309 subsection (b) of Section 2.02. Thereafter, the successor to each mayor shall be elected at  
310 the November election immediately preceding the end of such mayor's term of office and the  
311 term of each mayor shall expire upon the administration of the oath of office to his or her  
312 successor.

313

#### **SECTION 2.02.**

314

Mayor and councilmembers; terms and qualifications for office.

315 (a) For all elections subsequent to the first election, the mayor and councilmembers shall  
316 serve for terms of four years and until their terms shall expire upon the administration of the  
317 oath of office to their successors. No person shall be eligible to serve as mayor or  
318 councilmember unless that person shall have been a resident of the City of Stonecrest for a  
319 continuous period of at least 12 months immediately prior to the date of the election for  
320 mayor or councilmember, shall continue to reside therein during that person's period of  
321 service, and shall continue to be registered and qualified to vote in municipal elections of the  
322 City of Stonecrest. In addition to the above requirements, no person shall be eligible to serve  
323 as a councilmember representing a council district unless that person has been a resident of  
324 the district such person seeks to represent for a continuous period of at least six months  
325 immediately prior to the date of the election for councilmember and continues to reside in  
326 such district during that person's period of service.

327 (b) An election shall be held on the third Tuesday in September, 2014, to elect the first  
328 mayor and city council. At such election, the first mayor and council shall be elected to  
329 serve for the initial terms of office specified in subsections (d) and (e) of Section 2.01.

330 Thereafter, the time for holding regular municipal elections shall be on the Tuesday next  
 331 following the first Monday in November of each odd-numbered year beginning in 2015.

332 (c) The number of successive terms an individual may hold a position as a councilmember  
 333 shall be unlimited.

334 (d) The number of successive terms an individual may hold the position of mayor shall be  
 335 limited to two terms. An individual who serves as mayor for either one term or two  
 336 consecutive terms may stand for subsequent elections provided the individual is not the  
 337 mayor at the time of such elections.

### 338 **SECTION 2.03.**

#### 339 Vacancy; filling of vacancies; suspensions.

340 (a) Elected officials of the city shall not hold other elected or public offices. The elected  
 341 offices of the city's government shall become vacant upon the member's death, resignation,  
 342 removal, or forfeiture of office. The following shall result in an elected city official  
 343 forfeiting his or her office:

344 (1) Violating the provisions of this charter;

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

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

349 (b) The office of mayor shall become vacant upon the incumbent's death, resignation,  
 350 forfeiture of office, or removal from office in any manner authorized by this Act or the  
 351 general laws of the State of Georgia. A vacancy in the office of mayor shall be filled for the  
 352 remainder of the unexpired term by a special election if such vacancy occurs 12 months or  
 353 more prior to the expiration of the term of that office. If such vacancy occurs within 12  
 354 months of the expiration of the term of that office, the city council or those members  
 355 remaining shall appoint a successor for the remainder of the term. This provision shall also  
 356 apply to a temporary vacancy created by the suspension from office of the mayor.

357 (c) The office of a councilmember shall become vacant upon the incumbent's death,  
 358 resignation, forfeiture of office, or removal from office in any manner authorized by this Act  
 359 or the general laws of the State of Georgia. A vacancy in the office of a councilmember shall  
 360 be filled for the remainder of the unexpired term by a special election if such vacancy occurs  
 361 12 months or more prior to the expiration of the term of that office. If such vacancy occurs  
 362 within 12 months of the expiration of the term of that office, the mayor shall appoint a  
 363 successor for the remainder of the term subject to the approval of the city council or those

364 members remaining. This provision shall also apply to a temporary vacancy created by the  
365 suspension from office of a councilmember.

366 **SECTION 2.04.**

367 Nonpartisan elections.

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

370 **SECTION 2.05.**

371 Election votes.

372 The candidates for mayor and city council who receive a majority vote of the qualified  
373 electors of the city at large voting at the elections of the city shall be elected to a term of  
374 office.

375 **SECTION 2.06.**

376 Applicability of general laws; qualifying; other provisions.

377 All elections shall be held and conducted in accordance with Chapter 2 of Title 21 of the  
378 O.C.G.A., the "Georgia Election Code," as now or hereafter amended or otherwise provided  
379 by law. Except as otherwise provided by this Act, the city council shall, by ordinance or  
380 resolution, prescribe such rules and regulations as it deems appropriate including, but not  
381 limited to, the establishment of qualifying fees, to fulfill any options and duties under  
382 Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter  
383 amended or otherwise provided by law.

384 **SECTION 2.07.**

385 Compensation and expenses.

386 The annual salary of the mayor shall be \$16,000.00 and the annual salary for each  
387 councilmember shall be \$12,000.00. Such salaries shall be paid from municipal funds in  
388 monthly installments. The mayor shall be provided an annual expense allowance of  
389 \$5,000.00 and each councilmember shall be provided an annual expense allowance of  
390 \$3,000.00 for the reimbursement of expenses actually and necessarily incurred by the mayor  
391 and councilmembers in carrying out their duties as elected officials of the city.

392

**SECTION 2.08.**

393

Inquiries and investigations.

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

399

**SECTION 2.09.**

400

Meetings, oath of office, and mayor pro tempore.

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

406 "I do solemnly swear or affirm that I will faithfully execute the office of [councilmember  
 407 or mayor, as the case may be] of the City of Stonecrest, and will to the best of my ability  
 408 support and defend the Constitution of the United States, the Constitution of Georgia, and  
 409 the charter, ordinances, and regulations of the City of Stonecrest. I am not the holder of  
 410 any unaccounted for public money due this state or any political subdivision or authority  
 411 thereof. I am not the holder of any office of trust under the government of the United  
 412 States, any other state, or any foreign state which I by the laws of the State of Georgia am  
 413 prohibited from holding. I am otherwise qualified to hold said office according to the  
 414 Constitution and laws of Georgia. I have been a resident of my district and the City of  
 415 Stonecrest for the time required by the Constitution and laws of this state and by the  
 416 municipal charter. I will perform the duties of my office in the best interests of the City  
 417 of Stonecrest to the best of my ability without fear, favor, affection, reward, or expectation  
 418 thereof."

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

424 (c) The mayor pro tempore shall assume the duties and powers of the mayor during the  
 425 mayor's temporary disability, suspension, or absence. If the mayor pro tempore is absent

426 because of sickness or disqualification, any one of the remaining councilmembers, chosen  
427 by the councilmembers present, shall be clothed with all the rights and privileges of the  
428 mayor as described herein and shall perform the mayor's duties in the same manner as the  
429 mayor pro tempore.

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

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

444 **SECTION 2.10.**

445 Quorum; voting.

446 (a) Four councilmembers shall constitute a quorum and shall be authorized to transact  
447 business for the city council. The mayor shall be counted toward the making of a quorum.  
448 Voting on the adoption of ordinances shall be taken by voice vote and the yeas and nays shall  
449 be recorded in the minutes, but on the request of any member there shall be a roll-call vote.  
450 In order for any ordinance, resolution, motion, or other action of the city council to be  
451 adopted, the measure must receive at least three affirmative votes and must receive the  
452 affirmative votes of a majority of those voting. Neither any councilmember nor the mayor  
453 shall abstain from voting on any matter properly brought before the city council for official  
454 action except when such councilmember has a reason which is disclosed in writing prior to  
455 or at the meeting and made a part of the minutes. If any councilmember or the mayor is  
456 present and eligible to vote on a matter and refuses to do so for a reason he or she will not  
457 disclose he or she shall be deemed to have voted with the majority of the votes of the other  
458 councilmembers on the issue involved; provided, further, that if there is a tie in the vote of  
459 the voting councilmembers, then the mayor and each councilmember shall be required to

460 vote unless he or she discloses a reason for not voting. The mayor shall have one vote on all  
 461 matters brought before the council.

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

463 (1) Adopt or amend an administrative code or establish, alter, or abolish a department,  
 464 office not specified in this charter, or agency;

465 (2) Provide for fine or other penalty;

466 (3) Levy taxes;

467 (4) Grant, renew, or extend a franchise;

468 (5) Regulate a rate for a public utility;

469 (6) Authorize the borrowing of money;

470 (7) Convey, lease, or encumber city land;

471 (8) Regulate land use and development; and

472 (9) Amend or repeal an ordinance already adopted.

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

477 (1) Levy taxes;

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

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

480 (4) Borrow money.

## 481 **SECTION 2.11.**

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

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

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

493

**SECTION 2.12.**

494

Administrative and service departments.

495 (a) Except for the office of city manager and the elected positions provided for in this  
 496 charter, the city council, by ordinance, may establish, abolish, merge, or consolidate offices  
 497 not specified in this charter, positions of employment, departments, and agencies of the city  
 498 as it shall deem necessary for the proper administration of the affairs and government of the  
 499 city. The city council shall prescribe the functions and duties of existing departments,  
 500 offices, and agencies or of any departments, offices, and agencies hereinafter created or  
 501 established; may provide that the same person shall fill any number of offices and positions  
 502 of employment; and may transfer or change the functions and duties of offices, positions of  
 503 employment, departments, and agencies of the city.

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

509

**SECTION 2.13.**

510

Prohibitions.

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

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

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

521 (3) Disclose confidential information concerning the property, government, or affairs of  
 522 the governmental body by which engaged without proper legal authorization or use such  
 523 information to advance the financial or other private interest of himself or herself or  
 524 others, except as required by law;

525 (4) Accept any valuable gift, whether in the form of service, loan, object, or promise,  
 526 from any person, firm, or corporation which to his or her knowledge is interested, directly

527 or indirectly, in any manner whatsoever in business dealings with the governmental body  
 528 by which he or she is engaged; "valuable" shall be an amount determined by the city  
 529 council; provided, however, that the amount shall not exceed \$100.00;

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

532 (6) Vote or otherwise participate in the negotiation or in the making of any contract with  
 533 any business or entity in which he or she, or members of his or her immediate family, has  
 534 a financial interest.

535 (b) Any elected official, appointed officer, or employee who has any private financial  
 536 interest, directly or indirectly, in any contract or matter pending before or within any  
 537 department of the city shall disclose such private interest to the city council. "Private  
 538 financial interest" shall include interests of immediate family. The mayor or any  
 539 councilmember who has a private interest in any matter pending before the city council shall  
 540 disclose in writing such private interest and such disclosure shall be entered on the records  
 541 of the city council, and he or she shall disqualify himself or herself from participating in any  
 542 decision or vote relating thereto. Any elected official, appointed officer, or employee of any  
 543 agency or political entity to which this charter applies who shall have any private financial  
 544 interest, directly or indirectly, in any contract or matter pending before or within such entity  
 545 shall disclose such private interest to the governing body of such agency or entity.

546 (c) No elected official, appointed officer, or employee of the city or any agency or entity to  
 547 which this charter applies shall use property owned by such governmental entity for personal  
 548 benefit, convenience, or profit, except in accordance with policies promulgated by the city  
 549 council or the governing body of such agency or entity.

550 (d) Any violation of this section which occurs with the knowledge, express or implied, of  
 551 a party to a contract or sale shall render said contract or sale voidable at the option of the city  
 552 council.

553 (e) Except as authorized by law, no member of the city council shall hold any other elective  
 554 city office or be employed by any city or county government during the term for which  
 555 elected.

#### 556 **SECTION 2.14.**

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

558 (a) All members of boards, commissions, and authorities of the city shall be appointed by  
 559 the mayor subject to confirmation by the city council for such terms of office and such  
 560 manner of appointment as provided by ordinance, except where other appointing authority,

561 term of office, or manner of appointment is prescribed by this charter or by applicable state  
562 law.

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

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

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

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

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

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

586 **SECTION 2.15.**

587 Ordinance form; procedures.

588 (a) Every proposed ordinance and resolution shall be introduced in writing and the city  
589 council shall have the authority to approve, disapprove, or amend the same. A resolution  
590 may be passed at the time it is offered, but an ordinance shall not be adopted until the title  
591 of said ordinance shall have been read at two city council meetings, provided that the  
592 beginning of said meetings be neither less than 24 hours nor more than 60 days apart. This  
593 requirement of two readings shall not apply to emergency ordinances, to ordinances passed  
594 during the first 90 days from the date on which the city begins operation, to ordinances  
595 adopted at the first business meeting of the city council in a calendar year, or to ordinances

596 adopted at the first meeting of the initial city council as elected under subsection (b) of  
 597 Section 2.02 of this charter. The catchlines of sections of this charter or any ordinance  
 598 printed in boldface type, italics, or otherwise, are intended as mere catchwords to indicate  
 599 the contents of the section, and:

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

602 (2) Shall not be so deemed when any of such sections, including the catchlines, are  
 603 amended or reenacted unless expressly provided to the contrary. Furthermore, the  
 604 chapter, article, and section headings contained in this Act shall not be deemed to govern,  
 605 limit, or modify or in any manner affect the scope, meaning, or intent of the provisions  
 606 of any chapter, article, or section hereof.

607 (b) The city council may, by ordinance or resolution, adopt rules and bylaws to govern the  
 608 conduct of its business, including procedures and penalties for compelling the attendance of  
 609 absent councilmembers. Such rules may include punishment for contemptuous behavior  
 610 conducted in the presence of the city council.

611 **SECTION 2.16.**

612 Submission of ordinances to the city clerk.

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

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

619 **ARTICLE III**  
 620 **EXECUTIVE BRANCH**

621 **SECTION 3.01.**

622 Powers and duties of the mayor.

623 (a) The mayor shall:

624 (1) Preside over all meetings of the city council;

625 (2) Set the agenda for meetings of the city council after receiving input from members  
 626 of the city council, the city manager, and the public; provided, however that an additional

- 627 item shall be added to the agenda upon the written request of any two members of the city  
 628 council;
- 629 (3) Serve as the ceremonial head of the city and as its official representative to federal,  
 630 state, and local governmental bodies and officials;
- 631 (4) Sign all orders, checks, and warrants for payment of money within a level of  
 632 authorization as established by the city council;
- 633 (5) Execute all contracts, deeds, and other obligations of the city within a level of  
 634 authorization as established by the city council;
- 635 (6) Vote in all matters before the city council as provided in Section 2.10(a) of this  
 636 charter;
- 637 (7) Make all appointments of city officers as provided by this charter, subject to  
 638 confirmation by the city council;
- 639 (8) Serve in a part-time capacity and be compensated accordingly; and
- 640 (9) Perform any other duties and exercise any other powers required by state or federal  
 641 law or authorized by a duly adopted ordinance that is not in conflict with this charter.
- 642 (b) The mayor shall have the authority to transfer appropriations within a department, fund,  
 643 service, strategy, or organizational unit but only with approval of the city council.
- 644 (c) The mayor shall have the authority to certify that a supplemental appropriation is  
 645 possible due to unexpected revenue increases but only with approval of the city council.
- 646 (d) The mayor shall have all of the powers specifically granted to the mayor elsewhere in  
 647 this charter regardless of whether such powers are enumerated in this section of this charter.

### 648 **SECTION 3.02.**

649 City manager; appointment and qualification.

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

### 654 **SECTION 3.03.**

655 City manager; chief administrative officer.

656 The city manager shall be the chief administrative officer of the government of the city. The  
 657 city manager shall devote all of his or her working time and attention to the affairs of the city  
 658 and shall be responsible to the mayor and city council for the proper and efficient  
 659 administration of the affairs of the city over which such officer has jurisdiction.

660

**SECTION 3.04.**

661

City manager; powers and duties enumerated.

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

663

(1) See that all laws and ordinances are enforced;

664

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

666

(3) Remove employees appointed and employed under paragraph (2) of this section, without the consent of the city council and without assigning any reason therefor;

667

(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 charter;

668

(5) Attend all meetings of the city council, without a right to vote, but with a right to take part in the discussions as seen fit by the chairperson; provided, however, that regardless of the decision of the meeting chairperson the city manager may take part in any discussion and report on any matter requested and approved by the city council at such meeting. The city manager shall be entitled to notice of all special meetings;

669

(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;

670

(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;

671

(8) Make and execute all lawful contracts on behalf of the city as to matters within the city manager's level of authorization as established by the city council 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;

672

(9) Sign all orders, checks, and warrants for payment of money within the city manager's level of authorization as established by the city council 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 such order, check, or warrant requiring a budget amendment shall be valid and binding until after approval of the city council;

673

(10) 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

674

696 expenditures for the ensuing year, showing in as much detail as practicable the amounts  
 697 allotted to each department of the city government and the reasons for such estimated  
 698 expenditures;

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

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

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

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

708 **SECTION 3.05.**

709 City council interference with administration.

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

715 **SECTION 3.06.**

716 City manager; removal.

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

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

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

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

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

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

742 **SECTION 3.07.**

743 Acting city manager.

744 (a) The mayor with the approval of the city council may appoint any person to exercise all  
 745 powers, duties, and functions of the city manager during the city manager's suspension under  
 746 subsection (a) of Section 3.06 of this charter, temporary absence from the city, or during the  
 747 city manager's disability.

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

751 **SECTION 3.08.**

752 City attorney.

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

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

764 **SECTION 3.09.**

765 City clerk.

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

770 **SECTION 3.10.**

771 Tax collector.

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

777 **SECTION 3.11.**

778 City accountant.

779 The mayor may appoint a city accountant subject to confirmation by the city council to  
 780 perform the duties of an accountant.

781 **SECTION 3.12.**

782 City internal auditor.

783 The city council shall appoint an internal auditor to audit the financial records and  
 784 expenditures of city funds and to report the results of such audits in writing to the city  
 785 council at times and intervals set by the city council but no less than quarterly. Such audit  
 786 reports shall, at a minimum, identify all city expenditures and other financial matters that the  
 787 internal auditor either determines are not in compliance with or cannot conclusively be  
 788 determined to be in compliance with:

789 (1) The provisions of this charter;

- 790 (2) The applicable city budget; and  
 791 (3) Applicable ordinances, resolutions, or other actions duly adopted or approved under  
 792 the provisions of this charter.

793 **SECTION 3.13.**

794 Consolidation of functions.

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

801 **SECTION 3.14.**

802 Position classification and pay plans; employment at will.

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

811 **ARTICLE IV**

812 **MUNICIPAL COURT**

813 **SECTION 4.01.**

814 Creation.

815 There is established a court to be known as the Municipal Court of the City of Stonecrest  
 816 which shall have jurisdiction and authority to try offenses against the laws and ordinances  
 817 of such city and to punish for a violation of the same. Such court shall have the power to  
 818 enforce its judgments by the imposition of such penalties as may be provided by law,  
 819 including ordinances of the city; to punish witnesses for nonattendance and to punish also

820 any person who may counsel or advise, aid, encourage, or persuade another whose testimony  
 821 is desired or material in any proceeding before such court to go or move beyond the reach  
 822 of the process of the court; to try all offenses within the territorial limits of the city  
 823 constituting traffic cases which, under the laws of Georgia, are placed within the jurisdiction  
 824 of municipal courts to the extent of, and in accordance with, the provisions of such laws and  
 825 all laws subsequently enacted amendatory thereof. Such court shall be presided over by the  
 826 judge of such court. In the absence or disqualification of the judge, the judge pro tempore  
 827 shall preside and shall exercise the same powers and duties as the judge when so acting.

828 **SECTION 4.02.**

829 **Judges.**

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

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

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

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

- 846 (1) Willful misconduct in office;
- 847 (2) Willful and persistent failure to perform duties;
- 848 (3) Habitual intemperance;
- 849 (4) Conduct prejudicial to the administration of justice which brings the judicial office  
 850 into disrepute; or
- 851 (5) Disability seriously interfering with the performance of duties, which is or is likely  
 852 to become of a permanent character.

853 **SECTION 4.03.**

854 Convening.

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

857 **SECTION 4.04.**

858 Jurisdiction; powers.

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

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

864 (c) The municipal court shall have authority to establish bail and recognizances to ensure  
865 the presence of those charged with violations before such court and shall have discretionary  
866 authority to accept cash or personal or real property as security for appearances of persons  
867 charged with violations. Whenever any person shall give bail for his or her appearance and  
868 shall fail to appear at the time fixed for trial, the bond shall be forfeited to the judge presiding  
869 at such time and an execution issued thereon by serving the defendant and his or her sureties  
870 with a rule nisi at least two days before a hearing on the rule nisi. In the event that cash or  
871 property is accepted in lieu of bond for security for the appearance of a defendant at trial, and  
872 if such defendant fails to appear at the time and place fixed for trial, the cash so deposited  
873 shall be on order of the judge declared forfeited to the City of Stonecrest, or the property so  
874 deposited shall have a lien against it for the value forfeited.

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

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

879 (f) The municipal court may compel the presence of all parties necessary to a proper disposal  
880 of each case by the issuance of summons, subpoena, and warrants which may be served as  
881 executed by any officer as authorized by this charter or by state law.

882 (g) The municipal court is specifically vested with all of the judicial jurisdiction and judicial  
883 powers throughout the entire area of the City of Stonecrest granted by state laws generally  
884 to municipal courts, and particularly by such laws as authorize the abatement of nuisances.

885 **SECTION 4.05.**

886 Certiorari.

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

891 **SECTION 4.06.**

892 Rules for court.

893 With the approval of the city council, the judges shall have full power and authority to make  
894 reasonable rules and regulations necessary and proper to secure the efficient and successful  
895 administration of the municipal court.

896 **ARTICLE V**

897 **FINANCE AND FISCAL**

898 **SECTION 5.01.**

899 Fiscal year.

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

904 **SECTION 5.02.**

905 Preparation of budgets.

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

909

**SECTION 5.03.**

910

Submission of operating budget to city council.

911 (a) On or before a date fixed by the city council, but no later than the first day of the ninth  
 912 month of the fiscal year currently ending, the city manager shall, after input, review, and  
 913 comment by the mayor, submit to the city council a proposed operating budget and capital  
 914 budget for the ensuing fiscal year. The budget shall be accompanied by a message from the  
 915 mayor and city manager containing a statement of the general fiscal policies of the city, the  
 916 important features of the budget, explanations of major changes recommended for the next  
 917 fiscal year, a general summary of the budget, and such other comments and information as  
 918 they may deem pertinent. The operating budget, capital budget, the budget message, and all  
 919 supporting documents shall be filed in the office of the city manager and shall be open to  
 920 public inspection.

921 (b) Beginning in the third year of the city's operation, the city manager and mayor are  
 922 required to present to the city council a budget which is balanced in projected spending and  
 923 revenues.

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

928 (d) All unencumbered balances of appropriations in the current operating budget at the end  
 929 of the fiscal year shall lapse into the unappropriated surplus or reserves of the fund or funds  
 930 from which such appropriations were made. When a supplemental appropriation is certified  
 931 by the city manager to exist, these appropriations may be spent during the current fiscal year  
 932 following passage of a supplemental appropriation ordinance.

933

**SECTION 5.04.**

934

Action by city council on budget.

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

941 (b) The city council shall adopt a budget on or before the first day of the eleventh month of  
 942 the fiscal year currently ending. If the city council fails to adopt the budget by the prescribed

943 deadline, the operating budget and capital budget proposed by the mayor and city manager  
944 shall be adopted without further action by the city council.

945 **SECTION 5.05.**

946 Procurement and property management.

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

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

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

955 **SECTION 5.06.**

956 Purchasing.

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

959 **SECTION 5.07.**

960 Audits.

961 (a) There shall be an annual independent audit of all city accounts, funds, and financial  
962 transactions by a certified public accountant selected by the city council. The audit shall be  
963 conducted according to generally accepted accounting principles. Any audit of any funds by  
964 the state or federal government may be accepted as satisfying the requirements of this  
965 charter. Copies of all audit reports shall be available at printing cost to the public.

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

968

**SECTION 5.08.**

969

Homestead exemption; freeze.

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

971 (1) "Ad valorem taxes for municipal purposes" means all municipal ad valorem taxes for  
972 municipal purposes levied by, for, or on behalf of the City of Stonecrest, including, but  
973 not limited to, ad valorem taxes to pay interest on and to retire municipal bonded  
974 indebtedness.

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

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

981 (b) Each resident of the City of Stonecrest is granted an exemption on that person's  
982 homestead from City of Stonecrest ad valorem taxes for municipal purposes in an amount  
983 equal to the amount by which the current year assessed value of that homestead exceeds the  
984 base year assessed value of that homestead. This exemption shall not apply to taxes assessed  
985 on improvements to the homestead or additional land that is added to the homestead after  
986 January 1 of the base year. If any real property is added to or removed from the homestead,  
987 the base year assessed value shall be adjusted to reflect such addition or removal, and the  
988 exemption shall be recalculated accordingly. The value of that property in excess of such  
989 exempted amount shall remain subject to taxation.

990 (c) A person shall not receive the homestead exemption granted by subsection (b) of this  
991 section unless the person or person's agent files an application with the governing authority  
992 of the City of Stonecrest, or the designee thereof, giving such information relative to  
993 receiving such exemption as will enable the governing authority of the City of Stonecrest,  
994 or the designee thereof, to make a determination regarding the initial and continuing  
995 eligibility of such owner for such exemption. The governing authority of the City of  
996 Stonecrest, or the designee thereof, shall provide application forms for this purpose.

997 (d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of  
998 the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year  
999 so long as the owner occupies the residence as a homestead. After a person has filed the  
1000 proper application as provided in subsection (c) of this section, it shall not be necessary to  
1001 make application thereafter for any year, and the exemption shall continue to be allowed to  
1002 such person. It shall be the duty of any person granted the homestead exemption under  
1003 subsection (b) of this section to notify the governing authority of the City of Stonecrest, or

1004 the designee thereof, in the event that person for any reason becomes ineligible for that  
1005 exemption.

1006 (e) The exemption granted by subsection (b) of this section shall not apply to or affect state  
1007 ad valorem taxes, county ad valorem taxes for county purposes, or county or independent  
1008 school district ad valorem taxes for educational purposes. The homestead exemption granted  
1009 by subsection (b) of this section shall be in addition to and not in lieu of any other homestead  
1010 exemption applicable to municipal ad valorem taxes for municipal purposes.

1011 (f) The exemption granted by subsection (b) of this section shall apply only to taxable years  
1012 2015 through 2017. Unless renewed or extended by subsequent Act of the General  
1013 Assembly, the exemption granted by subsection (b) of this section shall not apply to taxable  
1014 year 2018 or any subsequent taxable year.

1015 **SECTION 5.09.**

1016 Homestead exemption; senior citizens; disabled.

1017 (a) As used in this section, the term:

1018 (1) "Ad valorem taxes for municipal purposes" means all ad valorem taxes for municipal  
1019 purposes levied by, for, or on behalf of the City of Stonecrest, including, but not limited  
1020 to, any ad valorem taxes to pay interest on and to retire municipal bonded indebtedness.

1021 (2) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of  
1022 the O.C.G.A., as amended.

1023 (3) "Income" means Georgia taxable net income determined pursuant to Chapter 7 of  
1024 Title 48 of the O.C.G.A., as amended, for state income tax purposes, except income shall  
1025 not include income received as retirement, survivor, or disability benefits under the  
1026 federal Social Security Act or under any other public or private retirement, disability, or  
1027 pension system, except such income which is in excess of the maximum amount  
1028 authorized to be paid to an individual and such individual's spouse under the federal  
1029 Social Security Act. Income from such sources in excess of such maximum amount shall  
1030 be included as income for the purposes of this Act.

1031 (4) "Senior citizen" means a person who is 65 years of age or over on or before January 1  
1032 of the year in which application for the exemption under subsection (b) of this section is  
1033 made.

1034 (b) Each resident of the City of Stonecrest who is disabled or is a senior citizen is granted  
1035 an exemption on that person's homestead from City of Stonecrest ad valorem taxes for  
1036 municipal purposes in the amount of \$14,000.00 of the assessed value of that homestead.  
1037 The exemption granted by this subsection shall only be granted if that person's income,  
1038 together with the income of the spouse who also occupies and resides at such homestead,

1039 does not exceed \$15,000.00 for the immediately preceding year. The value of that property  
1040 in excess of such exempted amount shall remain subject to taxation.

1041 (c)(1) In order to qualify for the exemption provided for in subsection (b) of this section  
1042 due to being disabled, the person claiming such exemption shall be required to obtain a  
1043 certificate from not more than three physicians licensed to practice medicine under  
1044 Chapter 34 of Title 43 of the O.C.G.A., as amended, certifying that, in the opinion of  
1045 such physician or physicians, such person is mentally or physically incapacitated to the  
1046 extent that such person is unable to be gainfully employed and that such incapacity is  
1047 likely to be permanent. Such certificate or certificates shall constitute part of and be  
1048 submitted with the application provided for in paragraph (2) of this subsection.

1049 (2) A person shall not receive the homestead exemption granted by subsection (b) of this  
1050 section unless the person or person's agent files an application with the governing  
1051 authority of the City of Stonecrest, or the designee thereof, giving the person's age,  
1052 income, and such additional information relative to receiving such exemption as will  
1053 enable the governing authority of the City of Stonecrest, or the designee thereof, to make  
1054 a determination regarding the initial and continuing eligibility of such owner for such  
1055 exemption. The governing authority of the City of Stonecrest, or the designee thereof,  
1056 shall provide application forms for this purpose.

1057 (d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of  
1058 the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year  
1059 so long as the owner occupies the residence as a homestead. After a person has filed the  
1060 proper application, as provided in subsection (c) of this section, it shall not be necessary to  
1061 make application thereafter for any year and the exemption shall continue to be allowed to  
1062 such person. It shall be the duty of any person granted the homestead exemption under  
1063 subsection (b) of this section to notify the governing authority of the City of Stonecrest, or  
1064 the designee thereof, in the event that person for any reason becomes ineligible for that  
1065 exemption.

1066 (e) The exemption granted by subsection (b) of this section shall not apply to or affect state  
1067 ad valorem taxes, county ad valorem taxes for county purposes, or county or independent  
1068 school district ad valorem taxes for educational purposes. The homestead exemption granted  
1069 by subsection (b) of this section shall be in addition to and not in lieu of any other homestead  
1070 exemption applicable to municipal ad valorem taxes for municipal purposes.

1071 (f) The exemption granted by subsection (b) of this section shall apply to all taxable years  
1072 beginning on or after January 1, 2015.

**SECTION 5.10.**

1073

1074

Homestead exemption; general.

1075 (a) As used in this section, the term:

1076 (1) "Ad valorem taxes for municipal purposes" means all ad valorem taxes for municipal  
1077 purposes levied by, for, or on behalf of the City of Stonecrest, including, but not limited  
1078 to, any ad valorem taxes to pay interest on and to retire municipal bonded indebtedness.

1079 (2) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of  
1080 the O.C.G.A., as amended.

1081 (b) Each resident of the City of Stonecrest is granted an exemption on that person's  
1082 homestead from City of Stonecrest ad valorem taxes for municipal purposes in the amount  
1083 of \$10,000.00 of the assessed value of that homestead. The value of that property in excess  
1084 of such exempted amount shall remain subject to taxation.

1085 (c) A person shall not receive the homestead exemption granted by subsection (b) of this  
1086 section unless the person or person's agent files an application with the governing authority  
1087 of the City of Stonecrest, or the designee thereof, giving such information relative to  
1088 receiving such exemption as will enable the governing authority of the City of Stonecrest,  
1089 or the designee thereof, to make a determination regarding the initial and continuing  
1090 eligibility of such owner for such exemption. The governing authority of the City of  
1091 Stonecrest, or the designee thereof, shall provide application forms for this purpose.

1092 (d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of  
1093 the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year  
1094 so long as the owner occupies the residence as a homestead. After a person has filed the  
1095 proper application, as provided in subsection (c) of this section, it shall not be necessary to  
1096 make application thereafter for any year and the exemption shall continue to be allowed to  
1097 such person. It shall be the duty of any person granted the homestead exemption under  
1098 subsection (b) of this section to notify the governing authority of the City of Stonecrest, or  
1099 the designee thereof, in the event that person for any reason becomes ineligible for that  
1100 exemption.

1101 (e) The exemption granted by subsection (b) of this section shall not apply to or affect state  
1102 ad valorem taxes, county ad valorem taxes for county purposes, or county or independent  
1103 school district ad valorem taxes for educational purposes. The homestead exemption granted  
1104 by subsection (b) of this section shall be in addition to and not in lieu of any other  
1105 homestead exemption applicable to municipal ad valorem taxes for municipal purposes.

1106 (f) The exemption granted by subsection (b) of this section shall apply to all taxable years  
1107 beginning on or after January 1, 2015.

**SECTION 5.11.**

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1109

Homestead exemption; surviving spouses.

1110 (a) As used in this section, the term:

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

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

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

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(b) Any person who is a resident of the City of Stonecrest and who is an unremarried surviving spouse of a member of the armed forces of the United States, which member has been killed in or has died as a result of any war or armed conflict in which the armed forces of the United States engaged, whether under United States command or otherwise, shall be granted a homestead exemption from all City of Stonecrest ad valorem taxation for municipal purposes in the amount of the greater of \$32,500.00 or the maximum amount which may be granted to a disabled veteran under Section 2102 of Title 38 of the United States Code, as amended. As of January 1, 2013, the maximum amount which may be granted to a disabled veteran under Section 2102 of Title 38 of the United States Code, as amended, is \$50,000.00. The exemption shall be on the homestead which the unremarried surviving spouse owns and actually occupies as a residence and homestead. In the event such surviving spouse remarries, such person shall cease to be qualified to continue the exemption under this Act effective December 31 of the taxable year in which such person remarries. The value of all property in excess of such exemption granted to such unremarried surviving spouse shall remain subject to taxation.

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

1144 spouses of members of the armed forces who were killed or who died as a result of any war  
1145 or armed conflict.

1146 (d) An unremarried surviving spouse filing for the exemption under this section shall be  
1147 required to file with the governing authority of the City of Stonecrest, or the designee  
1148 thereof, information relative to marital status and other such information which the governing  
1149 authority of the City of Stonecrest, or the designee thereof, deems necessary to determine  
1150 eligibility for the exemption. Each unremarried surviving spouse shall file for the exemption  
1151 only once with the governing authority of the City of Stonecrest or the designee thereof.  
1152 Once filed, the exemption shall automatically be renewed from year to year, except that the  
1153 governing authority of the City of Stonecrest or the designee thereof may require annually  
1154 that the holder of an exemption substantiate his or her continuing eligibility for the  
1155 exemption. It shall be the duty of any person granted the homestead exemption under this  
1156 section to notify the governing authority of the City of Stonecrest or the designee thereof in  
1157 the event that person for any reason becomes ineligible for such exemption.

1158 (e) The exemption granted by this section shall be in lieu of and not in addition to any other  
1159 exemption from ad valorem taxation for municipal purposes which is equal to or lower in  
1160 amount than such exemption granted by this section. If the amount of any other exemption  
1161 from ad valorem taxation for municipal purposes applicable to any resident qualifying under  
1162 this section is greater than or is increased to an amount greater than the amount of the  
1163 applicable exemption granted by this section, such other exemption shall apply and shall be  
1164 in lieu of and not in addition to the exemption granted by this section.

1165 (f) The exemptions granted by this section shall apply to all tax years beginning on or after  
1166 January 1, 2015.

## 1167 **SECTION 5.12.**

1168 Homestead exemption; one mill equivalent.

1169 (a) As used in this section, the term:

1170 (1) "Ad valorem taxes for municipal purposes" means all ad valorem taxes for municipal  
1171 purposes levied by, for, or on behalf of the City of Stonecrest, including, but not limited  
1172 to, any ad valorem taxes to pay interest on and to retire municipal bonded indebtedness.

1173 (2) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of  
1174 the O.C.G.A., as amended.

1175 (b) Each resident of the City of Stonecrest is granted an exemption on that person's  
1176 homestead from City of Stonecrest ad valorem taxes for municipal purposes in an amount  
1177 that provides the dollar equivalent of a one mill reduction of the millage rate applicable to  
1178 the homestead property with respect to ad valorem taxes for municipal purposes for the

1179 taxable year. The value of that property in excess of such exempted amount shall remain  
1180 subject to taxation.

1181 (c) A person shall not receive the homestead exemption granted by subsection (b) of this  
1182 section unless the person or person's agent files an application with the governing authority  
1183 of the City of Stonecrest or the designee thereof giving such information relative to receiving  
1184 such exemption as will enable the governing authority of the City of Stonecrest or the  
1185 designee thereof to make a determination regarding the initial and continuing eligibility of  
1186 such owner for such exemption. The governing authority of the City of Stonecrest or the  
1187 designee thereof shall provide application forms for this purpose.

1188 (d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of  
1189 the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year  
1190 so long as the owner occupies the residence as a homestead. After a person has filed the  
1191 proper application, as provided in subsection (c) of this section, it shall not be necessary to  
1192 make application thereafter for any year and the exemption shall continue to be allowed to  
1193 such person. It shall be the duty of any person granted the homestead exemption under  
1194 subsection (b) of this section to notify the governing authority of the City of Stonecrest or  
1195 the designee thereof in the event that person for any reason becomes ineligible for that  
1196 exemption.

1197 (e) The exemption granted by subsection (b) of this section shall not apply to or affect state  
1198 ad valorem taxes, county ad valorem taxes for county purposes, or county or independent  
1199 school district ad valorem taxes for educational purposes. The homestead exemption granted  
1200 by subsection (b) of this section shall be in addition to and not in lieu of any other homestead  
1201 exemption applicable to municipal ad valorem taxes for municipal purposes.

1202 (f) The exemption granted by subsection (b) of this section shall apply to all taxable years  
1203 beginning on or after January 1, 2015.

1204

## ARTICLE VI

1205

### GENERAL PROVISIONS

1206

#### **SECTION 6.01.**

1207

DeKalb County special services tax district.

1208 For the taxable years beginning on or after January 1, 2015, the adjusted ad valorem tax  
1209 millage rate and amount for service charges or fees for district services for the Stonecrest  
1210 special services tax district shall be zero percent. This section is enacted pursuant to the  
1211 authority granted to the General Assembly under Section 1 of that local constitutional  
1212 amendment providing that certain municipalities in DeKalb County shall constitute special

1213 services tax districts, Resolution Act. No. 168; House Resolution No. 715-1916; Ga. L. 1978,  
 1214 p. 2468, to control the subject matter of such local constitutional amendment. Municipal  
 1215 services provided by DeKalb County for the City of Stonecrest will be established through  
 1216 intergovernmental agreements or established as otherwise authorized by statute.

1217 **SECTION 6.02.**

1218 Referendum and initial election.

1219 (a) Unless prohibited by the federal Voting Rights Act of 1965, as amended, the election  
 1220 superintendent of DeKalb County shall call a special election for the purpose of submitting  
 1221 this Act to the qualified voters of the proposed City of Stonecrest for approval or rejection.  
 1222 The superintendent shall set the date of such election for the date of the general primary  
 1223 in 2014. The superintendent shall issue the call for such election at least 30 days prior to the  
 1224 date thereof. The superintendent shall cause the date and purpose of the election to be  
 1225 published once a week for two weeks immediately preceding the date thereof in the official  
 1226 organ of DeKalb County. The ballot shall have written or printed thereon the words:

1227 "( ) YES Shall the Act incorporating the City of Stonecrest in DeKalb County  
 1228 ( ) NO according to the charter contained in the Act and the homestead exemptions  
 1229 described in the Act be approved?

1230 All persons desiring to vote for approval of the Act shall vote "Yes," and all persons desiring  
 1231 to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on  
 1232 such question are for approval of the Act, it shall become of full force and effect as provided  
 1233 in this charter, otherwise it shall be void and of no force and effect. The initial expense of  
 1234 such election shall be borne by DeKalb County. Within two years after the elections if the  
 1235 incorporation is approved, the City of Stonecrest shall reimburse DeKalb County for the  
 1236 actual cost of printing and personnel services for such election and for the initial election of  
 1237 the mayor and councilmembers pursuant to Section 2.02 of this charter. It shall be the duty  
 1238 of the superintendent to hold and conduct such election. It shall be his or her further duty to  
 1239 certify the result thereof to the Secretary of State.

1240 (b) For the purposes of the referendum election provided for in subsection (a) of this section  
 1241 and for the purposes of the special election of the City of Stonecrest to be held on the third  
 1242 Tuesday in September, 2014, the qualified electors of the City of Stonecrest shall be those  
 1243 qualified electors of DeKalb County residing within the corporate limits of the City of  
 1244 Stonecrest as described by Appendix A of this charter. At subsequent municipal elections,  
 1245 the qualified electors of the City of Stonecrest shall be determined pursuant to the authority  
 1246 of Chapter 2 of Title 21 of the O.C.G.A. known as the "Georgia Election Code."

1247 (c) Only for the purposes of holding and conducting the referendum election provided for  
 1248 by subsection (a) of this section and holding and conducting the special election of the City  
 1249 of Stonecrest to be held on the third Tuesday in September, 2014, the election  
 1250 superintendent of DeKalb County is vested with the powers and duties of the election  
 1251 superintendent of the City of Stonecrest and the powers and duties of the governing authority  
 1252 of the City of Stonecrest.

1253 **SECTION 6.03.**

1254 Effective dates and transition.

1255 (a) The initial mayor and councilmembers shall take the oath of office the next business day  
 1256 after certification of the election of such officers, and by action of any four members of the  
 1257 governing authority may, prior to December 1, 2014, meet and take actions binding on the  
 1258 city.

1259 (b) A period of time will be needed for an orderly transition of various government functions  
 1260 from DeKalb County to the City of Stonecrest. Accordingly there shall be a two-year  
 1261 transition period as allowed by law beginning at 12:01 A.M. on December 1, 2014.

1262 (c) During such transition period, DeKalb County shall continue to provide within the  
 1263 territorial limits of the city all government services and functions which DeKalb County  
 1264 provided in 2014 and at the same actual direct cost and level of service, except to the extent  
 1265 otherwise provided in this section; provided, however, that upon at least 30 days' prior  
 1266 written notice to the governing authority of DeKalb County by the governing authority of the  
 1267 City of Stonecrest, responsibility for any such service or function shall be transferred to the  
 1268 City of Stonecrest. The governing authority of the City of Stonecrest shall determine the date  
 1269 of commencement of collection of taxes, fees, assessments, fines and forfeitures, and other  
 1270 moneys within the territorial limits of the city and the date upon which the City of Stonecrest  
 1271 is considered removed from the special services tax district.

1272 (d) During the transition period, the governing authority of the City of Stonecrest may  
 1273 generally exercise any power granted by this charter or general law, except to the extent that  
 1274 a power is specifically and integrally related to the provision of a governmental service,  
 1275 function, or responsibility not yet provided or carried out by the city.

1276 (e) During the transition period, all ordinances of DeKalb County shall remain applicable  
 1277 within the territorial limits of the city unless otherwise amended, repealed, or replaced by the  
 1278 City of Stonecrest. Any transfer of jurisdiction to the City of Stonecrest during or at the end  
 1279 of the transition period shall not in and of itself abate any judicial proceeding pending in  
 1280 DeKalb County or the pending prosecution of any violation of any ordinance of DeKalb  
 1281 County.

1282 (f) During the transition period, the governing authority of the City of Stonecrest may at any  
1283 time, without the necessity of any agreement by DeKalb County, commence to exercise its  
1284 planning and zoning powers; provided, however, that the city shall give the county notice of  
1285 the date on which the city will assume the exercise of such powers. Upon the governing  
1286 authority of the City of Stonecrest commencing to exercise its planning and zoning powers,  
1287 the Municipal Court of the City of Stonecrest shall immediately have jurisdiction to enforce  
1288 the planning and zoning ordinances of the city. The provisions of this subsection shall  
1289 control over any conflicting provisions of any other subsection of this section.

1290 (g) Effective upon the termination of the transition period, subsections (b) through (f) of this  
1291 section shall cease to apply except for the last sentence of subsection (e) which shall remain  
1292 effective. Effective upon the termination of the transition period, the City of Stonecrest shall  
1293 be a full functioning municipal corporation and subject to all general laws of this state.

#### 1294 **SECTION 6.04.**

1295 Directory nature of dates.

1296 It is the intention of the General Assembly that this Act be construed as directory rather than  
1297 mandatory with respect to any date prescribed in this Act. If it is necessary to delay any  
1298 action called for in this Act for providential cause, delay in securing approval under the  
1299 federal Voting Rights Act, or any other reason, it is the intention of the General Assembly  
1300 that the action be delayed rather than abandoned. Any delay in performing any action under  
1301 this Act, whether for cause or otherwise, shall not operate to frustrate the overall intent of this  
1302 Act. Without limiting the generality of the foregoing, it is specifically provided that if it is  
1303 not possible to hold the referendum election provided for in Section 6.02 of this Act on the  
1304 date specified in that section, then such referendum shall be held as soon thereafter as is  
1305 reasonably practicable but not later than 45 days after securing approval under the federal  
1306 Voting Rights Act. If the referendum election provided for in Section 6.02 of this Act is  
1307 conducted on or before August 6, 2014, the special election for the initial members of the  
1308 governing authority shall be conducted on the date specified in Section 2.02 of this Act. If  
1309 the referendum election provided for under Section 6.02 of this Act is conducted after  
1310 August 6, 2014, then the special election for the initial members of the governing authority  
1311 shall be held as soon thereafter as is reasonably practicable, and the commencement of the  
1312 initial terms of office shall be delayed accordingly. If the first election provided for in  
1313 Section 2.02 of this Act occurs after the Tuesday following the first Monday in  
1314 November, 2014, the city council shall be authorized to delay the dates otherwise specified  
1315 in Section 6.03 of this Act.

**SECTION 6.05.**

Charter commission.

1318 No later than five years after the inception of the City of Stonecrest, the mayor and the city  
1319 council shall call for a charter commission to review the city's experience and recommend  
1320 to the General Assembly any changes to the charter. Members of the charter commission  
1321 shall be appointed as follows: one by the mayor, one by each member of the city council, and  
1322 one member appointed by a vote of the members of the Georgia House of Representatives  
1323 and Georgia Senate whose districts lie wholly or partially within the corporate boundaries  
1324 of the City of Stonecrest. All members of the charter commission shall reside in the City of  
1325 Stonecrest. The commission shall complete the recommendations within the time frame  
1326 required by the city council.

**SECTION 6.06.**

Severability.

1329 In the event any section, subsection, sentence, clause, or phrase of this Act shall be declared  
1330 or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other  
1331 sections, subsections, sentences, clauses, or phrases of this Act, which shall remain of full  
1332 force and effect, as if the section, subsection, sentence, clause, or phrase so declared or  
1333 adjudged invalid or unconstitutional were not originally a part hereof. The General  
1334 Assembly hereby declares that it would have passed the remaining parts of this Act if it had  
1335 known that such part or parts hereof would be declared or adjudged invalid or  
1336 unconstitutional.

**SECTION 6.07.**

Effective date.

1339 This Act shall become effective upon its approval by the Governor or upon its becoming law  
1340 without such approval.

**SECTION 6.08.**

Repealer.

1343 All laws and parts of laws in conflict with this Act are repealed.

1344

## APPENDIX A

1345

## LEGAL DESCRIPTION

1346

## CORPORATE LIMITS

1347

## CITY OF STONECREST, DEKALB COUNTY, GEORGIA

1348 All that tract or parcel of land lying and being in the \_\_th and \_\_th Land Districts of DeKalb  
1349 County, Georgia, and more particularly described as follows:

1350 The above-described Corporate Limits for the proposed City of Stonecrest contains an area  
1351 of \_\_\_\_ square miles, more or less, has a perimeter of \_\_\_\_ miles more or less, and are  
1352 shown more fully on the map entitled Proposed City of Stonecrest, DeKalb County, Georgia,  
1353 January 2013.

1354

## APPENDIX B - PART 1

1355

## LEGAL DESCRIPTION

1356

## COUNCIL DISTRICT 1 CITY LIMITS

1357

## CITY OF STONECREST, DEKALB COUNTY, GEORGIA

1358 All that tract or parcel of land lying and being in Land Lot \_\_\_\_\_ . . . and  
1359 being more particularly described as follows:

1360 The above-described Council District Number 1 Limits for the proposed City of Stonecrest  
1361 contains an area of \_\_\_\_ square miles more or less, with a perimeter of \_\_\_\_ miles more or  
1362 less.

1363

## APPENDIX B - PART 2

1364

## LEGAL DESCRIPTION

1365

## COUNCIL DISTRICT 2 CITY LIMITS

1366

## CITY OF STONECREST, DEKALB COUNTY, GEORGIA

1367 All that tract or parcel of land lying and being in Land Lot \_\_\_\_\_ . . . and  
1368 being more particularly described as follows:

1369 The above-described Council District Number 2 Limits for the proposed City of Stonecrest  
1370 contains an area of \_\_\_\_ square miles, more or less, with a perimeter of \_\_\_\_miles more or  
1371 less.

1372 APPENDIX B - PART 3

1373 LEGAL DESCRIPTION

1374 COUNCIL DISTRICT 3 CITY LIMITS

1375 CITY OF STONECREST, DEKALB COUNTY, GEORGIA

1376 All that tract or parcel of land lying and being in Land Lot \_\_\_\_\_ . . . and  
1377 being more particularly described as follows:

1378 The above-described Council District Number 3 Limits for the proposed City of Stonecrest  
1379 contains an area of \_\_\_\_ square miles, more or less, with a perimeter of \_\_\_\_ miles more or  
1380 less.

1381 APPENDIX B - PART 4

1382 LEGAL DESCRIPTION

1383 COUNCIL DISTRICT 4 CITY LIMITS

1384 CITY OF STONECREST, DEKALB COUNTY, GEORGIA

1385 All that tract or parcel of land lying and being in Land Lot \_\_\_\_\_ . . . and  
1386 being more particularly described as follows:

1387 The above-described Council District Number 4 Limits for the proposed City of Stonecrest  
1388 contains an area of \_\_\_\_ square miles, more or less, with a perimeter of \_\_\_\_miles more or  
1389 less.

1390 APPENDIX B - PART 5

1391 LEGAL DESCRIPTION

1392 COUNCIL DISTRICT 5 CITY LIMITS

1393 CITY OF STONECREST, DEKALB COUNTY, GEORGIA

1394 All that tract or parcel of land lying and being in Land Lot \_\_\_\_\_ . . . and  
1395 being more particularly described as follows:

1396 The above-described Council District Number 5 Limits for the proposed City of Stonecrest  
1397 contains an area of \_\_\_\_ square miles, more or less, with a perimeter of \_\_\_\_miles more or  
1398 less.

1399 APPENDIX B - PART 6

1400 LEGAL DESCRIPTION

1401 COUNCIL DISTRICT 6 CITY LIMITS

1402 CITY OF STONECREST, DEKALB COUNTY, GEORGIA

1403 All that tract or parcel of land lying and being in Land Lot \_\_\_\_\_ . . . and  
1404 being more particularly described as follows:

1405 The above-described Council District Number 6 Limits for the proposed City of Stonecrest  
1406 contains an area of \_\_\_\_ square miles, more or less, with a perimeter of \_\_\_\_miles more or  
1407 less.

1408 APPENDIX C

1409 CERTIFICATE AS TO MINIMUM STANDARDS

1410 FOR INCORPORATION OF A NEW MUNICIPAL CORPORATION

1411 I, Senator Ronald B. Ramsey, Sr., Georgia State Senator from the 43rd District and the  
1412 author of this bill introduced at the 2013 session of the General Assembly of Georgia, which  
1413 grants an original municipal charter to the City of Stonecrest, do hereby certify that this bill  
1414 is in compliance with the minimum standards required by Chapter 31 of Title 36 of the  
1415 O.C.G.A. in that the area embraced within the original incorporation in this bill is in all  
1416 respects in compliance with the minimum standards required by Chapter 31 of Title 36 of the

1417 O.C.G.A. This certificate is executed to conform to the requirements of Code  
1418 Section 36-31-5 of the O.C.G.A.

1419 So certified this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

1420 Honorable Ronald B. Ramsey, Sr.  
1421 Senator, 43rd District  
1422 Georgia State Senate