

The Senate State and Local Governmental Operations Committee offers the following substitute to HB 520:

A BILL TO BE ENTITLED  
AN ACT

1 To incorporate the City of LaVista Hills in DeKalb County; to provide for a charter for the  
2 City of LaVista Hills; to provide for incorporation, boundaries, and powers of the city; to  
3 provide for general powers and limitations on powers; to provide for a governing authority  
4 of such city 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, city attorney, city clerk,  
11 city tax collector, city accountant, and other personnel; to provide for a municipal court and  
12 the judge or judges thereof; to provide for practices and procedures; to provide for ethics and  
13 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 audits; to provide for  
16 homestead exemptions; to provide for other matters relative to the foregoing; to provide for  
17 a referendum; to provide effective dates and transitional provisions governing the transfer  
18 of various functions and responsibilities from DeKalb County to the City of LaVista Hills;  
19 to provide for legislative intent; to provide for severability; to provide an effective date; to  
20 repeal conflicting laws; and for other purposes.

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

ARTICLE I  
CREATION, INCORPORATION, POWERS

**SECTION 1.01.**

Incorporation.

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

**SECTION 1.02.**

Corporate boundaries.

The boundaries of the City of LaVista Hills shall be those set forth and described in Appendix A of this charter, and said Appendix A is incorporated into and made a part of this charter. Any part of the City of LaVista Hills which is included in the description contained in Appendix A shall nevertheless not be included within the corporate boundaries of the City of LaVista Hills if such area was annexed into another corporate boundary before March 2, 2015. The city clerk shall maintain a current map and written legal description of the corporate boundaries of the city, and such map and description shall incorporate any changes which may hereafter be made in such corporate boundaries.

**SECTION 1.03.**

Powers and construction.

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

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

- (1) Animal regulations. To regulate and license or to prohibit the keeping or running at large of animals and fowl; to provide for the impoundment of the same if in violation of any ordinance or lawful order; to provide for the disposition by sale, gift, or humane

54 destruction of animals and fowl when not redeemed as provided by ordinance; and to  
55 provide punishment for violation of ordinances enacted hereunder;

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

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

64 (4) Business regulation and taxation. To levy and to provide for the collection of  
65 regulatory fees and taxes on privileges, occupations, trades, and professions as authorized  
66 by Title 48 of the O.C.G.A. or such other applicable laws as are or may hereafter be  
67 enacted; to permit and regulate the same; to provide for the manner and method of  
68 payment of such regulatory fees and taxes; and to revoke such permits after due process  
69 for failure to pay any city taxes or fees;

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

74 (B) The city shall have the right to condemn and cause to be remediated or removed  
75 any building, structure, or existing condition within its corporate limits that is  
76 dangerous to life, limb, or property by reasons of decay, dilapidation, or unsanitary  
77 condition. Nothing in this subparagraph shall be construed to relieve the city of any  
78 duty to give owners or interested persons reasonable notice and opportunity to remedy  
79 the situation. Nothing in this subparagraph shall be construed as relieving the city of  
80 liability to any interested person for damages to person or property taken or destroyed  
81 in furtherance of this subparagraph. This subparagraph shall not be construed as  
82 authorizing the doing of any act or thing contrary to the Constitution of this state and  
83 the policy of the general laws of this state. The city shall have authority to adopt  
84 reasonable ordinances and resolutions for the purpose of carrying out this subparagraph;

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

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

91 (8) Employee benefits. To provide and maintain a retirement plan, insurance, and such  
92 other employee benefits for appointed officers and employees of the city as are  
93 determined by the city council;

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

116 (10) Ethics. To adopt ethics ordinances and regulations governing such things as, but  
117 not limited to, the conduct of city elected officials, appointed officials, contractors,  
118 vendors, and employees, establishing procedures for ethics complaints, and setting forth  
119 penalties for violations of such rules and procedures;

120 (11) Fire regulations. To fix and establish fire limits and from time to time to extend,  
121 enlarge, or restrict the same; to prescribe fire safety regulations not inconsistent with  
122 general law relating to both fire prevention and detection and to fire fighting; and to  
123 prescribe penalties and punishments for violations thereof;

124 (12) Garbage fees. To levy, fix, assess, and collect garbage, refuse, and trash collection  
125 and disposal and other sanitary service charges, taxes, or fees for such services as may  
126 be necessary in the operation of the city from all individuals, firms, and corporations  
127 residing in or doing business therein that benefit from such services; to enforce the

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

130 (13) General health, safety, and welfare. To define, regulate, and prohibit any act,  
131 practice, conduct, or use of property which is detrimental to health, sanitation,  
132 cleanliness, welfare, and safety of the inhabitants of the city; and to provide for the  
133 enforcement of such standards;

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

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

139 (16) Homestead exemption. To establish and maintain procedures for offering  
140 homestead exemptions to residents of the city and to maintain current homestead  
141 exemptions of residents of the city as authorized by Acts of the General Assembly;

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

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

151 (19) Municipal agencies and delegation of power. To create, alter, or abolish  
152 departments, boards, and offices not specified in this charter and commissions,  
153 authorities, and agencies of the city; and to confer upon such agencies the necessary and  
154 appropriate authority for carrying out all the powers conferred upon or delegated to the  
155 same;

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

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

162 (22) Municipal property protection. To provide for the preservation and protection of  
163 property and equipment of the city and the administration and use of the same by the  
164 public; and to prescribe penalties and punishments for violations thereof;

- 165 (23) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose  
166 of public utilities including, but not limited to, a system of waterworks, sewers and  
167 drains, sewage disposal, storm-water management, gasworks, electricity-generating  
168 plants, cable television and other telecommunications, transportation facilities, public  
169 airports, and any other public utility; to fix the taxes, charges, rates, fares, fees,  
170 assessments, regulations, and penalties; and to provide for the withdrawal of service for  
171 refusal or failure to pay the same;
- 172 (24) Nuisance. To define a nuisance and provide for its abatement whether on public or  
173 private property;
- 174 (25) Penalties. To provide penalties for violation of any ordinances adopted pursuant to  
175 the authority of this charter and the laws of the State of Georgia;
- 176 (26) Planning and zoning. To provide comprehensive city planning for city land use,  
177 signage and outside advertising, and development by zoning; and to provide subdivision  
178 regulation and the like as the city council deems necessary and reasonable to ensure a  
179 safe, healthy, and aesthetically pleasing community;
- 180 (27) Police and fire protection. To exercise the power of arrest through duly appointed  
181 police officers; and to establish, operate, or contract for police and fire-fighting agencies;
- 182 (28) Public hazards; removal. To provide for the destruction and removal of any  
183 building or other structure that is or may become dangerous or detrimental to the public;
- 184 (29) Public improvements. To provide for the acquisition, construction, building,  
185 operation, maintenance, or abolition of public ways, parks and playgrounds, recreational  
186 facilities, cemeteries, public buildings, libraries, public housing, parking facilities, and  
187 charitable, cultural, educational, recreational, conservation, sport, detentional, penal, and  
188 medical institutions, agencies, and facilities; to provide any other public improvements  
189 inside the corporate limits of the city and to regulate the use of public improvements; and  
190 for such purposes, property may be acquired by condemnation under Title 22 of the  
191 O.C.G.A. or such other applicable laws as are or may hereafter be enacted;
- 192 (30) Public peace. To provide for the prevention and punishment of loitering, disorderly  
193 conduct, drunkenness, riots, and public disturbances;
- 194 (31) Public transportation. To organize and operate such public transportation systems  
195 as are deemed beneficial;
- 196 (32) Public utilities and services. To grant franchises or make contracts for, or impose  
197 taxes on, public utilities and public service companies; and to prescribe the rates, fares,  
198 regulations, and standards and conditions of service applicable to the service to be  
199 provided by the franchise grantee or contractor, insofar as these are not in conflict with  
200 valid regulations of the Public Service Commission;

- 201 (33) Regulation of roadside areas. To prohibit or regulate and control the erection,  
 202 removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any  
 203 and all other structures or obstructions upon or adjacent to the rights of way of streets and  
 204 roads or within view thereof, within or abutting the corporate limits of the city; and to  
 205 prescribe penalties and punishments for violations of such ordinances;
- 206 (34) Roadways. To lay out, open, extend, widen, narrow, establish, change the grade of,  
 207 abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise  
 208 improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and  
 209 walkways within the corporate limits of the city; to grant franchises and rights of way  
 210 throughout the streets and roads and over the bridges and viaducts for the use of public  
 211 utilities; and to require real estate owners to repair and maintain in a safe condition the  
 212 sidewalks adjoining their lots or lands and to impose penalties for failure to do so;
- 213 (35) Solid waste disposal. To provide for the collection and disposal of garbage, rubbish,  
 214 and refuse and to regulate the collection and disposal of garbage, rubbish, and refuse by  
 215 others; and to provide for the separate collection of glass, tin, aluminum, cardboard,  
 216 paper, and other recyclable materials and to provide for the sale of such items;
- 217 (36) Special assessments. To levy and provide for the collection of special assessments  
 218 to cover the costs for any public improvements, subject to referendum;
- 219 (37) Taxes; ad valorem. To levy and provide for the assessment, valuation, revaluation,  
 220 and collection of taxes on all property subject to taxation; provided, however, that:
- 221 (A) The millage rate imposed for ad valorem taxes on real property shall not  
 222 exceed 5.00 unless a higher limit is recommended by resolution of the city council and  
 223 approved by a majority vote of the qualified voters of the City of LaVista Hills voting  
 224 on the issue in a referendum; provided that the amount of millage associated with the  
 225 creation of special tax districts pursuant to Article IX, Section II, Paragraph VI of the  
 226 Constitution of the State of Georgia shall not count as part of the 5.00 millage rate limit  
 227 in this subsection since such millage is already subject to approval by the electors of the  
 228 city in a separate referendum;
- 229 (B) For all years, the fair market value of all property subject to taxation shall be  
 230 determined according to the tax digest of DeKalb County, as provided in Code  
 231 Section 48-5-352 of the O.C.G.A.; and
- 232 (C) Notwithstanding the provisions of subparagraph (A) above, the mayor and city  
 233 council shall be authorized to create a Special Service District fund for the provision  
 234 of fire and rescue services, to create a Special Service District fund for the provision of  
 235 solid waste disposal services, and to levy ad valorem taxes on real property not to  
 236 exceed the average of said taxes levied by DeKalb County for the provision of the same  
 237 services for the previous five years prior to the cutover of the services;

- 238 (38) Taxes: other. To levy and collect such other taxes and fees as may be allowed now  
 239 or in the future by law;
- 240 (39) Taxicabs. To regulate and license vehicles operated for hire in the city; to limit the  
 241 number of such vehicles; to require the operators thereof to be licensed; to require public  
 242 liability insurance on such vehicles in the amounts to be prescribed by ordinance; to  
 243 inspect such vehicles and mandate standards of safety and cleanliness; and to regulate the  
 244 parking of such vehicles;
- 245 (40) Tourism, conventions, and trade shows. To provide for the structure, operation, or  
 246 management of the LaVista Hills Convention and Visitors Bureau created pursuant to  
 247 Section 1.05 of this charter and to authorize the City of LaVista Hills to contract with  
 248 private sector nonprofit organizations or other governmental agencies to promote tourism,  
 249 conventions, and trade shows;
- 250 (41) Urban redevelopment. To organize and operate an urban redevelopment program;  
 251 and
- 252 (42) Other powers. To exercise and enjoy all other powers, functions, rights, privileges,  
 253 and immunities necessary or desirable to promote or protect the safety, health, peace,  
 254 security, good order, comfort, convenience, or general welfare of the city and its  
 255 inhabitants; to exercise all implied powers necessary or desirable to carry into execution  
 256 all powers granted in this charter as fully and completely as if such powers were fully  
 257 stated herein; and to exercise all powers now or in the future authorized to be exercised  
 258 by other municipal governments under other laws of the State of Georgia; and any listing  
 259 of particular powers in this charter shall not be held to be exclusive of others or restrictive  
 260 of general words and phrases granting powers but shall be held to be in addition to such  
 261 powers unless expressly prohibited to municipalities under the Constitution or applicable  
 262 laws of the State of Georgia.

263 **SECTION 1.04.**

264 Exercise of powers.

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



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**SECTION 1.05.**

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Tourism; conventions; trade shows.

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The LaVista Hills Convention and Visitors Bureau is hereby created.

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**SECTION 1.06.**

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Reserved.

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**ARTICLE II**

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**GOVERNMENT STRUCTURE, ELECTIONS, LEGISLATIVE BRANCH**

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**SECTION 2.01.**

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City council creation; number; election.

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(a) The legislative authority of the government of the City of LaVista Hills, except as otherwise specifically provided in this charter, shall be vested in a city council of which the mayor shall be a voting member to the extent provided in subsection (a) of Section 2.10 of this charter.

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(b)(1) The city council of LaVista Hills, Georgia, shall consist of six members plus the mayor.

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

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(3) One councilmember shall be elected from each of the six Council Districts 1, 2, 3, 4, 5, and 6, respectively. Each person desiring to offer as a candidate for councilmember for such posts shall designate the council district for which he or she is offering.

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Councilmembers for such posts shall be elected by a majority vote of the qualified electors of the respective council districts voting at the elections of the city. In the event that no candidate for a council district obtains a majority vote of the qualified electors of the council district voting in the election, a run-off election shall be held. The candidates receiving the two highest numbers of votes in the election for such council district shall be included in the run-off election. The candidate receiving the highest number of votes of the qualified electors of the council district voting at such run-off election shall be elected. Each candidate for election to the city council shall reside in the district which he or she seeks to represent.

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

302 (d) In order to assure staggered elections of the councilmembers, in the first election of the  
303 city council, the terms for the candidates elected for Council Districts 1, 3, and 5 shall expire  
304 upon the administration of the oath of office to their successors elected in the regular election  
305 to be held in November, 2017, as provided in subsection (b) of Section 2.02 of this charter.  
306 The terms for the candidates elected for Council Districts 2, 4, and 6 shall expire upon the  
307 administration of the oath of office to their successors elected in the regular election to be  
308 held in November, 2019. Thereafter, a successor to each councilmember shall be elected at  
309 the November election immediately preceding the end of such councilmember's term of  
310 office, and the term of each councilmember shall expire upon the administration of the oath  
311 of office to his or her successor.

312 (e) With the exception of the initial term of office, the mayor of the City of LaVista Hills,  
313 with the powers and duties specified herein, shall be elected to a term of four years and until  
314 his or her successor is elected and qualified. The mayor shall be elected by a majority vote  
315 of the qualified electors of the city at large voting at the elections of the city. In the event  
316 that no candidate for mayor obtains a majority vote of the qualified electors of the city at  
317 large voting at the elections of the city, then a run-off election shall be held. The candidates  
318 receiving the two highest numbers of votes in the election shall be included in the run-off  
319 election and the candidate receiving the highest number of votes in the runoff of the qualified  
320 electors of the city at large voting at such runoff shall be elected. The term of the first  
321 elected mayor shall expire upon the administration of the oath of office to his or her  
322 successor elected in the regular election to be held in November, 2019, as provided in  
323 subsection (b) of Section 2.02. Thereafter, the successor to each mayor shall be elected at  
324 the November election immediately preceding the end of such mayor's term of office, and  
325 the term of each mayor shall expire upon the administration of the oath of office to his or her  
326 successor.

327 **SECTION 2.02.**

328 Mayor and councilmembers; terms; qualifications for office.

329 (a) For all elections subsequent to the first election, the mayor and councilmembers shall  
330 serve for terms of four years and until their terms shall expire upon the administration of the  
331 oath of office to their successors. No person shall be eligible to serve as mayor or  
332 councilmember unless that person shall have been a resident of the City of LaVista Hills for  
333 a continuous period of at least 12 months immediately prior to the date of the election for  
334 mayor or councilmember, shall continue to reside therein during that person's period of  
335 service, and shall continue to be registered and qualified to vote in municipal elections of the  
336 City of LaVista Hills. In addition to the above requirements, no person shall be eligible to

337 serve as a councilmember representing a council district unless that person has been a  
 338 resident of the district such person seeks to represent for a continuous period of at least six  
 339 months immediately prior to the date of the election for councilmember and continues to  
 340 reside in such district during that person's period of service.

341 (b) An election shall be held on the date of the 2016 presidential preference primary to elect  
 342 the first mayor and city council. At such election, the first mayor and city council shall be  
 343 elected to serve for the initial terms of office specified in subsections (d) and (e) of  
 344 Section 2.01 of this charter. Thereafter, the time for holding regular municipal elections shall  
 345 be on the Tuesday next following the first Monday in November of each odd-numbered year  
 346 beginning in 2017.

347 (c) The number of successive terms an individual may hold the position of mayor and may  
 348 hold a position as a councilmember of any council district shall be limited to two terms. An  
 349 individual who serves as mayor or serves as a councilmember of any council district for  
 350 either one term or two consecutive terms may stand for subsequent election of any office  
 351 other than his or her current elected office.

### 352 **SECTION 2.03.**

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

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

358 (1) Violating the provisions of this charter;

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

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

363 (b) The office of mayor shall become vacant upon the incumbent's death, resignation,  
 364 forfeiture of office, or removal from office in any manner authorized by this charter or the  
 365 general laws of the State of Georgia. A vacancy in the office of mayor shall be filled for the  
 366 remainder of the unexpired term by a special election if such vacancy occurs 12 months or  
 367 more prior to the expiration of the term of that office. If such vacancy occurs  
 368 within 12 months of the expiration of the term of that office, the city council or those  
 369 councilmembers remaining shall appoint a successor for the remainder of the term. This  
 370 provision shall also apply to a temporary vacancy created by the suspension from office of  
 371 the mayor.

372 (c) The office of a councilmember shall become vacant upon the incumbent's death,  
373 resignation, forfeiture of office, or removal from office in any manner authorized by this  
374 charter or the general laws of the State of Georgia. A vacancy in the office of a  
375 councilmember shall be filled for the remainder of the unexpired term by a special election  
376 if such vacancy occurs 12 months or more prior to the expiration of the term of that office.  
377 If such vacancy occurs within 12 months of the expiration of the term of that office, the  
378 mayor shall appoint a successor for the remainder of the term, subject to the approval of the  
379 city council or those councilmembers remaining. This provision shall also apply to a  
380 temporary vacancy created by the suspension from office of a councilmember.

381 **SECTION 2.04.**

382 Nonpartisan elections.

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

385 **SECTION 2.05.**

386 Election votes.

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

389 **SECTION 2.06.**

390 Applicability of general laws; qualifying; other provisions.

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

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**SECTION 2.07.**

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Compensation and expenses.

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The annual salary of the mayor shall be \$16,000.00 and the annual salary for each councilmember shall be \$12,000.00. Such salaries shall be paid from municipal funds in monthly installments. To the extent not available for provision by the city through the purchasing department, the mayor and each councilmember shall be reimbursed for the reasonable amount of their expenses actually and necessarily incurred by them in carrying out their duties as elected officials of the city.

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**SECTION 2.08.**

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Inquiries and investigations.

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

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**SECTION 2.09.**

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Meetings; oath of office; mayor pro tempore.

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

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

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430 and by the municipal charter. I will perform the duties of my office in the best interests of  
431 the City of LaVista Hills to the best of my ability without fear, favor, affection, reward, or  
432 expectation thereof."

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

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

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

448 (e) Special meetings of the city council may be held on the call of either the mayor or two  
449 councilmembers. Notice of such special meetings shall be delivered to all councilmembers,  
450 the mayor, and the city manager personally, by registered mail, or by electronic means at  
451 least 24 hours in advance of the meeting. Such notice shall not be required if the mayor, all  
452 councilmembers, and city manager are present when the special meeting is called. Such  
453 notice of any special meeting may be waived by the mayor, a councilmember, or the city  
454 manager in writing before or after such a meeting and attendance at the meeting shall also  
455 constitute a waiver of notice. The notice of such special meeting shall state what business  
456 is to be transacted at the special meeting. Only the business stated in the notice of the call  
457 shall be transacted at the special meeting.

458 **SECTION 2.10.**

459 **Quorum; voting.**

460 (a) Four members of the city council shall constitute a quorum and shall be authorized to  
461 transact business for the city council. The mayor shall be counted toward the making of a  
462 quorum. Voting on the adoption of ordinances shall be taken by voice vote and the yeas and  
463 nays shall be recorded in the minutes, but on the request of any member there shall be a  
464 roll-call vote. In order for any ordinance, resolution, motion, or other action of the city

465 council to be adopted, the measure must receive at least four affirmative votes. No member  
 466 of the city council shall abstain from voting on any matter properly brought before the city  
 467 council for official action, except when such councilmember has a reason which is disclosed  
 468 in writing prior to or at the meeting and made a part of the minutes. If any member of the  
 469 city council is present and eligible to vote on a matter and refuses to do so for a reason he or  
 470 she will not disclose, he or she shall be deemed to have voted with the majority of the votes  
 471 of the other councilmembers on the issue involved. The mayor shall vote only in the event  
 472 of a tie or in the case where his or her vote will provide the number of votes necessary for  
 473 approval of a matter.

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

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

477 (2) Provide for fines or other penalties;

478 (3) Levy taxes;

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

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

481 (6) Authorize the borrowing of money;

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

483 (8) Regulate land use and development; and

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

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

489 (1) Levy taxes;

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

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

492 (4) Borrow money.

## 493 **SECTION 2.11.**

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

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

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

500 regulations, not inconsistent with this charter and the Constitution and the laws of the State  
 501 of Georgia, which it shall deem necessary, expedient, or helpful for the peace, good order,  
 502 protection of life and property, health, welfare, sanitation, comfort, convenience, prosperity,  
 503 or well-being of the inhabitants of the City of LaVista Hills and may enforce such ordinances  
 504 by imposing penalties for violations thereof.

505 **SECTION 2.12.**

506 Administrative and service departments.

507 (a) Except for the office of city manager and the elected positions provided for in this  
 508 charter, the city council, by ordinance, may establish, abolish, merge, or consolidate offices  
 509 not specified in this charter, positions of employment, departments, and agencies of the city  
 510 as it shall deem necessary for the proper administration of the affairs and government of the  
 511 city. The city council shall prescribe the functions and duties of existing departments,  
 512 offices, and agencies or of any departments, offices, and agencies hereinafter created or  
 513 established; may provide that the same person shall fill any number of offices and positions  
 514 of employment; and may transfer or change the functions and duties of offices, positions of  
 515 employment, departments, and agencies of the city.

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

521 **SECTION 2.13.**

522 Prohibitions.

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

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

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



- 533 (3) Disclose confidential information concerning the property, government, or affairs of  
534 the governmental body without proper legal authorization or use such information to  
535 advance the financial or other private interest of himself or herself or others, except as  
536 required by law;
- 537 (4) Accept any valuable gift, whether in the form of service, loan, object, or promise,  
538 from any person, firm, or corporation which to his or her knowledge is interested, directly  
539 or indirectly, in any manner whatsoever in business dealings with the governmental body  
540 by which he or she is engaged; "valuable" shall be an amount determined by the city  
541 council; provided, however, that the amount shall not exceed \$100.00;
- 542 (5) Represent other private interests in any action or proceeding against this city or any  
543 portion of its government; or
- 544 (6) Vote or otherwise participate in the negotiation or in the making of any contract with  
545 any business or entity in which he or she, or members of his or her family, has a financial  
546 interest.
- 547 (b) Any elected official, appointed officer, or employee who has any private financial  
548 interest, directly or indirectly, in any permissible contract or matter pending before or within  
549 any department of the city shall disclose such private interest to the city council. "Private  
550 financial interest" shall include interests of family. The mayor or any councilmember who  
551 has a private interest in any matter pending before the city council shall disclose in writing  
552 such private interest and such disclosure shall be entered on the records of the city council,  
553 and he or she shall disqualify himself or herself from participating in any decision or vote  
554 relating thereto. Any elected official, appointed officer, or employee of any agency or  
555 political entity to which this charter applies who shall have any private financial interest,  
556 directly or indirectly, in any contract or matter pending before or within such entity shall  
557 disclose such private interest to the governing body of such agency or entity.
- 558 (c) No elected official, appointed officer, or employee of the city or any agency or entity to  
559 which this charter applies or any member of his or her family shall use property owned by  
560 such governmental entity for personal benefit, convenience, or profit.
- 561 (d) Any violation of this section which occurs with the knowledge, express or implied, of  
562 a party to a contract or sale shall render such contract or sale voidable at the option of the city  
563 council.
- 564 (e) Except as authorized by law, no member of the city council shall hold any other elective  
565 city office or be employed by any city or county government during the term for which he  
566 or she is elected.
- 567 (f) No elected official, appointed officer, or employee of the city or any agency, board,  
568 authority, bureau, or any other political entity to which this charter applies nor any member  
569 of such person's family, nor any person who has an employment or other personal

570 relationship with such person, may contract with the city, either directly or indirectly or  
 571 through any entity in which such person has a financial or employment interest, for the  
 572 provision of goods, professional services, other services, construction or rehabilitation of  
 573 improvements, or any other procurement request by the city.

574 (g) "Family" shall, for purposes of this section, include the parents, aunts, uncles, nieces,  
 575 nephews, siblings, spouse, and children of such person and shall also include the parents,  
 576 siblings, spouses, and children of any of the foregoing family members.

#### 577 **SECTION 2.14.**

##### 578 Boards, commissions, or authorities.

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

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

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

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

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

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

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

605 **SECTION 2.15.**

606 Ordinance form; procedures.

607 (a) Every proposed ordinance and resolution shall be introduced in writing and the city  
 608 council shall have the authority to approve, disapprove, or amend the same. A resolution  
 609 may be passed at the time it is offered, but an ordinance shall not be adopted until the title  
 610 of such ordinance shall have been read at two city council meetings, provided that the  
 611 beginnings of such meetings are neither less than 24 hours nor more than 60 days apart. This  
 612 requirement of two readings shall not apply to emergency ordinances, to ordinances passed  
 613 during the first 90 days from the date on which the city begins operation, to ordinances  
 614 adopted at the first business meeting of the city council in a calendar year, or to ordinances  
 615 adopted at the first meeting of the initial city council as elected under subsection (b) of  
 616 Section 2.02 of this charter. The catchlines of sections of this charter or any ordinance  
 617 printed in boldface type or italics, or otherwise, are intended as mere catchwords to indicate  
 618 the contents of the section and:

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

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

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

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

630 **SECTION 2.16.**

631 Submission of ordinances to the city clerk.

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

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

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

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

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**SECTION 3.02.**  
City manager; appointment and qualification.

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The mayor shall appoint, subject to confirmation by the city council, an officer whose title shall be "city manager." The city manager shall be appointed without regard to political

671 beliefs and solely on the basis of his or her education and experience in the accepted  
672 competencies and practices of local government management.

673 **SECTION 3.03.**

674 City manager; chief administrative officer.

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

679 **SECTION 3.04.**

680 City manager; powers and duties enumerated.

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

- 682 (1) See that all laws and ordinances are enforced;
- 683 (2) Appoint and employ all necessary employees of the city, provided that this power of  
684 appointment shall not include officers and employees who by this charter are appointed  
685 or elected by the mayor and the city council or departments not under the jurisdiction of  
686 the city manager;
- 687 (3) Remove employees appointed and employed under paragraph (2) of this section  
688 without the consent of the city council and without assigning any reason therefor;
- 689 (4) Exercise supervision and control of all departments, offices, and agencies and all  
690 divisions or bureaus created in this charter or that may hereafter be created by the city  
691 council, except as otherwise provided in this charter;
- 692 (5) Attend all meetings of the city council, without a right to vote, but with a right to take  
693 part in the discussions as seen fit by the chairperson; provided, however, that, regardless  
694 of the decision of the chairperson, the city manager may take part in any discussion and  
695 report on any matter requested and approved by the city council at such meeting. The  
696 city manager shall be entitled to notice of all special meetings;
- 697 (6) Recommend to the city council, after prior review and comment by the mayor, for  
698 adoption such measures as the city manager may deem necessary or expedient;
- 699 (7) See that all terms and conditions imposed in favor of the city or its inhabitants in any  
700 public utility franchise are faithfully kept and performed and, upon knowledge of any  
701 violation thereof, call the same to the attention of the city attorney, whose duty it shall be  
702 forthwith to take such steps as are necessary to protect and enforce the same;

- 703 (8) Make and execute all lawful contracts on behalf of the city as to matters within the  
 704 city manager's level of authorization as established by the city council to the extent that  
 705 such contracts are funded in the city's budget, except such as may be otherwise provided  
 706 by law; provided, however, that no contract purchase or obligation requiring a budget  
 707 amendment shall be valid and binding until after approval of the city council;
- 708 (9) Sign all orders, checks, and warrants for payment of money within the city manager's  
 709 level of authorization as established by the city council to the extent that such contracts  
 710 are funded in the city's budget, except such as may be otherwise provided by law;  
 711 provided, however, that no such order, check, or warrant requiring a budget amendment  
 712 shall be valid and binding until after approval of the city council;
- 713 (10) Act as budget officer to prepare and submit to the city council, after review and  
 714 comment by the mayor, prior to the beginning of each fiscal year, a budget of proposed  
 715 expenditures for the ensuing year, showing in as much detail as practicable the amounts  
 716 allotted to each department of the city government and the reasons for such estimated  
 717 expenditures;
- 718 (11) Keep the city council at all times fully advised as to the financial condition and  
 719 needs of the city;
- 720 (12) Make a full written report to the city council on the fifteenth day of each month  
 721 showing the operations and expenditures of each department of the city government for  
 722 the preceding month, and a synopsis of such reports shall be published by the city clerk;
- 723 (13) Fix all salaries and compensation of city employees in accordance with the city  
 724 budget and the city pay and classification plan; and
- 725 (14) Perform such other duties as may be prescribed by this charter or required by  
 726 ordinance or resolution of the city council.

727 **SECTION 3.05.**

728 City council interference with administration.

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

734 **SECTION 3.06.**

735 City manager; removal.

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

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

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

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

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

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

761 **SECTION 3.07.**

762 Acting city manager.

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

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

770 **SECTION 3.08.**

771 City attorney.

772 The mayor shall appoint the city attorney or city attorneys, together with such assistant city  
 773 attorneys as may be deemed appropriate, subject to confirmation by the city council, and  
 774 shall provide for the payment of such attorneys for services rendered to the city. The rates  
 775 or salary paid to any city attorney or assistant city attorney shall be approved in advance by  
 776 the city council. The city attorney shall be responsible for representing and defending the  
 777 city in all litigation in which the city is a party; may be the prosecuting officer in the  
 778 municipal court; shall attend meetings of the city council as directed; shall advise the city  
 779 council, mayor, other officers, and employees of the city concerning legal aspects of the  
 780 city's affairs; and shall perform such other duties as may be required by virtue of his or her  
 781 position as city attorney. The city attorney shall review all contracts of the city but shall not  
 782 have the power to bind the city.

783 **SECTION 3.09.**

784 City clerk.

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

789 **SECTION 3.10.**

790 City tax collector.

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



796 **SECTION 3.11.**

797 City accountant.

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

800 **SECTION 3.12.**

801 City internal auditor.

802 The city council shall appoint an internal auditor to audit the financial records and  
803 expenditures of city funds and to report the results of such audits in writing to the city  
804 council at times and intervals set by the city council but not less than quarterly. Such audit  
805 reports shall, at a minimum, identify all city expenditures and other financial matters that the  
806 internal auditor either determines are not in compliance with or cannot conclusively be  
807 determined to be in compliance with:

808 (1) The provisions of this charter;

809 (2) The applicable city budget; and

810 (3) Applicable ordinances, resolutions, or other actions duly adopted or approved under  
811 the provisions of this charter.

812 The compensation and expenses payable to the mayor and the councilmembers pursuant to  
813 Section 2.07 of this charter shall not commence until an internal auditor is appointed by the  
814 city council.

815 **SECTION 3.13.**

816 Consolidation of functions.

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

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**SECTION 3.14.**

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Position classification and pay plans; employment at will.

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The city manager shall be responsible for the preparation of a position classification and a

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pay plan which shall be submitted to the city council for approval. Such plan may apply to

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all employees of the City of LaVista Hills and any of its agencies and offices. When a pay

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plan has been adopted by the city council, neither the city council nor the city manager shall

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increase or decrease the salaries of individual employees except in conformity with such pay

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plan or pursuant to an amendment of such pay plan duly adopted by the city council. Except

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as otherwise provided in this charter, all employees of the city shall be subject to removal or

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discharge, with or without cause, at any time.

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**ARTICLE IV**

834

**MUNICIPAL COURT**

835

**SECTION 4.01.**

836

Creation.

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There is established a court to be known as the Municipal Court of the City of LaVista Hills

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which shall have jurisdiction and authority to try offenses against the laws and ordinances

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of such city and to punish for violations of the same. Such court shall have the power to

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enforce its judgments by the imposition of such penalties as may be provided by law,

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including ordinances of the city; to punish witnesses for nonattendance and to punish also

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any person who may counsel or advise, aid, encourage, or persuade another whose testimony

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is desired or material in any proceeding before such court to go or move beyond the reach

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of the process of the court; to try all offenses within the territorial limits of the city

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constituting traffic cases which, under the laws of Georgia, are placed within the jurisdiction

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of municipal courts to the extent of, and in accordance with, the provisions of such laws and

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all laws subsequently enacted amendatory thereof. Such court shall be presided over by the

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judge of such court. In the absence or disqualification of the judge, the judge pro tempore

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shall preside and shall exercise the same powers and duties as the judge when so acting.

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**SECTION 4.02.**

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Judges.

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(a) No person shall be qualified or eligible to serve as judge unless he or she shall have

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attained the age of 28 years and shall have been a member of the State Bar of Georgia for a

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minimum of three years. The judges shall be nominated by the mayor subject to approval

855 by the city council. The compensation and number of the judges shall be fixed by the city  
856 council.

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

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

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

868 (1) Willful misconduct in office;

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

870 (3) Habitual intemperance;

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

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

875 **SECTION 4.03.**

876 Convening.

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

879 **SECTION 4.04.**

880 Jurisdiction; powers.

881 (a) The municipal court shall try and punish for crimes against the City of LaVista Hills and  
882 for violations of its ordinances. The municipal court may fix punishment for offenses within  
883 its jurisdiction to the fullest extent allowed by state law.

884 (b) The municipal court shall have authority to recommend to the city council for approval  
885 a schedule of fees to defray the costs of operation.

886 (c) The municipal court shall have authority to establish bail and recognizances to ensure  
887 the presence of those charged with violations before such court and shall have discretionary

888 authority to accept cash or personal or real property as security for appearances of persons  
 889 charged with violations. Whenever any person shall give bail for his or her appearance and  
 890 shall fail to appear at the time fixed for trial, the bond shall be forfeited to the judge presiding  
 891 at such time and an execution issued thereon by serving the defendant and his or her sureties  
 892 with a rule nisi at least two days before a hearing on the rule nisi. In the event that cash or  
 893 property is accepted in lieu of bond for security for the appearance of a defendant at trial, and  
 894 if such defendant fails to appear at the time and place fixed for trial, the cash so deposited  
 895 shall be on order of the judge declared forfeited to the City of LaVista Hills, or the property  
 896 so deposited shall have a lien against it for the value forfeited.

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

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

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

904 (g) The municipal court is specifically vested with all of the judicial jurisdiction and judicial  
 905 powers throughout the entire area of the City of LaVista Hills granted by state laws generally  
 906 to municipal courts and particularly by such laws as authorize the abatement of nuisances.

907 **SECTION 4.05.**

908 Certiorari.

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

913 **SECTION 4.06.**

914 Rules for court.

915 With the approval of the city council, the judges shall have full power and authority to make  
 916 reasonable rules and regulations that are necessary and proper to secure the efficient and  
 917 successful administration of the municipal court.

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ARTICLE V  
FINANCE AND FISCAL

**SECTION 5.01.**

Fiscal year.

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

**SECTION 5.02.**

Preparation of budgets.

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

**SECTION 5.03.**

Submission of operating budget to city council.

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

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

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

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

955 **SECTION 5.04.**

956 Action by city council on budget.

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

963 (b) The city council shall adopt a budget on or before the first day of the eleventh month of  
 964 the fiscal year currently ending. If the city council fails to adopt the budget by the prescribed  
 965 deadline, the operating budget and capital budget proposed by the mayor and city manager  
 966 shall be adopted without further action by the city council.

967 **SECTION 5.05.**

968 Procurement and property management.

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

- 973 (1) It is drawn or submitted and reviewed by the city attorney and, as a matter of course,  
 974 is signed by the city attorney to indicate such drafting or review; and  
 975 (2) It is made or authorized by the city council and such approval is entered in the city  
 976 council journal of proceedings.

977 **SECTION 5.06.**

978 Purchasing.

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

981 **SECTION 5.07.**

982 Audits.

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

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

990 **SECTION 5.08.**

991 Homestead exemption; freeze.

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

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

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

1000 (3) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of  
 1001 the O.C.G.A., as amended, with the additional qualification that it shall include not more  
 1002 than five contiguous acres of homestead property.

1003 (b) Each resident of the City of LaVista Hills is granted an exemption on such person's  
 1004 homestead from City of LaVista Hills ad valorem taxes for municipal purposes in an amount  
 1005 equal to the amount by which the current year assessed value of such homestead exceeds the  
 1006 base year assessed value of such homestead. This exemption shall not apply to taxes  
 1007 assessed on improvements to the homestead or additional land that is added to the homestead  
 1008 after January 1 of the base year. If any real property is added to or removed from the  
 1009 homestead, the base year assessed value shall be adjusted to reflect such addition or removal,  
 1010 and the exemption shall be recalculated accordingly. The value of such property in excess  
 1011 of such exempted amount shall remain subject to taxation.

1012 (c) A person shall not receive the homestead exemption granted by subsection (b) of this  
 1013 section unless the person or person's agent files an application with the governing authority  
 1014 of the City of LaVista Hills, or the designee thereof, giving such information relative to

1015 receiving such exemption as will enable the governing authority of the City of LaVista Hills,  
 1016 or the designee thereof, to make a determination regarding the initial and continuing  
 1017 eligibility of such owner for such exemption. The governing authority of the City of LaVista  
 1018 Hills, or the designee thereof, shall provide application forms for this purpose.

1019 (d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of  
 1020 the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year  
 1021 so long as the owner occupies the residence as a homestead. After a person has filed the  
 1022 proper application as provided in subsection (c) of this section, it shall not be necessary to  
 1023 make application thereafter for any year, and the exemption shall continue to be allowed to  
 1024 such person. It shall be the duty of any person granted the homestead exemption under  
 1025 subsection (b) of this section to notify the governing authority of the City of LaVista Hills,  
 1026 or the designee thereof, in the event such person for any reason becomes ineligible for such  
 1027 exemption.

1028 (e) The exemption granted by subsection (b) of this section shall not apply to or affect state  
 1029 ad valorem taxes, county ad valorem taxes for county purposes, or county or independent  
 1030 school district ad valorem taxes for educational purposes. The homestead exemption granted  
 1031 by subsection (b) of this section shall be in addition to and not in lieu of any other homestead  
 1032 exemption applicable to municipal ad valorem taxes for municipal purposes.

1033 (f) The exemption granted by subsection (b) of this section shall apply only to taxable  
 1034 years 2017 through 2019. Unless renewed or extended by subsequent Act of the General  
 1035 Assembly, the exemption granted by subsection (b) of this section shall not apply to taxable  
 1036 year 2020 or any subsequent taxable year.

### 1037 **SECTION 5.09.**

#### 1038 Homestead exemption; senior citizens; disabled.

1039 (a) As used in this section, the term:

1040 (1) "Ad valorem taxes for municipal purposes" means all ad valorem taxes for municipal  
 1041 purposes levied by, for, or on behalf of the City of LaVista Hills, including, but not  
 1042 limited to, any ad valorem taxes to pay interest on and to retire municipal bonded  
 1043 indebtedness.

1044 (2) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of  
 1045 the O.C.G.A., as amended.

1046 (3) "Income" means Georgia taxable net income determined pursuant to Chapter 7 of  
 1047 Title 48 of the O.C.G.A., as amended, for state income tax purposes, except income shall  
 1048 not include income received as retirement, survivor, or disability benefits under the  
 1049 federal Social Security Act or under any other public or private retirement, disability, or



1050 pension system, except such income which is in excess of the maximum amount  
1051 authorized to be paid to an individual and such individual's spouse under the federal  
1052 Social Security Act. Income from such sources in excess of such maximum amount shall  
1053 be included as income for the purposes of this charter.

1054 (4) "Senior citizen" means a person who is 65 years of age or over on or before January 1  
1055 of the year in which application for the exemption under subsection (b) of this section is  
1056 made.

1057 (b) Each resident of the City of LaVista Hills who is disabled or is a senior citizen is granted  
1058 an exemption on such person's homestead from City of LaVista Hills ad valorem taxes for  
1059 municipal purposes in the amount of \$14,000.00 of the assessed value of such homestead.  
1060 The exemption granted by this subsection shall only be granted if such person's income,  
1061 together with the income of the spouse who also occupies and resides at such homestead,  
1062 does not exceed \$15,000.00 for the immediately preceding year. The value of such property  
1063 in excess of such exempted amount shall remain subject to taxation.

1064 (c)(1) In order to qualify for the exemption provided for in subsection (b) of this section  
1065 due to being disabled, the person claiming such exemption shall be required to obtain a  
1066 certificate from not more than three physicians licensed to practice medicine under  
1067 Chapter 34 of Title 43 of the O.C.G.A., as amended, certifying that, in the opinion of  
1068 such physician or physicians, such person is mentally or physically incapacitated to the  
1069 extent that such person is unable to be gainfully employed and that such incapacity is  
1070 likely to be permanent. Such certificate or certificates shall constitute part of and be  
1071 submitted with the application provided for in paragraph (2) of this subsection.

1072 (2) A person shall not receive the homestead exemption granted by subsection (b) of this  
1073 section unless the person or person's agent files an application with the governing  
1074 authority of the City of LaVista Hills, or the designee thereof, giving the person's age,  
1075 income, and such additional information relative to receiving such exemption as will  
1076 enable the governing authority of the City of LaVista Hills, or the designee thereof, to  
1077 make a determination regarding the initial and continuing eligibility of such owner for  
1078 such exemption. The governing authority of the City of LaVista Hills, or the designee  
1079 thereof, shall provide application forms for this purpose.

1080 (d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of  
1081 the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year  
1082 so long as the owner occupies the residence as a homestead. After a person has filed the  
1083 proper application as provided in subsection (c) of this section, it shall not be necessary to  
1084 make application thereafter for any year, and the exemption shall continue to be allowed to  
1085 such person. It shall be the duty of any person granted the homestead exemption under  
1086 subsection (b) of this section to notify the governing authority of the City of LaVista Hills,

1087 or the designee thereof, in the event such person for any reason becomes ineligible for such  
1088 exemption.

1089 (e) The exemption granted by subsection (b) of this section shall not apply to or affect state  
1090 ad valorem taxes, county ad valorem taxes for county purposes, or county or independent  
1091 school district ad valorem taxes for educational purposes. The homestead exemption granted  
1092 by subsection (b) of this section shall be in addition to and not in lieu of any other homestead  
1093 exemption applicable to municipal ad valorem taxes for municipal purposes.

1094 (f) The exemption granted by subsection (b) of this section shall apply to all taxable years  
1095 beginning on or after January 1, 2017.

#### 1096 **SECTION 5.10.**

#### 1097 Homestead exemption; general.

1098 (a) As used in this section, the term:

1099 (1) "Ad valorem taxes for municipal purposes" means all ad valorem taxes for municipal  
1100 purposes levied by, for, or on behalf of the City of LaVista Hills, including, but not  
1101 limited to, any ad valorem taxes to pay interest on and to retire municipal bonded  
1102 indebtedness.

1103 (2) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of  
1104 the O.C.G.A., as amended.

1105 (b) Each resident of the City of LaVista Hills is granted an exemption on such person's  
1106 homestead from City of LaVista Hills ad valorem taxes for municipal purposes in the amount  
1107 of \$10,000.00 of the assessed value of such homestead. The value of such property in excess  
1108 of such exempted amount shall remain subject to taxation.

1109 (c) A person shall not receive the homestead exemption granted by subsection (b) of this  
1110 section unless the person or person's agent files an application with the governing authority  
1111 of the City of LaVista Hills, or the designee thereof, giving such information relative to  
1112 receiving such exemption as will enable the governing authority of the City of LaVista Hills,  
1113 or the designee thereof, to make a determination regarding the initial and continuing  
1114 eligibility of such owner for such exemption. The governing authority of the City of LaVista  
1115 Hills, or the designee thereof, shall provide application forms for this purpose.

1116 (d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of  
1117 the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year  
1118 so long as the owner occupies the residence as a homestead. After a person has filed the  
1119 proper application as provided in subsection (c) of this section, it shall not be necessary to  
1120 make application thereafter for any year, and the exemption shall continue to be allowed to  
1121 such person. It shall be the duty of any person granted the homestead exemption under

1122 subsection (b) of this section to notify the governing authority of the City of LaVista Hills,  
 1123 or the designee thereof, in the event such person for any reason becomes ineligible for such  
 1124 exemption.

1125 (e) The exemption granted by subsection (b) of this section shall not apply to or affect state  
 1126 ad valorem taxes, county ad valorem taxes for county purposes, or county or independent  
 1127 school district ad valorem taxes for educational purposes. The homestead exemption granted  
 1128 by subsection (b) of this section shall be in addition to and not in lieu of any other homestead  
 1129 exemption applicable to municipal ad valorem taxes for municipal purposes.

1130 (f) The exemption granted by subsection (b) of this section shall apply to all taxable years  
 1131 beginning on or after January 1, 2017.

### 1132 **SECTION 5.11.**

#### 1133 Homestead exemption; surviving spouses.

1134 (a) As used in this section, the term:

1135 (1) "Ad valorem taxes for municipal purposes" means all ad valorem taxes for municipal  
 1136 purposes levied by, for, or on behalf of the City of LaVista Hills, including, but not  
 1137 limited to, any ad valorem taxes to pay interest on and to retire municipal bonded  
 1138 indebtedness.

1139 (2) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of  
 1140 the O.C.G.A., as amended.

1141 (3) "Unremarried surviving spouse" means the unmarried widow or widower of a  
 1142 member of the armed forces who is receiving spousal benefits from the United States  
 1143 Department of Veterans Affairs.

1144 (b) Any person who is a resident of the City of LaVista Hills and who is an unremarried  
 1145 surviving spouse of a member of the armed forces of the United States, which member has  
 1146 been killed in or has died as a result of any war or armed conflict in which the armed forces  
 1147 of the United States engaged, whether under United States command or otherwise, shall be  
 1148 granted a homestead exemption from all City of LaVista Hills ad valorem taxation for  
 1149 municipal purposes in the amount of the greater of \$32,500.00 or the maximum amount  
 1150 which may be granted to a disabled veteran under Section 2102 of Title 38 of the United  
 1151 States Code, as amended. As of January 1, 2013, the maximum amount which may be  
 1152 granted to a disabled veteran under Section 2102 of Title 38 of the United States Code, as  
 1153 amended, is \$50,000.00. The exemption shall be on the homestead which the unremarried  
 1154 surviving spouse owns and actually occupies as a residence and homestead. In the event  
 1155 such surviving spouse remarries, such person shall cease to be qualified to receive the  
 1156 exemption under this charter effective December 31 of the taxable year in which such person

1157 remarries. The value of all property in excess of such exemption granted to such unremarried  
1158 surviving spouse shall remain subject to taxation.

1159 (c) In order to qualify for the exemption provided for in this charter, the unremarried  
1160 surviving spouse shall furnish to the governing authority of the City of LaVista Hills, or the  
1161 designee thereof, documents from the Secretary of Defense evidencing that such unremarried  
1162 surviving spouse receives spousal benefits as a result of the death of such person's spouse  
1163 who, as a member of the armed forces of the United States, was killed or died as a result of  
1164 any war or armed conflict while on active duty or while performing authorized travel to or  
1165 from active duty during such war or armed conflict in which the armed forces of the United  
1166 States engaged, whether under United States command or otherwise, pursuant to the Survivor  
1167 Benefit Plan under Subchapter II of Chapter 73 of Title 10 of the United States Code or  
1168 pursuant to any preceding or subsequent federal law which provides survivor benefits for  
1169 spouses of members of the armed forces who were killed or died as a result of any war or  
1170 armed conflict.

1171 (d) An unremarried surviving spouse filing for the exemption under this section shall be  
1172 required to file with the governing authority of the City of LaVista Hills, or the designee  
1173 thereof, information relative to marital status and such other information which the governing  
1174 authority of the City of LaVista Hills, or the designee thereof, deems necessary to determine  
1175 eligibility for the exemption. An unremarried surviving spouse shall file for the exemption  
1176 only once with the governing authority of the City of LaVista Hills or the designee thereof.  
1177 Once filed, the exemption shall automatically be renewed from year to year, except that the  
1178 governing authority of the City of LaVista Hills, or the designee thereof, may require  
1179 annually that the holder of an exemption substantiate his or her continuing eligibility for the  
1180 exemption. It shall be the duty of any person granted the homestead exemption under this  
1181 section to notify the governing authority of the City of LaVista Hills, or the designee thereof,  
1182 in the event such person for any reason becomes ineligible for such exemption.

1183 (e) The exemption granted by this section shall be in lieu of and not in addition to any other  
1184 exemption from ad valorem taxation for municipal purposes which is equal to or lower in  
1185 amount than such exemption granted by this section. If the amount of any other exemption  
1186 from ad valorem taxation for municipal purposes applicable to any resident qualifying under  
1187 this section is greater than or is increased to an amount greater than the amount of the  
1188 applicable exemption granted by this section, such other exemption shall apply and shall be  
1189 in lieu of and not in addition to the exemption granted by this section.

1190 (f) The exemptions granted by this section shall apply to all taxable years beginning on or  
1191 after January 1, 2017.

**SECTION 5.12.**

Homestead exemption; one mill equivalent.

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

(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 LaVista Hills, including, but not limited to, any ad valorem taxes to pay interest on and to retire municipal bonded indebtedness.

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

(b) Each resident of the City of LaVista Hills is granted an exemption on such person's homestead from City of LaVista Hills ad valorem taxes for municipal purposes in an amount that provides the dollar equivalent of a one mill reduction of the millage rate applicable to the homestead property with respect to ad valorem taxes for municipal purposes for the taxable year. The value of such property in excess of such exempted amount shall remain subject to taxation.

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

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

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

1228 (f) The exemption granted by subsection (b) of this section shall apply to all taxable years  
1229 beginning on or after January 1, 2017.

1230 **SECTION 5.13.**

1231 Homestead exemption; Fire Services Tax District HOST Equivalent.

1232 (a) As used in this section, the term:

1233 (1) "Ad valorem taxes for fire services" means all ad valorem taxes for the purpose of  
1234 providing fire services levied by, for, or on behalf of the City of LaVista Hills, including,  
1235 but not limited to, any ad valorem taxes to pay interest on and to retire municipal bonded  
1236 indebtedness.

1237 (2) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of  
1238 the O.C.G.A., as amended.

1239 (b) In the event that the City of LaVista Hills assumes responsibility for the transfer of fire  
1240 services from DeKalb County, each resident of the City of LaVista Hills is granted an annual  
1241 exemption on such person's homestead from City of LaVista Hills ad valorem taxes in a fixed  
1242 amount equal to the HOST tax credit provided to DeKalb County residences who participate  
1243 in the Fire Services Special Tax District at a level equal to the average percentage credit for  
1244 the five years immediately preceding the cutover of fire services. The value of such property  
1245 in excess of such exempted amount shall remain subject to taxation.

1246 (c) A person shall receive the homestead exemption granted by subsection (b) of this section  
1247 provided that the person or person's agent has filed or files an application with the governing  
1248 authority of the City of LaVista Hills in accordance with subsection (c) of Section 5.10 or  
1249 subsection (c) of Section 5.12 of this charter giving such information relative to receiving  
1250 such exemption as will enable the governing authority of the City of LaVista Hills, or the  
1251 designee thereof, to make a determination regarding the initial and continuing eligibility of  
1252 such owner for such exemption. No additional homestead exemption form or application is  
1253 required to grant the homestead exemption under this section.

1254 (d) The exemption shall be automatically renewed from year to year so long as the owner  
1255 occupies the residence as a homestead. After a person has filed the proper application, it  
1256 shall not be necessary to make application thereafter for any year, and the exemption shall  
1257 continue to be allowed to such person. It shall be the duty of any person granted the  
1258 homestead exemption under subsection (b) of this section to notify the governing authority  
1259 of the City of LaVista Hills, or the designee thereof, in the event such person for any reason  
1260 becomes ineligible for such exemption.

1261 (e) The exemption granted by subsection (b) of this section shall not apply to or affect state  
1262 ad valorem taxes, county ad valorem taxes for county purposes, or county or independent

1263 school district ad valorem taxes for educational purposes. The homestead exemption granted  
 1264 by subsection (b) of this section shall be in addition to and not in lieu of any other homestead  
 1265 exemption applicable to municipal ad valorem taxes for municipal purposes.

1266 (f) The exemption granted by subsection (b) of this section shall apply to all taxable years  
 1267 beginning in the year in which the City of LaVista Hills assumes responsibility for the  
 1268 transfer of fire services from DeKalb County. In the event that the transfer of fire services  
 1269 does not coincide with a taxable year end, the homestead exemption shall be prorated in the  
 1270 first year in an amount equal to the percent of the first year in which LaVista Hills provides  
 1271 fire services.

## 1272 ARTICLE VI

### 1273 GENERAL PROVISIONS

#### 1274 SECTION 6.01.

1275 DeKalb County special services tax district.

1276 For the taxable years beginning on or after January 1, 2017, the adjusted ad valorem tax  
 1277 millage rate and amount for service charges or fees for district services assessed by DeKalb  
 1278 County, Georgia, for the LaVista Hills special services tax district shall be 0 percent. This  
 1279 section is enacted pursuant to the authority granted to the General Assembly under Section 1  
 1280 of that local constitutional amendment providing that certain municipalities in DeKalb  
 1281 County shall constitute special services tax districts, Resolution Act. No. 168, House  
 1282 Resolution No. 715-1916, Ga. L. 1978, p. 2468, to control the subject matter of such local  
 1283 constitutional amendment. Municipal services provided by DeKalb County for the City of  
 1284 LaVista Hills will be established through intergovernmental agreements or established as  
 1285 otherwise authorized by statute.

#### 1286 SECTION 6.02.

1287 Referendum and initial election.

1288 (a) The election superintendent of DeKalb County shall call a special election for the  
 1289 purpose of submitting this Act to the qualified voters of the proposed City of LaVista Hills  
 1290 for approval or rejection. The superintendent shall set November 3, 2015, as the date of such  
 1291 election. The superintendent shall issue the call for such election at least 30 days prior to the  
 1292 date thereof. The superintendent shall cause the date and purpose of the election to be  
 1293 published once a week for two weeks immediately preceding the date thereof in the official  
 1294 organ of DeKalb County. The ballot shall have written or printed thereon the words:

1295       "( ) YES   Shall the Act incorporating the City of LaVista Hills in DeKalb County  
1296                   according to the charter contained in the Act and the homestead exemptions  
1297       ( ) NO    described in the Act be approved?"

1298   All persons desiring to vote for approval of the Act shall vote "Yes," and all persons desiring  
1299   to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on  
1300   such question are for approval of the Act, it shall become of full force and effect as provided  
1301   in this charter, otherwise it shall be void and of no force and effect. The initial expense of  
1302   such election shall be borne by DeKalb County. Within two years after the elections if the  
1303   incorporation is approved, the City of LaVista Hills shall reimburse DeKalb County for the  
1304   actual cost of printing and personnel services for such election and for the initial election of  
1305   the mayor and councilmembers pursuant to Section 2.02 of this charter. It shall be the duty  
1306   of the superintendent to hold and conduct such election. It shall be his or her further duty to  
1307   certify the result thereof to the Secretary of State.

1308   (b) For the purposes of the referendum election provided for in subsection (a) of this section  
1309   and for the purposes of the special election of the City of LaVista Hills to be held in  
1310   conjunction with and on the date of the 2016 presidential preference primary, the qualified  
1311   electors of the City of LaVista Hills shall be those qualified electors of DeKalb County  
1312   residing within the corporate limits of the City of LaVista Hills as described by Appendix  
1313   A of this charter. At subsequent municipal elections, the qualified electors of the City of  
1314   LaVista Hills shall be determined pursuant to the authority of Chapter 2 of Title 21 of the  
1315   O.C.G.A., the "Georgia Election Code."

1316   (c) Only for the purposes of holding and conducting the referendum election provided for  
1317   by subsection (a) of this section and holding and conducting the special election of the City  
1318   of LaVista Hills to be held on the date of the 2016 presidential preference primary, the  
1319   election superintendent of DeKalb County is vested with the powers and duties of the  
1320   election superintendent of the City of LaVista Hills and the powers and duties of the  
1321   governing authority of the City of LaVista Hills.

### 1322                                   **SECTION 6.03.**

#### 1323                                   Effective dates and transition.

1324   (a) The initial mayor and councilmembers shall take the oath of office the next business day  
1325   after certification of the election of such officers and, by action of any four members of the  
1326   governing authority, may meet and take actions binding on the city.

1327   (b) A period of time will be needed for an orderly transition of various government functions  
1328   from DeKalb County to the City of LaVista Hills. Accordingly, there shall be a two-year  
1329   transition period as allowed by law beginning at 12:01 A.M. on July 1, 2016.



1330 (c) During such transition period, DeKalb County shall continue to provide within the  
1331 territorial limits of the city all government services and functions which DeKalb County  
1332 provided in 2016 and at the same actual direct cost and level of service, except to the extent  
1333 otherwise provided in this section; provided, however, that upon at least 30 days' prior  
1334 written notice to the governing authority of DeKalb County by the governing authority of the  
1335 City of LaVista Hills, responsibility for any such service or function shall be transferred to  
1336 the City of LaVista Hills. The governing authority of the City of LaVista Hills shall  
1337 determine the date of commencement of collection of taxes, fees, assessments, fines and  
1338 forfeitures, and other moneys within the territorial limits of the city and the date upon which  
1339 the City of LaVista Hills is considered removed from the DeKalb County special services tax  
1340 district.

1341 (d) During the transition period, the governing authority of the City of LaVista Hills may  
1342 generally exercise any power granted by this charter or general law, except to the extent that  
1343 a power is specifically and integrally related to the provision of a governmental service,  
1344 function, or responsibility not yet provided or carried out by the city.

1345 (e) During the transition period, all ordinances of DeKalb County shall remain applicable  
1346 within the territorial limits of the city unless otherwise amended, repealed, or replaced by the  
1347 City of LaVista Hills. Any transfer of jurisdiction to the City of LaVista Hills during or at  
1348 the end of the transition period shall not in and of itself abate any judicial proceeding pending  
1349 in DeKalb County or the pending prosecution of any violation of any ordinance of DeKalb  
1350 County.

1351 (f) During the transition period, the governing authority of the City of LaVista Hills may at  
1352 any time, without the necessity of any agreement by DeKalb County, commence to exercise  
1353 its planning and zoning powers; provided, however, that the city shall give the county notice  
1354 of the date on which the city will assume the exercise of such powers. Upon the governing  
1355 authority of the City of LaVista Hills commencing to exercise its planning and zoning  
1356 powers, the Municipal Court of the City of LaVista Hills shall immediately have jurisdiction  
1357 to enforce the planning and zoning ordinances of the city. The provisions of this subsection  
1358 shall have control over any conflicting provisions of any other subsection of this section.

1359 (g) Effective upon the termination of the transition period, subsections (b) through (f) of this  
1360 section shall cease to apply except for the last sentence of subsection (e) which shall remain  
1361 effective. Effective upon the termination of the transition period, the City of LaVista Hills  
1362 shall be a fully functioning municipal corporation and subject to all general laws of this state.

**SECTION 6.04.**

## Directory nature of dates.

It is the intention of the General Assembly that this Act be construed as directory rather than mandatory with respect to any date prescribed in this Act. If it is necessary to delay any action called for in this Act for providential cause or any other reason, it is the intention of the General Assembly that the action be delayed rather than abandoned. Any delay in performing any action under this Act, whether for cause or otherwise, shall not operate to frustrate the overall intent of this Act. Without limiting the generality of the foregoing, it is specifically provided that if it is not possible to hold the referendum election provided for in Section 6.02 of this Act on the date specified in that section, then such referendum shall be held as soon thereafter as is reasonably practicable. If the referendum election provided for in Section 6.02 of this Act is conducted on or before November 3, 2015, the special election for the initial members of the governing authority shall be conducted on the date specified in Section 2.02 of this Act. If the referendum election provided for under Section 6.02 of this Act is conducted after November 3, 2015, then the special election for the initial members of the governing authority shall be held as soon thereafter as is reasonably practicable, and the commencement of the initial terms of office shall be delayed accordingly. If the first election provided for in Section 2.02 of this Act occurs after the date of the 2016 presidential preference primary, the city council shall be authorized to delay the dates otherwise specified in Section 6.03 of this charter.

**SECTION 6.05.**

## Charter commission.

Not later than five years after the inception of the City of LaVista Hills, the mayor and the city council shall call for a charter commission to review the city's experience and recommend to the General Assembly any changes to the charter. Members of the charter commission shall be appointed as follows: one by the mayor, one by each member of the city council, and one member appointed by a vote of the members of the Georgia House of Representatives and Georgia Senate whose districts lie wholly or partially within the corporate boundaries of the City of LaVista Hills. All members of the charter commission shall reside in the City of LaVista Hills. The charter commission shall complete the recommendations within the time frame required by the city council.

1394 **SECTION 6.06.**

1395 Severability.

1396 In the event any section, subsection, sentence, clause, or phrase of this Act shall be declared  
1397 or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other  
1398 sections, subsections, sentences, clauses, or phrases of this Act, which shall remain of full  
1399 force and effect, as if the section, subsection, sentence, clause, or phrase so declared or  
1400 adjudged invalid or unconstitutional were not originally a part hereof. The General  
1401 Assembly hereby declares that it would have passed the remaining parts of this Act if it had  
1402 known that such part or parts hereof would be declared or adjudged invalid or  
1403 unconstitutional.

1404 **SECTION 6.07.**

1405 Effective date.

1406 This Act shall become effective upon its approval by the Governor or upon its becoming law  
1407 without such approval.

1408 **SECTION 6.08.**

1409 Repealer.

1410 All laws and parts of laws in conflict with this Act are repealed.

## 1411 APPENDIX A

1412 LEGAL DESCRIPTION CORPORATE LIMITS  
1413 CITY OF LAVISTA HILLS, DEKALB COUNTY, GEORGIA

1414 The corporate limits of the City of LaVista Hills shall include the areas specified as follows;  
1415 provided, however, that any part of the City of LaVista Hills which is included in the  
1416 description shall nevertheless not be included within the corporate boundaries of the City of  
1417 LaVista Hills if such area was annexed into another corporate boundary before  
1418 March 2, 2015:

1419 Plan:LaVista Hills-p2(corp)-2015

1420 Plan Type: Local

1421 Administrator: LaVista Hills

1422 User: bak

1423 District LAVISTAHILLS

1424 DeKalb County

1425 VTD: 089BC - BRIAR VISTA ELEMENTARY

1426 021504:

1427 1000 1001 1002 1003 1004 1005 1007

1428 VTD: 089BD - BRIARLAKE ELEMENTARY

1429 VTD: 089BG - BRIARCLIFF

1430 VTD: 089CJ - CLAIRMONT HILLS

1431 021602:

1432 1000 1001 1002 1003 1004 1005 1006 2026 2028

1433 022302:

1434 3000 3001 3002 3003 3004 3005 3006 3007 3008 3009 3010 3011

1435 3012 3013

1436 VTD: 089CW - CORALWOOD

1437 VTD: 089DC - DRESDEN ELEM

1438 021409:

1439 1003 2003 2004

1440 021410:

1441 3007 3008

1442 021605:

1443 3000 3010 3011

1444 VTD: 089EC - EMBRY HILLS  
 1445 VTD: 089EF - EVANSDALE ELEM  
 1446 VTD: 089HB - HAWTHORNE ELEM  
 1447 021308:  
 1448 1010 1011 1012 1013 1016 1017  
 1449 021705:  
 1450 3006 3007 3010 3011 3012 3013  
 1451 021706:  
 1452 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 2000  
 1453 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011 2012  
 1454 2013 2014 2015 2016 4008 4009  
 1455 VTD: 089HC - HENDERSON MILL  
 1456 VTD: 089HD - HERITAGE ED  
 1457 VTD: 089LA - LAKESIDE HIGH  
 1458 VTD: 089LB - LAVISTA ROAD  
  
 1459 021504:  
 1460 2000 2002 3000  
 1461 021602:  
 1462 2021  
 1463 021603:  
 1464 1008 1010 1011 1012 1014  
 1465 021604:  
 1466 2021 2023 2024  
 1467 VTD: 089LC - LAVISTA  
 1468 021503:  
 1469 1000 1001 1002 1003 1004 1005 3000 3001 3002 3003  
 1470 VTD: 089MH - MIDVALE ELEM  
 1471 021809:  
 1472 5006 5007 5008  
 1473 VTD: 089MJ - MONTCLAIR ELEM  
 1474 021603:  
 1475 2002 2003 2004  
 1476 VTD: 089MP - MARGARET HARRIS  
 1477 021502:  
 1478 1007  
 1479 021603:

1480 2005 2012 2014 2015 2016 2017 2021 3000 3001 3002 3003 3004  
 1481 3005 3006 3007  
 1482 VTD: 089MW - MIDVALE ROAD  
 1483 021808:  
 1484 1009 1010 1014 1015 1020 1024 1025 1026 1027  
 1485 021809:  
 1486 5021  
 1487 021810:  
 1488 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010  
 1489 VTD: 089ND - NORTHLAKE  
 1490 VTD: 089OA - OAK GROVE ELEM  
 1491 VTD: 089OB - OAKCLIFF ELEM  
 1492 021705:  
 1493 2000 2007 2010 2011  
 1494 021812:  
 1495 2000  
 1496 021813:  
 1497 1000 1007 1010  
 1498 VTD: 089PF - PLEASANTDALE ELEM  
 1499 VTD: 089PK - PLEASANTDALE ROAD  
 1500 VTD: 089RD - REHOBOTH  
 1501 021704:  
 1502 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023  
 1503 022001:  
 1504 2000 2001 2002 2003 2004 2007 2008 2009 2010 2011 2012 2013  
 1505 2022  
 1506 VTD: 089SA - SAGAMORE HILLS  
 1507 VTD: 089SN - SHAMROCK MIDDLE  
 1508 VTD: 089VB - VALLEY BROOK  
 1509 VTD: 089WI - WARREN TECH  
 1510 021705:  
 1511 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1015  
 1512 2012 2013 2014 2015 2016 2017 2018 2019 2027 2028 2029 2030  
 1513 2031 2032 2033 2034  
 1514 021808:  
 1515 2024

1516 For the purposes of this description, the term "VTD" shall mean and describe the same  
1517 geographical boundaries as provided in the report of the Bureau of the Census for the United  
1518 States decennial census of 2010 for the State of Georgia. The separate numeric designations  
1519 in the description which are underneath a VTD heading shall mean and describe individual  
1520 blocks within a VTD as provided in the report of the Bureau of the Census for the United  
1521 States decennial census of 2010 for the State of Georgia.

1522

## APPENDIX B

1523

## LEGAL DESCRIPTION

1524

## COUNCIL DISTRICTS

1525

## CITY OF LAVISTA HILLS, DEKALB COUNTY, GEORGIA

1526

Plan: LaVista Hills-p2-2015

1527

Plan Type: Local

1528

Administrator: LaVista Hills

1529

User: bak

1530

District 001

1531

DeKalb County

1532

VTD: 089EC - EMBRY HILLS

1533

021808:

1534

2013 2014

1535

021809:

1536

3000 3001 3002 3003 3004 3005 3006 3007 3008 3009

1537

VTD: 089EF - EVANSDALE ELEM

1538

021808:

1539

1001 1021 1022 1023

1540

VTD: 089MH - MIDVALE ELEM

1541

021809:

1542

5006 5007 5008

1543

VTD: 089OB - OAKCLIFF ELEM

1544

021812:

1545

2000

1546

021813:

1547

1000 1007 1010

1548

VTD: 089PF - PLEASANTDALE ELEM

1549

021812:

1550

1000 1001 1002 1003 1004 1005 1006 1007 2001 2002 2003 2004

1551

2006 2007 2010

1552

021813:

1553

1009 1012

1554

021814:

1555

2001 2002 2003 2004 2005 2006 2007 2008



1556 VTD: 089PK - PLEASANTDALE ROAD

1557 District 002

1558 DeKalb County

1559 VTD: 089EC - EMBRY HILLS

1560 021808:

1561 2000 2001 2002 2003 2004 2006 2007 2008 2009 2010 2011 2012

1562 2027

1563 021812:

1564 2012 2013 2014 2015 2016 2017 2018 2019

1565 VTD: 089EF - EVANSDALE ELEM

1566 021705:

1567 1000 1001 1002 1003 2001 2002 2003 2004 2005 2006 2008 2009

1568 2020 2021 2022 2023 2024 2025 2026

1569 021808:

1570 1000 1002 1003 1004 1005 1006 1007 1008 1011 1012 1013 1016

1571 1017 1018 1019 1028 1029 2005 2015 2016 2017 2018 2019 2020

1572 2021 2022 2023 2025 2026 2028

1573 VTD: 089HB - HAWTHORNE ELEM

1574 021308:

1575 1010 1011 1012

1576 021705:

1577 3006 3007 3011 3012 3013

1578 VTD: 089HC - HENDERSON MILL

1579 021705:

1580 3000 3001 3002 3003 3004 3005

1581 021706:

1582 4000 4001 4002

1583 VTD: 089MW - MIDVALE ROAD

1584 021808:

1585 1009 1010 1014 1015 1020 1024 1025 1026 1027

1586 021809:

1587 5021

1588 021810:

1589 1000 1001 1002

1590 VTD: 089OB - OAKCLIFF ELEM

1591 021705:  
 1592 2000 2007 2010 2011  
 1593 VTD: 089PF - PLEASANTDALE ELEM  
 1594 021812:  
 1595 2005 2008 2009 2011  
 1596 VTD: 089WI - WARREN TECH  
 1597 021705:  
 1598 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1015  
 1599 2012 2013 2014 2015 2016 2017 2018 2019 2027 2028 2029 2030  
 1600 2031 2032 2033 2034  
 1601 021808:  
 1602 2024  
  
 1603 District 003  
 1604 DeKalb County  
 1605 VTD: 089BD - BRIARLAKE ELEMENTARY  
 1606 021703:  
 1607 1000 1001 1002 1003 1008 1009 1010 1011 1012 1013 1014 1023  
 1608 1024 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034 1035  
 1609 1036 1037 1038 1039 1040  
 1610 VTD: 089DC - DRESDEN ELEM  
 1611 021409:  
 1612 1003 2003 2004  
 1613 021605:  
 1614 3000 3010  
 1615 VTD: 089HB - HAWTHORNE ELEM  
 1616 021308:  
 1617 1013 1016 1017  
 1618 021705:  
 1619 3010  
 1620 021706:  
 1621 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 2000  
 1622 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011 2012  
 1623 2013 2014 2015 2016 4008 4009  
 1624 VTD: 089HC - HENDERSON MILL

1625 021705:  
 1626 3008 3009  
 1627 021706:  
 1628 3000 3001 3002 3003 3004 3005 3006 3007 3008 3009 3010 3011  
 1629 3012 3013 3014 3015 4003 4004 4005 4006 4007 4010 4011 4012  
 1630 4013 4014  
 1631 VTD: 089HD - HERITAGE ED  
 1632 021605:  
 1633 3001 3002 3003 3004 3005 3006 3009  
 1634 VTD: 089LA - LAKESIDE HIGH  
 1635 021703:  
 1636 1004 1005 1006 1007 1015 1016 1017 1018 1019 1020 1021 1022  
 1637 VTD: 089MW - MIDVALE ROAD  
 1638 021810:  
 1639 1003 1004 1005 1006 1007 1008 1009 1010  
  
 1640 District 004  
 1641 DeKalb County  
 1642 VTD: 089BD - BRIARLAKE ELEMENTARY  
 1643 021703:  
 1644 2009 2010 2011 2012 2023 2028 2029 2030 2031 2032  
 1645 VTD: 089DC - DRESDEN ELEM  
 1646 021410:  
 1647 3007 3008  
 1648 021605:  
 1649 3011  
 1650 VTD: 089HD - HERITAGE ED  
 1651 021605:  
 1652 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011  
 1653 1012 1013 1014 1017 1018  
 1654 VTD: 089LA - LAKESIDE HIGH  
 1655 021703:  
 1656 2000 2001 2002 2003 2004 2005 2006 2007 2008 2013 2014 2015  
 1657 2016 2017 2018 2019 2020 2021 2022 2025 2026 2027  
 1658 VTD: 089LB - LAVISTA ROAD

1659 021602:  
 1660 2021  
 1661 021604:  
 1662 2021 2023 2024  
 1663 VTD: 089ND - NORTHLAKE  
 1664 021704:  
 1665 2015 2016 2017 2018 2019 2020 2021 2022 2023 3000 3012 3013  
 1666 3014 3015 3016 3021 3022 3023 3027  
 1667 VTD: 089OA - OAK GROVE ELEM  
 1668 VTD: 089RD - REHOBOTH  
 1669 021704:  
 1670 1013 1014 1018 1019  
 1671 VTD: 089SA - SAGAMORE HILLS  
  
 1672 District 005  
 1673 DeKalb County  
 1674 VTD: 089BC - BRIAR VISTA ELEMENTARY  
 1675 021504:  
 1676 1000 1001 1002 1003 1004 1005 1007  
 1677 VTD: 089BG - BRIARCLIFF  
 1678 VTD: 089LB - LAVISTA ROAD  
 1679 021504:  
 1680 2000 2002 3000  
 1681 021603:  
 1682 1008 1010 1011 1012 1014  
 1683 VTD: 089LC - LAVISTA  
 1684 021503:  
 1685 1000 1001 1002 1003 1004 1005 3000 3001 3002 3003  
 1686 VTD: 089MJ - MONTCLAIR ELEM  
 1687 021603:  
 1688 2002 2003 2004  
 1689 VTD: 089MP - MARGARET HARRIS  
 1690 021502:  
 1691 1007  
 1692 021603:  
 1693 2005 2012 2014 2015 2016 2017 2021 3000 3001 3002 3003 3004  
 1694 3005 3006 3007

1695 District 006  
 1696 DeKalb County  
 1697 VTD: 089CJ - CLAIRMONT HILLS  
 1698 021602:  
 1699 1000 1001 1002 1003 1004 1005 1006 2026 2028  
 1700 022302:  
 1701 3000 3001 3002 3003 3004 3005 3006 3007 3008 3009 3010 3011  
 1702 3012 3013  
 1703 VTD: 089CW - CORALWOOD  
 1704 VTD: 089ND - NORTHLAKE  
 1705 021704:  
 1706 3024 3025 3026 3028 3029 3030  
 1707 VTD: 089RD - REHOBOTH  
 1708 021704:  
 1709 1015 1016 1017 1020 1021 1022 1023  
 1710 022001:  
 1711 2000 2001 2002 2003 2004 2007 2008 2009 2010 2011 2012 2013  
 1712 2022  
 1713 VTD: 089SN - SHAMROCK MIDDLE  
 1714 VTD: 089VB - VALLEY BROOK

1715 For the purposes of this plan (LaVista Hills-p2-2015):

- 1716 (1) The term "VTD" shall mean and describe the same geographical boundaries as  
 1717 provided in the report of the Bureau of the Census for the United States decennial census  
 1718 of 2010 for the State of Georgia. The separate numeric designations in a district  
 1719 description which are underneath a VTD heading shall mean and describe individual  
 1720 blocks within a VTD as provided in the report of the Bureau of the Census for the United  
 1721 States decennial census of 2010 for the State of Georgia;
- 1722 (2) Except as otherwise provided in the description of any district, whenever the  
 1723 description of any district refers to a named city, it shall mean the geographical  
 1724 boundaries of that city as shown on the census maps for the United States decennial  
 1725 census of 2010 for the State of Georgia;
- 1726 (3) Any part of the City of LaVista Hills which is not included in any district described  
 1727 in this plan (LaVista Hills-p2-2015) shall be included within that district contiguous to  
 1728 such part which contains the least population according to the United States decennial  
 1729 census of 2010 for the State of Georgia;

- 1730 (4) Any part of the City of LaVista Hills which is described in this plan (LaVista  
1731 Hills-p2-2015) as being included in a particular district shall nevertheless not be included  
1732 within such district if such part is not contiguous to such district. Such noncontiguous  
1733 part shall instead be included within that district contiguous to such part which contains  
1734 the least population according to the United States decennial census of 2010 for the State  
1735 of Georgia; and
- 1736 (5) Any part of the City of LaVista Hills which is described in this plan (LaVista  
1737 Hills-p2-2015) as being included in a particular district shall nevertheless not be included  
1738 within such district if such area was annexed into another corporate boundary before  
1739 March 2, 2015.

1740

## APPENDIX C

1741

## CERTIFICATE AS TO MINIMUM STANDARDS

1742

## FOR INCORPORATION OF A NEW MUNICIPAL CORPORATION

1743

I, Representative Tom Taylor, Georgia State House Representative from the 79th District and  
 1744 the author of this bill introduced at the 2015 session of the General Assembly of Georgia,  
 1745 which grants an original municipal charter to the City of LaVista Hills, do hereby certify that  
 1746 this bill is in compliance with the minimum standards required by Chapter 31 of Title 36 of  
 1747 the O.C.G.A. in that the area embraced within the original incorporation in this bill is in all  
 1748 respects in compliance with the minimum standards required by Chapter 31 of Title 36 of the  
 1749 O.C.G.A. This certificate is executed to conform to the requirements of Code  
 1750 Section 36-31-5 of the O.C.G.A.

1751

So certified, this \_\_\_\_\_ day of February, 2015.

1752

1753

---

 Honorable Tom Taylor

1754

Representative, 79th District

1755

Georgia State House of Representatives