

House Bill 520 (AS PASSED HOUSE AND SENATE)

By: Representatives Taylor of the 79th, Holcomb of the 81st, Fleming of the 121st, and Rynders of the 152nd

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.

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

SECTION 1.02.

Corporate boundaries.

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

SECTION 1.03.

Powers and construction.

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

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

51 (1) Animal regulations. To regulate and license or to prohibit the keeping or running at
 52 large of animals and fowl; to provide for the impoundment of the same if in violation of
 53 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.

269

SECTION 1.05.

270

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.

274

ARTICLE II

275

GOVERNMENT STRUCTURE, ELECTIONS, LEGISLATIVE BRANCH

276

SECTION 2.01.

277

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.

282

(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. 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.

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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.

398

SECTION 2.07.

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Compensation and expenses.

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

406

SECTION 2.08.

407

Inquiries and investigations.

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

413

SECTION 2.09.

414

Meetings; oath of office; mayor pro tempore.

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

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

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.

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.

823 **SECTION 3.14.**

824 Position classification and pay plans; employment at will.

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

833 **ARTICLE IV**
 834 **MUNICIPAL COURT**

835 **SECTION 4.01.**

836 Creation.

837 There is established a court to be known as the Municipal Court of the City of LaVista Hills
 838 which shall have jurisdiction and authority to try offenses against the laws and ordinances
 839 of such city and to punish for violations of the same. Such court shall have the power to
 840 enforce its judgments by the imposition of such penalties as may be provided by law,
 841 including ordinances of the city; to punish witnesses for nonattendance and to punish also
 842 any person who may counsel or advise, aid, encourage, or persuade another whose testimony
 843 is desired or material in any proceeding before such court to go or move beyond the reach
 844 of the process of the court; to try all offenses within the territorial limits of the city
 845 constituting traffic cases which, under the laws of Georgia, are placed within the jurisdiction
 846 of municipal courts to the extent of, and in accordance with, the provisions of such laws and
 847 all laws subsequently enacted amendatory thereof. Such court shall be presided over by the
 848 judge of such court. In the absence or disqualification of the judge, the judge pro tempore
 849 shall preside and shall exercise the same powers and duties as the judge when so acting.

850 **SECTION 4.02.**

851 Judges.

852 (a) No person shall be qualified or eligible to serve as judge unless he or she shall have
 853 attained the age of 28 years and shall have been a member of the State Bar of Georgia for a
 854 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.

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.

1192
1193 Homestead exemption; one mill equivalent.

1194 (a) As used in this section, the term:

1195 (1) "Ad valorem taxes for municipal purposes" means all ad valorem taxes for municipal
1196 purposes levied by, for, or on behalf of the City of LaVista Hills, including, but not
1197 limited to, any ad valorem taxes to pay interest on and to retire municipal bonded
1198 indebtedness.

1199 (2) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of
1200 the O.C.G.A., as amended.

1201 (b) Each resident of the City of LaVista Hills is granted an exemption on such person's
1202 homestead from City of LaVista Hills ad valorem taxes for municipal purposes in an amount
1203 that provides the dollar equivalent of a one mill reduction of the millage rate applicable to
1204 the homestead property with respect to ad valorem taxes for municipal purposes for the
1205 taxable year. The value of such property in excess of such exempted amount shall remain
1206 subject to taxation.

1207 (c) A person shall not receive the homestead exemption granted by subsection (b) of this
1208 section unless the person or person's agent files an application with the governing authority
1209 of the City of LaVista Hills, or the designee thereof, giving such information relative to
1210 receiving such exemption as will enable the governing authority of the City of LaVista Hills,
1211 or the designee thereof, to make a determination regarding the initial and continuing
1212 eligibility of such owner for such exemption. The governing authority of the City of LaVista
1213 Hills, or the designee thereof, shall provide application forms for this purpose.

1214 (d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of
1215 the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year
1216 so long as the owner occupies the residence as a homestead. After a person has filed the
1217 proper application as provided in subsection (c) of this section, it shall not be necessary to
1218 make application thereafter for any year, and the exemption shall continue to be allowed to
1219 such person. It shall be the duty of any person granted the homestead exemption under
1220 subsection (b) of this section to notify the governing authority of the City of LaVista Hills,
1221 or the designee thereof, in the event such person for any reason becomes ineligible for such
1222 exemption.

1223 (e) The exemption granted by subsection (b) of this section shall not apply to or affect state
1224 ad valorem taxes, county ad valorem taxes for county purposes, or county or independent
1225 school district ad valorem taxes for educational purposes. The homestead exemption granted
1226 by subsection (b) of this section shall be in addition to and not in lieu of any other homestead
1227 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.

1363 **SECTION 6.04.**

1364 Directory nature of dates.

1365 It is the intention of the General Assembly that this Act be construed as directory rather than
 1366 mandatory with respect to any date prescribed in this Act. If it is necessary to delay any
 1367 action called for in this Act for providential cause or any other reason, it is the intention of
 1368 the General Assembly that the action be delayed rather than abandoned. Any delay in
 1369 performing any action under this Act, whether for cause or otherwise, shall not operate to
 1370 frustrate the overall intent of this Act. Without limiting the generality of the foregoing, it is
 1371 specifically provided that if it is not possible to hold the referendum election provided for in
 1372 Section 6.02 of this Act on the date specified in that section, then such referendum shall be
 1373 held as soon thereafter as is reasonably practicable. If the referendum election provided for
 1374 in Section 6.02 of this Act is conducted on or before November 3, 2015, the special election
 1375 for the initial members of the governing authority shall be conducted on the date specified
 1376 in Section 2.02 of this Act. If the referendum election provided for under Section 6.02 of this
 1377 Act is conducted after November 3, 2015, then the special election for the initial members
 1378 of the governing authority shall be held as soon thereafter as is reasonably practicable, and
 1379 the commencement of the initial terms of office shall be delayed accordingly. If the first
 1380 election provided for in Section 2.02 of this Act occurs after the date of the 2016 presidential
 1381 preference primary, the city council shall be authorized to delay the dates otherwise specified
 1382 in Section 6.03 of this charter.

1383 **SECTION 6.05.**

1384 Charter commission.

1385 Not later than five years after the inception of the City of LaVista Hills, the mayor and the
 1386 city council shall call for a charter commission to review the city's experience and
 1387 recommend to the General Assembly any changes to the charter. Members of the charter
 1388 commission shall be appointed as follows: one by the mayor, one by each member of the city
 1389 council, and one member appointed by a vote of the members of the Georgia House of
 1390 Representatives and Georgia Senate whose districts lie wholly or partially within the
 1391 corporate boundaries of the City of LaVista Hills. All members of the charter commission
 1392 shall reside in the City of LaVista Hills. The charter commission shall complete the
 1393 recommendations within the time frame required by the city council.

SECTION 6.06.

1394

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.

SECTION 6.07.

1404

1405

Effective date.

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

SECTION 6.08.

1408

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-SD040-p1(corp)-2015

1420 Plan Type: Local

1421 Administrator: S040

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 1001 1002 1003 1004 1005 2026 2028

1433 022302:

1434 3000 3002 3004 3005 3007 3008 3009

1435 VTD: 089CW - CORALWOOD

1436 VTD: 089DC - DRESDEN ELEM

1437 021409:

1438 1003 2003 2004

1439 021410:

1440 3007 3008

1441 021605:

1442 3000 3010 3011

1443 VTD: 089EC - EMBRY HILLS

1444 021808:
 1445 2000 2001 2002 2003 2004 2006 2007 2008 2009 2010 2011 2012
 1446 2013 2014 2027
 1447 021809:
 1448 3000 3001 3002 3003 3004 3005 3006 3007
 1449 021812:
 1450 2012 2013 2014 2015 2016 2017 2018 2019
 1451 VTD: 089EF - EVANSDALE ELEM
 1452 VTD: 089HB - HAWTHORNE ELEM
 1453 021308:
 1454 1010 1011 1012 1013 1016 1017
 1455 021705:
 1456 3006 3007 3010 3011 3012 3013
 1457 021706:
 1458 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 2000
 1459 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011 2012
 1460 2013 2014 2015 2016 4008 4009
 1461 VTD: 089HC - HENDERSON MILL
 1462 VTD: 089HD - HERITAGE ED
 1463 VTD: 089LA - LAKESIDE HIGH
 1464 VTD: 089LB - LAVISTA ROAD
 1465 021504:
 1466 2000 3000
 1467 021602:
 1468 2021
 1469 021603:
 1470 1008 1010 1011 1012 1014
 1471 021604:
 1472 2021 2023 2024
 1473 VTD: 089LC - LAVISTA
 1474 021503:
 1475 1000 1001 1002 1003 1004 1005 3000 3001 3002 3003
 1476 VTD: 089MH - MIDVALE ELEM
 1477 021809:
 1478 5006 5007 5008
 1479 VTD: 089MJ - MONTCLAIR ELEM

1480 021603:
 1481 2002 2003 2004
 1482 VTD: 089MP - MARGARET HARRIS
 1483 021502:
 1484 1007 2000
 1485 021603:
 1486 2005 2012 2014 2015 2016 2017 2021 3000 3001 3002 3003 3004
 1487 3005 3006 3007
 1488 VTD: 089MW - MIDVALE ROAD
 1489 021808:
 1490 1009 1010 1014 1015 1020 1024 1025 1026 1027
 1491 021809:
 1492 5021
 1493 021810:
 1494 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010
 1495 VTD: 089ND - NORTHLAKE
 1496 VTD: 089OA - OAK GROVE ELEM
 1497 VTD: 089OB - OAKCLIFF ELEM
 1498 021705:
 1499 2000 2007 2010 2011
 1500 021812:
 1501 2000
 1502 1000 1007 1010
 1503 VTD: 089PF - PLEASANTDALE ELEM
 1504 021812:
 1505 1000 1001 1002 1003 1004 1007 2001 2002 2003 2004 2005 2006
 1506 2007 2008 2009 2010 2011
 1507 021813:
 1508 1009 1012
 1509 021814:
 1510 2001 2002 2003 2004 2005 2006 2007 2008
 1511 VTD: 089PK - PLEASANTDALE ROAD
 1512 021813:
 1513 1001 1002 1003 1004 1005 1006 1008 1011 1013 1014 1015 1016
 1514 1017 1018 1019

1515 021814:
 1516 1000 1001 1002 1003 1004 1005 1006 1008 1009 2000 2009 3000
 1517 3001 3002 3003 3004 3005 3006 3007 3008 3009 3010 4000 4001
 1518 4002 4003 4004 4005 4006 4007 4008 4009 4010 4011 4012 4013
 1519 VTD: 089RD - REHOBOTH
 1520 021704:
 1521 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023
 1522 022001:
 1523 2000 2001 2002 2003 2004 2007 2008 2009 2010 2011 2012 2013
 1524 2022
 1525 VTD: 089SA - SAGAMORE HILLS
 1526 VTD: 089SN - SHAMROCK MIDDLE
 1527 VTD: 089VB - VALLEY BROOK
 1528 VTD: 089WI - WARREN TECH
 1529 021705:
 1530 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1015
 1531 2012 2013 2014 2015 2016 2017 2018 2019 2027 2028 2029 2030
 1532 2031 2032 2033 2034
 1533 021808:
 1534 2024

1535 For the purposes of this description, the term "VTD" shall mean and describe the same
 1536 geographical boundaries as provided in the report of the Bureau of the Census for the United
 1537 States decennial census of 2010 for the State of Georgia. The separate numeric designations
 1538 in the description which are underneath a VTD heading shall mean and describe individual
 1539 blocks within a VTD as provided in the report of the Bureau of the Census for the United
 1540 States decennial census of 2010 for the State of Georgia.

1541 APPENDIX B

1542 LEGAL DESCRIPTION

1543 COUNCIL DISTRICTS

1544 CITY OF LAVISTA HILLS, DEKALB COUNTY, GEORGIA

1545 Plan: LaVista Hills-SD040-p1(dist)-2015

1546 Plan Type: Local

1547 Administrator: SD040

1548 User: bak

1549 District 001

1550 DeKalb County

1551 VTD: 089EC - EMBRY HILLS

1552 021808:

1553 2013 2014

1554 021809:

1555 3000 3001 3002 3003 3004 3005 3006 3007

1556 VTD: 089MH - MIDVALE ELEM

1557 021809:

1558 5006 5007 5008

1559 VTD: 089OB - OAKCLIFF ELEM

1560 021812:

1561 2000

1562 021813:

1563 1000 1007 1010

1564 VTD: 089PF - PLEASANTDALE ELEM

1565 021812:

1566 1000 1001 1002 1003 1004 1007 2001 2002 2003 2004 2005 2006

1567 2007 2008 2009 2010 2011

1568 021813:

1569 1009 1012

1570 021814:

1571 2001 2002 2003 2004 2005 2006 2007 2008

1572 VTD: 089PK - PLEASANTDALE ROAD

1573 021813:
 1574 1001 1002 1003 1004 1005 1006 1008 1011 1013 1014 1015 1016
 1575 1017 1018 1019
 1576 021814:
 1577 1000 1001 1002 1003 1004 1005 1006 1008 1009 2000 2009 3000
 1578 3001 3002 3003 3004 3005 3006 3007 3008 3009 3010 4000 4001
 1579 4002 4003 4004 4005 4006 4007 4008 4009 4010 4011 4012 4013

 1580 District 002
 1581 DeKalb County
 1582 VTD: 089EC - EMBRY HILLS
 1583 021808:
 1584 2000 2001 2002 2003 2004 2006 2007 2008 2009 2010 2011 2012
 1585 2027
 1586 021812:
 1587 2012 2013 2014 2015 2016 2017 2018 2019
 1588 VTD: 089EF - EVANSDALE ELEM
 1589 VTD: 089HB - HAWTHORNE ELEM
 1590 021308:
 1591 1010 1011 1012
 1592 021705:
 1593 3006 3007 3011 3012 3013
 1594 VTD: 089HC - HENDERSON MILL
 1595 021705:
 1596 3000 3001 3002 3003 3004 3005
 1597 021706:
 1598 4000
 1599 VTD: 089MW - MIDVALE ROAD
 1600 021808:
 1601 1009 1010 1014 1015 1020 1024 1025 1026 1027
 1602 021809:
 1603 5021
 1604 021810:
 1605 1000 1001 1002
 1606 VTD: 089OB - OAKCLIFF ELEM

1607 021705:
 1608 2000 2007 2010 2011
 1609 VTD: 089WI - WARREN TECH
 1610 021705:
 1611 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1015
 1612 2012 2013 2014 2015 2016 2017 2018 2019 2027 2028 2029 2030
 1613 2031 2032 2033 2034
 1614 021808:
 1615 2024

 1616 District 003
 1617 DeKalb County
 1618 VTD: 089BD - BRIARLAKE ELEMENTARY
 1619 021703:
 1620 1000 1001 1002 1003 1008 1009 1010 1011 1012 1013 1014 1025
 1621 1026 1027 1028 1029 1030 1031 1032 1033 1034 1035 1036
 1622 VTD: 089DC - DRESDEN ELEM
 1623 021409:
 1624 1003 2003 2004
 1625 021605:
 1626 3000 3010
 1627 VTD: 089HB - HAWTHORNE ELEM
 1628 021308:
 1629 1013 1016 1017
 1630 021705:
 1631 3010
 1632 021706:
 1633 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 2000
 1634 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011 2012
 1635 2013 2014 2015 2016 4008 4009
 1636 VTD: 089HC - HENDERSON MILL
 1637 021705:
 1638 3008 3009
 1639 021706:
 1640 3000 3001 3002 3003 3004 3005 3006 3007 3008 3009 3010 3011
 1641 3012 3013 3014 3015 4001 4002 4003 4004 4005 4006 4007 4010
 1642 4011 4012 4013 4014

1643 VTD: 089HD - HERITAGE ED
 1644 021605:
 1645 1000 3001 3002 3003 3004 3005 3006 3009
 1646 VTD: 089LA - LAKESIDE HIGH
 1647 021703:
 1648 1004 1005 1006 1007 1018
 1649 VTD: 089MW - MIDVALE ROAD
 1650 021810:
 1651 1003 1004 1005 1006 1007 1008 1009 1010

 1652 District 004
 1653 DeKalb County
 1654 VTD: 089BD - BRIARLAKE ELEMENTARY
 1655 021703:
 1656 1023 1024 1037 1038 1039 1040 2009 2010 2011 2012 2023 2028
 1657 2029 2030 2031 2032
 1658 VTD: 089DC - DRESDEN ELEM
 1659 021410:
 1660 3007 3008
 1661 021605:
 1662 3011
 1663 VTD: 089HD - HERITAGE ED
 1664 021605:
 1665 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011 1012
 1666 1013 1014 1017 1018
 1667 VTD: 089LA - LAKESIDE HIGH
 1668 021703:
 1669 1015 1016 1017 1019 1020 1021 1022 2000 2001 2002 2003 2004
 1670 2005 2006 2007 2008 2013 2014 2015 2016 2017 2018 2019 2020
 1671 2021 2022 2025 2026 2027
 1672 VTD: 089LB - LAVISTA ROAD
 1673 021604:
 1674 2021 2023 2024
 1675 VTD: 089ND - NORTHLAKE
 1676 021704:
 1677 2015 2016 2017 2018 2019 2020 2021 2022 2023 3000 3013 3016
 1678 VTD: 089OA - OAK GROVE ELEM

1679 VTD: 089SA - SAGAMORE HILLS

 1680 District 005
 1681 DeKalb County
 1682 VTD: 089BC - BRIAR VISTA ELEMENTARY
 1683 021504:
 1684 1000 1001 1002 1003 1004 1005 1007
 1685 VTD: 089BG - BRIARCLIFF
 1686 VTD: 089LB - LAVISTA ROAD
 1687 021504:
 1688 2000 3000
 1689 VTD: 089LC - LAVISTA
 1690 021503:
 1691 1000 1001 1002 1003 1004 1005 3000 3001 3002 3003
 1692 VTD: 089MJ - MONTCLAIR ELEM
 1693 021603:
 1694 2002 2003 2004
 1695 VTD: 089MP - MARGARET HARRIS
 1696 021502:
 1697 1007 2000
 1698 021603:
 1699 2005 2012 2014 2015 2016 2017 2021 3000 3001 3002 3003 3004
 1700 3005 3006 3007

 1701 District 006
 1702 DeKalb County
 1703 VTD: 089CJ - CLAIRMONT HILLS
 1704 021602:
 1705 1001 1002 1003 1004 1005 2026 2028
 1706 022302:
 1707 3000 3002 3004 3005 3007 3008 3009
 1708 VTD: 089CW - CORALWOOD
 1709 VTD: 089LB - LAVISTA ROAD
 1710 021602:
 1711 2021

1712 021603:
 1713 1008 1010 1011 1012 1014
 1714 VTD: 089ND - NORTHLAKE
 1715 021704:
 1716 3012 3014 3015 3021 3022 3023 3024 3025 3026 3027 3028 3029
 1717 3030
 1718 VTD: 089RD - REHOBOTH
 1719 021704:
 1720 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023
 1721 022001:
 1722 2000 2001 2002 2003 2004 2007 2008 2009 2010 2011 2012 2013
 1723 2022
 1724 VTD: 089SN - SHAMROCK MIDDLE
 1725 VTD: 089VB - VALLEY BROOK

1726 For the purposes of this plan (LaVista Hills-SD040-p1(dist)-2015):

1727 (1) The term "VTD" shall mean and describe the same geographical boundaries as
 1728 provided in the report of the Bureau of the Census for the United States decennial census
 1729 of 2010 for the State of Georgia. The separate numeric designations in a district
 1730 description which are underneath a VTD heading shall mean and describe individual
 1731 blocks within a VTD as provided in the report of the Bureau of the Census for the United
 1732 States decennial census of 2010 for the State of Georgia;

1733 (2) Except as otherwise provided in the description of any district, whenever the
 1734 description of any district refers to a named city, it shall mean the geographical
 1735 boundaries of that city as shown on the census maps for the United States decennial
 1736 census of 2010 for the State of Georgia;

1737 (3) Any part of the City of LaVista Hills which is not included in any district described
 1738 in this plan (LaVista Hills-SD040-p1(dist)-2015) shall be included within that district
 1739 contiguous to such part which contains the least population according to the United States
 1740 decennial census of 2010 for the State of Georgia;

1741 (4) Any part of the City of LaVista Hills which is described in this plan (LaVista
 1742 Hills-SD040-p1(dist)-2015) as being included in a particular district shall nevertheless
 1743 not be included within such district if such part is not contiguous to such district. Such
 1744 noncontiguous part shall instead be included within that district contiguous to such part
 1745 which contains the least population according to the United States decennial census of
 1746 2010 for the State of Georgia; and

1747 (5) Any part of the City of LaVista Hills which is described in this plan (LaVista
1748 Hills-SD040-p1(dist)-2015) as being included in a particular district shall nevertheless
1749 not be included within such district if such area was annexed into another corporate
1750 boundary before March 2, 2015.

1751

APPENDIX C

1752

CERTIFICATE AS TO MINIMUM STANDARDS

1753

FOR INCORPORATION OF A NEW MUNICIPAL CORPORATION

1754 I, Representative Tom Taylor, Georgia State House Representative from the 79th District and
 1755 the author of this bill introduced at the 2015 session of the General Assembly of Georgia,
 1756 which grants an original municipal charter to the City of LaVista Hills, do hereby certify that
 1757 this bill is in compliance with the minimum standards required by Chapter 31 of Title 36 of
 1758 the O.C.G.A. in that the area embraced within the original incorporation in this bill is in all
 1759 respects in compliance with the minimum standards required by Chapter 31 of Title 36 of the
 1760 O.C.G.A. This certificate is executed to conform to the requirements of Code
 1761 Section 36-31-5 of the O.C.G.A.

1762 So certified, this _____ day of February, 2015.

1763

1764

Honorable Tom Taylor

1765

Representative, 79th District

1766

Georgia State House of Representatives y