

Senate Bill 263

By: Senator Jeffares of the 17th

A BILL TO BE ENTITLED
AN ACT

1 To incorporate the City of Eagles Landing; to provide a charter for the City of Eagles
2 Landing; to provide for incorporation, boundaries, and powers of the city; to provide for a
3 governing authority of such city and the powers, duties, authority, election, terms, method
4 of filling vacancies, compensation, qualifications, prohibitions, and removal from office
5 relative to members of such governing authority; to provide for inquiries and investigations;
6 to provide for organization and procedures; to provide for ordinances and codes; to provide
7 for the offices of mayor and city manager and certain duties and powers relative to those
8 offices; to provide for administrative responsibilities; to provide for boards, commissions,
9 and authorities; to provide for a city attorney and a city clerk; to provide for rules and
10 regulations; to provide for a municipal court and the judge or judges thereof; to provide for
11 practices and procedures; to provide for taxation and fees; to provide for franchises, service
12 charges, and assessments; to provide for bonded and other indebtedness; to provide for
13 accounting and budgeting; to provide for purchases; to provide for the sale of property; to
14 provide for bonds for officials; to provide for definitions and construction; to provide for
15 other matters relative to the foregoing; to provide for a referendum; to provide effective
16 dates; to provide for transition of powers and duties; to provide for community improvement
17 districts; to provide for directory nature of dates; to provide for related matters; to repeal
18 conflicting laws; and for other purposes.

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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ARTICLE I

21

INCORPORATION AND POWERS

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SECTION 1.10.

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Name.

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This city and the inhabitants thereof are incorporated by the enactment of this charter and are

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hereby constituted and declared a body politic and corporate under the name and style Eagles

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Landing, Georgia, and by that name shall have perpetual succession.

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SECTION 1.11.

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Corporate boundaries.

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(a) The corporate boundaries of this city shall be as described and set forth in Appendix A

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of this charter, and said Appendix A is incorporated into and made a part of this charter.

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(b) The city council shall maintain a current map and written legal description of the

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corporate boundaries of the city, and such map and description shall incorporate any changes

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which may hereafter be made in such corporate boundaries.

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SECTION 1.12.

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Powers and construction.

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(a) This city shall have all powers possible for a city to have under the present or future

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constitution and laws of this state as fully and completely as though they were specifically

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enumerated in this charter. This city shall have all the powers of self-government not

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otherwise prohibited by this charter or by general law.

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(b) The powers of this city shall be construed liberally in favor of the city. The specific

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mention or failure to mention particular powers shall not be construed as limiting in any way

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the powers of this city.

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SECTION 1.13.

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Examples of powers.

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(1) Animal regulations. To regulate and license or to prohibit the keeping or running

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at-large of animals and fowl, and to provide for the impoundment of same if in violation

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of any ordinance or lawful order; to provide for the disposition by sale, gift, or humane

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destruction of animals and fowl when not redeemed as provided by ordinance; and to

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provide punishment for violation of ordinances enacted hereunder;

- 51 (2) Appropriations and expenditures. To make appropriations for the support of the
52 government of the city; to authorize the expenditure of money for any purposes
53 authorized by this charter and for any purpose for which a municipality is authorized by
54 the laws of the State of Georgia; and to provide for the payment of expenses of the city;
- 55 (3) Building regulation. To regulate and to license the erection and construction of
56 buildings and all other structures; to adopt building, housing, plumbing, fire safety,
57 electrical, gas, and heating and air conditioning codes; and to regulate all housing and
58 building trades;
- 59 (4) Business regulation and taxation. To levy and to provide for the collection of
60 regulatory fees and taxes on privileges, occupations, trades, and professions as authorized
61 by Title 48 of the O.C.G.A., or other such applicable laws as are or may hereafter be
62 enacted; to permit and regulate the same; to provide for the manner and method of
63 payment of such regulatory fees and taxes; and to revoke such permits after due process
64 for failure to pay any city taxes or fees;
- 65 (5) Condemnation. To condemn property, inside or outside the corporate limits of the
66 city, for present or future use and for any corporate purpose deemed necessary by the
67 governing authority, utilizing procedures enumerated in Title 22 of the O.C.G.A., or such
68 other applicable laws as are or may hereafter be enacted;
- 69 (6) Contracts. To enter into contracts and agreements with other governmental entities
70 and with private persons, firms, and corporations;
- 71 (7) Emergencies. To establish procedures for determining and proclaiming that an
72 emergency situation exists within or without the city, and to make and carry out all
73 reasonable provisions deemed necessary to deal with or meet such an emergency for the
74 protection, safety, health, or well-being of the citizens of the city;
- 75 (8) Environmental protection. To protect and preserve the natural resources,
76 environment, and vital areas of the city, the region, and the state through the preservation
77 and improvement of air quality, the restoration and maintenance of water resources, the
78 control of erosion and sedimentation, the management of stormwater and establishment
79 of a stormwater utility, the management of solid and hazardous waste, and other
80 necessary actions for the protection of the environment;
- 81 (9) Fire regulations. To fix and establish fire limits and from time to time to extend,
82 enlarge, or restrict the same; to prescribe fire safety regulations not inconsistent with
83 general law, relating to both fire prevention and detection and to fire fighting; and to
84 prescribe penalties and punishment for violations thereof;
- 85 (10) Garbage fees. To levy, fix, assess, and collect a garbage, refuse, and trash collection
86 and disposal, and other sanitary service charge, tax, or fee for such services as may be
87 necessary in the operation of the city from all individuals, firms, and corporations

88 residing in or doing business therein benefiting from such services; to enforce the
89 payment of such charges, taxes, or fees; and to provide for the manner and method of
90 collecting such service charges;

91 (11) General health, safety, and welfare. To define, regulate, and prohibit any act,
92 practice, conduct, or use of property which is detrimental to health, sanitation,
93 cleanliness, welfare, and safety of the inhabitants of the city, and to provide for the
94 enforcement of such standards;

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

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

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

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

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

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

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

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

122 (20) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose
123 of public utilities, including, but not limited to, a system of waterworks, sewers and
124 drains, sewage disposal, stormwater management, gas works, electric light plants, cable

125 television and other telecommunications, transportation facilities, public airports, and any
126 other public utility; to fix the taxes, charges, rates, fares, fees, assessments, regulations,
127 and penalties relative to such utilities, and to provide for the withdrawal of service for
128 refusal or failure to pay the same;

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

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

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

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

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

141 (26) Public improvements. To provide for the acquisition, construction, building,
142 operation, and maintenance of public ways, parks and playgrounds, cemeteries, markets
143 and market houses, public buildings, libraries, public housing, airports, hospitals,
144 terminals, docks, and charitable, cultural, educational, recreational, parking, conservation,
145 sport, curative, corrective, detentional, penal, and medical institutions, agencies, and
146 facilities; to provide any other public improvements, inside or outside the corporate limits
147 of the city; to regulate the use of public improvements; and for such purposes, property
148 may be acquired by condemnation under Title 22 of the O.C.G.A., or such other
149 applicable laws as are or may hereafter be enacted;

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

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

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

159 (30) Regulation of roadside areas. To prohibit or regulate and control the erection,
160 removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any
161 and all other structures or obstructions upon or adjacent to the rights-of-way of streets and

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

164 (31) Retirement. To provide and maintain a retirement plan and other employee benefit
165 plans and programs for officers and employees of the city;

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

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

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

184 (35) Special areas of public regulation. To regulate or prohibit junk dealers, the
185 manufacture and sale of intoxicating liquors; to regulate the transportation, storage, and
186 use of combustible, explosive, and inflammable materials, the use of lighting and heating
187 equipment, and any other business or situation which may be dangerous to persons or
188 property; to regulate and control the conduct of peddlers and itinerant traders, theatrical
189 performances, exhibitions, and shows of any kind, by taxation or otherwise; to license
190 and tax professional fortunetelling, palmistry, and massage parlors; and to restrict adult
191 bookstores to certain areas;

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

194 (37) Taxes: Ad valorem. To levy and provide for the assessment, valuation, revaluation,
195 and collection of taxes on all property subject to taxation provided, however, that the
196 millage rate imposed for ad valorem taxes on real property shall not exceed 5.00 unless
197 a higher limit is recommended by resolution of the city council and approved by a
198 majority vote of the qualified voters of the City of Eagles Landing voting on the issue in

199 a referendum. For the purposes of this paragraph, the term "qualified voters" means
 200 those voters of the city who are qualified to vote in city elections and cast a vote for or
 201 against such measure in such referendum. The question to be presented to the voters in
 202 the referendum on increasing the millage rate shall be, "Do you approve increasing taxes
 203 on residential and nonresidential property for City of Eagles Landing property owners by
 204 raising from [current millage rate] to [proposed millage rate] the operating budget millage
 205 rate, which was capped in the original charter for the city?" If such millage rate increase
 206 is approved by the qualified voters of the City of Eagles Landing voting in the
 207 referendum, the new rate shall become the maximum limit until changed again by
 208 resolution of the city council and approval by a majority of the qualified voters of the
 209 City of Eagles Landing voting in such referendum;

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

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

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

217 (41) Other powers. To exercise and enjoy all other powers, functions, rights, privileges,
 218 and immunities necessary or desirable to promote or protect the safety, health, peace,
 219 security, good order, comfort, convenience, or general welfare of the city and its
 220 inhabitants; to exercise all implied powers necessary or desirable to carry into execution
 221 all powers granted in this charter as fully and completely as if such powers were fully
 222 stated herein; and to exercise all powers now or in the future authorized to be exercised
 223 by other municipal governments under other laws of the State of Georgia, and no listing
 224 of particular powers in this charter shall be held to be exclusive of others, nor restrictive
 225 of general words and phrases granting powers, but shall be held to be in addition to such
 226 powers unless expressly prohibited to municipalities under the Constitution or applicable
 227 laws of the State of Georgia.

228 **SECTION 1.14.**

229 Exercise of powers.

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

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ARTICLE II
GOVERNMENT STRUCTURE
SECTION 2.10.
City council creation; number; election.

238 The legislative authority of the government of this city, except as otherwise specifically
239 provided in this charter, shall be vested in a city council to be composed of a mayor and four
240 councilmembers. The mayor and councilmembers shall be elected in the manner provided
241 by general law and this charter.

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SECTION 2.11.
City council terms and qualifications for office.

244 The mayor and members of the city council shall serve for terms of four years and until their
245 respective successors are elected and qualified. No person shall be eligible to serve as mayor
246 or councilmember unless that person is at least 21 years of age or older and shall have been
247 a resident of the area encompassed by the corporate boundaries of the city for 12 months
248 immediately prior to the date of election of mayor or members of the council; each shall
249 continue to reside therein during that member's period of service and to be registered and
250 qualified to vote in municipal elections of this city.

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SECTION 2.12.
Vacancy; filling of vacancies.

253 (a) The office of mayor or councilmember shall become vacant upon the incumbent's death,
254 resignation, forfeiture of office, or occurrence of any event specified by the Constitution of
255 the State of Georgia, Title 45 of the O.C.G.A., or such other applicable laws as are or may
256 hereafter be enacted.

257 (b) A vacancy in the office of mayor or councilmember shall be filled for the remainder of
258 the unexpired term, if any, by appointment by the city council or those members remaining
259 if less than 12 months remains in the unexpired term. If such vacancy occurs 12 months or
260 more prior to the expiration of the term of that office, it shall be filled for the remainder of
261 the unexpired term by a special election, as provided for in Section 5.14 of this charter and
262 in accordance with Titles 21 and 45 of the O.C.G.A., or other such laws as are or may
263 hereafter be enacted.

264 (c) This provision shall also apply to a temporary vacancy created by the suspension from
265 office of the mayor or any councilmember.

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SECTION 2.13.

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Compensation and expenses.

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The mayor and councilmembers shall receive compensation and expenses for their services

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as provided by ordinance.

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SECTION 2.14.

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Conflicts of interest; holding other offices.

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(a) Elected and appointed officers of the city are trustees and servants of the residents of the

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city and shall act in a fiduciary capacity for the benefit of such residents.

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(b) No elected official, appointed officer, or employee of the city or any agency or political

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entity to which this charter applies shall knowingly:

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(1) Engage in any business or transaction, or have a financial or other personal interest,

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direct or indirect, which is incompatible with the proper discharge of that person's official

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duties or which would tend to impair the independence of the official's judgment or action

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in the performance of those official duties;

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(2) Engage in or accept private employment, or render services for private interests when

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such employment or service is incompatible with the proper discharge of that person's

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official duties or would tend to impair the independence of the official's judgment or

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action in the performance of those official duties;

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(3) Disclose confidential information, including information obtained at meetings which

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are closed pursuant to Chapter 14 of Title 50 of the O.C.G.A., concerning the property,

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government, or affairs of the governmental body by which the official is engaged without

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proper legal authorization; or use such information to advance the financial or other

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private interest of the official or others;

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(4) Accept any valuable gift, whether in the form of service, loan, thing, or promise,

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from any person, firm, or corporation which to the official's knowledge is interested,

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directly or indirectly, in any manner whatsoever, in business dealings with the

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governmental body by which the official is engaged; provided, however, that an elected

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official who is a candidate for public office may accept campaign contributions and

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services in connection with any such campaign;

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(5) Represent other private interests in any action or proceeding against this city or any

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portion of its government; or

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(6) Vote or otherwise participate in the negotiation or in the making of any contract with

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any business or entity in which the official has a financial interest.

299 (c) Any elected official, appointed officer, or employee who shall have any financial
300 interest, directly or indirectly, in any contract or matter pending before or within any
301 department of the city shall disclose such interest to the city council. The mayor or any
302 councilmember who has a financial interest in any matter pending before the city council
303 shall disclose such interest and such disclosure shall be entered on the records of the city
304 council, and that official shall disqualify himself or herself from participating in any decision
305 or vote relating thereto. Any elected official, appointed officer, or employee of any agency
306 or political entity to which this charter applies who shall have any financial interest, directly
307 or indirectly, in any contract or matter pending before or within such entity shall disclose
308 such interest to the governing body of such agency or entity.

309 (d) No elected official, appointed officer, or employee of the city or any agency or entity to
310 which this charter applies shall use property owned by such governmental entity for personal
311 benefit or profit but shall use such property only in their capacity as an officer or employee
312 of the city.

313 (e) Any violation of this section which occurs with the knowledge, express or implied, of
314 a party to a contract or sale shall render said contract or sale voidable at the option of the city
315 council.

316 (f) Except where authorized by law, neither the mayor nor any councilmember shall hold
317 any other elective or appointive office in the city or otherwise be employed by such
318 government or any agency thereof during the term for which that official was elected. No
319 former mayor and no former councilmember shall hold any appointive office in the city until
320 one year after the expiration of the term for which that official was elected.

321 (g) No appointive officer of the city shall continue in such employment upon qualifying as
322 a candidate for nomination or election to any public office. No employee of the city shall
323 continue in such employment upon qualifying for or election to any public office in this city
324 or any other public office which is inconsistent, incompatible, or in conflict with the duties
325 of the city employee. Such determination shall be made by the mayor and council either
326 immediately upon election or at any time such conflict may arise.

327 (h)(1) Any city officer or employee who knowingly conceals such financial interest or
328 knowingly violates any of the requirements of this section shall be guilty of malfeasance
329 in office or position and shall be deemed to have forfeited that person's office or position.

330 (2) Any officer or employee of the city who shall forfeit an office or position as
331 described in paragraph (1) of this subsection shall be ineligible for appointment or
332 election to or employment in a position in the city government for a period of three years
333 thereafter.

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SECTION 2.15.

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Inquiries and investigations.

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

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SECTION 2.16.

343

General power and authority of the city council.

344 (a) Except as otherwise provided by law or this charter, the city council shall be vested with
345 all the powers of government of this city.

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

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SECTION 2.17.

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Eminent domain.

355 The city council is hereby empowered to acquire, construct, operate, and maintain public
356 ways, parks and playgrounds, public grounds, cemeteries, markets and market houses, public
357 buildings, libraries, public housing, airports, hospitals, terminals, docks, sewers, drains,
358 sewage treatment, waterworks, electrical systems, gas systems, and charitable, cultural,
359 educational, recreational, parking, conservation, sport, curative, corrective, detentive,
360 penal, and medical institutions, agencies, and facilities, and any other public improvements
361 inside or outside the city, and to regulate the use thereof, and for such purposes, property
362 may be condemned under procedures established under general law applicable now or as
363 provided in the future.

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SECTION 2.18.

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Organizational meetings.

366 The city council shall hold an organizational meeting on the first Tuesday in January of each
 367 year. The meeting shall be called to order by the city clerk and the oath of office shall be
 368 administered to the newly elected members by a judicial officer authorized to administer
 369 oaths and shall, to the extent that it comports with federal and state law, be as follows:

370 "I do solemnly (swear)(affirm) that I will faithfully perform the duties of
 371 (mayor)(councilmember) of this city and that I will support and defend the charter thereof
 372 as well as the Constitution and laws of the State of Georgia and of the United States of
 373 America. I am not the holder of any unaccounted for public money due this state or any
 374 political subdivision or authority thereof. I am not the holder of any office of trust under
 375 the government of the United States, any other state, or any foreign state which I, by the
 376 laws of the State of Georgia, am prohibited from holding. I am otherwise qualified to hold
 377 said office according to the Constitution and laws of the State of Georgia. I have been a
 378 resident of my district and the City of Eagles Landing for the time required by the
 379 Constitution and laws of this state and by the municipal charter. I will perform the duties
 380 of my office in the best interest of the City of Eagles Landing to the best of my ability
 381 without fear, favor, affection, reward, or expectation thereof."

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SECTION 2.19.

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Regular and special meetings.

384 (a) The city council shall hold regular meetings at such times and places as shall be
 385 prescribed by ordinance.

386 (b) Special meetings of the city council may be held on call of the mayor or two members
 387 of the city council. Notice of such special meetings shall be served on all other members
 388 personally, or by telephone personally, at least 48 hours in advance of the meeting. Such
 389 notice to councilmembers shall not be required if the mayor and all councilmembers are
 390 present when the special meeting is called. Such notice of any special meeting may be
 391 waived by a councilmember in writing before or after such a meeting, and attendance at the
 392 meeting shall also constitute a waiver of notice on any business transacted in such
 393 councilmembers presence. Only the business stated in the call may be transacted at the
 394 special meeting.

395 (c) All meetings of the city council shall be public to the extent required by law and notice
 396 to the public of special meetings shall be made fully as is reasonably possible as provided by

397 Code Section 50-14-1 of the O.C.G.A., or other such applicable laws as are or may hereafter
398 be enacted.

399 **SECTION 2.20.**

400 Rules of procedure.

401 (a) The city council shall adopt its rules of procedure and order of business consistent with
402 the provisions of this charter and shall provide for keeping a journal of its proceedings, which
403 shall be a public record.

404 (b) All committees and committee chairs and officers of the city council shall be appointed
405 by the mayor and shall serve at the pleasure of the mayor. The mayor shall have the power
406 to appoint new members to any committee at any time.

407 **SECTION 2.21.**

408 Quorum: voting

409 (a) Three councilmembers shall constitute a quorum and shall be authorized to transact
410 business of the city council. Voting on the adoption of ordinances shall be by voice vote and
411 the vote shall be recorded in the journal, but any member of the city council shall have the
412 right to request a roll call vote and such vote shall be recorded in the journal. Except as
413 otherwise provided in this charter, the affirmative vote of three councilmembers shall be
414 required for the adoption of any ordinance, resolution, or motion.

415 (b) No member of the city council shall abstain from voting on any matter properly brought
416 before the council for official action except when such councilmember has a conflict of
417 interest which is disclosed in writing prior to or at the meeting and made a part of the
418 minutes. Any member of the city council present and eligible to vote on a matter and
419 refusing to do so for any reason other than a properly disclosed and recorded conflict of
420 interest shall be deemed to have acquiesced or concurred with the members of the majority
421 who did vote on the question involved.

422 **SECTION 2.22.**

423 Ordinance form; procedures.

424 (a) Every proposed ordinance shall be introduced in writing and in the form required for
425 final adoption. No ordinance shall contain a subject which is not expressed in its title. The
426 enacting clause shall be "It is hereby ordained by the governing authority of the City of
427 Eagles Landing ..." and every ordinance shall so begin.

428 (b) An ordinance may be introduced by any councilmember and be read at a regular or
429 special meeting of the city council. Ordinances shall be considered and adopted or rejected
430 by the city council in accordance with the rules which it shall establish; provided, however,
431 an ordinance shall not be adopted the same day it is introduced, except for emergency
432 ordinances provided in Section 2.24. Upon introduction of any ordinance, the clerk shall as
433 soon as possible distribute a copy to the mayor and to each councilmember and shall file a
434 reasonable number of copies in the office of the clerk and at such other public places as the
435 city council may designate.

436 **SECTION 2.23.**

437 Action requiring an ordinance.

438 Acts of the city council which have the force and effect of law shall be enacted by ordinance.

439 **SECTION 2.24.**

440 Emergencies.

441 (a) To meet a public emergency affecting life, health, property or public peace, the city
442 council may convene on call of the mayor or two councilmembers and promptly adopt an
443 emergency ordinance, but such ordinance may not levy taxes; grant, renew, or extend a
444 franchise; regulate the rate charged by any public utility for its services; or authorize the
445 borrowing of money except for loans to be repaid within 30 days. An emergency ordinance
446 shall be introduced in the form prescribed for ordinances generally, except that it shall be
447 plainly designated as an emergency ordinance and shall contain, after the enacting clause,
448 a declaration stating that an emergency exists, and describing the emergency in clear and
449 specific terms. An emergency ordinance may be adopted, with or without amendment, or
450 rejected at the meeting at which it is introduced, but the affirmative vote of at least three
451 councilmembers shall be required for adoption. It shall become effective upon adoption or
452 at such later time as it may specify. Every emergency ordinance shall automatically stand
453 repealed 30 days following the date upon which it was adopted, but this shall not prevent
454 reenactment of the ordinance in the manner specified in this section if the emergency still
455 exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance
456 in the same manner specified in this section for adoption of emergency ordinances.

457 (b) Such meetings shall be open to the public to the extent required by law and notice to the
458 public of emergency meetings shall be made as fully as is reasonably possible in accordance
459 with Code Section 50-14-1 of the O.C.G.A., or such other applicable laws as are or may
460 hereafter be enacted.

461

SECTION 2.25.

462

Codes of technical regulations.

463 (a) The city council may adopt any standard code of technical regulations by reference
464 thereto in an adopting ordinance. The procedure and requirements governing such adopting
465 ordinance shall be as prescribed for ordinances generally except that:

466 (1) The requirements of subsection (b) of Section 2.22 of this charter for distribution and
467 filing of copies of the ordinance shall be construed to include copies of any code of
468 technical regulations, as well as the adopting ordinance; and

469 (2) A copy of each adopted code of technical regulations, as well as the adopting
470 ordinance, shall be authenticated and recorded by the clerk pursuant to Section 2.26 of
471 this charter.

472 (b) Copies of any adopted code of technical regulations shall be made available by the clerk
473 for inspection by the public.

474

SECTION 2.26.

475

Signing; authenticating; recording; codification; printing.

476 (a) The city clerk shall authenticate by his or her signature and record in full in a properly
477 indexed book kept for that purpose, all ordinances adopted by the council.

478 (b) The city council shall provide for the preparation of a general codification of all the
479 ordinances of the city having the force and effect of law. The general codification shall be
480 adopted by the city council by ordinance and shall be published promptly, together with all
481 amendments thereto and such codes of technical regulations and other rules and regulations
482 as the city council may specify. This compilation shall be known and cited officially as "The
483 Code of the City of Eagles Landing, Georgia." Copies of the code shall be furnished to all
484 officers, departments, and agencies of the city, and made available for purchase by the public
485 at a reasonable price as fixed by the city council.

486 (c) The city council shall cause each ordinance and each amendment to this charter to be
487 printed promptly following its adoption, and the printed ordinances and charter amendments
488 shall be made available for purchase by the public at reasonable prices to be fixed by the city
489 council. Following publication of the first code under this charter and at all times thereafter,
490 the ordinances and charter amendments shall be printed in substantially the same style as the
491 code currently in effect and shall be suitable in form for incorporation therein. The city
492 council shall make such further arrangements as deemed desirable with reproduction and
493 distribution of any current changes in or additions to codes of technical regulations and other
494 rules and regulations included in the code.

495 **SECTION 2.27.**

496 City manager; appointment; qualifications; compensation.

497 The city council may appoint a city manager for an indefinite term and, if so appointed, shall
 498 fix the city manager's compensation. The city manager shall be appointed solely on the basis
 499 of executive and administrative qualifications.

500 **SECTION 2.28.**

501 Removal of city manager.

502 (a) If a city manager is appointed by the city council, then the city council may remove the
 503 manager from office in accordance with the following procedures:

504 (1) The city council shall adopt by affirmative vote of a majority of all its members a
 505 preliminary resolution which must state the reasons for removal and may suspend the city
 506 manager from duty for a period not to exceed 45 days. A copy of the resolution shall be
 507 delivered promptly to the city manager.

508 (2) Within five days after a copy of the resolution is delivered to the city manager, the
 509 city manager may file with the city council a written request for a public hearing. This
 510 hearing shall be held within 30 days after the request is filed. The city manager may file
 511 with the council a written reply not later than five days before the hearing.

512 (3) If the manager has not requested a public hearing within the time specified in
 513 paragraph (2) of this subsection, the city council may adopt a final resolution for removal,
 514 which may be made effective immediately, by an affirmative vote of a majority of all its
 515 members. If the city manager has requested a public hearing, the city council may adopt
 516 a final resolution for removal, which may be made effective immediately, by an
 517 affirmative vote of a majority of all its members at any time after the public hearing.

518 (b) The city manager shall continue to receive a salary until the effective date of a final
 519 resolution of removal.

520 **SECTION 2.29.**

521 Acting city manager.

522 When a city manager has been appointed by the city council, and in the event of absence or
 523 disability, the city manager may, by a letter filed with the city clerk, designate, subject to
 524 approval of the city council, a qualified city administrative officer to exercise the powers and
 525 perform the duties of city manager during the city manager's temporary absence or physical
 526 or mental disability. During such absence or disability, the city council may revoke such

527 designation at any time and appoint another officer of the city to serve until the city manager
528 shall return or the city manager's absence or disability shall cease.

529 **SECTION 2.30.**

530 Powers and duties of the city manager.

531 When a city manager has been appointed by the city council, the city manager shall be the
532 chief executive and administrative officer of the city. The city manager shall be responsible
533 to the city council for the administration of all city affairs placed in the city manager's charge
534 by or under this charter. As the chief executive and administrative officer, the city manager
535 shall:

- 536 (1) Appoint and, when the city manager deems it necessary for the good of the city,
537 suspend or remove all city employees and administrative officers that the city manager
538 appoints, except as otherwise provided by law or personnel ordinances adopted pursuant
539 to this charter. The city manager may authorize any administrative officer who is subject
540 to the city manager's direction and supervision to exercise these powers with respect to
541 subordinates in that officer's department, office or agency;
- 542 (2) Direct and supervise the administration of all departments, offices, and agencies of
543 the city, except as otherwise provided by this charter or by law;
- 544 (3) Attend all city council meetings except for closed meetings held for the purposes of
545 deliberating on the appointment, discipline, or removal of the city manager and have the
546 right to take part in discussion but not vote;
- 547 (4) See that all laws, provisions of this charter, and acts of the city council, subject to
548 enforcement by the city manager or by officers subject to the city manager's direction and
549 supervision, are faithfully executed;
- 550 (5) Prepare and submit the annual operating budget and capital budget to the city
551 council;
- 552 (6) Submit to the city council and make available to the public a complete report on the
553 finances and administrative activities of the city as of the end of each fiscal year;
- 554 (7) Issue such other reports as the city council may require concerning the operations of
555 city departments, offices, and agencies subject to the city manager's direction and
556 supervision;
- 557 (8) Keep the city council fully advised as to the financial condition and future needs of
558 the city, and make such recommendations to the city council concerning the affairs of the
559 city as the city manager deems desirable; and
- 560 (9) Perform other such duties as are specified in this charter or as may be required by the
561 city council.

562 **SECTION 2.31.**

563 Council interference with administration.

564 When a city manager has been appointed by the city council, except for the purpose of
 565 inquiries and investigations under Section 2.15 of this charter, the city council or its members
 566 shall deal with city officers and employees who are subject to the direction and supervision
 567 of the city manager solely through the city manager, and neither the city council nor its
 568 members shall give orders to any such officer or employee, either publicly or privately.

569 **SECTION 2.32.**

570 Election of mayor; forfeiture; compensation.

571 The mayor shall be elected and serve for a term of four years and until a successor is elected
 572 and qualified. The mayor shall be a qualified elector of this city and shall have been a
 573 resident of the city for at least 12 months immediately prior to his or her election. The mayor
 574 shall continue to reside in this city during the period of service. The mayor shall forfeit the
 575 office on the same grounds and under the same procedure as for councilmembers. The
 576 compensation of the mayor shall be established in the same manner as for councilmembers.

577 **SECTION 2.33.**

578 Mayor pro tem.

579 By a majority vote at the first meeting of the city council in January of each year, the city
 580 council shall elect a councilmember to serve as mayor pro tem. The mayor pro tem shall
 581 assume the duties and powers of the mayor during the mayor's physical or mental disability,
 582 suspension from office, or absence. Any such disability or absence shall be declared by a
 583 majority vote of the city council. The mayor pro tem shall sign all contracts and ordinances
 584 in which the mayor has a disqualifying financial interest as provided in Section 2.14 of this
 585 charter. When acting as mayor, the mayor pro tem shall continue to have only one vote as
 586 a member of the council.

587 **SECTION 2.34.**

588 Powers and duties of mayor.

589 The mayor shall:

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

- 591 (2) Be the head of the city for the purpose of service of process and for ceremonial
 592 purposes, and be the official spokesperson for the city and the chief advocate of policy;
 593 (3) Have the power to administer oaths and to take affidavits;
 594 (4) Sign as a matter of course on behalf of the city all written and approved contracts,
 595 ordinances, and other instruments executed by the city which by law are required to be
 596 in writing;
 597 (5) Vote on matters before the city council only in order to break a tie and shall be
 598 counted toward a quorum as any other councilmember;
 599 (6) If no city manager has been appointed, prepare and submit to the city council a
 600 recommended annual operating budget and recommended capital budget; and
 601 (7) Fulfill such other executive and administrative duties as the city council shall by
 602 ordinance establish.

603 **ARTICLE III**

604 **ADMINISTRATIVE AFFAIRS**

605 **SECTION 3.10.**

606 **Administrative and service departments.**

- 607 (a) Except as otherwise provided in this charter, the city council, by ordinance, shall
 608 prescribe the functions or duties, and establish, abolish, alter, consolidate, or leave vacant all
 609 nonelective offices, positions of employment, departments, and agencies of the city, as
 610 necessary for the proper administration of the affairs and government of this city.
 611 (b) Except as otherwise provided by this charter or by law, the directors of departments and
 612 other appointed officers of the city shall be appointed solely on the basis of their respective
 613 administrative and professional qualifications.
 614 (c) All appointive officers and directors of departments shall receive such compensation as
 615 prescribed by ordinance or resolution.
 616 (d) There shall be a director of each department or agency who shall be its principal officer.
 617 Each director shall, subject to the direction and supervision of the mayor or, in the case
 618 where the city council has appointed a city manager, the city manager, be responsible for the
 619 administration and direction of the affairs and operations of that director's department or
 620 agency.
 621 (e) All appointive officers and directors under the supervision of the mayor or, in the case
 622 where the city council has appointed a city manager, the city manager, shall be nominated
 623 by the mayor or the city manager, as the case may be, with confirmation of appointment by
 624 the city council. All appointive officers and directors shall be employees at-will and subject

625 to removal or suspension at any time by the mayor or, in the case where the city council has
626 appointed a city manager, the city manager, unless otherwise provided by law or ordinance.

627 **SECTION 3.11.**

628 Boards, commissions, and authorities.

629 (a) The city council shall create by ordinance such boards, commissions, and authorities to
630 fulfill any investigative, quasi-judicial, or quasi-legislative function the city council deems
631 necessary, and shall by ordinance establish the composition, period of existence, duties, and
632 powers thereof.

633 (b) All members of boards, commissions, and authorities of the city shall be appointed by
634 the city council for such terms of office and in such manner as shall be provided by
635 ordinance, except where other appointing authority, terms of office, or manner of
636 appointment is prescribed by this charter or by law.

637 (c) The city council, by ordinance, may provide for the compensation and reimbursement
638 for actual and necessary expenses of the members of any board, commission, or authority.

639 (d) Except as otherwise provided by charter or by law, no member of any board,
640 commission, or authority shall hold any elective office in the city.

641 (e) Any vacancy on a board, commission, or authority of the city shall be filled for the
642 unexpired term in the manner prescribed herein for original appointment, except as otherwise
643 provided by this charter or by law.

644 (f) No member of a board, commission, or authority shall assume office until that person has
645 executed and filed with the clerk of the city an oath obligating himself to faithfully and
646 impartially perform the duties of that member's office, such oath to be prescribed by
647 ordinance and administered by the mayor.

648 (g) All board, commission, or authority members serve at-will and may be removed at any
649 time by a vote of three members of the city council unless otherwise provided by law.

650 (h) Except as otherwise provided by this charter or by law, each board, commission, or
651 authority of the city shall elect one of its members as chair and one member as vice-chair,
652 and may elect as its secretary one of its own members or may appoint as secretary an
653 employee of the city. Each board, commission, or authority of the city government may
654 establish such bylaws, rules, and regulations, not inconsistent with this charter, ordinances
655 of the city, or law, as it deems appropriate and necessary for the fulfillment of its duties or
656 the conduct of its affairs. Copies of such bylaws, rules, and regulations shall be filed with
657 the clerk of the city.

658 **SECTION 3.12.**

659 City attorney.

660 The city council shall appoint a city attorney, together with such assistant city attorneys as
661 may be authorized, and shall provide for the payment of such attorney or attorneys for
662 services rendered to the city. The city attorney shall be responsible for providing for the
663 representation and defense of the city in all litigation in which the city is a party; may be the
664 prosecuting officer in the municipal court; shall attend the meetings of the council as
665 directed; shall advise the city council, mayor, and other officers and employees of the city
666 concerning legal aspects of the city's affairs; and shall perform such other duties as may be
667 required by virtue of the person's position as city attorney. The city attorney shall not be a
668 public official of the city and shall not take an oath of office. The city attorney shall at all
669 times be an independent contractor. A law firm, rather than an individual, may be designated
670 as the city attorney. The city attorney shall serve at the pleasure of the city council.

671 **SECTION 3.13.**

672 City clerk.

673 The city council shall appoint a city clerk who shall not be a councilmember. The city clerk
674 shall be custodian of the official city seal and city records; maintain city council records
675 required by this charter; and perform such other duties as may be required by the city
676 council. The city clerk shall serve at the pleasure of the city council.

677 **SECTION 3.14.**

678 Position classification and pay plans.

679 The mayor or, in the case where the city council has appointed a city manager, the city
680 manager, shall be responsible for the preparation of a position classification and pay plan
681 which shall be submitted to the city council for approval. Such plan may apply to all
682 employees of the city and any of its agencies, departments, boards, commissions, or
683 authorities. When a pay plan has been adopted, the city council shall not increase or decrease
684 the salary range applicable to any position except by amendment of such pay plan. For
685 purposes of this section, all elected and appointed city officials are not city employees.

686 **SECTION 3.15.**

687 Personnel policies.

688 All employees shall serve at-will and may be removed from office at any time unless
689 otherwise provided by ordinance.

690 **ARTICLE IV**
691 **JUDICIAL BRANCH**

692 **SECTION 4.10.**

693 Creation; name.

694 There shall be a court to be known as the Municipal Court of the City of Eagles Landing.

695 **SECTION 4.11.**

696 Chief judge; associate judge.

697 (a) The municipal court shall be presided over by a chief judge and such part-time, full-time,
698 or stand-by judges as shall be provided by ordinance.

699 (b) No person shall be qualified or eligible to serve as a judge on the municipal court unless
700 that person shall have attained the age of 21 years, shall be a member of the State Bar of
701 Georgia, and shall possess all qualifications required by law. All judges shall be appointed
702 by the city council and shall serve until a successor is appointed and qualified.

703 (c) Compensation of the judges shall be fixed by ordinance.

704 (d) Judges serve at-will and may be removed from office at any time by the city council
705 unless otherwise provided by ordinance.

706 (e) Before assuming office, each judge shall take an oath, given by the mayor, that the judge
707 will honestly and faithfully discharge the duties of the office to the best of that person's
708 ability and without fear, favor or partiality. The oath shall be entered upon the minutes of
709 the city council journal required in Section 2.20 of this charter.

710 **SECTION 4.12.**

711 Convening.

712 The municipal court shall be convened at regular intervals as provided by ordinance.

713

SECTION 4.13.

714

Jurisdiction; powers.

715 (a) The municipal court shall have jurisdiction and authority to try and punish violations of
716 this charter, all city ordinances, and such other violations as provided by law.

717 (b) The municipal court shall have authority to punish those in its presence for contempt,
718 provided that such punishment shall not exceed \$200.00 or ten days in jail.

719 (c) The municipal court may fix punishment for offenses within its jurisdiction not
720 exceeding a fine of \$1,000.00 or imprisonment for 180 days or both such fine and
721 imprisonment or may fix punishment by fine, imprisonment, or alternative sentencing as now
722 or hereafter provided by law.

723 (d) The municipal court shall have authority to establish a schedule of fees to defray the cost
724 of operation, and shall be entitled to reimbursement of the cost of meals, transportation, and
725 caretaking of prisoners bound over to superior courts for violations of state law.

726 (e) The municipal court shall have authority to establish bail and recognizances to ensure
727 the presence of those charged with violations before such court, and shall have discretionary
728 authority to accept cash or personal or real property as surety for the appearance of persons
729 charged with violations. Whenever any person shall give bail for that person's appearance
730 and shall fail to appear at the time fixed for trial, the bond shall be forfeited by the judge
731 presiding at such time, and an execution issued thereon by serving the defendant and the
732 defendant's sureties with a rule nisi, at least two days before a hearing on the rule nisi. In the
733 event that cash or property is accepted in lieu of bond for security for the appearance of a
734 defendant at trial, and if such defendant fails to appear at the time and place fixed for trial,
735 the cash so deposited shall be on order of the judge declared forfeited to the city, or the
736 property so deposited shall have a lien against it for the value forfeited which lien shall be
737 enforceable in the same manner and to the same extent as a lien for city property taxes.

738 (f) The municipal court shall have the same authority as superior courts to compel the
739 production of evidence in the possession of any party; to enforce obedience to its orders,
740 judgments, and sentences; and to administer such oaths as are necessary.

741 (g) The municipal court may compel the presence of all parties necessary to a proper
742 disposal of each case by the issuance of summonses, subpoenas, and warrants which may be
743 served as executed by any officer as authorized by this charter or by law.

744 (h) Each judge of the municipal court shall be authorized to issue warrants for the arrest of
745 persons charged with offenses against any ordinance of the city, and each judge of the
746 municipal court shall have the same authority as a magistrate of the state to issue warrants
747 for offenses against state laws committed within the city.

748 **SECTION 4.14.**

749 Certiorari.

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

754 **SECTION 4.15.**

755 Rules for court.

756 With the approval of the city council, the judge shall have full power and authority to make
 757 reasonable rules and regulations necessary and proper to secure the efficient and successful
 758 administration of the municipal court; provided, however, that the city council may adopt in
 759 part or in toto the rules and regulations applicable to municipal courts. The rules and
 760 regulations made or adopted shall be filed with the city clerk, shall be available for public
 761 inspection, and, upon request, a copy shall be furnished to all defendants in municipal court
 762 proceedings at least 48 hours prior to said proceedings.

763 **ARTICLE V**

764 **ELECTIONS AND REMOVAL**

765 **SECTION 5.10.**

766 Applicability of general law.

767 All primaries and elections shall be held and conducted in accordance with Chapter 2 of
 768 Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended.

769 **SECTION 5.11.**

770 Election of the city council and mayor.

771 (a) There shall be a municipal general election biennially in the odd years on the Tuesday
 772 next following the first Monday in November.

773 (b) There shall be elected the mayor and councilmembers from Council Districts 2 and 4 at
 774 one election and at every other regular election thereafter. The remaining city council seats
 775 from Council Districts 1 and 3 shall be filled at the election alternating with the first election
 776 so that a continuing body is created.

777 (c) Each councilmember shall be elected by a majority vote of the qualified electors of his
778 or her respective council district voting at the elections of the city. For the purpose of
779 electing members of the council, the City of Eagles Landing shall consist of four council
780 districts as described in Appendix B of this charter, which is attached and incorporated into
781 this charter by reference. Each candidate for election to the council other than the mayor
782 shall reside in the council district he or she seeks to represent.

783 (d) The first election for mayor and councilmembers shall be a special election held on the
784 Tuesday of the twenty-fourth week prior to the 2018 November general election in
785 conjunction with the 2018 general primary. At such election, the mayor and councilmembers
786 elected from Council Districts 2 and 4 shall be elected for initial terms of office beginning
787 immediately after their election and expiring upon the election of their respective successors
788 in 2023. The councilmembers elected from Council Districts 1 and 3 shall be elected for
789 initial terms of office beginning immediately after their election and expiring upon the
790 election of their respective successors in 2021. Thereafter, at the elections provided for by
791 subsection (f) of this section, their successors shall be elected for terms of four years. All
792 members shall serve until their successors are elected and qualified.

793 (e) The mayor, for the special election and each subsequent election for mayor, shall be
794 elected by the qualified electors of the city at large voting in such elections of the city.

795 (f) A special election shall be held on the Tuesday of the twenty-fourth week prior to
796 the 2018 November general election in conjunction with the 2018 general primary to elect
797 the first mayor and council as provided in subsection (d) of this section. At such election,
798 the first mayor and council shall be elected to serve for the initial terms of office specified
799 in subsection (d) of this section. Thereafter, the time for holding regular municipal elections
800 shall be on the Tuesday next following the first Monday in November of each odd-numbered
801 year beginning in 2021. The successors to the first mayor and councilmembers and future
802 successors shall be elected at the municipal election immediately preceding the expiration
803 of the respective terms of office and shall take office on the first day of January immediately
804 following their election for terms of four years and until their respective successors are
805 elected and qualified as provided in subsection (g) of this section.

806 (g) Except for the initial election of the mayor and council, the terms of the mayor and
807 councilmembers shall begin on the Monday following such person's election which is at least
808 five days following the certification of the results of such person's election to such office
809 unless a petition to contest the results of such person's election to such office is filed pursuant
810 to Article 13 of Chapter 2 of Title 21 of the O.C.G.A. If a petition to contest the election
811 results is filed, such person shall not be sworn in until a judgment has been entered pursuant
812 to Code Section 21-2-527 of the O.C.G.A. or such petition has been withdrawn or dismissed.
813 In such case, the person's term of office shall begin on the Monday following the entry of

814 such judgment or the withdrawal or dismissal of such petition. Such officeholder shall be
 815 sworn in at the next meeting of the governing authority, which shall be held not later than
 816 two weeks following the beginning of such person's term of office, and shall hold office until
 817 his or her successor's term begins in accordance with this subsection.

818 **SECTION 5.12.**

819 Nonpartisan elections.

820 Political parties shall not conduct primaries for city offices and all names of candidates for
 821 city offices shall be listed without party designations.

822 **SECTION 5.13.**

823 Election by majority.

824 The person receiving a majority of the votes cast for any city office shall be elected.

825 **SECTION 5.14.**

826 Special elections; vacancies.

827

828 In the event that the office of mayor or councilmember shall become vacant as provided in
 829 Section 2.12 of this charter, the city council or those remaining shall order a special election
 830 to fill the balance of the unexpired term of such official; provided, however, if such vacancy
 831 occurs within 12 months of the expiration of the term of that office, the city council or those
 832 remaining shall appoint a successor for the remainder of the term. In all other respects, the
 833 special election shall be held and conducted in accordance with Chapter 2 of Title 21 of the
 834 O.C.G.A., the "Georgia Election Code," as now or hereafter amended.

835 **SECTION 5.15.**

836 Other provisions.

837 Except as otherwise provided by this charter, the city council shall, by ordinance, prescribe
 838 such rules and regulations it deems appropriate to fulfill any options and duties under the
 839 Georgia Election Code.

840

SECTION 5.16.

841

Removal of officers.

842 (a) The mayor, councilmembers, or other appointed officers provided for in this charter shall
 843 be removed from office for any one or more of the causes provided in Title 45 of the
 844 O.C.G.A., or such other applicable laws as are or may hereafter be enacted.

845 (b) Removal of an officer pursuant to subsection (a) of this section shall be accomplished
 846 one of the following methods:

847 (1) Following a hearing at which an impartial panel shall render a decision. In the event
 848 an elected officer is sought to be removed by the action of the city council, such officer
 849 shall be entitled to a written notice specifying the ground or grounds for removal and to a
 850 public hearing which shall be held not less than ten days after the service of such written
 851 notice. The city council shall provide by ordinance for the manner in which such hearings
 852 shall be held. Any elected officer sought to be removed from office as herein provided
 853 shall have the right of appeal from the decision of the city council to the Superior Court of
 854 Henry County. Such appeal shall be governed by the same rules as govern appeals to the
 855 superior court from the probate court; or

856 (2) By an order of the Superior Court of Henry County following a hearing on a complaint
 857 seeking such removal brought by any resident of the City of Eagles Landing.

858

ARTICLE VI

859

FINANCE

860

SECTION 6.10.

861

Property tax.

862 The city council may assess, levy, and collect an ad valorem tax on all real and personal
 863 property within the corporate limits of the city that is subject to such taxation by the state and
 864 county. This tax is for the purpose of raising revenues to defray the costs of operating the
 865 city government, of providing governmental services, for the repayment of principal and
 866 interest on general obligations, and for any other public purpose as determined by the city
 867 council in its discretion.

868

SECTION 6.11.

869

Millage rate; due dates; payment methods.

870 Subject to the limitations contained in paragraph (37) of Section 1.13 of this charter, the city
 871 council, by ordinance, shall establish a millage rate for the city property tax, a due date, and

872 the time period within which these taxes must be paid. The city council, by ordinance, may
 873 provide for the payment of these taxes by two installments or in one lump sum, as well as
 874 authorize the voluntary payment of taxes prior to the time when due.

875 **SECTION 6.12.**

876 Occupation and business taxes.

877 The city council by ordinance shall have the power to levy such occupation or business taxes
 878 as are not denied by law. The city council may classify businesses, occupations or
 879 professions for the purpose of such taxation in any way which may be lawful and may
 880 compel the payment of such taxes as provided in Section 6.18 of this charter.

881 **SECTION 6.13.**

882 Regulatory fees; permits.

883 The city council by ordinance shall have the power to require businesses or practitioners
 884 doing business within this city to obtain a permit for such activity from the city and pay a
 885 reasonable regulatory fee for such permit as provided by general law. Such fees shall reflect
 886 the total cost to the city of regulating the activity, and if unpaid, shall be collected as
 887 provided in Section 6.18 of this charter.

888 **SECTION 6.14.**

889 Franchises.

890 (a) The city council shall have the power to grant franchises for the use of this city's streets
 891 and alleys for the purposes of railroads, street railways, telephone companies, electric
 892 companies, electric membership corporations, cable television and other telecommunications
 893 companies, gas companies, transportation companies, and other similar organizations. The
 894 city council shall determine the duration, terms, whether the same shall be exclusive or
 895 nonexclusive, and the consideration for such franchises; provided, however, no franchise
 896 shall be granted for a period in excess of 35 years and no franchise shall be granted unless
 897 the city receives just and adequate compensation therefor. The city council shall provide for
 898 the registration of all franchises with the city clerk in a registration book kept by the clerk.
 899 The city council may provide by ordinance for the registration within a reasonable time of
 900 all franchises previously granted.

901 (b) If no franchise agreement is in effect, the city council has the authority to impose a tax
 902 on gross receipts for the use of this city's streets and alleys for the purposes of railroads,

903 street railways, telephone companies, electric companies, electric membership corporations,
 904 cable television and other telecommunications companies, gas companies, transportation
 905 companies, and other similar organizations.

906 **SECTION 6.15.**

907 Service charges.

908 The city council by ordinance shall have the power to assess and collect fees, charges,
 909 assessments, and tolls for sewers, sanitary and health services, or any other services provided
 910 or made available within and without the corporate limits of the city. If unpaid, such charges
 911 shall be collected as provided in Section 6.18 of this charter.

912 **SECTION 6.16.**

913 Special assessments.

914 The city council by ordinance shall have the power to assess and collect the cost of
 915 constructing, reconstructing, widening, or improving any public way, street, sidewalk,
 916 curbing, gutters, sewers, or other utility mains and appurtenances from the abutting property
 917 owners. If unpaid, such charges shall be collected as provided in Section 6.18 of this charter.

918 **SECTION 6.17.**

919 Construction; other taxes and fees.

920 This city shall be empowered to levy any other tax or fee allowed now or hereafter by law,
 921 and the specific mention of any right, power, or authority in this article shall not be construed
 922 as limiting in any way the general powers of this city to govern its local affairs.

923 **SECTION 6.18.**

924 Collection of delinquent taxes and fees.

925 The city council, by ordinance, may provide generally for the collection of delinquent taxes,
 926 fees, or other revenue due the city under Sections 6.10 through 6.17 of this charter by
 927 whatever reasonable means as are not precluded by law. This shall include providing for the
 928 dates when the taxes or fees are due; late penalties or interest; issuance and execution of
 929 fi.fa.; creation and priority of liens; making delinquent taxes and fees personal debts of the
 930 persons required to pay the taxes or fees imposed; revoking city permits for failure to pay any
 931 city taxes or fees; and providing for the assignment or transfer of tax executions.

932 **SECTION 6.19.**

933 General obligation bonds.

934 The city council shall have the power to issue bonds for the purpose of raising revenue to
 935 carry out any project, program, or venture authorized under this charter or the laws of the
 936 state. Such bonding authority shall be exercised in accordance with the laws governing bond
 937 issuance by municipalities in effect at the time said issue is undertaken.

938 **SECTION 6.20.**

939 Revenue bonds.

940 Revenue bonds may be issued by the city council as state law now or hereafter provides.
 941 Such bonds are to be paid out of any revenue produced by the project, program, or venture
 942 for which they were issued.

943 **SECTION 6.21.**

944 Short-term loans.

945 The city may obtain short-term loans and shall repay such loans not later than December 31
 946 of each year, unless otherwise provided by law.

947 **SECTION 6.22.**

948 Lease-purchase contracts.

949 The city may enter into multiyear lease, purchase, or lease-purchase contracts for the
 950 acquisition of goods, materials, real and personal property, services, and supplies provided
 951 the contract terminates without further obligation on the part of the municipality at the close
 952 of the calendar year in which it was executed and at the close of each succeeding calendar
 953 year for which it may be renewed. Contracts must be executed in accordance with the
 954 requirements of Code Section 36-60-13 of the O.C.G.A., or other such applicable laws as are
 955 or may hereafter be enacted.

956 **SECTION 6.23.**

957 Fiscal year.

958 The city council shall set the fiscal year by ordinance. This fiscal year shall constitute the
 959 budget year and the year for financial accounting and reporting of each and every office,

960 department, agency, and activity of the city government unless otherwise provided by state
961 or federal law.

962 **SECTION 6.24.**

963 Preparation of budgets.

964 The city council shall provide an ordinance on the procedures and requirements for the
965 preparation and execution of an annual operating budget, a capital improvement plan, and
966 a capital budget, including requirements as to the scope, content, and form of such budgets
967 and plans.

968 **SECTION 6.25.**

969 Submission of operating budget to city council.

970 On or before a date fixed by the city council but not later than 30 days prior to the beginning
971 of each fiscal year, the mayor or, in the case where the city council has appointed a city
972 manager, the city manager, shall submit to the city council a proposed operating budget for
973 the ensuing fiscal year. The budget shall be accompanied by a message from the mayor or
974 city manager, as the case may be, containing a statement of the general fiscal policies of the
975 city, the important features of the budget, explanations of major changes recommended for
976 the next fiscal year, a general summary of the budget, and such other pertinent comments and
977 information. The operating budget and the capital budget hereinafter provided for, the
978 budget message, and all supporting documents shall be filed in the office of the city clerk and
979 shall be open to public inspection.

980 **SECTION 6.26.**

981 Action by city council on budget.

982 (a) The city council may amend the operating budget proposed by the mayor or the city
983 manager, as the case may be; except, that the budget as finally amended and adopted must
984 provide for all expenditures required by state law or by other provisions of this charter and
985 for all debt service requirements for the ensuing fiscal year, and the total appropriations from
986 any fund shall not exceed the estimated fund balance, reserves, and revenues.

987 (b) The city council by ordinance shall adopt the final operating budget for the ensuing fiscal
988 year not later than 15 days prior to the beginning of such fiscal year. If the city council fails
989 to adopt the budget by this date, the amounts appropriated for operation for the current fiscal
990 year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all

991 items prorated accordingly until such time as the city council adopts a budget for the ensuing
 992 fiscal year. Adoption of the budget shall take the form of an appropriations ordinance setting
 993 out the estimated revenues in detail by sources and making appropriations according to fund
 994 and by organizational unit, purpose, or activity as set out in the budget preparation ordinance
 995 adopted pursuant to Section 6.24 of this charter.

996 (c) The amount set out in the adopted operating budget for each organizational unit shall
 997 constitute the annual appropriation for such, and no expenditure shall be made or
 998 encumbrance created in excess of the otherwise unencumbered balance of the appropriations
 999 or allotment thereof, to which it is chargeable.

1000 **SECTION 6.27.**

1001 Tax levies.

1002 The city council shall levy by ordinance such taxes as are necessary. The taxes and tax rates
 1003 set by such ordinances shall be such that reasonable estimates of revenues from such levy
 1004 shall at least be sufficient, together with other anticipated revenues, fund balances, and
 1005 applicable reserves, to equal the total amount appropriated for each of the several funds set
 1006 forth in the annual operating budget for defraying the expenses of the general government
 1007 of this city.

1008 **SECTION 6.28.**

1009 Changes in appropriations.

1010 The city council by ordinance may make changes in the appropriations contained in the
 1011 current operating budget, at any regular, special, or emergency meeting called for such
 1012 purpose, but any additional appropriations may be made only from an existing unexpended
 1013 surplus.

1014 **SECTION 6.29.**

1015 Capital budget.

1016 (a) On or before the date fixed by the city council but no later than 30 days prior to the
 1017 beginning of each fiscal year, the mayor or, in the case where the city council has appointed
 1018 a city manager, the city manager, shall submit to the city council a proposed capital
 1019 improvements plan with a recommended capital budget containing the means of financing
 1020 the improvements proposed for the ensuing fiscal year. The city council shall have power
 1021 to accept, with or without amendments, or reject the proposed plan and proposed budget.

1022 The city council shall not authorize an expenditure for the construction of any building,
 1023 structure, work, or improvement, unless the appropriations for such project are included in
 1024 the capital budget, except to meet a public emergency as provided in Section 2.24 of this
 1025 charter.

1026 (b) The city council shall adopt by ordinance the final capital budget for the ensuing fiscal
 1027 year not later than 15 days prior to the beginning of such fiscal year. No appropriation
 1028 provided for in a prior capital budget shall lapse until the purpose for which the appropriation
 1029 was made shall have been accomplished or abandoned; provided, however, the mayor or the
 1030 city manager, as the case may be, may submit amendments to the capital budget at any time
 1031 during the fiscal year, accompanied by recommendations. Any such amendments to the
 1032 capital budget shall become effective only upon adoption by ordinance.

1033 **SECTION 6.30.**

1034 Independent audit.

1035 There shall be an annual independent audit of all city accounts, funds, and financial
 1036 transactions by a certified public accountant selected by the city council. The audit shall be
 1037 conducted according to generally accepted auditing principles. Any audit of any funds by
 1038 the state or federal governments may be accepted as satisfying the requirements of this
 1039 charter. Copies of annual audit reports shall be available at printing costs to the public.

1040 **SECTION 6.31.**

1041 Contracting procedures.

1042 No contract with the city shall be binding on the city unless:

- 1043 (1) It is in writing;
- 1044 (2) It is drawn by or submitted to and reviewed by the city attorney, and as a matter of
 1045 course, is signed by the city attorney to indicate such drafting or review; and
- 1046 (3) It is made or authorized by the city council and such approval is entered in the city
 1047 council journal of proceedings pursuant to Section 2.21 of this charter.

1048 **SECTION 6.32.**

1049 Centralized purchasing.

1050 The city council shall by ordinance prescribe procedures for a system of centralized
 1051 purchasing for the city.

1052 **SECTION 6.33.**

1053 Sale and lease of city property.

1054 (a) The city council may sell and convey, or lease any real or personal property owned or
1055 held by the city for governmental or other purposes as now or hereafter provided by law.

1056 (b) The city council may quitclaim any rights it may have in property not needed for public
1057 purposes upon report by the mayor or the city manager, as the case may be, and adoption of
1058 a resolution, both finding that the property is not needed for public or other purposes and that
1059 the interest of the city has no readily ascertainable monetary value.

1060 (c) Whenever in opening, extending, or widening any street, avenue, alley, or public place
1061 of the city, a small parcel or tract of land is cut off or separated by such work from a larger
1062 tract or boundary of land owned by the city, the city council may authorize the mayor or the
1063 city manager, as the case may be, to sell and convey said cut-off or separated parcel or tract
1064 of land to an abutting or adjoining property owner or owners where such sale and
1065 conveyance facilitates the enjoyment of the highest and best use of the abutting owner's
1066 property. Included in the sales contract shall be a provision for the rights-of-way of said
1067 street, avenue, alley, or public place. Each abutting property owner shall be notified of the
1068 availability of the property and given the opportunity to purchase said property under such
1069 terms and conditions as set out by ordinance. All deeds and conveyances heretofore and
1070 hereafter so executed and delivered shall convey all title and interest the city has in such
1071 property, notwithstanding the fact that no public sale after advertisement was or is hereafter
1072 made.

1073 **ARTICLE VII**

1074 **GENERAL PROVISIONS**

1075 **SECTION 7.10.**

1076 Bonds for officials.

1077 The officers and employees of this city, both elective and appointive, shall execute such
1078 surety or fidelity bonds in such amounts and upon such terms and conditions as the city
1079 council shall from time to time require by ordinance or as may be provided by law.

1080 **SECTION 7.11.**

1081 Construction.

1082 (a) Section captions in this charter are informative only and are not to be considered as a part
1083 thereof.

1084 (b) The word "shall" is mandatory and the word "may" is permissive.

1085 (c) The singular shall include the plural, the masculine shall include the feminine, and vice
1086 versa.

1087 **SECTION 7.12.**

1088 Qualified electors.

1089 (a) For the purposes of the referendum election provided for in Section 7.13 of this charter
1090 and for the purposes of the special election to be held in conjunction with the 2018 general
1091 primary, the qualified electors of the City of Eagles Landing shall be those qualified electors
1092 of Henry County residing within the proposed corporate limits of the City of Eagles Landing
1093 as described by Appendix B of this charter. At subsequent municipal elections, the qualified
1094 electors of the City of Eagles Landing shall be determined pursuant to the authority of
1095 Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code."

1096 (b) Only for the purpose of holding and conducting the referendum election provided for by
1097 Section 7.13 of this charter and only for the purpose of holding and conducting the special
1098 election of the City of Eagles Landing to be held in conjunction with the 2018 general
1099 primary, the election superintendent of Henry County is vested with the powers and duties
1100 of the election superintendent of the City of Eagles Landing and the powers and duties of the
1101 governing authority of the City of Eagles Landing.

1102 **SECTION 7.13.**

1103 Referendum.

1104 The election superintendent of Henry County shall call a special election for the purpose of
1105 submitting this Act to the qualified voters of the proposed City of Eagles Landing, as
1106 provided in Section 7.12 of this charter, for approval or rejection. The superintendent shall
1107 set the date of such election for the Tuesday next following the first Monday in November,
1108 2017. The superintendent shall issue the call for such election at least 30 days prior to the
1109 date thereof. The superintendent shall cause the date and purpose of the election to be
1110 published once a week for two weeks immediately preceding the date thereof in the official
1111 organ of Henry County. The ballot shall have written or printed thereon the words:

1112 "() YES Shall the Act incorporating the City of Eagles Landing in Henry County be
1113 () NO approved?"

1114 All persons desiring to vote for approval of the Act shall vote "Yes," and those persons
1115 desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes
1116 cast on such question are for approval of the Act, it shall become of full force and effect;

1117 otherwise, it shall thereafter be void and of no force and effect. The expense of the special
 1118 election set forth in this section shall be borne by Henry County. It shall be the duty of the
 1119 superintendent to hold and conduct such election. It shall be his or her further duty to certify
 1120 the result thereof to the Secretary of State.

1121 **SECTION 7.14.**

1122 Effective dates.

1123 (a) Those provisions of this charter necessary for the special election provided for in
 1124 Section 7.13 of this charter shall become effective immediately upon this Act's approval by
 1125 the Governor or upon its becoming law without such approval.

1126 (b) Those provisions of this Act necessary for the special election to be held on the Tuesday
 1127 of the twenty-fourth week prior to the 2018 November general election in conjunction with
 1128 the general primary shall be effective upon the certification of the results of the referendum
 1129 election provided for by Section 7.13 of this charter, if this Act is approved at such
 1130 referendum election.

1131 (c) The remaining provisions of this Act shall become of full force and effect for all
 1132 purposes on July 1, 2018, except that the initial mayor and councilmembers shall take office
 1133 immediately following their election and by action of a quorum may prior to July 1, 2018,
 1134 meet and take actions binding on the city.

1135 **SECTION 7.15.**

1136 Transition.

1137 (a) A period of time will be needed for an orderly transition of various government functions
 1138 from Henry County to the City of Eagles Landing. Accordingly, there shall be a transition
 1139 period beginning on July 1, 2018, and ending at midnight on the last day of the twenty-fourth
 1140 month following such date. During such transition period, all provisions of this charter shall
 1141 be effective as law, but not all provisions of this charter shall be implemented.

1142 (b) During such transition period, Henry County shall provide within the territorial limits
 1143 of the City of Eagles Landing all government services and functions which Henry County
 1144 provided in such area which is now within the corporate limits of the City of Eagles Landing
 1145 during 2017 and at the same actual cost, except to the extent otherwise provided in this
 1146 section; provided, however, that upon at least 30 days' prior written notice to Henry County
 1147 by the City of Eagles Landing, responsibility for any such service or function shall be
 1148 transferred to the City of Eagles Landing. Beginning on July 1, 2018, the City of Eagles
 1149 Landing shall collect taxes, fees, assessments, fines and forfeitures, and other moneys within

1150 the territorial limits of the City of Eagles Landing; provided, however, that upon at least 30
 1151 days' prior written notice to Henry County by the City of Eagles Landing, the authority to
 1152 collect any tax, fee, assessment, fine or forfeiture, or other moneys shall remain with Henry
 1153 County after July 1, 2018, until such time as Henry County receives subsequent notice from
 1154 the City of Eagles Landing that such authority shall be transferred to the City of Eagles
 1155 Landing.

1156 (c) During the transition period, the governing authority of the City of Eagles Landing:

1157 (1) Shall hold regular meetings and may hold special meetings as provided in this
 1158 charter;

1159 (2) May enact ordinances and resolutions as provided in this charter;

1160 (3) May amend this charter by home rule action as provided by general law;

1161 (4) May accept gifts and grants;

1162 (5) May borrow money and incur indebtedness to the extent authorized by this charter
 1163 and general law;

1164 (6) May levy and collect an ad valorem tax for calendar years 2019 and 2020;

1165 (7) May establish a fiscal year and budget;

1166 (8) May create, alter, or abolish departments, boards, offices, commissions, and agencies
 1167 of the city; appoint and remove officers and employees; and exercise all necessary or
 1168 appropriate personnel and management functions; and

1169 (9) May generally exercise any power granted by this charter or general law, except to
 1170 the extent that a power is specifically and integrally related to the provision of a
 1171 governmental service, function, or responsibility not yet provided or carried out by the
 1172 city.

1173 (d) Except as otherwise provided in this section, during the transition period, the Municipal
 1174 Court of the City of Eagles Landing shall not exercise its jurisdiction. During the transition
 1175 period, all ordinances of Henry County shall be applicable within the territorial limits of the
 1176 City of Eagles Landing and the appropriate court or courts of Henry County shall retain
 1177 jurisdiction to enforce such ordinances. However, by appropriate agreement (and concurrent
 1178 resolutions and ordinances if needed) Henry County and the City of Eagles Landing may
 1179 during the transition period transfer all or part of such regulatory authority and the
 1180 appropriate court jurisdiction to the City of Eagles Landing. Any transfer of jurisdiction to
 1181 the City of Eagles Landing during or at the end of the transition period shall not in and of
 1182 itself abate any judicial proceeding pending in Henry County or the pending prosecution of
 1183 any violation of any ordinance of Henry County.

1184 (e) During the transition period, the governing authority of the City of Eagles Landing may
 1185 at any time, without the necessity of any agreement by Henry County, commence to exercise
 1186 its planning and zoning powers; provided, however, that the city shall give the county notice

1187 of the date on which the city will assume the exercise of such powers. Upon the governing
 1188 authority of the City of Eagles Landing commencing to exercise its planning and zoning
 1189 powers, the Municipal Court of the City of Eagles Landing shall immediately have
 1190 jurisdiction to enforce the planning and zoning ordinances of the city. The provisions of this
 1191 subsection shall control over any conflicting provisions of any other subsection of this
 1192 section.

1193 (f) During the transition period, all business licenses and permits which were previously
 1194 issued by the City of Stockbridge or Henry County shall continue to be effective for the term
 1195 for which such licenses and permits were originally issued.

1196 (g) Effective upon the termination of the transition period, subsections (b) through (f) of this
 1197 section shall cease to apply except for the last sentence of subsection (d) which shall remain
 1198 effective. Effective upon the termination of the transition period, the City of Eagles Landing
 1199 shall be a full-functioning municipal corporation and subject to all general laws of this state.

1200 (h) The City of Eagles Landing shall be a successor in interest to all intergovernmental
 1201 agreements which affect the territory contained within the corporate limits of the city which
 1202 are in existence at the time the city is the created.

1203 **SECTION 7.16.**

1204 Directory nature of dates.

1205 It is the intention of the General Assembly that this Act be construed as directory rather than
 1206 mandatory with respect to any date prescribed in this Act. If it is necessary to delay any
 1207 action called for in this Act for providential cause or any other reason, it is the intention of
 1208 the General Assembly that the action be delayed rather than abandoned. Any delay in
 1209 performing any action under this Act, whether for cause or otherwise, shall not operate to
 1210 frustrate the overall intent of this Act. Without limiting the generality of the foregoing it is
 1211 specifically provided that:

1212 (1) If it is not possible to hold the referendum election provided for in Section 7.13 of
 1213 this Act on the date specified in that section, then such referendum shall be held as soon
 1214 thereafter as is reasonably practicable; and

1215 (2) If it is not possible to hold the first municipal election provided for in this Act on the
 1216 date specified in that section, then there shall be a special election for the initial members
 1217 of the governing authority to be held as soon thereafter as is reasonably practicable, and
 1218 the commencement of the initial terms of office shall be delayed accordingly.

1219 **ARTICLE VIII**

1220 **COMMUNITY IMPROVEMENT DISTRICTS**

1221 **SECTION 8.10.**

1222 **Purpose.**

1223 The purpose of this article shall be to provide enabling legislation for the creation of one or
 1224 more community improvement districts within the City of Eagles Landing, and such district
 1225 or districts may be created for the provision of some or all of the following governmental
 1226 services and facilities as provided and authorized by Article IX, Section VII of the
 1227 Constitution of the State of Georgia and the resolution activating each district as it now exists
 1228 or hereafter amended or supplemented as provided for by law, including, but not limited to:

1229 (1) Street and road construction and maintenance, including curbs, sidewalks, street
 1230 lights, and devices and services to control the flow of traffic on streets and roads or
 1231 services in connection therewith;

1232 (2) Parks and recreational areas and facilities and services;

1233 (3) Public transportation, including, but not limited to, services intended to reduce the
 1234 volume of automobile traffic, to transport two or more persons in conveyances, to
 1235 improve air quality, and to provide bicycle and pedestrian facilities and the operation of
 1236 a traffic management association or similar entity and services;

1237 (4) Terminal and dock facilities and parking facilities and services; and

1238 (5) Such other services and facilities as may be provided for by general law or as the
 1239 Constitution of the State of Georgia may authorize or provide now or hereafter.

1240 **SECTION 8.11.**

1241 **Definitions.**

1242 As used in this article, the term:

1243 (1) "Agricultural" means the growing of crops for sale or the raising of animals for sale
 1244 or use, including the growing of field crops, fruit or nut trees, the raising of livestock or
 1245 poultry, and the operation of dairies, horse boarding facilities, and riding stables.

1246 (2) "Board" means the governing body created for the governance of a community
 1247 improvement district herein authorized.

1248 (3) "Caucus of electors" or "caucus" means the meeting of electors hereinafter provided
 1249 for at which the elected board members of the district are elected. A quorum at such
 1250 caucus shall consist of those electors present, and a majority of those present and voting
 1251 is necessary to elect board members. No proxy votes shall be cast.

1252 (4) "City council" means the city council of the City of Eagles Landing.

- 1253 (5) "City governing authority or body" means the city council and the mayor.
- 1254 (6) "District" means the geographical area designated as such by the resolution of the
1255 governing body of the City of Eagles Landing consenting to the creation of the
1256 community improvement district or districts or as thereafter modified by any subsequent
1257 resolution of the governing body or bodies within which the district is or is to be located,
1258 or a body corporate and politic being a community improvement district created and
1259 activated pursuant hereto, as the context requires or permits.
- 1260 (7) "Electors" means the owners of real property within the given district which is
1261 subject to taxes, fees, and assessments levied by the board, as they appear on the most
1262 recent ad valorem real property tax return records of Henry County, or one officer or
1263 director of a corporate elector, one trustee of a trust which is an elector, one partner of a
1264 partnership elector, or one designated representative of an elector whose designation is
1265 made in writing to the respective county tax commissioner and the city clerk of the City
1266 of Eagles Landing at least ten days prior to an election. An owner of property that is
1267 subject to taxes, fees, or assessments levied by the board shall have one vote for an
1268 election based on numerical majority. An owner of multiple parcels shall have one vote,
1269 not one vote per parcel, for an election based on numerical majority. Multiple owners of
1270 one parcel shall have one vote for an election based on numerical majority which must
1271 be cast by one of their number who is designated in writing.
- 1272 (8) "Equity electors" means electors who cast votes equal to each \$1,000.00 value of all
1273 owned real property within the given district which is then subject to taxes, fees, and
1274 assessments levied by the board. Value of real property shall be the assessed value.
- 1275 (9) "Forestry" means the planting and growing of trees for sale in a program which
1276 includes reforestation of harvested trees, regular underbrush and undesirable growth
1277 clearing, fertilizing, pruning, thinning, cruising, and marking which indicate an active tree
1278 farming operation. The term does not include the casual growing of trees on land
1279 otherwise idle or held for investment, even though some harvesting of trees may occur
1280 thereon.
- 1281 (10) "Hereby," "herein," "hereunder," and "herewith" mean under this Act.
- 1282 (11) "Mayor" means the mayor of the City of Eagles Landing.
- 1283 (12) "Project" means the acquisition, construction, installation, modification, renovation,
1284 or rehabilitation of land, interests in land, buildings, structures, facilities, or other
1285 improvements, including operation of facilities or other improvements, located or to be
1286 located within or otherwise providing service to the district and the acquisition,
1287 installation, modification, renovation, rehabilitation, or furnishing of fixtures, machinery,
1288 equipment, furniture, or other property of any nature whatsoever used on, in, or in

1289 connection with any such land, interest in land, building, structure, facility, or other
1290 improvements for the purposes set forth in Section 8.10 of this article.

1291 (13) "Property owner" or "owner of real property" means any entity or person shown as
1292 a taxpayer for one or more parcels of real estate on the most recent ad valorem tax
1293 records of Henry County within the district as certified by the Henry County Tax
1294 Commissioner.

1295 (14) "Property used nonresidentially" means property or any portion thereof used for
1296 neighborhood shopping, planned shopping centers, general commercial, transient lodging
1297 facilities, tourist services, office or institutional, office services, light industry, heavy
1298 industry, central business district, parking, or other commercial or business use or vacant
1299 land zoned or approved for any of the aforementioned uses which do not include
1300 residential.

1301 (15) "Residential" means a specific structure, work, or improvement undertaken
1302 primarily to provide either single family or multifamily dwelling accommodations for
1303 persons and families of four units or less, and for which an application for homestead
1304 exemption has been filed and accepted.

1305 (16) "Taxpayer" means an entity or person paying ad valorem taxes on real property,
1306 whether on one or more parcels of property within the district. Multiple owners of one
1307 parcel shall constitute one taxpayer and shall designate in writing one of their number to
1308 represent the whole.

1309 (17) "Value" or "assessed value" of property means the values established in the most
1310 recent ad valorem tax reassessment of such properties certified by the Henry County
1311 Board of Tax Assessors.

1312 **SECTION 8.12.**

1313 **Creation.**

1314 Pursuant to Article IX, Section VII of the Constitution of the State of Georgia, there is
1315 created one or more community improvement districts to be located in the City of Eagles
1316 Landing, Georgia, wholly within the incorporated area thereof, which shall be activated upon
1317 compliance with the conditions set forth in this section. Each district, if more than one are
1318 implemented, shall be governed as directed by this article. The conditions for such activation
1319 shall be:

1320 (1) The adoption of a resolution consenting to the creation of the community
1321 improvement district or districts by the governing authority for the City of Eagles
1322 Landing and imposing such conditions on the projects and activities which may be

1323 undertaken as will ensure their compatibility with adopted city policies and planning for
 1324 the area; and

1325 (2) The written consent to the creation of the community improvement district by:

1326 (A) A majority of the owners of real property within the given district which will be
 1327 subject to taxes, fees, and assessments levied by the board of the given district; and

1328 (B) The owners of real property within the given district which constitutes at
 1329 least 75 percent by value of all real property within the district which will be subject to
 1330 taxes, fees, and assessments levied by the board. For this purpose, value shall be
 1331 determined by the most recent approved county ad valorem tax digest.

1332 The written consent provided for in this paragraph shall be submitted to the Henry
 1333 County tax commissioner, who shall certify whether subparagraphs (A) and (B) of this
 1334 paragraph have been satisfied with respect to such proposed district. The district or
 1335 districts or respective board or boards created under this article shall not transact any
 1336 business or exercise any powers under this article until the foregoing conditions are met.

1337 A copy of such resolutions shall be filed with the Secretary of State and with the city
 1338 clerk of the City of Eagles Landing, who shall each maintain a record of the district
 1339 activated under this article. Nothing contained herein shall limit the ability of the
 1340 governing authority of the City of Eagles Landing to implement more than one
 1341 community improvement district so long as the requirements hereof and of the
 1342 Constitution of the State of Georgia are satisfied. The provisions of this article shall be
 1343 construed so as to provide for the independent application and exercise of all powers for
 1344 each district contained herein including the ability to levy taxes as outlined herein as
 1345 separately and independently authorizing and empowering such separate community
 1346 improvement districts created hereby. Nothing contained herein shall require the
 1347 governing authority of the City of Eagles Landing to create more than one community
 1348 improvement district, or to require the creation of a new district if the district boundaries
 1349 of an existing district are changed, added to, supplemented, or modified.

1350 **SECTION 8.13.**

1351 Administration, appointment, and election of board members.

1352 Each district created pursuant hereto shall be administered either by the governing authority
 1353 or by a board as prescribed under this article. In the event that a district is to be governed by
 1354 such a board, the board shall be composed of a minimum of seven board members to be
 1355 appointed and elected as hereinafter provided:

1356 (1) Two board members shall be appointed by the Mayor of the City of Eagles Landing,
 1357 and confirmed by a majority of the city council, one of whom shall be a member of the

1358 city council, to serve in Posts 6 and 7. Two board members shall be elected by the vote
1359 of electors, and three members shall be elected by the vote of equity electors. The
1360 members representing the electors and equity electors shall be elected to serve in post
1361 positions 1 through 5, respectively. Each elected board member shall receive a majority
1362 of the votes cast for the post for which he or she is a candidate. Votes for Posts 1 and 2
1363 shall be cast by electors, and votes for Posts 3, 4, and 5 shall be cast by the equity
1364 electors. The initial term of office for the members representing Posts 1 and 3 shall be
1365 one year. The initial term of office for the members representing Posts 2 and 5 shall be
1366 two years, and the initial term of office of the members representing Post 3 shall be three
1367 years. Thereafter, all terms of office shall be for four years, except the appointed board
1368 members who shall serve at the pleasure of the appointing body which appointed him or
1369 her. Elected board members shall be subject to recall in the same manner as elected.

1370 (2) The initial board members to be elected as provided in paragraph (1) of this section
1371 shall be elected in a caucus of electors which shall be held within 120 days after the
1372 adoption of the resolution by the City of Eagles Landing consenting to the creation of the
1373 district, and the obtaining of the written consents herein provided at such time and place
1374 within the district as the City of Eagles Landing shall designate after notice thereof shall
1375 have been given to said electors by publishing same in the legal organ of Henry County
1376 as hereinafter provided. Thereafter, there shall be conducted annually, not later than 120
1377 days following the last day for filing ad valorem real property tax returns in Henry
1378 County, a caucus of said electors at such time and place within the district as the board
1379 shall designate in such notice for the purpose of electing board members to those board
1380 member positions whose terms expire or are vacant. If a vacancy occurs in an elected
1381 position on the board, the board shall, within 60 days thereof, call a special election to fill
1382 the same to be held within 60 days of the call unless such vacancy occurs within 180 days
1383 of the next regularly scheduled election, in which case a special election may, but need
1384 not, be called. For any election held hereunder, notice thereof shall be given to said
1385 electors by publishing notice thereof in the legal organ of Henry County at least once
1386 each week for four weeks prior to such election.

1387 (3) Board members shall receive no compensation for their services, but shall be
1388 reimbursed for actual expenses reasonably incurred in the performance of their duties.
1389 They shall elect one of their number as chairperson and another as vice chairperson.
1390 They shall also elect a secretary and a treasurer, or a secretary/treasurer, either of whom
1391 may, but need not, be a member of the board or an elector.

1392 (4) If the boundaries of a district are subsequently changed after creation of the district
1393 to include land within the unincorporated area of the county or a municipality which was
1394 not a party to the creation of the district, or if a municipality's boundaries are changed to

1395 include land within an existing district, the governing authority of the municipality shall
 1396 acquire the right to appoint a member to the board of the district upon entering into the
 1397 cooperation agreement provided for in Section 8.17 of this article. If, by municipal
 1398 annexation or by deannexation of land from a district, the district no longer includes land
 1399 within the incorporated area of the City of Eagles Landing or within a municipality,
 1400 respectively, then the board member of the district appointed by such governing authority
 1401 in which the district is no longer located shall cease to be a board member.

1402 (5) Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," shall not apply
 1403 to the election of district board members. Should a vacancy in office of a district board
 1404 member occur, and the regular caucus of electors is more than six months in the future,
 1405 a special election shall be called to fill such vacancy, unless it is filled by appointment
 1406 as hereinabove required. The district board may adopt such bylaws not inconsistent
 1407 herewith to provide for any matter concerning such elections.

1408 **SECTION 8.14.**

1409 Taxes, fees, and assessments.

1410 (a) The board may levy taxes, fees, and assessments within the district only on real property
 1411 used nonresidentially, specifically excluding all property exempt from ad valorem taxation
 1412 under the Constitution or laws of the State of Georgia; all property used for residential,
 1413 agricultural, or forestry purposes; and all tangible personal property and intangible property.
 1414 Any tax, fee, or assessment so levied shall not exceed 2.5 percent of the aggregate assessed
 1415 value of all such real property, subject to such limitations as the governing authority for the
 1416 City of Eagles Landing may implement with the adoption of the resolution consenting to the
 1417 creation of said district. The taxes, fees, and assessments levied by the board shall be
 1418 equitably apportioned among the properties subject to such taxes, fees, and assessments
 1419 according to the need for governmental services and facilities created by the degree of
 1420 density of development of each such property. The proceeds of taxes, fees, and assessments
 1421 levied by the board shall be used only for the purpose of providing those governmental
 1422 services and facilities set forth in Section 8.10 of this article which are specially required by
 1423 the degree of density of development within the district and not for the purpose of providing
 1424 those governmental services and facilities provided to the municipality as a whole. Any tax,
 1425 fee, or assessment so levied shall be collected by the City of Eagles Landing in the same
 1426 manner as taxes, fees, and assessments are levied by the City of Eagles Landing. Delinquent
 1427 taxes shall bear the same interest and penalties as City of Eagles Landing ad valorem taxes
 1428 and may be enforced and collected in the same manner. The proceeds of taxes, fees, and
 1429 assessments so levied, less a fee to cover the costs of collection of 0.25 percent thereof, but

1430 not more than \$10,000.00 in any one calendar year, shall be transmitted as soon as they are
 1431 acquired by the City of Eagles Landing to the board, and shall be expended by the board only
 1432 for the purposes authorized hereby.

1433 (b) The board shall levy the taxes provided for in subsection (a) of this section subsequent
 1434 to the report of the assessed taxable values for the current calendar year and notify in writing
 1435 the collecting governing bodies so they may include the levy on their regular ad valorem tax
 1436 bills, if possible.

1437 (c) There shall be a segregation of all funds from the levy of taxes, fees, and assessments as
 1438 described hereunder for the district, and neither the City of Eagles Landing nor the respective
 1439 county tax commissioner shall expend for any purpose not authorized by the board of this
 1440 district any such taxes, fees, or charges assessed and collected hereunder except for such
 1441 costs as may be attributed to the billing and collection of such fees, levies, and assessments.

1442 (d) If, but for this provision, a parcel of real property is removed from a district or otherwise
 1443 would become nontaxable, it shall continue to bear the tax millage levied by the district then
 1444 extant upon such parcel for indebtedness of the district then outstanding until said
 1445 indebtedness is paid or refunded.

1446 **SECTION 8.15.**

1447 Boundaries of the district.

1448 (a) The boundaries of the district or districts shall be as designated as such by the City of
 1449 Eagles Landing as set forth in the resolution required in Section 8.12 of this article, or as may
 1450 thereafter be added as hereinafter provided.

1451 (b) The boundaries of the district or districts may be increased after the initial creation of a
 1452 district if:

1453 (1) Written consent of the owners of any real property sought to be annexed is first
 1454 obtained;

1455 (2) The board of the district adopts a resolution consenting to the annexation; and

1456 (3) A resolution is adopted which grants consent to the annexation by the governing
 1457 authority of such municipalities as may have area within the district before or after the
 1458 annexation.

1459 **SECTION 8.16.**

1460 Debt.

1461 Except as otherwise provided in this section, the district may incur debt without regard to the
 1462 requirements of Article IX, Section V of the Constitution of the State of Georgia, which debt

1463 shall be backed by the full faith and credit and taxing power of the district but shall not be
 1464 an obligation of the State of Georgia or any other unit of government of the State of Georgia
 1465 other than the district; provided, however, that the board and the district may not issue bonds
 1466 validated under or in accordance with Article 3 of Chapter 82 of Title 36 of the O.C.G.A.,
 1467 known as the "Revenue Bond Law," or in accordance with such other successor provisions
 1468 governing bond validation generally or as may be provided by law.

1469 **SECTION 8.17.**

1470 Cooperation with local governments.

1471 The services and facilities provided pursuant hereto may be provided for in a cooperation
 1472 agreement executed jointly by the board, the governing body of the City of Eagles Landing,
 1473 and any municipalities and other governmental authorities or agencies within which the
 1474 district is partially located. The provisions of this section shall in no way limit the authority
 1475 of the City of Eagles Landing or any such municipality or any such authority to provide
 1476 services or facilities within the district; and the City of Eagles Landing or such municipalities
 1477 shall retain full and complete authority and control over any of its facilities located within
 1478 its respective areas of any district. Said control shall include, but not be limited to, the
 1479 modification of, access to, and degree and type of services provided through or by facilities
 1480 of the municipality or county. Nothing contained in this section shall be construed to limit
 1481 or preempt the application of any governmental laws, ordinances, resolutions, or regulations
 1482 to the district or the services or facilities provided therein.

1483 **SECTION 8.18.**

1484 Powers.

1485 (a) The district and the board created pursuant hereto shall have all of the powers necessary
 1486 or convenient to carry out and effectuate the purposes and provisions hereof, including,
 1487 without limiting the generality of the foregoing, the power to:

- 1488 (1) Bring and defend actions;
- 1489 (2) Adopt and amend a corporate seal;
- 1490 (3) Make and execute contracts, agreements, and other instruments necessary or
 1491 convenient to exercise the powers of the board or to further the public purposes for which
 1492 the district is created including, but not limited to, contracts for construction of projects,
 1493 leases of projects, contracts for sale of projects, agreements for loans to finance projects,
 1494 contracts with respect to the use of projects, and agreements with other jurisdictions or

- 1495 community improvement districts regarding multijurisdictional projects or services or for
1496 other cooperative endeavors to further the public purposes of the district;
- 1497 (4) Acquire by purchase, lease, or otherwise and to hold, lease, and dispose of real and
1498 personal property of every kind and character, or any interest therein, in furtherance of
1499 the public purposes of the district;
- 1500 (5) Finance by loan, private grant, lease, or otherwise, construct, erect, assemble,
1501 purchase, acquire, own, repair, remodel, renovate, rehabilitate, modify, maintain, extend,
1502 improve, install, sell, equip, expand, add to, operate, or manage projects and to pay the
1503 cost of any project from the proceeds of the district or any other funds of the district, or
1504 from any contributions or loans by persons, corporations, partnerships, whether limited
1505 or general, or other entities, all of which the board is authorized to receive, accept, and
1506 use;
- 1507 (6) Borrow money to further or carry out its public purposes and to execute bonds, notes,
1508 other obligations, leases, trust indentures, trust agreements, agreements for the sale of its
1509 notes, or other obligations, loan agreements, security agreements, assignments, and such
1510 other agreements or instruments as may be necessary or desirable, in the judgment of the
1511 board, to evidence and to provide security for such borrowing;
- 1512 (7) Issue notes or other obligations of the district and use the proceeds thereof for the
1513 purpose of paying all or any part of the cost of any project and otherwise to further or
1514 carry out the public purposes of the district and to pay all reasonably incurred costs of the
1515 board incidental to, or necessary and appropriate to, furthering or carrying out such
1516 purposes; provided, however, that the board and the district may not issue bonds
1517 validated under or in accordance with Article 3 of Chapter 82 of Title 36 of the O.C.G.A.,
1518 known as the "Revenue Bond Law," or in accordance with such other successor
1519 provisions governing bond validation generally or as may be provided by law;
- 1520 (8) Make application directly or indirectly to any private source for loans, grants,
1521 guarantees, or other financial assistance in furtherance of the district's public purposes
1522 and to accept and use the same upon such terms and conditions as are prescribed by such
1523 private source; provided, however, that the district and the board shall not have the power
1524 to apply for, receive, administer, or utilize grants from federal, state, county, or municipal
1525 governments or agencies or any other public sources;
- 1526 (9) Enter into agreements with the federal government or any agency thereof to use the
1527 facilities or services of the federal government or any agency thereof in order to further
1528 or carry out the public purposes of the district;
- 1529 (10) Contract for any period, not exceeding 50 years, with the State of Georgia, state
1530 institutions, or any municipal corporation, county, or political subdivision of this state for
1531 the use by the district of any facilities or services of the state or any such state institution,

1532 municipal corporation, county, or political subdivision of this state, or for the use by any
 1533 state institution or any municipal corporation, county, or political subdivision of this state
 1534 of any facilities or services of the district, provided that such contracts shall deal with
 1535 such activities and transactions as the district and any such political subdivision with
 1536 which the district contracts are authorized by law to undertake;

1537 (11) Grant, mortgage, convey, assign, or pledge its property, revenues or taxes, or fees
 1538 or assessments to be received as security for its notes, or other indebtedness and
 1539 obligations;

1540 (12) Receive and use the proceeds of any tax levied by any county or any municipal
 1541 corporation to pay the costs of any project or for any other purpose for which the board
 1542 may use its own funds pursuant hereto;

1543 (13) Receive and administer gifts, private grants, and devises of money and property of
 1544 any kind and to administer trusts;

1545 (14) Use any real property, personal property, or fixtures or any interest therein or to rent
 1546 or lease such property to or from others or make contracts with respect to the use thereof
 1547 or to sell, lease, exchange, transfer, assign, pledge, or otherwise dispose of or grant
 1548 options for any such property in any manner as it deems to be the best advantage of the
 1549 district and the public purposes thereof;

1550 (15) Appoint, select, and employ engineers, surveyors, architects, urban or city planners,
 1551 fiscal agents, attorneys, and others and to fix their compensation and pay their expenses;

1552 (16) Encourage and promote the improvement and development of the district and to
 1553 make, contract for, or otherwise cause to be made long range plans or proposals for the
 1554 district in cooperation with the City of Eagles Landing and any municipal corporations
 1555 in which the district is wholly or partially located;

1556 (17) Invest its funds, whether derived from the issuance of its bonds or otherwise, in such
 1557 manner as it may deem prudent and appropriate, without further restriction;

1558 (18) Adopt bylaws governing the conduct of business by the board, the election and
 1559 duties of officers of the board, and other matters which the board determines to deal
 1560 within its bylaws;

1561 (19) Exercise any power granted by the laws of this state to public or private
 1562 corporations which is not in conflict with the public purposes of the district; and

1563 (20) Do all things necessary or convenient to carry out the powers conferred hereby.

1564 (b) The powers enumerated in subsection (a) of this section are cumulative of and in addition
 1565 to those powers enumerated herein and elsewhere in this article, and no such power limits
 1566 or restricts any other power of the board except where expressly noted.

1567 **SECTION 8.19.**

1568 Construction; notice, proceeding, publication, referendum.

1569 This article shall be liberally construed to effect the purposes hereof. No notice, proceeding,
1570 or publication except those required hereby shall be necessary to the performance of any act
1571 authorized hereby, nor shall any such act be subject to referendum.

1572 **SECTION 8.20.**

1573 Applicability of Chapter 5 of Title 10 of the O.C.G.A.,
1574 the "Georgia Securities Act of 1973."

1575 The offer, sale, or issuance of notes or other obligations by the district shall not be subject
1576 to regulation under Chapter 5 of Title 10 of the O.C.G.A., the "Georgia Securities Act of
1577 1973."

1578 **SECTION 8.21.**

1579 Dissolution.

1580 (a) A district activated under the provisions of this article may be dissolved upon the
1581 occurrence of any of the following:

1582 (1) The adoption of a resolution approving of the dissolution of the community
1583 improvement district by the City of Eagles Landing and such other municipalities, as
1584 applicable, if partially within one or more municipalities; or

1585 (2) The written consent to the dissolution of the community improvement district by:

1586 (A) A majority of the owners of real property within the district subject to taxes, fees,
1587 and assessments levied by the board of the district; or

1588 (B) The owners of real property constituting at least 75 percent by value of all real
1589 property within the district subject to taxes, fees, and assessments levied by the board.

1590 For this purpose, value shall be determined by the most recent approved county ad
1591 valorem tax digest.

1592 The written consent provided for in this paragraph shall be submitted to the Henry
1593 County tax commissioner, who shall certify whether subparagraphs (A) and (B) of this
1594 paragraph have been satisfied with respect to the proposed district dissolution.

1595 (b) In the event that successful action is taken pursuant to this section to dissolve the district,
1596 the dissolution shall become effective at such time as all debt obligations of the district have
1597 been satisfied. Following a successful dissolution action and until the dissolution becomes

1598 effective, no new projects may be undertaken, obligations or debts incurred, or property
1599 acquired.

1600 (c) Upon a successful dissolution action, all noncash assets of the district other than public
1601 facilities or land or easements to be used for such public facilities, as described in
1602 Section 8.10 of this article, shall be reduced to cash and, along with all other cash on hand,
1603 shall be applied to the repayment of any debt obligation of the district. Any cash remaining
1604 after all outstanding obligations are satisfied shall be refunded to each property owner in
1605 direct proportion to the total amount in taxes, fees, or assessments paid by the property owner
1606 relative to the total revenues paid by all properties in the district.

1607 (d) When a dissolution becomes effective, the municipal governing authority shall take title
1608 to all property previously in the ownership of the district and all taxes, fees, and assessments
1609 of the district shall cease to be levied and collected.

1610 (e) A district may be reactivated in the same manner as an original activation.

1611

APPENDIX A

1612

Corporate Boundaries of the City of Eagles Landing

1613 The City of Eagles Landing shall include all the territory embraced within the following
1614 census blocks based upon the 2010 United States decennial census:

1615 Plan: eagleslanding-city-2017

1616 Plan Type: Local

1617 Administrator: S017

1618 User: Gina

1619 District EAGLESLAND

1620 Henry County

1621 VTD: 15133 - SPIVEY COMMUNITY

1622 070104:

1623 1001 1055 1056

1624 VTD: 15138 - HICKORY FLAT

1625 070205:

1626 1002 3002 3021 3026 3028 3030 3031 3033 3035 3036 3037 3038

1627 3039 3040 3041 3042 3043 3044 3045 3046 3047 3051 3052

1628 070309:

1629 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023 1024 1025

1630 1026 1027 1028 1032 1033 1034 1035 1036 2037 2038 2039 2040

1631 2041 2042 2043 2044 2045 2046 2047 2048 2049 2055
 1632 VTD: 15139 - STOCKBRIDGE EAST
 1633 070114:
 1634 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011
 1635 1022 1024 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034
 1636 1035 1036 1037 1038 1044 1048 1049 1050 1053 1054 1055 1056
 1637 1057 1058 1062 1067 2027 2028 2031 2032
 1638 070309:
 1639 1000
 1640 VTD: 15140 - STOCKBRIDGE WEST
 1641 070114:
 1642 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1023 1051
 1643 1063
 1644 VTD: 15142 - COTTON INDIAN
 1645 070205:
 1646 3012
 1647 VTD: 15150 - PATES CREEK
 1648 070104:
 1649 1037 1038 1039 1040 1041 1042 1043 1046 1047 1048 1049 1050
 1650 1051 1052 1053 1054 1058 1059 1060 1061 1062 1063 1064 1065
 1651 1066 1067 1068 1069 1070 1071 1072 1073 1074 1075 2000 2001
 1652 2002 2003 2004 2005 2006 2007 2008 2009 2010
 1653 070305:
 1654 3000 3001 3002 3003 3004 3005 3006
 1655 VTD: 15153 - FLIPPEN
 1656 VTD: 15157 - DUTCHTOWN
 1657 070305:
 1658 3007 3008 3009 3010 3011 3012 3015 3019 3020
 1659 VTD: 15160 - LAKE HAVEN
 1660 070309:
 1661 1029
 1662 070310:
 1663 2001

1664 For the purposes of this description, the term "VTD" shall mean and describe the same
 1665 geographical boundaries as provided in the report of the Bureau of the Census for the United
 1666 States decennial census of 2010 for the State of Georgia. The separate numeric designations

1667 in the description which are underneath a VTD heading shall mean and describe individual
 1668 blocks within a VTD as provided in the report of the Bureau of the Census for the United
 1669 States decennial census of 2010 for the State of Georgia.

1670 APPENDIX B

1671 City Council Districts

1672 Plan: eagleslanding-dist-2017

1673 Plan Type: Local

1674 Administrator: S017

1675 User: Gina

1676

1677 District 001

1678 Henry County

1679 VTD: 15133 - SPIVEY COMMUNITY

1680 070104:

1681 1001

1682 VTD: 15150 - PATES CREEK

1683 070104:

1684 1037 1038 1039 1040 1041 1042 1043 1046 1047 1048 1049 1050

1685 1051 1052 1065 1066 1067 1068 1069 1070 1071 1074 1075 2000

1686 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010

1687 070305:

1688 3000 3001 3002 3003 3004 3005 3006

1689 VTD: 15153 - FLIPPEN

1690 070114:

1691 1045 1046 1047 1059 1060 1061 1064 1065 1066

1692 070309:

1693 2011 2012 2013 2014 2015 2016 2017 2018 2019 2020 2021 2022

1694 2023 2024 2026 2050 2053 2054

1695 VTD: 15157 - DUTCHTOWN

1696 070305:

1697 3007 3008 3009 3010 3011 3012 3015 3019 3020

1698 District 002

1699 Henry County

1700 VTD: 15133 - SPIVEY COMMUNITY

1701 070104:
 1702 1055 1056
 1703 VTD: 15139 - STOCKBRIDGE EAST
 1704 070114:
 1705 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011
 1706 1022 1024 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034
 1707 1035 1036 1037 1038 1044 1048 1049 1050 1053 1054 1055 1056
 1708 1057 1058 1062 1067 2027 2028 2031 2032
 1709 070309:
 1710 1000
 1711 VTD: 15140 - STOCKBRIDGE WEST
 1712 070114:
 1713 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1023 1051
 1714 1063
 1715 VTD: 15142 - COTTON INDIAN
 1716 070205:
 1717 3012
 1718 VTD: 15150 - PATES CREEK
 1719 070104:
 1720 1053 1054 1058 1059 1060 1061 1062 1063 1064 1072 1073
 1721 VTD: 15153 - FLIPPEN
 1722 070205:
 1723 3013

 1724 District 003
 1725 Henry County
 1726 VTD: 15138 - HICKORY FLAT
 1727 070309:
 1728 2046 2047 2048
 1729 VTD: 15153 - FLIPPEN
 1730 070114:
 1731 1039 1040 1041 1042 1043 1052 2029 2030
 1732 070205:
 1733 3009 3010 3011 3014 3015
 1734 070309:
 1735 1001 1002 1003 1004 1005 1006 1037 2000 2001 2002 2003 2004
 1736 2005 2006 2007 2008 2009 2010 2025 2027 2028 2029 2030 2031

1737 2032 2033 2034 2035 2036 2051 2052

1738 District 004

1739 Henry County

1740 VTD: 15138 - HICKORY FLAT

1741 070205:

1742 1002 3002 3021 3026 3028 3030 3031 3033 3035 3036 3037 3038

1743 3039 3040 3041 3042 3043 3044 3045 3046 3047 3051 3052

1744 070309:

1745 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023 1024 1025

1746 1026 1027 1028 1032 1033 1034 1035 1036 2037 2038 2039 2040

1747 2041 2042 2043 2044 2045 2049 2055

1748 VTD: 15153 - FLIPPEN

1749 070309:

1750 1007 1008 1009 1010 1011 1012 1013

1751 VTD: 15160 - LAKE HAVEN

1752 070309:

1753 1029

1754 070310:

1755 2001

1756 For the purposes of this plan (eagleslanding-dist-2017):

1757 (1) The term "VTD" shall mean and describe the same geographical boundaries as
 1758 provided in the report of the Bureau of the Census for the United States decennial census
 1759 of 2010 for the State of Georgia. The separate numeric designations in a district
 1760 description which are underneath a VTD heading shall mean and describe individual
 1761 blocks within a VTD as provided in the report of the Bureau of the Census for the United
 1762 States decennial census of 2010 for the State of Georgia;

1763 (2) Except as otherwise provided in the description of any district, whenever the
 1764 description of any district refers to a named city, it shall mean the geographical
 1765 boundaries of that city as shown on the census maps for the United States decennial
 1766 census of 2010 for the State of Georgia;

1767 (3) Any part of the City of Eagles Landing which is not included in any district described
 1768 in this plan (eagleslanding-dist-2017) shall be included within that district contiguous to
 1769 such part which contains the least population according to the United States decennial
 1770 census of 2010 for the State of Georgia; and

1771 (4) Any part of the City of Eagles Landing which is described in this plan
 1772 (eagleslanding-dist-2017) as being included in a particular district shall nevertheless not
 1773 be included within such district if such part is not contiguous to such district. Such
 1774 noncontiguous part shall instead be included within that district contiguous to such part
 1775 which contains the least population according to the United States decennial census of
 1776 2010 for the State of Georgia.

1777 APPENDIX C

1778 CERTIFICATE AS TO MINIMUM STANDARDS

1779 FOR INCORPORATION OF A NEW MUNICIPAL CORPORATION

1780 I, Senator Rick Jeffares, Georgia State Senator from the 17th District and the author of this
 1781 bill introduced at the 2017 session of the General Assembly of Georgia, which grants an
 1782 original municipal charter to the City of Eagles Landing, do hereby certify that this bill is in
 1783 compliance with the minimum standards required by Chapter 31 of Title 36 of the O.C.G.A.
 1784 in that the area embraced within the original incorporation in this bill is in all respects in
 1785 compliance with the minimum standards required by Chapter 31 of Title 36 of the O.C.G.A.
 1786 This certificate is executed to conform to the requirements of Code Section 36-31-5 of the
 1787 O.C.G.A.

1788 So certified, this _____ day of _____, 2017.

1789

Honorable Rick Jeffares

1790

Senator, 17th District

1791

Georgia State Senate

1792