

House Bill 575

By: ~~Representative Barr of the 103rd~~

A BILL TO BE ENTITLED
AN ACT

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

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

22 ARTICLE I

23 CREATION, INCORPORATION, POWERS

24 SECTION 1.01.

25 Incorporation.

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

33 SECTION 1.02.

34 Corporate boundaries.

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

40 SECTION 1.03.

41 Powers and construction.

- 42 (a) Subject to subsection (b) of this section, the city shall have the following powers:
- 43 (1) Animal regulations. To regulate and license or to prohibit the keeping or running at
 44 large of animals and fowl, and to provide for the impoundment of same if in violation of
 45 any ordinance or lawful order; to provide for the disposition by sale, gift, or humane
 46 destruction of animals and fowl when not redeemed as provided by ordinance; and to
 47 provide punishment for violation of ordinances enacted hereunder;
- 48 (2) Appropriations and expenditures. To make appropriations for the support of the
 49 government of the city; to authorize the expenditure of money for any purposes
 50 authorized by this charter and for any purpose for which a municipality is authorized by
 51 the laws of the State of Georgia; and to provide for the payment of expenses of the city;
- 52 (3) Building regulation. To regulate and to license the erection and construction of
 53 buildings and all other structures; to adopt building, housing, plumbing, electrical, gas,

54 and heating and air conditioning codes; and to regulate all housing and building trades
55 to the extent permitted by general law;

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

62 (5) Condemnation:

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

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

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

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

85 (8) Environmental protection. To protect and preserve the natural resources,
86 environment, and vital areas of the city, the region, and the state through the enactment
87 of ordinances that preserve and improve air quality, restore and maintain water resources,
88 control erosion and sedimentation, manage storm water and establish a storm-water
89 utility, manage solid and hazardous waste, and provide other necessary or beneficial
90 actions for the protection of the environment. These ordinances shall include, without

91 limitation, ordinances that protect, maintain, and enhance public health, safety, the
92 environment, and general welfare and minimize public and private losses due to flood
93 conditions in flood hazard areas, as well as protect the beneficial uses of flood plain areas
94 for water quality protection, stream bank and stream corridor protection, wetlands
95 preservation, and ecological and environmental protection. Such ordinances may require
96 that users vulnerable to floods, including facilities which serve such uses, be protected
97 against flood damage at the time of initial construction; restrict or prohibit uses which are
98 dangerous to health, safety, and property due to flooding or erosion hazards, or which
99 increase flood heights, velocities, or erosion; control filling, grading, dredging, and other
100 development which may increase flood damage or erosion; prevent or regulate the
101 construction of flood barriers which will unnaturally divert flood waters or which may
102 increase flood hazards to other lands; limit the alteration of natural flood plains, stream
103 channels, and natural protective barriers which are involved in the accommodation of
104 flood waters; and protect the storm-water management, water quality, stream bank
105 protection, stream corridor protection, wetland preservation, and ecological functions of
106 natural flood plain areas;

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

111 (10) Fire regulations. To fix and establish fire limits and from time to time to extend,
112 enlarge, or restrict the same; to prescribe fire safety regulations not inconsistent with
113 general law, relating to both fire prevention and detection and to firefighting; and to
114 prescribe penalties and punishment for violations thereof;

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

121 (12) General health, safety, and welfare. To define, regulate, and prohibit any act,
122 practice, conduct, or use of property which is detrimental to health, sanitation,
123 cleanliness, welfare, and safety of the inhabitants of the city, and to provide for the
124 enforcement of such standards;

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

- 128 (14) Health and sanitation. To prescribe standards of health and sanitation and to
129 provide for the enforcement of such standards;
- 130 (15) Homestead exemption. To establish and maintain procedures for offering
131 homestead exemptions to residents of the city and maintaining current homestead
132 exemptions of residents of the city as authorized by Act of the General Assembly;
- 133 (16) Jail sentences. To provide that persons given jail sentences in the city's court may
134 work out such sentences in any public works or on the streets, roads, drains, and other
135 public property in the city; to provide for commitment of such persons to any jail; to
136 provide for the use of pretrial diversion and any alternative sentencing allowed by law;
137 or to provide for commitment of such persons to any county work camp or county jail by
138 agreement with the appropriate county officials;
- 139 (17) Motor vehicles. To regulate the operation of motor vehicles and exercise control
140 over all traffic, including parking upon or across the streets, roads, alleys, and walkways
141 of the city;
- 142 (18) Municipal agencies and delegation of power. To create, alter, or abolish
143 departments, boards, offices not specified in this charter, commissions, authorities, and
144 agencies of the city; and to confer upon such agencies the necessary and appropriate
145 authority for carrying out all the powers conferred upon or delegated to the same;
- 146 (19) Municipal courts. To create a municipal court with a judge or judge and associate
147 judges as may be necessary and to authorize the creation of a municipal court clerk's
148 office or make said clerk's duties a part of the duties of the city clerk as designated by the
149 city council.
- 150 (20) Municipal debts. To appropriate and borrow money for the payment of debts of the
151 city and to issue bonds for the purpose of raising revenue to carry out any project,
152 program, or venture authorized by this charter or the laws of the State of Georgia;
- 153 (21) Municipal property ownership. To acquire, dispose of, lease, and hold in trust or
154 otherwise any real, personal, or mixed property, in fee simple or lesser interest, inside or
155 outside the property limits of the city;
- 156 (22) Municipal property protection. To provide for the preservation and protection of
157 property and equipment of the city and the administration and use of same by the public
158 and to prescribe penalties and punishment for violations thereof;
- 159 (23) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose
160 of public utilities, including, but not limited to, a system of waterworks, sewers and
161 drains, sewage disposal, storm-water management, gasworks, electricity generating
162 plants, cable television and other telecommunications, transportation facilities, public
163 airports, and any other public utility; to fix the taxes, charges, rates, fares, fees,

164 assessments, regulations, and penalties; and to provide for the withdrawal of service for
165 refusal or failure to pay the same;

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

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

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

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

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

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

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

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

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

196 (33) Regulation of roadside areas. To prohibit or regulate and control the erection,
197 removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any
198 and all other structures or obstructions upon or adjacent to the rights of way of streets and
199 roads or within view thereof, within or abutting the corporate limits of the city; and to
200 prescribe penalties and punishment for violation of such ordinances;

- 201 (34) Retirement and employee benefits. To provide and maintain a retirement plan,
202 insurance, and such other employee benefits for appointed officers and employees of the
203 city as are determined by the city council;
- 204 (35) Roadways. To lay out, open, extend, widen, narrow, establish or change the grade
205 of, abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise
206 improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and
207 walkways within the corporate limits of the city; to grant franchises and rights of way
208 throughout the streets and roads and over the bridges and viaducts for the use of public
209 utilities; and to require real estate owners to repair and maintain in a safe condition the
210 sidewalks adjoining their lots or lands and to impose penalties for failure to do so;
- 211 (36) Solid waste disposal. To provide for the collection and disposal of garbage, rubbish,
212 and refuse and to regulate the collection and disposal of garbage, rubbish, and refuse by
213 others; and to provide for the separate collection of glass, tin, aluminum, cardboard,
214 paper, and other recyclable materials and to provide for the sale of such items;
- 215 (37) Special assessments. To levy and provide for the collection of special assessments
216 to cover the costs for any public improvements, subject to referendum;
- 217 (38) Taxes; ad valorem. To levy and provide for the assessment, valuation, revaluation,
218 and collection of taxes on all property subject to taxation. For all years, the fair market
219 value of all property subject to taxation shall be determined according to the tax digest
220 of DeKalb County, as provided in Code Section 48-5-352 of the O.C.G.A.;
- 221 (39) Taxes: other. To levy and collect such other taxes and fees as may be allowed now
222 or in the future by law;
- 223 (40) Taxicabs. To regulate and license vehicles operated for hire in the city; to limit the
224 number of such vehicles; to require the operators thereof to be licensed; to require public
225 liability insurance on such vehicles in the amounts to be prescribed by ordinance; to
226 inspect said vehicles and mandate standards of safety and cleanliness; and to regulate the
227 parking of such vehicles;
- 228 (41) Tourism, conventions, and trade shows. To provide for the structure, operation, or
229 management of the Vista Grove Convention and Visitors Bureau created pursuant to
230 Section 1.05 of this charter and to authorize the City of Vista Grove to contract with
231 private sector nonprofit organizations or other governmental agencies to promote tourism,
232 conventions, and trade shows;
- 233 (42) Urban redevelopment. To organize and operate an urban redevelopment program;
234 and
- 235 (43) Other powers. To exercise and enjoy all other powers, functions, rights, privileges,
236 and immunities necessary or desirable to promote or protect the safety, health, peace,
237 security, good order, comfort, convenience, or general welfare of the city and its

238 inhabitants; to exercise all implied powers necessary or desirable to carry into execution
 239 all powers granted in this charter as fully and completely as if such powers were fully
 240 stated herein; and to exercise all powers now or in the future authorized to be exercised
 241 by other municipal governments under other laws of the State of Georgia; and any listing
 242 of particular powers in this charter shall not be held to be exclusive of others or restrictive
 243 of general words and phrases granting powers, but shall be held to be in addition to such
 244 powers unless expressly prohibited to municipalities under the Constitution or applicable
 245 laws of the State of Georgia.

246 (b) Except as provided in subsection (c) of this section, the city shall exercise the powers
 247 enumerated in subsection (a) of this section only for the purposes of (1) planning and zoning,
 248 including code adoption and enforcement, (2) roadways and storm-water systems
 249 improvement and maintenance, (3) police protection, and (4) parks and recreation services,
 250 as well as those items directly related to the provision of such services and for the general
 251 administration of the city in providing such services.

252 (c) In the event that the city desires to provide services in addition to those services
 253 enumerated in subsection (b) of this section, the city council shall pass a resolution
 254 specifically stating the services sought to be offered by the city and shall submit such
 255 resolution for ratification by the electors of the city in a referendum. If the electors of the
 256 city vote in favor of ratifying such resolution, then the city shall be authorized to exercise the
 257 powers enumerated in subsection (a) of this section for the purposes of providing such
 258 services stated in such resolution, as well as those items directly related to the provision of
 259 such services and for the general administration of the city in providing such services. If the
 260 electors of the city disapprove such resolution, such resolution shall immediately be null and
 261 void and of no force and effect.

262 **SECTION 1.04.**

263 Exercise of powers.

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

268

SECTION 1.05.

269

Tourism, conventions, and trade shows.

270 The Vista Grove Convention and Visitors Bureau is hereby authorized to be created by an
 271 ordinance of the city council. When created, the bureau shall consist of a board of seven
 272 members appointed by the city council. The bureau shall report to the city manager on a
 273 regular basis and shall send an annual report to the city council in January of each year.

274

ARTICLE II

275

GOVERNMENT STRUCTURE, ELECTIONS,

276

AND LEGISLATIVE BRANCH

277

SECTION 2.01.

278

City council creation; number; election.

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

283 (b)(1) The city council of Vista Grove, Georgia, shall consist of six members, plus the
 284 mayor.

285 (2)(A) For the purposes of electing members of the city council, the City of Vista
 286 Grove shall be divided into six council districts, designated Council Districts 1
 287 through 6. Such six districts shall be and correspond to those six numbered districts
 288 described in Appendix "B" of this charter, which is attached to and made a part of this
 289 charter of the City of Vista Grove and further identified as "Plan:
 290 VistaGrove-p1-dist-2019 Plan Type: Local Administrator: S021 User: bak."

291 (B)(i) For the purposes of such plan:

292 (I) The term 'VTD' shall mean and describe the same geographical boundaries as
 293 provided in the report of the Bureau of the Census for the United States decennial
 294 census of 2010 for the State of Georgia. The separate numeric designations in a
 295 district description which are underneath a VTD heading shall mean and describe
 296 individual blocks within a VTD as provided in the report of the Bureau of the
 297 Census for the United States decennial census of 2010 for the State of Georgia; and

298 (II) Except as otherwise provided in the description of any district, whenever the
 299 description of any district refers to a named city, it shall mean the geographical
 300 boundaries of that city as shown on the census maps for the United States decennial
 301 census of 2010 for the State of Georgia.

302 (ii) Any part of the City of Vista Grove which is not included in any district described
303 in subparagraph (A) of this paragraph shall be included within that district contiguous
304 to such part which contains the least population according to the United States
305 decennial census of 2010 for the State of Georgia.

306 (iii) Any part of the City of Vista Grove which is described in subparagraph (A) of
307 this paragraph as being included in a particular district shall nevertheless not be
308 included within such district if such part is not contiguous to such district. Such
309 noncontiguous part shall instead be included within that district contiguous to such
310 part which contains the least population according to the United States decennial
311 census of 2010 for the State of Georgia.

312 (iv) Any part of the City of Vista Grove which is described in subparagraph (A) of
313 this paragraph as being included in a particular district which, on the effective date
314 of this Act is within the corporate boundaries of another municipality, shall not be
315 included within such district.

316 (v) Any part of the City of Vista Grove which is described in subparagraph (A) of
317 this paragraph as being included in a particular district which is not within the
318 corporate boundaries of the City of Vista Grove shall not be included within such
319 district.

320 (C) Following each decennial census, the city council shall revise such districts
321 pursuant to Code Section 36-35-4.1 of the O.C.G.A. to maintain a proper population
322 balance among such districts.

323 (3) One councilmember shall be elected from each of the six council districts and shall
324 hold Council District 1, Council District 2, Council District 3, Council District 4, Council
325 District 5, and Council District 6, respectively. Each person desiring to offer as a
326 candidate for councilmember shall designate the council district for which he or she is
327 offering. Councilmembers shall be elected by a majority vote of the qualified electors
328 of the respective council districts voting at the elections of the city. In the event that no
329 candidate for a council district obtains a majority vote of the qualified electors of the
330 council district voting in the election, then a run-off election shall be held. The
331 candidates receiving the two highest numbers of votes in the election for such council
332 district shall be included in the run-off election. The person receiving the highest number
333 of votes of the qualified electors of the council district voting at such run-off election
334 shall be elected. Each candidate for election to the city council shall reside in the district
335 he or she seeks to represent.

336 (c) With the exception of the initial terms set forth in subsection (d) of this section,
337 councilmembers shall be elected to terms of four years and until their successors are elected

338 and qualified on a staggered basis in alternate election cycles such that every two years three
339 councilmembers are up for election.

340 (d) In order to assure staggered elections of the councilmembers, in the first election of the
341 city council, the terms for the candidates elected for Council Districts 2, 4, and 6 shall expire
342 upon the administration of the oath of office to their successors elected in the regular
343 elections held in November, 2022, as provided in subsection (b) of Section 2.02 of this
344 charter. The terms for the candidates elected for Council Districts 1, 3, and 5 shall expire
345 upon the administration of the oath of office to their successors elected in the regular
346 elections held in November, 2024, as provided in subsection (b) of Section 2.02 of this
347 charter. Thereafter, a successor to each councilmember shall be elected at the November
348 election immediately preceding the end of such councilmember's term of office and the term
349 of each councilmember shall expire upon the administration of the oath of office to his or her
350 successor.

351 (e) With the exception of the initial term of office, the mayor of the City of Vista Grove,
352 with the powers and duties specified herein, shall be elected to a term of four years and until
353 his or her successor is elected and qualified. The mayor shall be elected by a majority vote
354 of the qualified electors of the city at large voting at the elections of the city. In the event
355 that no candidate for mayor obtains a majority vote of the qualified electors of the city at
356 large voting at the elections of the city, then a run-off election shall be held. The candidates
357 receiving the two highest numbers of votes in the election shall be included in the run-off
358 election and the candidate receiving the highest number of votes in the runoff of the qualified
359 electors of the city at large voting at such runoff shall be elected. The term of the first
360 elected mayor shall expire upon the administration of the oath of office to his or her
361 successor elected in the regular election held in November, 2022, as provided in
362 subsection (b) of Section 2.02 of this charter. Thereafter, a successor to each mayor shall be
363 elected at the November election immediately preceding the end of such mayor's term of
364 office and the term of each mayor shall expire upon the administration of the oath of office
365 to his or her successor.

366 **SECTION 2.02.**

367 Mayor and councilmembers; terms and qualifications for office.

368 (a) For all elections subsequent to the first election, the mayor and councilmembers shall
369 serve for terms of four years and until their terms shall expire upon the administration of the
370 oath of office to their successors. No person shall be eligible to serve as mayor or
371 councilmember unless that person shall have been a resident of the area encompassing the
372 City of Vista Grove a continuous period of at least 12 months immediately prior to the date

373 of the election for mayor or councilmember, shall continue to reside therein during that
 374 person's period of service, and shall continue to be registered and qualified to vote in
 375 municipal elections of the City of Vista Grove. In addition to the above requirements, no
 376 person shall be eligible to serve as a councilmember representing a council district unless that
 377 person continues to reside in such district during his or her period of service.

378 (b) An election shall be held on the date of and in conjunction with the 2020 presidential
 379 preference primary to elect the first mayor and city council. At such election, the first mayor
 380 and council shall be elected to serve for the initial terms of office specified in subsections (d)
 381 and (e) of Section 2.01 of this charter. Thereafter, the time for holding regular municipal
 382 elections shall be on the Tuesday next following the first Monday in November of each
 383 even-numbered year beginning in 2022.

384 (c) The number of consecutive terms an individual may hold a position as a councilmember
 385 shall be three terms.

386 (d) The number of consecutive terms an individual may hold the position of mayor shall be
 387 limited to two terms.

388 (e) No person who has been convicted of a felony or a crime of moral turpitude shall be
 389 eligible for election or to serve as mayor or councilmember of the City of Vista Grove.

390 **SECTION 2.03.**

391 Vacancy; filling of vacancies; suspensions.

392 (a) Elected officials of the city cannot hold other elective or public offices. The elective
 393 offices of the city's government shall become vacant upon the member's death, resignation,
 394 forfeiture of office, or removal from office. The following shall result in an elected city
 395 official forfeiting his or her office:

396 (1) Violating the provisions of this charter;

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

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

401 (b) The office of mayor shall become vacant upon the incumbent's death, resignation,
 402 forfeiture of office, or removal from office in any manner authorized by this charter or the
 403 general laws of the State of Georgia. A vacancy in the office of mayor shall be filled for the
 404 remainder of the unexpired term by a special election if such vacancy occurs 12 months or
 405 more prior to the expiration of the term of that office. If such vacancy occurs within 12
 406 months of the expiration of the term of that office, the city council or those members

407 remaining shall appoint a successor for the remainder of the term. This provision shall also
408 apply to a temporary vacancy created by the suspension from office of the mayor.

409 (c) The office of a councilmember shall become vacant upon the incumbent's death,
410 resignation, forfeiture of office, or removal from office in any manner authorized by this
411 charter or the general laws of the State of Georgia. A vacancy in the office of a
412 councilmember shall be filled for the remainder of the unexpired term by a special election
413 if such vacancy occurs 12 months or more prior to the expiration of the term of that office.
414 If such vacancy occurs within 12 months of the expiration of the term of that office, the
415 mayor shall appoint a successor for the remainder of the term subject to the approval of the
416 city council or those members remaining. This provision shall also apply to a temporary
417 vacancy created by the suspension from office of a councilmember.

418 **SECTION 2.04.**

419 Nonpartisan elections.

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

422 **SECTION 2.05.**

423 Election votes.

424 The candidate for mayor who receives a majority vote of the qualified electors of the city at
425 large voting at the elections of the city and the candidates for the city council who receive
426 the majority vote of the qualified electors of their respective districts shall be elected to a
427 term of office.

428 **SECTION 2.06.**

429 Applicability of general laws; qualifying; other provisions.

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

437

SECTION 2.07.

438

Compensation and expenses.

439 The annual salary of the mayor shall be \$20,000.00, and the annual salary for each
 440 councilmember shall be \$14,000.00. Such salaries shall be paid from municipal funds in
 441 monthly installments. The mayor shall be provided an annual expense allowance of
 442 \$5,000.00, and each council member shall be provided an annual expense allowance of
 443 \$3,000.00, for the reimbursement of expenses actually and necessarily incurred by the mayor
 444 and council members, respectively, in carrying out their duties as elected officials of the city.

445

SECTION 2.08.

446

Inquiries and investigations.

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

452

SECTION 2.09.

453

Meetings, oath of office, and mayor pro tempore.

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

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

469 required by the Constitution and laws of this state and by the municipal charter. I will
470 perform the duties of my office in the best interests of the City of Vista Grove to the
471 best of my ability without fear, favor, affection, reward, or expectation thereof."

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

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

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

487 (e) Special meetings of the city council may be held on the call of either the mayor and one
488 councilmember or on the call of three councilmembers. Notice of such special meetings
489 shall be delivered to all councilmembers, the mayor, and the city manager personally, by
490 registered mail, or by electronic means at least 24 hours in advance of the meeting. Such
491 notice shall not be required if the mayor, all councilmembers, and city manager are present
492 when the special meeting is called. Such notice of any special meeting may be waived by
493 the mayor, a councilmember, or the city manager in writing before or after such a meeting,
494 and attendance at the meeting shall also constitute a waiver of notice. The notice of such
495 special meeting shall state what business is to be transacted at the special meeting. Only the
496 business stated in the call may be transacted at the special meeting.

497 **SECTION 2.10.**

498 Quorum; voting.

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

504 adopted, the measure must receive at least three affirmative votes and shall receive the
505 affirmative votes of a majority of those voting. No member of the city council shall abstain
506 from voting on any matter properly brought before the city council for official action except
507 when such councilmember has a conflict of interest which is disclosed in writing prior to or
508 at the meeting and made a part of the minutes or when a voting member abstains by reason
509 of protest under the councilmember's First Amendment rights and such reason is disclosed
510 in writing prior to or at the meeting and made a part of the minutes. Other than in instances
511 of a properly disclosed and recorded conflict of interest or abstention under this section, any
512 member of the city council present and eligible to vote on a matter and refusing to do so for
513 any reason shall be deemed to have acquiesced or concurred with the members of the
514 majority who did vote on the question involved, provided that in the case of a tie vote of the
515 voting councilmembers, each councilmember shall be required to vote unless he or she
516 discloses a reason for not voting. The mayor shall have one vote on all matters brought
517 before the council.

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

- 519 (1) Adopting or amending an administrative code or establishing, altering, or abolishing
520 a department, office not specified in this charter, or agency;
- 521 (2) Providing a fine or other penalty;
- 522 (3) Levying taxes;
- 523 (4) Granting, renewing, or extending a franchise;
- 524 (5) Regulating a rate for a public utility;
- 525 (6) Authorizing the borrowing of money;
- 526 (7) Conveying, leasing, or encumbering city land;
- 527 (8) Regulating land use and development;
- 528 (9) Amending or repealing an ordinance already adopted; and
- 529 (10) Proposing and voting on a budget for the fiscal year and to authorize a budget plan
530 for a term beyond the current fiscal year.

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

- 535 (1) Levy taxes;
- 536 (2) Grant, renew, or extend a franchise;
- 537 (3) Regulate a rate for a public utility; or
- 538 (4) Borrow money.

539

SECTION 2.11.

540

General power and authority of the city council.

541 (a) Except as otherwise provided by law or by this charter, the city council shall be vested
542 with all the powers of government of the City of Vista Grove as provided by Article I of this
543 charter.

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

551

SECTION 2.12.

552

Administrative and service departments.

553 (a) Except for the office of city manager, the internal auditor, and the elected positions
554 provided for in this charter, the city council, by ordinance, may establish, abolish, merge, or
555 consolidate offices not specified in this charter, positions of employment, departments, and
556 agencies of the city as it shall deem necessary for the proper administration of the affairs and
557 government of the city. The city council shall prescribe the functions and duties of existing
558 departments, offices, and agencies or of any departments, offices, and agencies hereinafter
559 created or established; may provide that the same person shall fill any number of offices and
560 positions of employment; and may transfer or change the functions and duties of offices,
561 positions of employment, departments, and agencies of the city.

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

567

SECTION 2.13.

568

Ethics.

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

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

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

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

583 (4) Accept any valuable gift, whether in the form of service, loan, object, or promise,
584 from any person, firm, or corporation which to his or her knowledge is interested, directly
585 or indirectly, in any manner whatsoever in business dealings with the governmental body
586 by which he or she is engaged. "Valuable" shall be an amount determined by the city
587 council; provided, however, that the amount shall not exceed \$150.00;

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

590 (6) Vote or otherwise participate in the negotiation or in the making of any contract with
591 any business or entity in which he or she, or members of his or her immediate family,
592 have a financial interest.

593 No elected official, appointed officer, or employee of the city or any agency, board authority,
594 bureau, or any other political entity to which this charter applies nor any member of such
595 person's family, nor any person who has an employment or other personal relationship with
596 such person, may contract with the city, either directly or indirectly or through any entity in
597 which such person has a financial or employment interest, for the provision of goods,
598 professional services, construction or rehabilitation of improvements, or any other
599 procurement request by the city. "Family" shall, for the purposes of this section, include,
600 parents, aunts, uncles, nieces, nephews, siblings, spouse, and children of such person and
601 shall also include the parents, siblings, spouses, and children of any of the foreclosing family
602 members.

603 (b) Any elected official, appointed officer, or employee who has any private financial
604 interest, directly or indirectly, in any contract or matter pending before or within any
605 department of the city shall disclose such private interest to the city council. "Private
606 financial interest" shall include interests of immediate family. The mayor or any
607 councilmember who has a private interest in any matter pending before the city council shall

608 disclose in writing such private interest; such disclosure shall be entered on the records of
609 the city council, and he or she shall disqualify himself or herself from participating in any
610 decision or vote relating thereto. Any elected official, appointed officer, or employee of any
611 agency or political entity to which this charter applies who shall have any private financial
612 interest, directly or indirectly, in any contract or matter pending before or within such entity
613 shall disclose such private interest to the governing body of such agency or entity.

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

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

621 (e) Except as authorized by law, no member of the city council shall hold any other elective
622 city state or federal office or be employed by any DeKalb County city or DeKalb County
623 government during the term for which elected.

624 (f) Consistent with this subsection of the charter, the City of Vista Grove will maintain an
625 independent administrative law judge to adjudicate all ethics complaints for the City of Vista
626 Grove. Within 30 days following the initial election of the mayor, the chief judge of the
627 Superior Court of DeKalb County shall appoint to a two-year term an administrative law
628 judge who shall adjudicate all ethics complaints for the City of Vista Grove. The
629 administrative law judge shall have the power to dismiss any claim that fails to state an ethics
630 violation in accordance with this section. The administrative law judge, at his or her
631 discretion, may hold a hearing to determine the facts and validity of the claim. The
632 administrative law judge shall have the power to levy fines, issue public reprimands or
633 warnings, and to refer ethics violations to the county solicitor or DeKalb County District
634 Attorney for further criminal investigation. The administrative law judge may also
635 recommend that an officer be removed from office for violations of this section, including,
636 without limitation, for action taken in contravention of conflict of interest rules. The
637 administrative law judge shall be compensated either on an hourly rate or at fixed fee per
638 complaint, provided that such compensation shall be set by the city council in its reasonable
639 discretion at an amount comparable to that of similar part-time judicial and administrative
640 hearing positions, and the administrative law judge shall be reimbursed for all reasonable
641 itemized expenses.

642

SECTION 2.14.

643

Boards, commissions, and authorities.

644 (a) All members of boards, commissions, and authorities of the city shall be appointed by
645 the mayor subject to confirmation by the city council for such terms of office and such
646 manner of appointment as provided by ordinance, except where other appointing authority,
647 terms of office, or manner of appointment is prescribed by this charter or by applicable state
648 law. If the city council does not approve of two consecutive nominations by the mayor for
649 the same position, any councilmember may nominate such member subject to confirmation
650 by the city council.

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

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

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

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

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

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

674

SECTION 2.15.

675

Ordinance form; procedures.

676 (a) Every proposed ordinance and resolution shall be introduced in writing and the city
 677 council shall have the authority to approve, disapprove, or amend the same. A resolution
 678 may be passed at the time it is offered, but an ordinance shall not be adopted until the title
 679 of said ordinance shall have been read at two city council meetings, provided that the
 680 beginnings of said meetings are not less than 24 hours nor more than 60 days apart. This
 681 requirement of two readings shall not apply to emergency ordinances, to ordinances passed
 682 during the first 90 days from the date on which the city begins operation, to ordinances
 683 adopted at the first business meeting of the city council in a calendar year, or to ordinances
 684 adopted at the first meeting of the initial city council elected under subsection (b) of
 685 Section 2.02 of this charter.

686 (b) The catchlines of sections of this charter or any ordinance printed in boldface type,
 687 italics, or otherwise are intended as mere catchwords to indicate the contents of the section,
 688 and:

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

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

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

696 (c) The city council may, by ordinance or resolution, adopt rules and bylaws to govern the
 697 conduct of its business, including procedures and penalties, for compelling the attendance
 698 of absent councilmembers. Such rules may include punishment for contemptuous behavior
 699 conducted in the presence of the city council.

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SECTION 2.16.

701

Submission of ordinances to the city clerk.

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

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

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

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

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SECTION 3.02.
City manager; appointment and qualification.

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The mayor shall nominate a person for the office of city manager, and the approval of the city council shall be required to make the appointment official. If the first proposed city manager is rejected by the city council, the mayor shall select a second appointee. If the city council rejects that second appointment selection, the city council shall offer a candidate for

742 city manager and, by a majority vote, send the appointee to the mayor for approval. If the
 743 mayor vetoes or does not approve, a second vote of a two-thirds' majority of the council shall
 744 be needed to approve the appointee for the position. The city council may offer as many
 745 candidates as needed until the required approval is achieved. The city manager shall be
 746 appointed without regard to political beliefs and solely on the basis of his or her education
 747 and experience in the accepted competencies and practices of local government management.

748 **SECTION 3.03.**

749 City manager; chief administrative officer.

750 The city manager shall be the chief administrative officer of the government of the city. The
 751 city manager shall devote all of his or her working time and attention to the affairs of the city
 752 and shall be responsible to the mayor and city council for the proper and efficient
 753 administration of the affairs of the city over which said officer has jurisdiction.

754 **SECTION 3.04.**

755 City manager; powers and duties enumerated.

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

- 757 (1) See that all laws and ordinances are enforced;
- 758 (2) Propose a budget for city operations from a zero base with input from the actual
 759 expenditure of the city from the prior year;
- 760 (3) Appoint and employ all necessary employees of the city, provided that the power of
 761 this appointment shall not include officers and employees who by this charter are
 762 appointed or elected by the mayor and the city council or departments not under the
 763 jurisdiction of the city manager;
- 764 (4) Remove employees appointed and employed under paragraph (3) of this section
 765 without the consent of the city council and without assigning any reason therefor;
- 766 (5) Exercise supervision and control of all departments and all divisions created in this
 767 charter or that may hereafter be created by the city council except as otherwise provided
 768 in this charter or specified by the city council;
- 769 (6) Attend all meetings of the city council, without a right to vote, but with a right to take
 770 part in the discussions as seen fit by the chair; provided, however, that regardless of the
 771 decision of the meeting chair, the city manager may take part in any discussion and report
 772 on any matter requested and approved by the city council at such meeting. The city
 773 manager shall be entitled to receive notice of all special meetings;

- 774 (7) Recommend to the city council, after prior review and comment by the mayor, for
775 adoption of such measures as the city manager may deem necessary or expedient;
- 776 (8) See that all terms and conditions imposed in favor of the city or its inhabitants in any
777 public utility franchise are faithfully kept and performed and upon knowledge of any
778 violation thereof to call the same to the attention of the city attorney, whose duty it shall
779 be forthwith to take such steps as are necessary to protect and enforce the same;
- 780 (9) Make and execute all lawful contracts on behalf of the city as to matters within the
781 city manager's level of authorization as established by the city council to the extent that
782 such contracts are funded in the city's budget, except such as may be otherwise provided
783 by law; provided, however, that no contract purchase or obligation requiring a budget
784 amendment shall be valid and binding until after approval of the city council;
- 785 (10) Sign all orders, checks, and warrants for payment of money within the city
786 manager's level of authorization as established by the city council to the extent that such
787 contracts are funded in the city's budget, except such as may be otherwise provided by
788 law; provided, however, that no such order, check, or warrant requiring a budget
789 amendment shall be valid and binding until after approval of the city council;
- 790 (11) Act as a budget officer to prepare and submit to the city council, after review and
791 comment by the mayor, prior to the beginning of each fiscal year, a budget of proposed
792 expenditures for the ensuing year, showing in as much detail as practicable the amounts
793 allotted to each department of the city government and the reasons for such estimated
794 expenditures;
- 795 (12) Keep the city council at all times fully advised as to the financial condition and
796 needs of the city;
- 797 (13) Make a full written report to the city council on the fifteenth of each month showing
798 the operations and expenditures of each department of the city government for the
799 preceding month, and a synopsis of such reports shall be published by the city clerk;
- 800 (14) Fix all salaries and compensation of city employees in accordance with the city
801 budget and the city pay and classification plan;
- 802 (15) By his or her authority, transfer appropriations within a department, fund, service,
803 strategy, or organizational unit, but only with the approval of the city council; and
- 804 (16) Perform such other duties as may be prescribed by this charter or required by
805 ordinance or resolution of the city council.

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SECTION 3.05.

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City council interference with administration.

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

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SECTION 3.06.

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City manager; removal.

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(a) The mayor and city council may suspend the city manager from office for any reason, in accordance with the following procedures:

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

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

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

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

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

840 **SECTION 3.07.**

841 Acting city manager.

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

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

849 **SECTION 3.08.**

850 City attorney.

851 The mayor shall appoint the city attorney, together with such assistant city attorneys as may
852 be deemed appropriate subject to confirmation by the city council, and shall provide for the
853 payment of such attorney for services rendered to the city. The rates or salary paid to any
854 city attorney or assistant city attorney shall be approved in advance by the city council. The
855 city attorney shall be responsible for representing and defending the city in all litigation in
856 which the city is a party; may be the prosecuting officer in the municipal court; shall attend
857 the meetings of the city council as directed; shall advise the city council, mayor, other
858 officers, and employees of the city concerning legal aspects of the city's affairs; and shall
859 perform such other duties as may be required by virtue of his or her position as city attorney.
860 Except as provided in this charter, the city attorney shall review and sign all contracts of the
861 city but shall not have the power to bind the city. In a conflict between the mayor and the
862 city council, the city attorney shall engage separate outside legal counsel to represent the
863 interest of the city council and mayor, respectively. Notwithstanding any law or ordinance
864 to the contrary, the city attorney shall not represent the interests of the city council or the
865 mayor against the other. As permissible, where such representation best serves the interests
866 of the city, and depending on the individual circumstance, such outside legal counsel may
867 jointly represent the city, mayor, and council members in their official capacities.

868 **SECTION 3.09.**

869 City clerk.

870 The mayor may appoint a city clerk subject to confirmation by the city council to keep a
871 journal of the proceedings of the city council; to maintain in a safe place all records and

872 documents pertaining to the affairs of the city; and to perform such duties as may be required
873 by law or ordinance or as the mayor or city manager may direct.

874 **SECTION 3.10.**

875 Tax collector.

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

881 **SECTION 3.11.**

882 City accountant.

883 The city council shall appoint a city accountant subject to confirmation by the city council
884 to perform the duties of an accountant.

885 **SECTION 3.12.**

886 City internal auditor.

887 The city council shall appoint an internal auditor to audit the financial records and
888 expenditures of city funds and to report the results of such audits in writing to the city
889 council at times and intervals set by the city council but no less than quarterly. Such audit
890 reports shall, at a minimum, identify all city expenditures and other financial matters that the
891 internal auditor either determines are not in compliance with or cannot conclusively be
892 determined to be in compliance with the provisions of this charter, the applicable city budget,
893 and applicable ordinances, resolutions, or other actions duly adopted or approved under the
894 provisions of this charter.

895 **SECTION 3.13.**

896 Consolidation of functions.

897 The city manager, with the approval of the city council, may consolidate the positions of city
898 clerk, city tax collector, and city accountant, or any other positions, or may assign the
899 functions of any one or more of such positions to the holder or holders of any other positions.
900 The city manager may also, with the approval of the city council, perform all or any part of

901 the functions of any of the positions or offices in lieu of the appointment of other persons to
 902 perform the same.

903 **SECTION 3.14.**

904 Position classification and pay plans; employment at will.

905 The city manager shall be responsible for the preparation of a position classification and a
 906 pay plan which shall be submitted to the city council for adoption. Said plan may apply to
 907 all employees of the City of Vista Grove and any of its agencies and offices. When a pay
 908 plan has been adopted by the city council, neither the city council nor the city manager shall
 909 increase or decrease the salaries of individual employees except in conformity with such pay
 910 plan or pursuant to an amendment of said pay plan duly adopted by the city council. Except
 911 as otherwise provided in this charter, all employees of the city shall be subject to removal or
 912 discharge, with or without cause, at any time.

913 **SECTION 3.15.**

914 Contract for private services.

915 Notwithstanding any of the previous provisions provided for in this charter, and without
 916 limiting its powers under this charter or otherwise under the laws of the State of Georgia and
 917 the Constitution of the State of Georgia, the city council may by resolution contract for the
 918 performance of city functions and staffing by qualified independent private entities.

919 **ARTICLE IV**

920 **MUNICIPAL COURT**

921 **SECTION 4.01.**

922 Creation.

923 The city council may establish, by ordinance, a court to be known as the Municipal Court of
 924 the City of Vista Grove which shall have jurisdiction and authority to try offenses against the
 925 laws and ordinances of said city and to punish for a violation of such laws and ordinances.
 926 Such court shall have the power to enforce its judgments by the imposition of such penalties
 927 as may be provided by law, including ordinances of the city; to punish witnesses for
 928 nonattendance and to punish also any person who may counsel or advise, aid, encourage, or
 929 persuade another whose testimony is desired or material in any proceeding before said court
 930 to go or move beyond the reach of the process of the court; to try all offenses within the
 931 territorial limits of the city constituting traffic cases which, under the laws of Georgia, are

932 placed within the jurisdiction of municipal courts to the extent of, and in accordance with,
933 the provisions of such laws and all laws subsequently enacted amendatory thereof. Said
934 court shall be presided over by the judge of such court pursuant to Chapters 32 through 45
935 and 60 through 76 of Title 36 of the O.C.G.A.

936 **SECTION 4.02.**

937 Judge.

938 (a) There shall be at least one judge of the municipal court and that judge shall be designated
939 as the chief judge with the authority to direct the court calendar, recommend associate judges
940 to the city council, sit in presiding matters, discipline the city solicitors, and enforce all the
941 powers of a judicial officer pursuant to Chapter 1 of Title 15 of the O.C.G.A.

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

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

952 (d) A judge shall serve for a term of four years but may be removed from the position by a
953 two-thirds' vote of the entire membership of the city council, or shall be removed upon action
954 taken by the Judicial Qualifications Commission for:

955 (1) Willful misconduct in office;

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

957 (3) Habitual intemperance;

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

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

962 **SECTION 4.03.**

963 Convening.

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

966 **SECTION 4.04.**

967 Jurisdiction; powers.

968 (a) The municipal court shall try and punish for crimes against the City of Vista Grove and
969 for violation of its ordinances. The municipal court may fix punishment for offenses within
970 its jurisdiction to the fullest extent allowed by state law.

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

973 (c) The municipal court shall have authority to establish bail and recognizances to ensure
974 the presence of those charged with violations before said court and shall have discretionary
975 authority to accept cash or personal or real property as security for appearances of persons
976 charged with violations. Whenever any person shall give bail for his or her appearance and
977 shall fail to appear at the time fixed for trial, the bond shall be forfeited to the judge presiding
978 at such time and an execution issued thereon by serving the defendant and his or her sureties
979 with a rule nisi at least two days before a hearing on the rule nisi. In the event that cash or
980 property is accepted in lieu of bond for security for the appearance of a defendant at trial, and
981 if such defendant fails to appear at the time and place fixed for trial, the cash so deposited
982 shall be on order of the judge declared forfeited to the City of Vista Grove, or the property
983 so deposited shall have a lien against it for the value forfeited.

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

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

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

991 (g) The municipal court is specifically vested with all of the judicial jurisdiction and judicial
992 powers throughout the entire area of the City of Vista Grove granted by state laws generally
993 to municipal courts and particularly by such laws as authorize the abatement of nuisances.

994 **SECTION 4.05.**

995 Certiorari.

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

1000 **SECTION 4.06.**

1001 Rules for court.

1002 With the approval of the city council, the judge shall have full power and authority to make
 1003 reasonable rules and regulations necessary and proper to secure the efficient and successful
 1004 administration of the municipal court.

1005 **ARTICLE V**

1006 **FINANCE AND FISCAL**

1007 **SECTION 5.01.**

1008 Fiscal year.

1009 The city council shall set the fiscal year by ordinance. Said fiscal year shall constitute the
 1010 budget year and the year for financial accounting and reporting of each and every office,
 1011 department, or institution, agency, and activity of the city government, unless otherwise
 1012 provided by state or federal law.

1013 **SECTION 5.02.**

1014 Preparation of budgets.

1015 The city council shall provide, by ordinance, the procedures and requirements for the
 1016 preparation and execution of an annual operating budget and a capital budget, including
 1017 requirements as to the scope, content, and form of such budgets and programs.

1018 **SECTION 5.03.**

1019 Submission of operating budget to city council.

1020 (a) On or before a date fixed by the city council, but no later than the first day of the ninth
 1021 month of the fiscal year currently ending, the city manager shall, after input, review, and

1022 comment by the mayor, submit to the city council a proposed operating budget and capital
1023 budget for the ensuing fiscal year. The budget shall be accompanied by a message from the
1024 mayor and city manager containing a statement of the general fiscal policies of the city, the
1025 important features of the budget, explanations of major changes recommended for the next
1026 fiscal year, a general summary of the budget, and such other comments and information as
1027 they may deem pertinent. The operating budget, capital budget, budget message, and all
1028 supporting documents shall be filed in the office of the city manager and shall be open to
1029 public inspection.

1030 (b) Prior to passage of the budget, the city council shall hold a special public hearing at
1031 which the budget will be presented and public comment on the budget will be solicited. The
1032 date, time, and place of the special public hearing shall be announced no less than 30 days
1033 prior to the scheduled date for such hearing.

1034 (c) All unencumbered balances of appropriations in the current operating budget at the end
1035 of the fiscal year shall lapse into the unappropriated surplus or reserves of the fund or funds
1036 from which such appropriations were made. When a supplemental appropriation is certified
1037 by the city manager to exist, the appropriation may be spent during the current fiscal year
1038 following passage of a supplemental appropriation ordinance.

1039 **SECTION 5.04.**

1040 Action by city council on budget.

1041 (a) The city council may amend the operating budget or capital budget proposed by the city
1042 manager in accordance with subsection (a) of Section 5.03 of this charter except that the
1043 budget, as finally amended and adopted, shall provide for all expenditures required by law
1044 or by other provisions of this charter and for all debt service requirements for the ensuing
1045 fiscal year; and the total appropriations from any fund shall not exceed the estimated fund
1046 balance, reserves, and revenues constituting the fund availability of such fund.

1047 (b) The city council shall adopt a budget on or before the first day of the eleventh month of
1048 the fiscal year currently ending. If the city council fails to adopt the budget by the prescribed
1049 deadline, the operating budget and capital budget proposed by the mayor and city manager
1050 shall be adopted without further action by the city council.

1051 **SECTION 5.05.**

1052 Procurement and property management.

1053 No contract with the city shall be binding on the city unless it is in writing. The city council
1054 may adopt procedures for the authorization of certain contracts without city attorney review

1055 or city council approval. Absent the foregoing, no contract with the city shall be binding on
1056 the city unless:

1057 (1) It is drawn or submitted and reviewed by the city attorney and, as a matter of course,
1058 is signed by the city attorney to indicate such drafting or review; and

1059 (2) It is made or authorized by the city council and such approval is entered in the city
1060 council journal of proceedings.

1061 **SECTION 5.06.**

1062 Purchasing.

1063 The city council shall by ordinance prescribe procedures for a system of centralized
1064 purchasing for the city.

1065 **SECTION 5.07.**

1066 Audits.

1067 (a) There shall be an annual independent audit of all city accounts, funds, and financial
1068 transactions by a certified public accountant appointed by resolution of the city council. The
1069 audit shall be conducted according to generally accepted accounting principles. Copies of
1070 all audit reports shall be available at printing cost to the public.

1071 (b) As a minimum, all audits and budgets of the city shall satisfy the requirements of
1072 Chapter 81 of Title 36 of the O.C.G.A., relating to local government audits and budgets.

1073 **SECTION 5.08.**

1074 Vista Grove Community Improvement District.

1075 (a) The purpose of this section is to provide for the creation of one or more community
1076 improvement districts within the City of Vista Grove subject to the conditions prescribed in
1077 Article IX, Section VII, Paragraph III of the Constitution of the State of Georgia. Such
1078 district shall be created for the provision of such of the following governmental services and
1079 facilities as may be provided for by city council resolution, or, so long as they are consistent
1080 with such city council resolution, a resolution by the majority of the electors and the majority
1081 of the equity electors as defined in this section:

1082 (1) Street and road construction and maintenance, including curbs, sidewalks, street
1083 lights, and devices to control the flow of traffic on streets and roads;

1084 (2) Parks and recreational areas and facilities;

1085 (3) Storm water and sewage collection and disposal systems;

- 1086 (4) Development, storage, treatment, purification, and distribution of water;
- 1087 (5) Public transportation;
- 1088 (6) Terminal and dock facilities and parking facilities; and
- 1089 (7) Such other services and facilities as may be provided for by general law.
- 1090 (b) Definitions. As used in this section, the term:
- 1091 (1) "Agricultural" means the growing of crops for sale or the raising of animals for sale
- 1092 or use, including the growing of field crops and fruit or nut trees, the raising of livestock
- 1093 or poultry, and the operation of dairies, horse boarding facilities, and riding stables.
- 1094 (2) "Board" means the governing body created for the governance of the community
- 1095 improvement district authorized by this section.
- 1096 (3) "Caucus of electors" means the meeting of electors as provided in this section at
- 1097 which the elected board members of the district are elected or at which the governmental
- 1098 services and facilities to be provided by the district are determined. A quorum at such
- 1099 caucus shall consist of no less than 25 percent of electors and no less than 25 percent of
- 1100 equity electors present in person or proxy, and a majority of those present and voting
- 1101 shall be necessary to take any action. Notice of such meeting shall be given to such
- 1102 electors and equity electors by publishing notice thereof in the legal organ of the City of
- 1103 Vista Grove at least once each week for four weeks prior to such meeting.
- 1104 (4) "Cost of the project" or "cost" of any project means and includes:
- 1105 (A) All costs of acquisition by purchase or otherwise, construction, assembly,
- 1106 installation, modification, renovation, or rehabilitation incurred in connection with any
- 1107 project or any part of any project;
- 1108 (B) All costs of real property, fixtures, or personal property used in or in connection
- 1109 with or necessary for any project or for any facilities related thereto, including, but not
- 1110 limited to, the cost of all land, estates for years, easements, rights, improvements, water
- 1111 rights, connections for utility services, fees, franchises, permits, approvals, licenses, and
- 1112 certificates; the cost of securing any such franchises, permits, approvals, licenses, or
- 1113 certificates; the cost of preparation of any application therefor; and the cost of all
- 1114 fixtures, machinery, equipment, including all transportation equipment and rolling
- 1115 stock; furniture; and other property used in or in connection with or necessary for any
- 1116 project;
- 1117 (C) All financing charges and loan fees and all interest on bonds, notes, or other
- 1118 obligations of a district which accrue or are paid prior to and during the period of
- 1119 construction of a project and during such additional period as the board may reasonably
- 1120 determine to be necessary to place such project in operation;

- 1121 (D) All costs of engineering, surveying, architectural, and legal services and all
 1122 expenses incurred by engineers, surveyors, architects, and attorneys in connection with
 1123 any project;
- 1124 (E) All expenses for inspection of any project;
- 1125 (F) All fees of fiscal agents, paying agents, and trustees for bondholders under any trust
 1126 agreement, indenture of trust, or similar instrument or agreement, all expenses incurred
 1127 by any such fiscal agents, paying agents, and trustees; and all other costs and expenses
 1128 incurred relative to the issuances of any bonds, notes, or other obligations for any
 1129 project;
- 1130 (G) All expenses of or incidental to determining the feasibility or practicability of any
 1131 project;
- 1132 (H) All costs of plans and specifications for any project;
- 1133 (I) All costs of title insurance and examinations of title with respect to any project;
- 1134 (J) Repayment of any loans made for the advance payment of any part of the foregoing
 1135 costs, including interest thereon and any other expenses of such loans;
- 1136 (K) Administrative expenses of the board and such other expenses as may be necessary
 1137 for or incidental to any project or the financing thereof or the placing of any project in
 1138 operation; and
- 1139 (L) The establishment of a fund or funds for the creation of a debt service reserve, a
 1140 renewal and replacement reserve, or such other funds or reserves as the board may
 1141 approve with respect to the financing and operation of any project and as may be
 1142 authorized by any bond resolution, trust agreement, indenture of trust, or similar
 1143 instrument or agreement pursuant to the provisions of which the issuance of any bonds,
 1144 notes, or other obligations of the district may be authorized. Any cost, obligation, or
 1145 expense incurred for any of the foregoing purposes shall be a part of the cost of the
 1146 project and may be paid or reimbursed as such out of the proceeds of bonds, notes, or
 1147 other obligations issued by the district.
- 1148 (5) "District" means the geographical area designated as such by the resolution of the city
 1149 council consenting to the creation of the community improvement district or as thereafter
 1150 modified by any subsequent resolution of the city council within which the district is or
 1151 is to be located, or a body corporate and politic being a community improvement district
 1152 created and activated by such city council resolution, as the context requires or permits.
- 1153 (6) "Electors" means the owners of real property used nonresidentially within the district
 1154 which is subject to taxes, fees, and assessments levied by the board, as they appear on the
 1155 most recent ad valorem real property tax return records of DeKalb County, or one officer
 1156 or director of a corporate elector, one trustee of a trust which is an elector, one partner of
 1157 a partnership elector, or one designated representative of an elector whose designation

1158 is made in writing. An owner of property that is subject to taxes, fees, or assessments
 1159 levied by the board shall have one vote for an election based on numerical majority. An
 1160 owner of multiple parcels has one vote, not one vote per parcel, for an election based on
 1161 numerical majority. Multiple owners of one parcel have one vote for an election based
 1162 on numerical majority which shall be cast by one of their number who is designated in
 1163 writing.

1164 (7) "Equitably apportioned among the properties subject to such taxes, fees, and
 1165 assessments according to the need for governmental services and facilities created by the
 1166 degree of density of development of each such property," with reference to taxes, fees,
 1167 and assessments levied by the board, means that the burden of the taxes, fees, and
 1168 assessments shall be apportioned among the properties subject thereto based upon the
 1169 values established in the most recent ad valorem tax reassessment of such properties
 1170 certified by the chairperson of the DeKalb County Board of Tax Assessors or, with
 1171 respect to fees and assessments, may be apportioned among the properties subject thereto
 1172 in direct or approximate proportion to the receipt of services or benefits derived from the
 1173 improvements or other activities for which the taxes, fees, or assessments are to be
 1174 expended or, with respect to fees and assessments, may be apportioned in any other
 1175 manner or combination of manners deemed equitable by the board, including, but not
 1176 limited to, the recognition of differential benefits which may reasonably be expected to
 1177 accrue to new land development in contrast to lands and improvements already in
 1178 existence at the time of creation of the community improvement district.

1179 (8) "Equity electors" means electors who cast votes equal to each \$1,000.00 in value of
 1180 all owned real property within the district which is then subject to taxes, fees, and
 1181 assessments levied by the board. The value of real property shall be the assessed value.
 1182 In the event the owner shall have multiple owners or be a corporation, trust, partnership,
 1183 limited liability company, or any other entity, one person shall be designated as elector
 1184 and such designation shall be made in writing.

1185 (9) "Forestry" means the planting and growing of trees for sale in a program which
 1186 includes reforestation of harvested trees, regular underbrush and undesirable growth
 1187 clearing, fertilizing, pruning, thinning, cruising, and marking which indicate an active
 1188 tree-farming operation. It does not include the casual growing of trees on land otherwise
 1189 idle or held for investment, even though some harvesting of trees may occur thereon.

1190 (10) "Project" means the acquisition, construction, installation, modification, renovation,
 1191 or rehabilitation of land, interests in land, buildings, structures, facilities, or other
 1192 improvements, including operation of facilities or other improvements, located or to be
 1193 located within or otherwise providing service to the district and the acquisition,
 1194 installation, modification, renovation, rehabilitation, or furnishing of fixtures, machinery,

1195 equipment, furniture, or other property of any nature whatsoever used on, in, or in
 1196 connection with any such land, interest in land, building, structure, facility, or other
 1197 improvement; the creation, provision, enhancement, or supplementing of public services
 1198 such as fire, police, and other services, provided that same do not conflict with or
 1199 duplicate existing public services; and all for the essential public purposes set forth in
 1200 subsection (a) of this section.

1201 (11) "Property owner" or "owner of real property" means any entity or person shown as
 1202 a taxpayer for one or more parcels of real estate on the most recent ad valorem tax
 1203 records of DeKalb County within the district. Ownership as shown by the most recent
 1204 ad valorem real property tax records of DeKalb County shall be prima-facie proof of
 1205 ownership. Multiple owners of one parcel shall constitute one property owner and shall
 1206 designate in writing one of their number to represent the whole.

1207 (12) "Property used nonresidentially" means property or any portion thereof used for
 1208 neighborhood shopping, planned shopping center, general commercial, transient lodging
 1209 facilities, tourist services, office or institutional, office services, light industry, heavy
 1210 industry, central business district, parking, or other commercial or business use or vacant
 1211 land zoned or approved for any of the aforementioned uses which do not include
 1212 residential.

1213 (13) "Residential" means a specific work or improvement undertaken primarily to
 1214 provide single-family or multifamily dwelling accommodations for persons and families
 1215 and such community facilities as may be incidental or appurtenant thereto.

1216 (14) "Taxpayer" means an entity or person paying ad valorem taxes on real property,
 1217 whether on one or more parcels of property within the district. Multiple owners of one
 1218 parcel shall constitute one taxpayer and shall designate in writing one of their number to
 1219 represent the whole.

1220 (c) Creation. Pursuant to Article IX, Section VII of the Constitution of the State of Georgia,
 1221 the city shall have the power to create one or more community improvement districts to be
 1222 located wholly within the City of Vista Grove, provided that the creation of any such
 1223 community improvement district shall be conditioned upon:

1224 (1) The adoption of a resolution consenting to the creation of the community
 1225 improvement district by the City of Vista Grove City Council; and

1226 (2) The written consent to the creation of the community improvement district by:

1227 (A) A majority of the owners of real property within the district which will be subject
 1228 to taxes, fees, and assessments levied by the administrative body of the community
 1229 improvement district; and

1230 (B) The owners of real property within the district which constitutes at least 75 percent
 1231 by value of all real property within the district which will be subject to taxes, fees, and

1232 assessments levied by the administrative body of the community improvement district.
 1233 For this purpose, value shall be determined by the most recent approved DeKalb
 1234 County ad valorem tax digest. The written consent provided for in this paragraph shall
 1235 be submitted to the tax commissioner of DeKalb County, who shall certify whether
 1236 subparagraphs (A) and (B) of this paragraph have been satisfied with respect to each
 1237 such proposed district.

1238 The purpose of the community improvement district will be the provision within the district,
 1239 as set forth in the resolution creating the district or subsequent resolution by the city council,
 1240 of the services and facilities set forth in subsection (a) of this section. Neither the community
 1241 improvement district nor the administrative body created pursuant to this section shall
 1242 transact any business or exercise any powers under this section until the foregoing conditions
 1243 are met. A copy of such resolutions shall be filed with the Secretary of State, who shall
 1244 maintain a record of the district activated under this section, and filed with the Department
 1245 of Community Affairs.

1246 (d) Administration, appointment, and election of the members of the administrative body.

1247 (1) The district created pursuant to this section shall be administered by a board
 1248 composed of seven board members to be appointed and elected as provided in this
 1249 section. Two board members shall be appointed by the city council, two board members
 1250 shall be elected by the vote of electors, and three members shall be elected by the vote
 1251 of equity electors. The members representing the electors and equity electors shall be
 1252 elected to serve in post positions 1 through 5, respectively. Each elected board member
 1253 shall receive a majority of the votes cast for the post for which he or she is a candidate.
 1254 Votes for Posts 1 and 2 shall be cast by electors and votes for Posts 3, 4, and 5 shall be
 1255 cast by equity electors. The initial term of office for the members representing Posts 1
 1256 and 4 shall be one year. The initial term of office for the members representing Posts 2
 1257 and 5 shall be two years, and the initial term of office of the members representing Post
 1258 3 shall be three years. Thereafter, all terms of office for the elected board members shall
 1259 be for three years. The appointed board members shall serve at the pleasure of the city
 1260 council.

1261 (2) The initial board members to be elected as provided in paragraph (1) of this
 1262 subsection shall be elected in a caucus of electors which shall be held within 90 days after
 1263 the adoption of the resolutions and obtaining the written consents herein provided at such
 1264 time and place within the district as the city council shall designate after notice thereof
 1265 shall have been given to said electors by publishing same in the legal organ of the City
 1266 of Vista Grove. Thereafter, there shall be conducted biennially, not later than 60 days
 1267 following the last day for filing ad valorem real property tax returns in DeKalb County,
 1268 a caucus of electors at such time and place within the district as the board shall designate

1269 in such notice for the purpose of electing board members to those board member
1270 positions whose terms expire or are vacant. If a vacancy occurs in an elected position on
1271 the board, the board shall, within 60 days thereof, call a special election to fill the same,
1272 to be held within 60 days of the call unless such vacancy occurs within 180 days of the
1273 next regularly scheduled election, in which case a special election may, but need not, be
1274 called.

1275 (3) Board members shall be subject to recall as any other elected public official by the
1276 electors defined by this section.

1277 (4) Board members shall receive no compensation for their services, but shall be
1278 reimbursed for reasonable expenses actually incurred in the performance of their duties.
1279 They shall elect one of their number as chairperson and another of their number as vice
1280 chairperson. They shall also elect a secretary and a treasurer, or a secretary-treasurer,
1281 either of whom may, but need not, be a member of the board or an elector.

1282 (5) Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," shall not apply
1283 to the election of district board members. The district board may adopt such bylaws not
1284 inconsistent herewith to provide for any matter concerning such elections.

1285 (e) Taxes, fees, and assessments.

1286 (1) The board may levy taxes, fees, and assessments within the district only on real
1287 property used nonresidentially, specifically excluding all property exempt from ad
1288 valorem taxation under the Constitution or laws of the State of Georgia; all property used
1289 for residential, agricultural, or forestry purposes; and all tangible personal property and
1290 intangible property. Any tax, fee, or assessment so levied shall not exceed 0.5 percent
1291 of the aggregate assessed value of all such real property. The taxes, fees, and assessments
1292 levied by the board shall be equitably apportioned among the properties subject to such
1293 taxes, fees, and assessments according to the need for governmental services and facilities
1294 created by the degree of density of development of each such property. The proceeds of
1295 taxes, fees, and assessments levied by the board shall be used only for the purpose of
1296 providing governmental services and facilities which are specially required by the degree
1297 of density of development within the district and not for the purpose of providing those
1298 governmental services and facilities provided to the county or municipality as a whole.
1299 Any tax, fee, or assessment so levied shall be collected by DeKalb County in the same
1300 manner as taxes, fees, and assessments are levied by DeKalb County. Delinquent taxes
1301 shall bear the same interest and penalties as taxes of DeKalb County and may be enforced
1302 and collected in the same manner. The proceeds of taxes, fees, and assessments so
1303 levied, less a fee to cover the costs of collection of 1 percent of such proceeds, but not
1304 more than \$25,000.00 at any one calendar year, shall be transmitted by DeKalb County

1305 to the board and shall be expended by the board only for the purposes authorized by this
1306 section.

1307 (2) The board shall levy the taxes, fees, and assessments in subsection (a) of this section
1308 subsequent to the report of the assessed taxable values for the current calendar year and
1309 notify DeKalb County in writing so that it may include the levy on its regular ad valorem
1310 tax bills. All taxes, fees, and assessments levied by the board and collected by DeKalb
1311 County shall be segregated, and neither the City of Vista Grove nor the DeKalb County
1312 Tax Commissioner shall expend such funds for any purpose not authorized by the board
1313 except as authorized in subsection (a) of this section.

1314 (3) If, but for this provision, a parcel of real property is removed from the district or
1315 otherwise would become not subject to taxation, it shall continue to bear its then extant
1316 obligation for bonded indebtedness of the district until said bonded indebtedness is paid
1317 or refunded.

1318 (4) Each property owner paying taxes, fees, or assessments levied by the board for any
1319 public facility as set forth in subsection (a) of this section may, upon application to the
1320 city council, receive a credit equal to the present value of all such taxes, fees, and
1321 assessments toward any impact fee as may be levied by the City of Vista Grove against
1322 such property for system improvements which are in the same category as said public
1323 facility in accordance with Chapter 71 of Title 36 of the O.C.G.A., the "Georgia
1324 Development Impact Fee Act." Application for such development impact fee credit may
1325 be granted by legislative action of the city council in its discretion.

1326 (f) Boundaries of the district.

1327 (1) The boundaries of the district shall be as designated by the city council as set forth
1328 in the resolution required in subsection (c) of this section, or as may thereafter be added
1329 as provided in this section.

1330 (2) The boundaries of the district may be increased after the initial creation of the district
1331 upon the occurrence of all of the following:

1332 (A) Written consent of a majority of the owners of real property within the area sought
1333 to be annexed into the district and which will be subject to taxes, fees, and assessments
1334 levied by the board of the district;

1335 (B) Written consent of owners of real property within the area sought to be annexed
1336 into the district which constitutes at least 75 percent by value of the property which will
1337 be subject to taxes, fees, and assessments levied by the board. For this purpose, value
1338 shall be determined by the most recent approved county ad valorem tax digest;

1339 (C) The adoption of a resolution consenting to the annexation into the district by the
1340 board of the district; and

1341 (D) The adoption of a resolution consenting to the annexation into the district by the
1342 city council.

1343 (g) Debt. Debt of the district shall be backed by the full faith and credit and taxing power
1344 of the district but shall not be an obligation of the State of Georgia, DeKalb County, the City
1345 of Vista Grove, or any other unit of government of the State of Georgia other than the
1346 district.

1347 (h) Cooperation with the City of Vista Grove. The services and facilities provided pursuant
1348 to this section shall be provided for in a cooperation agreement executed jointly by the board
1349 and by the City of Vista Grove. The provisions of this section shall in no way limit the
1350 authority of the City of Vista Grove to provide services or facilities within the district; and
1351 the City of Vista Grove shall retain full and complete authority and control over any of its
1352 facilities located within its respective areas of any district. Such control shall include, but
1353 not be limited to, the modification of, access to, and degree and type of services provided
1354 through or by facilities of the city. Nothing contained in this section shall be construed to
1355 limit or preempt the application of any governmental laws, ordinances, resolutions, or
1356 regulations to the district or the services or facilities provided therein.

1357 (i) Powers. Subject to the resolution of the city council creating it, the district and its board
1358 created pursuant hereto shall have all of the powers necessary or convenient to carry out and
1359 effectuate the purposes and provisions of this section, including, without limiting the
1360 generality of the foregoing, the power:

1361 (1) To bring and defend actions;

1362 (2) To adopt and amend a corporate seal;

1363 (3) To make and execute contracts, agreements, and other instruments necessary or
1364 convenient to exercise the powers of the board or to further the public purposes for which
1365 the district is created, including, but not limited to, contracts for construction of projects,
1366 leases of projects, contracts for sale of projects, agreements for loans to finance projects,
1367 contracts with respect to the use of projects, and agreements with other jurisdictions of
1368 community improvement districts regarding multijurisdictional projects or services or for
1369 other cooperative endeavors to further the public purposes of the district;

1370 (4) To acquire by purchase, lease, or otherwise and to hold, lease, and dispose of real and
1371 personal property of every kind and character, or any interest therein, in furtherance of
1372 the public purposes of the district;

1373 (5) To finance by loan, grant, lease, or otherwise; to construct, erect, assemble, purchase,
1374 acquire, own, repair, remodel, renovate, rehabilitate, modify, maintain, extend, improve,
1375 install, sell, equip, expand, add to, operate, or manage projects; and to pay the cost of any
1376 project from the proceeds of the district or any other funds of the district, or from any

1377 contributions or loans by persons, corporations, partnerships, whether limited or general,
 1378 or other entities, all of which the board is authorized to receive, accept, and use;

1379 (6) To borrow money to further or carry out its public purposes and to execute bonds;
 1380 notes; other obligations; leases; trust indentures; trust agreements; agreements for the sale
 1381 of its bonds, notes or other obligations; loan agreements; security agreements;
 1382 assignments; and such other agreements or instruments as may be necessary or desirable,
 1383 in the judgment of the board, to evidence and to provide security for such borrowing;

1384 (7) To issue bonds, notes, or other obligations of the district and use the proceeds for the
 1385 purpose of paying all or any part of the cost of any project and otherwise to further or
 1386 carry out the public purposes of the district and to pay all costs of the board incidental to,
 1387 or necessary and appropriate to, furthering or carrying out such purposes;

1388 (8) To make application directly or indirectly to any federal or county government or
 1389 agency or to any other source, whether public or private, for loans, grants, guarantees, or
 1390 other financial assistance in furtherance of the district's public purposes and to accept and
 1391 use the same upon such terms and conditions as are prescribed by such federal, state, or
 1392 county government or agency or other source;

1393 (9) To enter into agreements with the federal government or any agency thereof to use
 1394 the facilities or services of the federal government or any agency thereof in order to
 1395 further or carry out the public purposes of the district;

1396 (10) To contract for any period, not exceeding 50 years, with the State of Georgia, any
 1397 institution or instrumentality of the State of Georgia, or any municipal corporation,
 1398 county, or political subdivision of this state for the use by the district of any facilities or
 1399 services of the state or any such institution or instrumentality of this state or any
 1400 municipal corporation, county, or political subdivision of this state, or for the use by any
 1401 institution or instrumentality of this state, any municipal corporation, county, or political
 1402 subdivision of this state of any facilities or services of the district, provided that such
 1403 contracts shall deal with such activities and transactions as the district and any such
 1404 political subdivision with which the district contracts are authorized by law to undertake;

1405 (11) To receive and use the proceeds of any tax levied by the county to pay the costs of
 1406 any project or for any other purpose for which the board may use its own funds pursuant
 1407 hereto;

1408 (12) To receive and administer gifts, grants, and devises of money and property of any
 1409 kind and to administer trusts;

1410 (13) To use any real property, personal property, or fixtures or any interest therein or to
 1411 rent or lease such property to or from others or make contracts with respect to the use
 1412 thereof or to sell, lease, exchange, transfer, assign, pledge, or otherwise dispose of or

1413 grant options for any such property in any manner as it deems to be the best advantage
1414 of the district and the public purposes thereof;

1415 (14) To appoint, select, and employ engineers, surveyors, architects, urban or city
1416 planners, fiscal agents, attorneys, and others and to fix their compensation and pay their
1417 expenses;

1418 (15) To encourage and promote the improvement and development of the district and to
1419 make contracts for, or otherwise cause to be made long-range plans or proposals for the
1420 district, in cooperation with DeKalb County and the City of Vista Grove;

1421 (16) To adopt bylaws governing the conduct of business by the board, the election and
1422 duties of officers of the board, and other matters which the board determines to deal with
1423 in its bylaws;

1424 (17) To exercise any power granted by the laws of this state to public or private
1425 corporations which is not in conflict with the public purposes of the district;

1426 (18) To invest its funds, whether derived from the issuance of bonds or otherwise, in
1427 such manner as it may deem prudent and appropriate, without further restriction;

1428 (19) To create, provide, enhance, or supplement public services such as fire, police, and
1429 other such services as may be deemed necessary, provided that said public services do
1430 not conflict with or duplicate existing DeKalb County or municipal services; and

1431 (20) To do all things necessary or convenient to carry out the powers conferred by this
1432 section.

1433 (j) Bonds-Generally.

1434 (1) Notes or other obligations issued by a district other than general obligation bonds
1435 shall be paid solely from the property pledged to pay such notes or other obligations.
1436 General obligation bonds issued by any district shall constitute a general obligation of the
1437 district to the repayment of which the full faith and credit and taxing power of the district
1438 shall be pledged.

1439 (2) All bonds, notes, and other obligations of any district shall be authorized by
1440 resolution of the board, adopted by a majority vote of the board members at a regular or
1441 special meeting.

1442 (3) Bonds, notes, or other obligations shall bear such date or dates, shall mature at such
1443 time or times not more than 40 years from their respective dates, shall bear interest at
1444 such rate or rates which may be fixed or may fluctuate or otherwise change from time to
1445 time, shall be subject to redemption on such terms, and shall contain such other terms,
1446 provisions, covenants, assignments, and conditions as permitted or provided by the
1447 resolution authorizing the issuance of such bonds, notes, or other obligations. The terms,
1448 provisions, covenants, assignments, and conditions contained in or provided or permitted
1449 by any resolution of the board authorizing the issuance of such bonds, notes, or other

1450 obligations shall bind the board members of the district then in office and their
1451 successors.

1452 (4) The board shall have power from time to time and as it deems expedient, to refund
1453 any bonds by the issuance of new bonds, whether or not the bonds to be refunded have
1454 matured, and may issue bonds partly to refund bonds then outstanding and partly for any
1455 other purpose permitted by this section. The refunding bonds may be exchanged for the
1456 bonds to be refunded, with such cash adjustments as may be agreed upon, or may be sold
1457 and the proceeds applied to the purchase or redemption of the bonds to be refunded.

1458 (5) There shall be no limitation upon the interest rates or any maximum interest rate or
1459 rates on any bonds, notes, or other obligations of any district, and the usury laws of this
1460 state shall not apply to bonds, notes, or other obligations of any district.

1461 (6) Bonds issued by a district may be in such form, either coupon or fully registered, or
1462 both coupon and fully registered, and may be subject to such exchangeability and
1463 transferability provisions as the bond resolution authorizing the issuance of such bonds,
1464 or any indenture or trust agreement may provide.

1465 (7) All bonds issued by a district pursuant to this section shall be issued and validated
1466 under and in accordance with Article 3 of Chapter 82 of Title 36 of the O.C.G.A., the
1467 "Georgia Revenue Bond Law." The signature of the clerk of the Superior Court of
1468 DeKalb County may be made on the certificate of validation of such bonds by facsimile
1469 or by manual execution, stating the date on which such bonds were validated; and such
1470 entry shall be original evidence of the judgment of validation and shall be received as
1471 original evidence in any court in this state.

1472 (8) In lieu of specifying the actual rate or rates of interest, the principal amount, and the
1473 maturities of such bonds, the notice to the district attorney or the Attorney General; the
1474 notice to the public of the time, place, and date of the validation hearing; and the petition
1475 and complaint for validation may state that the bonds, when issued, will bear interest at
1476 a rate not exceeding a maximum per annum rate of interest, which may be fixed or may
1477 fluctuate or otherwise change from time to time so specified, and that the principal
1478 amount will not exceed a specified amount and the final maturity date will not be later
1479 than a date specified in such notices and petition and complaint or may state that, in the
1480 event the bonds are to bear different rates of interest for different maturity dates, none of
1481 such rates will exceed the maximum rate which may be fixed or may fluctuate or
1482 otherwise change from time to time so specified; provided, however, that nothing in this
1483 subsection shall be construed as prohibiting or restricting the right of a board to sell such
1484 bonds at a discount, even if in doing so, the resulting effective interest cost would exceed
1485 the maximum per annum interest rate specified in such notices and in the petition and
1486 complaint.

1487 (9) The terms "cost of the project" and "cost of any project" shall have the meaning
1488 prescribed in this section whenever those terms are referred to in bond resolutions of a
1489 board; in bonds, notes, or other obligations of the district; or in notices or proceedings to
1490 validate such bonds, notes, or other obligations of a district.

1491 (k) Authorized contents of agreements and instruments; use of proceeds of sale bonds, notes,
1492 and other obligations; subsequent issues of obligations.

1493 (1) Subject to the limitations and procedures provided by this section and by
1494 subsection (j) of this section, the agreements or instruments executed by a board may
1495 contain such provisions not inconsistent with law as shall be determined by the board.

1496 (2) The proceeds derived from the sale of all bonds, notes, and other obligations issued
1497 by a district shall be held and used for the ultimate purpose of paying, directly or
1498 indirectly as permitted by this section, all or part of the cost of any project, or for the
1499 purpose of refunding any bonds, notes, or other obligations issued in accordance with this
1500 section.

1501 (3) Issuance by a board of one or more series of bonds, notes, or other obligations for one
1502 or more purposes shall not preclude the board from issuing other bonds, notes, or other
1503 obligations in connection with the same project or with any other projects; but the
1504 proceeding wherein any subsequent bonds, notes, or other obligations are issued shall
1505 recognize and protect any prior loan agreement, security agreement, or other agreement
1506 or instrument made for any prior issue of bonds, notes, or other obligations, unless in the
1507 resolution authorizing such prior issue the right is expressly reserved to the board to issue
1508 subsequent bonds, notes, or other obligations on a parity with such prior issue.

1509 (4) In the event that the district shall be terminated in accordance with this section, the
1510 board shall serve until December 31 of the year in which termination shall be approved
1511 for the purpose of concluding any ongoing matters and projects, but, if such cannot be
1512 concluded by December 31, then the city council shall assume the duties of the
1513 administrative board and shall be expressly authorized to exercise the authority of the
1514 administrative board. In the alternative, the city council may, by resolution, assume all
1515 rights and obligations of the district, either bonds or otherwise, and the district shall cease
1516 to exist upon the adoption of such resolution.

1517 (l) Construction; notice, proceeding, publication, referendum. This section shall be liberally
1518 construed to effect the purposes hereof. To the extent that any provision of this section
1519 conflicts with Article 3 of Chapter 82 of Title 36 of the O.C.G.A., the "Georgia Revenue
1520 Bond Law," such law shall control. Except as otherwise required by law, no notice,
1521 proceeding, or publication except those required in this section shall be necessary to the
1522 performance of any action authorized hereby, nor shall any such action be subject to
1523 referendum.

1524 (m) Dissolution.

1525 (1) Any district activated under the provisions of this section may be dissolved. The
1526 conditions for such dissolution shall be:

1527 (A) The adoption of a resolution approving of the dissolution of the community
1528 improvement district by the city council; and

1529 (B) The written consent to the dissolution of the community improvement district by:

1530 (i) Two-thirds of the owners of real property within the district which are subject to
1531 taxes, fees, and assessments levied by the board of the district; and

1532 (ii) The owners of real property constituting at least 75 percent by value of all real
1533 property within the district which are subject to taxes, fees, and assessments levied
1534 by the board. For this purpose, value shall be determined by the most recent approved
1535 county ad valorem tax digest.

1536 The written consent provided for in this subparagraph shall be submitted to the DeKalb
1537 County Tax Commissioner, who shall certify whether divisions (i) and (ii) of this
1538 subparagraph have been satisfied with respect to each proposed district dissolution.

1539 (2) In the event that successful action is taken pursuant to this subsection to dissolve the
1540 district, the dissolution shall become effective at such time as all debt obligations of the
1541 district have been satisfied. Following a successful dissolution action and until the
1542 dissolution becomes effective, no new projects may be undertaken, obligations or debts
1543 incurred, or property acquired.

1544 (3) Upon a successful dissolution action, all noncash assets of the district other than
1545 public facilities or land or easements to be used for such public facilities, as described in
1546 subsection (a) of this section, shall be reduced to cash and, along with all other cash on
1547 hand, shall be applied to the repayment of any debt obligation of the district. Any cash
1548 remaining after all outstanding obligations are satisfied shall be refunded to the City of
1549 Vista Grove.

1550 (4) When a dissolution becomes effective, the City of Vista Grove shall take title to all
1551 property previously in the ownership of the district and all taxes, fees, and assessments
1552 of the district shall cease to be levied and collected.

1553 ARTICLE VI

1554 GENERAL PROVISIONS.

1555 SECTION 6.01.

1556 DeKalb County Special Services Tax District.

1557 For the taxable years beginning on or after January 1, 2020, the adjusted ad valorem tax
1558 millage rate and amount for service charges or fees for district services for the Vista Grove

1559 special services tax district shall be zero percent. This section is enacted pursuant to the
 1560 authority granted to the General Assembly under Section 1 of that local constitutional
 1561 amendment providing that certain municipalities in DeKalb County shall constitute special
 1562 services tax districts, Resolution Act. No. 168; House Resolution No. 715-1916; Ga. L. 1978,
 1563 p. 2468, to control the subject matter of such local constitutional amendment. Municipal
 1564 services provided by DeKalb County for the City of Vista Grove will be established through
 1565 intergovernmental agreements or established as otherwise authorized by statute.

1566 **SECTION 6.02.**

1567 Referendum and initial election.

1568 (a) The election superintendent of DeKalb County shall call a special election for the
 1569 purpose of submitting this Act to the qualified voters of the proposed City of Vista Grove for
 1570 approval or rejection. The superintendent shall set the date of such election for the Tuesday
 1571 after the first Monday in November, 2019. The superintendent shall issue the call for such
 1572 election at least 60 days prior to the date thereof. The superintendent shall cause the date and
 1573 purpose of the election to be published once a week for two weeks immediately preceding
 1574 the date thereof in the official organ of DeKalb County. The ballot shall have written or
 1575 printed thereon the words:

1576 "() YES Shall the Act incorporating the City of Vista Grove in DeKalb County,
 1577 () NO according to the charter contained in the Act be approved?"

1578 All persons desiring to vote for approval of the Act shall vote "Yes," and those persons
 1579 desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes
 1580 cast on such question are for approval of the Act, it shall become of full force and effect as
 1581 provided in this charter; otherwise it shall be void and of no force and effect. The initial
 1582 expense of such election shall be borne by DeKalb County. Within two years after the
 1583 elections if the incorporation is approved, the City of Vista Grove shall reimburse DeKalb
 1584 County for the actual cost of printing and personnel services for such election and for the
 1585 initial election of the mayor and councilmembers pursuant to Section 2.02 of this charter.
 1586 It shall be the duty of the superintendent to hold and conduct such election. It shall be his
 1587 or her further duty to certify the result thereof to the Secretary of State.

1588 (b) For the purposes of the referendum election provided for in subsection (a) of this section
 1589 and for the purposes of the special election of the City of Vista Grove to be held on the date
 1590 of and in conjunction with the 2020 presidential preference primary, the qualified electors
 1591 of the City of Vista Grove shall be those qualified electors of DeKalb County residing within
 1592 the corporate limits of the City of Vista Grove as described by Appendix A of this charter.
 1593 At subsequent municipal elections, the qualified electors of the City of Vista Grove shall be

1594 determined pursuant to the authority of Chapter 2 of Title 21 of the O.C.G.A., the "Georgia
1595 Election Code."

1596 (c) Only for the purposes of holding and conducting the referendum election provided for
1597 by subsection (a) of this section and holding and conducting the special election of the City
1598 of Vista Grove to be held on the date of and in conjunction with the 2020 presidential
1599 preference primary, the election superintendent of DeKalb County is vested with the powers
1600 and duties of the election superintendent of the City of Vista Grove and the powers and
1601 duties of the governing authority of the City of Vista Grove.

1602 **SECTION 6.03.**

1603 Effective dates and transition.

1604 (a) The initial mayor and councilmembers shall take the oath of office the next business day
1605 after certification of the election of such officers and, by action of any four members of the
1606 governing authority may, prior to the first day of the second month immediately following
1607 their election, meet and take actions binding on the city.

1608 (b) A period of time will be needed for an orderly transition of various governmental
1609 functions from DeKalb County to the City of Vista Grove. Accordingly there shall be a
1610 two-year transition period as allowed by law, beginning at 12:01 A.M. on the first day of the
1611 second month immediately following the election of the initial mayor and councilmembers.

1612 (c) During such transition period, DeKalb County shall continue to provide, within the
1613 territorial limits of the city, all governmental services and functions which DeKalb County
1614 provided prior to such date in 2019, at the same actual direct cost and level of service, except
1615 to the extent otherwise provided in this section; provided, however, that upon at least 30
1616 days' prior written notice to the governing authority of DeKalb County by the governing
1617 authority of City of Vista Grove, responsibility for any such service or function shall be
1618 transferred to the City of Vista Grove. The governing authority of the City of Vista Grove
1619 shall determine the date of commencement of collection of taxes, fees, assessments, fines,
1620 and forfeitures, and other moneys within the territorial limits of the city and the date upon
1621 which the City of Vista Grove is considered removed from the special tax district.

1622 (d) During the transition period, the governing authority of the City of Vista Grove may
1623 generally exercise any power granted by this charter or general law, except to the extent that
1624 a power is specifically and integrally related to the provision of a governmental service,
1625 function, or responsibility not yet provided or carried out by the city.

1626 (e) During the transition period, all ordinances of DeKalb County shall remain applicable
1627 within the territorial limits of the city unless otherwise amended, repealed, or replaced by the
1628 City of Vista Grove. Any transfer of jurisdiction to the City of Vista Grove during or at the

1629 end of the transition period shall not in and of itself abate any judicial proceeding pending
 1630 in DeKalb County or the pending prosecution of any violation of any ordinance of DeKalb
 1631 County.

1632 (f) During the transition period, the governing authority of the City of Vista Grove may at
 1633 any time, without the necessity of any agreement by DeKalb County, commence to exercise
 1634 its planning and zoning powers; provided, however, that the city shall give the county notice
 1635 of the date on which the city will assume the exercise of such powers. Upon the governing
 1636 authority of the City of Vista Grove commencing to exercise its planning and zoning powers,
 1637 the Municipal Court of the City of Vista Grove shall immediately have jurisdiction to enforce
 1638 the planning and zoning ordinances of the city. The provisions of this subsection shall
 1639 control over any conflicting provisions of any other subsection of this section.

1640 (g) Effective upon the termination of the transition period, subsections (b) through (f) of this
 1641 section shall cease to apply except for the last sentence of subsection (e) which shall remain
 1642 effective. Effective upon the termination of the transition period, the City of Vista Grove
 1643 shall be a full functioning municipal corporation and subject to all general laws of this state.

1644 **SECTION 6.04.**

1645 Directory nature of dates.

1646 It is the intention of the General Assembly that this Act be construed as directory rather than
 1647 mandatory with respect to any date prescribed in this Act. If it is necessary to delay any
 1648 action called for in this Act for providential cause or any other reason, it is the intention of
 1649 the General Assembly that the action be delayed rather than abandoned. Any delay in
 1650 performing any action under this Act, whether for cause or otherwise, shall not operate to
 1651 frustrate the overall intent of this Act. Without limiting the generality of the foregoing, it is
 1652 specifically provided that if it is not possible to hold the referendum election provided for in
 1653 Section 6.02 of this Act on the date specified in that section, then such referendum shall be
 1654 held as soon thereafter as is reasonably practicable. If the referendum election provided for
 1655 in Section 6.02 of this Act is conducted on or before the Tuesday following the first Monday
 1656 in November, 2019, the special election for the initial members of the governing authority
 1657 shall be conducted on the date specified in Section 2.02 of this Act. If the referendum
 1658 election provided for under Section 6.02 of this Act is conducted after the Tuesday following
 1659 the first Monday in November, 2019, then the special election for the initial members of the
 1660 governing authority shall be held as soon thereafter as is reasonably practicable, and the
 1661 commencement of the initial terms of office shall be delayed accordingly. If the first election
 1662 provided for in Section 2.02 of this Act occurs after the Tuesday following the first Monday

1663 in November, 2019, the city council shall be authorized to delay the dates otherwise specified
1664 in Section 6.03 of this Act.

1665 **SECTION 6.05.**

1666 Charter commission.

1667 Not later than three years after the inception of the City of Vista Grove, the mayor and the
1668 city council shall call for a charter commission to review the city's experience and
1669 recommend to the city council any changes to propose to the General Assembly. Members
1670 of the charter commission shall be appointed as follows: one member by the mayor, one
1671 member by each city council member, and one member by each member of the Georgia
1672 House of Representatives and Georgia Senate whose district lies wholly or partially within
1673 the corporate boundaries of the City of Vista Grove. All members of the charter commission
1674 shall reside in the City of Vista Grove. The commission shall complete the recommendations
1675 within the time frame required by the city council.

1676 **SECTION 6.06.**

1677 Severability.

1678 In the event any section, subsection, sentence, clause, or phrase of this Act shall be declared
1679 or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other
1680 sections, subsections, sentences, clauses, or phrases of this Act, which shall remain of full
1681 force and effect, as if the section, subsection, sentence, clause, or phrase so declared or
1682 adjudged invalid or unconstitutional were not originally a part hereof.

1683 **SECTION 6.07.**

1684 Effective date.

1685 This Act shall become effective upon its approval by the Governor or upon its becoming law
1686 without such approval.

1687 **SECTION 6.08.**

1688 Repealer.

1689 All laws and parts of laws in conflict with this Act are repealed.

1690 APPENDIX A
 1691 LEGAL DESCRIPTION
 1692 CORPORATE LIMITS
 1693 CITY OF VISTA GROVE, DEKALB COUNTY, GEORGIA
 1694 Plan: VistaGrove-p1-Corp-2019
 1695 Plan Type: Local
 1696 Administrator: S021
 1697 User: bak
 1698 District VISTAGROVE
 1699 DeKalb County
 1700 VTD: 089BC - BRIAR VISTA ELEMENTARY
 1701 021504:
 1702 1000 1001 1002 1003 1004 1005 1006 1007
 1703 VTD: 089BD - BRIARLAKE ELEMENTARY
 1704 VTD: 089BG - BRIARCLIFF
 1705 VTD: 089CJ - CLAIRMONT HILLS
 1706 021602:
 1707 2026 2028
 1708 VTD: 089CW - CORALWOOD
 1709 021602:
 1710 2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011
 1711 2012 2013 2014 2015 2016 2017 2018 2019 2020 2022 2023 2024
 1712 2025 2027 2029
 1713 021704:
 1714 3010 3011 3017 3018 3019 3020
 1715 VTD: 089EC - EMBRY HILLS
 1716 021808:
 1717 2000 2001 2002 2003 2004 2006 2007 2008 2009 2010 2011 2012
 1718 2013 2014 2027
 1719 021809:
 1720 3000 3001 3002 3003 3004 3005 3006 3007
 1721 021812:
 1722 2012 2013 2014 2015 2016 2017 2018 2019
 1723 VTD: 089EF - EVANSDALE ELEM
 1724 021705:
 1725 1000 1001 1002 1003 2003 2004 2005 2024 2025 2026
 1726 021808:

1727 1000 1001 1002 1003 1004 1005 1006 1007 1008 1011 1012 1013
 1728 1016 1017 1018 1019 1021 1022 1023 1028 1029 2005 2015 2016
 1729 2017 2018 2019 2020 2021 2022 2023 2025 2026 2028
 1730 VTD: 089HB - HAWTHORNE ELEM
 1731 021705:
 1732 3006 3010
 1733 021706:
 1734 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 2000
 1735 2001 2002 2003 2008 2009 2010 2011 2012 2013 2014 2015 2016
 1736 4008 4009
 1737 VTD: 089HC - HENDERSON MILL
 1738 VTD: 089HD - HERITAGE ED
 1739 021605:
 1740 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011
 1741 1012 1013 1014 1017 1018 3003 3004 3005
 1742 VTD: 089LA - LAKESIDE HIGH
 1743 VTD: 089LB - LAVISTA ROAD
 1744 021504:
 1745 2000 2001 2002 2008 3000
 1746 021602:
 1747 2021
 1748 021603:
 1749 1008 1010 1011 1012 1014
 1750 021604:
 1751 2021 2023 2024
 1752 VTD: 089LC - LAVISTA
 1753 021503:
 1754 1000 1001 1002 1003 1004 1005 3000 3001 3002 3003
 1755 VTD: 089MH - MIDVALE ELEM
 1756 021809:
 1757 5006 5007 5008
 1758 VTD: 089MJ - MONTCLAIR ELEM
 1759 021603:
 1760 2002 2003 2004
 1761 VTD: 089MP - MARGARET HARRIS
 1762 021603:
 1763 2005 2012 2017 2021 3000 3001 3002 3003 3004 3005 3006 3007

1764 VTD: 089MW - MIDVALE ROAD
 1765 021808:
 1766 1009 1010 1014 1015 1020 1024 1025 1026 1027
 1767 021809:
 1768 5021
 1769 021810:
 1770 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010
 1771 VTD: 089ND - NORTHLAKE
 1772 VTD: 089OA - OAK GROVE ELEM
 1773 021604:
 1774 1000 1001 1002 1003 1004 1005 1012
 1775 021605:
 1776 1015 1016 2000 2001 2002 2003 2004 2005 2006 2007 2008 2009
 1777 2010 2011 2012 2013 2014 2015 2016 2017 3007 3012 3013 3015
 1778 021703:
 1779 2024
 1780 VTD: 089PF - PLEASANTDALE ELEM
 1781 021812:
 1782 1000 1001 1002 2002 2004 2005 2006 2007 2008 2009 2010 2011
 1783 021813:
 1784 1012
 1785 021814:
 1786 2001 2002 2003 2004 2005 2006 2007 2008
 1787 VTD: 089PK - PLEASANTDALE ROAD
 1788 021813:
 1789 1002 1003 1004 1005 1006 1011 1013 1014 1015 1016 1017 1018
 1790 1019
 1791 021814:
 1792 1000 1001 1002 1003 1004 1005 1006 1008 1009 2000 2009 3000
 1793 3001 3002 3003 3004 3005 3006 3007 3008 3009 3010 4000 4001
 1794 4002 4003 4004 4005 4006 4007 4008 4009 4010 4011 4012 4013
 1795 VTD: 089RD - REHOBOTH
 1796 021704:
 1797 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023
 1798 VTD: 089SA - SAGAMORE HILLS
 1799 VTD: 089WI - WARREN TECH
 1800 021705:

1801 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1015

1802 2015 2018 2019 2030 2031 2032 2033 2034

1803 021808:

1804 2024

1805 For the purposes of this description, the term "VTD" shall mean and describe the same
 1806 geographical boundaries as provided in the report of the Bureau of the Census for the United
 1807 States decennial census of 2010 for the State of Georgia. The separate numeric designations
 1808 in the description which are underneath a VTD heading shall mean and describe individual
 1809 blocks within a VTD as provided in the report of the Bureau of the Census for the United
 1810 States decennial census of 2010 for the State of Georgia. All right-of-way and boundary
 1811 descriptions shall be as of the date of the passage of this legislation.

1812

APPENDIX B

1813

LEGAL DESCRIPTION

1814

CITY COUNCIL DISTRICTS

1815

CITY OF VISTA GROVE, DEKALB COUNTY, GEORGIA

1816 Plan: VistaGrove-p1-dist-2019

1817 Plan Type: Local

1818 Administrator: S021

1819 User: bak

1820 District 001

1821 DeKalb County

1822 VTD: 089EC - EMBRY HILLS

1823 021812:

1824 2012 2013 2014 2015 2016 2017 2018 2019

1825 VTD: 089PF - PLEASANTDALE ELEM

1826 021812:

1827 1000 1001 2002 2004 2005 2006 2007 2008 2009 2010 2011

1828 021813:

1829 1012

1830 021814:

1831 2001 2002 2003 2004 2005 2006 2007 2008

1832 VTD: 089PK - PLEASANTDALE ROAD

1833 021813:

1834 1002 1003 1004 1005 1006 1011 1013 1014 1015 1016 1017 1018

1835 1019

1836 021814:
 1837 1000 1001 1002 1003 1004 1005 1006 1008 1009 2000 2009 3000
 1838 3001 3002 3003 3004 3005 3006 3007 3008 3009 3010 4000 4001
 1839 4002 4003 4004 4005 4006 4007 4008 4009 4010 4011 4012 4013

 1840 District 002
 1841 DeKalb County
 1842 VTD: 089EC - EMBRY HILLS
 1843 021808:
 1844 2000 2001 2002 2003 2004 2006 2007 2008 2009 2010 2011 2012
 1845 2013 2014 2027
 1846 021809:
 1847 3000 3001 3002 3003 3004 3005 3006 3007
 1848 VTD: 089EF - EVANSDALE ELEM
 1849 021705:
 1850 1000 1001 1002 1003 2003 2004 2005 2024 2025 2026
 1851 021808:
 1852 1000 1001 1002 1003 1004 1005 1006 1007 1008 1011 1012 1013
 1853 1016 1017 1018 1019 1021 1022 1023 1028 1029 2005 2015 2016
 1854 2017 2018 2019 2020 2021 2022 2023 2025 2026 2028
 1855 VTD: 089MH - MIDVALE ELEM
 1856 021809:
 1857 5006 5007 5008
 1858 VTD: 089MW - MIDVALE ROAD
 1859 021808:
 1860 1009 1010 1015 1020 1024 1025 1026 1027
 1861 VTD: 089PF - PLEASANTDALE ELEM
 1862 021812:
 1863 1002
 1864 VTD: 089WI - WARREN TECH
 1865 021705:
 1866 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1015
 1867 2015 2018 2019 2030 2031 2032 2033 2034
 1868 021808:
 1869 2024

1870 District 003
 1871 DeKalb County
 1872 VTD: 089BD - BRIARLAKE ELEMENTARY
 1873 021703:
 1874 1000 1002 1003 1014 1026 1027 1028 1029 1030 1031 1032 1033
 1875 1034 1035 1036
 1876 VTD: 089HB - HAWTHORNE ELEM
 1877 021705:
 1878 3006 3010
 1879 021706:
 1880 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 2000
 1881 2001 2002 2003 2008 2009 2010 2011 2012 2013 2014 2015 2016
 1882 4008 4009
 1883 VTD: 089HC - HENDERSON MILL
 1884 VTD: 089MW - MIDVALE ROAD
 1885 021808:
 1886 1014
 1887 021809:
 1888 5021
 1889 021810:
 1890 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010

 1891 District 004
 1892 DeKalb County
 1893 VTD: 089BD - BRIARLAKE ELEMENTARY
 1894 021703:
 1895 1001 1008 1009 1010 1011 1012 1013 1023 1024 1025 1037 1038
 1896 1039 1040 2009 2010 2011 2012 2023 2028 2029 2030 2031 2032
 1897 VTD: 089HD - HERITAGE ED
 1898 021605:
 1899 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011
 1900 1012 1013 1014 1017 1018 3003 3004 3005
 1901 VTD: 089LA - LAKESIDE HIGH
 1902 VTD: 089ND - NORTHLAKE
 1903 VTD: 089RD - REHOBOTH
 1904 021704:
 1905 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023

1906 VTD: 089SA - SAGAMORE HILLS
 1907 021704:
 1908 3001 3002 3003 3004 3007 3009

 1909 District 005
 1910 DeKalb County
 1911 VTD: 089CJ - CLAIRMONT HILLS
 1912 021602:
 1913 2026 2028
 1914 VTD: 089CW - CORALWOOD
 1915 021602:
 1916 2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011
 1917 2012 2013 2014 2015 2016 2017 2018 2019 2020 2022 2023 2024
 1918 2025 2027 2029
 1919 021704:
 1920 3010 3011 3017 3018 3019 3020
 1921 VTD: 089LB - LAVISTA ROAD
 1922 021602:
 1923 2021
 1924 021604:
 1925 2021 2023 2024
 1926 VTD: 089MJ - MONTCLAIR ELEM
 1927 021603:
 1928 2002 2003 2004
 1929 VTD: 089OA - OAK GROVE ELEM
 1930 021604:
 1931 1000 1001 1002 1003 1004 1005 1012
 1932 021605:
 1933 1015 1016 2000 2001 2002 2003 2004 2005 2006 2007 2008 2009
 1934 2010 2011 2012 2013 2014 2015 2016 2017 3007 3012 3013 3015
 1935 021703:
 1936 2024
 1937 VTD: 089SA - SAGAMORE HILLS
 1938 021604:
 1939 1006 1007 1008 1009 1010 1011 1013 1014 1015 1016 1017 1018
 1940 1019 1020 1021 2000 2001 2002 2003 2004 2005 2006 2007 2008
 1941 2009 2010 2011 2012 2013 2014 2015 2016 2017 2018 2019 2020

1942 2022
 1943 021704:
 1944 3005 3006 3008

 1945 District 006
 1946 DeKalb County
 1947 VTD: 089BC - BRIAR VISTA ELEMENTARY
 1948 021504:
 1949 1000 1001 1002 1003 1004 1005 1006 1007
 1950 VTD: 089BG - BRIARCLIFF
 1951 VTD: 089LB - LAVISTA ROAD
 1952 021504:
 1953 2000 2001 2002 2008 3000
 1954 021603:
 1955 1008 1010 1011 1012 1014
 1956 VTD: 089LC - LAVISTA
 1957 021503:
 1958 1000 1001 1002 1003 1004 1005 3000 3001 3002 3003
 1959 VTD: 089MP - MARGARET HARRIS
 1960 021603:
 1961 2005 2012 2017 2021 3000 3001 3002 3003 3004 3005 3006 3007

1962 APPENDIX C
 1963 CERTIFICATE AS TO MINIMUM STANDARDS
 1964 FOR INCORPORATION OF A NEW MUNICIPAL CORPORATION

1965 I, Timothy Barr, Representative from the 103rd District, and the author of this bill introduced
 1966 at the 2019 session of the General Assembly of Georgia, which grants an original municipal
 1967 charter to the City of Vista Grove, do hereby certify that this bill is in compliance with the
 1968 minimum standards required by Chapter 31 of Title 36 of the O.C.G.A. in that the area
 1969 embraced within the original incorporation in this bill is in all respects in compliance with
 1970 the minimum standards required by Chapter 31 of Title 36 of the O.C.G.A. This certificate
 1971 is executed to conform to the requirements of Code Section 36-31-5 of the O.C.G.A.

1972 So certified this _____ day of _____, 2019.

1973
1974
1975
1976

Honorable Timothy Barr
Representative, District 103
Georgia House of Representatives