

House Bill 515

By: Representatives Mitchell of the 88th, Holcomb of the 81st, and Henson of the 86th

A BILL TO BE ENTITLED
AN ACT

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

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

ARTICLE I

CREATION, INCORPORATION, AND POWERS

SECTION 1.01.

Incorporation.

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

SECTION 1.02.

Corporate boundaries.

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

SECTION 1.03.

Powers and construction.

(a) Except as provided in subsection (b) of this section, the city shall have the following powers:

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

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

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

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

(5) Condemnation.

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

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

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

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

(8) Environmental protection. To protect and preserve the natural resources, environment, and vital areas of the city, the region, and the state through the enactment of ordinances that preserve and improve air quality, restore and maintain water resources, control erosion and sedimentation, manage storm water and establish a storm-water

utility, manage solid and hazardous waste, and provide other necessary or beneficial actions for the protection of the environment;

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

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

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

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

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

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

(15) Homestead exemption. To establish and maintain procedures for offering homestead exemptions to residents of the city and maintaining current homestead exemptions of residents of the city as authorized by Act of the General Assembly;

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

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

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

(19) Municipal courts. To create a municipal court with a judge or judge and associate judges as may be necessary and to authorize the creation of a municipal court clerk's office or make said clerk's duties a part of the duties of the city clerk as designated by the city council;

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

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

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

(23) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose of public utilities, including, but not limited to, a system of waterworks, sewers and drains, sewage disposal, storm-water management, gas works, electricity generating plants, cable television and other telecommunications, transportation facilities, public airports, and any other public utility; to fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties; and to provide for the withdrawal of service for refusal or failure to pay the same;

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

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

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

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

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

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

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

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

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

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

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

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

(36) Solid waste disposal. To provide for the collection and disposal of garbage, rubbish, and refuse and to regulate the collection and disposal of garbage, rubbish, and refuse by

others; and to provide for the separate collection of glass, tin, aluminum, cardboard, paper, and other recyclable materials and to provide for the sale of such items;

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

(38) Taxes: ad valorem. To levy and provide for the assessment, valuation, revaluation, and collection of taxes on all property subject to taxation to a maximum of 1 mill without a referendum;

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

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

(41) Tourism, conventions, and trade shows. To provide for the structure, operation, and management of the Tucker Convention and Visitors Bureau created pursuant to Section 1.05 of this charter and to authorize the City of Tucker to contract with private sector nonprofit organizations or other governmental agencies to promote tourism, conventions, and trade shows;

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

(43) Other powers. To exercise and enjoy all other powers, functions, rights, privileges, and immunities necessary or desirable to promote or protect the safety, health, peace, security, good order, comfort, convenience, or general welfare of the city and its inhabitants; to exercise all implied powers necessary or desirable to carry into execution all powers granted in this charter as fully and completely as if such powers were fully stated herein; and to exercise all powers now or in the future authorized to be exercised by other municipal governments under other laws of the State of Georgia; and any listing of particular powers in this charter shall not be held to be exclusive of others or restrictive of general words and phrases granting powers but shall be held to be in addition to such powers unless expressly prohibited to municipalities under the Constitution or applicable laws of the State of Georgia.

(b) Except as provided in subsection (c) of this section, the city shall exercise the powers enumerated in subsection (a) of this section only for the purposes of planning and zoning, code adoption and enforcement, and parks and recreation services and those items directly related to the provision of such services and for the general administration of the city in providing such services.

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

SECTION 1.04.

Exercise of powers.

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

SECTION 1.05.

Tourism, conventions, and trade shows.

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

ARTICLE II

GOVERNMENT STRUCTURE, ELECTIONS, AND LEGISLATIVE BRANCH

SECTION 2.01.

City council creation; number; election.

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

(b)(1) The city council of the City of Tucker shall consist of six members, plus the mayor.

(2) There shall be three council districts, designated as Council Districts 1 through 3, as described in Appendix B of this charter, which is attached to and made a part of this charter of the City of Tucker.

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

(4) Three councilmembers shall be elected from the city at large and shall represent Council Posts 4, 5, and 6. Candidates offering for election to Council Post 4 shall reside in Council District 1, candidates offering for election to Council Post 5 shall reside in Council District 2, and candidates offering for election to Council Post 6 shall reside in Council District 3. Each person desiring to offer as a candidate for councilmember for such posts shall designate the council post for which he or she is offering. Councilmembers for such posts shall be elected by a majority vote of the qualified electors of the entire city voting at the elections of the city. In the event that no candidate for a council post obtains a majority vote of the qualified electors of the entire city voting in the election, then a run-off election shall be held. The candidates receiving the two highest numbers of votes in the election for such council post shall be included in the run-off election. The person receiving the highest number of votes of the qualified electors of the entire city voting at such run-off election shall be elected.

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

(d) In order to assure staggered elections of the councilmembers, in the first election of the city council, the terms for the candidates elected for Council Posts, 1, 2, and 3 shall expire upon the administration of the oath of office to their successors elected in the regular elections held in November, 2017, as provided in subsection (b) of Section 2.02 of this charter. The terms for the candidates elected for Council Posts 4, 5, and 6 shall expire upon

303 the administration of the oath of office to their successors elected in the regular elections held
304 in November, 2019, as provided in subsection (b) of Section 2.02 of this charter. Thereafter,
305 a successor to each councilmember shall be elected at the November election immediately
306 preceding the end of such councilmember's term of office and the term of each
307 councilmember shall expire upon the administration of the oath of office to his or her
308 successor.

309 (e) With the exception of the initial term of office, the mayor of the City of Tucker, with the
310 powers and duties specified in this charter, shall be elected to a term of four years and until
311 his or her successor is elected and qualified. The mayor shall be elected by a majority vote
312 of the qualified electors of the city at large voting at the elections of the city. In the event
313 that no candidate for mayor obtains a majority vote of the qualified electors of the city at
314 large voting at the elections of the city, then a run-off election shall be held. The candidates
315 receiving the two highest numbers of votes in the election shall be included in the run-off
316 election, and the candidate receiving the highest number of votes in the runoff of the
317 qualified electors of the city at large voting in such runoff shall be elected. The term of the
318 first elected mayor shall expire upon the administration of the oath of office to his or her
319 successor elected in the regular election held in November, 2017, as provided in
320 subsection (b) of Section 2.02 of this charter. Thereafter, a successor to each mayor shall be
321 elected at the November election immediately preceding the end of such mayor's term of
322 office and the term of each mayor shall expire upon the administration of the oath of office
323 to his or her successor.

324 **SECTION 2.02.**

325 Mayor and councilmembers; terms and qualifications for office.

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

336 (b) An election shall be held on the date of and in conjunction with the 2016 presidential
337 preference primary to elect the first mayor and city council. At such election, the first mayor

338 and council shall be elected to serve for the initial terms of office specified in subsections (d)
339 and (e) of Section 2.01. Thereafter, the time for holding regular municipal elections shall be
340 on the Tuesday after the first Monday in November of each odd-numbered year beginning
341 in 2017.

342 (c) The number of successive terms an individual may hold a position as a councilmember
343 shall be limited to two terms.

344 (d) The number of successive terms an individual may hold the position of mayor shall be
345 limited to three terms.

346 **SECTION 2.03.**

347 Vacancy; filling of vacancies; suspensions.

348 (a) Elected officials of the city shall not hold other elective or public offices. The elective
349 offices of the city's government shall become vacant upon the incumbent's death, resignation,
350 removal, or forfeiture of office. The following shall result in an elected city official
351 forfeiting his or her office:

352 (1) Failing to reside in the city or the district from which such person was elected;

353 (2) Being convicted of, or pleading guilty or nolo contendere to, a felony or any
354 misdemeanor involving theft or deception; or

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

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

365 (c) The office of a councilmember shall become vacant upon the incumbent's death,
366 resignation, forfeiture of office, or removal from office in any manner authorized by this
367 charter or the general laws of the State of Georgia. A vacancy in the office of a
368 councilmember shall be filled for the remainder of the unexpired term by a special election
369 if such vacancy occurs 12 months or more prior to the expiration of the term of that office.
370 If such vacancy occurs within 12 months of the expiration of the term of that office, the
371 mayor shall appoint a successor for the remainder of the term, subject to the approval of the

372 city council or those members remaining. This provision shall also apply to a temporary
373 vacancy created by the suspension from office of a councilmember.

374 **SECTION 2.04.**

375 Nonpartisan elections.

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

378 **SECTION 2.05.**

379 Election votes.

380 The candidate for mayor and the candidates for Council Posts 4, 5, and 6, respectively, who
381 receive the majority vote for their respective offices of the qualified electors of the city at
382 large voting in the elections of the city and the candidates for Council Posts 1, 2, and 3,
383 respectively, who receive the majority vote of the qualified electors of their respective
384 districts voting in the elections of the city shall be elected to a term of office.

385 **SECTION 2.06.**

386 Applicability of general laws; qualifying; other provisions.

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

394 **SECTION 2.07.**

395 Compensation and expenses.

396 The annual salary of the mayor shall be \$20,000.00, and the annual salary for each
397 councilmember shall be \$14,000.00. Such salaries shall be paid from municipal funds in
398 monthly installments. The mayor shall be provided an annual expense allowance
399 of \$5,000.00 and each councilmember shall be provided an annual expense allowance

400 of \$3,000.00 for the reimbursement of expenses actually and necessarily incurred by the
401 mayor and councilmembers in carrying out their duties as elected officials of the city.

402 **SECTION 2.08.**

403 Inquiries and investigations.

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

409 **SECTION 2.09.**

410 Meetings, oath of office, and mayor pro tempore.

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

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

429 (b) Following the induction of the mayor and councilmembers, the city council, by a
430 majority vote of the councilmembers, shall elect a councilmember to be mayor pro tempore,
431 who shall serve for a term of two years and until a successor is elected and qualified. The

432 number of successive terms an individual may hold a position as mayor pro tempore shall
433 be unlimited.

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

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

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

454 **SECTION 2.10.**

455 **Quorum; voting.**

456 (a) Four councilmembers shall constitute a quorum and shall be authorized to transact
457 business for the city council. The mayor shall be counted toward the making of a quorum.
458 Voting on the adoption of ordinances shall be taken by voice vote, and the yeas and nays
459 shall be recorded in the minutes, but on the request of any member, there shall be a roll call
460 vote. In order for any ordinance, resolution, motion, or other action of the city council to be
461 adopted, the measure shall receive at least three affirmative votes and shall receive the
462 affirmative votes of a majority of those voting. Notwithstanding any provision to the
463 contrary, no ordinance shall be adopted if the ordinance receives a no vote from both
464 councilmembers that have a residence requirement in any one of the three districts.

465 (b) Any voting member of the council may abstain from voting on an issue or may recuse
466 himself or herself from voting only when a conflict of interest exists. Such conflict shall be

disclosed to the city council and entered on the record. A vote to abstain may be entered by any voting member as a protest under the councilmember's First Amendment rights and shall be reflected as such in the record of the vote. If any councilmember or the mayor is present and eligible to vote on a matter and refuses to do so for a reason he or she will not disclose, he or she shall be deemed to have voted with the majority of the votes of the other councilmembers on the issue involved, provided that if there is a tie in the vote of the voting councilmembers, then the mayor and each councilmember shall be required to vote unless he or she discloses a reason for not voting. The mayor shall have one vote on all matters brought before the council.

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

- (1) Adopt or amend an administrative code or establish, alter, or abolish a department, office not specified in this charter, or agency;
- (2) Provide for a fine or other penalty;
- (3) Levy taxes;
- (4) Grant, renew, or extend a franchise;
- (5) Regulate a rate for a public utility;
- (6) Authorize the borrowing of money;
- (7) Convey, lease, or encumber city land;
- (8) Regulate land use and development;
- (9) Amend or repeal an ordinance already adopted; and
- (10) Propose and vote on a budget for the fiscal year and to authorize a budget plan for a term beyond the current fiscal year.

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

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

SECTION 2.11.

General power and authority of the city council.

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

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

509 **SECTION 2.12.**

510 Administrative and service departments.

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

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

525 **SECTION 2.13.**

526 Prohibitions.

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

529 (1) Engage in any business or transaction or have a financial or other personal interest,
530 direct or indirect, which is in conflict with or which is within the scope of the proper
531 discharge of official duties or which would tend to impair the independence of his or her
532 judgment or action in the performance of official duties;

533 (2) Engage in or accept private employment or render services for private interests when
534 such employment or service is incompatible with the proper discharge of official duties

or would tend to impair the independence of his or her judgment or action in the performance of official duties;

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

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

(5) Vote or otherwise participate in the negotiation or in the making of any contract with any business or entity in which he or she or any member of his or her immediate family has a financial interest.

(b) Any elected official, appointed officer, or employee who has any private financial interest, directly or indirectly, in any contract or matter pending before or within any department of the city shall disclose such private interest to the city council. As used in this subsection, the term "private financial interest" includes the interest of a spouse, child, or significant other or domestic partner. The mayor or any councilmember who has a private interest in any matter pending before the city council shall disclose in writing such private interest, such disclosure shall be entered on the records of the city council, and he or she shall disqualify himself or herself from participating in any decision or vote relating thereto. Any elected official, appointed officer, or employee of any agency or political entity to which this charter applies who shall have any private financial interest, directly or indirectly, in any contract or matter pending before or within such entity shall disclose such private interest to the governing body of such agency or entity.

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

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

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

SECTION 2.14.**Boards, commissions, and authorities.**

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

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

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

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

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

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

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

SECTION 2.15.

Ordinance form; procedures.

(a) Every proposed ordinance and resolution shall be introduced in writing, and the city council shall have the authority to approve, disapprove, or amend such ordinance or resolution. A resolution may be passed at the time it is offered, but an ordinance shall not be adopted until the title of such ordinance shall have been read at two city council meetings, provided that the beginning of such meetings be not less than 24 hours nor more than 60 days apart. This requirement of two readings shall not apply to emergency ordinances, to ordinances passed during the first 90 days from the date on which the city begins operation, or to ordinances adopted at the first meeting of the initial city council as elected under subsection (b) of Section 2.02 of this charter. The catchlines of sections of this charter or any ordinance printed in boldface type, italics, or otherwise are intended as mere catchwords to indicate the contents of the section and:

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

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

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

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

SECTION 2.16.

Submission of ordinances to the city clerk.

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

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

636 ARTICLE III
637 EXECUTIVE BRANCH
638 SECTION 3.01.

639 Powers and duties of the mayor.

640 (a) The mayor shall:

- 641 (1) Preside over all meetings of the city council;
642 (2) Set the agenda for meetings of the city council after receiving input from members
643 of the city council, the city manager, and the public; provided, however, that an additional
644 item shall be added to the agenda upon the written request of any member of the city
645 council, and name of the mayor or councilmember placing an item on the agenda shall
646 be noted on the agenda;
647 (3) Serve as the ceremonial head of the city and as its official representative to federal,
648 state, and local government bodies and officials;
649 (4) Sign all orders, checks, and warrants for payment of money within a level of
650 authorization as established by the city council;
651 (5) Execute all contracts, deeds, and other obligations of the city within a level of
652 authorization as established by the city council;
653 (6) Vote in all matters before the city council as provided in subsection (a) of
654 Section 2.10 of this charter;
655 (7) Make all appointments of city officers as provided by this charter, subject to
656 confirmation by the city council;
657 (8) Serve in a part-time capacity and be compensated accordingly;
658 (9) Approve all raises or increases in compensation of city staff with the consent of the
659 city council; and
660 (10) Perform any other duties and exercise any other powers required by state or federal
661 law or authorized by a duly adopted ordinance that is not in conflict with this charter.
662 (b) The mayor shall have the authority to certify that a supplemental appropriation is
663 possible due to unexpected revenue increases but only with approval of the city council.
664 (c) The mayor shall have all of the powers specifically granted to the mayor elsewhere in
665 this charter regardless of whether such powers are enumerated in this section.

666 SECTION 3.02.
667 City manager; appointment and qualification.

668 The mayor shall nominate a person for the office of city manager, and the approval of the
669 city council shall be required to make the appointment official. If the first proposed city

670 manager is rejected by the city council, the mayor shall make a second appointment
671 selection. If the city council rejects that second appointment selection, the city council shall
672 offer a candidate for city manager and, by a majority vote, send the appointee to the mayor
673 for approval. If the mayor vetoes or does not approve, a second vote of a two-thirds' majority
674 of the council shall be needed to approve the appointee for the position. The city council
675 may offer as many candidates as needed until the required approval is achieved. The city
676 manager shall be appointed without regard to political beliefs and solely on the basis of his
677 or her education and experience in the accepted competencies and practices of local
678 government management.

679 **SECTION 3.03.**

680 City manager; chief administrative officer.

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

685 **SECTION 3.04.**

686 City manager; powers and duties enumerated.

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

- 688 (1) See that all laws and ordinances are enforced;
- 689 (2) Propose a budget for city operations from a zero base with input from the actual
690 expenditures of the city from the prior year;
- 691 (3) Appoint and employ all necessary employees of the city, provided that the power of
692 this appointment shall not include officers and employees who, by this charter, are
693 appointed or elected by the mayor and the city council or departments not under the
694 jurisdiction of the city manager;
- 695 (4) Remove employees appointed and employed under paragraph (3) of this section,
696 without the consent of the city council and without assigning any reason therefor;
- 697 (5) Exercise supervision and control of all departments and all divisions created in this
698 charter or that may hereafter be created by the city council except as otherwise provided
699 in this charter or specified by the city council;
- 700 (6) Attend all meetings of the city council, without a right to vote, but with a right to take
701 part in the discussions as seen fit by the chairperson; provided, however, that regardless
702 of the decision of the meeting chairperson, the city manager may take part in any

discussion and report on any matter requested and approved by the city council at such meeting. The city manager shall be entitled to notice of all special meetings;

(7) Recommend to the city council for adoption such measures as the city manager may deem necessary or expedient;

(8) See that all terms and conditions imposed in favor of the city or its inhabitants in any public utility franchise are faithfully kept and performed and, upon knowledge of any violation thereof, to call the same to the attention of the city attorney, whose duty it shall be forthwith to take such steps as are necessary to protect and enforce the same;

(9) Make and execute all lawful contracts on behalf of the city as to matters within the city manager's level of authorization as established by the city council to the extent that such contracts are funded in the city's budget, except such as may be otherwise provided by law; provided, however, that no contract purchase or obligation requiring a budget amendment shall be valid and binding until after approval of the city council;

(10) Sign all orders, checks, and warrants for payment of money within the city manager's level of authorization as established by the city council to the extent that such contracts are funded in the city's budget, except such as may be otherwise provided by law; provided, however, that no such order, check, or warrant requiring a budget amendment shall be valid and binding until after approval of the city council;

(11) Act as budget officer to prepare and submit to the city council, after review and comment by the mayor, prior to the beginning of each fiscal year, a budget of proposed expenditures for the ensuing year, showing in as much detail as practicable the amounts allotted to each department of the city government and the reasons for such estimated expenditures;

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

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

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

(15) Shall have the authority to transfer appropriations within a department, fund, service, strategy, or organizational unit, but only with the approval of the city council; and

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

SECTION 3.05.

City council interference with administration.

Except for the purpose of inquiries and investigations under Section 2.08 of this charter, the 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 or a designated agent, and neither the city council nor its members shall give orders to any such officer or employee, either publicly or privately.

SECTION 3.06.

City manager; removal.

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

(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;

(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

(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.

(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.

(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.

SECTION 3.07.

Acting city manager.

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

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

SECTION 3.08.

City attorney.

The city council shall appoint the city attorney or attorneys, together with such assistant city attorneys as may be deemed appropriate, and shall provide for the payment of such attorney or attorneys for services rendered to the city. The rates or salary paid to any city attorney or assistant city attorney shall be approved in advance by the city council. The city attorney or attorneys shall be responsible for representing and defending the city in all litigation in which the city is a party; may be the prosecuting officer in the municipal court if the city elects to create a municipal court; shall attend the meetings of the city council as directed; shall advise the city council, mayor, other officers, and employees of the city concerning legal aspects of the city's affairs; and shall perform such other duties as may be required by virtue of his or her position as city attorney. Except as provided in this charter, the city attorney or attorneys shall review and sign all contracts and documents that bind the city but shall not have the power to bind the city. In a conflict between the mayor and the city council, the city attorney shall engage a separate outside firm to represent the interests of the city council and mayor, respectively. Notwithstanding any law or ordinance to the contrary, the city attorney shall not represent the interest of the city council or the mayor against the other. Unless the litigation allegations specify individual wrongdoing by an individual member of the city council or the mayor, the outside firm shall be able to represent the entity rather than the individual and separate attorneys for the individuals of the city council shall not be necessary.

802 **SECTION 3.09.**

803 City clerk.

804 The city council shall appoint a city clerk to keep a journal of the proceedings of the city
805 council; to maintain in a safe place all records and documents pertaining to the affairs of the
806 city; and to perform such duties as may be required by law or ordinance or as the mayor or
807 city manager may direct.

808 **SECTION 3.10.**

809 Tax collector.

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

815 **SECTION 3.11.**

816 City accountant.

817 The city council shall appoint a city accountant to perform the duties of an accountant.

818 **SECTION 3.12.**

819 City internal auditor.

820 The city council shall appoint an internal auditor to audit the financial records and
821 expenditures of city funds and to report the results of such audits in writing to the city
822 council at times and intervals set by the city council but no less than quarterly. Such audit
823 reports shall, at a minimum, identify all city expenditures and other financial matters that the
824 internal auditor either determines are not in compliance with or cannot conclusively be
825 determined to be in compliance with: (1) the provisions of this charter; (2) the applicable city
826 budget; and (3) applicable ordinances, resolutions, or other actions duly adopted or approved
827 under the provisions of this charter.

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SECTION 3.13.

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Consolidation of functions.

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

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SECTION 3.14.

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Position classification and pay plans; employment at will.

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

846

ARTICLE IV

847

MUNICIPAL COURT

848

SECTION 4.01.

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Creation.

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

860 the provisions of such laws and all laws subsequently enacted amendatory thereof. Such
861 court shall be presided over by a judge of such court pursuant to Chapters 32 through 45
862 and 60 through 76 of Title 36 of the O.C.G.A. The provisions of this article shall apply only
863 upon the creation of the municipal court.

864 **SECTION 4.02.**

865 Judges.

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

870 (b) No person shall be qualified or eligible to serve as a judge unless he or she shall have
871 attained the age of 28 years and shall have been a member of the State Bar of Georgia for a
872 minimum of seven years. The judge or judges shall be nominated by the mayor subject to
873 approval by the city council. The compensation and number of the judges shall be fixed by
874 the city council.

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

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

- 882 (1) Willful misconduct in office;
- 883 (2) Willful and persistent failure to perform duties;
- 884 (3) Habitual intemperance;
- 885 (4) Conduct prejudicial to the administration of justice which brings the judicial office
886 into disrepute; or
- 887 (5) Disability seriously interfering with the performance of duties, which is, or is likely
888 to become, of a permanent character.

889 **SECTION 4.03.**

890 Convening.

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

SECTION 4.04.

Jurisdiction; powers.

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

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

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

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

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

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

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

SECTION 4.05.

Certiorari.

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

927 **SECTION 4.06.**

928 Rules for court.

929 With the approval of the city council, the judge or judges shall have full power and authority
930 to make reasonable rules and regulations necessary and proper to secure the efficient and
931 successful administration of the municipal court.

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933 **ARTICLE V**

934 **FINANCE AND FISCAL**

935 **SECTION 5.01.**

936 Fiscal year.

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

941 **SECTION 5.02.**

942 Preparation of budgets.

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

946 **SECTION 5.03.**

947 Submission of operating budget to city council.

948 (a) On or before a date fixed by the city council, but not later than the first day of the ninth
949 month of the fiscal year currently ending, the city manager shall, after input, review, and
950 comment by the mayor, submit to the city council a proposed operating budget and capital
951 budget for the ensuing fiscal year. The budget shall be accompanied by a message from the
952 mayor and city manager containing a statement of the general fiscal policies of the city, the
953 important features of the budget, explanations of major changes recommended for the next
954 fiscal year, a general summary of the budget, and such other comments and information as
955 they may deem pertinent. The operating budget, the capital budget, the budget message, and
956 all supporting documents shall be filed in the office of the city manager and shall be open to
957 public inspection.

958 (b) Prior to passage of the budget, the city council shall hold a special public hearing at
959 which the budget shall be presented and public comment on the budget shall be solicited.
960 The date, time, and place of the special public hearing shall be announced no less than
961 30 days prior to the scheduled date for such hearing.

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

967 **SECTION 5.04.**

968 Action by city council on budget.

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

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

979 **SECTION 5.05.**

980 Procurement and property management.

981 No contract with the city shall be binding on the city unless it is in writing. The city council
982 may adopt procedures for the authorization of certain contracts without the city attorney's
983 signature or city council approval. Absent the foregoing, no contract with the city shall be
984 binding on the city unless:

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

989 **SECTION 5.06.**

990 Purchasing.

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

993 **SECTION 5.07.**

994 External audits.

- 995 (a) There shall be an annual independent audit of all city accounts, funds, and financial
996 transactions by a certified public accountant selected by the city council. The audit shall be
997 conducted according to generally accepted accounting principles. Any audit of any funds by
998 the state or federal government may be accepted as satisfying the requirements of this
999 charter. Copies of all audit reports shall be available at printing cost to the public.
- 1000 (b) As a minimum, all audits and budgets of the city shall satisfy the requirements of
1001 Chapter 81 of Title 36 of the O.C.G.A., relating to local government audits and budgets.
- 1002 (c) The city council shall appoint the external auditor.

1003 **SECTION 5.08.**

1004 Homestead exemption; freeze.

1005 (a) As used in this section, the term:

1006 (1) "Ad valorem taxes for municipal purposes" means all municipal ad valorem taxes for
1007 municipal purposes levied by, for, or on behalf of the City of Tucker, including, but not
1008 limited to, ad valorem taxes to pay interest on and to retire municipal bonded
1009 indebtedness.

1010 (2) "Base year" means the taxable year immediately preceding the taxable year in which
1011 the exemption under this section is first granted to the most recent owner of such
1012 homestead.

1013 (3) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of
1014 the O.C.G.A., as amended, with the additional qualification that it shall include not more
1015 than five contiguous acres of homestead property.

1016 (b) Each resident of the City of Tucker is granted an exemption on that person's homestead
1017 from City of Tucker ad valorem taxes for municipal purposes in an amount equal to the
1018 amount by which the current year assessed value of that homestead exceeds the base year
1019 assessed value of that homestead. This exemption shall not apply to taxes assessed on
1020 improvements to the homestead or additional land that is added to the homestead after

1021 January 1 of the base year. If any real property is added to or removed from the homestead,
1022 the base year assessed value shall be adjusted to reflect such addition or removal, and the
1023 exemption shall be recalculated accordingly. The value of that property in excess of such
1024 exempted amount shall remain subject to taxation.

1025 (c) A person shall not receive the homestead exemption granted by subsection (b) of this
1026 section unless the person or person's agent files an application with the governing authority
1027 of the City of Tucker, or the designee thereof, giving such information relative to receiving
1028 such exemption as will enable the governing authority of the City of Tucker, or the designee
1029 thereof, to make a determination regarding the initial and continuing eligibility of such owner
1030 for such exemption. The governing authority of the City of Tucker, or the designee thereof,
1031 shall provide application forms for this purpose.

1032 (d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of
1033 the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year
1034 so long as the owner occupies the residence as a homestead. After a person has filed the
1035 proper application as provided in subsection (c) of this section, it shall not be necessary to
1036 make application thereafter for any year, and the exemption shall continue to be allowed to
1037 such person. It shall be the duty of any person granted the homestead exemption under
1038 subsection (b) of this section to notify the governing authority of the City of Tucker, or the
1039 designee thereof, in the event that person for any reason becomes ineligible for that
1040 exemption.

1041 (e) The exemption granted by subsection (b) of this section shall not apply to or affect state
1042 ad valorem taxes, county ad valorem taxes for county purposes, or county or independent
1043 school district ad valorem taxes for educational purposes. The homestead exemption granted
1044 by subsection (b) of this section shall be in addition to and not in lieu of any other homestead
1045 exemption applicable to municipal ad valorem taxes for municipal purposes.

1046 (f) The exemption granted by subsection (b) of this section shall apply to all taxable years
1047 beginning on or after January 1, 2017.

1048 **SECTION 5.09.**

1049 Homestead exemption; senior citizens; disabled.

1050 (a) As used in this section, the term:

1051 (1) "Ad valorem taxes for municipal purposes" means all ad valorem taxes for municipal
1052 purposes levied by, for, or on behalf of the City of Tucker, including, but not limited to,
1053 any ad valorem taxes to pay interest on and to retire municipal bonded indebtedness.

1054 (2) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of
1055 the O.C.G.A., as amended.

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

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

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

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

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

(d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year so long as the owner occupies the residence as a homestead. After a person has filed the

1093 proper application, as provided in subsection (c) of this section, it shall not be necessary to
1094 make application thereafter for any year and the exemption shall continue to be allowed to
1095 such person. It shall be the duty of any person granted the homestead exemption under
1096 subsection (b) of this section to notify the governing authority of the City of Tucker, or the
1097 designee thereof, in the event that person for any reason becomes ineligible for that
1098 exemption.

1099 (e) The exemption granted by subsection (b) of this section shall not apply to or affect state
1100 ad valorem taxes, county ad valorem taxes for county purposes, or county or independent
1101 school district ad valorem taxes for educational purposes. The homestead exemption granted
1102 by subsection (b) of this section shall be in addition to and not in lieu of any other homestead
1103 exemption applicable to municipal ad valorem taxes for municipal purposes.

1104 (f) The exemption granted by subsection (b) of this section shall apply to all taxable years
1105 beginning on or after January 1, 2017.

1106 **SECTION 5.10.**

1107 Homestead exemption; general.

1108 (a) As used in this section, the term:

1109 (1) "Ad valorem taxes for municipal purposes" means all ad valorem taxes for municipal
1110 purposes levied by, for, or on behalf of the City of Tucker, including, but not limited to,
1111 any ad valorem taxes to pay interest on and to retire municipal bonded indebtedness.

1112 (2) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of
1113 the O.C.G.A., as amended.

1114 (b) Each resident of the City of Tucker is granted an exemption on that person's homestead
1115 from City of Tucker ad valorem taxes for municipal purposes in the amount of \$10,000.00
1116 of the assessed value of that homestead. The value of that property in excess of such
1117 exempted amount shall remain subject to taxation.

1118 (c) A person shall not receive the homestead exemption granted by subsection (b) of this
1119 section unless the person or person's agent files an application with the governing authority
1120 of the City of Tucker, or the designee thereof, giving such information relative to receiving
1121 such exemption as will enable the governing authority of the City of Tucker, or the designee
1122 thereof, to make a determination regarding the initial and continuing eligibility of such owner
1123 for such exemption. The governing authority of the City of Tucker, or the designee thereof,
1124 shall provide application forms for this purpose.

1125 (d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of
1126 the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year
1127 so long as the owner occupies the residence as a homestead. After a person has filed the

proper application, as provided in subsection (c) of this section, it shall not be necessary to make application thereafter for any year and the exemption shall continue to be allowed to such person. It shall be the duty of any person granted the homestead exemption under subsection (b) of this section to notify the governing authority of the City of Tucker, or the designee thereof, in the event that person for any reason becomes ineligible for that exemption.

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

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

SECTION 5.11.

Homestead exemption; surviving spouses.

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

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

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

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

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

1163 remarries, such person shall cease to be qualified to continue the exemption under this Act
1164 effective December 31 of the taxable year in which such person remarries. The value of all
1165 property in excess of such exemption granted to such unremarried surviving spouse shall
1166 remain subject to taxation.

1167 (c) In order to qualify for the exemption provided for in this Act, the unremarried surviving
1168 spouse shall furnish to the governing authority of the City of Tucker, or the designee thereof,
1169 documents from the Secretary of Defense evidencing that such unremarried surviving spouse
1170 receives spousal benefits as a result of the death of such person's spouse who as a member
1171 of the armed forces of the United States was killed or died as a result of a war or armed
1172 conflict while on active duty or while performing authorized travel to or from active duty
1173 during such war or armed conflict in which the armed forces of the United States engaged,
1174 whether under United States command or otherwise, pursuant to the Survivor Benefit Plan
1175 under Subchapter II of Chapter 73 of Title 10 of the United States Code or pursuant to any
1176 preceding or subsequent federal law which provides survivor benefits for spouses of
1177 members of the armed forces who were killed or who died as a result of any war or armed
1178 conflict.

1179 (d) An unremarried surviving spouse filing for the exemption under this section shall be
1180 required to file with the governing authority of the City of Tucker, or the designee thereof,
1181 information relative to marital status and such other information which the governing
1182 authority of the City of Tucker, or the designee thereof, deems necessary to determine
1183 eligibility for the exemption. Each unremarried surviving spouse shall file for the exemption
1184 only once with the governing authority of the City of Tucker or the designee thereof. Once
1185 filed, the exemption shall automatically be renewed from year to year, except that the
1186 governing authority of the City of Tucker, or the designee thereof, may require annually that
1187 the holder of an exemption substantiate his or her continuing eligibility for the exemption.
1188 It shall be the duty of any person granted the homestead exemption under this section to
1189 notify the governing authority of the City of Tucker, or the designee thereof, in the event that
1190 person for any reason becomes ineligible for such exemption.

1191 (e) The exemption granted by this section shall be in lieu of and not in addition to any other
1192 exemption from ad valorem taxation for municipal purposes which is equal to or lower in
1193 amount than such exemption granted by this section. If the amount of any other exemption
1194 from ad valorem taxation for municipal purposes applicable to any resident qualifying under
1195 this section is greater than or is increased to an amount greater than the amount of the
1196 applicable exemption granted by this section, such other exemption shall apply and shall be
1197 in lieu of and not in addition to the exemption granted by this section.

1198 (f) The exemptions granted by this section shall apply to all tax years beginning on or after
1199 January 1, 2017.

ARTICLE VI

GENERAL PROVISIONS

SECTION 6.01.

DeKalb county special services tax district.

For the taxable years beginning on or after January 1, 2016, the adjusted ad valorem tax millage rate and amount for service charges or fees for district services for the Tucker special services tax district shall be 0 percent. This section is enacted pursuant to the authority granted to the General Assembly under Section 1 of that local constitutional amendment providing that certain municipalities in DeKalb County shall constitute special services tax districts, Resolution Act No. 168; House Resolution No. 715-1916; Ga. L. 1978, p. 2468, to control the subject matter of such local constitutional amendment. Municipal services provided by DeKalb County for the City of Tucker shall be established through intergovernmental agreements or established as otherwise authorized by statute.

SECTION 6.02.

Referendum and initial election.

(a) The election superintendent of DeKalb County shall call a special election for the purpose of submitting this Act to the qualified voters of the proposed City of Tucker for approval or rejection. The superintendent shall set the date of such election for the Tuesday after the first Monday in November, 2015. The superintendent shall issue the call for such election at least 60 days prior to the date thereof. The superintendent shall cause the date and purpose of the election to be published once a week for two weeks immediately preceding the date thereof in the official organ of DeKalb County. The ballot shall have written or printed thereon the words:

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

All persons desiring to vote for approval of the Act shall vote "Yes," and all persons desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on such question are for approval of the Act, it shall become of full force and effect as provided in this charter, otherwise it shall be void and of no force and effect. The initial expense of such election shall be borne by DeKalb County. Within two years after the elections if the incorporation is approved, the City of Tucker shall reimburse DeKalb County for the actual cost of printing and personnel services for such election and for the initial election of the mayor and councilmembers pursuant to Section 2.02 of this charter. It shall be the duty of

1234 the superintendent to hold and conduct such election. It shall be his or her further duty to
1235 certify the result thereof to the Secretary of State.

1236 (b) For the purposes of the referendum election provided for in subsection (a) of this section
1237 and for the purposes of the special election of the City of Tucker to be held on the date of and
1238 in conjunction with the 2016 presidential preference primary, the qualified electors of the
1239 City of Tucker shall be those qualified electors of DeKalb County residing within the
1240 corporate limits of the City of Tucker as described by Appendix A of this charter. At
1241 subsequent municipal elections, the qualified electors of the City of Tucker shall be
1242 determined pursuant to the authority of Chapter 2 of Title 21 of the O.C.G.A., the "Georgia
1243 Election Code."

1244 (c) Only for the purposes of holding and conducting the referendum election provided for
1245 by subsection (a) of this section and holding and conducting the special election of the City
1246 of Tucker to be held on the date of and in conjunction with the 2016 presidential preference
1247 primary, the election superintendent of DeKalb County is vested with the powers and duties
1248 of the election superintendent of the City of Tucker and the powers and duties of the
1249 governing authority of the City of Tucker.

1250 **SECTION 6.03.**

1251 **Effective dates and transition.**

1252 (a) The initial mayor and councilmembers shall take the oath of office the next business day
1253 after certification of the election of such officers and by action of any four members of the
1254 governing authority may, prior to the first day of the second month immediately following
1255 the 2016 presidential preference primary, meet and take actions binding on the city.

1256 (b) A period of time will be needed for an orderly transition of various government functions
1257 from DeKalb County to the City of Tucker. Accordingly, there shall be a two-year transition
1258 period as allowed by law beginning at 12:01 A.M. on the first day of the second month
1259 immediately following the 2016 presidential preference primary.

1260 (c) During such transition period, DeKalb County shall continue to provide within the
1261 territorial limits of the city all government services and functions which DeKalb County
1262 provided in 2015 and at the same actual direct cost and level of service, except to the extent
1263 otherwise provided in this section; provided, however, that upon at least 30 days' prior
1264 written notice to the governing authority of DeKalb County by the governing authority of the
1265 City of Tucker, responsibility for any such service or function shall be transferred to the City
1266 of Tucker. The governing authority of the City of Tucker shall determine the date of
1267 commencement of collection of taxes, fees, assessments, fines and forfeitures, and other

1268 moneys within the territorial limits of the city and the date upon which the City of Tucker
1269 is considered removed from the special services tax district.

1270 (d) During the transition period, the governing authority of the City of Tucker may generally
1271 exercise any power granted by this charter or general law, except to the extent that a power
1272 is specifically and integrally related to the provision of a governmental service, function, or
1273 responsibility not yet provided or carried out by the city.

1274 (e) During the transition period, all ordinances of DeKalb County shall remain applicable
1275 within the territorial limits of the city unless otherwise amended, repealed, or replaced by the
1276 City of Tucker. Any transfer of jurisdiction to the City of Tucker during or at the end of the
1277 transition period shall not in and of itself abate any judicial proceeding pending in DeKalb
1278 County or the pending prosecution of any violation of any ordinance of DeKalb County.

1279 (f) During the transition period, the governing authority of the City of Tucker may at any
1280 time, without the necessity of any agreement by DeKalb County, commence to exercise its
1281 planning and zoning powers; provided, however, that the city shall give the county notice of
1282 the date on which the city will assume the exercise of such powers. Upon the governing
1283 authority of the City of Tucker commencing to exercise its planning and zoning powers, the
1284 Municipal Court of the City of Tucker shall immediately have jurisdiction to enforce the
1285 planning and zoning ordinances of the city. The provisions of this subsection shall control
1286 over any conflicting provisions of any other subsection of this section.

1287 (g) Effective upon the termination of the transition period, subsections (b) through (f) of this
1288 section shall cease to apply except for the last sentence of subsection (e) which shall remain
1289 effective. Effective upon the termination of the transition period, the City of Tucker shall
1290 be a full functioning municipal corporation and subject to all general laws of this state.

1291 **SECTION 6.04.**

1292 Directory nature of dates.

1293 It is the intention of the General Assembly that this Act be construed as directory rather than
1294 mandatory with respect to any date prescribed in this Act. If it is necessary to delay any
1295 action called for in this Act for providential cause or any other reason, it is the intention of
1296 the General Assembly that the action be delayed rather than abandoned. Any delay in
1297 performing any action under this Act, whether for cause or otherwise, shall not operate to
1298 frustrate the overall intent of this Act. Without limiting the generality of the foregoing, it is
1299 specifically provided that, if it is not possible to hold the referendum election provided for
1300 in Section 6.02 of this Act on the date specified in that section, then such referendum shall
1301 be held as soon thereafter as is reasonably practicable. If the referendum election provided
1302 for in Section 6.02 of this Act is conducted on or before the Tuesday after the first Monday

1303 in November, 2015, the special election for the initial members of the governing authority
1304 shall be conducted on the date specified in Section 2.02 of this Act. If the referendum
1305 election provided for under Section 6.02 of this Act is conducted after the Tuesday after the
1306 first Monday in November, 2015, then the special election for the initial members of the
1307 governing authority shall be held as soon thereafter as is reasonably practicable, and the
1308 commencement of the initial terms of office shall be delayed accordingly. If the first election
1309 provided for in Section 2.02 of this Act occurs after the date of the 2016 presidential
1310 preference primary, the city council shall be authorized to delay the dates otherwise specified
1311 in Section 6.03 of this Act.

1312 **SECTION 6.05.**

1313 Charter commission.

1314 No later than three years after the inception of the City of Tucker, the mayor and the city
1315 council shall call for a charter commission to review the city's experience and recommend
1316 to the General Assembly any changes to the charter. Members of the charter commission
1317 shall be appointed as follows: one member by the mayor, one member by the city council,
1318 and one member by each member of the Georgia House of Representatives and Georgia
1319 Senate whose district lies wholly or partially within the corporate boundaries of the City of
1320 Tucker. All members of the charter commission shall reside in the City of Tucker. The
1321 commission shall complete the recommendations within the time frame required by the city
1322 council.

1323 **SECTION 6.06.**

1324 Effective date.

1325 This Act shall become effective upon its approval by the Governor or upon its becoming law
1326 without such approval.

1327 **SECTION 6.07.**

1328 Repealer.

1329 All laws and parts of laws in conflict with this Act are repealed.

1330

APPENDIX A

1331

LEGAL DESCRIPTION

1332

CORPORATE LIMITS

1333

CITY OF TUCKER, DEKALB COUNTY, GEORGIA

1334

The corporate limits of the City of Tucker shall include the areas specified as follows:

- 1335
- Plan: tucker-p1-2015 (corp)
- 1336
- Plan Type: Local
- 1337
- Administrator: Tucker
- 1338
- User: bak
- 1339
- District TUCKER
- 1340
- DeKalb County
- 1341
- VTD: 089BF - BROCKETT ELEMENTARY
- 1342
- VTD: 089BH - BROCKETT
- 1343
- VTD: 089EC - EMBRY HILLS
- 1344
- 021808:
- 1345
- 2013 2014
- 1346
- 021809:
- 1347
- 3000 3001 3002 3003 3004 3005 3006 3007 3008 3009
- 1348
- VTD: 089HA - HAMBRICK ELEM
- 1349
- 021910:
- 1350
- 3018
- 1351
- VTD: 089HG - HUGH HOWELL
- 1352
- VTD: 089IA - IDLEWOOD ELEM
- 1353
- VTD: 089JB - JOLLY ELEM
- 1354
- 021805:
- 1355
- 3018
- 1356
- 022009:
- 1357
- 2001
- 1358
- VTD: 089LV - LAWRENCEVILLE HIGH SCHOOL
- 1359
- VTD: 089MH - MIDVALE ELEM
- 1360
- VTD: 089MK - MONTREAL
- 1361
- VTD: 089MM - MEMORIAL NORTH

- 1362 021910:
1363 3021
1364 022009:
1365 3014
1366 VTD: 089MW - MIDVALE ROAD
1367 021809:
1368 5018 5019 5020 5022
1369 021810:
1370 2002 2003 2004 2005 2006 2019 2020 2021
1371 VTD: 089NC - NORTH HAIRSTON
1372 021910:
1373 1000 2000
1374 VTD: 089PF - PLEASANTDALE ELEM
1375 021812:
1376 1005 1006
1377 VTD: 089PK - PLEASANTDALE ROAD
1378 021814:
1379 1007
1380 VTD: 089RD - REHOBOTH
1381 021704:
1382 1007 1008 1009 1010 1011 1012 1024 1025 2005 2006 2007 2008
1383 2009 2010 2011 2012 2013 2014
1384 VTD: 089SD - STN MTN ELEMENTARY
1385 021907:
1386 1001 1008 1009 1010 1020
1387 VTD: 089SH - SMOKE RISE
1388 VTD: 089SI - STN MTN MIDDLE
1389 VTD: 089SJ - STONE MILL ELEM
1390 021911:
1391 2002
1392 021913:
1393 3000 3002 3003
1394 VTD: 089TF - TUCKER
1395 VTD: 089TH - TUCKER LIBRARY
- 1396 For the purposes of this description, the term "VTD" shall mean and describe the same
1397 geographical boundaries as provided in the report of the Bureau of the Census for the United

1398

States decennial census of 2010 for the State of Georgia. The separate numeric designations

1399

in the description which are underneath a VTD heading shall mean and describe individual

1400

Blocks within a VTD as provided in the report of the Bureau of the Census for the United

1401

States decennial census of 2010 for the State of Georgia.

1402

APPENDIX B

1403

LEGAL DESCRIPTION

1404

COUNCIL DISTRICTS

1405

CITY OF TUCKER, DEKALB COUNTY, GEORGIA

1406

Plan: tucker-p1-2015

1407

Plan Type:Local

1408

Administrator: Tucker

1409

User: bak

1410

District 001

1411

DeKalb County

1412

VTD: 089BF - BROCKETT ELEMENTARY

1413

021806:

1414

1000 1001 1002 1003 1007 1008 1009 1010 1011 1014 1015 1016

1415

1017 1018 1019 1020 1021 1022 2012 2013 2014 2015 2016 2017

1416

2018 2019 2020 2021 2022 2023 2024 2025 2027 2028 2031 3017

1417

021912:

1418

1004 1005

1419

VTD: 089HG - HUGH HOWELL

1420

VTD: 089LV - LAWRENCEVILLE HIGH SCHOOL

1421

021806:

1422

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

1423

3012 3013 3014 3018 3019 3020

1424

VTD: 089SD - STN MTN ELEMENTARY

1425

021907:

1426

1001 1008 1009 1010 1020

1427

VTD: 089SH - SMOKE RISE

1428

VTD: 089SI - STN MTN MIDDLE

- 1429 021806:
- 1430 2026 2029 2030
- 1431 021907:
- 1432 3026
- 1433 021911:
- 1434 2000 2001
- 1435 021913:
- 1436 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011 1012
- 1437 1013 1015 1016 1017 1018 2001 2002 2003 2004 2005 2006 2007
- 1438 2008 2009 2010 2011
- 1439 VTD: 089SJ - STONE MILL ELEM
- 1440 021911:
- 1441 2002
- 1442 021913:
- 1443 3000 3002 3003
- 1444 District 002
- 1445 DeKalb County
- 1446 VTD: 089BF - BROCKETT ELEMENTARY
- 1447 021805:
- 1448 1009 1010 1013 1014 1016 1017 3000 3001 3009
- 1449 021806:
- 1450 1004 1006 1012 1013
- 1451 VTD: 089BH - BROCKETT
- 1452 VTD: 089HA - HAMBRICK ELEM
- 1453 021910:
- 1454 3018
- 1455 VTD: 089IA - IDLEWOOD ELEM
- 1456 VTD: 089JB - JOLLY ELEM
- 1457 021805:
- 1458 3018
- 1459 022009:
- 1460 2001
- 1461 VTD: 089MK - MONTREAL
- 1462 021704:
- 1463 1000 1001 1002 1003 1004 1005 1006
- 1464

1465 022001:
1466 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011
1467 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023
1468 1024 1025 1026 1027 1028 1029
1469 022007:
1470 1000 1011 1012
1471 022009:
1472 1014 1015 2000
1473 VTD: 089MM - MEMORIAL NORTH
1474 021910:
1475 3021
1476 022009:
1477 3014
1478 VTD: 089NC - NORTH HAIRSTON
1479 021910:
1480 1000 2000
1481 VTD: 089RD - REHOBOTH
1482 021704:
1483 1007 1008 1009 1010 1011 1012 1024 1025
1484 VTD: 089SI - STN MTN MIDDLE
1485 021805:
1486 3002 3003 3004 3005 3007 3008 3020 3021 3022
1487 021910:
1488 3000 3001 3002 3003 3004 3005

1489 District 003
1490 DeKalb County
1491 VTD: 089EC - EMBRY HILLS
1492 021808:
1493 2013 2014
1494 021809:
1495 3000 3001 3002 3003 3004 3005 3006 3007 3008 3009
1496 VTD: 089LV - LAWRENCEVILLE HIGH SCHOOL
1497 021806:
1498 3015 3016

1499

1500 021809:

1501 1004 1005 1006 1008 2000 2001 2002 2003 2004 2005 2006 2011

1502 2012 2022 4000 4001 4002 4003 4004 4005 4006 4007 4008 4009

1503 VTD: 089MH - MIDVALE ELEM

1504 VTD: 089MK - MONTREAL

1505 021704:

1506 2000 2001 2002 2003 2004

1507 VTD: 089MW - MIDVALE ROAD

1508 021809:

1509 5018 5019 5020 5022

1510 021810:

1511 2002 2003 2004 2005 2006 2019 2020 2021

1512 VTD: 089PF - PLEASANTDALE ELEM

1513 021812:

1514 1005 1006

1515 VTD: 089PK - PLEASANTDALE ROAD

1516 021814:

1517 1007

1518 VTD: 089RD - REHOBOTH

1519 021704:

1520 2005 2006 2007 2008 2009 2010 2011 2012 2013 2014

1521 VTD: 089TF - TUCKER

1522 VTD: 089TH - TUCKER LIBRARY

1523 For the purposes of this plan (tucker-p1-2015):

1524 (1) The term "VTD" shall mean and describe the same geographical boundaries as

1525 provided in the report of the Bureau of the Census for the United States decennial census

1526 of 2010 for the State of Georgia. The separate numeric designations in a district

1527 description which are underneath a VTD heading shall mean and describe individual

1528 Blocks within a VTD as provided in the report of the Bureau of the Census for the United

1529 States decennial census of 2010 for the State of Georgia;

1530 (2) Except as otherwise provided in the description of any district, whenever the

1531 description of any district refers to a named city, it shall mean the geographical

1532 boundaries of that city as shown on the census maps for the United States decennial

1533 census of 2010 for the State of Georgia;

1534 (3) Any part of the City of Tucker which is not included in any district described in this

1535 plan (tucker-p1-2015) shall be included within that district contiguous to such part which

1536 contains the least population according to the United States decennial census of 2010 for
1537 the State of Georgia; and
1538 (4) Any part of the City of Tucker which is described in this plan (tucker-p1-2015) as
1539 being included in a particular district shall nevertheless not be included within such
1540 district if such part is not contiguous to such district. Such noncontiguous part shall
1541 instead be included within that district contiguous to such part which contains the least
1542 population according to the United States decennial census of 2010 for the State of
1543 Georgia.

1544 APPENDIX C

1545 CERTIFICATE AS TO MINIMUM STANDARDS
1546 FOR INCORPORATION OF A NEW MUNICIPAL CORPORATION

1547 I, Representative Billy Mitchell, Georgia State Representative from the 88th District and the
1548 author of this bill introduced at the 2015 session of the General Assembly of Georgia, which
1549 grants an original municipal charter to the City of Tucker, do hereby certify that this bill is
1550 in compliance with the minimum standards required by Chapter 31 of Title 36 of the
1551 O.C.G.A. in that the area embraced within the original incorporation in this bill is in all
1552 respects in compliance with the minimum standards required by Chapter 31 of Title 36 of the
1553 O.C.G.A. This certificate is executed to conform to the requirements of Code
1554 Section 36-31-5 of the O.C.G.A.

1555 So certified this _____ day of _____, 2015.

1556 _____
1557 Honorable Billy Mitchell
1558 Representative, 88th District
1559 Georgia State House of Representatives