

ARTICLE I. CREATION, INCORPORATION, POWERS

Section 1.01. Incorporation.

This Act shall constitute the Charter of the City of Stonecrest, Georgia. The City of Stonecrest, 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 Stonecrest" and by that name shall have perpetual succession, may sue and be sued, plead and be impleaded, in all courts of law and equity, and in all actions whatsoever, and may have and use a common seal.

Section 1.02. Corporate boundaries.

The boundaries of the City of Stonecrest 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) This city shall have all powers possible for a city to have under the present or future Constitution and laws of this state as fully and completely as though they were specifically enumerated in this Act. This city shall have all the powers of self-government not otherwise prohibited by this Act or by general law.
- (b) The powers of this city shall be construed liberally in favor of the city. The specific mention or failure to mention particular powers shall not be construed as limiting in any way the powers of this city. These powers shall include, but not be limited to, the following:
 - (1) Animal regulations. To regulate and license or to prohibit the keeping or running at large of animals and fowl, 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, franchise fees, and taxes on privileges, occupations, trades, and professions as authorized by Title 48 of the O.C.G.A., or other such 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, franchise fees, and taxes; and to revoke such permits after due process for failure to pay any city taxes or fees;
 - (5) (A) Condemnation. 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.

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- (B) The municipality shall have the right 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 municipality 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 municipality of liability to any 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 municipality 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, the control of 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. These ordinances shall include, without limitation, ordinances that protect, maintain, and enhance the public health, safety, environment, and general welfare and minimize public and private losses due to flood conditions in flood hazard areas, as well as protect the beneficial uses of flood plain areas for water quality protection, stream bank and stream corridor protection, wetlands preservation, and ecological and environmental protection. Such ordinances may require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction; may restrict or prohibit uses which are dangerous to health, safety, and property due to flooding or erosion hazards, or which increase flood heights, velocities, or erosion; may control filling, grading, dredging, and other development which may increase flood damage or erosion; may prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands; may limit the alteration of natural flood plains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters; and may protect the storm-water management, water quality, stream bank protection, stream corridor protection, wetland preservation, and ecological functions of natural flood plain areas;
- (9) Ethics. To adopt ethics ordinances and regulations governing such things including, 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 fire detection; 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;
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- (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 this Charter and 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 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 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;
 - (20) 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;
 - (21) 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;
 - (22) 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, gasworks, electricity generating plants, cable television, internet 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;
 - (23) Nuisance. To define a nuisance and provide for its abatement whether on public or private property;
 - (24) 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;
 - (25) Planning and zoning. To provide comprehensive city planning for city land use, signage and outside advertising, and development by zoning; and to provide subdivision regulations and the like as the city council deems necessary and reasonable to ensure a safe, healthy, and aesthetically pleasing community, provided that the city council shall not have the power to require special land use permits, special exceptions, or special administrative permits for the industrial use of properties within an industrial use zoning district;
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- (26) 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;
 - (27) Public hazards; removal. To provide for the destruction and removal of any building or other structure that is or may become dangerous or detrimental to the public;
 - (28) 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;
 - (29) Public peace. To provide for the prevention and punishment of loitering, disorderly conduct, drunkenness, riots, and public disturbances;
 - (30) Public transportation. To organize and operate such public transportation systems as are deemed beneficial;
 - (31) Public utilities and services. To grant franchises or make contracts for, or impose taxes on, public utilities, cable companies, 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;
 - (32) 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;
 - (33) 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;
 - (34) 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;
 - (35) 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;
 - (36) Special assessments. To levy and provide for the collection of special assessments to cover the costs for any public improvements, subject to referendum;
 - (37) Taxes; ad valorem. To levy and provide for the assessment, valuation, revaluation, and collection of taxes on all property subject to taxation; provided, however, that:
 - (A) The millage rate imposed for ad valorem taxes on real property shall not exceed 3.35 plus the amount of any roll back or reduction by DeKalb County of its millage rate imposed for ad valorem taxes on real property within corporate limits of the city for services assumed by the city from DeKalb County unless either (i) the millage rate is increased above such amount by a higher limit is recommended by resolution of the city council without voter approval through the exercise of home rule powers, or (ii) approved by a majority of the qualified electors of the City of Stonecrest
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voting on the issue, provided that the amount of millage associated with general obligation bonds or the creation of special tax districts pursuant to Article IX, Section II, Paragraph VI of the Constitution of the State of Georgia shall not count as part of the 3.35 limit since such millage is already subject to approval by the electors of the city in a separate referendum; and

- (B) For all years, the fair market value of all property subject to taxation shall be determined according to the tax digest of DeKalb County, as provided in Code Section 48-5-352 of the O.C.G.A.;
- (38) Taxes: other. To levy and collect such other taxes and fees as may be allowed now or in the future by law;
- (39) 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;
- (40) Tourism, conventions, and trade shows. To provide for the structure, operation, or management of the Stonecrest Convention and Visitors Bureau created pursuant to Section 1.05 of this Charter and to authorize the City of Stonecrest to contract with private sector nonprofit organizations or other governmental agencies to promote tourism, conventions, and trade shows;
- (41) Urban redevelopment. To organize and operate an urban redevelopment program; and
- (42) 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.

(Ord. No. 2018-11-04 , § 1, 11-07-2018)

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 Act. 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 Stonecrest Convention and Visitors Bureau is hereby created.

Section 1.06. Stonecrest/Lithonia Industrial Park Community Improvement District.

- (a) The purpose of this section is to provide for the creation of a community improvement district within the City of Stonecrest subject to the conditions prescribed in Article IX, Section VII, Paragraph III of the Constitution of the State of Georgia. Such district shall be created for the provision of such of the following governmental services and facilities as may be provided for in the resolution activating such district, or as may be adopted by resolutions of the majority of the electors and the majority of the equity electors as defined in this section:

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- (1) Street and road construction and maintenance, including curbs, sidewalks, street lights, and devices to control the flow of traffic on streets and roads;
 - (2) Parks and recreational areas and facilities;
 - (3) Stormwater and sewage collection and disposal systems;
 - (4) Development, storage, treatment, purification, and distribution of water;
 - (5) Public transportation;
 - (6) Terminal and dock facilities and parking facilities; and
 - (7) Such other services and facilities as may be provided for by general law.
- (b) Definitions. As used in this section, the term:
- (1) "Agricultural" means the growing of crops for sale or the raising of animals for sale or use, including the growing of field crops and fruit or nut trees, the raising of livestock or poultry, and the operation of dairies, horse boarding facilities, and riding stables.
 - (2) "Board" means the governing body created for the governance of the community improvement district authorized by this section.
 - (3) "Caucus of electors" means the meeting of electors as provided in this section at which the elected board members of the district are elected or at which the governmental services and facilities to be provided by the district are determined. A quorum at such caucus shall consist of no less than 25 percent of electors and no less than 25 percent of equity electors present in person or proxy, and a majority of those present and voting shall be necessary to take any action. Notice of such meeting shall be given to such electors and equity electors by publishing notice thereof in the legal organ of the City of Stonecrest at least once each week for four weeks prior to such meeting.
 - (4) "Cost of the project" or "cost" of any project means and includes:
 - (A) All costs of acquisition by purchase or otherwise, construction, assembly, installation, modification, renovation, or rehabilitation incurred in connection with any project or any part of any project;
 - (B) All costs of real property, fixtures, or personal property used in or in connection with or necessary for any project or for any facilities related thereto, including, but not limited to, the cost of all land, estates for years, easements, rights, improvements, water rights, connections for utility services, fees, franchises, permits, approvals, licenses, and certificates; the cost of securing any such franchises, permits, approvals, licenses, or certificates; the cost of preparation of any application therefor; and the cost of all fixtures, machinery, equipment including all transportation equipment and rolling stock, furniture, and other property used in or in connection with or necessary for any project;
 - (C) All financing charges and loan fees and all interest on bonds, notes, or other obligations of a district which accrue or are paid prior to and during the period of construction of a project and during such additional period as the board may reasonably determine to be necessary to place such project in operation;
 - (D) All costs of engineering, surveying, architectural, and legal services and all expenses incurred by engineers, surveyors, architects, and attorneys in connection with any project;
 - (E) All expenses for inspection of any project;
 - (F) All fees of fiscal agents, paying agents, and trustees for bondholders under any trust agreement, indenture of trust, or similar instrument or agreement all expenses incurred by any such fiscal agents, paying agents, and trustees; and all other costs and expenses incurred relative to the issuances of any bonds, notes, or other obligations for any project;
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- (G) All expenses of or incidental to determining the feasibility or practicability of any project;
 - (H) All costs of plans and specifications for any project;
 - (I) All costs of title insurance and examinations of title with respect to any project;
 - (J) Repayment of any loans made for the advance payment of any part of the foregoing costs, including interest thereon and any other expenses of such loans;
 - (K) Administrative expenses of the board and such other expenses as may be necessary for or incidental to any project or the financing thereof or the placing of any project in operation; and
 - (L) The establishment of a fund or funds for the creation of a debt service reserve, a renewal and replacement reserve, or such other funds or reserves as the board may approve with respect to the financing and operation of any project and as may be authorized by any bond resolution, trust agreement, indenture of trust, or similar instrument or agreement pursuant to the provisions of which the issuance of any bonds, notes, or other obligations of the district may be authorized.

Any cost, obligation, or expense incurred for any of the foregoing purposes shall be a part of the cost of the project and may be paid or reimbursed as such out of the proceeds of bonds, notes, or other obligations issued by the district.

- (5) "District" means the geographical area designated as such by the resolution of the city council consenting to the creation of the community improvement district or as thereafter modified by any subsequent resolution of the city council within which the district is or is to be located, or a body corporate and politic being a community improvement district created and activated pursuant hereto, as the context requires or permits.
- (6) "Electors" means the owners of real property used nonresidentially within the district which is subject to taxes, fees, and assessments levied by the board, as they appear on the most recent ad valorem real property tax return records of DeKalb County, or one officer or director of a corporate elector, one trustee of a trust which is an elector, one partner of a partnership elector, or one designated representative of an elector whose designation is made in writing. An owner of property that is subject to taxes, fees, or assessments levied by the board shall have one vote for an election based on numerical majority. An owner of multiple parcels has one vote, not one vote per parcel, for an election based on numerical majority. Multiple owners of one parcel have one vote for an election based on numerical majority which must be cast by one of their number who is designated in writing.
- (7) "Equitably apportioned among the properties subject to such taxes, fees, and assessments according to the need for governmental services and facilities created by the degree of density of development of each such property", with reference to taxes, fees, and assessments levied by the board, means that the burden of the taxes, fees, and assessments shall be apportioned among the properties subject thereto based upon the values established in the most recent ad valorem tax reassessment of such properties certified by the chairperson of the DeKalb County Board of Tax Assessors, or with respect to fees and assessments may be apportioned among the properties subject thereto in direct or approximate proportion to the receipt of services or benefits derived from the improvements or other activities for which the taxes, fees, or assessments are to be expended, or with respect to fees and assessments may be apportioned in any other manner or combination of manners deemed equitable by the board, including, but not limited to, the recognition of differential benefits which may reasonably be expected to accrue to new land development in contrast to lands and improvements already in existence at the time of creation of the community improvement district.
- (8) "Equity electors" means electors who cast votes equal to each \$1,000.00 in value of all owned real property within the district which is then subject to taxes, fees, and assessments levied by the board. The value of real property shall be the assessed value. In the event the owner shall have multiple

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- owners or be a corporation, trust, partnership, limited liability company, or any other entity, one person shall be designated as elector and such designation shall be made in writing.
- (9) "Forestry" means the planting and growing of trees for sale in a program which includes reforestation of harvested trees, regular underbrush and undesirable growth clearing, fertilizing, pruning, thinning, cruising, and marking which indicate an active tree-farming operation. It does not include the casual growing of trees on land otherwise idle or held for investment, even though some harvesting of trees may occur thereon.
- (10) "Project" means the acquisition, construction, installation, modification, renovation, or rehabilitation of land, interests in land, buildings, structures, facilities, or other improvements, including operation of facilities or other improvements, located or to be located within or otherwise providing service to the district and the acquisition, installation, modification, renovation, rehabilitation, or furnishing of fixtures, machinery, equipment, furniture, or other property of any nature whatsoever used on, in, or in connection with any such land, interest in land, building, structure, facility, or other improvement; the creation, provision, enhancement, or supplementing of public services such as fire, police, and other services, provided that same do not conflict with or duplicate existing public services; and all for the essential public purposes set forth in subsection (a) of this section.
- (11) "Property owner" or "owner of real property" means any entity or person shown as a taxpayer for one or more parcels of real estate on the most recent ad valorem tax records of DeKalb County within the district. Ownership as shown by the most recent ad valorem real property tax records of DeKalb County shall be prima-facie proof of ownership. Multiple owners of one parcel shall constitute one property owner and shall designate in writing one of their number to represent the whole.
- (12) "Property used nonresidentially" means property or any portion thereof used for neighborhood shopping, planned shopping center, general commercial, transient lodging facilities, tourist services, office or institutional, office services, light industry, heavy industry, central business district, parking, or other commercial or business use or vacant land zoned or approved for any of the aforementioned uses which do not include residential.
- (13) "Residential" means a specific work or improvement undertaken primarily to provide single-family or multifamily dwelling accommodations for persons and families and such community facilities as may be incidental or appurtenant thereto.
- (14) "Taxpayer" means an entity or person paying ad valorem taxes on real property whether on one or more parcels of property within the district. Multiple owners of one parcel shall constitute one taxpayer and shall designate in writing one of their number to represent the whole.
- (c) Creation. Pursuant to Article IX, Section VII of the Constitution of the State of Georgia, there is created an administrative body being one community improvement district to be located wholly within the City of Stonecrest, to be known as the Stonecrest/Lithonia Industrial Park Community Improvement District, provided that the creation of the community improvement district shall be conditioned upon:
- (1) The adoption of a resolution consenting to the creation of the community improvement district by the City of Stonecrest city council; and
 - (2) The written consent to the creation of the community improvement district by:
 - (A) A majority of the owners of real property within the district which will be subject to taxes, fees, and assessments levied by the administrative body of the community improvement district; and
 - (B) The owners of real property within the district which constitutes at least 75 percent by value of all real property within the district which will be subject to taxes, fees, and assessments levied by the administrative body of the community improvement district. For this purpose, value shall be determined by the most recent approved DeKalb County ad valorem tax digest.
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The written consent provided for in this paragraph shall be submitted to the tax commissioner of DeKalb County, who shall certify whether subparagraphs (A) and (B) of this paragraph have been satisfied with respect to each such proposed district.

Neither the community improvement district nor the administrative body created pursuant to this section shall transact any business or exercise any powers under this section until the foregoing conditions are met. A copy of such resolutions shall be filed with the Secretary of State, who shall maintain a record of the district activated under this section, and filed with the Department of Community Affairs.

- (d) Administration, appointment, and election of the members of the administrative body.
- (1) The district created pursuant to this section shall be administered by a board composed of seven board members to be appointed and elected as provided in this section. Two board members shall be appointed by the city council. Two board members shall be elected by the vote of electors, and three members shall be elected by the vote of equity electors. The members representing the electors and equity electors shall be elected to serve in post positions 1 through 5, respectively. Each elected board member shall receive a majority of the votes cast for the post for which he or she is a candidate. Votes for Posts 1 and 2 shall be cast by electors and votes for Posts 3, 4, and 5 shall be cast by equity electors. The initial term of office for the members representing Posts 1 and 4 shall be one year. The initial term of office for the members representing Posts 2 and 5 shall be two years, and the initial term of office of the members representing Post 3 shall be three years. Thereafter, all terms of office for the elected board members shall be for three years. The appointed board members shall serve at the pleasure of the city council.
 - (2) The initial board members to be elected as provided in subsection (a) of this section shall be elected in a caucus of electors which shall be held within 90 days after the adoption of the resolutions and obtaining the written consents herein provided at such time and place within the district as the city council shall designate after notice thereof shall have been given to said electors by publishing same in the legal organ of the City of Stonecrest. Thereafter, there shall be conducted biennially, not later than 60 days following the last day for filing ad valorem real property tax returns in DeKalb County, a caucus of electors at such time and place within the district as the board shall designate in such notice for the purpose of electing board members to those board member positions whose terms expire or are vacant. If a vacancy occurs in an elected position on the board the board shall, within 60 days thereof, call a special election to fill the same to be held within 60 days of the call unless such vacancy occurs within 180 days of the next regularly scheduled election, in which case a special election may, but need not, be called.
 - (3) Board members shall be subject to recall as any other elected public official by the electors defined by this section.
 - (4) Board members shall receive no compensation for their services, but shall be reimbursed for reasonable expenses actually incurred in the performance of their duties. They shall elect one of their number as chairperson and another of their number as vice chairperson. They shall also elect a secretary and a treasurer, or a secretary-treasurer, either of whom may, but need not, be a member of the board or an elector.
 - (5) Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," shall not apply to the election of district board members. The district board may adopt such bylaws not inconsistent herewith to provide for any matter concerning such elections.
- (e) Taxes, fees, and assessments.
- (1) The board may levy taxes, fees, and assessments within the district only on real property used nonresidentially, specifically excluding all property exempt from ad valorem taxation under the Constitution or laws of the State of Georgia; all property used for residential, agricultural, or forestry purposes; and all tangible personal property and intangible property. Any tax, fee, or assessment so levied shall not exceed 0.5 percent of the aggregate assessed value of all such real property. The taxes,
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fees, and assessments levied by the board shall be equitably apportioned among the properties subject to such taxes, fees, and assessments according to the need for governmental services and facilities created by the degree of density of development of each such property. The proceeds of taxes, fees, and assessments levied by the board shall be used only for the purpose of providing governmental services and facilities which are specially required by the degree of density of development within the district and not for the purpose of providing those governmental services and facilities provided to the county or municipality as a whole. Any tax, fee, or assessment so levied shall be collected by DeKalb County in the same manner as taxes, fees, and assessments are levied by DeKalb County. Delinquent taxes shall bear the same interest and penalties as DeKalb County taxes and may be enforced and collected in the same manner. The proceeds of taxes, fees, and assessments so levied, less a fee to cover the costs of collection of 1 percent of such proceeds, but not more than \$25,000.00 at any one calendar year, shall be transmitted by DeKalb County to the board and shall be expended by the board only for the purposes authorized by this section.

- (2) The board shall levy the taxes, fees, and assessments in subsection (a) of this section subsequent to the report of the assessed taxable values for the current calendar year and notify in writing DeKalb County so it may include the levy on its regular ad valorem tax bills. All taxes, fees, and assessments levied by the board and collected by DeKalb County shall be segregated, and neither the City of Stonecrest nor the DeKalb County Tax Commissioner shall expend such funds for any purpose not authorized by the board except as authorized in subsection (a) of this section.
 - (3) If, but for this provision, a parcel of real property is removed from the district or otherwise would become not subject to taxation, it shall continue to bear its tax millage then extant upon such event for bonded indebtedness of the district then outstanding until said bonded indebtedness then outstanding is paid or refunded.
 - (4) Each property owner paying taxes, fees, or assessments levied by the board for any public facility as set forth in subsection (a) of this section may, upon application to the city council, receive a credit equal to the present value of all such taxes, fees, and assessments toward any impact fee as may be levied by the City of Stonecrest against such property for system improvements which are in the same category as said public facility in accordance with Chapter 71 of Title 36 of the O.C.G.A., the "Georgia Development Impact Fee Act." Application for such development impact fee credit may be granted by legislative action of the city council in its discretion.
- (f) Boundaries of the district.
- (1) The boundaries of the district shall be as designated as such by the city council as set forth in the resolution required in subsection (c) of this section, or as may thereafter be added as provided in this section.
 - (2) The boundaries of the district may be increased after the initial creation of the district pursuant to the following:
 - (A) Written consent of a majority of the owners of real property within the area sought to be annexed into the district and which will be subject to taxes, fees, and assessments levied by the board of the district;
 - (B) Written consent of owners of real property within the area sought to be annexed into the district which constitutes at least 75 percent by value of the property which will be subject to taxes, fees, and assessments levied by the board. For this purpose, value shall be determined by the most recent approved county ad valorem tax digest;
 - (C) The adoption of a resolution consenting to the annexation into the district by the board of the district; and
 - (D) The adoption of a resolution consenting to the annexation into the district by the city council.
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- (g) Debt. Except as otherwise provided in this section, each district may incur debt without regard to the requirements of Article IX, Section V of the Constitution of Georgia, or any other provision of law, prohibiting or restricting the borrowing of money or the creation of debt by political subdivisions of the State of Georgia, which debt shall be backed by the full faith and credit and taxing power of the district but shall not be an obligation of the State of Georgia, DeKalb County, the City of Stonecrest, or any other unit of government of the State of Georgia other than the district.
- (h) Cooperation with the City of Stonecrest. The services and facilities provided pursuant to this section shall be provided for in a cooperation agreement executed jointly by the board and by the City of Stonecrest. The provisions of this section shall in no way limit the authority of the City of Stonecrest to provide services or facilities within the district; and the City of Stonecrest shall retain full and complete authority and control over any of its facilities located within its respective areas of any district. Such control shall include, but not be limited to, the modification of, access to, and degree and type of services provided through or by facilities of the county. Nothing contained in this section shall be construed to limit or preempt the application of any governmental laws, ordinances, resolutions, or regulations to the district or the services or facilities provided therein.
- (i) Powers.
- (1) The district and its board created pursuant hereto shall have all of the powers necessary or convenient to carry out and effectuate the purposes and provisions of this section, including, without limiting the generality of the foregoing, the power:
- (A) To bring and defend actions;
 - (B) To adopt and amend a corporate seal;
 - (C) To make and execute contracts, agreements, and other instruments necessary or convenient to exercise the powers of the board or to further the public purposes for which the district is created, including, but not limited to, contracts for construction of projects, leases of projects, contracts for sale of projects, agreements for loans to finance projects contracts with respect to the use of projects, and agreements with other jurisdictions of community improvement districts regarding multi-jurisdictional projects or services or for other cooperative endeavors to further the public purposes of the district;
 - (D) To acquire by purchase, lease, or otherwise and to hold, lease, and dispose of real and personal property of every kind and character, or any interest therein, in furtherance of the public purposes of the district;
 - (E) To finance by loan, grant, lease, or otherwise; to construct, erect, assemble, purchase, acquire, own, repair, remodel, renovate, rehabilitate, modify, maintain, extend, improve, install, sell, equip, expand, add to, operate, or manage projects; and to pay the cost of any project from the proceeds of the district or any other funds of the district, or from any contributions or loans by persons, corporations, partnerships, whether limited or general, or other entities, all of which the board is authorized to receive, accept, and use;
 - (F) To borrow money to further or carry out its public purposes and to execute bonds, notes, other obligations, leases, trust indentures, trust agreements, agreements for the sale of its bonds, notes or other obligations, loan agreements, security agreements, assignments, and such other agreements or instruments as may be necessary or desirable, in the judgment of the board, to evidence and to provide security for such borrowing;
 - (G) To issue bonds, notes, or other obligations of the district and use the proceeds for the purpose of paying all or any part of the cost of any project and otherwise to further or carry out the public purposes of the district and to pay all costs of the board incidental to, or necessary and appropriate to, furthering or carrying out such purposes;
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- (H) To make application directly or indirectly to any federal or county government or agency or to any other source, whether public or private, for loans, grants, guarantees, or other financial assistance in furtherance of the district's public purposes and to accept and use the same upon such terms and conditions as are prescribed by such federal, state, or county government or agency or other source;
 - (I) To enter into agreements with the federal government or any agency thereof to use the facilities or services of the federal government or any agency thereof in order to further or carry out the public purposes of the district;
 - (J) To contract for any period, not exceeding 50 years, with the State of Georgia, any institution or instrumentality of the State of Georgia, or any municipal corporation, county, or political subdivision of this state for the use by the district of any facilities or services of the state or any such institution or instrumentality of this state or any municipal corporation, county, or political subdivision of this state, or for the use by any institution or instrumentality of this state, any municipal corporation, county, or political subdivision of this state of any facilities or services of the district, provided that such contracts shall deal with such activities and transactions as the district and any such political subdivision with which the district contracts are authorized by law to undertake;
 - (K) To receive and use the proceeds of any tax levied by the county to pay the costs of any project or for any other purpose for which the board may use its own funds pursuant hereto;
 - (L) To receive and administer gifts, grants, and devises of money and property of any kind and to administer trusts;
 - (M) To use any real property, personal property, or fixtures or any interest therein or to rent or lease such property to or from others or make contracts with respect to the use thereof or to sell, lease, exchange, transfer, assign, pledge, or otherwise dispose of or grant options for any such property in any manner as it deems to be the best advantage of the district and the public purposes thereof;
 - (N) To appoint, select, and employ engineers, surveyors, architects, urban or city planners, fiscal agents, attorneys, and others and to fix their compensation and pay their expenses;
 - (O) To encourage and promote the improvement and development of the district and to make, contracts for, or otherwise cause to be made long-range plans or proposals for the district in cooperation with DeKalb County and the City of Stonecrest;
 - (P) To adopt bylaws governing the conduct of business by the board, the election and duties of officers of the board, and other matters which the board determines to deal with in its bylaws;
 - (Q) To exercise any power granted by the laws of this state to public or private corporations which is not in conflict with the public purposes of the district;
 - (R) To invest its funds, whether derived from the issuance of bonds or otherwise, in such manner as it may deem prudent and appropriate, without further restriction;
 - (S) To create, provide, enhance, or supplement public services such as fire, police, and other such services as may be deemed necessary, provided that said public services do not conflict with or duplicate existing DeKalb County or municipal services; and
 - (T) To do all things necessary or convenient to carry out the powers conferred by this section.
- (2) The powers enumerated in each subparagraph of paragraph (1) of this subsection are cumulative of and in addition to those powers enumerated in this subsection and elsewhere in this section; and no such power limits or restricts any other power of the board.
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- (3) The powers enumerated in each subparagraph of paragraph (1) of this subsection are conferred for an essential governmental function for a public purpose, and the revenues and debt of any district shall not be subject to taxation.
- (j) Bonds—Generally.
- (1) Notes or other obligations issued by a district other than general obligation bonds shall be paid solely from the property pledged to pay such notes or other obligations. General obligation bonds issued by any district shall constitute a general obligation of the district to the repayment of which the full faith and credit and taxing power of the district shall be pledged.
 - (2) All bonds, notes, and other obligations of any district shall be authorized by resolution of the board, adopted by a majority vote of the board members at a regular or special meeting.
 - (3) Bonds, notes, or other obligations shall bear such date or dates, shall mature at such time or times not more than 40 years from their respective dates, shall bear interest at such rate or rates which may be fixed or may fluctuate or otherwise change from time to time, shall be subject to redemption on such terms, and shall contain such other terms, provisions, covenants, assignments, and conditions as the resolution authorizing the issuance of such bonds, notes, or other obligations may permit or provide. The terms, provisions, covenants, assignments, and conditions contained in or provided or permitted by any resolution of the board authorizing the issuance of such bonds, notes, or other obligations shall bind the board members of the district then in office and their successors.
 - (4) The board shall have power from time to time and whenever it deems it expedient to refund any bonds by the issuance of new bonds, whether or not the bonds to be refunded have matured, and may issue bonds partly to refund bonds then outstanding and partly for any other purpose permitted by this section. The refunding bonds may be exchanged for the bonds to be refunded, with such cash adjustments as may be agreed upon, or may be sold and the proceeds applied to the purchase or redemption of the bonds to be refunded.
 - (5) There shall be no limitation upon the interest rates or any maximum interest rate or rates on any bonds, notes, or other obligations of any district, and the usury laws of this state shall not apply to bonds, notes, or other obligations of any district.
 - (6) Bonds issued by a district may be in such form, either coupon or fully registered, or both coupon and fully registered, and may be subject to such exchangeability and transferability provisions as the bond resolution authorizing the issuance of such bonds or any indenture or trust agreement may provide.
 - (7) All bonds issued by a district pursuant to this section shall be issued and validated under and in accordance with Article 3 of Chapter 82 of Title 36 of the O.C.G.A., the "Georgia Revenue Bond Law." The signature of the clerk of the Superior Court of DeKalb County may be made on the certificate of validation of such bonds by facsimile or by manual execution, stating the date on which such bonds were validated; and such entry shall be original evidence of the judgment of validation and shall be received as original evidence in any court in this state.
 - (8) In lieu of specifying the actual rate or rates of interest, the principal amount, and the maturities of such bonds, the notice to the district attorney or the Attorney General; the notice to the public of the time, place, and date of the validation hearing; and the petition and complaint for validation may state that the bonds when issued will bear interest at a rate not exceeding a maximum per annum rate of interest which may be fixed or may fluctuate or otherwise change from time to time so specified and that the principal amount will not exceed a specified amount and the final maturity date will not be later a date specified in such notices and petition and complaint or may state that, in the event the bonds are to bear different rates of interest for different maturity dates, none of such rates will exceed the maximum rate which may be fixed or may fluctuate or otherwise change from time to time so specified; provided, however, that nothing in this subsection shall be construed as prohibiting or restricting the right of a board to sell such bonds at a discount, even if in doing so the effective interest
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- cost resulting would exceed the maximum per annum interest rate specified in such notices and in the petition and complaint.
- (9) The terms "cost of the project" and "cost of any project" shall have the meaning prescribed in this section whenever those terms are referred to in bond resolutions of a board; in bonds, notes, or other obligations of the district; or in notices or proceedings to validate such bonds, notes, or other obligations of a district.
- (k) Authorized contents of agreements and instruments; use of proceeds of sale bonds, notes, and other obligations; subsequent issues of obligations.
- (1) Subject to the limitations and procedures provided by this section and by subsection (j) of this section, the agreements or instruments executed by a board may contain such provisions not inconsistent with law as shall be determined by the board.
- (2) The proceeds derived from the sale of all bonds, notes, and other obligations issued by a district shall be held and used for the ultimate purpose of paying, directly or indirectly as permitted by this section, all or part of the cost of any project, or for the purpose of refunding any bonds, notes, or other obligations issued in accordance with this section.
- (3) Issuance by a board of one or more series of bonds, notes, or other obligations for one or more purposes shall not preclude it from issuing other bonds, notes, or other obligations in connection with the same project or with any other projects; but the proceeding wherein any subsequent bonds, notes, or other obligations are issued shall recognize and protect any prior loan agreement, security agreement, or other agreement or instrument made for any prior issue of bonds, notes, or other obligations, unless in the resolution authorizing such prior issue the right is expressly reserved to the board to issue subsequent bonds, notes, or other obligations on a parity with such prior issue.
- (4) In the event that the district shall be terminated in accordance with this section, the board shall serve until December 31 of the year in which termination shall be approved for the purpose of concluding any ongoing matters and projects, but, if such cannot be concluded by December 31, then the city council shall assume the duties of the administrative board and shall be expressly authorized to exercise the authority of the administrative board. In the alternative, the city council may, by resolution, assume all rights and obligations of the district, either bonds or otherwise, and the district shall cease to exist upon the adoption of such resolution.
- (l) Construction; applicability of Chapter 5 of Title 10 of the O.C.G.A., the "Georgia Uniform Securities Act of 2008"; notice, proceeding, publication, referendum. This section shall be liberally construed to effect the purposes hereof. The offer, sale, or issuance of bonds, notes, or other obligations by a district shall not be subject to regulation under Chapter 5 of Title 10 of the O.C.G.A., the "Georgia Uniform Securities Act of 2008." No notice, proceeding, or publication except those required in this section shall be necessary to the performance of any action authorized hereby, nor shall any such action be subject to referendum.
- (m) Dissolution.
- (1) Any district activated under the provisions of this section may be dissolved. The conditions for such dissolution shall be:
- (A) The adoption of a resolution approving of the dissolution of the community improvement district by the city council; and
- (B) The written consent to the dissolution of the community improvement district by:
- (i) Two-thirds of the owners of real property within the district which are subject to taxes, fees, and assessments levied by the board of the district; and
- (ii) The owners of real property constituting at least 75 percent by value of all real property within the district which are subject to taxes, fees, and assessments levied by the board.
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For this purpose, value shall be determined by the most recent approved county ad valorem tax digest.

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

- (2) In the event that successful action is taken pursuant to this subsection to dissolve the district, the dissolution shall become effective at such time as all debt obligations of the district have been satisfied. Following a successful dissolution action and until the dissolution becomes effective, no new projects may be undertaken, obligations or debts incurred, or property acquired.
- (3) Upon a successful dissolution action, all noncash assets of the district other than public facilities or land or easements to be used for such public facilities, as described in subsection (a) of this section, shall be reduced to cash and, along with all other cash on hand, shall be applied to the repayment of any debt obligation of the district. Any cash remaining after all outstanding obligations are satisfied shall be refunded to DeKalb County.
- (4) When a dissolution becomes effective, the City of Stonecrest shall take title to all property previously in the ownership of the district and all taxes, fees, and assessments of the district shall cease to be levied and collected.

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 Stonecrest, except as otherwise specifically provided in this Charter, shall be vested in a city council, and the city council shall be the governing authority of the city.
- (b) (1) The city council of Stonecrest, Georgia, shall consist of the mayor and five voting city councilmembers.
 - (2) There shall be five council districts, designated Council Districts 1 through 5, as described in Appendix B of this Act, which is attached to and made a part of this Charter.
 - (3) One councilmember shall be elected from each of the five council districts and shall hold Council District Posts 1, 2, 3, 4, and 5, 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, 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 he or she seeks to represent.
- (c) With the exception of the initial terms set forth in subsection (d) of this section, councilmembers shall be elected to terms of four years and until their successors are elected and qualified on a staggered basis in alternate election cycles.
- (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 District Posts 1, 3, and 5 shall expire upon the administration of the oath of office to their successors elected in the regular elections held in November, 2017. The terms for the candidates elected for Council District Posts 2 and 4 shall expire upon the administration of the oath of office to their successors elected in the regular elections held in November, 2019. Thereafter, a successor to

each councilmember shall be elected at the November election immediately preceding the end of such councilmember's term of office and the term of each councilmember shall expire upon the administration of the oath of office to his or her successor.

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

(S.B. 21, § 1, 4-1-2021)

Section 2.02. Mayor and councilmembers; terms and qualifications for office.

- (a) For all elections subsequent to the first election, the mayor and councilmembers shall serve for terms of four years and until their terms shall expire upon the administration of the oath of office to their successors. No person shall be eligible to serve as mayor or councilmember unless that person shall have been a resident of the City of Stonecrest for a continuous period of at least 12 months immediately prior to the date of the election for mayor or councilmember, shall continue to reside therein during that person's period of service, and shall continue to be registered and qualified to vote in municipal elections of the City of Stonecrest. In addition to the above requirements, no person shall be eligible to serve as a councilmember representing a council district unless that person has been a resident of the district such person seeks to represent for a continuous period of at least six months immediately prior to the date of the election for councilmember and continues to reside in such district during that person's period of service.
- (b) An election shall be held in conjunction with the 2016 November general election to elect the first mayor and city council. At such election, the first mayor and council shall be elected to serve for the initial terms of office specified in subsections (d) and (e) of Section 2.01 of this Charter. Thereafter, the time for holding regular municipal elections shall be on the Tuesday next following the first Monday in November of each odd-numbered year beginning in 2021.
- (c) No person shall serve more than two consecutive full terms as mayor or as a councilmember. For purposes of this subsection, a person serving a partial term shall not constitute a full term. A person who has served two consecutive full terms as mayor or as a councilmember shall be eligible for the office of mayor or councilmember following the intervening of a full four-year term.

(S.B. 21, § 2, 4-1-2021)

Section 2.03. Vacancy; filling of vacancies; suspensions.

- (a) Elected officials of the city shall not hold other elected or public offices. The elected offices of the city's government shall become vacant upon the member's death, resignation, removal, or forfeiture of office. The following shall result in an elected city official forfeiting his or her office:
- (1) Violating the provisions of this Charter;
 - (2) Being convicted of, or pleading guilty or "no contest" to, a felony or a crime of moral turpitude; or

(3) Failing to attend one-third of the regular meetings of the council in a three-month period, which shall be defined as a quarter of the city's fiscal year, without being excused by a vote of the majority of councilmembers prior to, or after, the absence; provided, however, that absences due to the following shall automatically be excused:

- (A) A personal accident, emergency, illness, or injury;
- (B) An accident, emergency, illness, or injury of an immediate family member; or
- (C) Obligations arising from the elected official's outside full-time employment.

A councilmember unable to attend a meeting due to one or more of the circumstances provided in subparagraphs (A), (B), or (C) of this paragraph shall provide written, electronic, or telephonic notice to the city clerk before the beginning of the meeting, and the city clerk shall notify the remaining councilmembers of the councilmember's excused absence.

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

(S.B. 21, § 3, 4-1-2021)

Section 2.04. Nonpartisan elections.

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

Section 2.05. Election votes.

The candidates for mayor and city council who receive a majority vote of the qualified electors of the city pursuant to Section 2.01 of this Charter at the elections of the city shall be elected to a term of office.

Section 2.06. Applicability of general laws; qualifying; other provisions.

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

Section 2.07. Compensation and expenses.

The annual salary of the mayor shall be \$20,000.00 and the annual salary for each councilmember shall be \$15,000.00. Such salaries shall be paid from municipal funds in monthly installments. The mayor shall be provided an annual expense allowance of \$5,000.00, and each councilmember shall be provided an annual expense allowance of \$3,000.00 for the reimbursement of reasonable expenses actually and necessarily incurred by the mayor and councilmembers in carrying out their duties as elected officials of the city. The mayor and each councilmember shall serve in a part-time capacity.

(S.B. 21, § 4, 4-1-2021)

Section 2.08. Inquiries and investigations.

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

Section 2.09. Meetings, oath of office, and mayor pro tempore.

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

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

- (b) Following the induction of the mayor and councilmembers, the city council, by a majority vote of the councilmembers, shall elect a councilmember to be the mayor pro tempore, who shall serve for a term of two years and until a successor is elected and qualified. The number of successive terms an individual may hold the position of mayor pro tempore shall be two. The mayor pro tempore shall preside over all meetings of the city council and set the agenda for each meeting after receiving input from the councilmembers, city manager, the mayor, and the public; provided, however, that additional items shall be added to the agenda upon the written request of any two councilmembers prior to the agenda being published. This shall not preclude items from being added to the agenda during a meeting with the appropriate affirmative vote of a majority of the city councilmembers. The agenda shall be considered to be set when it is published in accordance with the Open Meetings Act.
- (c) The mayor pro tempore shall assume the duties and powers of the mayor during the mayor's temporary disability, suspension, or absence. If the mayor pro tempore is absent because of sickness or disqualification, any one of the remaining councilmembers, chosen by a majority of the councilmembers present, shall be clothed with all the rights and privileges of the mayor as described herein and shall perform the mayor's duties in the same manner as the mayor pro tempore.
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- (d) The city council shall, at least once a month, hold regular meetings at such times and places as prescribed by ordinance. The city council may recess any regular meeting and continue such meeting on any day or hour it may fix and may transact any business at such continued meeting as may be transacted at any regular meeting.
 - (e) Special meetings of the city council may be held on the call of either the presiding mayor pro tempore and two councilmembers or three councilmembers. Notice of such special meetings shall be delivered to the mayor pro tempore, all councilmembers, the mayor, and the city manager personally, by registered mail, or by electronic means at least 24 hours in advance of the meeting. Such notice of any special meeting may be waived by the mayor pro tempore, mayor, a councilmember, or the city manager in writing before or after such a meeting, and attendance at the meeting shall also constitute a waiver of notice. The notice of such special meeting shall state what business is to be transacted at the special meeting. Only the business stated in the notice may be transacted at the special meeting.

(S.B. 21, § 5, 4-1-2021)

Section 2.10. Quorum; voting.

- (a) Three councilmembers shall constitute a quorum and shall be authorized to transact business for the city council. The mayor shall only be counted toward the making of a quorum. Voting on the adoption of ordinances shall be taken by voice vote and the yeas and nays shall be recorded in the minutes, but on the request of any member there shall be a roll-call vote. In order for any ordinance, resolution, motion, or other action of the city council to be adopted, the measure shall receive at least three affirmative votes and shall receive the affirmative votes of a majority of those voting. No councilmember shall abstain from voting on any matter properly brought before the city council for official action except when such councilmember has a reason which is disclosed in writing prior to or at the meeting and made a part of the minutes. Each councilmember when present at a meeting shall have one vote on all matters brought before the council. The mayor shall only vote in the event of a tie vote of the councilmembers. Any councilmember or the mayor who has a financial interest in any matter pending before the city council shall disclose such interest and such disclosure shall be entered on the records of the city council, and the mayor or such councilmember shall disqualify himself or herself from participating in any discussion, decision, or vote relating thereto.
- (b) 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 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; and
 - (9) Amend or repeal an ordinance already adopted.
- (c) 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 three-fourths' vote; provided, however, that the city council cannot in an emergency meeting:
 - (1) Levy taxes;

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

(S.B. 21, § 6, 4-1-2021)

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 Stonecrest as provided by Article I of this Charter.
- (b) In addition to all other powers conferred upon it by law, the city council shall have the authority to adopt and provide for the execution of such ordinances, resolutions, policies, rules, and regulations, not inconsistent with this Charter and the Constitution and the laws of the State of Georgia, which it shall deem necessary, expedient, or helpful for the peace, good order, protection of life and property, health, welfare, sanitation, comfort, convenience, prosperity, or well-being of the inhabitants of the City of Stonecrest and may enforce such ordinances by imposing penalties for violation thereof.
- (c) (1) The city council shall have the power, by ordinance or resolution, to establish oversight, policy, and standing committees of the council. No less than two councilmembers shall be appointed to each committee established pursuant to this paragraph. The city council shall appoint members to an oversight or policy committee within 30 days of the council establishing such committee, or such committee shall stand in abeyance until such members are appointed.
 - (2) The city council may designate an official legal organ for the city.
 - (3) Except for actions brought pursuant to Article IV of this Charter, the city council shall have the sole authority to initiate any legal action or lawsuit, whether at law or equity, on behalf of the City of Stonecrest, and any such legal action may only be filed in a court of appropriate jurisdiction upon approval of such by at least four members of the city council. To the extent permitted by general law, nothing herein shall require such approvals to be made in open or public meetings of the city council.

(S.B. 21, § 7, 4-1-2021)

Section 2.12. Administrative and service departments.

- (a) Except for the office of city manager and the elected positions provided for in this Charter, the city council, by ordinance, may establish, abolish, merge, or consolidate offices not specified in this Charter, positions of employment, departments, and agencies of the city as it shall deem necessary for the proper administration of the affairs and government of the city. The city council shall prescribe the functions and duties of existing departments, offices, and agencies or of any departments, offices, and agencies hereinafter created or established; may provide that the same person shall fill any number of offices and positions of employment; and may transfer or change the functions and duties of offices, positions of employment, departments, and agencies of the city.
- (b) The operations and responsibilities of each department now or hereafter established in the city shall be distributed among such divisions or bureaus as may be provided by ordinance of the city council. Each department shall consist of such officers, employees, and positions as may be provided by this Charter or by ordinance.
- (c) The appointed officers of the city shall be the:
 - (1) city manager or acting city manager;

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- (2) city attorney;
 - (3) city clerk;
 - (4) tax collector;
 - (5) finance director;
 - (6) internal auditor; and
 - (7) municipal court judge.

(S.B. 21, § 8, 4-1-2021)

Section 2.13. Prohibitions.

- (a) Elected and appointed officers of the city are trustees and servants of the residents of the city and shall act in a fiduciary capacity for the benefit of such residents.
 - (b) No elected official, appointed officer, or employee of the city or any agency or political entity to which this Charter applies shall knowingly:
 - (1) Engage in any business or transaction, or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of that person's official duties or which would tend to impair the independence of the official's judgment or action in the performance of those official duties;
 - (2) Engage in or accept private employment, or render services for private interests when such employment or service is incompatible with the proper discharge of that person's official duties or would tend to impair the independence of the official's judgment or action in the performance of those official duties;
 - (3) Disclose confidential information, including information obtained at meetings which are closed pursuant to Chapter 14 of Title 50 of the O.C.G.A., concerning the property, government, or affairs of the governmental body by which the official is engaged without proper legal authorization or use such information to advance the financial or other private interest of the official or others;
 - (4) Accept any valuable gift, whether in the form of service, loan, thing, or promise, from any person, firm, or corporation which to the official's knowledge is interested, directly or indirectly, in any manner whatsoever, in business dealings with the governmental body by which the official 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 \$100;
 - (5) Represent other private interests in any action or proceeding against this city or any portion of its government;
 - (6) 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 private financial interest; or
 - (7) Vote or otherwise participate in the negotiation or in the making of any contract with any business or entity in which the official has a financial interest.
 - (c) 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
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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.

- (d) 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 or profit but shall use such property only in their capacity as an officer or employee of the city.
- (e) Any violation of this section which occurs with the knowledge, express or implied, of a party to a contract or sale shall render said contract or sale voidable at the option of the city council.
- (f) Except where authorized by law, neither the mayor nor any councilmember shall hold any other elective or appointive office in the city or otherwise be employed by the city during the term for which that official was elected. No former mayor and no former councilmember shall hold any appointive office in the city until one year after the expiration of the term for which that official was elected.
- (g) (1) No appointive officer of the city shall continue in such employment upon qualifying as a candidate for nomination or election to any public office. No employee of the city shall continue in such employment upon qualifying for election to any public office in this city or any other public office which is inconsistent, incompatible, or in conflict with the duties of the city employee. Such determination shall be made by the mayor and council either immediately upon election or at any time such conflict may arise.
 - (2) Any city officer or employee who knowingly conceals such financial interest or knowingly violates any of the requirements of this section shall be guilty of malfeasance in office or position and shall be deemed to have forfeited that person's office or position.
 - (3) Any officer or employee of the city who shall forfeit an office or position as described in paragraph (2) of this subsection shall be ineligible for appointment or election to or employment in a position in the city government for a period of three years thereafter.

(Ord. No. 2018-11-03 , § 1, 11-07-2018; S.B. 21, § 9, 4-1-2021)

Section 2.14. Boards, commissions, and authorities.

- (a) All members of boards, commissions, and authorities of the city shall be residents of the city and appointed by the city council by majority vote 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.
- (b) No member of any board, commission, or authority of the city shall hold any elective office in the city or DeKalb County. However, the mayor and up to two members of the city council, including the mayor pro tempore, may be appointed by the city council to serve as ex officio members of such boards, commissions, or authorities without a vote for a term expiring December 31 following the date of appointment.
- (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 any 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 to administer oaths.
- (e) Any member of a board, commission, or authority may be removed from office for cause 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.

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- (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.

(S.B. 21, § 10, 4-1-2021)

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 the same. 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 shall be neither 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, to ordinances adopted at the first business meeting of the city council in a calendar year, 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.
- (b) 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 Act 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 hereof.

- (c) The city council may, by ordinance or resolution, adopt rules and bylaws to govern the conduct of its business and those in attendance of its meetings, 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.

ARTICLE III. EXECUTIVE BRANCH

Section 3.01. Powers and duties of the mayor.

- (a) The mayor shall:

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- (1) Serve as the ceremonial head of the city and as its official representative to federal, state, and local governmental bodies and officials;
 - (2) Sign as a matter of form, but with no discretion in the matter, all orders, checks, and warrants for payment of money within a level of authorization as established by the city council;
 - (3) Execute as a matter of form, but with no discretion in the matter, all contracts, deeds, and other obligations of the city according to the purchasing guidelines and policies within a level of authorization as established by the city council, provided that the city council may delegate contract signing authority to the city manager to the extent allowed by law;
 - (4) Make appointments as provided by this Charter, subject to confirmation by the city council;
 - (5) Serve in a part-time capacity and be compensated accordingly as provided by this Charter;
 - (6) Vote only in the event of a tie of the city council; and
 - (7) Perform any other duties and exercise any other powers required by state or federal law or authorized by a duly adopted ordinance that is not in conflict with this Charter.
- (b) The mayor shall have all of the powers specifically granted to the mayor elsewhere in this Charter regardless of whether such powers are enumerated in this section of this Charter.

(S.B. 21, § 11, 4-1-2021)

Section 3.02. City manager; appointment and qualification.

- (a) The city manager shall be appointed as provided in subsection (b) of this section, without regard to political beliefs and solely on the basis of his or her education and experience in the accepted competencies and practices of local government management. The city manager need not be a resident of the City of Stonecrest. The city manager shall be a direct employee of the city.
 - (b) (1)(A) The mayor shall nominate, within 60 days of the occurrence of a vacancy in the office of city manager, subject to confirmation by the city council, an individual to be the city manager.
 - (B) In the event that the mayor needs more than 60 days from the occurrence of a vacancy in the office of city manager to nominate a permanent city manager, the mayor may name, within such 60 day period, an individual to serve as the acting city manager.
 - (2) In the event that the city council does not confirm the mayor's initial nomination, the mayor shall nominate a second individual to be city manager, who shall also be subject to confirmation by the city council.
 - (3) In the event that the city council does not confirm the mayor's second nomination, the mayor pro tempore shall nominate an individual to be city manager who shall also be subject to confirmation by the city council. The mayor pro tempore may offer as many nominations as are needed until the required approval is achieved.
- (c) Unless otherwise authorized by a majority of the city council, vacancies in the office of city manager must be filled within 90 days of the occurrence of the vacancy.
- (d) Except for the acting city manager as authorized by this Charter, no other position of the city shall be created to assume, execute, or fulfill the duties of the city manager.

(S.B. 21, § 12, 4-1-2021)

Section 3.03. City manager; chief administrative officer; role delineation.

- (a) The city manager shall be the chief administrative officer of the government of the city. The city manager shall devote all of his or her working full-time and attention to the affairs of the city and shall be responsible to the mayor and city council for the proper and efficient administration of the affairs of the city over which such officer has jurisdiction.
- (b) Based upon the firm belief that the proper, efficient, and effective administration and operation of the city's council-manager form of government will be fostered by a clear definition of the roles and responsibilities of the city council, mayor pro tempore, mayor, and city manager, this section states the following principles, which are intended to be fully consistent with this article:
 - (1) The full and complete legislative and policymaking authority of the city resides in the part-time city council, mayor pro tempore, and mayor; and the full-time city manager shall take no action which impinges upon or interferes with the city council's or the mayor's policymaking role. Other than providing information relevant and germane to the city council's legislative deliberations, the city manager shall strive to remain a neutral party in such legislative deliberations. To ensure the actuality and appearance of neutrality, neither the city manager nor any department heads shall participate in any political activity on behalf of the mayor, any councilmember, or any candidate for such offices, nor shall the city manager or any department head make any political contribution to the mayor, any councilmember, or any candidate for such offices. The mayor, mayor pro tempore, and councilmembers shall not solicit or accept any campaign contributions from any city employee;
 - (2) The city manager is the full-time chief executive officer of the city, and, as such, all department heads, except those who are appointed by and report to the city council, shall report to the city manager. The mayor, mayor pro tempore, and councilmembers shall observe the management authority of the city manager;
 - (3) Except as otherwise provided in this Charter, the mayor, mayor pro tempore, and councilmembers shall not in any manner dictate the appointment or removal of any city administrative officers or employees whom the city manager or any of his or her subordinates are empowered to appoint;
 - (4) Except for the purpose of conducting an investigation or inquiry authorized by the city council pursuant to Section 3.12 of this Charter, the mayor, mayor pro tempore, and councilmembers shall deal with city officers and employees who are subject to the direction and supervision of the city manager solely through the city manager, and neither the mayor nor any councilmembers shall give orders to any such officers or employees, either publicly or privately;
 - (5) The mayor, mayor pro tempore, and city council shall not give directives to any city officers or employees, other than the city manager or officers appointed by the city council, regarding any matters including, but not limited to, constituent complaints and complaints regarding the services, operation, or administration of any department or function of city government. Although the mayor, mayor pro tempore, and city council shall not be prohibited from communicating with city officers or employees with constituent complaints or concerns, the city manager must be copied on all such communications;
 - (6) The mayor, mayor pro tempore, and councilmembers, unless acting pursuant to a duly authorized investigation or inquiry, shall not discuss in open session the performance of or complaints against any city officer or employee during a city council meeting. This provision is not intended to prevent the mayor, mayor pro tempore, or city council from discussing, in general terms, the performance of or any issue relating to any department or function of city government;
 - (7) It shall be prohibited for the mayor, mayor pro tempore, or any councilmember to sit in on personnel and management meetings between the city manager and city employees unless such participation is consented to by the city manager and approved by the city council;

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- (8) The mayor shall have no management authority or responsibility with respect to the operations and administration of city government; and
 - (9) The mayor, mayor pro tempore, and councilmembers, as elected officials, shall possess fundamental oversight duties and responsibilities with respect to all operations and administration of city government, and the city manager shall be responsible and duty bound to facilitate the mayor and city council's oversight function. Once the city council has passed the operating and capital budgets of the city, it shall be the responsibility of the city manager to administer such budgets and to keep the mayor, mayor pro tempore, and city council fully informed as to the city's progress against such budgets. The city manager shall provide monthly financial updates on the budgets with year to date information, and such updates shall contain all material information necessary for the mayor and city council to evaluate the financial performance and condition of the city. However, once the city council has appropriated funds in the budget and encumbered such funds through subsequent legislative action, the city manager shall have the authority to administer such budget, including contract administration and account payables, as part of the management function.

(S.B. 21, § 13, 4-1-2021)

Section 3.04. City manager; powers and duties enumerated.

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

- (1) See that all laws and ordinances are enforced;
- (2) Appoint and employ all necessary employees of the city, provided that the power of this appointment shall not include officers and employees who by this Charter are appointed or elected by the mayor and the city council or departments not under the jurisdiction of the city manager;
- (3) Remove employees appointed and employed under paragraph (2) of this section, without the consent of the city council but must give notice to the city council prior to but not later than the next regular scheduled council meeting;
- (4) Exercise supervision and control of all departments and all divisions created in this Charter or that may hereafter be created by the city council except as otherwise provided in this Charter;
- (5) Attend all meetings of the city council, without a right to vote, but with a right to take part in the discussions as seen fit by the chairperson; provided, however, that regardless 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;
- (6) Recommend to the city council, after prior review and comment by the mayor, for adoption such measures as the city manager may deem necessary or expedient;
- (7) 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;
- (8) 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;
- (9) 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;

- (10) Act as budget officer to prepare and submit to the city council, after review and comment by the mayor, no less than 60 days 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;
- (11) Keep the city council at all times fully advised as to the financial condition and needs of the city;
- (12) 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;
- (13) Fix all salaries and compensation of city employees in accordance with the city budget and the city pay and classification plan;
- (14) Perform such other duties as may be prescribed by this Charter or required by ordinance or resolution of the city council; and
- (15) With the approval of the city council, transfer appropriations within a department, fund, service, strategy, or organizational unit.

(S.B. 21, § 14, 4-1-2021)

Section 3.05. City council interference with administration.

Except for the purpose of inquiries and investigations under Section 2.08 of this Charter or as provided in Sections 3.01 and 3.03 of this Charter, neither the mayor, mayor pro tempore, nor any councilmembers shall interfere with the performance of services by or give orders to any such officer or employee, either publicly or privately.

(S.B. 21, § 15, 4-1-2021)

Section 3.06. City manager; removal.

- (a) The city manager may be removed from office in accordance with the following procedures:
 - (1) The city council by resolution by affirmative vote of a majority of all its members may remove the city manager from office after a suspension of the city manager from duty for a period not to exceed 45 days. A copy of such resolution of the city council shall be delivered promptly to the city manager;
 - (2) Within five days after a copy of such resolution is delivered to the city manager, he or she may file with the city council a written request for a public hearing and a reconsideration of the removal. This hearing shall be held at a city council meeting especially set for such purpose 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 to the removal not later than five days before the hearing; and
 - (3) If the city manager either (i) does not request a public hearing and a reconsideration of the removal five days from the date when a copy of such proclamation or resolution was delivered to the city manager; or, (ii) if after the conclusion of the public hearing requested by the city manager for reconsideration of the removal, the city council does not pass a resolution either reversing the action or rescinding its resolution of removal, the city manager's removal shall be effective as of such date without further action by the city council.

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- (b) Unless the resolution of removal of the city manager is rescinded by majority of the members of the city council at the public hearing held at the request of the city manager pursuant to this section, the city manager shall continue to receive his or her salary until the effective date of his or her removal.
 - (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.
 - (d) The mayor shall be authorized to propose a resolution to the city council seeking the removal of the city manager, but if the city council rejects such resolution, the mayor shall not propose another such resolution for a period of 180 days.

(S.B. 21, § 16, 4-1-2021)

Section 3.07. Acting city manager.

- (a) The mayor with the approval of the city council may appoint, within 30 days of the temporary absence, 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. The acting city manager shall be a direct employee of the city.
- (b) In the event of a vacancy in the office of city manager, the mayor may designate, within 60 days of the vacancy and 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. The office of the city manager shall not go unfilled for longer than 90 days unless a resolution is passed by the city council to extend the time to fill the position.

(S.B. 21, § 17, 4-1-2021)

Section 3.08. City attorney.

- (a) The city council shall appoint the city attorney together with such assistant city attorneys or special city attorneys as may be deemed appropriate. The mayor, mayor pro tempore, or any councilmember may nominate such attorneys for appointment by the city council. The city council shall provide for the payment of such 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 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; 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. The city attorney shall review all contracts of the city but shall not have the power to bind the city unless authorized by resolution of the city council.
- (b) In a conflict between the mayor and the city council, the city attorney shall engage separate outside firms to represent the interest of the city council and the mayor, respectively. Notwithstanding any law or ordinance to the contrary, the city attorney shall not represent the interests 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.

(S.B. 21, § 18, 4-1-2021)

Section 3.09. City clerk.

The city council shall appoint the city clerk, and the mayor, mayor pro tempore, or any councilmember may nominate individuals for appointment by the city council. The city clerk shall keep a journal of the proceedings of the city council, to maintain in a safe place all records and documents pertaining to the affairs of the city, and to perform such duties as may be required by law or ordinance or as the city council or city manager may direct. The city clerk shall be a direct employee of the city.

(S.B. 21, § 18, 4-1-2021)

Section 3.10. Tax collector.

The city council may appoint a tax collector, and the mayor, mayor pro tempore, or any councilmember may nominate individuals for appointment by the city council. The tax collector, if appointed, shall collect all taxes, licenses, fees, and other moneys belonging to the city, subject to the provisions of this Charter and the ordinances of the city; and the tax collector shall diligently comply with and enforce all general laws of Georgia relating to the collection, sale, or foreclosure of taxes by municipalities.

(S.B. 21, § 18, 4-1-2021)

Section 3.11. City finance director.

The city council may appoint a finance director to perform duties of accounting and finance management. The mayor, mayor pro tempore, or any councilmember may nominate individuals for appointment by the city council. The finance director shall be a direct employee of the city.

(Ord. No. 2018-11-02 , § 1, 11-07-2018; S.B. 21, § 18, 4-1-2021)

Section 3.12. City internal auditor.

The city council shall appoint an internal auditor to audit the financial records and expenditures of city funds and to report the results of such audits in writing to the city council at times and intervals set by the city council, but no less than quarterly. Such audit reports shall, at a minimum, identify all city expenditures and other financial matters that the internal auditor either determines are not in compliance with or cannot conclusively be determined to be in compliance with:

- (1) The provisions of this Charter;
- (2) The applicable city budget; and
- (3) Applicable ordinances, resolutions, policies, or other actions duly adopted or approved under the provisions of this Charter.

The internal auditor shall be a direct employee of the city.

(S.B. 21, § 18, 4-1-2021)

Section 3.13. Consolidation of functions.

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.

Section 3.14. Position classification and pay plans; employment at will.

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. Said plan may apply to all employees of the City of Stonecrest 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.

ARTICLE IV. MUNICIPAL COURT

Section 4.01. Creation.

There is established a court to be known as the Municipal Court of the City of Stonecrest which shall have jurisdiction and authority to try offenses against the laws and ordinances of such city and to punish for a violation of the same. 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, the provisions of such laws and all laws subsequently enacted amendatory thereof. Such court shall be presided over by the judge of such court. In the absence or disqualification of the judge, the judge pro tempore shall preside and shall exercise the same powers and duties as the judge when so acting.

Section 4.02. Judges.

- (a) No person shall be qualified or eligible to serve as judge unless he or she shall have attained the age of 28 years and shall have been a member of the State Bar of Georgia for a minimum of three years. The judges, including a judge to be designated the chief judge, shall be nominated by the mayor subject to approval by the city council. The compensation and number of the judges shall be fixed by the city council.
- (b) The judge, or judge pro tempore, shall serve for a term of four years but may be removed as provided by general law.
- (c) Before entering on the duties of his or her office, the chief judge and each other judge shall take an oath before an officer duly authorized to administer oaths in this state declaring that he or she will truly, honestly, and faithfully discharge the duties of his or her office to the best of his or her ability without fear, favor, or partiality. The oath shall be entered upon the minutes of the city council.

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- (d) Each judge, including the chief judge, shall serve for a term of four years but may be removed from the position by a two-thirds' vote of the entire membership of the city council or shall be removed upon action taken by the state Judicial Qualifications Commission for:
- (1) Willful misconduct in office;
 - (2) Willful and persistent failure to perform duties;
 - (3) Habitual intemperance;
 - (4) Conduct prejudicial to the administration of justice which brings the judicial office into disrepute; or
 - (5) Disability seriously interfering with the performance of duties, which is or is likely to become of a permanent character.

(Ord. No. 2018-11-01 , § 1, 11-07-2018; S.B. 21, § 19, 4-1-2021)

Section 4.03. Convening.

The municipal court shall be convened at such times as designated by ordinance or at such times as deemed necessary by the chief judge, or any other judge in the absence of the chief judge due to his or her illness or disability, to keep current the dockets thereof.

(Ord. No. 2018-11-01 , § 1, 11-07-2018)

Section 4.04. Jurisdiction; powers.

- (a) The municipal court shall try and punish for crimes against the City of Stonecrest and for violation 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 Stonecrest, 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 said 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.

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- (g) The municipal court is specifically vested with all of the judicial jurisdiction and judicial powers throughout the entire area of the City of Stonecrest 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, as supplemented by the city council by ordinance.

Section 4.06. Rules for court.

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

(Ord. No. 2018-11-01 , § 1, 11-07-2018)

ARTICLE V. FINANCE AND FISCAL

Section 5.01. Fiscal year.

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

Section 5.02. Preparation of budgets.

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

Section 5.03. Submission of operating budget to city council.

- (a) On or before a date fixed by the city council, but no later than the first day of the eleventh month of the fiscal year currently ending, the city manager shall, after input, review, and comment by the mayor, submit to the city council a proposed operating budget and capital budget for the ensuing fiscal year. The budget shall be accompanied by a message from the mayor and city manager containing a statement of the general fiscal policies of the city, the important features of the budget, explanations of major changes recommended for the next fiscal year, a general summary of the budget, and such other comments and information as they may deem pertinent. The operating budget, capital budget, the budget message, and all supporting documents shall be filed in the office of the city manager and shall be open to public inspection.
- (b) Beginning in the third year of the city's operation, the city manager is required to present to the city council a budget which is balanced in projected spending and revenues.
- (c) Prior to passage of the budget, in accordance with O.C.G.A § 36-81-5(f), the city council shall hold a special public hearing at least one week prior to the meeting at which adoption of the budget will be considered. The budget will be presented, and public comment on the budget will be solicited. The date, time, and place

of the special public hearing shall be announced no less than 15 days prior to the scheduled date for such hearing.

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

(S.B. 21, § 20, 4-1-2021)

Section 5.04. Action by city council on budget.

- (a) The city council may amend the operating budget or capital budget or other budgets for funds, services, strategies and/or organizational units proposed by the city manager in accordance with subsection (a) of Section 5.03 of this Charter, except that the budget, as finally amended and adopted, shall provide for all expenditures required by law or by other provisions of this Charter and for all debt service requirements for the ensuing fiscal year; and the total appropriations from any fund shall not exceed the estimated fund balances, reserves, and revenues constituting the fund availability of such fund.
- (b) The city council shall adopt a budget by the end of the fiscal year currently ending. In accordance with O.C.G.A. § 1-3-1(d)(3), if the end of the fiscal year currently ending falls on a Saturday or Sunday, the city council shall have through the following Monday to adopt a budget. If the city council fails to adopt the budget by the prescribed deadline, the operating budget and capital budget proposed by the mayor and city manager shall be adopted without further action by the city council.

(S.B. 21, § 21, 4-1-2021)

Section 5.05. Procurement and property management.

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

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

(S.B. 21, § 22, 4-1-2021)

Section 5.06. Purchasing.

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

Section 5.07. Audits.

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

Section 5.08. Homestead exemption; freeze.

- (a) As used in this section, the term:
 - (1) "Ad valorem taxes for municipal purposes" means all municipal ad valorem taxes for municipal purposes levied by, for, or on behalf of the City of Stonecrest, including, but not limited to, ad valorem taxes to pay interest on and to retire municipal bonded indebtedness.
 - (2) "Base year" means the taxable year immediately preceding the taxable year in which the exemption under this section is first granted to the most recent owner of such homestead.
 - (3) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of the O.C.G.A., as amended, with the additional qualification that it shall include not more than five contiguous acres of homestead property.
- (b) Each resident of the City of Stonecrest is granted an exemption on that person's homestead from City of Stonecrest ad valorem taxes for municipal purposes in an amount equal to the amount by which the current year assessed value of that homestead exceeds the base year assessed value of that homestead. This exemption shall not apply to taxes assessed on improvements to the homestead or additional land that is added to the homestead after January 1 of the base year. If any real property is added to or removed from the homestead, the base year assessed value shall be adjusted to reflect such addition or removal, and the exemption shall be recalculated accordingly. The value of that property in excess of such exempted amount shall remain subject to taxation.
- (c) A person shall not receive the homestead exemption granted by subsection (b) of this section unless the person or person's agent files an application with the governing authority of the City of Stonecrest, or the designee thereof, giving such information relative to receiving such exemption as will enable the governing authority of the City of Stonecrest, 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 Stonecrest, or the designee thereof, shall provide application forms for this purpose.
- (d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year so long as the owner occupies the residence as a homestead. After a person has filed the proper application as provided in subsection (c) of this section, it shall not be necessary to make application thereafter for any year, and the exemption shall continue to be allowed to such person. It shall be the duty of any person granted the homestead exemption under subsection (b) of this section to notify the governing authority of the City of Stonecrest, 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 only to taxable years 2017 through 2019. Unless renewed or extended by subsequent Act of the General Assembly, the exemption granted by subsection (b) of this section shall not apply to taxable year 2020 or any subsequent taxable year.

Section 5.09. Homestead exemption; senior citizens; disabled.

- (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 Stonecrest, including, but not limited to, any ad valorem taxes to pay interest on and to retire municipal bonded indebtedness.
 - (2) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of the O.C.G.A., as amended.
 - (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 Act.
 - (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 Stonecrest who is disabled or is a senior citizen is granted an exemption on that person's homestead from City of Stonecrest 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 Stonecrest, 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 Stonecrest, 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 Stonecrest, or the designee thereof, shall provide application forms for this purpose.
- (d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year so long as the owner occupies the residence as a homestead. After a person has filed the proper application, as provided in subsection (c) of this section, it shall not be necessary to make application thereafter for any year and the exemption shall continue to be allowed to such person. It shall be the duty of any person granted the homestead exemption

under subsection (b) of this section to notify the governing authority of the City of Stonecrest, 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 5.10. Homestead exemption; general.

- (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 Stonecrest, including, but not limited to, any ad valorem taxes to pay interest on and to retire municipal bonded indebtedness.
 - (2) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of the O.C.G.A., as amended.
- (b) Each resident of the City of Stonecrest is granted an exemption on that person's homestead from City of Stonecrest ad valorem taxes for municipal purposes in the amount of \$10,000.00 of the assessed value of that homestead. The value of that property in excess of such exempted amount shall remain subject to taxation.
- (c) A person shall not receive the homestead exemption granted by subsection (b) of this section unless the person or person's agent files an application with the governing authority of the City of Stonecrest, or the designee thereof, giving such information relative to receiving such exemption as will enable the governing authority of the City of Stonecrest, 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 Stonecrest, or the designee thereof, shall provide application forms for this purpose.
- (d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year so long as the owner occupies the residence as a homestead. After a person has filed the proper application, as provided in subsection (c) of this section, it shall not be necessary to make application thereafter for any year and the exemption shall continue to be allowed to such person. It shall be the duty of any person granted the homestead exemption under subsection (b) of this section to notify the governing authority of the City of Stonecrest, 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:

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- (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 Stonecrest, 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 means 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 Stonecrest 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 Stonecrest 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 remarries, such person shall cease to be qualified to continue the exemption under this Act effective December 31 of the taxable year in which such person remarries. The value of all property in excess of such exemption granted to such unremarried surviving spouse shall remain subject to taxation.
 - (c) In order to qualify for the exemption provided for in this Act, the unremarried surviving spouse shall furnish to the governing authority of the City of Stonecrest, or the designee thereof, documents from the Secretary of Defense evidencing that such unremarried surviving spouse receives spousal benefits as a result of the death of such person's spouse who as a member of the armed forces of the United States was killed or died as a result of a war or armed conflict while on active duty or while performing authorized travel to or from active duty during such war or armed conflict in which the armed forces of the United States engaged, whether under United States command or otherwise, pursuant to the Survivor Benefit Plan under Subchapter II of Chapter 73 of Title 10 of the United States Code or pursuant to any preceding or subsequent federal law which provides survivor benefits for spouses of members of the armed forces who were killed or who died as a result of any war or armed conflict.
 - (d) An unremarried surviving spouse filing for the exemption under this section shall be required to file with the governing authority of the City of Stonecrest, or the designee thereof, information relative to marital status and other such information which the governing authority of the City of Stonecrest, or the designee thereof, deems necessary to determine eligibility for the exemption. Each unremarried surviving spouse shall file for the exemption only once with the governing authority of the City of Stonecrest or the designee thereof. Once filed, the exemption shall automatically be renewed from year to year, except that the governing authority of the City of Stonecrest or the designee thereof may require annually that the holder of an exemption substantiate his or her continuing eligibility for the exemption. It shall be the duty of any person granted the homestead exemption under this section to notify the governing authority of the City of Stonecrest or the designee thereof in the event that person for any reason becomes ineligible for such exemption.
 - (e) The exemption granted by this section shall be in lieu of and not in addition to any other exemption from ad valorem taxation for municipal purposes which is equal to or lower in amount than such exemption granted by this section. If the amount of any other exemption from ad valorem taxation for municipal purposes applicable to any resident qualifying under this section is greater than or is increased to an amount greater than the amount of the applicable exemption granted by this section, such other exemption shall apply and shall be in lieu of and not in addition to the exemption granted by this section.
 - (f) The exemptions granted by this section shall apply to all tax years beginning on or after January 1, 2017.
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Section 5.12. Homestead exemption; one mill equivalent.

- (a) As used in this section, the term:
 - (1) "Ad valorem taxes for municipal purposes" means all ad valorem taxes for municipal purposes levied by, for, or on behalf of the City of Stonecrest, including, but not limited to, any ad valorem taxes to pay interest on and to retire municipal bonded indebtedness.
 - (2) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of the O.C.G.A., as amended.
- (b) Each resident of the City of Stonecrest is granted an exemption on that person's homestead from City of Stonecrest ad valorem taxes for municipal purposes in an amount that provides the dollar equivalent of a one mill reduction of the millage rate applicable to the homestead property with respect to ad valorem taxes for municipal purposes for the taxable year. The value of that property in excess of such exempted amount shall remain subject to taxation.
- (c) A person shall not receive the homestead exemption granted by subsection (b) of this section unless the person or person's agent files an application with the governing authority of the City of Stonecrest or the designee thereof giving such information relative to receiving such exemption as will enable the governing authority of the City of Stonecrest 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 Stonecrest or the designee thereof shall provide application forms for this purpose.
- (d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year so long as the owner occupies the residence as a homestead. After a person has filed the proper application, as provided in subsection (c) of this section, it shall not be necessary to make application thereafter for any year and the exemption shall continue to be allowed to such person. It shall be the duty of any person granted the homestead exemption under subsection (b) of this section to notify the governing authority of the City of Stonecrest 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.

ARTICLE VI. GENERAL PROVISIONS

Section 6.01. DeKalb County special services tax district.

For the taxable years beginning on or after January 1, 2017, the adjusted ad valorem tax millage rate and amount for service charges or fees for and DeKalb County special services tax district within the boundaries of the City Stonecrest 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 Stonecrest will 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 Stonecrest for approval or rejection. The superintendent shall set May 24, 2016, as the date of such election. The superintendent shall issue the call for such election at least 30 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 Stonecrest in DeKalb County according to the Charter contained in the Act and the homestead exemptions described in the Act be approved?"

() NO

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

- (b) For the purposes of the referendum election provided for in subsection (a) of this section and for the purposes of the special election of the City of Stonecrest to be held in conjunction with and on the date of the 2016 November general election, the qualified electors of the City of Stonecrest shall be those qualified electors of DeKalb County residing within the corporate limits of the City of Stonecrest as described by Appendix A of this Charter. At subsequent municipal elections, the qualified electors of the City of Stonecrest shall be determined pursuant to the authority of Chapter 2 of Title 21 of the O.C.G.A., known as the "Georgia Election Code."
- (c) Only for the purposes of holding and conducting the referendum election provided for by subsection (a) of this section and holding and conducting the special election of the City of Stonecrest to be held on the date of the 2016 November general election, the election superintendent of DeKalb County is vested with the powers and duties of the election superintendent of the City of Stonecrest and the powers and duties of the governing authority of the City of Stonecrest.

Section 6.03. Effective dates and transition.

- (a) The initial mayor and councilmembers shall take the oath of office the next business day after certification of the election of such officers, and by action of any four members of the governing authority may meet and take actions binding on the city.
- (b) A period of time will be needed for an orderly transition of various government functions from DeKalb County to the City of Stonecrest. Accordingly there shall be a two-year transition period as allowed by law beginning at 12:01 A.M. on January 1, 2017.
- (c) During such transition period, DeKalb County shall continue to provide within the territorial limits of the city all government services and functions which DeKalb County provided in 2016 and at the same actual direct cost and level of service, except to the extent otherwise provided in this section; provided, however, that

upon at least 30 days' prior written notice to the governing authority of DeKalb County by the governing authority of the City of Stonecrest, responsibility for any such service or function shall be transferred to the City of Stonecrest. The governing authority of the City of Stonecrest shall determine the date of commencement of collection of taxes, fees, assessments, fines and forfeitures, and other moneys within the territorial limits of the city and the date upon which the City of Stonecrest is considered removed from the special services tax district.

- (d) During the transition period, the governing authority of the City of Stonecrest may generally exercise any power granted by this Charter or general law, except to the extent that a power is specifically and integrally related to the provision of a governmental service, function, or responsibility not yet provided or carried out by the city.
- (e) During the transition period, all ordinances of DeKalb County shall remain applicable within the territorial limits of the city unless otherwise amended, repealed, or replaced by the City of Stonecrest. Any transfer of jurisdiction to the City of Stonecrest during or at the end of the transition period shall not in and of itself abate any judicial proceeding pending in DeKalb County or the pending prosecution of any violation of any ordinance of DeKalb County.
- (f) During the transition period, the governing authority of the City of Stonecrest may at any time, without the necessity of any agreement by DeKalb County, commence to exercise its planning and zoning powers; provided, however, that the city shall give the county notice of the date on which the city will assume the exercise of such powers. Upon the governing authority of the City of Stonecrest commencing to exercise its planning and zoning powers, the Municipal Court of the City of Stonecrest shall immediately have jurisdiction to enforce the planning and zoning ordinances of the city. The provisions of this subsection shall control over any conflicting provisions of any other subsection of this section.
- (g) Effective upon the termination of the transition period, subsections (b) through (f) of this section shall cease to apply except for the last sentence of subsection (e) which shall remain effective. Effective upon the termination of the transition period, the City of Stonecrest shall be a full functioning municipal corporation and subject to all general laws of this state.

Section 6.04. Directory nature of dates.

It is the intention of the General Assembly that this Act be construed as directory rather than mandatory with respect to any date prescribed in this Act. If it is necessary to delay any action called for in this Act for providential cause or any other reason, it is the intention of the General Assembly that the action be delayed rather than abandoned. Any delay in performing any action under this Act, whether for cause or otherwise, shall not operate to frustrate the overall intent of this Act. Without limiting the generality of the foregoing, it is specifically provided that if it is not possible to hold the referendum election provided for in Section 6.02 of this Act on the date specified in that section, then such referendum shall be held as soon thereafter as is reasonably practicable but not later than 45 days after there is no further cause for delay. If the referendum election provided for in Section 6.02 of this Act is conducted after May 24, 2016, but before November 8, 2016, the special election for the initial members of the governing authority shall be conducted on the date specified in Section 2.02 of this Act. If the referendum election provided for under Section 6.02 of this Act is conducted after November 3, 2016, then the special election for the initial members of the governing authority shall be held as soon thereafter as is reasonably practicable, and the commencement of the initial terms of office shall be delayed accordingly. If the first election provided for in Section 2.02 of this Act occurs after the date of the 2016 November general election, the city council shall be authorized to delay the dates otherwise specified in Section 6.03 of this Act.

Section 6.05. Charter commission.

No later than five years after the inception of the City of Stonecrest, the mayor and the city council shall call for a Charter commission to review the city's experience and recommend to the General Assembly any changes to the

Charter. Members of the charter commission shall be appointed as follows: one by the mayor, one by each member of the city council, and one member appointed by a vote of the members of the Georgia House of Representatives and one member voted by the members of the Georgia Senate whose districts lie wholly or partially within the corporate boundaries of the City of Stonecrest. All members of the charter commission shall reside in the City of Stonecrest except those representing the Georgia House of Representative and the Georgia Senate. Neither the city council not the mayor shall appoint themselves to serve as members of the commission. The city attorney may serve as ex officio member of the commission with approval by the city council. The commission shall complete the recommendations within the time frame required by the city council.

(S.B. 21, § 23, 4-1-2021)

Section 6.06. Severability.

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

Section 6.07. Effective date.

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

Section 6.08. Repealer.

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

APPENDIX A LEGAL DESCRIPTION

CORPORATE LIMITS
CITY OF STONECREST, DEKALB COUNTY, GEORGIA

Plan: Stonecrest-2015

Plan Type: Local

Administrator: S043

User: Gina

District STONECREST

DeKalb County

VTD: 089BJ BROWN'S MILL ELEMENTARY

023416:

2004 2005 2006 2009 2010 2011 2012 2013 2014 2015 2016 2017 2018 3000 3001 3002 3003
3004 3005 4015 4016 4019 4020

VTD: 089CF MURPHEY CANDLER

VTD: 089FA FAIRINGTON ELEM

VTD: 089FG FLAT ROCK ELEM

VTD: 089LD LITHONIA (LIT)

023303:

4020 4021 4022

VTD: 089LH LITHONIA HIGH SCHOOL

023309:

3000 3001 3002 3003 3004 3005 3006 3007 3008 3009 3010 3011 3012 3013 3014 3033 3034
3035 3036

VTD: 089MC MARBUT ELEM

023309:

2005 2006 4007

VTD: 089MF MCWILLIAMS

VTD: 089MI MILLER GROVE MIDDLE SCHOOL

023214:

2000 2001 2002 2003 2008 2009 2010 2011 2012 2013 2014 2022 2023 2024

023416:

1000 1001 1014 1015

VTD: 089MV MILLER GROVE ROAD

VTD: 089MZ MILLER GROVE HIGH

VTD: 089PC PRINCETON ELEM

023306:

3005 3006 3007 3013 3014

VTD: 089PI PANOLA WAY ELEM

023212:

2002

VTD: 089PR PANOLA ROAD

VTD: 089RH REDAN-TROTTI

023306:

3008 3012 3016

023313:

1003 1004 1005 1006 1007 1008 1009 1010

VTD: 089RL ROCK CHAPEL ROAD

023303:

1011 1012 1016 1017 1018 1019 1020 1021 1022 1025 1026 1027 1032 4012

023306:
3015 3020
023315:
1010 1011 1020
VTD: 089SL STONEVIEW ELEM
023303:
3027 3028 3029 4000 4001 4002 4003 4004 4005 4006 4029 4030 4031 4032 4034 4035 4036
023310:
3000 3001 3002 3003 3004 3005 3006 3007 3008
023418:
1000 1001 1002 1023
023428:
2000 2001
VTD: 089SM SALEM MIDDLE
VTD: 089SS SNAPPINGER ROAD
023414:
1027
023416:
2003 2007 2008 2019 4004 4005 4006 4009 4010 4011 4012 4013 4014 4017 4018
VTD: 089WD WOODROW ROAD

As used in this appendix, the term "VTD" (voting tabulation district) shall mean and describe the same geographical boundaries as provided in the report of the Bureau of the Census for the United States decennial census of 2010 for the State of Georgia. The separate numeric designations which are underneath a VTD heading shall mean and describe individual blocks within a VTD as provided in the report of the Bureau of the Census for the United States decennial census of 2010 for the State of Georgia.

APPENDIX B COUNCIL DISTRICTS

CITY OF STONECREST, DEKALB COUNTY, GEORGIA

Plan: Stonecrest-dist-2015

Plan Type: Local

Administrator: S043

User: Gina

District 001

DeKalb County

VTD: 089LD LITHONIA (LIT)

023303:

4020 4021 4022

VTD: 089PC PRINCETON ELEM

023306:

3005 3006 3007 3013 3014

VTD: 089RH REDAN-TROTTI

023306:

3008 3012 3016

023313:

1003 1004 1005 1006 1007 1008 1009 1010

VTD: 089RL ROCK CHAPEL ROAD

023303:

1011 1012 1016 1017 1018 1019 1020 1021 1022 1025 1026 1027 1032 4012

023306:

3015 3020

023315:

1010 1011 1020

VTD: 089SL STONEVIEW ELEM

023303:

3027 3028 3029 4000 4001 4002 4003 4004 4005 4006 4029 4030 4031 4032 4034 4035 4036

023310:

3000 3001 3003 3004 3005 3008

023418:

1000 1001 1002 1023

VTD: 089WD WOODROW ROAD

023418:

1003 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1015 1016 1017 1018 1019
1020 1021 1022 1024 1025 1026 1027 1028 1029 1030 1031 1033 1034 1035 1036 1037 1038
1039 1048 1049 1050 1051 1052 1053 1054 1055 1056 1057 1058 1059 1060 1061 1062 1063
1064 1065 1066 1067 1068 1069 1070 1071 1072 1073 1074 1075 1076 1077 1078 1079

District 002

DeKalb County

VTD: 089LH LITHONIA HIGH SCHOOL

023309:

3000 3001 3002 3003 3004 3005 3006 3007 3008 3009 3010 3011 3012 3013 3014 3033 3034
3035 3036

VTD: 089MC MARBUT ELEM

023309:

2005 2006 4007

VTD: 089MF MCWILLIAMS

023416:

1004 1008 1009 1010 1011 1012 1013 1016 1017 4000 4001 4002 4003 4007 4008

VTD: 089MI MILLER GROVE MIDDLE SCHOOL

023214:

2000 2001 2002 2003 2008 2009 2010 2011 2012 2013 2014 2022 2023 2024

023416:

1000 1001 1014 1015

VTD: 089MZ MILLER GROVE HIGH

023310:

2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 4000 4001 4002 4003 4004 4005
4006 4007 4008 4009 4010 4011 4012 4013

VTD: 089PI PANOLA WAY ELEM

023212:

2002

VTD: 089PR PANOLA ROAD

023310:

1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1015 1016
1017

VTD: 089SL STONEVIEW ELEM

023310:

3007

VTD: 089SS SNAPFINGER ROAD

023416:

4004 4005 4006

District 003

DeKalb County

VTD: 089FA FAIRINGTON ELEM

VTD: 089MF MCWILLIAMS

023416:

1002 1003 1005 1006 1007 2000 2001 2002

VTD: 089MV MILLER GROVE ROAD

023427:

2001 2002 2003 2004 2005

VTD: 089PR PANOLA ROAD

023428:

1000 3000 4000

VTD: 089WD WOODROW ROAD

023428:

1001 1002 1003 1004 1005 1006 1007 1008 2016 2017

District 004

DeKalb County

VTD: 089BJ BROWN'S MILL ELEMENTARY

023416:

2004 2005 2006 2009 2010 2011 2012 2013 2014 2015 2016 2017 2018 3000 3001 3002 3003
3004 3005 4015 4016 4019 4020

VTD: 089MV MILLER GROVE ROAD

023427:

1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1015 1016 1017

VTD: 089SM SALEM MIDDLE

VTD: 089SS SNAPPFINGER ROAD

023414:

1027

023416:

2003 2007 2008 2019 4009 4010 4011 4012 4013 4014 4017 4018

District 005

DeKalb County

VTD: 089CF MURPHEY CANDLER

VTD: 089FG FLAT ROCK ELEM

VTD: 089MZ MILLER GROVE HIGH

023428:

2002

VTD: 089SL STONEVIEW ELEM

023310:

3002 3006

023428:

2000 2001

VTD: 089WD WOODROW ROAD

023418:

1032 1040 1041 1042 1043 1044 1045 1046

023428:

2003 2004 2005 2006 2007 2008 2009 2010 2011 2012 2013 2014 2015 2018

As used in this appendix, the term "VTD" (voting tabulation district) shall mean and describe the same geographical boundaries as provided in the report of the Bureau of the Census for the United States decennial census of 2010 for the State of Georgia. The separate numeric designations in a district description which are underneath a VTD heading shall mean and describe individual blocks within a VTD as provided in the report of the Bureau of the Census for the United States decennial census of 2010 for the State of Georgia. Any part of the city which is not included in District 1, 2, 3, 4, or 5 as described in this appendix shall be included within that district contiguous to such part which contains the least population according to the United States decennial census of 2010 for the State of Georgia. Any part of the city which is described in this appendix as being in District 1, 2, 3, 4, or 5 shall nevertheless not be included within such district if such part is not contiguous to such district. Such noncontiguous part shall instead be included within the post that is contiguous to such part which contains the least population according to the United States decennial census of 2010 for the State of Georgia. Except as otherwise provided in the description of any district, whenever the description of such district refers to a named city, it shall mean the geographical boundaries of that city as shown on the census map for the United States decennial census of 2010 for the State of Georgia.

***APPENDIX C CERTIFICATE AS TO MINIMUM STANDARDS FOR INCORPORATION
OF A NEW MUNICIPAL CORPORATION***

I, Ronald B. Ramsey, Sr., Senator from the 43rd District, and the author of this bill introduced at the 2015 session of the General Assembly of Georgia, which grants an original municipal Charter to the City of Stonecrest, do hereby certify that this bill is in compliance with the minimum standards required by Chapter 31 of Title 36 of the O.C.G.A. in that the area embraced within the original incorporation in this bill is in all respects in compliance with the minimum standards required by Chapter 31 of Title 36 of the O.C.G.A. This certificate is executed to conform to the requirements of Code Section 36-31-5 of the O.C.G.A.

So certified this _____ day of _____, 2015. Honorable Ronald B. Ramsey, Sr.
Senator, District 43
Georgia State Senate