

House Bill 1060

By: Representatives Jones of the 91st, Stephenson of the 90th, Kendrick of the 93rd, Williams of the 87th, Carter of the 92nd, and others

A BILL TO BE ENTITLED
AN ACT

1 To provide a new charter for the City of Stonecrest in DeKalb County; to provide for
2 reconstitution, boundaries, and powers of the city; to provide for general powers and
3 limitations on powers; to provide for a convention and visitors bureau; to provide for a
4 community improvement district; to provide definitions; to provide for a governing authority
5 of such city and the powers, duties, authority, election, terms, method of filling vacancies,
6 compensation, expenses, qualifications, prohibitions, and districts relative to members of
7 such governing authority; to provide for inquiries and investigations; to provide for
8 organization and procedures; to provide for ordinances; to provide for codes; to provide for
9 a charter commission; to provide for the office of mayor and certain duties and powers
10 relative to the office of mayor; to provide for administrative responsibilities; to provide for
11 boards, commissions, and authorities; to provide for a city manager, a city attorney, a city
12 clerk, a tax collector, a city finance director, and other personnel; to provide for a municipal
13 court and the judge or judges thereof; to provide for practices and procedures; to provide for
14 ethics and disclosures; to provide for taxation, licenses, and fees; to provide for franchises,
15 service charges, and assessments; to provide for bonded and other indebtedness; to provide
16 for accounting and budgeting; to provide for purchases; to provide for the creation of a
17 community improvement district; to provide for bonds for officials; to provide for a
18 transition period; to provide for other matters relative to the foregoing; to provide for
19 effective dates; to repeal conflicting laws; and for other purposes.

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

21 ARTICLE I

22 CREATION, INCORPORATION, POWERS

23 SECTION 1.01.

24 Incorporation.

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

31 SECTION 1.02.

32 Corporate boundaries.

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

38 SECTION 1.03.

39 Powers and construction.

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

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

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

- 52 (2) Appropriations and expenditures. To make appropriations for the support of the
53 government of the city; to authorize the expenditure of money for any purposes
54 authorized by this charter and for any purpose for which a municipality is authorized by
55 the laws of the State of Georgia; and to provide for the payment of expenses of the city;
- 56 (3) Building regulation. To regulate and to license the erection and construction of
57 buildings and all other structures; to adopt building, housing, plumbing, electrical, gas,
58 and heating and air conditioning codes; and to regulate all housing and building trades
59 to the extent permitted by general law;
- 60 (4) Business regulation and taxation. To levy and to provide for the collection of
61 regulatory fees, franchise fees, and taxes on privileges, occupations, trades, and
62 professions as authorized by Title 48 of the O.C.G.A., or other such applicable laws as
63 are or may hereafter be enacted; to permit and regulate the same; to provide for the
64 manner and method of payment of such regulatory fees, franchise fees, and taxes; and to
65 revoke such permits after due process for failure to pay any city taxes or fees;
- 66 (5)(A) Condemnation. To condemn property inside the corporate limits of the city for
67 present or future use and for any public purpose deemed necessary by the city council
68 utilizing procedures enumerated in Title 22 of the O.C.G.A., or such other applicable
69 laws as are or may hereafter be enacted.
- 70 (B) The municipality shall have the right to condemn and cause to be remediated or
71 removed any building, structure, or existing condition within its corporate limits that
72 is dangerous to life, limb, or property, by reasons of decay, dilapidation, or unsanitary
73 condition. Nothing in this subparagraph shall be construed to relieve the municipality
74 of any duty to give owners or interested persons reasonable notice and opportunity to
75 remedy the situation. Nothing in this subparagraph shall be construed as relieving the
76 municipality of liability to any interested person for damages to person or property
77 taken or destroyed in furtherance of this subparagraph. This subparagraph shall not be
78 construed as authorizing the doing of any act or thing contrary to the Constitution of
79 this state and the policy of the general laws of this state. The municipality shall have
80 authority to adopt reasonable ordinances and resolutions for the purpose of carrying out
81 this subparagraph;
- 82 (6) Contracts. To enter into contracts and agreements with other governmental entities
83 and with private persons, firms, and corporations;
- 84 (7) Emergencies. To establish procedures for determining and proclaiming that an
85 emergency situation exists within or without the city, and to make and carry out all
86 reasonable provisions deemed necessary to deal with or meet such an emergency for the
87 protection, safety, health, or well-being of the citizens of the city;

- 88 (8) Employee benefits. To provide and maintain a retirement plan, insurance, and such
89 other employee benefits for appointed officers and employees of the city as are
90 determined by the city council;
- 91 (9) Environmental protection. To protect and preserve the natural resources,
92 environment, and vital areas of the city, the region, and the state through the enactment
93 of ordinances that preserve and improve air quality, restore and maintain water resources,
94 the control of erosion and sedimentation, manage storm water and establish a storm-water
95 utility, manage solid and hazardous waste, and provide other necessary or beneficial
96 actions for the protection of the environment. These ordinances shall include, without
97 limitation, ordinances that protect, maintain, and enhance the public health, safety,
98 environment, and general welfare and minimize public and private losses due to flood
99 conditions in flood hazard areas, as well as protect the beneficial uses of flood plain areas
100 for water quality protection, stream bank and stream corridor protection, wetlands
101 preservation, and ecological and environmental protection. Such ordinances may require
102 that uses vulnerable to floods, including facilities which serve such uses, be protected
103 against flood damage at the time of initial construction; may restrict or prohibit uses
104 which are dangerous to health, safety, and property due to flooding or erosion hazards,
105 or which increase flood heights, velocities, or erosion; may control filling, grading,
106 dredging, and other development which may increase flood damage or erosion; may
107 prevent or regulate the construction of flood barriers which will unnaturally divert flood
108 waters or which may increase flood hazards to other lands; may limit the alteration of
109 natural flood plains, stream channels, and natural protective barriers which are involved
110 in the accommodation of flood waters; and may protect the storm-water management,
111 water quality, stream bank protection, stream corridor protection, wetland preservation,
112 and ecological functions of natural flood plain areas;
- 113 (10) Ethics. To adopt ethics ordinances and regulations governing such things including,
114 but not limited to, the conduct of municipal elected officials, appointed officials,
115 contractors, vendors, and employees; establishing procedures for ethics complaints; and
116 setting forth penalties for violations of such rules and procedures;
- 117 (11) Fire regulations. To fix and establish fire limits and from time to time to extend,
118 enlarge, or restrict the same; to prescribe fire safety regulations not inconsistent with
119 general law, relating to both fire prevention and fire detection; and to prescribe penalties
120 and punishment for violations thereof;
- 121 (12) Garbage fees. To levy, fix, assess, and collect a garbage, refuse, and trash
122 collection and disposal and other sanitary service charge, tax, or fee for such services as
123 may be necessary in the operation of the city from all individuals, firms, and corporations
124 residing in or doing business therein benefiting from such services; to enforce the

125 payment of such charges, taxes, or fees; and to provide for the manner and method of
126 collecting such service charges, taxes, or fees;

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

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

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

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

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

145 (18) Municipal agencies and delegation of power. To create, alter, or abolish
146 departments, boards, offices not specified in this charter, commissions, authorities, and
147 agencies of the city, and, other than as reserved by this charter to the executive branch
148 of the city, to confer upon such agencies the necessary and appropriate authority for
149 carrying out all the powers conferred upon or delegated to the same;

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

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

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

159 (22) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose
160 of public utilities including, but not limited to, a system of waterworks, sewers and
161 drains, sewage disposal, storm-water management, gasworks, electricity generating

162 plants, cable television, internet and other telecommunications, transportation facilities,
163 public airports, and any other public utility; to fix the taxes, charges, rates, fares, fees,
164 assessments, regulations, and penalties; and to provide for the withdrawal of service for
165 refusal or failure to pay the same;

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

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

170 (25) Planning and zoning. To provide comprehensive city planning for city land use,
171 signage and outside advertising, and development by zoning; and to provide subdivision
172 regulations and the like as the city council deems necessary and reasonable to ensure a
173 safe, healthy, and aesthetically pleasing community, provided that the city council shall
174 not have the power to require special land use permits, special exceptions, or special
175 administrative permits for the industrial use of properties within an industrial use zoning
176 district;

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

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

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

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

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

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

- 199 (32) Regulation of roadside areas. To prohibit or regulate and control the erection,
 200 removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any
 201 and all other structures or obstructions upon or adjacent to the rights of way of streets and
 202 roads or within view thereof, within or abutting the corporate limits of the city; and to
 203 prescribe penalties and punishment for violation of such ordinances;
- 204 (33) Roadways. To lay out, open, extend, widen, narrow, establish, or change the grade
 205 of, abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise
 206 improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and
 207 walkways within the corporate limits of the city; to grant franchises and rights of way
 208 throughout the streets and roads and over the bridges and viaducts for the use of public
 209 utilities; and to require real estate owners to repair and maintain in a safe condition the
 210 sidewalks adjoining their lots or lands and to impose penalties for failure to do so;
- 211 (34) Solid waste disposal. To provide for the collection and disposal of garbage,
 212 rubbish, and refuse and to regulate the collection and disposal of garbage, rubbish, and
 213 refuse by others; and to provide for the separate collection of glass, tin, aluminum,
 214 cardboard, paper, and other recyclable materials and to provide for the sale of such items;
- 215 (35) Special assessments. To levy and provide for the collection of special assessments
 216 to cover the costs for any public improvements, subject to referendum;
- 217 (36) Taxes: ad valorem. To levy and provide for the assessment, valuation, revaluation,
 218 and collection of taxes on all property subject to taxation; provided, however, that:
- 219 (A) The millage rate imposed for ad valorem taxes on real property shall not exceed
 220 a combination of 3.35 plus an amount equal to the amount of any roll back or reduction
 221 by the governing authority of DeKalb County of its millage rate, unless either (i) the
 222 millage rate is increased above such amount by resolution of the city council without
 223 voter approval through its exercise of home rule powers, or (ii) a higher limit is
 224 recommended by resolution of the city council and approved by a majority of the
 225 qualified electors of the City of Stonecrest voting on the issue, provided that the amount
 226 of millage associated with general obligation bonds or the creation of special tax
 227 districts pursuant to Article IX, Section II, Paragraph VI of the Constitution of the State
 228 of Georgia shall not count as part of the 3.35 limit since such millage is already subject
 229 to approval by the electors of the city in a separate referendum; and
- 230 (B) For all years, the fair market value of all property subject to taxation shall be
 231 determined according to the tax digest of DeKalb County, as provided in Code Section
 232 48-5-352 of the O.C.G.A.;
- 233 (37) Taxes: other. To levy and collect such other taxes and fees as may be allowed now
 234 or in the future by law;

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

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

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

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

258 **SECTION 1.04.**

259 Exercise of powers.

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

264 **SECTION 1.05.**

265 Tourism, conventions, and trade shows.

266 The Stonecrest Convention and Visitors Bureau is hereby created.

267

SECTION 1.06.

268

Stonecrest Community Improvement District.

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

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

278 (2) Parks and recreational areas and facilities;

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

280 (4) Development, storage, treatment, purification, and distribution of water;

281 (5) Public transportation;

282 (6) Terminal and dock facilities and parking facilities; and

283 (7) Such other services and facilities as may be provided for by general law.

284 (b) Definitions. As used in this section, the term:

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

288 (2) "Board" means the governing body created for the governance of the community
 289 improvement district authorized by this section.

290 (3) "Caucus of electors" means the meeting of electors as provided in this section at
 291 which the elected board members of the district are elected or at which the governmental
 292 services and facilities to be provided by the district are determined. A quorum at such
 293 caucus shall consist of no less than 25 percent of electors and no less than 25 percent of
 294 equity electors present in person or proxy, and a majority of those present and voting
 295 shall be necessary to take any action. Notice of such meeting shall be given to such
 296 electors and equity electors by publishing notice thereof in the legal organ of the City of
 297 Stonecrest at least once each week for four weeks prior to such meeting.

298 (4) "Cost of the project" or "cost" of any project means and includes:

299 (A) All costs of acquisition by purchase or otherwise, construction, assembly,
 300 installation, modification, renovation, or rehabilitation incurred in connection with any
 301 project or any part of any project;

- 302 (B) All costs of real property, fixtures, or personal property used in or in connection
303 with or necessary for any project or for any facilities related thereto, including, but not
304 limited to, the cost of all land, estates for years, easements, rights, improvements, water
305 rights, connections for utility services, fees, franchises, permits, approvals, licenses, and
306 certificates; the cost of securing any such franchises, permits, approvals, licenses, or
307 certificates; the cost of preparation of any application therefor; and the cost of all
308 fixtures, machinery, equipment including all transportation equipment and rolling
309 stock, furniture, and other property used in or in connection with or necessary for any
310 project;
- 311 (C) All financing charges and loan fees and all interest on bonds, notes, or other
312 obligations of a district which accrue or are paid prior to and during the period of
313 construction of a project and during such additional period as the board may reasonably
314 determine to be necessary to place such project in operation;
- 315 (D) All costs of engineering, surveying, architectural, and legal services and all
316 expenses incurred by engineers, surveyors, architects, and attorneys in connection with
317 any project;
- 318 (E) All expenses for inspection of any project;
- 319 (F) All fees of fiscal agents, paying agents, and trustees for bondholders under any
320 trust agreement, indenture of trust, or similar instrument or agreement all expenses
321 incurred by any such fiscal agents, paying agents, and trustees; and all other costs and
322 expenses incurred relative to the issuances of any bonds, notes, or other obligations for
323 any project;
- 324 (G) All expenses of or incidental to determining the feasibility or practicability of any
325 project;
- 326 (H) All costs of plans and specifications for any project;
- 327 (I) All costs of title insurance and examinations of title with respect to any project;
- 328 (J) Repayment of any loans made for the advance payment of any part of the foregoing
329 costs, including interest thereon and any other expenses of such loans;
- 330 (K) Administrative expenses of the board and such other expenses as may be necessary
331 for or incidental to any project or the financing thereof or the placing of any project in
332 operation; and
- 333 (L) The establishment of a fund or funds for the creation of a debt service reserve, a
334 renewal and replacement reserve, or such other funds or reserves as the board may
335 approve with respect to the financing and operation of any project and as may be
336 authorized by any bond resolution, trust agreement, indenture of trust, or similar
337 instrument or agreement pursuant to the provisions of which the issuance of any bonds,
338 notes, or other obligations of the district may be authorized.

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

342 (5) "District" means the geographical area designated as such by the resolution of the
343 city council consenting to the creation of the community improvement district or as
344 thereafter modified by any subsequent resolution of the city council within which the
345 district is or is to be located, or a body corporate and politic being a community
346 improvement district created and activated pursuant hereto, as the context requires or
347 permits.

348 (6) "Electors" means the owners of real property used nonresidentially within the district
349 which is subject to taxes, fees, and assessments levied by the board, as they appear on the
350 most recent ad valorem real property tax return records of DeKalb County, or one officer
351 or director of a corporate elector, one trustee of a trust which is an elector, one partner
352 of a partnership elector, or one designated representative of an elector whose designation
353 is made in writing. An owner of property that is subject to taxes, fees, or assessments
354 levied by the board shall have one vote for an election based on numerical majority. An
355 owner of multiple parcels has one vote, not one vote per parcel, for an election based on
356 numerical majority. Multiple owners of one parcel have one vote for an election based
357 on numerical majority which shall be cast by one of their number who is designated in
358 writing.

359 (7) "Equitably apportioned among the properties subject to such taxes, fees, and
360 assessments according to the need for governmental services and facilities created by the
361 degree of density of development of each such property," with reference to taxes, fees,
362 and assessments levied by the board, means that the burden of the taxes, fees, and
363 assessments shall be apportioned among the properties subject thereto based upon the
364 values established in the most recent ad valorem tax reassessment of such properties
365 certified by the chairperson of the DeKalb County Board of Tax Assessors, or with
366 respect to fees and assessments may be apportioned among the properties subject thereto
367 in direct or approximate proportion to the receipt of services or benefits derived from the
368 improvements or other activities for which the taxes, fees, or assessments are to be
369 expended, or with respect to fees and assessments may be apportioned in any other
370 manner or combination of manners deemed equitable by the board, including, but not
371 limited to, the recognition of differential benefits which may reasonably be expected to
372 accrue to new land development in contrast to lands and improvements already in
373 existence at the time of creation of the community improvement district.

374 (8) "Equity electors" means electors who cast votes equal to each \$1,000.00 in value of
375 all owned real property within the district which is then subject to taxes, fees, and

376 assessments levied by the board. The value of real property shall be the assessed value.
377 In the event the owner shall have multiple owners or be a corporation, trust, partnership,
378 limited liability company, or any other entity, one person shall be designated as elector
379 and such designation shall be made in writing.

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

385 (10) "Project" means the acquisition, construction, installation, modification, renovation,
386 or rehabilitation of land, interests in land, buildings, structures, facilities, or other
387 improvements, including operation of facilities or other improvements, located or to be
388 located within or otherwise providing service to the district and the acquisition,
389 installation, modification, renovation, rehabilitation, or furnishing of fixtures, machinery,
390 equipment, furniture, or other property of any nature whatsoever used on, in, or in
391 connection with any such land, interest in land, building, structure, facility, or other
392 improvement; the creation, provision, enhancement, or supplementing of public services
393 such as fire, police, and other services, provided that same do not conflict with or
394 duplicate existing public services; and all for the essential public purposes set forth in
395 subsection (a) of this section.

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

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

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

411 (14) "Taxpayer" means an entity or person paying ad valorem taxes on real property
412 whether on one or more parcels of property within the district. Multiple owners of one

413 parcel shall constitute one taxpayer and shall designate in writing one of their number to
 414 represent the whole.

415 (c) Creation. Pursuant to Article IX, Section VII of the Constitution of the State of Georgia,
 416 there is created an administrative body being one community improvement district within the
 417 City of Stonecrest, to be known as the Stonecrest Community Improvement District,
 418 provided that the creation of the community improvement district shall be conditioned upon:

419 (1) The adoption of a resolution consenting to the creation of the community
 420 improvement district by the City of Stonecrest city council; and

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

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

425 (B) The owners of real property within the district which constitutes at least 75 percent
 426 by value of all real property within the district which will be subject to taxes, fees, and
 427 assessments levied by the administrative body of the community improvement district.
 428 For this purpose, value shall be determined by the most recent approved DeKalb
 429 County ad valorem tax digest.

430 The written consent provided for in this paragraph shall be submitted to the tax
 431 commissioner of DeKalb County, who shall certify whether subparagraphs (A) and (B)
 432 of this paragraph have been satisfied with respect to each such proposed district.

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

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

439 (1) The district created pursuant to this section shall be administered by a board
 440 composed of seven board members to be appointed and elected as provided in this
 441 section. Two board members shall be appointed by the city council. Two board
 442 members shall be elected by the vote of electors, and three members shall be elected by
 443 the vote of equity electors. The members representing the electors and equity electors
 444 shall be elected to serve in post positions 1 through 5, respectively. Each elected board
 445 member shall receive a majority of the votes cast for the post for which he or she is a
 446 candidate. Votes for Posts 1 and 2 shall be cast by electors and votes for Posts 3, 4, and
 447 5 shall be cast by equity electors. The initial term of office for the members representing
 448 Posts 1 and 4 shall be one year. The initial term of office for the members representing
 449 Posts 2 and 5 shall be two years, and the initial term of office of the members

450 representing Post 3 shall be three years. Thereafter, all terms of office for the elected
451 board members shall be for three years. The appointed board members shall serve at the
452 pleasure of the city council.

453 (2) The initial board members to be elected as provided in paragraph (1) of this
454 subsection shall be elected in a caucus of electors which shall be held within 90 days after
455 the adoption of the resolutions and obtaining the written consents herein provided at such
456 time and place within the district as the city council shall designate after notice thereof
457 has been given to said electors by publishing same in the legal organ of the City of
458 Stonecrest. Thereafter, there shall be conducted biennially, not later than 60 days
459 following the last day for filing ad valorem real property tax returns in DeKalb County,
460 a caucus of electors at such time and place within the district as the board shall designate
461 in such notice for the purpose of electing board members to those board member
462 positions whose terms expire or are vacant. If a vacancy occurs in an elected position on
463 the board the board shall, within 60 days thereof, call a special election to fill such
464 vacancy to be held within 60 days of the call unless such vacancy occurs within 180 days
465 of the next regularly scheduled election, in which case a special election may, but need
466 not, be called.

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

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

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

477 (e) Taxes, fees, and assessments.

478 (1) The board may levy taxes, fees, and assessments within the district only on real
479 property used nonresidentially, specifically excluding all property exempt from ad
480 valorem taxation under the Constitution or laws of the State of Georgia; all property used
481 for residential, agricultural, or forestry purposes; and all tangible personal property and
482 intangible property. Any tax, fee, or assessment so levied shall not exceed 0.5 percent
483 of the aggregate assessed value of all such real property. The taxes, fees, and
484 assessments levied by the board shall be equitably apportioned among the properties
485 subject to such taxes, fees, and assessments according to the need for governmental
486 services and facilities created by the degree of density of development of each such

487 property. The proceeds of taxes, fees, and assessments levied by the board shall be used
 488 only for the purpose of providing governmental services and facilities which are specially
 489 required by the degree of density of development within the district and not for the
 490 purpose of providing those governmental services and facilities provided to the county
 491 or municipality as a whole. Any tax, fee, or assessment so levied shall be collected by
 492 DeKalb County in the same manner as taxes, fees, and assessments are levied by DeKalb
 493 County. Delinquent taxes shall bear the same interest and penalties as DeKalb County
 494 taxes and may be enforced and collected in the same manner. The proceeds of taxes,
 495 fees, and assessments so levied, less a fee to cover the costs of collection of 1 percent of
 496 such proceeds, but not more than \$25,000.00 at any one calendar year, shall be
 497 transmitted by DeKalb County to the board and shall be expended by the board only for
 498 the purposes authorized by this section.

499 (2) The board shall levy the taxes, fees, and assessments in paragraph (1) of this
 500 subsection subsequent to the report of the assessed taxable values for the current calendar
 501 year and notify in writing DeKalb County so it may include the levy on its regular ad
 502 valorem tax bills. All taxes, fees, and assessments levied by the board and collected by
 503 DeKalb County shall be segregated, and neither the City of Stonecrest nor the DeKalb
 504 County Tax Commissioner shall expend such funds for any purpose not authorized by
 505 the board except as authorized in subsection (a) of this section.

506 (3) If, but for this provision, a parcel of real property is removed from the district or
 507 otherwise would become not subject to taxation, it shall continue to bear its tax millage
 508 then extant upon such event for bonded indebtedness of the district then outstanding until
 509 said bonded indebtedness then outstanding is paid or refunded.

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

518 (f) Boundaries of the district.

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

522 (2) The boundaries of the district may be increased after the initial creation of the district
 523 pursuant to the following:

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

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

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

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

535 (g) Debt. Except as otherwise provided in this section, each district may incur debt without
 536 regard to the requirements of Article IX, Section V of the Constitution of Georgia, or any
 537 other provision of law, prohibiting or restricting the borrowing of money or the creation of
 538 debt by political subdivisions of the State of Georgia, which debt shall be backed by the full
 539 faith and credit and taxing power of the district but shall not be an obligation of the State of
 540 Georgia, DeKalb County, the City of Stonecrest, or any other unit of government of the State
 541 of Georgia other than the district.

542 (h) Cooperation with the City of Stonecrest. The services and facilities provided pursuant
 543 to this section shall be provided for in a cooperation agreement executed jointly by the board
 544 and by the City of Stonecrest. The provisions of this section shall in no way limit the
 545 authority of the City of Stonecrest to provide services or facilities within the district; and the
 546 City of Stonecrest shall retain full and complete authority and control over any of its facilities
 547 located within its respective areas of any district. Such control shall include, but not be
 548 limited to, the modification of, access to, and degree and type of services provided through
 549 or by facilities of the county. Nothing contained in this section shall be construed to limit
 550 or preempt the application of any governmental laws, ordinances, resolutions, or regulations
 551 to the district or the services or facilities provided therein.

552 (i) Powers.

553 (1) The district and its board created pursuant hereto shall have all of the powers
 554 necessary or convenient to carry out and effectuate the purposes and provisions of this
 555 section, including, without limiting the generality of the foregoing, the power:

556 (A) To bring and defend actions;

557 (B) To adopt and amend a corporate seal;

558 (C) To make and execute contracts, agreements, and other instruments necessary or
 559 convenient to exercise the powers of the board or to further the public purposes for
 560 which the district is created, including, but not limited to, contracts for construction of

561 projects, leases of projects, contracts for sale of projects, agreements for loans to
562 finance projects contracts with respect to the use of projects, and agreements with other
563 jurisdictions of community improvement districts regarding multi-jurisdictional
564 projects or services or for other cooperative endeavors to further the public purposes
565 of the district;

566 (D) To acquire by purchase, lease, or otherwise and to hold, lease, and dispose of real
567 and personal property of every kind and character, or any interest therein, in furtherance
568 of the public purposes of the district;

569 (E) To finance by loan, grant, lease, or otherwise; to construct, erect, assemble,
570 purchase, acquire, own, repair, remodel, renovate, rehabilitate, modify, maintain,
571 extend, improve, install, sell, equip, expand, add to, operate, or manage projects; and
572 to pay the cost of any project from the proceeds of the district or any other funds of the
573 district, or from any contributions or loans by persons, corporations, partnerships,
574 whether limited or general, or other entities, all of which the board is authorized to
575 receive, accept, and use;

576 (F) To borrow money to further or carry out its public purposes and to execute bonds,
577 notes, other obligations, leases, trust indentures, trust agreements, agreements for the
578 sale of its bonds, notes or other obligations, loan agreements, security agreements,
579 assignments, and such other agreements or instruments as may be necessary or
580 desirable, in the judgment of the board, to evidence and to provide security for such
581 borrowing;

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

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

591 (I) To enter into agreements with the federal government or any agency thereof to use
592 the facilities or services of the federal government or any agency thereof in order to
593 further or carry out the public purposes of the district;

594 (J) To contract for any period, not exceeding 50 years, with the State of Georgia, any
595 institution or instrumentality of the State of Georgia, or any municipal corporation,
596 county, or political subdivision of this state for the use by the district of any facilities
597 or services of the state or any such institution or instrumentality of this state or any

598 municipal corporation, county, or political subdivision of this state, or for the use by
599 any institution or instrumentality of this state, any municipal corporation, county, or
600 political subdivision of this state of any facilities or services of the district, provided
601 that such contracts shall deal with such activities and transactions as the district and any
602 such political subdivision with which the district contracts are authorized by law to
603 undertake;

604 (K) To receive and use the proceeds of any tax levied by the county to pay the costs
605 of any project or for any other purpose for which the board may use its own funds
606 pursuant hereto;

607 (L) To receive and administer gifts, grants, and devises of money and property of any
608 kind and to administer trusts;

609 (M) To use any real property, personal property, or fixtures or any interest therein or
610 to rent or lease such property to or from others or make contracts with respect to the use
611 thereof or to sell, lease, exchange, transfer, assign, pledge, or otherwise dispose of or
612 grant options for any such property in any manner as it deems to be the best advantage
613 of the district and the public purposes thereof;

614 (N) To appoint, select, and employ engineers, surveyors, architects, urban or city
615 planners, fiscal agents, attorneys, and others and to fix their compensation and pay their
616 expenses;

617 (O) To encourage and promote the improvement and development of the district and
618 to make, contracts for, or otherwise cause to be made long-range plans or proposals for
619 the district in cooperation with DeKalb County and the City of Stonecrest;

620 (P) To adopt bylaws governing the conduct of business by the board, the election and
621 duties of officers of the board, and other matters which the board determines to deal
622 with in its bylaws;

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

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

627 (S) To create, provide, enhance, or supplement public services such as fire, police, and
628 other such services as may be deemed necessary, provided that said public services do
629 not conflict with or duplicate existing DeKalb County or City of Stonecrest services;
630 and

631 (T) To do all things necessary or convenient to carry out the powers conferred by this
632 section.

633 (2) The powers enumerated in each subparagraph of paragraph (1) of this subsection are
634 cumulative of and in addition to those powers enumerated in this subsection and

635 elsewhere in this section; and no such power limits or restricts any other power of the
636 board.

637 (3) The powers enumerated in each subparagraph of paragraph (1) of this subsection are
638 conferred for an essential governmental function for a public purpose, and the revenues
639 and debt of any district shall not be subject to taxation.

640 (j) Bonds: Generally.

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

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

649 (3) Bonds, notes, or other obligations shall bear such date or dates, shall mature at such
650 time or times not more than 40 years from their respective dates, shall bear interest at
651 such rate or rates which may be fixed or may fluctuate or otherwise change from time to
652 time, shall be subject to redemption on such terms, and shall contain such other terms,
653 provisions, covenants, assignments, and conditions as the resolution authorizing the
654 issuance of such bonds, notes, or other obligations may permit or provide. The terms,
655 provisions, covenants, assignments, and conditions contained in or provided or permitted
656 by any resolution of the board authorizing the issuance of such bonds, notes, or other
657 obligations shall bind the board members of the district then in office and their
658 successors.

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

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

669 (6) Bonds issued by a district may be in such form, either coupon or fully registered, or
670 both coupon and fully registered, and may be subject to such exchangeability and

671 transferability provisions as the bond resolution authorizing the issuance of such bonds
672 or any indenture or trust agreement may provide.

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

680 (8) In lieu of specifying the actual rate or rates of interest, the principal amount, and the
681 maturities of such bonds, the notice to the district attorney or the Attorney General; the
682 notice to the public of the time, place, and date of the validation hearing; and the petition
683 and complaint for validation may state that the bonds when issued will bear interest at a
684 rate not exceeding a maximum per annum rate of interest which may be fixed or may
685 fluctuate or otherwise change from time to time so specified and that the principal
686 amount will not exceed a specified amount and the final maturity date will not be later
687 a date specified in such notices and petition and complaint or may state that, in the event
688 the bonds are to bear different rates of interest for different maturity dates, none of such
689 rates will exceed the maximum rate which may be fixed or may fluctuate or otherwise
690 change from time to time so specified; provided, however, that nothing in this subsection
691 shall be construed as prohibiting or restricting the right of a board to sell such bonds at
692 a discount, even if in doing so the effective interest cost resulting would exceed the
693 maximum per annum interest rate specified in such notices and in the petition and
694 complaint.

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

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

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

704 (2) The proceeds derived from the sale of all bonds, notes, and other obligations issued
705 by a district shall be held and used for the ultimate purpose of paying, directly or
706 indirectly as permitted by this section, all or part of the cost of any project, or for the

707 purpose of refunding any bonds, notes, or other obligations issued in accordance with this
708 section.

709 (3) Issuance by a board of one or more series of bonds, notes, or other obligations for
710 one or more purposes shall not preclude it from issuing other bonds, notes, or other
711 obligations in connection with the same project or with any other projects; but the
712 proceeding wherein any subsequent bonds, notes, or other obligations are issued shall
713 recognize and protect any prior loan agreement, security agreement, or other agreement
714 or instrument made for any prior issue of bonds, notes, or other obligations, unless in the
715 resolution authorizing such prior issue the right is expressly reserved to the board to issue
716 subsequent bonds, notes, or other obligations on a parity with such prior issue.

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

725 (l) Construction; applicability of Chapter 5 of Title 10 of the O.C.G.A., the "Georgia
726 Uniform Securities Act of 2008"; notice, proceeding, publication, referendum. This section
727 shall be liberally construed to effect the purposes hereof. The offer, sale, or issuance of
728 bonds, notes, or other obligations by a district shall not be subject to regulation under
729 Chapter 5 of Title 10 of the O.C.G.A., the "Georgia Uniform Securities Act of 2008." No
730 notice, proceeding, or publication except those required in this section shall be necessary to
731 the performance of any action authorized hereby, nor shall any such action be subject to
732 referendum.

733 (m) Dissolution.

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

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

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

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

741 (ii) The owners of real property constituting at least 75 percent by value of all real
742 property within the district which are subject to taxes, fees, and assessments levied

743 by the board. For this purpose, value shall be determined by the most recent approved
744 county ad valorem tax digest.

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

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

753 (3) Upon a successful dissolution action, all noncash assets of the district other than
754 public facilities or land or easements to be used for such public facilities, as described in
755 subsection (a) of this section, shall be reduced to cash and, along with all other cash on
756 hand, shall be applied to the repayment of any debt obligation of the district. Any cash
757 remaining after all outstanding obligations are satisfied shall be refunded to DeKalb
758 County.

759 (4) When a dissolution becomes effective, the City of Stonecrest shall take title to all
760 property previously in the ownership of the district and all taxes, fees, and assessments
761 of the district shall cease to be levied and collected.

762 ARTICLE II

763 GOVERNMENT STRUCTURE, ELECTIONS, AND LEGISLATIVE BRANCH

764 SECTION 2.01.

765 City council creation; number; election.

766 (a) The legislative authority of the government of the City of Stonecrest, except as otherwise
767 specifically provided in this charter, shall be vested in the city councilmembers.

768 (b)(1) The city council of Stonecrest, Georgia, shall consist of five councilmembers plus
769 the mayor.

770 (2) There shall be five council districts, designated Council Districts 1 through 5, as
771 described in Appendix B of this Act, which is attached to and made a part of this charter.

772 (3) One councilmember shall be elected from each of the five council districts and shall
773 hold Council District Posts 1, 2, 3, 4, and 5, respectively. Each person desiring to offer
774 as a candidate for councilmember for such posts shall designate the council post for
775 which he or she is offering. Councilmembers for such posts shall be elected by a
776 majority vote of the qualified electors of the respective council districts voting at the
777 elections of the city. In the event that no candidate for a council post obtains a majority

778 vote of the qualified electors of the council district voting in the election, a run-off
779 election shall be held. The candidates receiving the two highest numbers of votes in the
780 election for such council post shall be included in the run-off election. The person
781 receiving the highest number of votes of the qualified electors of the council district
782 voting at such run-off election shall be elected. Each candidate for election to the city
783 council shall reside in the district he or she seeks to represent.

784 (c) With the exception of the initial terms set forth in subsection (d) of this section,
785 councilmembers shall be elected to terms of four years and until their successors are elected
786 and qualified on a staggered basis in alternate election cycles.

787 (d) In order to assure staggered elections of the councilmembers, the initial terms for the
788 councilmembers elected in the first election of the city council for Council District Posts 1,
789 3, and 5 expired upon the administration of the oath of office to their successors elected in
790 the regular elections held in November, 2017. The terms for the candidates elected for
791 Council District Posts 2 and 4 shall expire upon the administration of the oath of office to
792 their successors elected in the regular elections held in November, 2019. Thereafter, a
793 successor to each councilmember shall be elected at the November election immediately
794 preceding the end of such councilmember's term of office and the term of each
795 councilmember shall expire upon the administration of the oath of office to his or her
796 successor.

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

812

SECTION 2.02.

813

Mayor and councilmembers; terms and qualifications for office.

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(a) For all elections subsequent to the first city election held on March 21, 2017, and run-off

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election held on April 18, 2017, the mayor and councilmembers shall serve for terms of four

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years and until their terms shall expire upon the administration of the oath of office to their

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successors. No person shall be eligible to serve as mayor or councilmember unless such

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person has reached 21 years of age, has been a resident of the City of Stonecrest for a

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continuous period of at least 12 months immediately prior to the date of the election for

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mayor or councilmember, shall continue to reside therein during such person's period of

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service, and shall continue to be registered and qualified to vote in municipal elections of the

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City of Stonecrest. In addition to the above requirements, no person shall be eligible to serve

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as a councilmember representing a council district unless such person has been a resident of

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the district such person seeks to represent for a continuous period of at least six months

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immediately prior to the date of the election for councilmember and continues to reside in

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such district during such person's period of service.

827

(b) At the first city election, the first mayor and council were elected to serve for the initial

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terms of office specified in subsections (d) and (e) of Section 2.01 of this charter. Thereafter,

829

the time for holding regular municipal elections shall be on the Tuesday next following the

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first Monday in November of each odd-numbered year beginning in 2021.

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(c) The number of successive terms an individual may hold a position as mayor or as a

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councilmember shall be unlimited.

833

SECTION 2.03.

834

Vacancy; filling of vacancies; suspensions.

835

(a) Elected officials of the city shall not hold other elected or public offices. The elected

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offices of the city's government shall become vacant upon the member's death, resignation,

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removal, or forfeiture of office. The following shall result in an elected city official

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forfeiting his or her office:

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(1) Violating the provisions of this charter of his or her oath of office;

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

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turpitude; or

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(3) Failing to attend one-third of the regular meetings of the council in a three-month

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period without being excused by the council.

844

(b) The office of mayor shall become vacant upon the incumbent's death, resignation,

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forfeiture of office, or removal from office in any manner authorized by this Act or the

846 general laws of the State of Georgia. A vacancy in the office of mayor shall be filled for the
 847 remainder of the unexpired term by a special election if such vacancy occurs 12 months or
 848 more prior to the expiration of the term of that office. If such vacancy occurs within 12
 849 months of the expiration of the term of that office, the city council or those members
 850 remaining shall appoint a successor for the remainder of the term. This provision shall also
 851 apply to a temporary vacancy created by the suspension from office of the mayor.

852 (c) The office of a councilmember shall become vacant upon the incumbent's death,
 853 resignation, forfeiture of office, or removal from office in any manner authorized by this Act
 854 or the general laws of the State of Georgia. A vacancy in the office of a councilmember shall
 855 be filled for the remainder of the unexpired term by a special election if such vacancy occurs
 856 12 months or more prior to the expiration of the term of that office. If such vacancy occurs
 857 within 12 months of the expiration of the term of that office, the mayor shall appoint a
 858 successor for the remainder of the term subject to the approval of the city council or those
 859 members remaining. This provision shall also apply to a temporary vacancy created by the
 860 suspension from office of a councilmember.

861 **SECTION 2.04.**

862 Nonpartisan elections.

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

865 **SECTION 2.05.**

866 Election votes.

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

870 **SECTION 2.06.**

871 Applicability of general laws; qualifying; other provisions.

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

877 Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter
878 amended or otherwise provided by law.

879 **SECTION 2.07.**

880 Compensation and expenses.

881 Commencing with the 2018 city fiscal year, the annual salary of the mayor shall be
882 \$75,000.00 and the annual salary for each councilmember shall be \$15,000.00. Such salaries
883 shall be paid from municipal funds in monthly installments. The mayor and each
884 councilmember shall be reimbursed, without limitation, for reasonable travel, transportation,
885 and training expenses actually and necessarily incurred by them in carrying out their duties
886 as elected officials of the city and shall also be reimbursed for any other reasonable expenses
887 actually and necessarily incurred in carrying out their duties as elected officials of the city,
888 provided that such reimbursements during any fiscal year shall not exceed \$5,000.00 for the
889 mayor and \$3,000.00 for each councilmember.

890 **SECTION 2.08.**

891 Inquiries and investigations.

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

897 **SECTION 2.09.**

898 Meetings; oath of office; and mayor pro tempore.

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

904 "I do solemnly swear or affirm that I will faithfully execute the office of [councilmember
905 or mayor, as the case may be] of the City of Stonecrest, and will to the best of my ability
906 support and defend the Constitution of the United States, the Constitution of Georgia, and
907 the charter, ordinances, and regulations of the City of Stonecrest. I am not the holder of

908 any unaccounted for public money due this state or any political subdivision or authority
909 thereof. I am not the holder of any office of trust under the government of the United
910 States, any other state, or any foreign state which I, by the laws of the State of Georgia, am
911 prohibited from holding. I am otherwise qualified to hold said office according to the
912 Constitution and laws of Georgia. I have been a resident of my district and the City of
913 Stonecrest for the time required by the Constitution and laws of this state and by the
914 municipal charter. I will perform the duties of my office in the best interests of the City
915 of Stonecrest to the best of my ability without fear, favor, affection, reward, or expectation
916 thereof."

917 (b) At the first regular meeting of the city council each January, the city council, by a
918 majority vote of the councilmembers, shall elect a councilmember to be mayor pro tempore,
919 who shall serve until a successor is elected and qualified. The number of successive terms
920 an individual may hold the position of mayor pro tempore shall be unlimited.

921 (c) The mayor pro tempore shall assume the duties and powers of the mayor during the
922 mayor's temporary disability, suspension, or absence. If the mayor pro tempore is absent
923 because of sickness or disqualification, any one of the remaining councilmembers, chosen
924 by a majority of the councilmembers present, shall be clothed with all the rights and
925 privileges of the mayor as described herein and shall perform the mayor's duties in the same
926 manner as the mayor pro tempore.

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

931 (e) Special meetings of the city council may be held on the call of either the mayor and one
932 councilmember or three councilmembers. Notice of such special meetings shall be delivered
933 to all councilmembers, the mayor, and the city manager personally, by registered mail, or by
934 electronic means at least 24 hours in advance of such meeting. Such notice of any special
935 meeting may be waived by the mayor, a councilmember, or the city manager in writing
936 before or after such a meeting and attendance at such meeting shall also constitute a waiver
937 of notice. The notice of such special meeting shall state what business is to be transacted at
938 such special meeting. Only the business stated in the notice may be transacted at such
939 special meeting.

940 **SECTION 2.10.**

941 Quorum; voting.

942 (a) Four councilmembers shall constitute a quorum and shall be authorized to transact
 943 business for the city council. The mayor shall be counted toward the making of a quorum.
 944 Voting on the adoption of ordinances shall be taken by voice vote and the yeas and nays shall
 945 be recorded in the minutes, but on the request of any member there shall be a roll-call vote.
 946 In order for any ordinance, resolution, motion, or other action of the city council to be
 947 adopted, the measure shall receive at least three affirmative votes and shall receive the
 948 affirmative votes of a majority of those voting. No councilmember shall abstain from voting
 949 on any matter properly brought before the city council for official action except when such
 950 councilmember has a reason which is disclosed in writing prior to or at the meeting and made
 951 a part of the minutes. Each councilmember when present at a meeting shall have one vote
 952 on all matters brought before the council. In the event of a tie in the vote of councilmembers
 953 on any matter the mayor, if present, shall vote to break the tie.

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

- 955 (1) Adopt or amend an administrative code or establish, alter, or abolish a department,
 956 office not specified in this charter, or agency;
- 957 (2) Provide for fine or other penalty;
- 958 (3) Levy taxes;
- 959 (4) Grant, renew, or extend a franchise;
- 960 (5) Regulate a rate for a public utility;
- 961 (6) Authorize the borrowing of money;
- 962 (7) Convey, lease, or encumber city land;
- 963 (8) Regulate land use and development; and
- 964 (9) Amend or repeal an ordinance already adopted.

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

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

973 (d)(1) The mayor, within five business days of the adoption of an ordinance by
 974 councilmembers pursuant to subsection (a) of Section 2.10 of this charter, shall return
 975 each such ordinance to the city clerk with the mayor's written approval or disapproval.

976 If within said five-business-day period the mayor either approves the ordinance or fails
 977 to give the clerk notice of his or her veto thereof, the ordinance shall become effective
 978 as of the date of the ordinance's adoption; if the ordinance is vetoed, the mayor shall
 979 submit to the councilmembers through the city clerk a written statement of reasons for
 980 such veto. The city clerk shall record upon the ordinance the date of its delivery to and
 981 receipt from the mayor.

982 (2) Any ordinance vetoed by the mayor shall be presented by the city clerk to the city
 983 council at its next meeting. If the city council at its next meeting adopts the ordinance
 984 by an affirmative vote of at least four councilmembers, it shall become effective as of
 985 such date.

986 (3) The mayor may disapprove of or make reductions to any item or items of
 987 appropriation in any ordinance. Any approved part or parts of any such ordinance shall
 988 become effective, and the part or parts of the ordinance disapproved shall not become
 989 effective unless subsequently approved by the city council over the mayor's veto as
 990 provided for in paragraph (2) of this subsection. Any reduced part or parts of the
 991 ordinance shall be presented to city council as though disapproved and shall not become
 992 effective unless subsequently approved by the city council over the mayor's veto as
 993 provided in paragraph (2) of this subsection.

994 (4) The mayor shall have no power to veto any ordinance in which he or she voted to
 995 break a tie.

996 **SECTION 2.11.**

997 General power and authority of the city council.

998 (a) Except as otherwise provided by law or by this charter, the city council shall be vested
 999 with all the powers of government of the City of Stonecrest as provided by Article I of this
 1000 charter.

1001 (b) In addition to all other powers conferred upon it by law, the city council shall have the
 1002 authority to adopt and provide for the execution of such ordinances, resolutions, policies,
 1003 rules, and regulations, not inconsistent with this charter and the Constitution and the laws of
 1004 the State of Georgia, which it shall deem necessary, expedient, or helpful for the peace, good
 1005 order, protection of life and property, health, welfare, sanitation, comfort, convenience,
 1006 prosperity, or well-being of the inhabitants of the City of Stonecrest and may enforce such
 1007 ordinances by imposing penalties for violation thereof.

1008 **SECTION 2.12.**

1009 Administrative and service departments.

1010 (a) Except for the office of city manager and the elected positions provided for in this
 1011 charter, the city council, by ordinance, may establish, abolish, merge, or consolidate offices
 1012 not specified in this charter, departments, and agencies of the city as it shall deem necessary
 1013 for the proper administration of the affairs and government of the city. The city council shall
 1014 prescribe the functions and duties of existing, offices, and agencies or of any offices, and
 1015 agencies hereinafter created or established; may provide that the same person shall fill any
 1016 number of offices; and may transfer or change the functions and duties of offices and
 1017 agencies of the city.

1018 (b) The following departments of the city are established: administration, community
 1019 development, economic development, information technology, parks and recreation, public
 1020 safety, and public works.

1021 **SECTION 2.13.**

1022 Prohibitions.

1023 (a) No elected official, appointed officer, or employee of the city or any agency or political
 1024 entity to which this charter applies shall knowingly:

1025 (1) Engage in any business or transaction or have a financial or other personal interest,
 1026 direct or indirect, which is incompatible with the proper discharge of official duties or
 1027 which would tend to impair the independence of his or her judgment or action in the
 1028 performance of official duties;

1029 (2) Engage in or accept private employment or render services for private interests when
 1030 such employment or service is incompatible with the proper discharge of official duties
 1031 or which would tend to impair the independence of his or her judgment or action in the
 1032 performance of official duties;

1033 (3) Disclose confidential information concerning the property, government, or affairs of
 1034 the governmental body by which engaged without proper legal authorization or use such
 1035 information to advance the financial or other private interest of himself or herself or
 1036 others, except as required by law;

1037 (4) Accept any valuable gift, whether in the form of service, loan, object, or promise,
 1038 from any person, firm, or corporation which to his or her knowledge is interested, directly
 1039 or indirectly, in any manner whatsoever in business dealings with the governmental body
 1040 by which he or she is engaged. "Valuable" shall be an amount determined by the city
 1041 council; provided, however, that the amount shall not exceed \$100.00;

- 1042 (5) Represent other private interests in any action or proceeding against this city or any
 1043 portion of its government; or
- 1044 (6) Vote or otherwise participate in the negotiation or in the making of any contract with
 1045 any business or entity in which he or she, or members of his or her immediate family, has
 1046 a financial interest.
- 1047 (b) Any elected official, appointed officer, or employee of the city or any agency or political
 1048 entity who has any private financial interest, directly or indirectly, in any contract or matter
 1049 pending before or within any department of the city shall disclose such private interest to the
 1050 city council. "Private financial interest" shall include interests of immediate family. The
 1051 mayor or any councilmember who has a private interest in any matter pending before the city
 1052 council shall disclose in writing such private interest and such disclosure shall be entered on
 1053 the records of the city council, and he or she shall disqualify himself or herself from
 1054 participating in any decision or vote relating thereto. Any elected official, appointed officer,
 1055 or employee of the city or any agency or political entity to which this charter applies who has
 1056 any private financial interest, directly or indirectly, in any contract or matter pending before
 1057 or within such entity shall disclose such private interest to the governing body of such agency
 1058 or entity.
- 1059 (c) No elected official, appointed officer, or employee of the city or any agency or entity to
 1060 which this charter applies shall use property owned by such governmental entity for personal
 1061 benefit, convenience, or profit, except in accordance with policies promulgated by the city
 1062 council or the governing body of such agency or entity.
- 1063 (d) Any violation of this section which occurs with the knowledge, express or implied, of
 1064 a party to a contract or sale shall render said contract or sale voidable at the option of the city
 1065 council.
- 1066 (e) Except as authorized by law, no member of the city council shall hold any other elective
 1067 governmental office.

1068 **SECTION 2.14.**

1069 **Boards, commissions, and authorities.**

- 1070 (a) All members of boards, commissions, and authorities of the city shall be:
- 1071 (1) Either residents of the city or representatives of nonresident owners of real property
 1072 located within the city and used for purposes other than residential, as such term is
 1073 defined in paragraph (13) of subsection (b) of Section 1.06; and
- 1074 (2) Appointed by the mayor subject to confirmation by the city council for such terms
 1075 of office and such manner of appointment as provided by ordinance, except where other

1076 appointing authority, residency requirement, term of office, or manner of appointment
 1077 is prescribed by this charter or by applicable state law.

1078 (b) No member of any board, commission, or authority of the city shall hold any elective
 1079 office in the city or DeKalb County. However, up to two members of the city council,
 1080 including the mayor, may be appointed by the Mayor to serve as ex officio members of such
 1081 boards, commissions, or authorities, without a vote for a term expiring December 31
 1082 following the date of appointment.

1083 (c) Any vacancy in office of any member of a board, commission, or authority of the city
 1084 shall be filled for the unexpired term in the manner prescribed for original appointment,
 1085 except as otherwise provided by this charter or any applicable law of the State of Georgia.

1086 (d) No member of any board, commission, or authority shall assume office until he or she
 1087 has executed and filed with the designated officer of the city an oath obligating himself or
 1088 herself to faithfully and impartially perform the duties of his or her office, such oath to be
 1089 prescribed by ordinance of the city council and administered by the mayor or a judicial
 1090 officer authorized to administer oaths.

1091 (e) Any member of a board, commission, or authority may be removed from office for cause
 1092 by a vote of a majority of the councilmembers in accordance with state laws.

1093 (f) Members of boards, commissions, and authorities may receive such compensation and
 1094 expenses in the performance of their official duties as prescribed by ordinance.

1095 (g) Except as otherwise provided by this charter or by applicable state law, each board,
 1096 commission, or authority of the city government shall elect one of its members as
 1097 chairperson and one member as vice chairperson for terms of one year and may elect as its
 1098 secretary one of its own members or may appoint as secretary an employee of the city. Each
 1099 board, commission, or authority of the city government may establish such bylaws, rules, and
 1100 regulations not inconsistent with this charter, ordinances of the city, or applicable state law
 1101 as it deems appropriate and necessary for the conduct of its affairs, copies of which shall be
 1102 filed with the designated officer of the city.

1103 **SECTION 2.15.**

1104 Ordinance form; procedures.

1105 (a) Every proposed ordinance and resolution shall be introduced in writing and the city
 1106 council shall have the authority to approve, disapprove, or amend the same. A resolution
 1107 may be passed at the time it is offered, but an ordinance shall not be adopted at a regular or
 1108 special meeting of the city council until after the ordinance has been presented by the city
 1109 manager or the city attorney at a work session of the city council, provided that the beginning
 1110 of said work session and regular meetings shall be neither less than 24 hours nor more than

1111 60 days apart. The preceding presentation requirement shall not apply to emergency
 1112 ordinances or to ordinances adopted at the first business meeting of the city council in a
 1113 calendar year.

1114 (b) The catchlines of sections of this charter or any ordinance printed in boldface type,
 1115 italics, or otherwise, are intended as mere catchwords to indicate the contents of the section,
 1116 and:

1117 (1) Shall not be deemed or taken to be titles of such sections or as any part of the section;
 1118 and

1119 (2) Shall not be so deemed when any of such sections, including the catchlines, are
 1120 amended or reenacted unless expressly provided to the contrary.

1121 Furthermore, the chapter, article, and section headings contained in this Act shall not be
 1122 deemed to govern, limit, or modify or in any manner affect the scope, meaning, or intent of
 1123 the provisions of any chapter, article, or section hereof.

1124 (c) The city council may, by ordinance or resolution, adopt rules and bylaws to govern the
 1125 conduct of its business and those in attendance of its meetings, including procedures and
 1126 penalties for compelling the attendance of absent councilmembers. Such rules may include
 1127 punishment for contemptuous behavior conducted in the presence of the city council.

1128 **SECTION 2.16.**

1129 Submission of ordinances to the city clerk.

1130 (a) Every ordinance, resolution, and other action adopted by the city council shall be
 1131 presented to the city clerk within seven days of its adoption or approval. The city clerk shall
 1132 record upon such ordinance the date of its delivery from the city council.

1133 (b) An ordinance or resolution that has been passed by the city council shall become
 1134 effective on the date such ordinance or resolution is passed by the city council or on such
 1135 other date as may be specified in the ordinance.

1136 **ARTICLE III**

1137 **EXECUTIVE BRANCH**

1138 **SECTION 3.01.**

1139 Powers and duties of the mayor.

1140 (a) The mayor shall:

1141 (1) Preside over all meetings of the city council;

1142 (2) Set the agenda for meetings of the city council after receiving input from members
 1143 of the city council, the city manager, and the public; provided, however, that an

- 1144 additional item shall be added to the agenda upon the written request of any two members
 1145 of the city council;
- 1146 (3) Serve as the chief executive officer of the city and as its official representative to
 1147 federal, state, and local governmental bodies and officials;
- 1148 (4) Sign all orders, checks, and warrants for payment of money within a level of
 1149 authorization as established by the city council;
- 1150 (5) Execute all contracts, deeds, and other obligations of the city within a level of
 1151 authorization as established by the city council;
- 1152 (6) Not vote in any matters before the city council as provided in subsection (a) of
 1153 Section 2.10 of this charter, except as otherwise provided for in this charter;
- 1154 (7) Make all appointments of city officers as provided by this charter, subject to
 1155 confirmation by the city council;
- 1156 (8) Provide sole supervision, direction, and guidance to the city manager;
- 1157 (9) Establish, consolidate, merge, and abolish oversight and policy committees of the
 1158 city council and appoint citizens and one councilmember, exclusive of the mayor, to
 1159 serve thereon, subject to the direction and supervision of the mayor;
- 1160 (10) Shall devote his or her time and attention to the affairs of the city and be
 1161 compensated accordingly; and
- 1162 (11) Perform any other duties and exercise any other powers required by state or federal
 1163 law or authorized by a duly adopted ordinance that is not in conflict with this charter.
- 1164 (b) The mayor shall have the authority to transfer appropriations between departments,
 1165 funds, services, strategies, or organizational units, but only with approval of the city council.
- 1166 (c) The mayor shall have the authority to certify that a supplemental appropriation is
 1167 possible if revenue increases in excess of the amount budgeted, but only with approval of the
 1168 city council.
- 1169 (d) The mayor shall have all of the powers specifically granted to the mayor elsewhere in
 1170 this charter regardless of whether such powers are enumerated in this section of this charter.
- 1171 (e) The mayor may designate the official legal organ of the city subject to confirmation by
 1172 the city council.

1173 **SECTION 3.02.**

1174 City manager; appointment and qualification.

1175 The mayor shall appoint, subject to confirmation by the city council, an officer whose title
 1176 shall be the "city manager." The city manager shall be appointed without regard to political
 1177 beliefs and solely on the basis of his or her education and experience in the accepted

1178 competencies and practices of local government management. The city manager need not
1179 be a resident of the City of Stonecrest.

1180 **SECTION 3.03.**

1181 City manager; chief administrative officer.

1182 The city manager shall be the chief administrative officer of the government of the city. The
1183 city manager shall devote all of his or her working time and attention to the affairs of the city
1184 and shall report to and be supervised and guided by the mayor and shall be responsible for
1185 the proper and efficient administration of the affairs of the city over which such officer has
1186 jurisdiction.

1187 **SECTION 3.04.**

1188 City manager; powers and duties enumerated.

1189 The city manager shall have the power, and it shall be his or her duty to:

- 1190 (1) See that all laws and ordinances are enforced;
- 1191 (2) Appoint and employ all necessary employees of the city, provided that the power of
1192 this appointment shall not include officers and employees who by this charter are
1193 appointed or elected by the mayor and the city council or departments not under the
1194 jurisdiction of the city manager;
- 1195 (3) Remove employees appointed and employed under paragraph (2) of this section,
1196 without the consent of the city council and without assigning any reason therefor;
- 1197 (4) Prescribe the divisions, functions, and duties of city departments, manage and control
1198 the operations of city departments, and supervise and guide the city's employees and
1199 heads of city departments, except as otherwise provided in this charter;
- 1200 (5) Attend all meetings of the city council, without a right to vote, but with a right to take
1201 part in the discussions as seen fit by the chairperson; provided, however, that regardless
1202 of the decision of the meeting chairperson, the city manager may take part in any
1203 discussion and report on any matter requested and approved by the city council at such
1204 meeting. The city manager shall be entitled to notice of all special meetings;
- 1205 (6) Recommend to the city council, after prior review and comment by the mayor, for
1206 adoption such measures as the city manager may deem necessary or expedient;
- 1207 (7) See that all terms and conditions imposed in favor of the city or its inhabitants in any
1208 public utility franchise are faithfully kept and performed and upon knowledge of any
1209 violation thereof to call the same to the attention of the city attorney, whose duty it shall
1210 be forthwith to take such steps as are necessary to protect and enforce the same;

- 1211 (8) Make and execute all lawful contracts on behalf of the city as to matters within the
 1212 city manager's level of authorization as established by the city council to the extent that
 1213 such contracts are funded in the city's budget, except such as may be otherwise provided
 1214 by law; provided, however, that no contract purchase or obligation requiring a budget
 1215 amendment shall be valid and binding until after approval of the city council;
- 1216 (9) Sign all orders, checks, and warrants for payment of money within the city manager's
 1217 level of authorization as established by the city council to the extent that such contracts
 1218 are funded in the city's budget, except such as may be otherwise provided by law;
 1219 provided, however, that no such order, check, or warrant requiring a budget amendment
 1220 shall be valid and binding until after approval of the city council;
- 1221 (10) Act as budget officer to prepare and submit to the city council, after review and
 1222 comment by the mayor, no less than 60 days prior to the beginning of each fiscal year,
 1223 a budget of proposed expenditures for the ensuing year, showing in as much detail as
 1224 practicable the amounts allotted to each department of the city government and the
 1225 reasons for such estimated expenditures;
- 1226 (11) Keep the city council at all times fully advised as to the financial condition and
 1227 needs of the city;
- 1228 (12) Make a full written report to the city council on the fifteenth of each month showing
 1229 the operations and expenditures of each department of the city government for the
 1230 preceding month, and a synopsis of such reports shall be published by the city clerk;
- 1231 (13) Fix all salaries and compensation of city employees in accordance with the city
 1232 budget and the city pay and classification plan.
- 1233 (14) Perform such other duties as may be prescribed by this charter or required by
 1234 ordinance or resolution of the city council; and
- 1235 (15) Transfer appropriations within a department, fund, or service with the consent of
 1236 the mayor and by giving notice of any such transfer to the councilmembers no later than
 1237 the next regular meeting of the city council.

1238 **SECTION 3.05.**

1239 City council interference with administration.

1240 Except for the purpose of inquiries and investigations under Section 2.08 of this charter or
 1241 as provided in Sections 3.01 and 3.03 of this charter, neither the city council nor its members
 1242 shall interfere with the performance of services by or give orders to any such officer or
 1243 employee, either publicly or privately.

SECTION 3.06.

1244

1245

City manager; removal.

1246 (a) The mayor or the city council may remove the city manager from office in accordance
1247 with the following procedures:

1248 (1) The mayor by proclamation or the city council by resolution by affirmative vote of
1249 a majority of all its members may remove the city manager from office after a suspension
1250 of such city manager from duty for a period not to exceed 45 days. A copy of either such
1251 proclamation of the mayor or the resolution of the city council shall be delivered
1252 promptly to the city manager;

1253 (2) Within five days after a copy of such proclamation or resolution is delivered to the
1254 city manager, he or she may file with the city council a written request for a public
1255 hearing and a reconsideration of the removal. Such hearing shall be held at a city council
1256 meeting especially set for such purpose not earlier than 15 days nor later than 30 days
1257 after the request is filed. The city manager may file with the city council a written reply
1258 to the removal not later than five days before the hearing; and

1259 (3) If the city manager either (i) does not request a public hearing and a reconsideration
1260 of the removal five days from the date when a copy of such proclamation or resolution
1261 was delivered to the city manager; or, (ii) if after the conclusion of the public hearing
1262 requested by the city manager for reconsideration of the removal, the city council does
1263 not pass a resolution either reversing the action of the mayor or rescinding its resolution
1264 of removal, the city manager's removal shall be effective as of such date without further
1265 action by the city council.

1266 (b) Unless either the mayor's action removing the city manager or the resolution of removal
1267 of the city manager is rescinded by majority of the members of the city council at the public
1268 hearing held at the request of city manager pursuant to this section, the city manager shall
1269 continue to receive his or her salary until the effective date of his or her removal.

1270 (c) If the city manager is suspended in accordance with subsection (a) of this section or
1271 becomes disabled and is unable to carry out the duties of the office or if the city manager
1272 dies, the acting city manager shall perform the duties of the city manager until the city
1273 manager's disability is removed or until the city manager is replaced. Removal of the city
1274 manager because of disability shall be carried out in accordance with the provisions of
1275 subsection (a) of this section.

SECTION 3.07.

Acting city manager.

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

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

SECTION 3.08.

City attorney.

The mayor shall appoint the city attorney together with such assistant city attorneys or special city attorneys as may be deemed appropriate subject to confirmation by the city council and shall provide for the payment of such attorneys for services rendered to the city.

The rates or salary paid to any city attorney, assistant city attorney, or special city attorneys 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.

SECTION 3.09.

City clerk.

The mayor shall appoint a city clerk subject to confirmation by the city council to 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 mayor or city manager may direct.

1305 **SECTION 3.10.**

1306 Tax collector.

1307 The mayor may appoint a tax collector subject to confirmation by the city council to collect
 1308 all taxes, licenses, fees, and other moneys belonging to the city subject to the provisions of
 1309 this charter and the ordinances of the city; and the tax collector shall diligently comply with
 1310 and enforce all general laws of Georgia relating to the collection, sale, or foreclosure of taxes
 1311 by municipalities. In the absence of a city tax collector, the city finance director shall
 1312 perform the functions of the tax collector.

1313 **SECTION 3.11.**

1314 Finance director.

1315 The city manager, with the written consent of the mayor, may appoint a city finance director
 1316 subject to confirmation by the city council to perform the duties of a finance director and
 1317 accountant.

1318 **SECTION 3.12.**

1319 City internal auditor.

1320 The city council shall appoint an internal auditor to audit the financial records and
 1321 expenditures of city funds and to report the results of such audits in writing to the city
 1322 council at times and intervals set by the city council, but no less than quarterly. Such audit
 1323 reports shall, at a minimum, identify all city expenditures and other financial matters that the
 1324 internal auditor either determines are not in compliance with or cannot conclusively be
 1325 determined to be in compliance with:

- 1326 (1) The provisions of this charter;
 1327 (2) The applicable city budget; and
 1328 (3) Applicable ordinances, resolutions, or other actions duly adopted or approved under
 1329 the provisions of this charter.

1330 **SECTION 3.13.**

1331 Consolidation of functions.

1332 The city manager, with the approval of the city council, may consolidate any two or more of
 1333 the positions of city clerk, city tax collector, and city finance director, or any other positions
 1334 or may assign the functions of any one or more of such positions to the holder or holders of

1335 any other positions. The city manager may also, with the approval of the city council,
 1336 perform all or any part of the functions of any of the positions or offices in lieu of the
 1337 appointment of other persons to perform the same.

1338 **SECTION 3.14.**

1339 Position classification and pay plans; employment at will.

1340 The city manager shall be responsible for the preparation of a position classification and a
 1341 pay plan which shall be submitted to the city council for approval. Said plan may apply to
 1342 all employees of the City of Stonecrest, any of its agencies and offices, and its elected
 1343 officials. When a pay plan has been adopted by the city council, neither the city council nor
 1344 the city manager shall increase or decrease the salaries of individual employees except in
 1345 conformity with such pay plan or pursuant to an amendment of such pay plan duly adopted
 1346 by the city council. Except as otherwise provided in this charter, all employees of the city
 1347 shall be subject to removal or discharge, with or without cause, at any time.

1348 **ARTICLE IV**

1349 **MUNICIPAL COURT**

1350 **SECTION 4.01.**

1351 Creation.

1352 There is established a court to be known as the Municipal Court of the City of Stonecrest
 1353 which shall have jurisdiction and authority to try offenses against the laws and ordinances
 1354 of such city and to punish for a violation of the same. Such court shall have the power to
 1355 enforce its judgments by the imposition of such penalties as may be provided by law,
 1356 including ordinances of the city; to punish witnesses for nonattendance and to punish also
 1357 any person who may counsel or advise, aid, encourage, or persuade another whose testimony
 1358 is desired or material in any proceeding before such court to go or move beyond the reach
 1359 of the process of the court; to try all offenses within the territorial limits of the city
 1360 constituting traffic cases which, under the laws of Georgia, are placed within the jurisdiction
 1361 of municipal courts to the extent of, and in accordance with, the provisions of such laws and
 1362 all laws subsequently enacted amendatory thereof. Such court shall be presided over by the
 1363 judge of such court. In the absence or disqualification of the judge, the judge pro tempore
 1364 shall preside and shall exercise the same powers and duties as the judge when so acting.

SECTION 4.02.

Judges.

1365
1366
1367 (a) No person shall be qualified or eligible to serve as judge unless he or she has attained the
1368 age of 35 years and has been a member of the State Bar of Georgia for a minimum of three
1369 years. The judges shall be nominated by the mayor subject to approval by the city council.
1370 The compensation and number of the judges shall be fixed by the city council.

1371 (b) The judge pro tempore shall serve as requested by the judge, shall have the same
1372 qualifications as the judge, shall be nominated by the mayor subject to approval of the city
1373 council, and shall take the same oath as the judge.

1374 (c) Before entering on the duties of his or her office, the judge and judge pro tempore shall
1375 take an oath before an officer duly authorized to administer oaths in this state declaring that
1376 he or she will truly, honestly, and faithfully discharge the duties of his or her office to the
1377 best of his or her ability without fear, favor, or partiality. The oath shall be entered upon the
1378 minutes of the city council.

1379 (d) The judge, or judge pro tempore, shall serve for a term of four years but may be removed
1380 from the position by a two-thirds' vote of the entire membership of the city council or shall
1381 be removed upon action taken by the state Judicial Qualifications Commission for:

1382 (1) Willful misconduct in office;

1383 (2) Willful and persistent failure to perform duties;

1384 (3) Habitual intemperance;

1385 (4) Conduct prejudicial to the administration of justice which brings the judicial office
1386 into disrepute; or

1387 (5) Disability seriously interfering with the performance of duties, which is or is likely
1388 to become of a permanent character.

SECTION 4.03.

Convening.

1391 The municipal court shall be convened at such times as designated by ordinance or at such
1392 times as deemed necessary by the judge to keep current the dockets thereof.

1393 **SECTION 4.04.**

1394 Jurisdiction; powers.

1395 (a) The municipal court shall try and punish for crimes against the City of Stonecrest and
 1396 for violation of its ordinances. The municipal court may fix punishment for offenses within
 1397 its jurisdiction to the fullest extent allowed by state law.

1398 (b) The municipal court shall have authority to recommend to the city council for approval
 1399 a schedule of fees to defray the cost of operation.

1400 (c) The municipal court shall have authority to establish bail and recognizances to ensure
 1401 the presence of those charged with violations before such court and shall have discretionary
 1402 authority to accept cash or personal or real property as security for appearances of persons
 1403 charged with violations. Whenever any person shall give bail for his or her appearance and
 1404 shall fail to appear at the time fixed for trial, the bond shall be forfeited to the judge presiding
 1405 at such time and an execution issued thereon by serving the defendant and his or her sureties
 1406 with a rule nisi at least two days before a hearing on the rule nisi. In the event that cash or
 1407 property is accepted in lieu of bond for security for the appearance of a defendant at trial, and
 1408 if such defendant fails to appear at the time and place fixed for trial, the cash so deposited
 1409 shall be on order of the judge declared forfeited to the City of Stonecrest, or the property so
 1410 deposited shall have a lien against it for the value forfeited.

1411 (d) The municipal court shall have the authority to bind prisoners over to the appropriate
 1412 court when it appears, by probable cause, that a state law has been violated.

1413 (e) The municipal court shall have the authority to administer oaths and to perform all other
 1414 acts necessary or proper to the conduct of said court.

1415 (f) The municipal court may compel the presence of all parties necessary to a proper disposal
 1416 of each case by the issuance of summons, subpoena, and warrants which may be served as
 1417 executed by any officer as authorized by this charter or by state law.

1418 (g) The municipal court is specifically vested with all of the judicial jurisdiction and judicial
 1419 powers throughout the entire area of the City of Stonecrest granted by state laws generally
 1420 to municipal courts, and particularly by such laws as authorize the abatement of nuisances.

1421 **SECTION 4.05.**

1422 Certiorari.

1423 The right of certiorari from the decision and judgment of the municipal court shall exist in
 1424 all criminal cases and ordinance violation cases, and such certiorari shall be obtained under
 1425 the sanction of a judge of the Superior Court of DeKalb County under the laws of the State

1426 of Georgia regulating the granting and issuance of writs of certiorari, as supplemented by the
1427 city council by ordinance.

1428 **SECTION 4.06.**

1429 Rules for court.

1430 With the approval of the city council, the judges shall have full power and authority to make
1431 reasonable rules and regulations necessary and proper to secure the efficient and successful
1432 administration of the municipal court.

1433 **ARTICLE V**

1434 **FINANCE AND FISCAL**

1435 **SECTION 5.01.**

1436 Fiscal year.

1437 The city council shall set the fiscal year by ordinance. Such fiscal year shall constitute the
1438 budget year and the year for financial accounting and reporting of each and every office,
1439 department or institution, agency, and activity of the city government, unless otherwise
1440 provided by state or federal law.

1441 **SECTION 5.02.**

1442 Preparation of budgets.

1443 The city council shall provide, by ordinance, the procedures and requirements for the
1444 preparation and execution of an annual operating budget and a capital budget, including
1445 requirements as to the scope, content, and form of such budgets and programs.

1446 **SECTION 5.03.**

1447 Submission of operating budget to city council.

1448 (a) On or before a date fixed by the city council, but no later than the first day of the
1449 eleventh month of the fiscal year currently ending, the city manager shall, after input, review,
1450 and comment by the mayor, submit to the city council a proposed operating budget and
1451 capital budget for the ensuing fiscal year. The budget shall be accompanied by a message
1452 from the mayor and city manager containing a statement of the general fiscal policies of the
1453 city, the important features of the budget, explanations of major changes recommended for
1454 the next fiscal year, a general summary of the budget, and such other comments and

1455 information as they may deem pertinent. The operating budget, capital budget, the budget
 1456 message, and all supporting documents shall be filed in the office of the city manager and
 1457 shall be open to public inspection.

1458 (b) Beginning in the third year of the city's operation, the city manager and mayor shall
 1459 present to the city council a budget which is balanced in projected spending and revenues.

1460 (c) Prior to passage of the budget, the city council shall hold a special public hearing at
 1461 which the budget will be presented and public comment on the budget will be solicited. The
 1462 date, time, and place of the special public hearing shall be announced no less than 30 days
 1463 prior to the scheduled date for such hearing.

1464 (d) All unencumbered balances of appropriations in the current operating budget at the end
 1465 of the fiscal year shall lapse into the unappropriated surplus or reserves of the fund or funds
 1466 from which such appropriations were made. When a supplemental appropriation is certified
 1467 by the city manager to exist, these appropriations may be spent during the current fiscal year
 1468 following passage of a supplemental appropriation ordinance.

1469 **SECTION 5.04.**

1470 Action by city council on budget.

1471 (a) The city council may amend the operating budget or capital budget proposed by the city
 1472 manager in accordance with subsection (a) of Section 5.03 of this charter, except that the
 1473 budget, as finally amended and adopted, shall provide for all expenditures required by law
 1474 or by other provisions of this charter and for all debt service requirements for the ensuing
 1475 fiscal year; and the total appropriations from any fund shall not exceed the estimated fund
 1476 balance, reserves, and revenues constituting the fund availability of such fund.

1477 (b) The city council shall adopt a budget on or before the fifteenth day of the twelfth month
 1478 of the fiscal year currently ending. If the city council fails to adopt the budget by the
 1479 prescribed deadline, the operating budget and capital budget proposed by the mayor and city
 1480 manager shall be adopted without further action by the city council.

1481 **SECTION 5.05.**

1482 Procurement and property management.

1483 No contract with the city shall be binding on the city unless it is in writing. The city council
 1484 may adopt procedures for the authorization of certain contracts without city attorney review
 1485 or city council approval. Absent the foregoing, no contract with the city shall be binding on
 1486 the city unless:

- 1487 (1) It is drawn or submitted and reviewed by the city attorney and, as a matter of course,
 1488 is signed by the city attorney to indicate such drafting or review; and
 1489 (2) It is made or authorized by the city council and such approval is entered in the city
 1490 council journal of proceedings.

1491 **SECTION 5.06.**

1492 Purchasing.

1493 The city council shall by ordinance prescribe procedures for a system of centralized
 1494 purchasing for the city.

1495 **SECTION 5.07.**

1496 Audits.

- 1497 (a) There shall be an annual independent audit of all city accounts, funds, and financial
 1498 transactions by a certified public accountant selected by the city council. The audit shall be
 1499 conducted according to generally accepted accounting principles. Any audit of any funds by
 1500 the state or federal government may be accepted as satisfying the requirements of this
 1501 charter. Copies of all audit reports shall be available at printing cost to the public.
 1502 (b) As a minimum, all audits and budgets of the city shall satisfy the requirements of
 1503 Chapter 81 of Title 36 of the O.C.G.A. relating to local government audits and budgets.

1504 **ARTICLE VI**

1505 **GENERAL PROVISIONS**

1506 **SECTION 6.01.**

1507 DeKalb County special services tax district.

1508 For the taxable years beginning on or after January 1, 2017, the adjusted ad valorem tax
 1509 millage rate and amount for service charges or fees for and DeKalb County special services
 1510 tax district within the boundaries of the City Stonecrest shall be 0 percent. This section is
 1511 enacted pursuant to the authority granted to the General Assembly under Section 1 of that
 1512 local constitutional amendment providing that certain municipalities in DeKalb County shall
 1513 constitute special services tax districts, Resolution Act. No. 168; House Resolution
 1514 No. 715-1916; Ga. L. 1978, p. 2468, to control the subject matter of such local constitutional
 1515 amendment. Municipal services provided by DeKalb County for the City of Stonecrest will

1516 be established through intergovernmental agreements or established as otherwise authorized
1517 by statute.

1518 **SECTION 6.02.**

1519 Effective dates and transition.

1520 (a) A period of time will be needed for the orderly transition of various government
1521 functions from DeKalb County to the City of Stonecrest. Accordingly there shall be a
1522 two-year transition period as allowed by law beginning at 12:01 A.M. on May 8, 2017.

1523 (b) During such transition period, DeKalb County shall continue to provide within the
1524 territorial limits of the city all government services and functions which DeKalb County
1525 provided in 2016 and at the same actual direct cost and level of service, except to the extent
1526 otherwise provided in this section; provided, however, that upon at least 30 days' prior
1527 written notice to the governing authority of DeKalb County by the governing authority of the
1528 City of Stonecrest, responsibility for any such service or function shall be transferred to the
1529 City of Stonecrest. The governing authority of the City of Stonecrest shall determine the date
1530 of commencement of the collection of taxes, fees, assessments, fines and forfeitures, and
1531 other moneys within the territorial limits of the city and the date upon which the City of
1532 Stonecrest is considered removed from the special services tax district.

1533 (c) During the transition period, the governing authority of the City of Stonecrest may
1534 generally exercise any power granted by this charter or general law, except to the extent that
1535 a power is specifically and integrally related to the provision of a governmental service,
1536 function, or responsibility not yet provided or carried out by the city.

1537 (d) During the transition period, all ordinances of DeKalb County shall remain applicable
1538 within the territorial limits of the city unless otherwise amended, repealed, or replaced by the
1539 City of Stonecrest. Any transfer of jurisdiction to the City of Stonecrest during or at the end
1540 of the transition period shall not in and of itself abate any judicial proceeding pending in
1541 DeKalb County or the pending prosecution of any violation of any ordinance of DeKalb
1542 County.

1543 (e) During the transition period, the governing authority of the City of Stonecrest may at any
1544 time, without the necessity of any agreement by DeKalb County, commence to exercise its
1545 planning and zoning powers; provided, however, that the city shall give the county notice of
1546 the date on which the city will assume the exercise of such powers. Upon the governing
1547 authority of the City of Stonecrest commencing to exercise its planning and zoning powers,
1548 the Municipal Court of the City of Stonecrest shall immediately have jurisdiction to enforce
1549 the planning and zoning ordinances of the city. The provisions of this subsection shall
1550 control any conflicting provisions of any other subsection of this section.

1551 (f) Effective upon the termination of the transition period, subsections (a) through (e) of this
1552 section shall cease to apply except for the last sentence of subsection (d) which shall remain
1553 effective. Effective upon the termination of the transition period, the City of Stonecrest shall
1554 be a full functioning municipal corporation and subject to all general laws of this state.

1555 **SECTION 6.03.**

1556 Charter commission.

1557

1558 No later than five years after the creation of the City of Stonecrest, the mayor and the city
1559 council shall call for a charter commission to review the city's experience and recommend
1560 to the General Assembly any changes to the charter. The charter commission shall be
1561 composed of seven members who shall be appointed as follows: one by the mayor, one by
1562 each member of the city council, and one member appointed by a vote of the members of the
1563 Georgia House of Representatives and Georgia Senate whose districts lie wholly or partially
1564 within the corporate boundaries of the City of Stonecrest. All members of the charter
1565 commission shall reside in the City of Stonecrest. The commission shall complete the
1566 recommendations under this section within the time frame required by the city council.

1567 **SECTION 6.04.**

1568 Effective date.

1569 This Act shall become effective upon its approval by the Governor or upon its becoming law
1570 without such approval.

1571 **SECTION 6.05.**

1572 Specific repealer.

1573 An Act to incorporate the City of Stonecrest, approved April 21, 2016 (Ga. L. 2016, p. 3538),
1574 and all Acts amendatory thereto are hereby specifically repealed.

1575 **SECTION 6.06.**

1576 Repealer.

1577 All laws and parts of laws in conflict with this Act are repealed.

1578 APPENDIX A
 1579 LEGAL DESCRIPTION
 1580 CORPORATE LIMITS
 1581 CITY OF STONECREST, DEKALB COUNTY, GEORGIA

1582 Plan: stonecrest-2015

1583 Plan Type: Local

1584 Administrator: S043

1585 User: Gina

1586 District STONECREST

1587 DeKalb County

1588 VTD: 089BJ - BROWN'S MILL ELEMENTARY

1589 023416:

1590 2004 2005 2006 2009 2010 2011 2012 2013 2014 2015 2016 2017

1591 2018 3000 3001 3002 3003 3004 3005 4015 4016 4019 4020

1592 VTD: 089CF - MURPHEY CANDLER

1593 VTD: 089FA - FAIRINGTON ELEM

1594 VTD: 089FG - FLAT ROCK ELEM

1595 VTD: 089LD - LITHONIA (LIT)

1596 023303:

1597 4020 4021 4022

1598 VTD: 089LH - LITHONIA HIGH SCHOOL

1599 023309:

1600 3000 3001 3002 3003 3004 3005 3006 3007 3008 3009 3010 3011

1601 3012 3013 3014 3033 3034 3035 3036

1602 VTD: 089MC - MARBUT ELEM

1603 023309:

1604 2005 2006 4007

1605 VTD: 089MF - MCWILLIAMS

1606 VTD: 089MI - MILLER GROVE MIDDLE SCHOOL

1607 023214:

1608 2000 2001 2002 2003 2008 2009 2010 2011 2012 2013 2014 2022

1609 2023 2024

1610 023416:

1611 1000 1001 1014 1015

1612 VTD: 089MV - MILLER GROVE ROAD
 1613 VTD: 089MZ - MILLER GROVE HIGH
 1614 VTD: 089PC - PRINCETON ELEM
 1615 023306:
 1616 3005 3006 3007 3013 3014
 1617 VTD: 089PI - PANOLA WAY ELEM
 1618 023212:
 1619 2002
 1620 VTD: 089PR - PANOLA ROAD
 1621 VTD: 089RH - REDAN-TROTTI
 1622 023306:
 1623 3008 3012 3016
 1624 023313:
 1625 1003 1004 1005 1006 1007 1008 1009 1010
 1626 VTD: 089RL - ROCK CHAPEL ROAD
 1627 023303:
 1628 1011 1012 1016 1017 1018 1019 1020 1021 1022 1025 1026 1027
 1629 1032 4012
 1630 023306:
 1631 3015 3020
 1632 023315:
 1633 1010 1011 1020
 1634 VTD: 089SL - STONEVIEW ELEM
 1635 023303:
 1636 3027 3028 3029 4000 4001 4002 4003 4004 4005 4006 4029 4030
 1637 4031 4032 4034 4035 4036
 1638 023310:
 1639 3000 3001 3002 3003 3004 3005 3006 3007 3008
 1640 023418:
 1641 1000 1001 1002 1023
 1642 023428:
 1643 2000 2001
 1644 VTD: 089SM - SALEM MIDDLE
 1645 VTD: 089SS - SNAPFINGER ROAD
 1646 023414:
 1647 1027

1648 023416:
 1649 2003 2007 2008 2019 4004 4005 4006 4009 4010 4011 4012 4013
 1650 4014 4017 4018

1651 VTD: 089WD - WOODROW ROAD

1652 As used in this appendix, the term "VTD" (voting tabulation district) shall mean and describe
 1653 the same geographical boundaries as provided in the report of the Bureau of the Census for
 1654 the United States decennial census of 2010 for the State of Georgia. The separate numeric
 1655 designations which are underneath a VTD heading shall mean and describe individual blocks
 1656 within a VTD as provided in the report of the Bureau of the Census for the United States
 1657 decennial census of 2010 for the State of Georgia.

1658 APPENDIX B
 1659 COUNCIL DISTRICTS
 1660 CITY OF STONECREST, DEKALB COUNTY, GEORGIA

1661 Plan: stonecrest-dist-2015

1662 Plan Type: Local

1663 Administrator: S043

1664 User: Gina

1665 District 001

1666 DeKalb County

1667 VTD: 089LD - LITHONIA (LIT)

1668 023303:

1669 4020 4021 4022

1670 VTD: 089PC - PRINCETON ELEM

1671 023306:

1672 3005 3006 3007 3013 3014

1673 VTD: 089RH - REDAN-TROTTI

1674 023306:

1675 3008 3012 3016

1676 023313:

1677 1003 1004 1005 1006 1007 1008 1009 1010

1678 VTD: 089RL - ROCK CHAPEL ROAD

1679 023303:

1680 1011 1012 1016 1017 1018 1019 1020 1021 1022 1025 1026 1027

1681 1032 4012

1682 023306:
 1683 3015 3020
 1684 023315:
 1685 1010 1011 1020
 1686 VTD: 089SL - STONEVIEW ELEM
 1687 023303:
 1688 3027 3028 3029 4000 4001 4002 4003 4004 4005 4006 4029 4030
 1689 4031 4032 4034 4035 4036
 1690 023310:
 1691 3000 3001 3003 3004 3005 3008
 1692 023418:
 1693 1000 1001 1002 1023
 1694 VTD: 089WD - WOODROW ROAD
 1695 023418:
 1696 1003 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014
 1697 1015 1016 1017 1018 1019 1020 1021 1022 1024 1025 1026 1027
 1698 1028 1029 1030 1031 1033 1034 1035 1036 1037 1038 1039 1048
 1699 1049 1050 1051 1052 1053 1054 1055 1056 1057 1058 1059 1060
 1700 1061 1062 1063 1064 1065 1066 1067 1068 1069 1070 1071 1072
 1701 1073 1074 1075 1076 1077 1078 1079

 1702 District 002
 1703 DeKalb County
 1704 VTD: 089LH - LITHONIA HIGH SCHOOL
 1705 023309:
 1706 3000 3001 3002 3003 3004 3005 3006 3007 3008 3009 3010 3011
 1707 3012 3013 3014 3033 3034 3035 3036
 1708 VTD: 089MC - MARBUT ELEM
 1709 023309:
 1710 2005 2006 4007
 1711 VTD: 089MF - MCWILLIAMS
 1712 023416:
 1713 1004 1008 1009 1010 1011 1012 1013 1016 1017 4000 4001 4002
 1714 4003 4007 4008
 1715 VTD: 089MI - MILLER GROVE MIDDLE SCHOOL
 1716 023214:
 1717 2000 2001 2002 2003 2008 2009 2010 2011 2012 2013 2014 2022

1718 2023 2024
 1719 023416:
 1720 1000 1001 1014 1015
 1721 VTD: 089MZ - MILLER GROVE HIGH
 1722 023310:
 1723 2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 4000
 1724 4001 4002 4003 4004 4005 4006 4007 4008 4009 4010 4011 4012
 1725 4013
 1726 VTD: 089PI - PANOLA WAY ELEM
 1727 023212:
 1728 2002
 1729 VTD: 089PR - PANOLA ROAD
 1730 023310:
 1731 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011
 1732 1012 1013 1014 1015 1016 1017
 1733 VTD: 089SL - STONEVIEW ELEM
 1734 023310:
 1735 3007
 1736 VTD: 089SS - SNAPFINGER ROAD
 1737 023416:
 1738 4004 4005 4006

 1739 District 003
 1740 DeKalb County
 1741 VTD: 089FA - FAIRINGTON ELEM
 1742 VTD: 089MF - MCWILLIAMS
 1743 023416:
 1744 1002 1003 1005 1006 1007 2000 2001 2002
 1745 VTD: 089MV - MILLER GROVE ROAD
 1746 023427:
 1747 2001 2002 2003 2004 2005
 1748 VTD: 089PR - PANOLA ROAD
 1749 023428:
 1750 1000 3000 4000
 1751 VTD: 089WD - WOODROW ROAD
 1752 023428:
 1753 1001 1002 1003 1004 1005 1006 1007 1008 2016 2017

1754 District 004
 1755 DeKalb County
 1756 VTD: 089BJ - BROWN'S MILL ELEMENTARY
 1757 023416:
 1758 2004 2005 2006 2009 2010 2011 2012 2013 2014 2015 2016 2017
 1759 2018 3000 3001 3002 3003 3004 3005 4015 4016 4019 4020
 1760 VTD: 089MV - MILLER GROVE ROAD
 1761 023427:
 1762 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011
 1763 1012 1013 1015 1016 1017
 1764 VTD: 089SM - SALEM MIDDLE
 1765 VTD: 089SS - SNAPFINGER ROAD
 1766 023414:
 1767 1027
 1768 023416:
 1769 2003 2007 2008 2019 4009 4010 4011 4012 4013 4014 4017 4018

 1770 District 005
 1771 DeKalb County
 1772 VTD: 089CF - MURPHEY CANDLER
 1773 VTD: 089FG - FLAT ROCK ELEM
 1774 VTD: 089MZ - MILLER GROVE HIGH
 1775 023428:
 1776 2002
 1777 VTD: 089SL - STONEVIEW ELEM
 1778 023310:
 1779 3002 3006
 1780 023428:
 1781 2000 2001
 1782 VTD: 089WD - WOODROW ROAD
 1783 023418:
 1784 1032 1040 1041 1042 1043 1044 1045 1046
 1785 023428:
 1786 2003 2004 2005 2006 2007 2008 2009 2010 2011 2012 2013 2014
 1787 2015 2018
 1788 As used in this appendix, the term "VTD" (voting tabulation district) shall mean and describe
 1789 the same geographical boundaries as provided in the report of the Bureau of the Census for

1790 the United States decennial census of 2010 for the State of Georgia. The separate numeric
1791 designations in a district description which are underneath a VTD heading shall mean and
1792 describe individual blocks within a VTD as provided in the report of the Bureau of the
1793 Census for the United States decennial census of 2010 for the State of Georgia. Any part of
1794 the city which is not included in District 1, 2, 3, 4, or 5 as described in this appendix shall be
1795 included within that district contiguous to such part which contains the least population
1796 according to the United States decennial census of 2010 for the State of Georgia. Any part
1797 of the city which is described in this appendix as being in District 1, 2, 3, 4, or 5 shall
1798 nevertheless not be included within such district if such part is not contiguous to such district.
1799 Such noncontiguous part shall instead be included within the post that is contiguous to such
1800 part which contains the least population according to the United States decennial census of
1801 2010 for the State of Georgia. Except as otherwise provided in the description of any district,
1802 whenever the description of such district refers to a named city, it shall mean the
1803 geographical boundaries of that city as shown on the census map for the United States
1804 decennial census of 2010 for the State of Georgia.