

House Bill 679

By: Representative Jones of the 91<sup>st</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend an Act to incorporate the City of Stonecrest in DeKalb County, approved April 21,  
2 2016 (Ga. L. 2016, p. 3538), so as to revise certain powers of the city; to provide for a  
3 hotel/motel tax; to rename and redefine the community improvement district; to provide that  
4 the legislative authority of the city is vested in the city council; to revise the powers and  
5 duties of the mayor; to provide for the manner of elections; to provide for additional  
6 qualifications for councilmembers; to provide for an additional ground for creating a vacancy  
7 in office; to provide for the compensation and expense reimbursement of the mayor and  
8 councilmembers; to provide for the time of election and term of a mayor pro tempore; to  
9 provide for veto power for the mayor; to limit the mayor's power to vote on matters before  
10 the city council; to provide for the establishment and regulation of departments and  
11 administration of the city; to limit the holding of other offices by members of the city  
12 council; to provide for the qualifications of members of boards, commissions, and authorities  
13 of the city; to provide for the procedures for enacting ordinances; to provide for the duties  
14 of the city manager; to provide for a finance director and the duties of such office; to provide  
15 for the terms, appointments, and qualifications of municipal court judges; to revise the  
16 schedule for adoption of budgets; to revise provisions regarding the transition period; to  
17 repeal an obsolete provision; to revise the date for a charter commission and its report; to  
18 provide for related matters; to repeal conflicting laws; and for other purposes.

19 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

20 **SECTION 1.**

21 An Act to incorporate the City of Stonecrest in DeKalb County, approved April 21, 2016  
22 (Ga. L. 2016, p. 3538), is amended by revising paragraph (18) of subsection (b) of  
23 Section 1.03 as follows:

24 "(18) Municipal agencies and delegation of power. To create, alter, or abolish  
25 departments, boards, offices not specified in this charter, commissions, authorities, and  
26 agencies of the city, and, other than as reserved to the executive branch of the city in this

27 charter, to confer upon such agencies the necessary and appropriate authority for carrying  
 28 out all the powers conferred upon or delegated to the same;"

29 **SECTION 2.**

30 Said Act is further amended by revising paragraphs (37) through (42) of and by adding a new  
 31 paragraph to subsection (b) of Section 1.03 to read as follows:

32 "(37) Taxes: ad valorem. To levy and provide for the assessment, valuation, revaluation,  
 33 and collection of taxes on all property subject to taxation; provided, however, that:

34 (A) The millage rate imposed for ad valorem taxes on real property shall not exceed  
 35 a combination of 3.35 plus an amount equal to the amount of any roll back or reduction  
 36 by the governing authority of DeKalb County of its millage rate imposed for ad  
 37 valorem taxes on real property within the corporate limits of the city for any services  
 38 assumed by the city from DeKalb County, unless either (i) the millage rate is increased  
 39 above such amount by resolution of the city council without voter approval through its  
 40 exercise of home rule powers, or (ii) a higher limit is recommended by resolution of the  
 41 city council and approved by a majority of the qualified electors of the City of  
 42 Stonecrest voting on the issue, provided that the amount of millage associated with  
 43 general obligation bonds or the creation of special tax districts pursuant to Article IX,  
 44 Section II, Paragraph VI of the Constitution of the State of Georgia shall not count as  
 45 part of the 3.35 limit since such millage is already subject to approval by the electors  
 46 of the city in a separate referendum; and

47 (B) For all years, the fair market value of all property subject to taxation shall be  
 48 determined according to the tax digest of DeKalb County, as provided in Code  
 49 Section 48-5-352 of the O.C.G.A.;

50 (38) Taxes: Excise. To levy and collect an 8 percent excise tax on rooms, lodgings, and  
 51 accommodations pursuant subsection (b) of Code Section 48-13-51 of the O.C.G.A.;  
 52 provided, that:

53 (A) In each fiscal year during which such tax is collected, an amount equal to not less  
 54 than 50 percent of the total amount of taxes collected that exceed the amount of taxes  
 55 that would be collected at the rate of 5 percent shall be expended for promoting  
 56 tourism, conventions, and trade shows by the destination marketing organization  
 57 designated by the city; and

58 (B) The remaining amount of taxes collected that exceed the amount of taxes that  
 59 would be collected at the rate of 5 percent which are not otherwise expended under  
 60 subparagraph (A) of this paragraph shall be expended for tourism product development;

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

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

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

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

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

86 **SECTION 3.**

87 Said Act is further amended by revising Section 1.06 as follows:

88 "SECTION 1.06.

89 Stonecrest Community Improvement District.

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

- 97 (1) Street and road construction and maintenance, including curbs, sidewalks, street  
 98 lights, and devices to control the flow of traffic on streets and roads;
- 99 (2) Parks and recreational areas and facilities;
- 100 (3) Storm-water and sewage collection and disposal systems;
- 101 (4) Development, storage, treatment, purification, and distribution of water;
- 102 (5) Public transportation;
- 103 (6) Terminal and dock facilities and parking facilities; and
- 104 (7) Such other services and facilities as may be provided for by general law.
- 105 (b) Definitions. As used in this section, the term:
- 106 (1) 'Agricultural' means the growing of crops for sale or the raising of animals for sale  
 107 or use, including the growing of field crops and fruit or nut trees, the raising of livestock  
 108 or poultry, and the operation of dairies, horse boarding facilities, and riding stables.
- 109 (2) 'Board' means the governing body created for the governance of the community  
 110 improvement district authorized by this section.
- 111 (3) 'Caucus of electors' means the meeting of electors as provided in this section at which  
 112 the elected board members of the district are elected or at which the governmental  
 113 services and facilities to be provided by the district are determined. A quorum at such  
 114 caucus shall consist of no less than 25 percent of electors and no less than 25 percent of  
 115 equity electors present in person or proxy, and a majority of those present and voting  
 116 shall be necessary to take any action. Notice of such meeting shall be given to such  
 117 electors and equity electors by publishing notice thereof in the legal organ of the City of  
 118 Stonecrest at least once each week for four weeks prior to such meeting.
- 119 (4) 'Cost of the project' or 'cost of any project' means and includes:
- 120 (A) All costs of acquisition by purchase or otherwise, construction, assembly,  
 121 installation, modification, renovation, or rehabilitation incurred in connection with any  
 122 project or any part of any project;
- 123 (B) All costs of real property, fixtures, or personal property used in or in connection  
 124 with or necessary for any project or for any facilities related thereto, including, but not  
 125 limited to, the cost of all land, estates for years, easements, rights, improvements, water  
 126 rights, connections for utility services, fees, franchises, permits, approvals, licenses, and  
 127 certificates; the cost of securing any such franchises, permits, approvals, licenses, or  
 128 certificates; the cost of preparation of any application therefor; and the cost of all  
 129 fixtures, machinery, equipment including all transportation equipment and rolling stock,  
 130 furniture, and other property used in or in connection with or necessary for any project;
- 131 (C) All financing charges and loan fees and all interest on bonds, notes, or other  
 132 obligations of a district which accrue or are paid prior to and during the period of

133 construction of a project and during such additional period as the board may reasonably  
 134 determine to be necessary to place such project in operation;

135 (D) All costs of engineering, surveying, architectural, and legal services and all  
 136 expenses incurred by engineers, surveyors, architects, and attorneys in connection with  
 137 any project;

138 (E) All expenses for inspection of any project;

139 (F) All fees of fiscal agents, paying agents, and trustees for bondholders under any trust  
 140 agreement, indenture of trust, or similar instrument or agreement; all expenses incurred  
 141 by any such fiscal agents, paying agents, and trustees; and all other costs and expenses  
 142 incurred relative to the issuances of any bonds, notes, or other obligations for any  
 143 project;

144 (G) All expenses of or incidental to determining the feasibility or practicability of any  
 145 project;

146 (H) All costs of plans and specifications for any project;

147 (I) All costs of title insurance and examinations of title with respect to any project;

148 (J) Repayment of any loans made for the advance payment of any part of the foregoing  
 149 costs, including interest thereon and any other expenses of such loans;

150 (K) Administrative expenses of the board and such other expenses as may be necessary  
 151 for or incidental to any project or the financing thereof or the placing of any project in  
 152 operation; and

153 (L) The establishment of a fund or funds for the creation of a debt service reserve, a  
 154 renewal and replacement reserve, or such other funds or reserves as the board may  
 155 approve with respect to the financing and operation of any project and as may be  
 156 authorized by any bond resolution, trust agreement, indenture of trust, or similar  
 157 instrument or agreement pursuant to the provisions of which the issuance of any bonds,  
 158 notes, or other obligations of the district may be authorized.

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

162 (5) 'District' means the geographical area designated as such by the resolution of the city  
 163 council consenting to the creation of the community improvement district or as thereafter  
 164 modified by any subsequent resolution of the city council within which the district is or  
 165 is to be located, or a body corporate and politic being a community improvement district  
 166 created and activated pursuant thereto, as the context requires or permits.

167 (6) 'Electors' means the owners of real property used nonresidentially within the district  
 168 which is subject to taxes, fees, and assessments levied by the board, as they appear on the  
 169 most recent ad valorem real property tax return records of DeKalb County, or one officer

170 or director of a corporate elector, one trustee of a trust which is an elector, one partner of  
171 a partnership elector, or one designated representative of an elector whose designation  
172 is made in writing. An owner of property that is subject to taxes, fees, or assessments  
173 levied by the board shall have one vote for an election based on numerical majority. An  
174 owner of multiple parcels has one vote, not one vote per parcel, for an election based on  
175 numerical majority. Multiple owners of one parcel have one vote for an election based  
176 on numerical majority which must be cast by one of their number who is designated in  
177 writing.

178 (7) 'Equitably apportioned among the properties subject to such taxes, fees, and  
179 assessments according to the need for governmental services and facilities created by the  
180 degree of density of development of each such property', with reference to taxes, fees,  
181 and assessments levied by the board, means that the burden of the taxes, fees, and  
182 assessments shall be apportioned among the properties subject thereto based upon the  
183 values established in the most recent ad valorem tax reassessment of such properties  
184 certified by the chairperson of the DeKalb County Board of Tax Assessors, or with  
185 respect to fees and assessments may be apportioned among the properties subject thereto  
186 in direct or approximate proportion to the receipt of services or benefits derived from the  
187 improvements or other activities for which the taxes, fees, or assessments are to be  
188 expended, or with respect to fees and assessments may be apportioned in any other  
189 manner or combination of manners deemed equitable by the board, including, but not  
190 limited to, the recognition of differential benefits which may reasonably be expected to  
191 accrue to new land development in contrast to lands and improvements already in  
192 existence at the time of creation of the community improvement district.

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

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

204 (10) 'Project' means the acquisition, construction, installation, modification, renovation,  
205 or rehabilitation of land, interests in land, buildings, structures, facilities, or other  
206 improvements, including operation of facilities or other improvements, located or to be

207 located within or otherwise providing service to the district and the acquisition,  
 208 installation, modification, renovation, rehabilitation, or furnishing of fixtures, machinery,  
 209 equipment, furniture, or other property of any nature whatsoever used on, in, or in  
 210 connection with any such land, interest in land, building, structure, facility, or other  
 211 improvement; the creation, provision, enhancement, or supplementing of public services  
 212 such as fire, police, and other services, provided that same do not conflict with or  
 213 duplicate existing public services; and all for the essential public purposes set forth in  
 214 subsection (a) of this section.

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

221 (12) 'Property used nonresidentially' means property or any portion thereof used for  
 222 neighborhood shopping, planned shopping centers, general commercial purposes,  
 223 transient lodging facilities, tourist services, offices or institutions, office services, light  
 224 industries, heavy industries, central business, parking, or other commercial or vacant land  
 225 zoned or approved for any of the aforementioned uses which do not include residential.

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

229 (14) 'Taxpayer' means an entity or person paying ad valorem taxes on real property  
 230 whether on one or more parcels of property within the district. Multiple owners of one  
 231 parcel shall constitute one taxpayer and shall designate in writing one of their number to  
 232 represent the whole.

233 (c) Creation. Pursuant to Article IX, Section VII of the Constitution of the State of  
 234 Georgia, there is created an administrative body being one community improvement  
 235 district which may include any property used nonresidentially within the City of Stonecrest,  
 236 to be known as the Stonecrest Community Improvement District, provided that the creation  
 237 of the community improvement district shall be conditioned upon:

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

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

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

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

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

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

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

258 (1) The district created pursuant to this section shall be administered by a board  
259 composed of seven board members to be appointed and elected as provided in this  
260 section. Two board members shall be appointed by the city council. Two board  
261 members shall be elected by the vote of electors, and three members shall be elected by  
262 the vote of equity electors. The members representing the electors and equity electors  
263 shall be elected to serve in post positions 1 through 5, respectively. Each elected board  
264 member shall receive a majority of the votes cast for the post for which he or she is a  
265 candidate. Votes for Posts 1 and 2 shall be cast by electors and votes for Posts 3, 4, and  
266 5 shall be cast by equity electors. The initial term of office for the members representing  
267 Posts 1 and 4 shall be one year. The initial term of office for the members representing  
268 Posts 2 and 5 shall be two years, and the initial term of office of the members  
269 representing Post 3 shall be three years. Thereafter, all terms of office for the elected  
270 board members shall be for three years. The appointed board members shall serve at the  
271 pleasure of the city council.

272 (2) The initial board members to be elected as provided in paragraph (1) of this  
273 subsection shall be elected in a caucus of electors which shall be held within 90 days after  
274 the adoption of the resolutions and obtaining the written consents herein provided at such  
275 time and place within the district as the city council shall designate after notice thereof  
276 is given to said electors by publishing same in the legal organ of the City of Stonecrest.  
277 Thereafter, there shall be conducted biennially, not later than 60 days following the last  
278 day for filing ad valorem real property tax returns in DeKalb County, a caucus of electors  
279 at such time and place within the district as the board shall designate in such notice for  
280 the purpose of electing board members to those board member positions whose terms



281 expire or are vacant. If a vacancy occurs in an elected position on the board, the board  
282 shall, within 60 days thereof, call a special election to fill the same to be held within 60  
283 days of the call unless such vacancy occurs within 180 days of the next regularly  
284 scheduled election, in which case a special election may, but need not, be called.

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

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

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

295 (e) Taxes, fees, and assessments.

296 (1) The board may levy taxes, fees, and assessments within the district only on real  
297 property used nonresidentially, specifically excluding all property exempt from ad  
298 valorem taxation under the Constitution or laws of the State of Georgia; all property used  
299 for residential, agricultural, or forestry purposes; and all tangible personal property and  
300 intangible property. Any tax, fee, or assessment so levied shall not exceed 0.5 percent  
301 of the aggregate assessed value of all such real property. The taxes, fees, and assessments  
302 levied by the board shall be equitably apportioned among the properties subject to such  
303 taxes, fees, and assessments according to the need for governmental services and facilities  
304 created by the degree of density of development of each such property. The proceeds of  
305 taxes, fees, and assessments levied by the board shall be used only for the purpose of  
306 providing governmental services and facilities which are specially required by the degree  
307 of density of development within the district and not for the purpose of providing those  
308 governmental services and facilities provided to the county or municipality as a whole.  
309 Any tax, fee, or assessment so levied shall be collected by DeKalb County in the same  
310 manner as taxes, fees, and assessments are levied by DeKalb County. Delinquent taxes  
311 shall bear the same interest and penalties as DeKalb County taxes and may be enforced  
312 and collected in the same manner. The proceeds of taxes, fees, and assessments so  
313 levied, less a fee to cover the costs of collection of 1 percent of such proceeds, but not  
314 more than \$25,000.00 in any one calendar year, shall be transmitted by DeKalb County  
315 to the board and shall be expended by the board only for the purposes authorized by this  
316 section.

317 (2) The board shall levy the taxes, fees, and assessments in subsection (a) of this section  
 318 subsequent to the report of the assessed taxable values for the current calendar year and  
 319 notify in writing DeKalb County so it may include the levy on its regular ad valorem tax  
 320 bills. All taxes, fees, and assessments levied by the board and collected by DeKalb  
 321 County shall be segregated, and neither the City of Stonecrest nor the tax commissioner  
 322 of DeKalb County shall expend such funds for any purpose not authorized by the board  
 323 except as authorized in subsection (a) of this section.

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

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

336 (f) Boundaries of the district.

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

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

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

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

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

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

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

360 (h) Cooperation with the City of Stonecrest. The services and facilities provided pursuant  
361 to this section shall be provided for in a cooperation agreement executed jointly by the  
362 board and by the City of Stonecrest. The provisions of this section shall in no way limit  
363 the authority of the City of Stonecrest to provide services or facilities within the district;  
364 and the City of Stonecrest shall retain full and complete authority and control over any of  
365 its facilities located within its respective areas of any district. Such control shall include,  
366 but not be limited to, the modification of, access to, and degree and type of services  
367 provided through or by facilities of the county. Nothing contained in this section shall be  
368 construed to limit or preempt the application of any governmental laws, ordinances,  
369 resolutions, or regulations to the district or the services or facilities provided therein.

370 (i) Powers.

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

374 (A) To bring and defend actions;

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

376 (C) To make and execute contracts, agreements, and other instruments necessary or  
377 convenient to exercise the powers of the board or to further the public purposes for  
378 which the district is created, including, but not limited to, contracts for construction of  
379 projects, leases of projects, contracts for sale of projects, agreements for loans to  
380 finance project contracts with respect to the use of projects, and agreements with other  
381 jurisdictions of community improvement districts regarding multijurisdictional projects  
382 or services or for other cooperative endeavors to further the public purposes of the  
383 district;

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

387 (E) To finance by loan, grant, lease, or otherwise; to construct, erect, assemble,  
388 purchase, acquire, own, repair, remodel, renovate, rehabilitate, modify, maintain,  
389 extend, improve, install, sell, equip, expand, add to, operate, or manage projects; and

390 to pay the cost of any project from the proceeds of the district or any other funds of the  
391 district, or from any contributions or loans by persons, corporations, partnerships,  
392 whether limited or general, or other entities, all of which the board is authorized to  
393 receive, accept, and use;

394 (F) To borrow money to further or carry out its public purposes and to execute bonds,  
395 notes, other obligations, leases, trust indentures, trust agreements, agreements for the  
396 sale of its bonds, notes or other obligations, loan agreements, security agreements,  
397 assignments, and such other agreements or instruments as may be necessary or  
398 desirable, in the judgment of the board, as evidence and to provide security for such  
399 borrowing;

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

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

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

412 (J) To contract for any period, not exceeding 50 years, with the State of Georgia, any  
413 institution or instrumentality of the State of Georgia, or any municipal corporation,  
414 county, or political subdivision of this state for the use by the district of any facilities  
415 or services of the state or any such institution or instrumentality of this state or any  
416 municipal corporation, county, or political subdivision of this state, or for the use by  
417 any institution or instrumentality of this state, any municipal corporation, county, or  
418 political subdivision of this state of any facilities or services of the district, provided  
419 that such contracts shall deal with such activities and transactions as the district and any  
420 such political subdivision with which the district contracts are authorized by law to  
421 undertake;

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

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

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

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

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

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

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

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

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

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

450 (2) The powers enumerated in paragraph (1) of this subsection are cumulative of and in  
 451 addition to those powers enumerated in this subsection and elsewhere in this section; and  
 452 no such power limits or restricts any other power of the board.

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

456 (j) Bonds generally.

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

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

465 (3) Bonds, notes, or other obligations shall bear such date or dates, shall mature at such  
466 time or times not more than 40 years from their respective dates, shall bear interest at  
467 such rate or rates which may be fixed or may fluctuate or otherwise change from time to  
468 time, shall be subject to redemption on such terms, and shall contain such other terms,  
469 provisions, covenants, assignments, and conditions as the resolution authorizing the  
470 issuance of such bonds, notes, or other obligations may permit or provide. The terms,  
471 provisions, covenants, assignments, and conditions contained in or provided or permitted  
472 by any resolution of the board authorizing the issuance of such bonds, notes, or other  
473 obligations shall bind the board members of the district then in office and their  
474 successors.

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

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

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

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

496 (8) In lieu of specifying the actual rate or rates of interest, the principal amount, and the  
497 maturities of such bonds, the notice to the district attorney or the Attorney General; the  
498 notice to the public of the time, place, and date of the validation hearing; and the petition

499 and complaint for validation may state that the bonds when issued will bear interest at a  
500 rate not exceeding a maximum per annum rate of interest which may be fixed or may  
501 fluctuate or otherwise change from time to time as specified and that the principal amount  
502 will not exceed a specified amount and the final maturity date will not be later than a date  
503 specified in such notices and petition and complaint or may state that, in the event the  
504 bonds are to bear different rates of interest for different maturity dates, none of such rates  
505 will exceed the maximum rate which may be fixed or may fluctuate or otherwise change  
506 from time to time as specified; provided, however, that nothing in this paragraph shall be  
507 construed as prohibiting or restricting the right of a board to sell such bonds at a discount,  
508 even if in doing so the resulting effective interest cost would exceed the maximum per  
509 annum interest rate specified in such notices and in the petition and complaint.

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

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

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

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

524 (3) Issuance by the board of one or more series of bonds, notes, or other obligations for  
525 one or more purposes shall not preclude it from issuing other bonds, notes, or other  
526 obligations in connection with the same project or with any other projects; but the  
527 proceeding in which any subsequent bonds, notes, or other obligations are issued shall  
528 recognize and protect any prior loan agreement, security agreement, or other agreement  
529 or instrument made for any prior issuance of bonds, notes, or other obligations, unless in  
530 the resolution authorizing such prior issuance the right is expressly reserved to the board  
531 to issue subsequent bonds, notes, or other obligations on a parity with such prior issue.

532 (4) In the event that the district shall be terminated in accordance with this section, the  
533 board shall serve until December 31 of the year in which termination shall be approved  
534 for the purpose of concluding any ongoing matters and projects, but, if such cannot be  
535 concluded by December 31, then the city council shall assume the duties of the board and

536 shall be expressly authorized to exercise the authority of the board. In the alternative, the  
 537 city council may, by resolution, assume all rights and obligations of the district, either  
 538 bonds or otherwise, and the district shall cease to exist upon the adoption of such  
 539 resolution.

540 (l) Construction; applicability of Chapter 5 of Title 10 of the O.C.G.A., the 'Georgia  
 541 Uniform Securities Act of 2008'; notice, proceeding, publication, referendum. This section  
 542 shall be liberally construed to effect the purposes thereof. The offer, sale, or issuance of  
 543 bonds, notes, or other obligations by a district shall not be subject to regulation under  
 544 Chapter 5 of Title 10 of the O.C.G.A., the 'Georgia Uniform Securities Act of 2008.' No  
 545 notice, proceeding, or publication except those required in this section shall be necessary  
 546 to the performance of any action authorized hereby, nor shall any such action be subject  
 547 to referendum.

548 (m) Dissolution.

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

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

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

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

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

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

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

568 (3) Upon a successful dissolution action, all noncash assets of the district other than  
 569 public facilities or land or easements to be used for such public facilities, as described in  
 570 subsection (a) of this section, shall be reduced to cash and, along with all other cash on  
 571 hand, shall be applied to the repayment of any debt obligation of the district. Any cash



572 remaining after all outstanding obligations are satisfied shall be refunded to DeKalb  
573 County.

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

577 **SECTION 4.**

578 Said Act is further amended by revising Section 2.01 as follows:

579 "SECTION 2.01.

580 City council creation; number; election.

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

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

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

587 (3) One councilmember shall be elected from each of the five council districts and shall  
588 hold Council District Posts 1, 2, 3, 4, and 5, respectively. Each person desiring to offer  
589 as a candidate for councilmember for such posts shall designate the council post for  
590 which he or she is offering. Councilmembers for such posts shall be elected by a  
591 majority vote of the qualified electors of the respective council districts voting at the  
592 elections of the city. In the event that no candidate for a council post obtains a majority  
593 vote of the qualified electors of the council district voting in the election, a run-off  
594 election shall be held. The candidates receiving the two highest numbers of votes in the  
595 election for such council post shall be included in the run-off election. The person  
596 receiving the highest number of votes of the qualified electors of the council district  
597 voting at such run-off election shall be elected. Each candidate for election to the city  
598 council shall reside in the district he or she seeks to represent.

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

602 (d) In order to assure staggered elections of the councilmembers, the terms for the  
603 candidates elected to the city council from Council District Posts 1, 3, and 5 shall expire  
604 upon the administration of the oath of office to their successors elected in the regular  
605 elections held in November, 2021. The terms for the candidates elected for Council

606 District Posts 2 and 4 shall expire upon the administration of the oath of office to their  
 607 successors elected in the regular elections held in November, 2019. Thereafter, a successor  
 608 to each councilmember shall be elected at the November election immediately preceding  
 609 the end of such councilmember's term of office and the term of each councilmember shall  
 610 expire upon the administration of the oath of office to his or her successor.

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

626 **SECTION 5.**

627 Said Act is further amended by revising Section 2.02 as follows:

628 "SECTION 2.02.

629 Mayor and councilmembers; terms and qualifications for office.

630 (a) For all elections subsequent to the initial election of the mayor and city council, the  
 631 mayor and councilmembers shall serve for terms of four years and until their terms expire  
 632 upon the administration of the oath of office to their successors. No person shall be eligible  
 633 to serve as mayor or councilmember unless that person has reached 21 years of age, has  
 634 been a resident of the City of Stonecrest for a continuous period of at least 12 months  
 635 immediately prior to the date of the election for mayor or councilmember, continues to  
 636 reside therein during that person's period of service, and continues to be registered and  
 637 qualified to vote in municipal elections of the City of Stonecrest. In addition to the above  
 638 requirements, no person shall be eligible to serve as a councilmember representing a  
 639 council district unless that person has been a resident of the district such person seeks to

640 represent for a continuous period of at least six months immediately prior to the date of the  
 641 election for councilmember and continues to reside in such district during that person's  
 642 period of service.

643 (b) At the initial election for mayor and city council, the first mayor and council shall be  
 644 elected to serve for the initial terms of office specified in subsections (d) and (e) of  
 645 Section 2.01 of this charter. Thereafter, the time for holding regular municipal elections  
 646 shall be on the Tuesday next following the first Monday in November of each  
 647 odd-numbered year beginning in 2019.

648 (c) The number of successive terms an individual may hold a position as mayor or as a  
 649 councilmember shall be unlimited."

650 **SECTION 6.**

651 Said Act is further amended by revising paragraph (1) of subsection (a) of Section 2.03 as  
 652 follows:

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

654 **SECTION 7.**

655 Said Act is further amended by revising Section 2.07 as follows:

656 "SECTION 2.07.

657 Compensation and expenses.

658 The annual salary of the mayor shall be set in each fiscal year at an amount equal to the  
 659 median annual household income for citizens of the City of Stonecrest as calculated by the  
 660 American Community Survey of the United States Census for the year immediately  
 661 preceding such fiscal year. The annual salary for each councilmember shall be \$15,000.00.  
 662 Such salaries shall be paid from municipal funds in monthly installments. The mayor and  
 663 each councilmember shall be reimbursed without limitation for reasonable travel,  
 664 transportation, and training expenses actually and necessarily incurred by the mayor and  
 665 each councilmember in carrying out their duties as elected officials of the city and shall  
 666 also be reimbursed for any other reasonable expenses actually and necessarily incurred in  
 667 carrying out their duties as elected officials of the city but not to exceed \$5,000.00 annually  
 668 for the mayor and \$3,000.00 annually for each councilmember."

669 **SECTION 8.**

670 Said Act is further amended by revising subsection (b) of Section 2.09 as follows:

671 "(b) At the first regular meeting of the city council in January of each year, the city council,  
 672 by a majority vote of the councilmembers, shall elect a councilmember to be mayor pro  
 673 tempore, who shall serve until a successor is elected and qualified. The number of  
 674 successive terms an individual may hold the position of mayor pro tempore shall be  
 675 unlimited."

676 **SECTION 9.**

677 Said Act is further amended by revising Section 2.10 as follows:

678 "SECTION 2.10.

679 Quorum; voting.

680 (a) Four councilmembers shall constitute a quorum and shall be authorized to transact  
 681 business for the city council. The mayor shall be counted toward the making of a quorum.  
 682 Voting on the adoption of ordinances shall be taken by voice vote, and the yeas and nays  
 683 shall be recorded in the minutes, but on the request of any councilmember there shall be  
 684 a roll-call vote. In order for any ordinance, resolution, motion, or other action of the city  
 685 council to be adopted, the measure shall receive at least three affirmative votes and shall  
 686 receive the affirmative votes of a majority of those voting. No councilmember shall abstain  
 687 from voting on any matter properly brought before the city council for official action  
 688 except when such councilmember has a reason which is disclosed in writing prior to or at  
 689 the meeting and made a part of the minutes. Each councilmember when present at a  
 690 meeting shall have one vote on all matters brought before the council. In the event of a tie  
 691 in the vote on any matter, the mayor, if present, shall vote to break the tie.

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

- 693 (1) Adopt or amend an administrative code or establish, alter, or abolish a department,  
 694 office not specified in this charter, or agency;  
 695 (2) Provide for a fine or other penalty;  
 696 (3) Levy taxes;  
 697 (4) Grant, renew, or extend a franchise;  
 698 (5) Regulate a rate for a public utility;  
 699 (6) Authorize the borrowing of money;  
 700 (7) Convey, lease, or encumber city land;  
 701 (8) Regulate land use and development; and  
 702 (9) Amend or repeal an ordinance already adopted.

703 (c) The city council shall establish by ordinance procedures for convening emergency  
 704 meetings. In an emergency, an ordinance may be passed without notice or hearings if the

705 city council passes the ordinance by three-fourths' vote; provided, however, that the city  
706 council cannot in an emergency meeting:

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

711 (d)(1) The mayor, within five business days of the adoption of an ordinance by  
712 councilmembers pursuant to subsection (b) of this section, shall return such ordinance to  
713 the clerk with the mayor's written approval or disapproval. If, within such five business  
714 days, the mayor either approves the ordinance or fails to give the clerk notice of his or her  
715 veto thereof, the ordinance shall become law effective as of the date of the ordinance's  
716 adoption. If the ordinance is vetoed, the mayor shall submit to the councilmembers  
717 through the clerk a written statement of reasons for the veto. The clerk shall record upon  
718 the ordinance the date of its delivery to and receipt from the mayor.

719 (2) Any ordinance vetoed by the mayor shall be presented by the clerk to the city council  
720 at its next meeting. If the city council at its next meeting adopts the ordinance by an  
721 affirmative vote of four councilmembers, it shall become law as of such date.

722 (3) The mayor may disapprove or reduce any item or items of appropriation in any  
723 ordinance. The approved part or parts of any ordinance making appropriations shall  
724 become law, and the part or parts disapproved shall not become law unless subsequently  
725 passed by the city council over the mayor's veto as provided in this subsection. The  
726 reduced part or parts shall be presented to city council as though disapproved and shall  
727 not become law unless overridden by the council as provided in this paragraph.

728 (4) The mayor shall have no power to veto any ordinance on which he or she voted to  
729 break a tie in the manner provided in subsection (a) of this section."

730 **SECTION 10.**

731 Said Act is further amended by revising Section 2.12 as follows:

732 "SECTION 2.12.

733 Administrative and service departments.

734 (a) Except for the office of city manager and the elected positions provided for in this  
735 charter, the city council, by ordinance, may establish, abolish, merge, or consolidate offices  
736 not specified in this charter, departments, and agencies of the city as it shall deem  
737 necessary for the proper administration of the affairs and government of the city. The city  
738 council shall prescribe the functions and duties of existing offices and agencies or of any

739 offices and agencies hereinafter created or established; may provide that the same person  
 740 shall fill any number of offices; and may transfer or change the functions and duties of  
 741 offices and agencies of the city.

742 (b) The following departments of the city are established: Administration, Community  
 743 Development, Economic Development, Information Technology, Parks and Recreation,  
 744 Public Safety, and Public Works."

745 **SECTION 11.**

746 Said Act is further amended by revising subsection (e) of Section 2.13 as follows:

747 "(e) Except as authorized by law, no member of the city council shall hold any other  
 748 elected governmental office during the term for which he or she was elected."

749 **SECTION 12.**

750 Said Act is further amended by revising subsection (a) of Section 2.14 as follows:

751 "(a) All members of boards, commissions, and authorities of the city shall be:

752 (1) Either residents of the city or any representative of a nonresident owner of real  
 753 property located within the city used for purposes other than residential purposes as  
 754 defined in paragraph (13) of subsection (b) of Section 1.06 of this charter; and

755 (2) Appointed by the mayor subject to confirmation by the city council for such terms  
 756 of office and such manner of appointment as provided by ordinance, except where  
 757 another appointing authority, residency requirement, term of office, or manner of  
 758 appointment is prescribed by this charter or by applicable state law."

759 **SECTION 13.**

760 Said Act is further amended by revising subsection (a) of Section 2.15 as follows:

761 "(a) Every proposed ordinance and resolution shall be introduced in writing, and the city  
 762 council shall have the authority to approve, disapprove, or amend the same. A resolution  
 763 may be passed at the time it is offered, but an ordinance shall not be adopted at a regular  
 764 or special meeting of the city council until such ordinance has been presented by the city  
 765 manager or city attorney at a work session of the city council, provided that the beginning  
 766 of such work session and meeting shall be neither less than 24 hours nor more than 60 days  
 767 apart. This requirement for the adoption of ordinances shall not apply to emergency  
 768 ordinances or to ordinances adopted at the first business meeting of the city council in a  
 769 calendar year."

770 **SECTION 14.**

771 Said Act is further amended by revising subsection (a) of Section 2.16 as follows:

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

775 **SECTION 15.**

776 Said Act is further amended by revising subsections (a) and (b) of Section 3.01 as follows:

777 "(a) The mayor shall:

- 778 (1) Preside over all meetings of the city council;
- 779 (2) Set the agenda for meetings of the city council after receiving input from members  
 780 of the city council, the city manager, and the public; provided, however, that an additional  
 781 item shall be added to the agenda upon the written request of any two members of the city  
 782 council;
- 783 (3) Serve as the chief executive officer of the city and as its official representative to  
 784 federal, state, and local governmental bodies and officials;
- 785 (4) Sign all orders, checks, and warrants for payment of money within a level of  
 786 authorization as established by the city council;
- 787 (5) Execute all contracts, deeds, and other obligations of the city within a level of  
 788 authorization as established by the city council;
- 789 (6) Not vote in any matter before the city council as provided in subsection (a) of  
 790 Section 2.10 of this charter except in the event of a tie vote of the councilmembers;
- 791 (7) Make all appointments of city officers as provided by this charter, subject to  
 792 confirmation by the city council;
- 793 (8) Provide the sole supervision, direction, and guidance to the city manager;
- 794 (9) Establish, consolidate, merge, and abolish oversight and policy committees of the city  
 795 council and appoint citizens and a councilmember, exclusive of the mayor, to serve  
 796 thereon, subject to the direction and supervision of the mayor;
- 797 (10) Devote his or her time and attention to the affairs of the city and be compensated  
 798 accordingly; and
- 799 (11) Perform any other duties and exercise any other powers required by state or federal  
 800 law or authorized by a duly adopted ordinance that are not in conflict with this charter.
- 801 (b) The mayor shall have the authority to transfer appropriations between a department,  
 802 fund, service, strategy, or organizational unit, but only with approval of the city council."

803 **SECTION 16.**

804 Said Act is further amended by revising Section 3.03 as follows:

805 "SECTION 3.03.

806 City manager; chief administrative officer.

807 The city manager shall be the chief administrative officer of the government of the city.  
 808 The city manager shall devote all of his or her working time and attention to the affairs of  
 809 the city, shall report to and be supervised and guided by the mayor, and shall be responsible  
 810 for the proper and efficient administration of the affairs of the city over which such officer  
 811 has jurisdiction."

812 **SECTION 17.**

813 Said Act is further amended by revising paragraphs (4), (13), and (14) of and by adding a  
 814 new paragraph to Section 3.04 to read as follows:

815 "(4) Prescribe the divisions, functions, and duties of existing departments or of any  
 816 departments hereinafter created or established; manage and control the operations and  
 817 functions of each department now or hereafter established in the city; and supervise and  
 818 guide the employees and department heads of each department, except as otherwise  
 819 provided in this charter;"

820 "(13) Fix all salaries and compensation of city employees in accordance with the city  
 821 budget and the city pay and classification plan;

822 (14) Transfer appropriations within a department, fund, or service with the consent of the  
 823 mayor and by giving notice of any such transfer to the councilmembers not later than the  
 824 next regular meeting of the city council; and

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

827 **SECTION 18.**

828 Said Act is further amended by revising Section 3.10 as follows:

829 "SECTION 3.10.

830 Tax collector.

831 The mayor may appoint a tax collector subject to confirmation by the city council to collect  
 832 all taxes, licenses, fees, and other moneys belonging to the city subject to the provisions  
 833 of this charter and the ordinances of the city; and the tax collector shall diligently comply  
 834 with and enforce all general laws of Georgia relating to the collection, sale, or foreclosure  
 835 of taxes by municipalities. In the absence of a tax collector, the finance director shall  
 836 perform the functions of the tax collector."



837 **SECTION 19.**

838 Said Act is further amended by revising Section 3.11 as follows:

839 "SECTION 3.11.

840 Finance director.

841 The city manager, with the consent of the mayor, may appoint a finance director subject  
842 to confirmation by the city council to perform the duties of a finance director and an  
843 accountant."

844 **SECTION 20.**

845 Said Act is further amended by revising Section 3.13 as follows:

846 "SECTION 3.13.

847 Consolidation of functions.

848 The city manager, with the approval of the city council, may consolidate any two or more  
849 of the positions of city clerk, city tax collector, and finance director, or any other positions  
850 or may assign the functions of any one or more of such positions to the holder or holders  
851 of any other positions. The city manager may also, with the approval of the city council,  
852 perform all or any part of the functions of any of the positions or offices in lieu of the  
853 appointment of other persons to perform the same."

854 **SECTION 21.**

855 Said Act is further amended by revising Section 3.14 as follows:

856 "SECTION 3.14.

857 Position classification and pay plans; employment at will.

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

866

**SECTION 22.**

867 Said Act is further amended by revising subsections (a) and (d) of Section 4.02 as follows:

868 "(a) Judges shall meet the qualifications set forth in Code Section 36-32-1.1 of the  
 869 O.C.G.A. The judges shall be nominated by the mayor subject to approval by the city  
 870 council. The compensation and number of the judges shall be fixed by the city council."

871 "(d) The judge, or judge pro tempore, shall serve for a minimum term of one year pursuant  
 872 to a written agreement as provided in Code Section 36-32-2 of the O.C.G.A. but may be  
 873 removed as provided in Code Section 36-32-2.1 of the O.C.G.A."

874

**SECTION 23.**

875 Said Act is further amended by revising subsection (a) of Section 5.03 as follows:

876 "(a) On or before a date fixed by the city council, but no later than the first day of the  
 877 eleventh month of the fiscal year currently ending, the city manager shall, after input,  
 878 review, and comment by the mayor, submit to the city council a proposed operating budget  
 879 and capital budget for the ensuing fiscal year. The budget shall be accompanied by a  
 880 message from the mayor and city manager containing a statement of the general fiscal  
 881 policies of the city, the important features of the budget, explanations of major changes  
 882 recommended for the next fiscal year, a general summary of the budget, and such other  
 883 comments and information as they may deem pertinent. The operating budget, the capital  
 884 budget, the budget message, and all supporting documents shall be filed in the office of the  
 885 city manager and shall be open to public inspection."

886

**SECTION 24.**

887 Said Act is further amended by revising subsection (b) of Section 5.04 as follows:

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

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**SECTION 25.**

893 Said Act is further amended by revising Section 6.03 as follows:

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"SECTION 6.03.

Effective dates and transition.

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

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

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

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

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

(f) Effective upon the termination of the transition period, subsections (a) through (e) of this section shall cease to apply except for the last sentence of subsection (d) which shall

930 remain effective. Effective upon the termination of the transition period, the City of  
931 Stonecrest shall be a full functioning municipal corporation and subject to all general laws  
932 of this state."

933 **SECTION 26.**

934 Said Act is further amended by repealing and reserving Section 6.04 in its entirety.

935 **SECTION 27.**

936 Said Act is further amended by revising Section 6.05 as follows:

937 "SECTION 6.05.

938 Charter commission.

939 No later than May 8, 2022, the mayor and the city council shall call for a charter  
940 commission to review the city's experience and recommend to the General Assembly any  
941 changes to the charter. Members of the charter commission shall be appointed as follows:  
942 one by the mayor, one by each member of the city council, and one by a vote of the  
943 members of the Georgia House of Representatives and Georgia Senate whose districts lie  
944 wholly or partially within the corporate boundaries of the City of Stonecrest. All members  
945 of the charter commission shall reside in the City of Stonecrest. The commission shall  
946 complete the recommendations within the time frame required by the city council."

947 **SECTION 28.**

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