

Senate Bill 208

By: Senators Ramsey, Sr. of the 43rd, Jones of the 10th, Davenport of the 44th, Henson of the 41st and Butler of the 55th

AS PASSED

A BILL TO BE ENTITLED

AN ACT

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

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

23 ARTICLE I

24 CREATION, INCORPORATION, POWERS

25 SECTION 1.01.

26 Incorporation.

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

33 SECTION 1.02.

34 Corporate boundaries.

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

40 SECTION 1.03.

41 Powers and construction.

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

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

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

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

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

- 126 (12) General health, safety, and welfare. To define, regulate, and prohibit any act,
127 practice, conduct, or use of property which is detrimental to health, sanitation,
128 cleanliness, welfare, and safety of the inhabitants of the city, and to provide for the
129 enforcement of such standards;
- 130 (13) Gifts. To accept or refuse gifts, donations, bequests, or grants from any source for
131 any purpose related to powers and duties of the city and the general welfare of its
132 citizens, on such terms and conditions as the donor or grantor may impose;
- 133 (14) Health and sanitation. To prescribe standards of health and sanitation and to
134 provide for the enforcement of such standards;
- 135 (15) Homestead Exemption. To establish and maintain procedures for offering
136 homestead exemptions to residents of the city and maintaining current homestead
137 exemptions of residents of the city as authorized by this charter and Act of the General
138 Assembly;
- 139 (16) Jail sentences. To provide that persons given jail sentences in the city's court may
140 work out such sentences in any public works or on the streets, roads, drains, and other
141 public property in the city; to provide for commitment of such persons to any jail; to
142 provide for the use of pretrial diversion and any alternative sentencing allowed by law;
143 or to provide for commitment of such persons to any county work camp or county jail by
144 agreement with the appropriate county officials;
- 145 (17) Motor vehicles. To regulate the operation of motor vehicles and exercise control
146 over all traffic, including parking upon or across the streets, roads, alleys, and walkways
147 of the city;
- 148 (18) Municipal agencies and delegation of power. To create, alter, or abolish
149 departments, boards, offices not specified in this charter, commissions, authorities, and
150 agencies of the city, and to confer upon such agencies the necessary and appropriate
151 authority for carrying out all the powers conferred upon or delegated to the same;
- 152 (19) Municipal debts. To appropriate and borrow money for the payment of debts of the
153 city and to issue bonds for the purpose of raising revenue to carry out any project,
154 program, or venture authorized by this charter or the laws of the State of Georgia;
- 155 (20) Municipal property ownership. To acquire, dispose of, lease, and hold in trust or
156 otherwise any real, personal, or mixed property, in fee simple or lesser interest, inside or
157 outside the property limits of the city;
- 158 (21) Municipal property protection. To provide for the preservation and protection of
159 property and equipment of the city and the administration and use of same by the public;
160 and to prescribe penalties and punishment for violations thereof;
- 161 (22) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose
162 of public utilities including, but not limited to, a system of waterworks, sewers and

163 drains, sewage disposal, storm-water management, gasworks, electricity generating
164 plants, cable television, internet and other telecommunications, transportation facilities,
165 public airports, and any other public utility; to fix the taxes, charges, rates, fares, fees,
166 assessments, regulations, and penalties; and to provide for the withdrawal of service for
167 refusal or failure to pay the same;

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

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

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

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

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

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

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

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

196 (31) Public utilities and services. To grant franchises or make contracts for, or impose
197 taxes on, public utilities, cable companies, and public service companies; and to prescribe
198 the rates, fares, regulations, and standards and conditions of service applicable to the

199 service to be provided by the franchise grantee or contractor, insofar as not in conflict
200 with valid regulations of the Public Service Commission;

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

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

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

216 (35) Solid waste disposal. To provide for the collection and disposal of garbage, rubbish,
217 and refuse and to regulate the collection and disposal of garbage, rubbish, and refuse by
218 others; and to provide for the separate collection of glass, tin, aluminum, cardboard,
219 paper, and other recyclable materials and to provide for the sale of such items;

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

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

224 (A) The millage rate imposed for ad valorem taxes on real property shall not exceed
225 3.35 unless either (i) the millage rate is increased above such amount by resolution of
226 the city council without voter approval through its exercise of home rule powers, or (ii)
227 a higher limit is recommended by resolution of the city council and approved by a
228 majority of the qualified electors of the City of Stonecrest voting on the issue, provided
229 that the amount of millage associated with general obligation bonds or the creation of
230 special tax districts pursuant to Article IX, Section II, Paragraph VI of the Constitution
231 of the State of Georgia shall not count as part of the 3.35 limit since such millage is
232 already subject to approval by the electors of the city in a separate referendum; and

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

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

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

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

248 (41) Urban redevelopment. To organize and operate an urban redevelopment program;
 249 and

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

261 **SECTION 1.04.**

262 Exercise of powers.

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

267

SECTION 1.05.

268

Tourism, conventions, and trade shows.

269 The Stonecrest Convention and Visitors Bureau is hereby created.

270

SECTION 1.06.

271

Stonecrest/Lithonia Industrial Park Community Improvement District.

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

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

281 (2) Parks and recreational areas and facilities;

282 (3) Stormwater and sewage collection and disposal systems;

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

284 (5) Public transportation;

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

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

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

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

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

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

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

338 authorized by any bond resolution, trust agreement, indenture of trust, or similar
339 instrument or agreement pursuant to the provisions of which the issuance of any bonds,
340 notes, or other obligations of the district may be authorized.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

427 (B) The owners of real property within the district which constitutes at least 75 percent
 428 by value of all real property within the district which will be subject to taxes, fees, and
 429 assessments levied by the administrative body of the community improvement district.

430 For this purpose, value shall be determined by the most recent approved DeKalb
 431 County ad valorem tax digest.

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

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

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

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

449 5 shall be cast by equity electors. The initial term of office for the members representing
450 Posts 1 and 4 shall be one year. The initial term of office for the members representing
451 Posts 2 and 5 shall be two years, and the initial term of office of the members
452 representing Post 3 shall be three years. Thereafter, all terms of office for the elected
453 board members shall be for three years. The appointed board members shall serve at the
454 pleasure of the city council.

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

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

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

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

479 (e) Taxes, fees, and assessments.

480 (1) The board may levy taxes, fees, and assessments within the district only on real
481 property used nonresidentially, specifically excluding all property exempt from ad
482 valorem taxation under the Constitution or laws of the State of Georgia; all property used
483 for residential, agricultural, or forestry purposes; and all tangible personal property and
484 intangible property. Any tax, fee, or assessment so levied shall not exceed 0.5 percent
485 of the aggregate assessed value of all such real property. The taxes, fees, and assessments

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

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

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

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

520 (f) Boundaries of the district.

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

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

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

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

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

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

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

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

554 (i) Powers.

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

558 (A) To bring and defend actions;

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

560 (C) To make and execute contracts, agreements, and other instruments necessary or
561 convenient to exercise the powers of the board or to further the public purposes for
562 which the district is created, including, but not limited to, contracts for construction of
563 projects, leases of projects, contracts for sale of projects, agreements for loans to
564 finance projects contracts with respect to the use of projects, and agreements with other
565 jurisdictions of community improvement districts regarding multi-jurisdictional projects
566 or services or for other cooperative endeavors to further the public purposes of the
567 district;

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

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

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

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

588 (H) To make application directly or indirectly to any federal or county government or
589 agency or to any other source, whether public or private, for loans, grants, guarantees,
590 or other financial assistance in furtherance of the district's public purposes and to accept

591 and use the same upon such terms and conditions as are prescribed by such federal,
592 state, or county government or agency or other source;

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

596 (J) To contract for any period, not exceeding 50 years, with the State of Georgia, any
597 institution or instrumentality of the State of Georgia, or any municipal corporation,
598 county, or political subdivision of this state for the use by the district of any facilities
599 or services of the state or any such institution or instrumentality of this state or any
600 municipal corporation, county, or political subdivision of this state, or for the use by
601 any institution or instrumentality of this state, any municipal corporation, county, or
602 political subdivision of this state of any facilities or services of the district, provided
603 that such contracts shall deal with such activities and transactions as the district and any
604 such political subdivision with which the district contracts are authorized by law to
605 undertake;

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

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

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

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

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

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

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

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

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

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

634 (2) The powers enumerated in each subparagraph of paragraph (1) of this subsection are
635 cumulative of and in addition to those powers enumerated in this subsection and
636 elsewhere in this section; and no such power limits or restricts any other power of the
637 board.

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

641 (j) Bonds-Generally.

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

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

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

660 (4) The board shall have power from time to time and whenever it deems it expedient to
661 refund any bonds by the issuance of new bonds, whether or not the bonds to be refunded
662 have matured, and may issue bonds partly to refund bonds then outstanding and partly
663 for any other purpose permitted by this section. The refunding bonds may be exchanged

664 for the bonds to be refunded, with such cash adjustments as may be agreed upon, or may
665 be sold and the proceeds applied to the purchase or redemption of the bonds to be
666 refunded.

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

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

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

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

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

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

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

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

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

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

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

734 (m) Dissolution.

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

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

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

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

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

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

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

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

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

763 ARTICLE II

764 GOVERNMENT STRUCTURE, ELECTIONS, AND LEGISLATIVE BRANCH

765 SECTION 2.01.

766 City council creation; number; election.

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

770 (b)(1) The city council of Stonecrest, Georgia, shall consist of five members plus the
771 mayor.

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

774 (3) One councilmember shall be elected from each of the five council districts and shall
775 hold Council District Posts 1, 2, 3, 4, and 5, respectively. Each person desiring to offer
776 as a candidate for councilmember for such posts shall designate the council post for
777 which he or she is offering. Councilmembers for such posts shall be elected by a
778 majority vote of the qualified electors of the respective council districts voting at the
779 elections of the city. In the event that no candidate for a council post obtains a majority
780 vote of the qualified electors of the council district voting in the election, a run-off
781 election shall be held. The candidates receiving the two highest numbers of votes in the
782 election for such council post shall be included in the run-off election. The person
783 receiving the highest number of votes of the qualified electors of the council district
784 voting at such run-off election shall be elected. Each candidate for election to the city
785 council shall reside in the district he or she seeks to represent.

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

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

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

809 subsection (b) of Section 2.02 of this charter. Thereafter, the successor to each mayor shall
 810 be elected at the November election immediately preceding the end of such mayor's term of
 811 office and the term of each mayor shall expire upon the administration of the oath of office
 812 to his or her successor.

813 **SECTION 2.02.**

814 Mayor and councilmembers; terms and qualifications for office.

815 (a) For all elections subsequent to the first election, the mayor and councilmembers shall
 816 serve for terms of four years and until their terms shall expire upon the administration of the
 817 oath of office to their successors. No person shall be eligible to serve as mayor or
 818 councilmember unless that person shall have been a resident of the City of Stonecrest for a
 819 continuous period of at least 12 months immediately prior to the date of the election for
 820 mayor or councilmember, shall continue to reside therein during that person's period of
 821 service, and shall continue to be registered and qualified to vote in municipal elections of the
 822 City of Stonecrest. In addition to the above requirements, no person shall be eligible to serve
 823 as a councilmember representing a council district unless that person has been a resident of
 824 the district such person seeks to represent for a continuous period of at least six months
 825 immediately prior to the date of the election for councilmember and continues to reside in
 826 such district during that person's period of service.

827 (b) An election shall be held in conjunction with the 2016 November general election to
 828 elect the first mayor and city council. At such election, the first mayor and council shall be
 829 elected to serve for the initial terms of office specified in subsections (d) and (e) of Section
 830 2.01 of this charter. Thereafter, the time for holding regular municipal elections shall be on
 831 the Tuesday next following the first Monday in November of each odd-numbered year
 832 beginning in 2021.

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

835 **SECTION 2.03.**

836 Vacancy; filling of vacancies; suspensions.

837 (a) Elected officials of the city shall not hold other elected or public offices. The elected
 838 offices of the city's government shall become vacant upon the member's death, resignation,
 839 removal, or forfeiture of office. The following shall result in an elected city official
 840 forfeiting his or her office:

841 (1) Violating the provisions of this charter;

- 842 (2) Being convicted of, or pleading guilty or "no contest" to, a felony or a crime of moral
 843 turpitude; or
- 844 (3) Failing to attend one-third of the regular meetings of the council in a three-month
 845 period without being excused by the council.
- 846 (b) The office of mayor shall become vacant upon the incumbent's death, resignation,
 847 forfeiture of office, or removal from office in any manner authorized by this Act or the
 848 general laws of the State of Georgia. A vacancy in the office of mayor shall be filled for the
 849 remainder of the unexpired term by a special election if such vacancy occurs 12 months or
 850 more prior to the expiration of the term of that office. If such vacancy occurs within
 851 12 months of the expiration of the term of that office, the city council or those members
 852 remaining shall appoint a successor for the remainder of the term. This provision shall also
 853 apply to a temporary vacancy created by the suspension from office of the mayor.
- 854 (c) The office of a councilmember shall become vacant upon the incumbent's death,
 855 resignation, forfeiture of office, or removal from office in any manner authorized by this Act
 856 or the general laws of the State of Georgia. A vacancy in the office of a councilmember shall
 857 be filled for the remainder of the unexpired term by a special election if such vacancy occurs
 858 12 months or more prior to the expiration of the term of that office. If such vacancy occurs
 859 within 12 months of the expiration of the term of that office, the mayor shall appoint a
 860 successor for the remainder of the term subject to the approval of the city council or those
 861 members remaining. This provision shall also apply to a temporary vacancy created by the
 862 suspension from office of a councilmember.

863 **SECTION 2.04.**

864 Nonpartisan elections.

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

867 **SECTION 2.05.**

868 Election votes.

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

872 **SECTION 2.06.**

873 Applicability of general laws; qualifying; other provisions.

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

881 **SECTION 2.07.**

882 Compensation and expenses.

883 The annual salary of the mayor shall be \$20,000.00 and the annual salary for each
 884 councilmember shall be \$15,000.00. Such salaries shall be paid from municipal funds in
 885 monthly installments. The mayor shall be provided an annual expense allowance of
 886 \$5,000.00 and each councilmember shall be provided an annual expense allowance of
 887 \$3,000.00 for the reimbursement of reasonable expenses actually and necessarily incurred
 888 by the mayor and councilmembers in carrying out their duties as elected officials of the city.

889 **SECTION 2.08.**

890 Inquiries and investigations.

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

896 **SECTION 2.09.**

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

898 (a) The city council shall meet on the first working day in January immediately following
 899 each regular municipal election. The meeting shall be called to order by the mayor-elect and
 900 the oath of office shall be administered to the newly elected mayor and councilmembers

901 collectively by a judicial officer authorized to administer oaths. The oath shall, to the extent
902 that it comports with federal and state law, be as follows:

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

916 (b) Following the induction of the mayor and councilmembers, the city council, by a
917 majority vote of the councilmembers, shall elect a councilmember to be mayor pro tempore,
918 who shall serve for a term of two years and until a successor is elected and qualified. The
919 number of successive terms an individual may hold the position of mayor pro tempore shall
920 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 the 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 the 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 the special meeting. Only the business stated in the notice may be transacted at the special
939 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. Neither any councilmember nor the mayor
949 shall abstain from voting on any matter properly brought before the city council for official
950 action except when such councilmember has a reason which is disclosed in writing prior to
951 or at the meeting and made a part of the minutes. The mayor and each councilmember when
952 present at a meeting shall have one vote on all matters brought before the council.

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

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

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

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

972 **SECTION 2.11.**

973 General power and authority of the city council.

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

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

984 **SECTION 2.12.**

985 Administrative and service departments.

986 (a) Except for the office of city manager and the elected positions provided for in this
 987 charter, the city council, by ordinance, may establish, abolish, merge, or consolidate offices
 988 not specified in this charter, positions of employment, departments, and agencies of the city
 989 as it shall deem necessary for the proper administration of the affairs and government of the
 990 city. The city council shall prescribe the functions and duties of existing departments,
 991 offices, and agencies or of any departments, offices, and agencies hereinafter created or
 992 established; may provide that the same person shall fill any number of offices and positions
 993 of employment; and may transfer or change the functions and duties of offices, positions of
 994 employment, departments, and agencies of the city.

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

1000 **SECTION 2.13.**

1001 Prohibitions.

1002 (a) No elected official, appointed officer, or employee of the city or any agency or political
 1003 entity to which this charter applies shall knowingly:

- 1004 (1) Engage in any business or transaction or have a financial or other personal interest,
1005 direct or indirect, which is incompatible with the proper discharge of official duties or
1006 which would tend to impair the independence of his or her judgment or action in the
1007 performance of official duties;
- 1008 (2) Engage in or accept private employment or render services for private interests when
1009 such employment or service is incompatible with the proper discharge of official duties
1010 or would tend to impair the independence of his or her judgment or action in the
1011 performance of official duties;
- 1012 (3) Disclose confidential information concerning the property, government, or affairs of
1013 the governmental body by which engaged without proper legal authorization or use such
1014 information to advance the financial or other private interest of himself or herself or
1015 others, except as required by law;
- 1016 (4) Accept any valuable gift, whether in the form of service, loan, object, or promise,
1017 from any person, firm, or corporation which to his or her knowledge is interested, directly
1018 or indirectly, in any manner whatsoever in business dealings with the governmental body
1019 by which he or she is engaged. "Valuable" shall be an amount determined by the city
1020 council; provided, however, that the amount shall not exceed \$100.00;
- 1021 (5) Represent other private interests in any action or proceeding against this city or any
1022 portion of its government; or
- 1023 (6) Vote or otherwise participate in the negotiation or in the making of any contract with
1024 any business or entity in which he or she, or members of his or her immediate family, has
1025 a financial interest.
- 1026 (b) Any elected official, appointed officer, or employee who has any private financial
1027 interest, directly or indirectly, in any contract or matter pending before or within any
1028 department of the city shall disclose such private interest to the city council. "Private
1029 financial interest" shall include interests of immediate family. The mayor or any
1030 councilmember who has a private interest in any matter pending before the city council shall
1031 disclose in writing such private interest and such disclosure shall be entered on the records
1032 of the city council, and he or she shall disqualify himself or herself from participating in any
1033 decision or vote relating thereto. Any elected official, appointed officer, or employee of any
1034 agency or political entity to which this charter applies who shall have any private financial
1035 interest, directly or indirectly, in any contract or matter pending before or within such entity
1036 shall disclose such private interest to the governing body of such agency or entity.
- 1037 (c) No elected official, appointed officer, or employee of the city or any agency or entity to
1038 which this charter applies shall use property owned by such governmental entity for personal
1039 benefit, convenience, or profit, except in accordance with policies promulgated by the city
1040 council or the governing body of such agency or entity.

1041 (d) Any violation of this section which occurs with the knowledge, express or implied, of
 1042 a party to a contract or sale shall render said contract or sale voidable at the option of the city
 1043 council.

1044 (e) Except as authorized by law, no member of the city council shall hold any other elective
 1045 governmental office or be employed by any city or county government during the term for
 1046 which elected.

1047 **SECTION 2.14.**

1048 Boards, commissions, and authorities.

1049 (a) All members of boards, commissions, and authorities of the city shall be residents of the
 1050 city and appointed by the mayor subject to confirmation by the city council for such terms
 1051 of office and such manner of appointment as provided by ordinance, except where other
 1052 appointing authority, term of office, or manner of appointment is prescribed by this charter
 1053 or by applicable state law.

1054 (b) No member of any board, commission, or authority of the city shall hold any elective
 1055 office in the city or DeKalb County. However, up to two members of the city council,
 1056 including the mayor, may be appointed by the Mayor to serve as ex officio members of such
 1057 boards, commissions, or authorities, without a vote for a term expiring December 31
 1058 following the date of appointment.

1059 (c) Any vacancy in office of any member of a board, commission, or authority of the city
 1060 shall be filled for the unexpired term in the manner prescribed for original appointment,
 1061 except as otherwise provided by this charter or any applicable law of the State of Georgia.

1062 (d) No member of any board, commission, or authority shall assume office until he or she
 1063 shall have executed and filed with the designated officer of the city an oath obligating
 1064 himself or herself to faithfully and impartially perform the duties of his or her office, such
 1065 oath to be prescribed by ordinance of the city council and administered by the mayor or a
 1066 judicial officer authorized to administer oaths.

1067 (e) Any member of a board, commission, or authority may be removed from office for cause
 1068 by a vote of a majority of the councilmembers in accordance with state laws.

1069 (f) Members of boards, commissions, and authorities may receive such compensation and
 1070 expenses in the performance of their official duties as prescribed by ordinance.

1071 (g) Except as otherwise provided by this charter or by applicable state law, each board,
 1072 commission, or authority of the city government shall elect one of its members as
 1073 chairperson and one member as vice chairperson for terms of one year and may elect as its
 1074 secretary one of its own members or may appoint as secretary an employee of the city. Each
 1075 board, commission, or authority of the city government may establish such bylaws, rules, and

1076 regulations not inconsistent with this charter, ordinances of the city, or applicable state law
1077 as it deems appropriate and necessary for the conduct of its affairs, copies of which shall be
1078 filed with the designated officer of the city.

1079 **SECTION 2.15.**

1080 Ordinance form; procedures.

1081 (a) Every proposed ordinance and resolution shall be introduced in writing and the city
1082 council shall have the authority to approve, disapprove, or amend the same. A resolution
1083 may be passed at the time it is offered, but an ordinance shall not be adopted until the title
1084 of such ordinance shall have been read at two city council meetings, provided that the
1085 beginning of such meetings shall be neither less than 24 hours nor more than 60 days apart.
1086 This requirement of two readings shall not apply to emergency ordinances, to ordinances
1087 passed during the first 90 days from the date on which the city begins operation, to
1088 ordinances adopted at the first business meeting of the city council in a calendar year, or to
1089 ordinances adopted at the first meeting of the initial city council as elected under
1090 subsection (b) of Section 2.02 of this charter.

1091 (b) The catchlines of sections of this charter or any ordinance printed in boldface type,
1092 italics, or otherwise, are intended as mere catchwords to indicate the contents of the section,
1093 and:

1094 (1) Shall not be deemed or taken to be titles of such sections or as any part of the section;
1095 and

1096 (2) Shall not be so deemed when any of such sections, including the catchlines, are
1097 amended or reenacted unless expressly provided to the contrary.

1098 Furthermore, the chapter, article, and section headings contained in this Act shall not be
1099 deemed to govern, limit, or modify or in any manner affect the scope, meaning, or intent of
1100 the provisions of any chapter, article, or section hereof.

1101 (c) The city council may, by ordinance or resolution, adopt rules and bylaws to govern the
1102 conduct of its business and those in attendance of its meetings, including procedures and
1103 penalties for compelling the attendance of absent councilmembers. Such rules may include
1104 punishment for contemptuous behavior conducted in the presence of the city council.

1105 **SECTION 2.16.**

1106 Submission of ordinances to the city clerk.

1107 (a) Every ordinance, resolution, and other action adopted by the city council shall be
1108 presented to the city clerk within 15 days of its adoption or approval. The city clerk shall
1109 record upon the ordinance the date of its delivery from the city council.

1110 (b) An ordinance or resolution that has been passed by the city council shall become
1111 effective on the date the ordinance is passed by the city council or on such other date as may
1112 be specified in the ordinance.

1113 **ARTICLE III**

1114 **EXECUTIVE BRANCH**

1115 **SECTION 3.01.**

1116 Powers and duties of the mayor.

1117 (a) The mayor shall:

1118 (1) Preside over all meetings of the city council;

1119 (2) Set the agenda for meetings of the city council after receiving input from members
1120 of the city council, the city manager, and the public; provided, however, that an additional
1121 item shall be added to the agenda upon the written request of any two members of the city
1122 council;

1123 (3) Serve as the ceremonial head of the city and as its official representative to federal,
1124 state, and local governmental bodies and officials;

1125 (4) Sign all orders, checks, and warrants for payment of money within a level of
1126 authorization as established by the city council;

1127 (5) Execute all contracts, deeds, and other obligations of the city within a level of
1128 authorization as established by the city council;

1129 (6) Vote in all matters before the city council as provided in subsection (a) of
1130 Section 2.10 of this charter;

1131 (7) Make all appointments of city officers as provided by this charter, subject to
1132 confirmation by the city council;

1133 (8) Provide supervision and guidance to the city manager;

1134 (9) Establish oversight and policy committees of the city council and appoint no less than
1135 two council members, exclusive of the mayor, to serve thereon, subject to the direction
1136 and supervision of the mayor;

1137 (10) Serve and be compensated accordingly; and

- 1138 (11) Perform any other duties and exercise any other powers required by state or federal
 1139 law or authorized by a duly adopted ordinance that is not in conflict with this charter.
 1140 (b) The mayor shall have the authority to transfer appropriations within a department, fund,
 1141 service, strategy, or organizational unit, but only with approval of the city council.
 1142 (c) The mayor shall have the authority to certify that a supplemental appropriation is
 1143 possible if revenue increases in excess of the amount budgeted, but only with approval of the
 1144 city council.
 1145 (d) The mayor shall have all of the powers specifically granted to the mayor elsewhere in
 1146 this charter regardless of whether such powers are enumerated in this section of this charter.
 1147 (e) The mayor may designate the official legal organ of the city subject to confirmation by
 1148 the city council.

1149 **SECTION 3.02.**

1150 City manager; appointment and qualification.

1151 The mayor shall appoint, subject to confirmation by the city council, an officer whose title
 1152 shall be the "city manager." The city manager shall be appointed without regard to political
 1153 beliefs and solely on the basis of his or her education and experience in the accepted
 1154 competencies and practices of local government management. The city manager need not
 1155 be a resident of the City of Stonecrest.

1156 **SECTION 3.03.**

1157 City manager; chief administrative officer.

1158 The city manager shall be the chief administrative officer of the government of the city. The
 1159 city manager shall devote all of his or her working time and attention to the affairs of the city
 1160 and shall be supervised and guided by the mayor and shall be responsible to the mayor and
 1161 city council for the proper and efficient administration of the affairs of the city over which
 1162 such officer has jurisdiction.

1163 **SECTION 3.04.**

1164 City manager; powers and duties enumerated.

1165 The city manager shall have the power, and it shall be his or her duty to:

- 1166 (1) See that all laws and ordinances are enforced;
 1167 (2) Appoint and employ all necessary employees of the city, provided that the power of
 1168 this appointment shall not include officers and employees who by this charter are

- 1169 appointed or elected by the mayor and the city council or departments not under the
1170 jurisdiction of the city manager;
- 1171 (3) Remove employees appointed and employed under paragraph (2) of this section,
1172 without the consent of the city council and without assigning any reason therefor;
- 1173 (4) Exercise supervision and control of all departments and all divisions created in this
1174 charter or that may hereafter be created by the city council except as otherwise provided
1175 in this charter;
- 1176 (5) Attend all meetings of the city council, without a right to vote, but with a right to take
1177 part in the discussions as seen fit by the chairperson; provided, however, that regardless
1178 of the decision of the meeting chairperson, the city manager may take part in any
1179 discussion and report on any matter requested and approved by the city council at such
1180 meeting. The city manager shall be entitled to notice of all special meetings;
- 1181 (6) Recommend to the city council, after prior review and comment by the mayor, for
1182 adoption such measures as the city manager may deem necessary or expedient;
- 1183 (7) See that all terms and conditions imposed in favor of the city or its inhabitants in any
1184 public utility franchise are faithfully kept and performed and upon knowledge of any
1185 violation thereof to call the same to the attention of the city attorney, whose duty it shall
1186 be forthwith to take such steps as are necessary to protect and enforce the same;
- 1187 (8) Make and execute all lawful contracts on behalf of the city as to matters within the
1188 city manager's level of authorization as established by the city council to the extent that
1189 such contracts are funded in the city's budget, except such as may be otherwise provided
1190 by law; provided, however, that no contract purchase or obligation requiring a budget
1191 amendment shall be valid and binding until after approval of the city council;
- 1192 (9) Sign all orders, checks, and warrants for payment of money within the city manager's
1193 level of authorization as established by the city council to the extent that such contracts
1194 are funded in the city's budget, except such as may be otherwise provided by law;
1195 provided, however, that no such order, check, or warrant requiring a budget amendment
1196 shall be valid and binding until after approval of the city council;
- 1197 (10) Act as budget officer to prepare and submit to the city council, after review and
1198 comment by the mayor, no less than 60 days prior to the beginning of each fiscal year,
1199 a budget of proposed expenditures for the ensuing year, showing in as much detail as
1200 practicable the amounts allotted to each department of the city government and the
1201 reasons for such estimated expenditures;
- 1202 (11) Keep the city council at all times fully advised as to the financial condition and
1203 needs of the city;

- 1204 (12) Make a full written report to the city council on the fifteenth of each month showing
 1205 the operations and expenditures of each department of the city government for the
 1206 preceding month, and a synopsis of such reports shall be published by the city clerk;
 1207 (13) Fix all salaries and compensation of city employees in accordance with the city
 1208 budget and the city pay and classification plan; and
 1209 (14) Perform such other duties as may be prescribed by this charter or required by
 1210 ordinance or resolution of the city council.

1211 **SECTION 3.05.**

1212 City council interference with administration.

1213 Except for the purpose of inquiries and investigations under Section 2.08 of this charter or
 1214 as provided in Sections 3.01 and 3.03 of this charter, neither the city council nor its members
 1215 shall interfere with the performance of services by or give orders to any such officer or
 1216 employee, either publicly or privately.

1217 **SECTION 3.06.**

1218 City manager; removal.

- 1219 (a) The mayor or the city council may remove the city manager from office in accordance
 1220 with the following procedures:
- 1221 (1) The mayor by proclamation or the city council by resolution by affirmative vote of
 1222 a majority of all its members may remove the city manager from office after a suspension
 1223 of the city manager from duty for a period not to exceed 45 days. A copy either such
 1224 proclamation of the mayor or the resolution of the city council shall be delivered
 1225 promptly to the city manager;
- 1226 (2) Within five days after a copy of such proclamation or resolution is delivered to the
 1227 city manager, he or she may file with the city council a written request for a public
 1228 hearing and a reconsideration of the removal. This hearing shall be held at a city council
 1229 meeting especially set for such purpose not earlier than 15 days nor later than 30 days
 1230 after the request is filed. The city manager may file with the city council a written reply
 1231 to the removal not later than five days before the hearing; and
- 1232 (3) If the city manager either (i) does not request a public hearing and a reconsideration
 1233 of the removal five days from the date when a copy of such proclamation or resolution
 1234 was delivered to the city manager; or, (ii) if after the conclusion of the public hearing
 1235 requested by the city manager for reconsideration of the removal, the city council does
 1236 not pass a resolution either reversing the action of the mayor or rescinding its resolution

1237 of removal, the city manager's removal shall be effective as of such date without further
1238 action by the city council.

1239 (b) Unless either the mayor's action removing the city manager or the resolution of removal
1240 of the city manager is rescinded by majority of the members of the city council at the public
1241 hearing held at the request of city manager pursuant to this section, the city manager shall
1242 continue to receive his or her salary until the effective date of his or her removal.

1243 (c) If the city manager is suspended in accordance with subsection (a) of this section or
1244 becomes disabled and is unable to carry out the duties of the office or if the city manager
1245 dies, the acting city manager shall perform the duties of the city manager until the city
1246 manager's disability is removed or until the city manager is replaced. Removal of the city
1247 manager because of disability shall be carried out in accordance with the provisions of
1248 subsection (a) of this section.

1249 **SECTION 3.07.**

1250 Acting city manager.

1251 (a) The mayor with the approval of the city council may appoint any person to exercise all
1252 powers, duties, and functions of the city manager during the city manager's suspension under
1253 subsection (a) of Section 3.06 of this charter, temporary absence from the city, or during the
1254 city manager's disability.

1255 (b) In the event of a vacancy in the office of city manager, the mayor may designate with the
1256 approval of the city council a person as acting city manager, who shall exercise all powers,
1257 duties, and functions of the city manager until a city manager is appointed.

1258 **SECTION 3.08.**

1259 City attorney.

1260 The mayor shall appoint the city attorney together with such assistant city attorneys or
1261 special city attorneys as may be deemed appropriate subject to confirmation by the city
1262 council and shall provide for the payment of such attorneys for services rendered to the city.
1263 The rates or salary paid to any city attorney or assistant city attorney shall be approved in
1264 advance by the city council. The city attorney shall be responsible for representing and
1265 defending the city in all litigation in which the city is a party; may be the prosecuting officer
1266 in the municipal court; shall attend the meetings of the city council as directed; shall advise
1267 the city council, mayor, other officers, and employees of the city concerning legal aspects
1268 of the city's affairs; and shall perform such other duties as may be required by virtue of his

1269 or her position as city attorney. The city attorney shall review all contracts of the city but
 1270 shall not have the power to bind the city unless authorized by resolution of the city council.

1271 **SECTION 3.09.**

1272 City clerk.

1273 The mayor shall appoint a city clerk subject to confirmation by the city council to keep a
 1274 journal of the proceedings of the city council, to maintain in a safe place all records and
 1275 documents pertaining to the affairs of the city, and to perform such duties as may be required
 1276 by law or ordinance or as the mayor or city manager may direct.

1277 **SECTION 3.10.**

1278 Tax collector.

1279 The mayor may appoint a tax collector subject to confirmation by the city council to collect
 1280 all taxes, licenses, fees, and other moneys belonging to the city subject to the provisions of
 1281 this charter and the ordinances of the city; and the tax collector shall diligently comply with
 1282 and enforce all general laws of Georgia relating to the collection, sale, or foreclosure of taxes
 1283 by municipalities.

1284 **SECTION 3.11.**

1285 City accountant.

1286 The mayor may appoint a city accountant subject to confirmation by the city council to
 1287 perform the duties of an accountant.

1288 **SECTION 3.12.**

1289 City internal auditor.

1290 The city council shall appoint an internal auditor to audit the financial records and
 1291 expenditures of city funds and to report the results of such audits in writing to the city
 1292 council at times and intervals set by the city council, but no less than quarterly. Such audit
 1293 reports shall, at a minimum, identify all city expenditures and other financial matters that the
 1294 internal auditor either determines are not in compliance with or cannot conclusively be
 1295 determined to be in compliance with:

- 1296 (1) The provisions of this charter;
 1297 (2) The applicable city budget; and

1298 (3) Applicable ordinances, resolutions, or other actions duly adopted or approved under
 1299 the provisions of this charter.

1300 **SECTION 3.13.**

1301 Consolidation of functions.

1302 The city manager, with the approval of the city council, may consolidate any two or more of
 1303 the positions of city clerk, city tax collector, and city accountant, or any other positions or
 1304 may assign the functions of any one or more of such positions to the holder or holders of any
 1305 other positions. The city manager may also, with the approval of the city council, perform
 1306 all or any part of the functions of any of the positions or offices in lieu of the appointment
 1307 of other persons to perform the same.

1308 **SECTION 3.14.**

1309 Position classification and pay plans; employment at will.

1310 The city manager shall be responsible for the preparation of a position classification and a
 1311 pay plan which shall be submitted to the city council for approval. Said plan may apply to
 1312 all employees of the City of Stonecrest and any of its agencies and offices. When a pay plan
 1313 has been adopted by the city council, neither the city council nor the city manager shall
 1314 increase or decrease the salaries of individual employees except in conformity with such pay
 1315 plan or pursuant to an amendment of such pay plan duly adopted by the city council. Except
 1316 as otherwise provided in this charter, all employees of the city shall be subject to removal or
 1317 discharge, with or without cause, at any time.

1318 **ARTICLE IV**

1319 **MUNICIPAL COURT**

1320 **SECTION 4.01.**

1321 Creation.

1322 There is established a court to be known as the Municipal Court of the City of Stonecrest
 1323 which shall have jurisdiction and authority to try offenses against the laws and ordinances
 1324 of such city and to punish for a violation of the same. Such court shall have the power to
 1325 enforce its judgments by the imposition of such penalties as may be provided by law,
 1326 including ordinances of the city; to punish witnesses for nonattendance and to punish also
 1327 any person who may counsel or advise, aid, encourage, or persuade another whose testimony
 1328 is desired or material in any proceeding before such court to go or move beyond the reach

1329 of the process of the court; to try all offenses within the territorial limits of the city
 1330 constituting traffic cases which, under the laws of Georgia, are placed within the jurisdiction
 1331 of municipal courts to the extent of, and in accordance with, the provisions of such laws and
 1332 all laws subsequently enacted amendatory thereof. Such court shall be presided over by the
 1333 judge of such court. In the absence or disqualification of the judge, the judge pro tempore
 1334 shall preside and shall exercise the same powers and duties as the judge when so acting.

1335 **SECTION 4.02.**

1336 Judges.

1337 (a) No person shall be qualified or eligible to serve as judge unless he or she shall have
 1338 attained the age of 28 years and shall have been a member of the State Bar of Georgia for a
 1339 minimum of three years. The judges shall be nominated by the mayor subject to approval
 1340 by the city council. The compensation and number of the judges shall be fixed by the city
 1341 council.

1342 (b) The judge pro tempore shall serve as requested by the judge, shall have the same
 1343 qualifications as the judge, shall be nominated by the mayor subject to approval of the city
 1344 council, and shall take the same oath as the judge.

1345 (c) Before entering on the duties of his or her office, the judge and judge pro tempore shall
 1346 take an oath before an officer duly authorized to administer oaths in this state declaring that
 1347 he or she will truly, honestly, and faithfully discharge the duties of his or her office to the
 1348 best of his or her ability without fear, favor, or partiality. The oath shall be entered upon the
 1349 minutes of the city council.

1350 (d) The judge, or judge pro tempore, shall serve for a term of four years but may be removed
 1351 from the position by a two-thirds' vote of the entire membership of the city council or shall
 1352 be removed upon action taken by the state Judicial Qualifications Commission for:

- 1353 (1) Willful misconduct in office;
 1354 (2) Willful and persistent failure to perform duties;
 1355 (3) Habitual intemperance;
 1356 (4) Conduct prejudicial to the administration of justice which brings the judicial office
 1357 into disrepute; or
 1358 (5) Disability seriously interfering with the performance of duties, which is or is likely
 1359 to become of a permanent character.

SECTION 4.03.

Convening.

1362 The municipal court shall be convened at such times as designated by ordinance or at such
 1363 times as deemed necessary by the judge to keep current the dockets thereof.

SECTION 4.04.

Jurisdiction; powers.

1366 (a) The municipal court shall try and punish for crimes against the City of Stonecrest and
 1367 for violation of its ordinances. The municipal court may fix punishment for offenses within
 1368 its jurisdiction to the fullest extent allowed by state law.

1369 (b) The municipal court shall have authority to recommend to the city council for approval
 1370 a schedule of fees to defray the cost of operation.

1371 (c) The municipal court shall have authority to establish bail and recognizances to ensure
 1372 the presence of those charged with violations before such court and shall have discretionary
 1373 authority to accept cash or personal or real property as security for appearances of persons
 1374 charged with violations. Whenever any person shall give bail for his or her appearance and
 1375 shall fail to appear at the time fixed for trial, the bond shall be forfeited to the judge presiding
 1376 at such time and an execution issued thereon by serving the defendant and his or her sureties
 1377 with a rule nisi at least two days before a hearing on the rule nisi. In the event that cash or
 1378 property is accepted in lieu of bond for security for the appearance of a defendant at trial, and
 1379 if such defendant fails to appear at the time and place fixed for trial, the cash so deposited
 1380 shall be on order of the judge declared forfeited to the City of Stonecrest, or the property so
 1381 deposited shall have a lien against it for the value forfeited.

1382 (d) The municipal court shall have the authority to bind prisoners over to the appropriate
 1383 court when it appears, by probable cause, that a state law has been violated.

1384 (e) The municipal court shall have the authority to administer oaths and to perform all other
 1385 acts necessary or proper to the conduct of said court.

1386 (f) The municipal court may compel the presence of all parties necessary to a proper disposal
 1387 of each case by the issuance of summons, subpoena, and warrants which may be served as
 1388 executed by any officer as authorized by this charter or by state law.

1389 (g) The municipal court is specifically vested with all of the judicial jurisdiction and judicial
 1390 powers throughout the entire area of the City of Stonecrest granted by state laws generally
 1391 to municipal courts, and particularly by such laws as authorize the abatement of nuisances.

SECTION 4.05.

1392

1393

Certiorari.

1394 The right of certiorari from the decision and judgment of the municipal court shall exist in
 1395 all criminal cases and ordinance violation cases, and such certiorari shall be obtained under
 1396 the sanction of a judge of the Superior Court of DeKalb County under the laws of the State
 1397 of Georgia regulating the granting and issuance of writs of certiorari, as supplemented by the
 1398 city council by ordinance.

SECTION 4.06.

1399

1400

Rules for court.

1401 With the approval of the city council, the judges shall have full power and authority to make
 1402 reasonable rules and regulations necessary and proper to secure the efficient and successful
 1403 administration of the municipal court.

ARTICLE V

1404

FINANCE AND FISCAL

1405

SECTION 5.01.

1406

1407

Fiscal year.

1408 The city council shall set the fiscal year by ordinance. Such fiscal year shall constitute the
 1409 budget year and the year for financial accounting and reporting of each and every office,
 1410 department or institution, agency, and activity of the city government, unless otherwise
 1411 provided by state or federal law.

SECTION 5.02.

1412

1413

Preparation of budgets.

1414 The city council shall provide, by ordinance, the procedures and requirements for the
 1415 preparation and execution of an annual operating budget and a capital budget, including
 1416 requirements as to the scope, content, and form of such budgets and programs.

1417 **SECTION 5.03.**

1418 Submission of operating budget to city council.

1419 (a) On or before a date fixed by the city council, but no later than the first day of the tenth
 1420 month of the fiscal year currently ending, the city manager shall, after input, review, and
 1421 comment by the mayor, submit to the city council a proposed operating budget and capital
 1422 budget for the ensuing fiscal year. The budget shall be accompanied by a message from the
 1423 mayor and city manager containing a statement of the general fiscal policies of the city, the
 1424 important features of the budget, explanations of major changes recommended for the next
 1425 fiscal year, a general summary of the budget, and such other comments and information as
 1426 they may deem pertinent. The operating budget, capital budget, the budget message, and all
 1427 supporting documents shall be filed in the office of the city manager and shall be open to
 1428 public inspection.

1429 (b) Beginning in the third year of the city's operation, the city manager and mayor are
 1430 required to present to the city council a budget which is balanced in projected spending and
 1431 revenues.

1432 (c) Prior to passage of the budget, the city council shall hold a special public hearing at
 1433 which the budget will be presented and public comment on the budget will be solicited. The
 1434 date, time, and place of the special public hearing shall be announced no less than 30 days
 1435 prior to the scheduled date for such hearing.

1436 (d) All unencumbered balances of appropriations in the current operating budget at the end
 1437 of the fiscal year shall lapse into the unappropriated surplus or reserves of the fund or funds
 1438 from which such appropriations were made. When a supplemental appropriation is certified
 1439 by the city manager to exist, these appropriations may be spent during the current fiscal year
 1440 following passage of a supplemental appropriation ordinance.

1441 **SECTION 5.04.**

1442 Action by city council on budget.

1443 (a) The city council may amend the operating budget or capital budget proposed by the city
 1444 manager in accordance with subsection (a) of Section 5.03 of this charter, except that the
 1445 budget, as finally amended and adopted, shall provide for all expenditures required by law
 1446 or by other provisions of this charter and for all debt service requirements for the ensuing
 1447 fiscal year; and the total appropriations from any fund shall not exceed the estimated fund
 1448 balance, reserves, and revenues constituting the fund availability of such fund.

1449 (b) The city council shall adopt a budget on or before the first day of the eleventh month of
 1450 the fiscal year currently ending. If the city council fails to adopt the budget by the prescribed

1451 deadline, the operating budget and capital budget proposed by the mayor and city manager
1452 shall be adopted without further action by the city council.

1453 **SECTION 5.05.**

1454 Procurement and property management.

1455 No contract with the city shall be binding on the city unless it is in writing. The city council
1456 may adopt procedures for the authorization of certain contracts without city attorney review
1457 or city council approval. Absent the foregoing, no contract with the city shall be binding on
1458 the city unless:

- 1459 (1) It is drawn or submitted and reviewed by the city attorney and, as a matter of course,
1460 is signed by the city attorney to indicate such drafting or review; and
1461 (2) It is made or authorized by the city council and such approval is entered in the city
1462 council journal of proceedings.

1463 **SECTION 5.06.**

1464 Purchasing.

1465 The city council shall by ordinance prescribe procedures for a system of centralized
1466 purchasing for the city.

1467 **SECTION 5.07.**

1468 Audits.

1469 (a) There shall be an annual independent audit of all city accounts, funds, and financial
1470 transactions by a certified public accountant selected by the city council. The audit shall be
1471 conducted according to generally accepted accounting principles. Any audit of any funds by
1472 the state or federal government may be accepted as satisfying the requirements of this
1473 charter. Copies of all audit reports shall be available at printing cost to the public.

1474 (b) As a minimum, all audits and budgets of the city shall satisfy the requirements of
1475 Chapter 81 of Title 36 of the O.C.G.A. relating to local government audits and budgets.

1476 **SECTION 5.08.**

1477 Homestead exemption; freeze.

1478 (a) As used in this section, the term:

1479 (1) "Ad valorem taxes for municipal purposes" means all municipal ad valorem taxes for
1480 municipal purposes levied by, for, or on behalf of the City of Stonecrest, including, but
1481 not limited to, ad valorem taxes to pay interest on and to retire municipal bonded
1482 indebtedness.

1483 (2) "Base year" means the taxable year immediately preceding the taxable year in which
1484 the exemption under this section is first granted to the most recent owner of such
1485 homestead.

1486 (3) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of
1487 the O.C.G.A., as amended, with the additional qualification that it shall include not more
1488 than five contiguous acres of homestead property.

1489 (b) Each resident of the City of Stonecrest is granted an exemption on that person's
1490 homestead from City of Stonecrest ad valorem taxes for municipal purposes in an amount
1491 equal to the amount by which the current year assessed value of that homestead exceeds the
1492 base year assessed value of that homestead. This exemption shall not apply to taxes assessed
1493 on improvements to the homestead or additional land that is added to the homestead after
1494 January 1 of the base year. If any real property is added to or removed from the homestead,
1495 the base year assessed value shall be adjusted to reflect such addition or removal, and the
1496 exemption shall be recalculated accordingly. The value of that property in excess of such
1497 exempted amount shall remain subject to taxation.

1498 (c) A person shall not receive the homestead exemption granted by subsection (b) of this
1499 section unless the person or person's agent files an application with the governing authority
1500 of the City of Stonecrest, or the designee thereof, giving such information relative to
1501 receiving such exemption as will enable the governing authority of the City of Stonecrest,
1502 or the designee thereof, to make a determination regarding the initial and continuing
1503 eligibility of such owner for such exemption. The governing authority of the City of
1504 Stonecrest, or the designee thereof, shall provide application forms for this purpose.

1505 (d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of
1506 the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year
1507 so long as the owner occupies the residence as a homestead. After a person has filed the
1508 proper application as provided in subsection (c) of this section, it shall not be necessary to
1509 make application thereafter for any year, and the exemption shall continue to be allowed to
1510 such person. It shall be the duty of any person granted the homestead exemption under
1511 subsection (b) of this section to notify the governing authority of the City of Stonecrest, or
1512 the designee thereof, in the event that person for any reason becomes ineligible for that
1513 exemption.

1514 (e) The exemption granted by subsection (b) of this section shall not apply to or affect state
1515 ad valorem taxes, county ad valorem taxes for county purposes, or county or independent

1516 school district ad valorem taxes for educational purposes. The homestead exemption granted
 1517 by subsection (b) of this section shall be in addition to and not in lieu of any other homestead
 1518 exemption applicable to municipal ad valorem taxes for municipal purposes.

1519 (f) The exemption granted by subsection (b) of this section shall apply only to taxable years
 1520 2017 through 2019. Unless renewed or extended by subsequent Act of the General
 1521 Assembly, the exemption granted by subsection (b) of this section shall not apply to taxable
 1522 year 2020 or any subsequent taxable year.

1523 **SECTION 5.09.**

1524 Homestead exemption; senior citizens; disabled.

1525 (a) As used in this section, the term:

1526 (1) "Ad valorem taxes for municipal purposes" means all ad valorem taxes for municipal
 1527 purposes levied by, for, or on behalf of the City of Stonecrest, including, but not limited
 1528 to, any ad valorem taxes to pay interest on and to retire municipal bonded indebtedness.

1529 (2) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of
 1530 the O.C.G.A., as amended.

1531 (3) "Income" means Georgia taxable net income determined pursuant to Chapter 7 of
 1532 Title 48 of the O.C.G.A., as amended, for state income tax purposes, except income shall
 1533 not include income received as retirement, survivor, or disability benefits under the
 1534 federal Social Security Act or under any other public or private retirement, disability, or
 1535 pension system, except such income which is in excess of the maximum amount
 1536 authorized to be paid to an individual and such individual's spouse under the federal
 1537 Social Security Act. Income from such sources in excess of such maximum amount shall
 1538 be included as income for the purposes of this Act.

1539 (4) "Senior citizen" means a person who is 65 years of age or over on or before January 1
 1540 of the year in which application for the exemption under subsection (b) of this section is
 1541 made.

1542 (b) Each resident of the City of Stonecrest who is disabled or is a senior citizen is granted
 1543 an exemption on that person's homestead from City of Stonecrest ad valorem taxes for
 1544 municipal purposes in the amount of \$14,000.00 of the assessed value of that homestead.
 1545 The exemption granted by this subsection shall only be granted if that person's income,
 1546 together with the income of the spouse who also occupies and resides at such homestead,
 1547 does not exceed \$15,000.00 for the immediately preceding year. The value of that property
 1548 in excess of such exempted amount shall remain subject to taxation.

1549 (c)(1) In order to qualify for the exemption provided for in subsection (b) of this section
 1550 due to being disabled, the person claiming such exemption shall be required to obtain a

1551 certificate from not more than three physicians licensed to practice medicine under
1552 Chapter 34 of Title 43 of the O.C.G.A., as amended, certifying that, in the opinion of
1553 such physician or physicians, such person is mentally or physically incapacitated to the
1554 extent that such person is unable to be gainfully employed and that such incapacity is
1555 likely to be permanent. Such certificate or certificates shall constitute part of and be
1556 submitted with the application provided for in paragraph (2) of this subsection.

1557 (2) A person shall not receive the homestead exemption granted by subsection (b) of this
1558 section unless the person or person's agent files an application with the governing
1559 authority of the City of Stonecrest, or the designee thereof, giving the person's age,
1560 income, and such additional information relative to receiving such exemption as will
1561 enable the governing authority of the City of Stonecrest, or the designee thereof, to make
1562 a determination regarding the initial and continuing eligibility of such owner for such
1563 exemption. The governing authority of the City of Stonecrest, or the designee thereof,
1564 shall provide application forms for this purpose.

1565 (d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of
1566 the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year
1567 so long as the owner occupies the residence as a homestead. After a person has filed the
1568 proper application, as provided in subsection (c) of this section, it shall not be necessary to
1569 make application thereafter for any year and the exemption shall continue to be allowed to
1570 such person. It shall be the duty of any person granted the homestead exemption under
1571 subsection (b) of this section to notify the governing authority of the City of Stonecrest, or
1572 the designee thereof, in the event that person for any reason becomes ineligible for that
1573 exemption.

1574 (e) The exemption granted by subsection (b) of this section shall not apply to or affect state
1575 ad valorem taxes, county ad valorem taxes for county purposes, or county or independent
1576 school district ad valorem taxes for educational purposes. The homestead exemption granted
1577 by subsection (b) of this section shall be in addition to and not in lieu of any other homestead
1578 exemption applicable to municipal ad valorem taxes for municipal purposes.

1579 (f) The exemption granted by subsection (b) of this section shall apply to all taxable years
1580 beginning on or after January 1, 2017.

SECTION 5.10.

1581

1582

Homestead exemption; general.

1583 (a) As used in this section, the term:

1584 (1) "Ad valorem taxes for municipal purposes" means all ad valorem taxes for municipal
1585 purposes levied by, for, or on behalf of the City of Stonecrest, including, but not limited
1586 to, any ad valorem taxes to pay interest on and to retire municipal bonded indebtedness.

1587 (2) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of
1588 the O.C.G.A., as amended.

1589 (b) Each resident of the City of Stonecrest is granted an exemption on that person's
1590 homestead from City of Stonecrest ad valorem taxes for municipal purposes in the amount
1591 of \$10,000.00 of the assessed value of that homestead. The value of that property in excess
1592 of such exempted amount shall remain subject to taxation.

1593 (c) A person shall not receive the homestead exemption granted by subsection (b) of this
1594 section unless the person or person's agent files an application with the governing authority
1595 of the City of Stonecrest, or the designee thereof, giving such information relative to
1596 receiving such exemption as will enable the governing authority of the City of Stonecrest,
1597 or the designee thereof, to make a determination regarding the initial and continuing
1598 eligibility of such owner for such exemption. The governing authority of the City of
1599 Stonecrest, or the designee thereof, shall provide application forms for this purpose.

1600 (d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of
1601 the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year
1602 so long as the owner occupies the residence as a homestead. After a person has filed the
1603 proper application, as provided in subsection (c) of this section, it shall not be necessary to
1604 make application thereafter for any year and the exemption shall continue to be allowed to
1605 such person. It shall be the duty of any person granted the homestead exemption under
1606 subsection (b) of this section to notify the governing authority of the City of Stonecrest, or
1607 the designee thereof, in the event that person for any reason becomes ineligible for that
1608 exemption.

1609 (e) The exemption granted by subsection (b) of this section shall not apply to or affect state
1610 ad valorem taxes, county ad valorem taxes for county purposes, or county or independent
1611 school district ad valorem taxes for educational purposes. The homestead exemption granted
1612 by subsection (b) of this section shall be in addition to and not in lieu of any other
1613 homestead exemption applicable to municipal ad valorem taxes for municipal purposes.

1614 (f) The exemption granted by subsection (b) of this section shall apply to all taxable years
1615 beginning on or after January 1, 2017.

SECTION 5.11.

1616

1617

Homestead exemption; surviving spouses.

1618 (a) As used in this section, the term:

1619

1620

1621

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

1622

1623

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

1624

1625

1626

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

1627

1628

1629

1630

1631

1632

1633

1634

1635

1636

1637

1638

1639

1640

1641

(b) Any person who is a resident of the City of Stonecrest and who is an unremarried surviving spouse of a member of the armed forces of the United States, which member has been killed in or has died as a result of any war or armed conflict in which the armed forces of the United States engaged, whether under United States command or otherwise, shall be granted a homestead exemption from all City of Stonecrest ad valorem taxation for municipal purposes in the amount of the greater of \$32,500.00 or the maximum amount which may be granted to a disabled veteran under Section 2102 of Title 38 of the United States Code, as amended. As of January 1, 2013, the maximum amount which may be granted to a disabled veteran under Section 2102 of Title 38 of the United States Code, as amended, is \$50,000.00. The exemption shall be on the homestead which the unremarried surviving spouse owns and actually occupies as a residence and homestead. In the event such surviving spouse remarries, such person shall cease to be qualified to continue the exemption under this Act effective December 31 of the taxable year in which such person remarries. The value of all property in excess of such exemption granted to such unremarried surviving spouse shall remain subject to taxation.

1642

1643

1644

1645

1646

1647

1648

1649

1650

1651

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

1652 spouses of members of the armed forces who were killed or who died as a result of any war
1653 or armed conflict.

1654 (d) An unremarried surviving spouse filing for the exemption under this section shall be
1655 required to file with the governing authority of the City of Stonecrest, or the designee
1656 thereof, information relative to marital status and other such information which the governing
1657 authority of the City of Stonecrest, or the designee thereof, deems necessary to determine
1658 eligibility for the exemption. Each unremarried surviving spouse shall file for the exemption
1659 only once with the governing authority of the City of Stonecrest or the designee thereof.
1660 Once filed, the exemption shall automatically be renewed from year to year, except that the
1661 governing authority of the City of Stonecrest or the designee thereof may require annually
1662 that the holder of an exemption substantiate his or her continuing eligibility for the
1663 exemption. It shall be the duty of any person granted the homestead exemption under this
1664 section to notify the governing authority of the City of Stonecrest or the designee thereof in
1665 the event that person for any reason becomes ineligible for such exemption.

1666 (e) The exemption granted by this section shall be in lieu of and not in addition to any other
1667 exemption from ad valorem taxation for municipal purposes which is equal to or lower in
1668 amount than such exemption granted by this section. If the amount of any other exemption
1669 from ad valorem taxation for municipal purposes applicable to any resident qualifying under
1670 this section is greater than or is increased to an amount greater than the amount of the
1671 applicable exemption granted by this section, such other exemption shall apply and shall be
1672 in lieu of and not in addition to the exemption granted by this section.

1673 (f) The exemptions granted by this section shall apply to all tax years beginning on or after
1674 January 1, 2017.

1675 **SECTION 5.12.**

1676 Homestead exemption; one mill equivalent.

1677 (a) As used in this section, the term:

1678 (1) "Ad valorem taxes for municipal purposes" means all ad valorem taxes for municipal
1679 purposes levied by, for, or on behalf of the City of Stonecrest, including, but not limited
1680 to, any ad valorem taxes to pay interest on and to retire municipal bonded indebtedness.

1681 (2) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of
1682 the O.C.G.A., as amended.

1683 (b) Each resident of the City of Stonecrest is granted an exemption on that person's
1684 homestead from City of Stonecrest ad valorem taxes for municipal purposes in an amount
1685 that provides the dollar equivalent of a one mill reduction of the millage rate applicable to
1686 the homestead property with respect to ad valorem taxes for municipal purposes for the

1687 taxable year. The value of that property in excess of such exempted amount shall remain
1688 subject to taxation.

1689 (c) A person shall not receive the homestead exemption granted by subsection (b) of this
1690 section unless the person or person's agent files an application with the governing authority
1691 of the City of Stonecrest or the designee thereof giving such information relative to receiving
1692 such exemption as will enable the governing authority of the City of Stonecrest or the
1693 designee thereof to make a determination regarding the initial and continuing eligibility of
1694 such owner for such exemption. The governing authority of the City of Stonecrest or the
1695 designee thereof shall provide application forms for this purpose.

1696 (d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of
1697 the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year
1698 so long as the owner occupies the residence as a homestead. After a person has filed the
1699 proper application, as provided in subsection (c) of this section, it shall not be necessary to
1700 make application thereafter for any year and the exemption shall continue to be allowed to
1701 such person. It shall be the duty of any person granted the homestead exemption under
1702 subsection (b) of this section to notify the governing authority of the City of Stonecrest or
1703 the designee thereof in the event that person for any reason becomes ineligible for that
1704 exemption.

1705 (e) The exemption granted by subsection (b) of this section shall not apply to or affect state
1706 ad valorem taxes, county ad valorem taxes for county purposes, or county or independent
1707 school district ad valorem taxes for educational purposes. The homestead exemption granted
1708 by subsection (b) of this section shall be in addition to and not in lieu of any other homestead
1709 exemption applicable to municipal ad valorem taxes for municipal purposes.

1710 (f) The exemption granted by subsection (b) of this section shall apply to all taxable years
1711 beginning on or after January 1, 2017.

1712 **ARTICLE VI**

1713 **GENERAL PROVISIONS**

1714 **SECTION 6.01.**

1715 DeKalb County special services tax district.

1716 For the taxable years beginning on or after January 1, 2017, the adjusted ad valorem tax
1717 millage rate and amount for service charges or fees for and DeKalb County special services
1718 tax district within the boundaries of the City Stonecrest shall be 0 percent. This section is
1719 enacted pursuant to the authority granted to the General Assembly under Section 1 of that
1720 local constitutional amendment providing that certain municipalities in DeKalb County shall
1721 constitute special services tax districts, Resolution Act. No. 168; House Resolution

1722 No. 715-1916; Ga. L. 1978, p. 2468, to control the subject matter of such local constitutional
 1723 amendment. Municipal services provided by DeKalb County for the City of Stonecrest will
 1724 be established through intergovernmental agreements or established as otherwise authorized
 1725 by statute.

1726 **SECTION 6.02.**

1727 Referendum and initial election.

1728 (a) The election superintendent of DeKalb County shall call a special election for the
 1729 purpose of submitting this Act to the qualified voters of the proposed City of Stonecrest for
 1730 approval or rejection. The superintendent shall set May 24, 2016, as the date of such
 1731 election. The superintendent shall issue the call for such election at least 30 days prior to the
 1732 date thereof. The superintendent shall cause the date and purpose of the election to be
 1733 published once a week for two weeks immediately preceding the date thereof in the official
 1734 organ of DeKalb County. The ballot shall have written or printed thereon the words:

1735 "() YES Shall the Act incorporating the City of Stonecrest in DeKalb County
 1736 according to the charter contained in the Act and the homestead exemptions
 1737 () NO described in the Act be approved?"

1738 All persons desiring to vote for approval of the Act shall vote "Yes," and all persons desiring
 1739 to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on
 1740 such question are for approval of the Act, it shall become of full force and effect as provided
 1741 in this charter, otherwise it shall be void and of no force and effect. The initial expense of
 1742 such election shall be borne by DeKalb County. Within two years after the elections if the
 1743 incorporation is approved, the City of Stonecrest shall reimburse DeKalb County for the
 1744 actual cost of printing and personnel services for such election and for the initial election of
 1745 the mayor and councilmembers pursuant to Section 2.02 of this charter. It shall be the duty
 1746 of the superintendent to hold and conduct such election. It shall be his or her further duty to
 1747 certify the result thereof to the Secretary of State.

1748 (b) For the purposes of the referendum election provided for in subsection (a) of this section
 1749 and for the purposes of the special election of the City of Stonecrest to be held in conjunction
 1750 with and on the date of the 2016 November general election, the qualified electors of the City
 1751 of Stonecrest shall be those qualified electors of DeKalb County residing within the
 1752 corporate limits of the City of Stonecrest as described by Appendix A of this charter. At
 1753 subsequent municipal elections, the qualified electors of the City of Stonecrest shall be
 1754 determined pursuant to the authority of Chapter 2 of Title 21 of the O.C.G.A., known as the
 1755 "Georgia Election Code."

1756 (c) Only for the purposes of holding and conducting the referendum election provided for
 1757 by subsection (a) of this section and holding and conducting the special election of the City
 1758 of Stonecrest to be held on the date of the 2016 November general election, the election
 1759 superintendent of DeKalb County is vested with the powers and duties of the election
 1760 superintendent of the City of Stonecrest and the powers and duties of the governing authority
 1761 of the City of Stonecrest.

1762 **SECTION 6.03.**

1763 Effective dates and transition.

1764 (a) The initial mayor and councilmembers shall take the oath of office the next business day
 1765 after certification of the election of such officers, and by action of any four members of the
 1766 governing authority may meet and take actions binding on the city.

1767 (b) A period of time will be needed for an orderly transition of various government functions
 1768 from DeKalb County to the City of Stonecrest. Accordingly there shall be a two-year
 1769 transition period as allowed by law beginning at 12:01 A.M. on January 1, 2017.

1770 (c) During such transition period, DeKalb County shall continue to provide within the
 1771 territorial limits of the city all government services and functions which DeKalb County
 1772 provided in 2016 and at the same actual direct cost and level of service, except to the extent
 1773 otherwise provided in this section; provided, however, that upon at least 30 days' prior
 1774 written notice to the governing authority of DeKalb County by the governing authority of the
 1775 City of Stonecrest, responsibility for any such service or function shall be transferred to the
 1776 City of Stonecrest. The governing authority of the City of Stonecrest shall determine the date
 1777 of commencement of collection of taxes, fees, assessments, fines and forfeitures, and other
 1778 moneys within the territorial limits of the city and the date upon which the City of Stonecrest
 1779 is considered removed from the special services tax district.

1780 (d) During the transition period, the governing authority of the City of Stonecrest may
 1781 generally exercise any power granted by this charter or general law, except to the extent that
 1782 a power is specifically and integrally related to the provision of a governmental service,
 1783 function, or responsibility not yet provided or carried out by the city.

1784 (e) During the transition period, all ordinances of DeKalb County shall remain applicable
 1785 within the territorial limits of the city unless otherwise amended, repealed, or replaced by the
 1786 City of Stonecrest. Any transfer of jurisdiction to the City of Stonecrest during or at the end
 1787 of the transition period shall not in and of itself abate any judicial proceeding pending in
 1788 DeKalb County or the pending prosecution of any violation of any ordinance of DeKalb
 1789 County.

1790 (f) During the transition period, the governing authority of the City of Stonecrest may at any
 1791 time, without the necessity of any agreement by DeKalb County, commence to exercise its
 1792 planning and zoning powers; provided, however, that the city shall give the county notice of
 1793 the date on which the city will assume the exercise of such powers. Upon the governing
 1794 authority of the City of Stonecrest commencing to exercise its planning and zoning powers,
 1795 the Municipal Court of the City of Stonecrest shall immediately have jurisdiction to enforce
 1796 the planning and zoning ordinances of the city. The provisions of this subsection shall
 1797 control over any conflicting provisions of any other subsection of this section.

1798 (g) Effective upon the termination of the transition period, subsections (b) through (f) of this
 1799 section shall cease to apply except for the last sentence of subsection (e) which shall remain
 1800 effective. Effective upon the termination of the transition period, the City of Stonecrest shall
 1801 be a full functioning municipal corporation and subject to all general laws of this state.

1802 **SECTION 6.04.**

1803 Directory nature of dates.

1804

1805 It is the intention of the General Assembly that this Act be construed as directory rather than
 1806 mandatory with respect to any date prescribed in this Act. If it is necessary to delay any
 1807 action called for in this Act for providential cause or any other reason, it is the intention of
 1808 the General Assembly that the action be delayed rather than abandoned. Any delay in
 1809 performing any action under this Act, whether for cause or otherwise, shall not operate to
 1810 frustrate the overall intent of this Act. Without limiting the generality of the foregoing, it is
 1811 specifically provided that if it is not possible to hold the referendum election provided for in
 1812 Section 6.02 of this Act on the date specified in that section, then such referendum shall be
 1813 held as soon thereafter as is reasonably practicable but not later than 45 days after there is
 1814 no further cause for delay. If the referendum election provided for in Section 6.02 of this Act
 1815 is conducted after May 24, 2016, but before November 8, 2016, the special election for the
 1816 initial members of the governing authority shall be conducted on the date specified in
 1817 Section 2.02 of this Act. If the referendum election provided for under Section 6.02 of this
 1818 Act is conducted after November 3, 2016, then the special election for the initial members
 1819 of the governing authority shall be held as soon thereafter as is reasonably practicable, and
 1820 the commencement of the initial terms of office shall be delayed accordingly. If the first
 1821 election provided for in Section 2.02 of this Act occurs after the date of the 2016 November
 1822 general election, the city council shall be authorized to delay the dates otherwise specified
 1823 in Section 6.03 of this Act.

SECTION 6.05.

Charter commission.

1824
1825
1826 No later than five years after the inception of the City of Stonecrest, the mayor and the city
1827 council shall call for a charter commission to review the city's experience and recommend
1828 to the General Assembly any changes to the charter. Members of the charter commission
1829 shall be appointed as follows: one by the mayor, one by each member of the city council, and
1830 one member appointed by a vote of the members of the Georgia House of Representatives
1831 and Georgia Senate whose districts lie wholly or partially within the corporate boundaries
1832 of the City of Stonecrest. All members of the charter commission shall reside in the City of
1833 Stonecrest. The commission shall complete the recommendations within the time frame
1834 required by the city council.

SECTION 6.06.

Severability.

1835
1836
1837 In the event any section, subsection, sentence, clause, or phrase of this Act shall be declared
1838 or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other
1839 sections, subsections, sentences, clauses, or phrases of this Act, which shall remain of full
1840 force and effect, as if the section, subsection, sentence, clause, or phrase so declared or
1841 adjudged invalid or unconstitutional were not originally a part hereof. The General
1842 Assembly hereby declares that it would have passed the remaining parts of this Act if it had
1843 known that such part or parts hereof would be declared or adjudged invalid or
1844 unconstitutional.

SECTION 6.07.

Effective date.

1845
1846
1847 This Act shall become effective upon its approval by the Governor or upon its becoming law
1848 without such approval.

SECTION 6.08.

Repealer.

1849
1850
1851 All laws and parts of laws in conflict with this Act are repealed.

1852 APPENDIX A
 1853 LEGAL DESCRIPTION
 1854 CORPORATE LIMITS
 1855 CITY OF STONECREST, DEKALB COUNTY, GEORGIA

1856 Plan: stonecrest-2015

1857 Plan Type: Local

1858 Administrator: S043

1859 User: Gina

1860 District STONECREST

1861 DeKalb County

1862 VTD: 089BJ - BROWN'S MILL ELEMENTARY

1863 023416:

1864 2004 2005 2006 2009 2010 2011 2012 2013 2014 2015 2016 2017

1865 2018 3000 3001 3002 3003 3004 3005 4015 4016 4019 4020

1866 VTD: 089CF - MURPHEY CANDLER

1867 VTD: 089FA - FAIRINGTON ELEM

1868 VTD: 089FG - FLAT ROCK ELEM

1869 VTD: 089LD - LITHONIA (LIT)

1870 023303:

1871 4020 4021 4022

1872 VTD: 089LH - LITHONIA HIGH SCHOOL

1873 023309:

1874 3000 3001 3002 3003 3004 3005 3006 3007 3008 3009 3010 3011

1875 3012 3013 3014 3033 3034 3035 3036

1876 VTD: 089MC - MARBUT ELEM

1877 023309:

1878 2005 2006 4007

1879 VTD: 089MF - MCWILLIAMS

1880 VTD: 089MI - MILLER GROVE MIDDLE SCHOOL

1881 023214:

1882 2000 2001 2002 2003 2008 2009 2010 2011 2012 2013 2014 2022

1883 2023 2024

1884 023416:

1885 1000 1001 1014 1015

1886 VTD: 089MV - MILLER GROVE ROAD
 1887 VTD: 089MZ - MILLER GROVE HIGH
 1888 VTD: 089PC - PRINCETON ELEM
 1889 023306:
 1890 3005 3006 3007 3013 3014
 1891 VTD: 089PI - PANOLA WAY ELEM
 1892 023212:
 1893 2002
 1894 VTD: 089PR - PANOLA ROAD
 1895 VTD: 089RH - REDAN-TROTTI
 1896 023306:
 1897 3008 3012 3016
 1898 023313:
 1899 1003 1004 1005 1006 1007 1008 1009 1010
 1900 VTD: 089RL - ROCK CHAPEL ROAD
 1901 023303:
 1902 1011 1012 1016 1017 1018 1019 1020 1021 1022 1025 1026 1027
 1903 1032 4012
 1904 023306:
 1905 3015 3020
 1906 023315:
 1907 1010 1011 1020
 1908 VTD: 089SL - STONEVIEW ELEM
 1909 023303:
 1910 3027 3028 3029 4000 4001 4002 4003 4004 4005 4006 4029 4030
 1911 4031 4032 4034 4035 4036
 1912 023310:
 1913 3000 3001 3002 3003 3004 3005 3006 3007 3008
 1914 023418:
 1915 1000 1001 1002 1023
 1916 023428:
 1917 2000 2001
 1918 VTD: 089SM - SALEM MIDDLE
 1919 VTD: 089SS - SNAPFINGER ROAD
 1920 023414:
 1921 1027

1922 023416:
 1923 2003 2007 2008 2019 4004 4005 4006 4009 4010 4011 4012 4013
 1924 4014 4017 4018
 1925 VTD: 089WD - WOODROW ROAD
 1926 As used in this appendix, the term "VTD" (voting tabulation district) shall mean and describe
 1927 the same geographical boundaries as provided in the report of the Bureau of the Census for
 1928 the United States decennial census of 2010 for the State of Georgia. The separate numeric
 1929 designations which are underneath a VTD heading shall mean and describe individual blocks
 1930 within a VTD as provided in the report of the Bureau of the Census for the United States
 1931 decennial census of 2010 for the State of Georgia.

1932 APPENDIX B
 1933 COUNCIL DISTRICTS
 1934 CITY OF STONECREST, DEKALB COUNTY, GEORGIA

1935 Plan: stonecrest-dist-2015
 1936 Plan Type: Local
 1937 Administrator: S043
 1938 User: Gina

1939 District 001
 1940 DeKalb County
 1941 VTD: 089LD - LITHONIA (LIT)
 1942 023303:
 1943 4020 4021 4022
 1944 VTD: 089PC - PRINCETON ELEM
 1945 023306:
 1946 3005 3006 3007 3013 3014
 1947 VTD: 089RH - REDAN-TROTTI
 1948 023306:
 1949 3008 3012 3016
 1950 023313:
 1951 1003 1004 1005 1006 1007 1008 1009 1010
 1952 VTD: 089RL - ROCK CHAPEL ROAD
 1953 023303:
 1954 1011 1012 1016 1017 1018 1019 1020 1021 1022 1025 1026 1027
 1955 1032 4012

1956 023306:
 1957 3015 3020
 1958 023315:
 1959 1010 1011 1020
 1960 VTD: 089SL - STONEVIEW ELEM
 1961 023303:
 1962 3027 3028 3029 4000 4001 4002 4003 4004 4005 4006 4029 4030
 1963 4031 4032 4034 4035 4036
 1964 023310:
 1965 3000 3001 3003 3004 3005 3008
 1966 023418:
 1967 1000 1001 1002 1023
 1968 VTD: 089WD - WOODROW ROAD
 1969 023418:
 1970 1003 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014
 1971 1015 1016 1017 1018 1019 1020 1021 1022 1024 1025 1026 1027
 1972 1028 1029 1030 1031 1033 1034 1035 1036 1037 1038 1039 1048
 1973 1049 1050 1051 1052 1053 1054 1055 1056 1057 1058 1059 1060
 1974 1061 1062 1063 1064 1065 1066 1067 1068 1069 1070 1071 1072
 1975 1073 1074 1075 1076 1077 1078 1079

 1976 District 002
 1977 DeKalb County
 1978 VTD: 089LH - LITHONIA HIGH SCHOOL
 1979 023309:
 1980 3000 3001 3002 3003 3004 3005 3006 3007 3008 3009 3010 3011
 1981 3012 3013 3014 3033 3034 3035 3036
 1982 VTD: 089MC - MARBUT ELEM
 1983 023309:
 1984 2005 2006 4007
 1985 VTD: 089MF - MCWILLIAMS
 1986 023416:
 1987 1004 1008 1009 1010 1011 1012 1013 1016 1017 4000 4001 4002
 1988 4003 4007 4008
 1989 VTD: 089MI - MILLER GROVE MIDDLE SCHOOL
 1990 023214:
 1991 2000 2001 2002 2003 2008 2009 2010 2011 2012 2013 2014 2022

1992 2023 2024
 1993 023416:
 1994 1000 1001 1014 1015
 1995 VTD: 089MZ - MILLER GROVE HIGH
 1996 023310:
 1997 2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 4000
 1998 4001 4002 4003 4004 4005 4006 4007 4008 4009 4010 4011 4012
 1999 4013
 2000 VTD: 089PI - PANOLA WAY ELEM
 2001 023212:
 2002 2002
 2003 VTD: 089PR - PANOLA ROAD
 2004 023310:
 2005 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011
 2006 1012 1013 1014 1015 1016 1017
 2007 VTD: 089SL - STONEVIEW ELEM
 2008 023310:
 2009 3007
 2010 VTD: 089SS - SNAPFINGER ROAD
 2011 023416:
 2012 4004 4005 4006

 2013 District 003
 2014 DeKalb County
 2015 VTD: 089FA - FAIRINGTON ELEM
 2016 VTD: 089MF - MCWILLIAMS
 2017 023416:
 2018 1002 1003 1005 1006 1007 2000 2001 2002
 2019 VTD: 089MV - MILLER GROVE ROAD
 2020 023427:
 2021 2001 2002 2003 2004 2005
 2022 VTD: 089PR - PANOLA ROAD
 2023 023428:
 2024 1000 3000 4000
 2025 VTD: 089WD - WOODROW ROAD
 2026 023428:
 2027 1001 1002 1003 1004 1005 1006 1007 1008 2016 2017

2028 District 004
 2029 DeKalb County
 2030 VTD: 089BJ - BROWN'S MILL ELEMENTARY
 2031 023416:
 2032 2004 2005 2006 2009 2010 2011 2012 2013 2014 2015 2016 2017
 2033 2018 3000 3001 3002 3003 3004 3005 4015 4016 4019 4020
 2034 VTD: 089MV - MILLER GROVE ROAD
 2035 023427:
 2036 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011
 2037 1012 1013 1015 1016 1017
 2038 VTD: 089SM - SALEM MIDDLE
 2039 VTD: 089SS - SNAPFINGER ROAD
 2040 023414:
 2041 1027
 2042 023416:
 2043 2003 2007 2008 2019 4009 4010 4011 4012 4013 4014 4017 4018

 2044 District 005
 2045 DeKalb County
 2046 VTD: 089CF - MURPHEY CANDLER
 2047 VTD: 089FG - FLAT ROCK ELEM
 2048 VTD: 089MZ - MILLER GROVE HIGH
 2049 023428:
 2050 2002
 2051 VTD: 089SL - STONEVIEW ELEM
 2052 023310:
 2053 3002 3006
 2054 023428:
 2055 2000 2001
 2056 VTD: 089WD - WOODROW ROAD
 2057 023418:
 2058 1032 1040 1041 1042 1043 1044 1045 1046
 2059 023428:
 2060 2003 2004 2005 2006 2007 2008 2009 2010 2011 2012 2013 2014
 2061 2015 2018
 2062 As used in this appendix, the term "VTD" (voting tabulation district) shall mean and describe
 2063 the same geographical boundaries as provided in the report of the Bureau of the Census for

2064 the United States decennial census of 2010 for the State of Georgia. The separate numeric
 2065 designations in a district description which are underneath a VTD heading shall mean and
 2066 describe individual blocks within a VTD as provided in the report of the Bureau of the
 2067 Census for the United States decennial census of 2010 for the State of Georgia. Any part of
 2068 the city which is not included in District 1, 2, 3, 4, or 5 as described in this appendix shall be
 2069 included within that district contiguous to such part which contains the least population
 2070 according to the United States decennial census of 2010 for the State of Georgia. Any part
 2071 of the city which is described in this appendix as being in District 1, 2, 3, 4, or 5 shall
 2072 nevertheless not be included within such district if such part is not contiguous to such district.
 2073 Such noncontiguous part shall instead be included within the post that is contiguous to such
 2074 part which contains the least population according to the United States decennial census of
 2075 2010 for the State of Georgia. Except as otherwise provided in the description of any district,
 2076 whenever the description of such district refers to a named city, it shall mean the
 2077 geographical boundaries of that city as shown on the census map for the United States
 2078 decennial census of 2010 for the State of Georgia.

2079 APPENDIX C

2080 CERTIFICATE AS TO MINIMUM STANDARDS

2081 FOR INCORPORATION OF A NEW MUNICIPAL CORPORATION

2082 I, Ronald B. Ramsey, Sr., Senator from the 43rd District, and the author of this bill
 2083 introduced at the 2015 session of the General Assembly of Georgia, which grants an original
 2084 municipal charter to the City of Stonecrest, do hereby certify that this bill is in compliance
 2085 with the minimum standards required by Chapter 31 of Title 36 of the O.C.G.A. in that the
 2086 area embraced within the original incorporation in this bill is in all respects in compliance
 2087 with the minimum standards required by Chapter 31 of Title 36 of the O.C.G.A. This
 2088 certificate is executed to conform to the requirements of Code Section 36-31-5 of the
 2089 O.C.G.A.

2090 So certified this _____ day of _____, 2015.

2091

2092

2093

2094

 Honorable Ronald B. Ramsey, Sr.
 Senator, District 43
 Georgia State Senate