

House Bill 520 (AM)

By: Representatives Taylor of the 79<sup>th</sup>, Holcomb of the 81<sup>st</sup>, Fleming of the 121<sup>st</sup>, and Rynders of the 152<sup>nd</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To incorporate the City of LaVista Hills in DeKalb County; to provide for a charter for the  
2 City of LaVista Hills; to provide for incorporation, boundaries, and powers of the city; to  
3 provide for general powers and limitations on powers; to provide for a governing authority  
4 of such city and the powers, duties, authority, election, terms, method of filling vacancies,  
5 compensation, expenses, qualifications, prohibitions, and districts relative to members of  
6 such governing authority; to provide for inquiries and investigations; to provide for  
7 organization and procedures; to provide for ordinances; to provide for codes; to provide for  
8 a charter commission; to provide for the office of mayor and certain duties and powers  
9 relative to the office of mayor; to provide for administrative responsibilities; to provide for  
10 boards, commissions, and authorities; to provide for a city manager, city attorney, city clerk,  
11 city tax collector, city accountant, and other personnel; to provide for a municipal court and  
12 the 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 audits; to provide for  
16 homestead exemptions; to provide for other matters relative to the foregoing; to provide for  
17 a referendum; to provide effective dates and transitional provisions governing the transfer  
18 of various functions and responsibilities from DeKalb County to the City of LaVista Hills;  
19 to provide for legislative intent; to provide for severability; to provide an effective date; to  
20 repeal conflicting laws; and for other purposes.

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

22 ARTICLE I

23 CREATION, INCORPORATION, POWERS

24 SECTION 1.01.

25 Incorporation.

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

32 SECTION 1.02.

33 Corporate boundaries.

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

39 SECTION 1.03.

40 Powers and construction.

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

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

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

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

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

91 (9) Environmental protection. To protect and preserve the natural resources,  
92 environment, and vital areas of the city, the region, and the state through the enactment  
93 of ordinances that preserve and improve air quality, restore and maintain water resources,  
94 control erosion and sedimentation, manage storm water and establish a storm-water  
95 utility, manage solid and hazardous waste, and provide other necessary or beneficial  
96 actions for the protection of the environment. These ordinances shall include, without  
97 limitation, ordinances that protect, maintain, and enhance the public health, safety,  
98 environment, and general welfare and minimize public and private losses due to flood  
99 conditions in flood hazard areas, as well as protect the beneficial uses of flood plain areas  
100 for water quality protection, stream bank and stream corridor protection, wetlands  
101 preservation, and ecological and environmental protection. Such ordinances may require  
102 that uses vulnerable to floods, including facilities which serve such uses, be protected  
103 against flood damage at the time of initial construction; may restrict or prohibit uses  
104 which are dangerous to health, safety, and property due to flooding or erosion hazards,  
105 or which increase flood heights, velocities, or erosion; may control filling, grading,  
106 dredging, and other development which may increase flood damage or erosion; may  
107 prevent or regulate the construction of flood barriers which will unnaturally divert flood  
108 waters or which may increase flood hazards to other lands; may limit the alteration of  
109 natural flood plains, stream channels, and natural protective barriers which are involved  
110 in the accommodation of flood waters; and may protect the storm-water management,  
111 water quality, stream bank protection, stream corridor protection, wetland preservation,  
112 and ecological functions of natural flood plain areas;

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

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

121 (12) Garbage fees. To levy, fix, assess, and collect garbage, refuse, and trash collection  
122 and disposal and other sanitary service charges, taxes, or fees for such services as may  
123 be necessary in the operation of the city from all individuals, firms, and corporations  
124 residing in or doing business therein that benefit from such services; to enforce the

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

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

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

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

136 (16) Homestead exemption. To establish and maintain procedures for offering  
137 homestead exemptions to residents of the city and to maintain current homestead  
138 exemptions of residents of the city as authorized by Acts of the General Assembly;

139 (17) 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 (18) 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 (19) Municipal agencies and delegation of power. To create, alter, or abolish  
149 departments, boards, and offices not specified in this charter and commissions,  
150 authorities, and agencies of the city; and to confer upon such agencies the necessary and  
151 appropriate authority for carrying out all the powers conferred upon or delegated to the  
152 same;

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

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

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

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

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

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

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

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

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

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

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

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

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

- 198 (33) Regulation of roadside areas. To prohibit or regulate and control the erection,  
199 removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any  
200 and all other structures or obstructions upon or adjacent to the rights of way of streets and  
201 roads or within view thereof, within or abutting the corporate limits of the city; and to  
202 prescribe penalties and punishments for violations of such ordinances;
- 203 (34) Roadways. To lay out, open, extend, widen, narrow, establish, change the grade of,  
204 abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise  
205 improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and  
206 walkways within the corporate limits of the city; to grant franchises and rights of way  
207 throughout the streets and roads and over the bridges and viaducts for the use of public  
208 utilities; and to require real estate owners to repair and maintain in a safe condition the  
209 sidewalks adjoining their lots or lands and to impose penalties for failure to do so;
- 210 (35) Solid waste disposal. To provide for the collection and disposal of garbage, rubbish,  
211 and refuse and to regulate the collection and disposal of garbage, rubbish, and refuse by  
212 others; and to provide for the separate collection of glass, tin, aluminum, cardboard,  
213 paper, and other recyclable materials and to provide for the sale of such items;
- 214 (36) Special assessments. To levy and provide for the collection of special assessments  
215 to cover the costs for any public improvements, subject to referendum;
- 216 (37) Taxes; ad valorem. To levy and provide for the assessment, valuation, revaluation,  
217 and collection of taxes on all property subject to taxation; provided, however, that:
- 218 (A) The millage rate imposed for ad valorem taxes on real property shall not exceed  
219 5.00 unless a higher limit is recommended by resolution of the city council and  
220 approved by a majority vote of the qualified voters of the City of LaVista Hills voting  
221 on the issue in a referendum; provided that the amount of millage associated with the  
222 creation of special tax districts pursuant to Article IX, Section II, Paragraph VI of the  
223 Constitution of the State of Georgia shall not count as part of the 5.00 millage rate limit  
224 in this subsection since such millage is already subject to approval by the electors of the  
225 city in a separate referendum;
- 226 (B) For all years, the fair market value of all property subject to taxation shall be  
227 determined according to the tax digest of DeKalb County, as provided in Code  
228 Section 48-5-352 of the O.C.G.A.; and
- 229 (C) Notwithstanding the provisions of subparagraph (A) above, the mayor and city  
230 council shall be authorized to create a Special Service District fund for the provision  
231 of fire and rescue services, to create a Special Service District fund for the provision of  
232 solid waste disposal services, and to levy ad valorem taxes on real property not to  
233 exceed the average of said taxes levied by DeKalb County for the provision of the same  
234 services for the previous five years prior to the cutover of the services;

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

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

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

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

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

260 **SECTION 1.04.**

261 Exercise of powers.

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



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**SECTION 1.05.**

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Tourism; conventions; trade shows.

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The LaVista Hills Convention and Visitors Bureau is hereby created.

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**SECTION 1.06.**

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Reserved.

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**ARTICLE II**

272

**GOVERNMENT STRUCTURE, ELECTIONS, LEGISLATIVE BRANCH**

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**SECTION 2.01.**

274

City council creation; number; election.

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(a) The legislative authority of the government of the City of LaVista Hills, except as otherwise specifically provided in this charter, shall be vested in a city council of which the mayor shall be a voting member to the extent provided in subsection (a) of Section 2.10 of this charter.

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(b)(1) The city council of LaVista Hills, Georgia, shall consist of six members plus the mayor.

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(2) There shall be six council districts, designated Council Districts 1 through 6, as described in Appendix B of this Act, which is attached to and made a part of this charter.

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(3) One councilmember shall be elected from each of the six Council Districts 1, 2, 3, 4, 5, and 6, respectively. Each person desiring to offer as a candidate for councilmember for such posts shall designate the council district for which he or she is offering. Councilmembers for such posts shall be elected by a majority vote of the qualified electors of the respective council districts voting at the elections of the city. In the event that no candidate for a council district obtains a majority vote of the qualified electors of the council district voting in the election, a run-off election shall be held. The candidates receiving the two highest numbers of votes in the election for such council district shall be included in the run-off election. The candidate receiving the highest number of votes of the qualified electors of the council district voting at such run-off election shall be elected. Each candidate for election to the city council shall reside in the district which he or she seeks to represent.

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

299 (d) In order to assure staggered elections of the councilmembers, in the first election of the  
300 city council, the terms for the candidates elected for Council Districts 1, 3, and 5 shall expire  
301 upon the administration of the oath of office to their successors elected in the regular election  
302 to be held in November, 2016, as provided in subsection (b) of Section 2.02 of this charter.  
303 The terms for the candidates elected for Council Districts 2, 4, and 6 shall expire upon the  
304 administration of the oath of office to their successors elected in the regular election to be  
305 held in November, 2019. Thereafter, a successor to each councilmember shall be elected at  
306 the November election immediately preceding the end of such councilmember's term of  
307 office, and the term of each councilmember shall expire upon the administration of the oath  
308 of office to his or her successor.

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

324

**SECTION 2.02.**

325

Mayor and councilmembers; terms; qualifications for office.

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

334 serve as a councilmember representing a council district unless that person has been a  
 335 resident of the district such person seeks to represent for a continuous period of at least six  
 336 months immediately prior to the date of the election for councilmember and continues to  
 337 reside in such district during that person's period of service.

338 (b) An election shall be held on the date of the 2016 presidential preference primary to elect  
 339 the first mayor and city council. At such election, the first mayor and city council shall be  
 340 elected to serve for the initial terms of office specified in subsections (d) and (e) of Section  
 341 2.01 of this charter. Thereafter, the time for holding regular municipal elections shall be on  
 342 the Tuesday next following the first Monday in November of each odd-numbered year  
 343 beginning in 2017.

344 (c) The number of successive terms an individual may hold the position of mayor and may  
 345 hold a position as a councilmember of any council district shall be limited to two terms. An  
 346 individual who serves as mayor or serves as a councilmember of any council district for  
 347 either one term or two consecutive terms may stand for subsequent election of any office  
 348 other than his or her current elected office.

### 349 **SECTION 2.03.**

#### 350 Vacancy; filling of vacancies; suspensions.

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

355 (1) Violating the provisions of this charter;

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

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

360 (b) The office of mayor shall become vacant upon the incumbent's death, resignation,  
 361 forfeiture of office, or removal from office in any manner authorized by this charter or the  
 362 general laws of the State of Georgia. A vacancy in the office of mayor shall be filled for the  
 363 remainder of the unexpired term by a special election if such vacancy occurs 12 months or  
 364 more prior to the expiration of the term of that office. If such vacancy occurs within  
 365 12 months of the expiration of the term of that office, the city council or those  
 366 councilmembers remaining shall appoint a successor for the remainder of the term. This  
 367 provision shall also apply to a temporary vacancy created by the suspension from office of  
 368 the mayor.

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

378 **SECTION 2.04.**

379 Nonpartisan elections.

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

382 **SECTION 2.05.**

383 Election votes.

384 The candidates for mayor and city council who receive a majority vote of the qualified  
385 electors of the city voting at the elections of the city shall be elected to a term of office.

386 **SECTION 2.06.**

387 Applicability of general laws; qualifying; other provisions.

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

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**SECTION 2.07.**

396

Compensation and expenses.

397 The annual salary of the mayor shall be \$16,000.00 and the annual salary for each  
398 councilmember shall be \$12,000.00. Such salaries shall be paid from municipal funds in  
399 monthly installments. To the extent not available for provision by the city through the  
400 purchasing department, the mayor and each councilmember shall be reimbursed for the  
401 reasonable amount of their expenses actually and necessarily incurred by them in carrying  
402 out their duties as elected officials of the city.

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**SECTION 2.08.**

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Inquiries and investigations.

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

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**SECTION 2.09.**

411

Meetings; oath of office; mayor pro tempore.

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

417 "I do solemnly swear or affirm that I will faithfully execute the office of [councilmember  
418 or mayor, as the case may be] of the City of LaVista Hills and will, to the best of my  
419 ability, support and defend the Constitution of the United States, the Constitution of  
420 Georgia, and the charter, ordinances, and regulations of the City of LaVista Hills. I am not  
421 the holder of any unaccounted for public money due this state or any political subdivision  
422 or authority thereof. I am not the holder of any office of trust under the government of the  
423 United States, any other state, or any foreign state which I, by the laws of the State of  
424 Georgia, am prohibited from holding. I am otherwise qualified to hold said office  
425 according to the Constitution and laws of Georgia. I have been a resident of my district  
426 and the City of LaVista Hills for the time required by the Constitution and laws of this state

427 and by the municipal charter. I will perform the duties of my office in the best interests of  
 428 the City of LaVista Hills to the best of my ability without fear, favor, affection, reward, or  
 429 expectation thereof."

430 (b) Following the induction of the mayor and councilmembers, the city council, by a  
 431 majority vote of the councilmembers, shall elect a councilmember to be mayor pro tempore,  
 432 who shall serve for a term of two years and until a successor is elected and qualified. The  
 433 number of successive terms an individual may hold the position of mayor pro tempore shall  
 434 be unlimited.

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

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

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

455 **SECTION 2.10.**

456 **Quorum; voting.**

457 (a) Four members of the city council shall constitute a quorum and shall be authorized to  
 458 transact business for the city council. The mayor shall be counted toward the making of a  
 459 quorum. Voting on the adoption of ordinances shall be taken by voice vote and the yeas and  
 460 nays shall be recorded in the minutes, but on the request of any member there shall be a  
 461 roll-call vote. In order for any ordinance, resolution, motion, or other action of the city

462 council to be adopted, the measure must receive at least four affirmative votes. No member  
 463 of the city council shall abstain from voting on any matter properly brought before the city  
 464 council for official action, except when such councilmember has a reason which is disclosed  
 465 in writing prior to or at the meeting and made a part of the minutes. If any member of the  
 466 city council is present and eligible to vote on a matter and refuses to do so for a reason he or  
 467 she will not disclose, he or she shall be deemed to have voted with the majority of the votes  
 468 of the other councilmembers on the issue involved. The mayor shall vote only in the event  
 469 of a tie or in the case where his or her vote will provide the number of votes necessary for  
 470 approval of a matter.

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

472 (1) Adopt or amend an administrative code or establish, alter, or abolish a department,  
 473 agency, or office not specified in this charter;

474 (2) Provide for fines or other penalties;

475 (3) Levy taxes;

476 (4) Grant, renew, or extend a franchise;

477 (5) Regulate a rate for a public utility;

478 (6) Authorize the borrowing of money;

479 (7) Convey, lease, or encumber city land;

480 (8) Regulate land use and development; and

481 (9) Amend or repeal an ordinance already adopted.

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

486 (1) Levy taxes;

487 (2) Grant, renew, or extend a franchise;

488 (3) Regulate a rate for a public utility; or

489 (4) Borrow money.

## 490 **SECTION 2.11.**

491 General power and authority of the city council.

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

495 (b) In addition to all other powers conferred upon it by law, the city council shall have the  
 496 authority to adopt and provide for the execution of such ordinances, resolutions, rules, and

497 regulations, not inconsistent with this charter and the Constitution and the laws of the State  
 498 of Georgia, which it shall deem necessary, expedient, or helpful for the peace, good order,  
 499 protection of life and property, health, welfare, sanitation, comfort, convenience, prosperity,  
 500 or well-being of the inhabitants of the City of LaVista Hills and may enforce such ordinances  
 501 by imposing penalties for violations thereof.

502 **SECTION 2.12.**

503 Administrative and service departments.

504 (a) Except for the office of city manager and the elected positions provided for in this  
 505 charter, the city council, by ordinance, may establish, abolish, merge, or consolidate offices  
 506 not specified in this charter, positions of employment, departments, and agencies of the city  
 507 as it shall deem necessary for the proper administration of the affairs and government of the  
 508 city. The city council shall prescribe the functions and duties of existing departments,  
 509 offices, and agencies or of any departments, offices, and agencies hereinafter created or  
 510 established; may provide that the same person shall fill any number of offices and positions  
 511 of employment; and may transfer or change the functions and duties of offices, positions of  
 512 employment, departments, and agencies of the city.

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

518 **SECTION 2.13.**

519 Prohibitions.

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

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

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



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

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

539 (5) Represent other private interests in any action or proceeding against this city or any  
540 portion of its government; or

541 (6) Vote or otherwise participate in the negotiation or in the making of any contract with  
542 any business or entity in which he or she, or members of his or her family, has a financial  
543 interest.

544 (b) Any elected official, appointed officer, or employee who has any private financial  
545 interest, directly or indirectly, in any permissible contract or matter pending before or within  
546 any department of the city shall disclose such private interest to the city council. "Private  
547 financial interest" shall include interests of family. The mayor or any councilmember who  
548 has a private interest in any matter pending before the city council shall disclose in writing  
549 such private interest and such disclosure shall be entered on the records of the city council,  
550 and he or she shall disqualify himself or herself from participating in any decision or vote  
551 relating thereto. Any elected official, appointed officer, or employee of any agency or  
552 political entity to which this charter applies who shall have any private financial interest,  
553 directly or indirectly, in any contract or matter pending before or within such entity shall  
554 disclose such private interest to the governing body of such agency or entity.

555 (c) No elected official, appointed officer, or employee of the city or any agency or entity to  
556 which this charter applies or any member of his or her family shall use property owned by  
557 such governmental entity for personal benefit, convenience, or profit.

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

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

564 (f) No elected official, appointed officer, or employee of the city or any agency, board,  
565 authority, bureau, or any other political entity to which this charter applies nor any member  
566 of such person's family, nor any person who has an employment or other personal

567 relationship with such person, may contract with the city, either directly or indirectly or  
568 through any entity in which such person has a financial or employment interest, for the  
569 provision of goods, professional services, other services, construction or rehabilitation of  
570 improvements, or any other procurement request by the city.

571 (g) "Family" shall, for purposes of this section, include the parents, aunts, uncles, nieces,  
572 nephews, siblings, spouse, and children of such person and shall also include the parents,  
573 siblings, spouses, and children of any of the foregoing family members.

#### 574 **SECTION 2.14.**

##### 575 Boards, commissions, or authorities.

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

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

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

586 (d) No member of any board, commission, or authority shall assume office until he or she  
587 shall have executed and filed with the designated officer of the city an oath obligating  
588 himself or herself to faithfully and impartially perform the duties of his or her office, such  
589 oath to be prescribed by ordinance of the city council.

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

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

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

602

**SECTION 2.15.**

603

Ordinance form; procedures.

604 (a) Every proposed ordinance and resolution shall be introduced in writing and the city  
605 council shall have the authority to approve, disapprove, or amend the same. A resolution  
606 may be passed at the time it is offered, but an ordinance shall not be adopted until the title  
607 of such ordinance shall have been read at two city council meetings, provided that the  
608 beginnings of such meetings are neither less than 24 hours nor more than 60 days apart. This  
609 requirement of two readings shall not apply to emergency ordinances, to ordinances passed  
610 during the first 90 days from the date on which the city begins operation, to ordinances  
611 adopted at the first business meeting of the city council in a calendar year, or to ordinances  
612 adopted at the first meeting of the initial city council as elected under subsection (b) of  
613 Section 2.02 of this charter. The catchlines of sections of this charter or any ordinance  
614 printed in boldface type or italics, or otherwise, are intended as mere catchwords to indicate  
615 the contents of the section and:

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

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

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

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

627

**SECTION 2.16.**

628

Submission of ordinances to the city clerk.

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

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

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ARTICLE III  
EXECUTIVE BRANCH  
**SECTION 3.01.**  
Powers and duties of the mayor.

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- (a) The mayor shall:
- (1) Preside over all meetings of the city council;
  - (2) Set the agenda for meetings of the city council after receiving input from members of the city council, the city manager, and the public; provided, however that an additional item shall be added to the agenda upon the written request of any two members of the city council;
  - (3) Serve as the ceremonial head of the city and as its official representative to federal, state, and local governmental bodies and officials;
  - (4) Sign all orders, checks, and warrants for payment of money within a level of authorization as established by the city council;
  - (5) Execute all contracts, deeds, and other obligations of the city within a level of authorization as established by the city council;
  - (6) Vote in all matters before the city council as provided in subsection (a) of Section 2.10 of this charter;
  - (7) Make all appointments of city officers as provided by this charter, subject to confirmation by the city council;
  - (8) Serve in a part-time capacity and be compensated accordingly; and
  - (9) Perform any other duties and exercise any other powers required by state or federal law or authorized by a duly adopted ordinance that is not in conflict with this charter.
- (b) The mayor shall have the authority to transfer appropriations within a department, fund, service, strategy, or organizational unit, but only with approval of the city council.
- (c) The mayor shall have the authority to certify that a supplemental appropriation is possible due to unexpected revenue increases, but only with approval of the city council.
- (d) The mayor shall have all of the powers specifically granted to the mayor elsewhere in this charter regardless of whether such powers are enumerated in this section of this charter.

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**SECTION 3.02.**  
City manager; appointment and qualification.

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The mayor shall appoint, subject to confirmation by the city council, an officer whose title shall be "city manager." The city manager shall be appointed without regard to political

668 beliefs and solely on the basis of his or her education and experience in the accepted  
669 competencies and practices of local government management.

670 **SECTION 3.03.**

671 City manager; chief administrative officer.

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

676 **SECTION 3.04.**

677 City manager; powers and duties enumerated.

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

- 679 (1) See that all laws and ordinances are enforced;
- 680 (2) Appoint and employ all necessary employees of the city, provided that this power of  
681 appointment shall not include officers and employees who by this charter are appointed  
682 or elected by the mayor and the city council or departments not under the jurisdiction of  
683 the city manager;
- 684 (3) Remove employees appointed and employed under paragraph (2) of this section  
685 without the consent of the city council and without assigning any reason therefor;
- 686 (4) Exercise supervision and control of all departments, offices, and agencies and all  
687 divisions or bureaus created in this charter or that may hereafter be created by the city  
688 council, except as otherwise provided in this charter;
- 689 (5) Attend all meetings of the city council, without a right to vote, but with a right to take  
690 part in the discussions as seen fit by the chairperson; provided, however, that, regardless  
691 of the decision of the chairperson, the city manager may take part in any discussion and  
692 report on any matter requested and approved by the city council at such meeting. The  
693 city manager shall be entitled to notice of all special meetings;
- 694 (6) Recommend to the city council, after prior review and comment by the mayor, for  
695 adoption such measures as the city manager may deem necessary or expedient;
- 696 (7) See that all terms and conditions imposed in favor of the city or its inhabitants in any  
697 public utility franchise are faithfully kept and performed and, upon knowledge of any  
698 violation thereof, call the same to the attention of the city attorney, whose duty it shall be  
699 forthwith to take such steps as are necessary to protect and enforce the same;

- 700 (8) Make and execute all lawful contracts on behalf of the city as to matters within the  
701 city manager's level of authorization as established by the city council to the extent that  
702 such contracts are funded in the city's budget, except such as may be otherwise provided  
703 by law; provided, however, that no contract purchase or obligation requiring a budget  
704 amendment shall be valid and binding until after approval of the city council;
- 705 (9) Sign all orders, checks, and warrants for payment of money within the city manager's  
706 level of authorization as established by the city council to the extent that such contracts  
707 are funded in the city's budget, except such as may be otherwise provided by law;  
708 provided, however, that no such order, check, or warrant requiring a budget amendment  
709 shall be valid and binding until after approval of the city council;
- 710 (10) Act as budget officer to prepare and submit to the city council, after review and  
711 comment by the mayor, prior to the beginning of each fiscal year, a budget of proposed  
712 expenditures for the ensuing year, showing in as much detail as practicable the amounts  
713 allotted to each department of the city government and the reasons for such estimated  
714 expenditures;
- 715 (11) Keep the city council at all times fully advised as to the financial condition and  
716 needs of the city;
- 717 (12) Make a full written report to the city council on the fifteenth day of each month  
718 showing the operations and expenditures of each department of the city government for  
719 the preceding month, and a synopsis of such reports shall be published by the city clerk;
- 720 (13) Fix all salaries and compensation of city employees in accordance with the city  
721 budget and the city pay and classification plan; and
- 722 (14) Perform such other duties as may be prescribed by this charter or required by  
723 ordinance or resolution of the city council.

724

**SECTION 3.05.**

725

City council interference with administration.

726 Except for the purpose of inquiries and investigations under Section 2.08 of this charter, the  
727 city council or its members shall deal with city officers and employees who are subject to the  
728 direction or supervision of the city manager solely through the city manager, and neither the  
729 city council nor its members shall give orders to any such officer or employee, either publicly  
730 or privately.

731 **SECTION 3.06.**

732 City manager; removal.

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

735 (1) The city council shall adopt, by affirmative vote of a majority of all its members, a  
736 preliminary resolution removing the city manager and may suspend the city manager  
737 from duty for a period not to exceed 45 days. A copy of the resolution shall be delivered  
738 promptly to the city manager;

739 (2) Within five days after a copy of the resolution is delivered to the city manager, he or  
740 she may file with the city council a written request for a public hearing. This hearing  
741 shall be held at a city council meeting not earlier than 15 days nor later than 30 days after  
742 the request is filed. The city manager may file with the city council a written reply not  
743 later than five days before the hearing; and

744 (3) The city council may adopt a final resolution of removal, which may be made  
745 effective immediately, by affirmative vote of four of its members at any time after five  
746 days from the date when a copy of the preliminary resolution was delivered to the city  
747 manager if he or she has not requested a public hearing, or at any time after the public  
748 hearing if he or she has requested one.

749 (b) The city manager shall continue to receive his or her salary until the effective date of a  
750 final resolution of his or her removal. The action of the city council in suspending or  
751 removing the city manager shall not be subject to review by any court or agency.

752 (c) If the city manager is suspended in accordance with subsection (a) of this section or  
753 becomes disabled and is unable to carry out the duties of the office or if the city manager  
754 dies, the acting city manager shall perform the duties of the city manager until the city  
755 manager's disability is removed or until the city manager is replaced. Removal of the city  
756 manager because of disability shall be carried out in accordance with the provisions of  
757 subsection (a) of this section.

758 **SECTION 3.07.**

759 Acting city manager.

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

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

767 **SECTION 3.08.**

768 City attorney.

769 The mayor shall appoint the city attorney or city attorneys, together with such assistant city  
770 attorneys as may be deemed appropriate, subject to confirmation by the city council, and  
771 shall provide for the payment of such attorneys for services rendered to the city. The rates  
772 or salary paid to any city attorney or assistant city attorney shall be approved in advance by  
773 the city council. The city attorney shall be responsible for representing and defending the  
774 city in all litigation in which the city is a party; may be the prosecuting officer in the  
775 municipal court; shall attend meetings of the city council as directed; shall advise the city  
776 council, mayor, other officers, and employees of the city concerning legal aspects of the  
777 city's affairs; and shall perform such other duties as may be required by virtue of his or her  
778 position as city attorney. The city attorney shall review all contracts of the city but shall not  
779 have the power to bind the city.

780 **SECTION 3.09.**

781 City clerk.

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

786 **SECTION 3.10.**

787 City tax collector.

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



793 **SECTION 3.11.**

794 City accountant.

795 The mayor may appoint a city accountant, subject to confirmation by the city council, to  
796 perform the duties of an accountant.

797 **SECTION 3.12.**

798 City internal auditor.

799 The city council shall appoint an internal auditor to audit the financial records and  
800 expenditures of city funds and to report the results of such audits in writing to the city  
801 council at times and intervals set by the city council but not less than quarterly. Such audit  
802 reports shall, at a minimum, identify all city expenditures and other financial matters that the  
803 internal auditor either determines are not in compliance with or cannot conclusively be  
804 determined to be in compliance with:

805 (1) The provisions of this charter;

806 (2) The applicable city budget; and

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

809 The compensation and expenses payable to the mayor and the councilmembers pursuant to  
810 Section 2.07 of this charter shall not commence until an internal auditor is appointed by the  
811 city council.

812 **SECTION 3.13.**

813 Consolidation of functions.

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

820 **SECTION 3.14.**

821 Position classification and pay plans; employment at will.

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

830 **ARTICLE IV**831 **MUNICIPAL COURT**832 **SECTION 4.01.**

833 Creation.

834 There is established a court to be known as the Municipal Court of the City of LaVista Hills  
 835 which shall have jurisdiction and authority to try offenses against the laws and ordinances  
 836 of such city and to punish for violations of the same. Such court shall have the power to  
 837 enforce its judgments by the imposition of such penalties as may be provided by law,  
 838 including ordinances of the city; to punish witnesses for nonattendance and to punish also  
 839 any person who may counsel or advise, aid, encourage, or persuade another whose testimony  
 840 is desired or material in any proceeding before such court to go or move beyond the reach  
 841 of the process of the court; to try all offenses within the territorial limits of the city  
 842 constituting traffic cases which, under the laws of Georgia, are placed within the jurisdiction  
 843 of municipal courts to the extent of, and in accordance with, the provisions of such laws and  
 844 all laws subsequently enacted amendatory thereof. Such court shall be presided over by the  
 845 judge of such court. In the absence or disqualification of the judge, the judge pro tempore  
 846 shall preside and shall exercise the same powers and duties as the judge when so acting.

847 **SECTION 4.02.**

848 Judges.

849 (a) No person shall be qualified or eligible to serve as judge unless he or she shall have  
 850 attained the age of 28 years and shall have been a member of the State Bar of Georgia for a  
 851 minimum of three years. The judges shall be nominated by the mayor subject to approval

852 by the city council. The compensation and number of the judges shall be fixed by the city  
853 council.

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

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

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

- 865 (1) Willful misconduct in office;
- 866 (2) Willful and persistent failure to perform duties;
- 867 (3) Habitual intemperance;
- 868 (4) Conduct prejudicial to the administration of justice which brings the judicial office  
869 into disrepute; or
- 870 (5) Disability seriously interfering with the performance of duties, which is or is likely  
871 to become of a permanent character.

872 **SECTION 4.03.**

873 Convening.

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

876 **SECTION 4.04.**

877 Jurisdiction; powers.

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

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

883 (c) The municipal court shall have authority to establish bail and recognizances to ensure  
884 the presence of those charged with violations before such court and shall have discretionary

885 authority to accept cash or personal or real property as security for appearances of persons  
886 charged with violations. Whenever any person shall give bail for his or her appearance and  
887 shall fail to appear at the time fixed for trial, the bond shall be forfeited to the judge presiding  
888 at such time and an execution issued thereon by serving the defendant and his or her sureties  
889 with a rule nisi at least two days before a hearing on the rule nisi. In the event that cash or  
890 property is accepted in lieu of bond for security for the appearance of a defendant at trial, and  
891 if such defendant fails to appear at the time and place fixed for trial, the cash so deposited  
892 shall be on order of the judge declared forfeited to the City of LaVista Hills, or the property  
893 so deposited shall have a lien against it for the value forfeited.

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

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

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

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

904 **SECTION 4.05.**

905 Certiorari.

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

910 **SECTION 4.06.**

911 Rules for court.

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

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ARTICLE V  
FINANCE AND FISCAL  
**SECTION 5.01.**  
Fiscal year.

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

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**SECTION 5.02.**  
Preparation of budgets.

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

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**SECTION 5.03.**  
Submission of operating budget to city council.

930 (a) On or before a date fixed by the city council, but no later than the first day of the ninth  
931 month of the fiscal year currently ending, the city manager shall, after input, review, and  
932 comment by the mayor, submit to the city council a proposed operating budget and capital  
933 budget for the ensuing fiscal year. The budget shall be accompanied by a message from the  
934 mayor and city manager containing a statement of the general fiscal policies of the city,  
935 important features of the budget, explanations of major changes recommended for the next  
936 fiscal year, a general summary of the budget, and such other comments and information as  
937 they may deem pertinent. The operating budget, capital budget, budget message, and all  
938 supporting documents shall be filed in the office of the city manager and shall be open to  
939 public inspection.

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

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

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

952 **SECTION 5.04.**

953 Action by city council on budget.

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

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

964 **SECTION 5.05.**

965 Procurement and property management.

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

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

974 **SECTION 5.06.**

975 Purchasing.

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

978

**SECTION 5.07.**

979

Audits.

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

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

987

**SECTION 5.08.**

988

Homestead exemption; freeze.

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

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

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

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

1000 (b) Each resident of the City of LaVista Hills is granted an exemption on such person's  
 1001 homestead from City of LaVista Hills ad valorem taxes for municipal purposes in an amount  
 1002 equal to the amount by which the current year assessed value of such homestead exceeds the  
 1003 base year assessed value of such homestead. This exemption shall not apply to taxes  
 1004 assessed on improvements to the homestead or additional land that is added to the homestead  
 1005 after January 1 of the base year. If any real property is added to or removed from the  
 1006 homestead, the base year assessed value shall be adjusted to reflect such addition or removal,  
 1007 and the exemption shall be recalculated accordingly. The value of such property in excess  
 1008 of such exempted amount shall remain subject to taxation.

1009 (c) A person shall not receive the homestead exemption granted by subsection (b) of this  
 1010 section unless the person or person's agent files an application with the governing authority  
 1011 of the City of LaVista Hills, or the designee thereof, giving such information relative to

1012 receiving such exemption as will enable the governing authority of the City of LaVista Hills,  
 1013 or the designee thereof, to make a determination regarding the initial and continuing  
 1014 eligibility of such owner for such exemption. The governing authority of the City of LaVista  
 1015 Hills, or the designee thereof, shall provide application forms for this purpose.

1016 (d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of  
 1017 the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year  
 1018 so long as the owner occupies the residence as a homestead. After a person has filed the  
 1019 proper application as provided in subsection (c) of this section, it shall not be necessary to  
 1020 make application thereafter for any year, and the exemption shall continue to be allowed to  
 1021 such person. It shall be the duty of any person granted the homestead exemption under  
 1022 subsection (b) of this section to notify the governing authority of the City of LaVista Hills,  
 1023 or the designee thereof, in the event such person for any reason becomes ineligible for such  
 1024 exemption.

1025 (e) The exemption granted by subsection (b) of this section shall not apply to or affect state  
 1026 ad valorem taxes, county ad valorem taxes for county purposes, or county or independent  
 1027 school district ad valorem taxes for educational purposes. The homestead exemption granted  
 1028 by subsection (b) of this section shall be in addition to and not in lieu of any other homestead  
 1029 exemption applicable to municipal ad valorem taxes for municipal purposes.

1030 (f) The exemption granted by subsection (b) of this section shall apply only to taxable years  
 1031 2017 through 2019. Unless renewed or extended by subsequent Act of the General  
 1032 Assembly, the exemption granted by subsection (b) of this section shall not apply to taxable  
 1033 year 2020 or any subsequent taxable year.

#### 1034 **SECTION 5.09.**

#### 1035 Homestead exemption; senior citizens; disabled.

1036 (a) As used in this section, the term:

1037 (1) "Ad valorem taxes for municipal purposes" means all ad valorem taxes for municipal  
 1038 purposes levied by, for, or on behalf of the City of LaVista Hills, including, but not  
 1039 limited to, any ad valorem taxes to pay interest on and to retire municipal bonded  
 1040 indebtedness.

1041 (2) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of  
 1042 the O.C.G.A., as amended.

1043 (3) "Income" means Georgia taxable net income determined pursuant to Chapter 7 of  
 1044 Title 48 of the O.C.G.A., as amended, for state income tax purposes, except income shall  
 1045 not include income received as retirement, survivor, or disability benefits under the  
 1046 federal Social Security Act or under any other public or private retirement, disability, or



1047 pension system, except such income which is in excess of the maximum amount  
1048 authorized to be paid to an individual and such individual's spouse under the federal  
1049 Social Security Act. Income from such sources in excess of such maximum amount shall  
1050 be included as income for the purposes of this charter.

1051 (4) "Senior citizen" means a person who is 65 years of age or over on or before January 1  
1052 of the year in which application for the exemption under subsection (b) of this section is  
1053 made.

1054 (b) Each resident of the City of LaVista Hills who is disabled or is a senior citizen is granted  
1055 an exemption on such person's homestead from City of LaVista Hills ad valorem taxes for  
1056 municipal purposes in the amount of \$14,000.00 of the assessed value of such homestead.  
1057 The exemption granted by this subsection shall only be granted if such person's income,  
1058 together with the income of the spouse who also occupies and resides at such homestead,  
1059 does not exceed \$15,000.00 for the immediately preceding year. The value of such property  
1060 in excess of such exempted amount shall remain subject to taxation.

1061 (c)(1) In order to qualify for the exemption provided for in subsection (b) of this section  
1062 due to being disabled, the person claiming such exemption shall be required to obtain a  
1063 certificate from not more than three physicians licensed to practice medicine under  
1064 Chapter 34 of Title 43 of the O.C.G.A., as amended, certifying that, in the opinion of  
1065 such physician or physicians, such person is mentally or physically incapacitated to the  
1066 extent that such person is unable to be gainfully employed and that such incapacity is  
1067 likely to be permanent. Such certificate or certificates shall constitute part of and be  
1068 submitted with the application provided for in paragraph (2) of this subsection.

1069 (2) A person shall not receive the homestead exemption granted by subsection (b) of this  
1070 section unless the person or person's agent files an application with the governing  
1071 authority of the City of LaVista Hills, or the designee thereof, giving the person's age,  
1072 income, and such additional information relative to receiving such exemption as will  
1073 enable the governing authority of the City of LaVista Hills, or the designee thereof, to  
1074 make a determination regarding the initial and continuing eligibility of such owner for  
1075 such exemption. The governing authority of the City of LaVista Hills, or the designee  
1076 thereof, shall provide application forms for this purpose.

1077 (d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of  
1078 the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year  
1079 so long as the owner occupies the residence as a homestead. After a person has filed the  
1080 proper application as provided in subsection (c) of this section, it shall not be necessary to  
1081 make application thereafter for any year, and the exemption shall continue to be allowed to  
1082 such person. It shall be the duty of any person granted the homestead exemption under  
1083 subsection (b) of this section to notify the governing authority of the City of LaVista Hills,

1084 or the designee thereof, in the event such person for any reason becomes ineligible for such  
1085 exemption.

1086 (e) The exemption granted by subsection (b) of this section shall not apply to or affect state  
1087 ad valorem taxes, county ad valorem taxes for county purposes, or county or independent  
1088 school district ad valorem taxes for educational purposes. The homestead exemption granted  
1089 by subsection (b) of this section shall be in addition to and not in lieu of any other homestead  
1090 exemption applicable to municipal ad valorem taxes for municipal purposes.

1091 (f) The exemption granted by subsection (b) of this section shall apply to all taxable years  
1092 beginning on or after January 1, 2017.

1093 **SECTION 5.10.**

1094 Homestead exemption; general.

1095 (a) As used in this section, the term:

1096 (1) "Ad valorem taxes for municipal purposes" means all ad valorem taxes for municipal  
1097 purposes levied by, for, or on behalf of the City of LaVista Hills, including, but not  
1098 limited to, any ad valorem taxes to pay interest on and to retire municipal bonded  
1099 indebtedness.

1100 (2) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of  
1101 the O.C.G.A., as amended.

1102 (b) Each resident of the City of LaVista Hills is granted an exemption on such person's  
1103 homestead from City of LaVista Hills ad valorem taxes for municipal purposes in the amount  
1104 of \$10,000.00 of the assessed value of such homestead. The value of such property in excess  
1105 of such exempted amount shall remain subject to taxation.

1106 (c) A person shall not receive the homestead exemption granted by subsection (b) of this  
1107 section unless the person or person's agent files an application with the governing authority  
1108 of the City of LaVista Hills, or the designee thereof, giving such information relative to  
1109 receiving such exemption as will enable the governing authority of the City of LaVista Hills,  
1110 or the designee thereof, to make a determination regarding the initial and continuing  
1111 eligibility of such owner for such exemption. The governing authority of the City of LaVista  
1112 Hills, or the designee thereof, shall provide application forms for this purpose.

1113 (d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of  
1114 the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year  
1115 so long as the owner occupies the residence as a homestead. After a person has filed the  
1116 proper application as provided in subsection (c) of this section, it shall not be necessary to  
1117 make application thereafter for any year, and the exemption shall continue to be allowed to  
1118 such person. It shall be the duty of any person granted the homestead exemption under

1119 subsection (b) of this section to notify the governing authority of the City of LaVista Hills,  
 1120 or the designee thereof, in the event such person for any reason becomes ineligible for such  
 1121 exemption.

1122 (e) The exemption granted by subsection (b) of this section shall not apply to or affect state  
 1123 ad valorem taxes, county ad valorem taxes for county purposes, or county or independent  
 1124 school district ad valorem taxes for educational purposes. The homestead exemption granted  
 1125 by subsection (b) of this section shall be in addition to and not in lieu of any other homestead  
 1126 exemption applicable to municipal ad valorem taxes for municipal purposes.

1127 (f) The exemption granted by subsection (b) of this section shall apply to all taxable years  
 1128 beginning on or after January 1, 2017.

### 1129 **SECTION 5.11.**

1130 Homestead exemption; surviving spouses.

1131 (a) As used in this section, the term:

1132 (1) "Ad valorem taxes for municipal purposes" means all ad valorem taxes for municipal  
 1133 purposes levied by, for, or on behalf of the City of LaVista Hills, including, but not  
 1134 limited to, any ad valorem taxes to pay interest on and to retire municipal bonded  
 1135 indebtedness.

1136 (2) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of  
 1137 the O.C.G.A., as amended.

1138 (3) "Unremarried surviving spouse" means the unmarried widow or widower of a  
 1139 member of the armed forces who is receiving spousal benefits from the United States  
 1140 Department of Veterans Affairs.

1141 (b) Any person who is a resident of the City of LaVista Hills and who is an unremarried  
 1142 surviving spouse of a member of the armed forces of the United States, which member has  
 1143 been killed in or has died as a result of any war or armed conflict in which the armed forces  
 1144 of the United States engaged, whether under United States command or otherwise, shall be  
 1145 granted a homestead exemption from all City of LaVista Hills ad valorem taxation for  
 1146 municipal purposes in the amount of the greater of \$32,500.00 or the maximum amount  
 1147 which may be granted to a disabled veteran under Section 2102 of Title 38 of the United  
 1148 States Code, as amended. As of January 1, 2013, the maximum amount which may be  
 1149 granted to a disabled veteran under Section 2102 of Title 38 of the United States Code, as  
 1150 amended, is \$50,000.00. The exemption shall be on the homestead which the unremarried  
 1151 surviving spouse owns and actually occupies as a residence and homestead. In the event  
 1152 such surviving spouse remarries, such person shall cease to be qualified to receive the  
 1153 exemption under this charter effective December 31 of the taxable year in which such person

1154 remarries. The value of all property in excess of such exemption granted to such unremarried  
1155 surviving spouse shall remain subject to taxation.

1156 (c) In order to qualify for the exemption provided for in this charter, the unremarried  
1157 surviving spouse shall furnish to the governing authority of the City of LaVista Hills, or the  
1158 designee thereof, documents from the Secretary of Defense evidencing that such unremarried  
1159 surviving spouse receives spousal benefits as a result of the death of such person's spouse  
1160 who, as a member of the armed forces of the United States, was killed or died as a result of  
1161 any war or armed conflict while on active duty or while performing authorized travel to or  
1162 from active duty during such war or armed conflict in which the armed forces of the United  
1163 States engaged, whether under United States command or otherwise, pursuant to the Survivor  
1164 Benefit Plan under Subchapter II of Chapter 73 of Title 10 of the United States Code or  
1165 pursuant to any preceding or subsequent federal law which provides survivor benefits for  
1166 spouses of members of the armed forces who were killed or died as a result of any war or  
1167 armed conflict.

1168 (d) An unremarried surviving spouse filing for the exemption under this section shall be  
1169 required to file with the governing authority of the City of LaVista Hills, or the designee  
1170 thereof, information relative to marital status and such other information which the governing  
1171 authority of the City of LaVista Hills, or the designee thereof, deems necessary to determine  
1172 eligibility for the exemption. An unremarried surviving spouse shall file for the exemption  
1173 only once with the governing authority of the City of LaVista Hills or the designee thereof.  
1174 Once filed, the exemption shall automatically be renewed from year to year, except that the  
1175 governing authority of the City of LaVista Hills, or the designee thereof, may require  
1176 annually that the holder of an exemption substantiate his or her continuing eligibility for the  
1177 exemption. It shall be the duty of any person granted the homestead exemption under this  
1178 section to notify the governing authority of the City of LaVista Hills, or the designee thereof,  
1179 in the event such person for any reason becomes ineligible for such exemption.

1180 (e) The exemption granted by this section shall be in lieu of and not in addition to any other  
1181 exemption from ad valorem taxation for municipal purposes which is equal to or lower in  
1182 amount than such exemption granted by this section. If the amount of any other exemption  
1183 from ad valorem taxation for municipal purposes applicable to any resident qualifying under  
1184 this section is greater than or is increased to an amount greater than the amount of the  
1185 applicable exemption granted by this section, such other exemption shall apply and shall be  
1186 in lieu of and not in addition to the exemption granted by this section.

1187 (f) The exemptions granted by this section shall apply to all taxable years beginning on or  
1188 after January 1, 2017.

**SECTION 5.12.**

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Homestead exemption; one mill equivalent.

1191 (a) As used in this section, the term:

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

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

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(b) Each resident of the City of LaVista Hills is granted an exemption on such person's homestead from City of LaVista Hills ad valorem taxes for municipal purposes in an amount that provides the dollar equivalent of a one mill reduction of the millage rate applicable to the homestead property with respect to ad valorem taxes for municipal purposes for the taxable year. The value of such property in excess of such exempted amount shall remain subject to taxation.

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

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

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

1225 (f) The exemption granted by subsection (b) of this section shall apply to all taxable years  
 1226 beginning on or after January 1, 2017.

1227 **SECTION 5.13.**

1228 Homestead exemption; Fire Services Tax District HOST Equivalent.

1229 (a) As used in this section, the term:

1230 (1) "Ad valorem taxes for fire services" means all ad valorem taxes for the purpose of  
 1231 providing fire services levied by, for, or on behalf of the City of LaVista Hills, including,  
 1232 but not limited to, any ad valorem taxes to pay interest on and to retire municipal bonded  
 1233 indebtedness.

1234 (2) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of  
 1235 the O.C.G.A., as amended.

1236 (b) In the event that the City of LaVista Hills assumes responsibility for the transfer of fire  
 1237 services from DeKalb County, each resident of the City of LaVista Hills is granted an annual  
 1238 exemption on such person's homestead from City of LaVista Hills ad valorem taxes in a fixed  
 1239 amount equal to the HOST tax credit provided to DeKalb County residences who participate  
 1240 in the Fire Services Special Tax District at a level equal to the average percentage credit for  
 1241 the five years immediately preceding the cutover of fire services. The value of such property  
 1242 in excess of such exempted amount shall remain subject to taxation.

1243 (c) A person shall receive the homestead exemption granted by subsection (b) of this section  
 1244 provided that the person or person's agent has filed or files an application with the governing  
 1245 authority of the City of LaVista Hills in accordance with subsection (c) of Section 5.10 or  
 1246 subsection (c) of Section 5.12 of this charter giving such information relative to receiving  
 1247 such exemption as will enable the governing authority of the City of LaVista Hills, or the  
 1248 designee thereof, to make a determination regarding the initial and continuing eligibility of  
 1249 such owner for such exemption. No additional homestead exemption form or application is  
 1250 required to grant the homestead exemption under this section.

1251 (d) The exemption shall be automatically renewed from year to year so long as the owner  
 1252 occupies the residence as a homestead. After a person has filed the proper application, it  
 1253 shall not be necessary to make application thereafter for any year, and the exemption shall  
 1254 continue to be allowed to such person. It shall be the duty of any person granted the  
 1255 homestead exemption under subsection (b) of this section to notify the governing authority  
 1256 of the City of LaVista Hills, or the designee thereof, in the event such person for any reason  
 1257 becomes ineligible for such exemption.

1258 (e) The exemption granted by subsection (b) of this section shall not apply to or affect state  
 1259 ad valorem taxes, county ad valorem taxes for county purposes, or county or independent

1260 school district ad valorem taxes for educational purposes. The homestead exemption granted  
 1261 by subsection (b) of this section shall be in addition to and not in lieu of any other homestead  
 1262 exemption applicable to municipal ad valorem taxes for municipal purposes.

1263 (f) The exemption granted by subsection (b) of this section shall apply to all taxable years  
 1264 beginning in the year in which the City of LaVista Hills assumes responsibility for the  
 1265 transfer of fire services from DeKalb County. In the event that the transfer of fire services  
 1266 does not coincide with a taxable year end, the homestead exemption shall be prorated in the  
 1267 first year in an amount equal to the percent of the first year in which LaVista Hills provides  
 1268 fire services.

## 1269 ARTICLE VI

### 1270 GENERAL PROVISIONS

#### 1271 SECTION 6.01.

1272 DeKalb County special services tax district.

1273 For the taxable years beginning on or after January 1, 2017, the adjusted ad valorem tax  
 1274 millage rate and amount for service charges or fees for district services assessed by DeKalb  
 1275 County, Georgia, for the LaVista Hills special services tax district shall be 0 percent. This  
 1276 section is enacted pursuant to the authority granted to the General Assembly under Section 1  
 1277 of that local constitutional amendment providing that certain municipalities in DeKalb  
 1278 County shall constitute special services tax districts, Resolution Act. No. 168, House  
 1279 Resolution No. 715-1916, Ga. L. 1978, p. 2468, to control the subject matter of such local  
 1280 constitutional amendment. Municipal services provided by DeKalb County for the City of  
 1281 LaVista Hills will be established through intergovernmental agreements or established as  
 1282 otherwise authorized by statute.

#### 1283 SECTION 6.02.

1284 Referendum and initial election.

1285 (a) The election superintendent of DeKalb County shall call a special election for the  
 1286 purpose of submitting this Act to the qualified voters of the proposed City of LaVista Hills  
 1287 for approval or rejection. The superintendent shall set November 3, 2015, as the date of such  
 1288 election. The superintendent shall issue the call for such election at least 30 days prior to the  
 1289 date thereof. The superintendent shall cause the date and purpose of the election to be  
 1290 published once a week for two weeks immediately preceding the date thereof in the official  
 1291 organ of DeKalb County. The ballot shall have written or printed thereon the words:

1292 "( ) YES Shall the Act incorporating the City of LaVista Hills in DeKalb County  
 1293 according to the charter contained in the Act and the homestead exemptions  
 1294 ( ) NO described in the Act be approved?"

1295 All persons desiring to vote for approval of the Act shall vote "Yes," and all persons desiring  
 1296 to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on  
 1297 such question are for approval of the Act, it shall become of full force and effect as provided  
 1298 in this charter, otherwise it shall be void and of no force and effect. The initial expense of  
 1299 such election shall be borne by DeKalb County. Within two years after the elections if the  
 1300 incorporation is approved, the City of LaVista Hills shall reimburse DeKalb County for the  
 1301 actual cost of printing and personnel services for such election and for the initial election of  
 1302 the mayor and councilmembers pursuant to Section 2.02 of this charter. It shall be the duty  
 1303 of the superintendent to hold and conduct such election. It shall be his or her further duty to  
 1304 certify the result thereof to the Secretary of State.

1305 (b) For the purposes of the referendum election provided for in subsection (a) of this section  
 1306 and for the purposes of the special election of the City of LaVista Hills to be held in  
 1307 conjunction with and on the date of the 2016 presidential preference primary, the qualified  
 1308 electors of the City of LaVista Hills shall be those qualified electors of DeKalb County  
 1309 residing within the corporate limits of the City of LaVista Hills as described by Appendix  
 1310 A of this charter. At subsequent municipal elections, the qualified electors of the City of  
 1311 LaVista Hills shall be determined pursuant to the authority of Chapter 2 of Title 21 of the  
 1312 O.C.G.A., the "Georgia Election Code."

1313 (c) Only for the purposes of holding and conducting the referendum election provided for  
 1314 by subsection (a) of this section and holding and conducting the special election of the City  
 1315 of LaVista Hills to be held on the date of the 2016 presidential preference primary, the  
 1316 election superintendent of DeKalb County is vested with the powers and duties of the  
 1317 election superintendent of the City of LaVista Hills and the powers and duties of the  
 1318 governing authority of the City of LaVista Hills.

### 1319 **SECTION 6.03.**

#### 1320 **Effective dates and transition.**

1321 (a) The initial mayor and councilmembers shall take the oath of office the next business day  
 1322 after certification of the election of such officers and, by action of any four members of the  
 1323 governing authority, may meet and take actions binding on the city.

1324 (b) A period of time will be needed for an orderly transition of various government functions  
 1325 from DeKalb County to the City of LaVista Hills. Accordingly, there shall be a two-year  
 1326 transition period as allowed by law beginning at 12:01 A.M. on July 1, 2016.



1327 (c) During such transition period, DeKalb County shall continue to provide within the  
1328 territorial limits of the city all government services and functions which DeKalb County  
1329 provided in 2016 and at the same actual direct cost and level of service, except to the extent  
1330 otherwise provided in this section; provided, however, that upon at least 30 days' prior  
1331 written notice to the governing authority of DeKalb County by the governing authority of the  
1332 City of LaVista Hills, responsibility for any such service or function shall be transferred to  
1333 the City of LaVista Hills. The governing authority of the City of LaVista Hills shall  
1334 determine the date of commencement of collection of taxes, fees, assessments, fines and  
1335 forfeitures, and other moneys within the territorial limits of the city and the date upon which  
1336 the City of LaVista Hills is considered removed from the DeKalb County special services tax  
1337 district.

1338 (d) During the transition period, the governing authority of the City of LaVista Hills may  
1339 generally exercise any power granted by this charter or general law, except to the extent that  
1340 a power is specifically and integrally related to the provision of a governmental service,  
1341 function, or responsibility not yet provided or carried out by the city.

1342 (e) During the transition period, all ordinances of DeKalb County shall remain applicable  
1343 within the territorial limits of the city unless otherwise amended, repealed, or replaced by the  
1344 City of LaVista Hills. Any transfer of jurisdiction to the City of LaVista Hills during or at  
1345 the end of the transition period shall not in and of itself abate any judicial proceeding pending  
1346 in DeKalb County or the pending prosecution of any violation of any ordinance of DeKalb  
1347 County.

1348 (f) During the transition period, the governing authority of the City of LaVista Hills may at  
1349 any time, without the necessity of any agreement by DeKalb County, commence to exercise  
1350 its planning and zoning powers; provided, however, that the city shall give the county notice  
1351 of the date on which the city will assume the exercise of such powers. Upon the governing  
1352 authority of the City of LaVista Hills commencing to exercise its planning and zoning  
1353 powers, the Municipal Court of the City of LaVista Hills shall immediately have jurisdiction  
1354 to enforce the planning and zoning ordinances of the city. The provisions of this subsection  
1355 shall have control over any conflicting provisions of any other subsection of this section.

1356 (g) Effective upon the termination of the transition period, subsections (b) through (f) of this  
1357 section shall cease to apply except for the last sentence of subsection (e) which shall remain  
1358 effective. Effective upon the termination of the transition period, the City of LaVista Hills  
1359 shall be a fully functioning municipal corporation and subject to all general laws of this state.

1360 **SECTION 6.04.**

1361 Directory nature of dates.

1362 It is the intention of the General Assembly that this Act be construed as directory rather than  
 1363 mandatory with respect to any date prescribed in this Act. If it is necessary to delay any  
 1364 action called for in this Act for providential cause or any other reason, it is the intention of  
 1365 the General Assembly that the action be delayed rather than abandoned. Any delay in  
 1366 performing any action under this Act, whether for cause or otherwise, shall not operate to  
 1367 frustrate the overall intent of this Act. Without limiting the generality of the foregoing, it is  
 1368 specifically provided that if it is not possible to hold the referendum election provided for in  
 1369 Section 6.02 of this Act on the date specified in that section, then such referendum shall be  
 1370 held as soon thereafter as is reasonably practicable. If the referendum election provided for  
 1371 in Section 6.02 of this Act is conducted on or before November 3, 2015, the special election  
 1372 for the initial members of the governing authority shall be conducted on the date specified  
 1373 in Section 2.02 of this Act. If the referendum election provided for under Section 6.02 of this  
 1374 Act is conducted after November 3, 2015, then the special election for the initial members  
 1375 of the governing authority shall be held as soon thereafter as is reasonably practicable, and  
 1376 the commencement of the initial terms of office shall be delayed accordingly. If the first  
 1377 election provided for in Section 2.02 of this Act occurs after the date of the 2016 presidential  
 1378 preference primary, the city council shall be authorized to delay the dates otherwise specified  
 1379 in Section 6.03 of this charter.

1380 **SECTION 6.05.**

1381 Charter commission.

1382 Not later than five years after the inception of the City of LaVista Hills, the mayor and the  
 1383 city council shall call for a charter commission to review the city's experience and  
 1384 recommend to the General Assembly any changes to the charter. Members of the charter  
 1385 commission shall be appointed as follows: one by the mayor, one by each member of the city  
 1386 council, and one member appointed by a vote of the members of the Georgia House of  
 1387 Representatives and Georgia Senate whose districts lie wholly or partially within the  
 1388 corporate boundaries of the City of LaVista Hills. All members of the charter commission  
 1389 shall reside in the City of LaVista Hills. The charter commission shall complete the  
 1390 recommendations within the time frame required by the city council.

1391 **SECTION 6.06.**

1392 Severability.

1393 In the event any section, subsection, sentence, clause, or phrase of this Act shall be declared  
 1394 or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other  
 1395 sections, subsections, sentences, clauses, or phrases of this Act, which shall remain of full  
 1396 force and effect, as if the section, subsection, sentence, clause, or phrase so declared or  
 1397 adjudged invalid or unconstitutional were not originally a part hereof. The General  
 1398 Assembly hereby declares that it would have passed the remaining parts of this Act if it had  
 1399 known that such part or parts hereof would be declared or adjudged invalid or  
 1400 unconstitutional.

1401 **SECTION 6.07.**

1402 Effective date.

1403 This Act shall become effective upon its approval by the Governor or upon its becoming law  
 1404 without such approval.

1405 **SECTION 6.08.**

1406 Repealer.

1407 All laws and parts of laws in conflict with this Act are repealed.

1408 **APPENDIX A**

1409 **LEGAL DESCRIPTION CORPORATE LIMITS**  
 1410 **CITY OF LAVISTA HILLS, DEKALB COUNTY, GEORGIA**

1411 The corporate limits of the City of LaVista Hills shall include the areas specified as follows:

1412 Plan: LaVista Hills-p1(corp)-2015

1413 Plan Type: Local

1414 Administrator: :LaVista Hills

1415 User: bak

1416 District: LaVista Hills

1417 DeKalb County

1418 VTD: 089BC - BRIAR VISTA ELEMENTARY  
 1419 021502:  
 1420 2004 2007 2008 2009 2010 2011 2012 2013 2014  
 1421 VTD: 089BD - BRIARLAKE ELEMENTARY  
 1422 VTD: 089BG - BRIARCLIFF  
 1423 VTD: 089CJ - CLAIRMONT HILLS  
 1424 021602:  
 1425 2026 2028  
 1426 VTD: 089CW - CORALWOOD  
 1427 VTD: 089EC - EMBRY HILLS  
 1428 021808:  
 1429 2000 2001 2002 2003 2004 2006 2007 2008 2009 2010 2011 2012  
 1430 2027  
 1431 021812:  
 1432 2012 2013 2014 2015 2016 2017 2018 2019  
 1433 VTD: 089EF - EVANSDALE ELEM  
 1434 VTD: 089HB - HAWTHORNE ELEM  
 1435 021705:  
 1436 3006 3010 3011  
 1437 021706:  
 1438 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 2000  
 1439 2001 2002 2003 2004 2006 2007 2008 2009 2010 2011 2012 2013  
 1440 2014 2015 2016 4008 4009  
 1441 VTD: 089HC - HENDERSON MILL  
 1442 VTD: 089HD - HERITAGE ED  
 1443 VTD: 089LA - LAKESIDE HIGH  
 1444 VTD: 089LB - LAVISTA ROAD  
 1445 021602:  
 1446 2021  
 1447 021603:  
 1448 1008 1010 1011 1012 1014  
 1449 021604:  
 1450 2021 2023 2024  
 1451 VTD: 089LC - LAVISTA  
 1452 VTD: 089MJ - MONTCLAIR ELEM  
 1453 021603:  
 1454 2001 2002 2003 2004 2006

1455 VTD: 089MP - MARGARET HARRIS  
 1456 VTD: 089MW - MIDVALE ROAD  
 1457 021808:  
 1458 1009 1010 1014 1015 1020 1024 1025 1026 1027  
 1459 021809:  
 1460 5021  
 1461 021810:  
 1462 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010  
 1463 VTD: 089ND - NORTHLAKE  
 1464 VTD: 089OA - OAK GROVE ELEM  
 1465 VTD: 089PF - PLEASANTDALE ELEM  
 1466 021812:  
 1467 1000 1001 1002 1003 1004 1007 2001 2002 2003 2004 2005 2006  
 1468 2007 2008 2009 2010 2011  
 1469 021813:  
 1470 1009 1012  
 1471 021814:  
 1472 2001 2002 2003 2004 2005 2006 2007 2008  
 1473 VTD: 089PK - PLEASANTDALE ROAD  
 1474 021813:  
 1475 1001 1002 1003 1004 1005 1006 1008 1011 1013 1014 1015 1016  
 1476 1017 1018 1019  
 1477 021814:  
 1478 1000 1001 1002 1003 1004 1005 1006 1008 1009 2000 2009 3000  
 1479 3001 3002 3003 3004 3005 3006 3007 3008 3009 3010 4000 4001  
 1480 4002 4003 4004 4005 4006 4007 4008 4009 4010 4011 4012 4013  
 1481 VTD: 089RD - REHOBOTH  
 1482 021704:  
 1483 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023  
 1484 022001:  
 1485 2000 2001 2002 2003 2004 2007 2008 2009 2010 2011 2012 2013  
 1486 2022  
 1487 VTD: 089SA - SAGAMORE HILLS  
 1488 VTD: 089SN - SHAMROCK MIDDLE  
 1489 VTD: 089VB - VALLEY BROOK  
 1490 022204:  
 1491 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011

1492 1012 1013 1014 1015 1016 1017 1018

1493 VTD: 089WI - WARREN TECH

1494 021705:

1495 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1015

1496 2012 2013 2015 2016 2017 2018 2019 2027 2028 2029 2030 2031

1497 2032 2033 2034

1498 021808:

1499 2024

1500 For the purposes of this description, the term "VTD" shall mean and describe the same  
 1501 geographical boundaries as provided in the report of the Bureau of the Census for the United  
 1502 States decennial census of 2010 for the State of Georgia. The separate numeric designations  
 1503 in the description which are underneath a VTD heading shall mean and describe individual  
 1504 blocks within a VTD as provided in the report of the Bureau of the Census for the United  
 1505 States decennial census of 2010 for the State of Georgia.

1506 APPENDIX B

1507 LEGAL DESCRIPTION

1508 COUNCIL DISTRICTS

1509 CITY OF LAVISTA HILLS, DEKALB COUNTY, GEORGIA

1510 Plan: LaVista Hills-p1-2015

1511 Plan Type: Local

1512 Administrator: LaVista Hills

1513 User: bak

1514 District 001

1515 DeKalb County

1516 VTD: 089BC - BRIAR VISTA ELEMENTARY

1517 021502:

1518 2004 2007 2008 2009 2010 2011 2012 2013 2014

1519 VTD: 089BG - BRIARCLIFF

1520 021503:

1521 2000 2001 2002 2003 2004 2005 2006 2007 2008 2009

1522 021603:

1523 1000 1001 1002 1003 1004 1005 1009

1524 VTD: 089LC - LAVISTA  
 1525 VTD: 089MJ - MONTCLAIR ELEM  
 1526 021603:  
 1527 2001 2002 2003 2004 2006  
 1528 VTD: 089MP - MARGARET HARRIS  
  
 1529 District 002  
 1530 DeKalb County  
 1531 VTD: 089BG - BRIARCLIFF  
 1532 021603:  
 1533 1006 1007 1013  
 1534 VTD: 089CJ - CLAIRMONT HILLS  
 1535 021602:  
 1536 2026 2028  
 1537 VTD: 089CW - CORALWOOD  
 1538 VTD: 089LB - LAVISTA ROAD  
 1539 021602:  
 1540 2021  
 1541 021603:  
 1542 1008 1010 1011 1012 1014  
 1543 021604:  
 1544 2021 2023 2024  
 1545 VTD: 089ND - NORTHLAKE  
 1546 021704:  
 1547 3024 3025 3026 3028 3029 3030  
 1548 VTD: 089RD - REHOBOTH  
 1549 021704:  
 1550 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023  
 1551 022001:  
 1552 2000 2001 2002 2003 2004 2007 2008 2009 2010 2011 2012 2013  
 1553 2022  
 1554 VTD: 089SA - SAGAMORE HILLS  
 1555 021604:  
 1556 2007 2008 2009 2011 2012 2013 2014 2015 2016 2017 2018 2019  
 1557 2020 2022  
 1558 VTD: 089SN - SHAMROCK MIDDLE  
 1559 VTD: 089VB - VALLEY BROOK

1560 022204:  
 1561 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011  
 1562 1012 1013 1014 1015 1016 1017 1018  
  
 1563 District 003  
 1564 DeKalb County  
 1565 VTD: 089BD - BRIARLAKE ELEMENTARY  
 1566 021703:  
 1567 1001 1008 1009 1010 1011 1012 1013 1014 1023 1024 1025 1026  
 1568 1027 1028 1029 1030 1031 1032 1033 1034 1035 1036 1037 1038  
 1569 1039 1040 2009 2010 2011 2012 2023 2028 2029 2030 2031 2032  
 1570 VTD: 089LA - LAKESIDE HIGH  
 1571 021703:  
 1572 1005 1006 1007 1015 1016 1017 1018 1019 1020 1021 1022 2000  
 1573 2001 2002 2003 2004 2005 2006 2007 2008 2013 2014 2015 2016  
 1574 2017 2018 2019 2020 2021 2022 2025 2026 2027  
 1575 VTD: 089ND - NORTHLAKE  
 1576 021704:  
 1577 2015 2016 2017 2018 2019 2020 2021 2022 2023 3000 3012 3013  
 1578 3014 3015 3016 3021 3022 3023 3027  
 1579 VTD: 089OA - OAK GROVE ELEM  
 1580 021604:  
 1581 1000 1001 1002 1003 1004 1005 1012  
 1582 021605:  
 1583 2003 2004 2005 2006 2007 2008 2009 2010 2011 2012 2013 2014  
 1584 2015 2016 3007 3008 3012 3013 3014 3015  
 1585 021703:  
 1586 2024  
 1587 VTD: 089SA - SAGAMORE HILLS  
 1588 021604:  
 1589 1006 1007 1008 1009 1010 1011 1013 1014 1015 1016 1017 1018  
 1590 1019 1020 1021 2000 2001 2002 2003 2004 2005 2006 2010  
 1591 021704:  
 1592 3001 3002 3003 3004 3005 3006 3007 3008 3009  
  
 1593 District 004  
 1594 DeKalb County



1595 VTD: 089BD - BRIARLAKE ELEMENTARY  
 1596 021703:  
 1597 1000 1002 1003  
 1598 VTD: 089HB - HAWTHORNE ELEM  
 1599 021705:  
 1600 3006 3010 3011  
 1601 021706:  
 1602 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 2000  
 1603 2001 2002 2003 2004 2006 2007 2008 2009 2010 2011 2012 2013  
 1604 2014 2015 2016 4008 4009  
 1605 VTD: 089HC - HENDERSON MILL  
 1606 021706:  
 1607 3001 3002 3003 3004 3005 3006 3007 3009 3010 3011 3012 3013  
 1608 3014 3015 4010 4011 4012  
 1609 VTD: 089HD - HERITAGE ED  
 1610 VTD: 089LA - LAKESIDE HIGH  
 1611 021703:  
 1612 1004  
 1613 VTD: 089MW - MIDVALE ROAD  
 1614 021809:  
 1615 5021  
 1616 021810:  
 1617 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010  
 1618 VTD: 089OA - OAK GROVE ELEM  
 1619 021605:  
 1620 1015 1016 2000 2001 2002 2017  
  
 1621 District 005  
 1622 DeKalb County  
 1623 VTD: 089EC - EMBRY HILLS  
 1624 021812:  
 1625 2012 2013 2014 2015 2016 2017 2018 2019  
 1626 VTD: 089EF - EVANSDALE ELEM  
 1627 021705:  
 1628 1000 1001 1002 1003 2001 2002 2003 2004 2005 2006 2008 2009  
 1629 2020 2021 2022 2023 2024 2025 2026  
 1630 021808:

1631 1012 1013 2023  
 1632 VTD: 089HC - HENDERSON MILL  
 1633 021705:  
 1634 3000 3001 3002 3003 3004 3005 3008 3009  
 1635 021706:  
 1636 3000 3008 4000 4001 4002 4003 4004 4005 4006 4007 4013 4014  
 1637 VTD: 089MW - MIDVALE ROAD  
 1638 021808:  
 1639 1014 1015  
 1640 VTD: 089PF - PLEASANTDALE ELEM  
 1641 021812:  
 1642 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011  
 1643 021813:  
 1644 1009 1012  
 1645 021814:  
 1646 2001 2002 2003 2004 2005 2006 2007  
 1647 VTD: 089PK - PLEASANTDALE ROAD  
 1648 021813:  
 1649 1001 1002 1003 1004 1005 1006 1008 1013 1014 1015 1016 1017  
 1650 1018 1019  
 1651 VTD: 089WI - WARREN TECH  
 1652 021705:  
 1653 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1015  
 1654 2012 2013 2015 2016 2017 2018 2019 2027 2028 2029 2030 2031  
 1655 2032 2033 2034  
 1656 021808:  
 1657 2024  
  
 1658 District 006  
 1659 DeKalb County  
 1660 VTD: 089EC - EMBRY HILLS  
 1661 021808:  
 1662 2000 2001 2002 2003 2004 2006 2007 2008 2009 2010 2011 2012  
 1663 2027  
 1664 VTD: 089EF - EVANSDALE ELEM  
 1665 021808:  
 1666 1000 1001 1002 1003 1004 1005 1006 1007 1008 1011 1016 1017

1667 1018 1019 1021 1022 1023 1028 1029 2005 2015 2016 2017 2018  
 1668 2019 2020 2021 2022 2025 2026 2028  
 1669 VTD: 089MW - MIDVALE ROAD  
 1670 021808:  
 1671 1009 1010 1020 1024 1025 1026 1027  
 1672 VTD: 089PF - PLEASANTDALE ELEM  
 1673 021812:  
 1674 1000 1001 1002 1003 1004 1007  
 1675 021814:  
 1676 2008  
 1677 VTD: 089PK - PLEASANTDALE ROAD  
 1678 021813:  
 1679 1011  
 1680 021814:  
 1681 1000 1001 1002 1003 1004 1005 1006 1008 1009 2000 2009 3000  
 1682 3001 3002 3003 3004 3005 3006 3007 3008 3009 3010 4000 4001  
 1683 4002 4003 4004 4005 4006 4007 4008 4009 4010 4011 4012 4013

1684 For the purposes of this plan (LaVista Hills-p1-2015):

1685 (1) The term "VTD" shall mean and describe the same geographical boundaries as  
 1686 provided in the report of the Bureau of the Census for the United States decennial census  
 1687 of 2010 for the State of Georgia. The separate numeric designations in a district  
 1688 description which are underneath a VTD heading shall mean and describe individual  
 1689 blocks within a VTD as provided in the report of the Bureau of the Census for the United  
 1690 States decennial census of 2010 for the State of Georgia;

1691 (2) Except as otherwise provided in the description of any district, whenever the  
 1692 description of any district refers to a named city, it shall mean the geographical  
 1693 boundaries of that city as shown on the census maps for the United States decennial  
 1694 census of 2010 for the State of Georgia;

1695 (3) Any part of the City of LaVista Hills which is not included in any district described  
 1696 in this plan (LaVista Hills-p1-2015) shall be included within that district contiguous to  
 1697 such part which contains the least population according to the United States decennial  
 1698 census of 2010 for the State of Georgia; and

1699 (4) Any part of the City of LaVista Hills which is described in this plan (LaVista  
 1700 Hills-p1-2015) as being included in a particular district shall nevertheless not be included  
 1701 within such district if such part is not contiguous to such district. Such noncontiguous  
 1702 part shall instead be included within that district contiguous to such part which contains

1703 the least population according to the United States decennial census of 2010 for the State  
1704 of Georgia.

1705 APPENDIX C

1706 CERTIFICATE AS TO MINIMUM STANDARDS  
1707 FOR INCORPORATION OF A NEW MUNICIPAL CORPORATION

1708 I, Representative Tom Taylor, Georgia State House Representative from the 79th District and  
1709 the author of this bill introduced at the 2015 session of the General Assembly of Georgia,  
1710 which grants an original municipal charter to the City of LaVista Hills, do hereby certify that  
1711 this bill is in compliance with the minimum standards required by Chapter 31 of Title 36 of  
1712 the O.C.G.A. in that the area embraced within the original incorporation in this bill is in all  
1713 respects in compliance with the minimum standards required by Chapter 31 of Title 36 of the  
1714 O.C.G.A. This certificate is executed to conform to the requirements of Code  
1715 Section 36-31-5 of the O.C.G.A.

1716 So certified, this \_\_\_\_\_ day of February, 2015.

1717 \_\_\_\_\_  
1718 Honorable Tom Taylor  
1719 Representative, 79th District  
1720 Georgia State House of Representatives