

House Bill 539

By: Representatives Dawkins-Haigler of the 91st, Kendrick of the 93rd, Anderson of the 92nd, and Bennett of the 94th

A BILL TO BE ENTITLED
AN ACT

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

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

23 ARTICLE I

24 CREATION, INCORPORATION, POWERS

25 SECTION 1.01.

26 Incorporation.

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

33 SECTION 1.02.

34 Corporate boundaries.

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

40 SECTION 1.03.

41 Powers and construction.

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

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

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

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

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

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

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

120 (11) Garbage fees. To levy, fix, assess, and collect a garbage, refuse, and trash collection
121 and disposal and other sanitary service charge, tax, or fee for such services as may be
122 necessary in the operation of the city from all individuals, firms, and corporations
123 residing in or doing business therein benefiting from such services; to enforce the
124 payment of such charges, taxes, or fees; and to provide for the manner and method of
125 collecting such service charges, taxes, or fees;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

224 (A) The millage rate imposed for ad valorem taxes on real property shall not exceed
225 3.35 unless a higher limit is recommended by resolution of the city council and
226 approved by a majority of the qualified electors of the City of Stonecrest voting on the
227 issue, provided that the amount of millage associated with general obligation bonds or
228 the creation of special tax districts pursuant to Article IX, Section II, Paragraph VI of
229 the Constitution of the State of Georgia shall not count as part of the 3.35 limit since
230 such millage is already subject to approval by the electors of the city in a separate
231 referendum; and

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

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 Stonecrest Convention and Visitors Bureau created pursuant to
 244 Section 1.05 of this charter and to authorize the City of Stonecrest to contract with private
 245 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 Act. If this charter makes no
 264 provision, such shall be carried into execution as provided by ordinance or as provided by
 265 pertinent laws of the State of Georgia.

266

SECTION 1.05.

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Tourism, conventions, and trade shows.

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The Stonecrest Convention and Visitors Bureau is hereby created.

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SECTION 1.06.

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Stonecrest/Lithonia Industrial Park Community Improvement District.

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(a) The purpose of this section is to provide for the creation of a community improvement

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district within the City of Stonecrest subject to the conditions prescribed in Article IX,

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Section VII, Paragraph III of the Constitution of the State of Georgia. Such district shall be

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created for the provision of such of the following governmental services and facilities as may

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be provided for in the resolution activating such district, or as may be adopted by resolutions

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of the majority of the electors and the majority of the equity electors as defined in this

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section:

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(1) Street and road construction and maintenance, including curbs, sidewalks, street

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lights, and devices to control the flow of traffic on streets and roads;

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(2) Parks and recreational areas and facilities;

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(3) Stormwater and sewage collection and disposal systems;

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

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(5) Public transportation;

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

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

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

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(1) "Agricultural" means the growing of crops for sale or the raising of animals for sale

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or use, including the growing of field crops and fruit or nut trees, the raising of livestock

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or poultry, and the operation of dairies, horse boarding facilities, and riding stables.

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(2) "Board" means the governing body created for the governance of the community

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improvement district authorized by this section.

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(3) "Caucus of electors" means the meeting of electors as provided in this section at

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which the elected board members of the district are elected or at which the governmental

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services and facilities to be provided by the district are determined. A quorum at such

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caucus shall consist of no less than 25 percent of electors and no less than 25 percent of

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equity electors present in person or proxy, and a majority of those present and voting

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shall be necessary to take any action. Notice of such meeting shall be given to such

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electors and equity electors by publishing notice thereof in the legal organ of the City of

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Stonecrest at least once each week for four weeks prior to such meeting.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

448 5 shall be cast by equity electors. The initial term of office for the members representing
 449 Posts 1 and 4 shall be one year. The initial term of office for the members representing
 450 Posts 2 and 5 shall be two years, and the initial term of office of the members
 451 representing Post 3 shall be three years. Thereafter, all terms of office for the elected
 452 board members shall be for three years. The appointed board members shall serve at the
 453 pleasure of the city council.

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

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

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

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

478 (e) Taxes, fees, and assessments.

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

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

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

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

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

519 (f) Boundaries of the district.

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

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

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

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

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

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

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

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

553 (i) Powers.

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

557 (A) To bring and defend actions;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

640 (j) Bonds-Generally.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

733 (m) Dissolution.

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

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

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

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

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

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

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

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

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

762 **ARTICLE II**

763 **GOVERNMENT STRUCTURE, ELECTIONS, AND LEGISLATIVE BRANCH**

764 **SECTION 2.01.**

765 **City council creation; number; election.**

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

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

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

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

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

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

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

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

812 **SECTION 2.02.**

813 Mayor and councilmembers; terms and qualifications for office.

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

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

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

834 **SECTION 2.03.**

835 Vacancy; filling of vacancies; suspensions.

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

840 (1) Violating the provisions of this charter;

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

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

845 (b) The office of mayor shall become vacant upon the incumbent's death, resignation,
846 forfeiture of office, or removal from office in any manner authorized by this Act or the
847 general laws of the State of Georgia. A vacancy in the office of mayor shall be filled for the
848 remainder of the unexpired term by a special election if such vacancy occurs 12 months or
849 more prior to the expiration of the term of that office. If such vacancy occurs within
850 12 months of the expiration of the term of that office, the city council or those members
851 remaining shall appoint a successor for the remainder of the term. This provision shall also
852 apply to a temporary vacancy created by the suspension from office of the mayor.

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

862 **SECTION 2.04.**

863 Nonpartisan elections.

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

866 **SECTION 2.05.**

867 Election votes.

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

871 **SECTION 2.06.**

872 Applicability of general laws; qualifying; other provisions.

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

880 **SECTION 2.07.**

881 Compensation and expenses.

882 The annual salary of the mayor shall be \$75,000.00 and the annual salary for each
883 councilmember shall be \$25,000.00. Such salaries shall be paid from municipal funds in
884 monthly installments. The mayor shall be provided an annual expense allowance of
885 \$5,000.00 and each councilmember shall be provided an annual expense allowance of
886 \$3,000.00 for the reimbursement of reasonable expenses actually and necessarily incurred
887 by the mayor and councilmembers in carrying out their duties as elected officials of the city.

888 **SECTION 2.08.**

889 Inquiries and investigations.

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

895 **SECTION 2.09.**

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

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

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

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

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

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

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

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

937 the special meeting. Only the business stated in the notice may be transacted at the special
938 meeting.

939 **SECTION 2.10.**

940 Quorum; voting.

941 (a) Four councilmembers shall constitute a quorum and shall be authorized to transact
942 business for the city council. The mayor shall be counted toward the making of a quorum.
943 Voting on the adoption of ordinances shall be taken by voice vote and the yeas and nays shall
944 be recorded in the minutes, but on the request of any member there shall be a roll-call vote.
945 In order for any ordinance, resolution, motion, or other action of the city council to be
946 adopted, the measure shall receive at least three affirmative votes and shall receive the
947 affirmative votes of a majority of those voting. Neither any councilmember nor the mayor
948 shall abstain from voting on any matter properly brought before the city council for official
949 action except when such councilmember has a reason which is disclosed in writing prior to
950 or at the meeting and made a part of the minutes. The mayor and each councilmember when
951 present at a meeting shall have one vote on all matters brought before the council.

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

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

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

971 **SECTION 2.11.**

972 General power and authority of the city council.

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

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

983 **SECTION 2.12.**

984 Administrative and service departments.

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

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

999 **SECTION 2.13.**

1000 Prohibitions.

1001 (a) No elected official, appointed officer, or employee of the city or any agency or political
1002 entity to which this charter applies shall knowingly:

- 1003 (1) Engage in any business or transaction or have a financial or other personal interest,
1004 direct or indirect, which is incompatible with the proper discharge of official duties or
1005 which would tend to impair the independence of his or her judgment or action in the
1006 performance of official duties;
- 1007 (2) Engage in or accept private employment or render services for private interests when
1008 such employment or service is incompatible with the proper discharge of official duties
1009 or would tend to impair the independence of his or her judgment or action in the
1010 performance of official duties;
- 1011 (3) Disclose confidential information concerning the property, government, or affairs of
1012 the governmental body by which engaged without proper legal authorization or use such
1013 information to advance the financial or other private interest of himself or herself or
1014 others, except as required by law;
- 1015 (4) Accept any valuable gift, whether in the form of service, loan, object, or promise,
1016 from any person, firm, or corporation which to his or her knowledge is interested, directly
1017 or indirectly, in any manner whatsoever in business dealings with the governmental body
1018 by which he or she is engaged. "Valuable" shall be an amount determined by the city
1019 council; provided, however, that the amount shall not exceed \$100.00;
- 1020 (5) Represent other private interests in any action or proceeding against this city or any
1021 portion of its government; or
- 1022 (6) Vote or otherwise participate in the negotiation or in the making of any contract with
1023 any business or entity in which he or she, or members of his or her immediate family, has
1024 a financial interest.
- 1025 (b) Any elected official, appointed officer, or employee who has any private financial
1026 interest, directly or indirectly, in any contract or matter pending before or within any
1027 department of the city shall disclose such private interest to the city council. "Private
1028 financial interest" shall include interests of immediate family. The mayor or any
1029 councilmember who has a private interest in any matter pending before the city council shall
1030 disclose in writing such private interest and such disclosure shall be entered on the records
1031 of the city council, and he or she shall disqualify himself or herself from participating in any
1032 decision or vote relating thereto. Any elected official, appointed officer, or employee of any
1033 agency or political entity to which this charter applies who shall have any private financial
1034 interest, directly or indirectly, in any contract or matter pending before or within such entity
1035 shall disclose such private interest to the governing body of such agency or entity.
- 1036 (c) No elected official, appointed officer, or employee of the city or any agency or entity to
1037 which this charter applies shall use property owned by such governmental entity for personal
1038 benefit, convenience, or profit, except in accordance with policies promulgated by the city
1039 council or the governing body of such agency or entity.

1040 (d) Any violation of this section which occurs with the knowledge, express or implied, of
1041 a party to a contract or sale shall render said contract or sale voidable at the option of the city
1042 council.

1043 (e) Except as authorized by law, no member of the city council shall hold any other elective
1044 governmental office or be employed by any city or county government during the term for
1045 which elected.

1046 **SECTION 2.14.**

1047 **Boards, commissions, and authorities.**

1048 (a) All members of boards, commissions, and authorities of the city shall be residents of the
1049 city and appointed by the mayor subject to confirmation by the city council for such terms
1050 of office and such manner of appointment as provided by ordinance, except where other
1051 appointing authority, term of office, or manner of appointment is prescribed by this charter
1052 or by applicable state law.

1053 (b) No member of any board, commission, or authority of the city shall hold any elective
1054 office in the city or DeKalb County. However, up to two members of the city council,
1055 including the mayor, may be appointed by the Mayor to serve as ex officio members of such
1056 boards, commissions, or authorities, without a vote for a term expiring December 31
1057 following the date of appointment.

1058 (c) Any vacancy in office of any member of a board, commission, or authority of the city
1059 shall be filled for the unexpired term in the manner prescribed for original appointment,
1060 except as otherwise provided by this charter or any applicable law of the State of Georgia.

1061 (d) No member of any board, commission, or authority shall assume office until he or she
1062 shall have executed and filed with the designated officer of the city an oath obligating
1063 himself or herself to faithfully and impartially perform the duties of his or her office, such
1064 oath to be prescribed by ordinance of the city council and administered by the mayor or a
1065 judicial officer authorized to administer oaths.

1066 (e) Any member of a board, commission, or authority may be removed from office for cause
1067 by a vote of a majority of the councilmembers in accordance with state laws.

1068 (f) Members of boards, commissions, and authorities may receive such compensation and
1069 expenses in the performance of their official duties as prescribed by ordinance.

1070 (g) Except as otherwise provided by this charter or by applicable state law, each board,
1071 commission, or authority of the city government shall elect one of its members as
1072 chairperson and one member as vice chairperson for terms of one year and may elect as its
1073 secretary one of its own members or may appoint as secretary an employee of the city. Each
1074 board, commission, or authority of the city government may establish such bylaws, rules, and

1075 regulations not inconsistent with this charter, ordinances of the city, or applicable state law
 1076 as it deems appropriate and necessary for the conduct of its affairs, copies of which shall be
 1077 filed with the designated officer of the city.

1078 **SECTION 2.15.**

1079 Ordinance form; procedures.

1080 (a) Every proposed ordinance and resolution shall be introduced in writing and the city
 1081 council shall have the authority to approve, disapprove, or amend the same. A resolution
 1082 may be passed at the time it is offered, but an ordinance shall not be adopted until the title
 1083 of such ordinance shall have been read at two city council meetings, provided that the
 1084 beginning of such meetings shall be neither less than 24 hours nor more than 60 days apart.
 1085 This requirement of two readings shall not apply to emergency ordinances, to ordinances
 1086 passed during the first 90 days from the date on which the city begins operation, to
 1087 ordinances adopted at the first business meeting of the city council in a calendar year, or to
 1088 ordinances adopted at the first meeting of the initial city council as elected under
 1089 subsection (b) of Section 2.02 of this charter.

1090 (b) The catchlines of sections of this charter or any ordinance printed in boldface type,
 1091 italics, or otherwise, are intended as mere catchwords to indicate the contents of the section,
 1092 and:

1093 (1) Shall not be deemed or taken to be titles of such sections or as any part of the section;
 1094 and

1095 (2) Shall not be so deemed when any of such sections, including the catchlines, are
 1096 amended or reenacted unless expressly provided to the contrary.

1097 Furthermore, the chapter, article, and section headings contained in this Act shall not be
 1098 deemed to govern, limit, or modify or in any manner affect the scope, meaning, or intent of
 1099 the provisions of any chapter, article, or section hereof.

1100 (c) The city council may, by ordinance or resolution, adopt rules and bylaws to govern the
 1101 conduct of its business and those in attendance of its meetings, including procedures and
 1102 penalties for compelling the attendance of absent councilmembers. Such rules may include
 1103 punishment for contemptuous behavior conducted in the presence of the city council.

1104 **SECTION 2.16.**

1105 Submission of ordinances to the city clerk.

1106 (a) Every ordinance, resolution, and other action adopted by the city council shall be
1107 presented to the city clerk within 15 days of its adoption or approval. The city clerk shall
1108 record upon the ordinance the date of its delivery from the city council.

1109 (b) An ordinance or resolution that has been passed by the city council shall become
1110 effective on the date the ordinance is passed by the city council or on such other date as may
1111 be specified in the ordinance.

1112 **ARTICLE III**

1113 **EXECUTIVE BRANCH**

1114 **SECTION 3.01.**

1115 Powers and duties of the mayor.

1116 (a) The mayor shall:

1117 (1) Preside over all meetings of the city council;

1118 (2) Set the agenda for meetings of the city council after receiving input from members
1119 of the city council, the city manager, and the public; provided, however, that an additional
1120 item shall be added to the agenda upon the written request of any two members of the city
1121 council;

1122 (3) Serve as the ceremonial head of the city and as its official representative to federal,
1123 state, and local governmental bodies and officials;

1124 (4) Sign all orders, checks, and warrants for payment of money within a level of
1125 authorization as established by the city council;

1126 (5) Execute all contracts, deeds, and other obligations of the city within a level of
1127 authorization as established by the city council;

1128 (6) Vote in all matters before the city council as provided in subsection (a) of
1129 Section 2.10 of this charter;

1130 (7) Make all appointments of city officers as provided by this charter, subject to
1131 confirmation by the city council;

1132 (8) Provide supervision and guidance to the city manager;

1133 (9) Establish oversight and policy committees of the city council and appoint no less than
1134 two council members, exclusive of the mayor, to serve thereon, subject to the direction
1135 and supervision of the mayor;

1136 (10) Serve and be compensated accordingly; and

1137 (11) Perform any other duties and exercise any other powers required by state or federal
1138 law or authorized by a duly adopted ordinance that is not in conflict with this charter.

1139 (b) The mayor shall have the authority to transfer appropriations within a department, fund,
1140 service, strategy, or organizational unit, but only with approval of the city council.

1141 (c) The mayor shall have the authority to certify that a supplemental appropriation is
1142 possible if revenue increases in excess of the amount budgeted, but only with approval of the
1143 city council.

1144 (d) The mayor shall have all of the powers specifically granted to the mayor elsewhere in
1145 this charter regardless of whether such powers are enumerated in this section of this charter.

1146 (e) The mayor may designate the official legal organ of the city subject to confirmation by
1147 the city council.

1148 **SECTION 3.02.**

1149 City manager; appointment and qualification.

1150 The mayor shall appoint, subject to confirmation by the city council, an officer whose title
1151 shall be the "city manager." The city manager shall be appointed without regard to political
1152 beliefs and solely on the basis of his or her education and experience in the accepted
1153 competencies and practices of local government management. The city manager need not
1154 be a resident of the City of Stonecrest.

1155 **SECTION 3.03.**

1156 City manager; chief administrative officer.

1157 The city manager shall be the chief administrative officer of the government of the city. The
1158 city manager shall devote all of his or her working time and attention to the affairs of the city
1159 and shall be supervised and guided by the mayor and shall be responsible to the mayor and
1160 city council for the proper and efficient administration of the affairs of the city over which
1161 such officer has jurisdiction.

1162 **SECTION 3.04.**

1163 City manager; powers and duties enumerated.

1164 The city manager shall have the power, and it shall be his or her duty to:

1165 (1) See that all laws and ordinances are enforced;

1166 (2) Appoint and employ all necessary employees of the city, provided that the power of
1167 this appointment shall not include officers and employees who by this charter are

- 1168 appointed or elected by the mayor and the city council or departments not under the
1169 jurisdiction of the city manager;
- 1170 (3) Remove employees appointed and employed under paragraph (2) of this section,
1171 without the consent of the city council and without assigning any reason therefor;
- 1172 (4) Exercise supervision and control of all departments and all divisions created in this
1173 charter or that may hereafter be created by the city council except as otherwise provided
1174 in this charter;
- 1175 (5) Attend all meetings of the city council, without a right to vote, but with a right to take
1176 part in the discussions as seen fit by the chairperson; provided, however, that regardless
1177 of the decision of the meeting chairperson, the city manager may take part in any
1178 discussion and report on any matter requested and approved by the city council at such
1179 meeting. The city manager shall be entitled to notice of all special meetings;
- 1180 (6) Recommend to the city council, after prior review and comment by the mayor, for
1181 adoption such measures as the city manager may deem necessary or expedient;
- 1182 (7) See that all terms and conditions imposed in favor of the city or its inhabitants in any
1183 public utility franchise are faithfully kept and performed and upon knowledge of any
1184 violation thereof to call the same to the attention of the city attorney, whose duty it shall
1185 be forthwith to take such steps as are necessary to protect and enforce the same;
- 1186 (8) Make and execute all lawful contracts on behalf of the city as to matters within the
1187 city manager's level of authorization as established by the city council to the extent that
1188 such contracts are funded in the city's budget, except such as may be otherwise provided
1189 by law; provided, however, that no contract purchase or obligation requiring a budget
1190 amendment shall be valid and binding until after approval of the city council;
- 1191 (9) Sign all orders, checks, and warrants for payment of money within the city manager's
1192 level of authorization as established by the city council to the extent that such contracts
1193 are funded in the city's budget, except such as may be otherwise provided by law;
1194 provided, however, that no such order, check, or warrant requiring a budget amendment
1195 shall be valid and binding until after approval of the city council;
- 1196 (10) Act as budget officer to prepare and submit to the city council, after review and
1197 comment by the mayor, no less than 60 days prior to the beginning of each fiscal year,
1198 a budget of proposed expenditures for the ensuing year, showing in as much detail as
1199 practicable the amounts allotted to each department of the city government and the
1200 reasons for such estimated expenditures;
- 1201 (11) Keep the city council at all times fully advised as to the financial condition and
1202 needs of the city;

- 1203 (12) Make a full written report to the city council on the fifteenth of each month showing
 1204 the operations and expenditures of each department of the city government for the
 1205 preceding month, and a synopsis of such reports shall be published by the city clerk;
 1206 (13) Fix all salaries and compensation of city employees in accordance with the city
 1207 budget and the city pay and classification plan; and
 1208 (14) Perform such other duties as may be prescribed by this charter or required by
 1209 ordinance or resolution of the city council.

1210 **SECTION 3.05.**

1211 City council interference with administration.

1212 Except for the purpose of inquiries and investigations under Section 2.08 of this charter or
 1213 as provided in Sections 3.01 and 3.03 of this charter, neither the city council nor its members
 1214 shall interfere with the performance of services by or give orders to any such officer or
 1215 employee, either publicly or privately.

1216 **SECTION 3.06.**

1217 City manager; removal.

- 1218 (a) The mayor or the city council may remove the city manager from office in accordance
 1219 with the following procedures:
- 1220 (1) The mayor by proclamation or the city council by resolution by affirmative vote of
 1221 a majority of all its members may remove the city manager from office after a suspension
 1222 of the city manager from duty for a period not to exceed 45 days. A copy either such
 1223 proclamation of the mayor or the resolution of the city council shall be delivered
 1224 promptly to the city manager;
- 1225 (2) Within five days after a copy of such proclamation or resolution is delivered to the
 1226 city manager, he or she may file with the city council a written request for a public
 1227 hearing and a reconsideration of the removal. This hearing shall be held at a city council
 1228 meeting especially set for such purpose not earlier than 15 days nor later than 30 days
 1229 after the request is filed. The city manager may file with the city council a written reply
 1230 to the removal not later than five days before the hearing; and
- 1231 (3) If the city manager either (i) does not request a public hearing and a reconsideration
 1232 of the removal five days from the date when a copy of such proclamation or resolution
 1233 was delivered to the city manager; or, (ii) if after the conclusion of the public hearing
 1234 requested by the city manager for reconsideration of the removal, the city council does
 1235 not pass a resolution either reversing the action of the mayor or rescinding its resolution

1236 of removal, the city manager's removal shall be effective as of such date without further
1237 action by the city council.

1238 (b) Unless either the mayor's action removing the city manager or the resolution of removal
1239 of the city manager is rescinded by majority of the members of the city council at the public
1240 hearing held at the request of city manager pursuant to this section, the city manager shall
1241 continue to receive his or her salary until the effective date of his or her removal.

1242 (c) If the city manager is suspended in accordance with subsection (a) of this section or
1243 becomes disabled and is unable to carry out the duties of the office or if the city manager
1244 dies, the acting city manager shall perform the duties of the city manager until the city
1245 manager's disability is removed or until the city manager is replaced. Removal of the city
1246 manager because of disability shall be carried out in accordance with the provisions of
1247 subsection (a) of this section.

1248 **SECTION 3.07.**

1249 Acting city manager.

1250 (a) The mayor with the approval of the city council may appoint any person to exercise all
1251 powers, duties, and functions of the city manager during the city manager's suspension under
1252 subsection (a) of Section 3.06 of this charter, temporary absence from the city, or during the
1253 city manager's disability.

1254 (b) In the event of a vacancy in the office of city manager, the mayor may designate with the
1255 approval of the city council a person as acting city manager, who shall exercise all powers,
1256 duties, and functions of the city manager until a city manager is appointed.

1257 **SECTION 3.08.**

1258 City attorney.

1259 The mayor shall appoint the city attorney together with such assistant city attorneys or
1260 special city attorneys as may be deemed appropriate subject to confirmation by the city
1261 council and shall provide for the payment of such attorneys for services rendered to the city.
1262 The rates or salary paid to any city attorney or assistant city attorney shall be approved in
1263 advance by the city council. The city attorney shall be responsible for representing and
1264 defending the city in all litigation in which the city is a party; may be the prosecuting officer
1265 in the municipal court; shall attend the meetings of the city council as directed; shall advise
1266 the city council, mayor, other officers, and employees of the city concerning legal aspects
1267 of the city's affairs; and shall perform such other duties as may be required by virtue of his

1268 or her position as city attorney. The city attorney shall review all contracts of the city but
1269 shall not have the power to bind the city unless authorized by resolution of the city council.

1270 **SECTION 3.09.**

1271 City clerk.

1272 The mayor shall appoint a city clerk subject to confirmation by the city council to keep a
1273 journal of the proceedings of the city council, to maintain in a safe place all records and
1274 documents pertaining to the affairs of the city, and to perform such duties as may be required
1275 by law or ordinance or as the mayor or city manager may direct.

1276 **SECTION 3.10.**

1277 Tax collector.

1278 The mayor may appoint a tax collector subject to confirmation by the city council to collect
1279 all taxes, licenses, fees, and other moneys belonging to the city subject to the provisions of
1280 this charter and the ordinances of the city; and the tax collector shall diligently comply with
1281 and enforce all general laws of Georgia relating to the collection, sale, or foreclosure of taxes
1282 by municipalities.

1283 **SECTION 3.11.**

1284 City accountant.

1285 The mayor may appoint a city accountant subject to confirmation by the city council to
1286 perform the duties of an accountant.

1287 **SECTION 3.12.**

1288 City internal auditor.

1289 The city council shall appoint an internal auditor to audit the financial records and
1290 expenditures of city funds and to report the results of such audits in writing to the city
1291 council at times and intervals set by the city council, but no less than quarterly. Such audit
1292 reports shall, at a minimum, identify all city expenditures and other financial matters that the
1293 internal auditor either determines are not in compliance with or cannot conclusively be
1294 determined to be in compliance with:

- 1295 (1) The provisions of this charter;
1296 (2) The applicable city budget; and

1297 (3) Applicable ordinances, resolutions, or other actions duly adopted or approved under
1298 the provisions of this charter.

1299 **SECTION 3.13.**

1300 Consolidation of functions.

1301 The city manager, with the approval of the city council, may consolidate any two or more of
1302 the positions of city clerk, city tax collector, and city accountant, or any other positions or
1303 may assign the functions of any one or more of such positions to the holder or holders of any
1304 other positions. The city manager may also, with the approval of the city council, perform
1305 all or any part of the functions of any of the positions or offices in lieu of the appointment
1306 of other persons to perform the same.

1307 **SECTION 3.14.**

1308 Position classification and pay plans; employment at will.

1309 The city manager shall be responsible for the preparation of a position classification and a
1310 pay plan which shall be submitted to the city council for approval. Said plan may apply to
1311 all employees of the City of Stonecrest and any of its agencies and offices. When a pay plan
1312 has been adopted by the city council, neither the city council nor the city manager shall
1313 increase or decrease the salaries of individual employees except in conformity with such pay
1314 plan or pursuant to an amendment of such pay plan duly adopted by the city council. Except
1315 as otherwise provided in this charter, all employees of the city shall be subject to removal or
1316 discharge, with or without cause, at any time.

1317 **ARTICLE IV**

1318 **MUNICIPAL COURT**

1319 **SECTION 4.01.**

1320 Creation.

1321 There is established a court to be known as the Municipal Court of the City of Stonecrest
1322 which shall have jurisdiction and authority to try offenses against the laws and ordinances
1323 of such city and to punish for a violation of the same. Such court shall have the power to
1324 enforce its judgments by the imposition of such penalties as may be provided by law,
1325 including ordinances of the city; to punish witnesses for nonattendance and to punish also
1326 any person who may counsel or advise, aid, encourage, or persuade another whose testimony
1327 is desired or material in any proceeding before such court to go or move beyond the reach

1328 of the process of the court; to try all offenses within the territorial limits of the city
1329 constituting traffic cases which, under the laws of Georgia, are placed within the jurisdiction
1330 of municipal courts to the extent of, and in accordance with, the provisions of such laws and
1331 all laws subsequently enacted amendatory thereof. Such court shall be presided over by the
1332 judge of such court. In the absence or disqualification of the judge, the judge pro tempore
1333 shall preside and shall exercise the same powers and duties as the judge when so acting.

1334 **SECTION 4.02.**

1335 Judges.

1336 (a) No person shall be qualified or eligible to serve as judge unless he or she shall have
1337 attained the age of 28 years and shall have been a member of the State Bar of Georgia for a
1338 minimum of three years. The judges shall be nominated by the mayor subject to approval
1339 by the city council. The compensation and number of the judges shall be fixed by the city
1340 council.

1341 (b) The judge pro tempore shall serve as requested by the judge, shall have the same
1342 qualifications as the judge, shall be nominated by the mayor subject to approval of the city
1343 council, and shall take the same oath as the judge.

1344 (c) Before entering on the duties of his or her office, the judge and judge pro tempore shall
1345 take an oath before an officer duly authorized to administer oaths in this state declaring that
1346 he or she will truly, honestly, and faithfully discharge the duties of his or her office to the
1347 best of his or her ability without fear, favor, or partiality. The oath shall be entered upon the
1348 minutes of the city council.

1349 (d) The judge, or judge pro tempore, shall serve for a term of four years but may be removed
1350 from the position by a two-thirds' vote of the entire membership of the city council or shall
1351 be removed upon action taken by the state Judicial Qualifications Commission for:

1352 (1) Willful misconduct in office;

1353 (2) Willful and persistent failure to perform duties;

1354 (3) Habitual intemperance;

1355 (4) Conduct prejudicial to the administration of justice which brings the judicial office
1356 into disrepute; or

1357 (5) Disability seriously interfering with the performance of duties, which is or is likely
1358 to become of a permanent character.

SECTION 4.03.

Convening.

1361 The municipal court shall be convened at such times as designated by ordinance or at such
1362 times as deemed necessary by the judge to keep current the dockets thereof.

SECTION 4.04.

Jurisdiction; powers.

1365 (a) The municipal court shall try and punish for crimes against the City of Stonecrest and
1366 for violation of its ordinances. The municipal court may fix punishment for offenses within
1367 its jurisdiction to the fullest extent allowed by state law.

1368 (b) The municipal court shall have authority to recommend to the city council for approval
1369 a schedule of fees to defray the cost of operation.

1370 (c) The municipal court shall have authority to establish bail and recognizances to ensure
1371 the presence of those charged with violations before such court and shall have discretionary
1372 authority to accept cash or personal or real property as security for appearances of persons
1373 charged with violations. Whenever any person shall give bail for his or her appearance and
1374 shall fail to appear at the time fixed for trial, the bond shall be forfeited to the judge presiding
1375 at such time and an execution issued thereon by serving the defendant and his or her sureties
1376 with a rule nisi at least two days before a hearing on the rule nisi. In the event that cash or
1377 property is accepted in lieu of bond for security for the appearance of a defendant at trial, and
1378 if such defendant fails to appear at the time and place fixed for trial, the cash so deposited
1379 shall be on order of the judge declared forfeited to the City of Stonecrest, or the property so
1380 deposited shall have a lien against it for the value forfeited.

1381 (d) The municipal court shall have the authority to bind prisoners over to the appropriate
1382 court when it appears, by probable cause, that a state law has been violated.

1383 (e) The municipal court shall have the authority to administer oaths and to perform all other
1384 acts necessary or proper to the conduct of said court.

1385 (f) The municipal court may compel the presence of all parties necessary to a proper disposal
1386 of each case by the issuance of summons, subpoena, and warrants which may be served as
1387 executed by any officer as authorized by this charter or by state law.

1388 (g) The municipal court is specifically vested with all of the judicial jurisdiction and judicial
1389 powers throughout the entire area of the City of Stonecrest granted by state laws generally
1390 to municipal courts, and particularly by such laws as authorize the abatement of nuisances.

1391 **SECTION 4.05.**

1392 Certiorari.

1393 The right of certiorari from the decision and judgment of the municipal court shall exist in
 1394 all criminal cases and ordinance violation cases, and such certiorari shall be obtained under
 1395 the sanction of a judge of the Superior Court of DeKalb County under the laws of the State
 1396 of Georgia regulating the granting and issuance of writs of certiorari, as supplemented by the
 1397 city council by ordinance.

1398 **SECTION 4.06.**

1399 Rules for court.

1400 With the approval of the city council, the judges shall have full power and authority to make
 1401 reasonable rules and regulations necessary and proper to secure the efficient and successful
 1402 administration of the municipal court.

1403 **ARTICLE V**

1404 **FINANCE AND FISCAL**

1405 **SECTION 5.01.**

1406 Fiscal year.

1407 The city council shall set the fiscal year by ordinance. Such fiscal year shall constitute the
 1408 budget year and the year for financial accounting and reporting of each and every office,
 1409 department or institution, agency, and activity of the city government, unless otherwise
 1410 provided by state or federal law.

1411 **SECTION 5.02.**

1412 Preparation of budgets.

1413 The city council shall provide, by ordinance, the procedures and requirements for the
 1414 preparation and execution of an annual operating budget and a capital budget, including
 1415 requirements as to the scope, content, and form of such budgets and programs.

SECTION 5.03.

1416

1417

Submission of operating budget to city council.

1418 (a) On or before a date fixed by the city council, but no later than the first day of the tenth
1419 month of the fiscal year currently ending, the city manager shall, after input, review, and
1420 comment by the mayor, submit to the city council a proposed operating budget and capital
1421 budget for the ensuing fiscal year. The budget shall be accompanied by a message from the
1422 mayor and city manager containing a statement of the general fiscal policies of the city, the
1423 important features of the budget, explanations of major changes recommended for the next
1424 fiscal year, a general summary of the budget, and such other comments and information as
1425 they may deem pertinent. The operating budget, capital budget, the budget message, and all
1426 supporting documents shall be filed in the office of the city manager and shall be open to
1427 public inspection.

1428 (b) Beginning in the third year of the city's operation, the city manager and mayor are
1429 required to present to the city council a budget which is balanced in projected spending and
1430 revenues.

1431 (c) Prior to passage of the budget, the city council shall hold a special public hearing at
1432 which the budget will be presented and public comment on the budget will be solicited. The
1433 date, time, and place of the special public hearing shall be announced no less than 30 days
1434 prior to the scheduled date for such hearing.

1435 (d) All unencumbered balances of appropriations in the current operating budget at the end
1436 of the fiscal year shall lapse into the unappropriated surplus or reserves of the fund or funds
1437 from which such appropriations were made. When a supplemental appropriation is certified
1438 by the city manager to exist, these appropriations may be spent during the current fiscal year
1439 following passage of a supplemental appropriation ordinance.

SECTION 5.04.

1440

1441

Action by city council on budget.

1442 (a) The city council may amend the operating budget or capital budget proposed by the city
1443 manager in accordance with subsection (a) of Section 5.03 of this charter, except that the
1444 budget, as finally amended and adopted, shall provide for all expenditures required by law
1445 or by other provisions of this charter and for all debt service requirements for the ensuing
1446 fiscal year; and the total appropriations from any fund shall not exceed the estimated fund
1447 balance, reserves, and revenues constituting the fund availability of such fund.

1448 (b) The city council shall adopt a budget on or before the first day of the eleventh month of
1449 the fiscal year currently ending. If the city council fails to adopt the budget by the prescribed

1450 deadline, the operating budget and capital budget proposed by the mayor and city manager
1451 shall be adopted without further action by the city council.

1452 **SECTION 5.05.**

1453 Procurement and property management.

1454 No contract with the city shall be binding on the city unless it is in writing. The city council
1455 may adopt procedures for the authorization of certain contracts without city attorney review
1456 or city council approval. Absent the foregoing, no contract with the city shall be binding on
1457 the city unless:

- 1458 (1) It is drawn or submitted and reviewed by the city attorney and, as a matter of course,
1459 is signed by the city attorney to indicate such drafting or review; and
1460 (2) It is made or authorized by the city council and such approval is entered in the city
1461 council journal of proceedings.

1462 **SECTION 5.06.**

1463 Purchasing.

1464 The city council shall by ordinance prescribe procedures for a system of centralized
1465 purchasing for the city.

1466 **SECTION 5.07.**

1467 Audits.

1468 (a) There shall be an annual independent audit of all city accounts, funds, and financial
1469 transactions by a certified public accountant selected by the city council. The audit shall be
1470 conducted according to generally accepted accounting principles. Any audit of any funds by
1471 the state or federal government may be accepted as satisfying the requirements of this
1472 charter. Copies of all audit reports shall be available at printing cost to the public.

1473 (b) As a minimum, all audits and budgets of the city shall satisfy the requirements of
1474 Chapter 81 of Title 36 of the O.C.G.A. relating to local government audits and budgets.

1475 **SECTION 5.08.**

1476 Homestead exemption; freeze.

1477 (a) As used in this section, the term:

1478 (1) "Ad valorem taxes for municipal purposes" means all municipal ad valorem taxes for
1479 municipal purposes levied by, for, or on behalf of the City of Stonecrest, including, but
1480 not limited to, ad valorem taxes to pay interest on and to retire municipal bonded
1481 indebtedness.

1482 (2) "Base year" means the taxable year immediately preceding the taxable year in which
1483 the exemption under this section is first granted to the most recent owner of such
1484 homestead.

1485 (3) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of
1486 the O.C.G.A., as amended, with the additional qualification that it shall include not more
1487 than five contiguous acres of homestead property.

1488 (b) Each resident of the City of Stonecrest is granted an exemption on that person's
1489 homestead from City of Stonecrest ad valorem taxes for municipal purposes in an amount
1490 equal to the amount by which the current year assessed value of that homestead exceeds the
1491 base year assessed value of that homestead. This exemption shall not apply to taxes assessed
1492 on improvements to the homestead or additional land that is added to the homestead after
1493 January 1 of the base year. If any real property is added to or removed from the homestead,
1494 the base year assessed value shall be adjusted to reflect such addition or removal, and the
1495 exemption shall be recalculated accordingly. The value of that property in excess of such
1496 exempted amount shall remain subject to taxation.

1497 (c) A person shall not receive the homestead exemption granted by subsection (b) of this
1498 section unless the person or person's agent files an application with the governing authority
1499 of the City of Stonecrest, or the designee thereof, giving such information relative to
1500 receiving such exemption as will enable the governing authority of the City of Stonecrest,
1501 or the designee thereof, to make a determination regarding the initial and continuing
1502 eligibility of such owner for such exemption. The governing authority of the City of
1503 Stonecrest, or the designee thereof, shall provide application forms for this purpose.

1504 (d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of
1505 the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year
1506 so long as the owner occupies the residence as a homestead. After a person has filed the
1507 proper application as provided in subsection (c) of this section, it shall not be necessary to
1508 make application thereafter for any year, and the exemption shall continue to be allowed to
1509 such person. It shall be the duty of any person granted the homestead exemption under
1510 subsection (b) of this section to notify the governing authority of the City of Stonecrest, or
1511 the designee thereof, in the event that person for any reason becomes ineligible for that
1512 exemption.

1513 (e) The exemption granted by subsection (b) of this section shall not apply to or affect state
1514 ad valorem taxes, county ad valorem taxes for county purposes, or county or independent

1515 school district ad valorem taxes for educational purposes. The homestead exemption granted
 1516 by subsection (b) of this section shall be in addition to and not in lieu of any other homestead
 1517 exemption applicable to municipal ad valorem taxes for municipal purposes.

1518 (f) The exemption granted by subsection (b) of this section shall apply only to taxable years
 1519 2017 through 2019. Unless renewed or extended by subsequent Act of the General
 1520 Assembly, the exemption granted by subsection (b) of this section shall not apply to taxable
 1521 year 2020 or any subsequent taxable year.

1522 **SECTION 5.09.**

1523 Homestead exemption; senior citizens; disabled.

1524 (a) As used in this section, the term:

1525 (1) "Ad valorem taxes for municipal purposes" means all ad valorem taxes for municipal
 1526 purposes levied by, for, or on behalf of the City of Stonecrest, including, but not limited
 1527 to, any ad valorem taxes to pay interest on and to retire municipal bonded indebtedness.

1528 (2) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of
 1529 the O.C.G.A., as amended.

1530 (3) "Income" means Georgia taxable net income determined pursuant to Chapter 7 of
 1531 Title 48 of the O.C.G.A., as amended, for state income tax purposes, except income shall
 1532 not include income received as retirement, survivor, or disability benefits under the
 1533 federal Social Security Act or under any other public or private retirement, disability, or
 1534 pension system, except such income which is in excess of the maximum amount
 1535 authorized to be paid to an individual and such individual's spouse under the federal
 1536 Social Security Act. Income from such sources in excess of such maximum amount shall
 1537 be included as income for the purposes of this Act.

1538 (4) "Senior citizen" means a person who is 65 years of age or over on or before January 1
 1539 of the year in which application for the exemption under subsection (b) of this section is
 1540 made.

1541 (b) Each resident of the City of Stonecrest who is disabled or is a senior citizen is granted
 1542 an exemption on that person's homestead from City of Stonecrest ad valorem taxes for
 1543 municipal purposes in the amount of \$14,000.00 of the assessed value of that homestead.
 1544 The exemption granted by this subsection shall only be granted if that person's income,
 1545 together with the income of the spouse who also occupies and resides at such homestead,
 1546 does not exceed \$15,000.00 for the immediately preceding year. The value of that property
 1547 in excess of such exempted amount shall remain subject to taxation.

1548 (c)(1) In order to qualify for the exemption provided for in subsection (b) of this section
 1549 due to being disabled, the person claiming such exemption shall be required to obtain a

1550 certificate from not more than three physicians licensed to practice medicine under
 1551 Chapter 34 of Title 43 of the O.C.G.A., as amended, certifying that, in the opinion of
 1552 such physician or physicians, such person is mentally or physically incapacitated to the
 1553 extent that such person is unable to be gainfully employed and that such incapacity is
 1554 likely to be permanent. Such certificate or certificates shall constitute part of and be
 1555 submitted with the application provided for in paragraph (2) of this subsection.

1556 (2) A person shall not receive the homestead exemption granted by subsection (b) of this
 1557 section unless the person or person's agent files an application with the governing
 1558 authority of the City of Stonecrest, or the designee thereof, giving the person's age,
 1559 income, and such additional information relative to receiving such exemption as will
 1560 enable the governing authority of the City of Stonecrest, or the designee thereof, to make
 1561 a determination regarding the initial and continuing eligibility of such owner for such
 1562 exemption. The governing authority of the City of Stonecrest, or the designee thereof,
 1563 shall provide application forms for this purpose.

1564 (d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of
 1565 the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year
 1566 so long as the owner occupies the residence as a homestead. After a person has filed the
 1567 proper application, as provided in subsection (c) of this section, it shall not be necessary to
 1568 make application thereafter for any year and the exemption shall continue to be allowed to
 1569 such person. It shall be the duty of any person granted the homestead exemption under
 1570 subsection (b) of this section to notify the governing authority of the City of Stonecrest, or
 1571 the designee thereof, in the event that person for any reason becomes ineligible for that
 1572 exemption.

1573 (e) The exemption granted by subsection (b) of this section shall not apply to or affect state
 1574 ad valorem taxes, county ad valorem taxes for county purposes, or county or independent
 1575 school district ad valorem taxes for educational purposes. The homestead exemption granted
 1576 by subsection (b) of this section shall be in addition to and not in lieu of any other homestead
 1577 exemption applicable to municipal ad valorem taxes for municipal purposes.

1578 (f) The exemption granted by subsection (b) of this section shall apply to all taxable years
 1579 beginning on or after January 1, 2017.

1580 **SECTION 5.10.**

1581 Homestead exemption; general.

1582 (a) As used in this section, the term:

1583 (1) "Ad valorem taxes for municipal purposes" means all ad valorem taxes for municipal
 1584 purposes levied by, for, or on behalf of the City of Stonecrest, including, but not limited
 1585 to, any ad valorem taxes to pay interest on and to retire municipal bonded indebtedness.

1586 (2) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of
 1587 the O.C.G.A., as amended.

1588 (b) Each resident of the City of Stonecrest is granted an exemption on that person's
 1589 homestead from City of Stonecrest ad valorem taxes for municipal purposes in the amount
 1590 of \$10,000.00 of the assessed value of that homestead. The value of that property in excess
 1591 of such exempted amount shall remain subject to taxation.

1592 (c) A person shall not receive the homestead exemption granted by subsection (b) of this
 1593 section unless the person or person's agent files an application with the governing authority
 1594 of the City of Stonecrest, or the designee thereof, giving such information relative to
 1595 receiving such exemption as will enable the governing authority of the City of Stonecrest,
 1596 or the designee thereof, to make a determination regarding the initial and continuing
 1597 eligibility of such owner for such exemption. The governing authority of the City of
 1598 Stonecrest, or the designee thereof, shall provide application forms for this purpose.

1599 (d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of
 1600 the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year
 1601 so long as the owner occupies the residence as a homestead. After a person has filed the
 1602 proper application, as provided in subsection (c) of this section, it shall not be necessary to
 1603 make application thereafter for any year and the exemption shall continue to be allowed to
 1604 such person. It shall be the duty of any person granted the homestead exemption under
 1605 subsection (b) of this section to notify the governing authority of the City of Stonecrest, or
 1606 the designee thereof, in the event that person for any reason becomes ineligible for that
 1607 exemption.

1608 (e) The exemption granted by subsection (b) of this section shall not apply to or affect state
 1609 ad valorem taxes, county ad valorem taxes for county purposes, or county or independent
 1610 school district ad valorem taxes for educational purposes. The homestead exemption granted
 1611 by subsection (b) of this section shall be in addition to and not in lieu of any other
 1612 homestead exemption applicable to municipal ad valorem taxes for municipal purposes.

1613 (f) The exemption granted by subsection (b) of this section shall apply to all taxable years
 1614 beginning on or after January 1, 2017.

1615 **SECTION 5.11.**

1616 Homestead exemption; surviving spouses.

1617 (a) As used in this section, the term:

1618 (1) "Ad valorem taxes for municipal purposes" means all ad valorem taxes for municipal
1619 purposes levied by, for, or on behalf of the City of Stonecrest, including, but not limited
1620 to, ad valorem taxes to pay interest on and to retire municipal bonded indebtedness.

1621 (2) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of
1622 the O.C.G.A., as amended.

1623 (3) "Unremarried surviving spouse" of a member of the armed forces means the
1624 unmarried widow or widower of a member of the armed forces who is receiving spousal
1625 benefits from the United States Department of Veterans Affairs.

1626 (b) Any person who is a resident of the City of Stonecrest and who is an unremarried
1627 surviving spouse of a member of the armed forces of the United States, which member has
1628 been killed in or has died as a result of any war or armed conflict in which the armed forces
1629 of the United States engaged, whether under United States command or otherwise, shall be
1630 granted a homestead exemption from all City of Stonecrest ad valorem taxation for municipal
1631 purposes in the amount of the greater of \$32,500.00 or the maximum amount which may be
1632 granted to a disabled veteran under Section 2102 of Title 38 of the United States Code, as
1633 amended. As of January 1, 2013, the maximum amount which may be granted to a disabled
1634 veteran under Section 2102 of Title 38 of the United States Code, as amended, is \$50,000.00.
1635 The exemption shall be on the homestead which the unremarried surviving spouse owns and
1636 actually occupies as a residence and homestead. In the event such surviving spouse
1637 remarries, such person shall cease to be qualified to continue the exemption under this Act
1638 effective December 31 of the taxable year in which such person remarries. The value of all
1639 property in excess of such exemption granted to such unremarried surviving spouse shall
1640 remain subject to taxation.

1641 (c) In order to qualify for the exemption provided for in this Act, the unremarried surviving
1642 spouse shall furnish to the governing authority of the City of Stonecrest, or the designee
1643 thereof, documents from the Secretary of Defense evidencing that such unremarried
1644 surviving spouse receives spousal benefits as a result of the death of such person's spouse
1645 who as a member of the armed forces of the United States was killed or died as a result of
1646 a war or armed conflict while on active duty or while performing authorized travel to or from
1647 active duty during such war or armed conflict in which the armed forces of the United States
1648 engaged, whether under United States command or otherwise, pursuant to the Survivor
1649 Benefit Plan under Subchapter II of Chapter 73 of Title 10 of the United States Code or
1650 pursuant to any preceding or subsequent federal law which provides survivor benefits for
1651 spouses of members of the armed forces who were killed or who died as a result of any war
1652 or armed conflict.

1653 (d) An unremarried surviving spouse filing for the exemption under this section shall be
1654 required to file with the governing authority of the City of Stonecrest, or the designee

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

1665 (e) The exemption granted by this section shall be in lieu of and not in addition to any other
 1666 exemption from ad valorem taxation for municipal purposes which is equal to or lower in
 1667 amount than such exemption granted by this section. If the amount of any other exemption
 1668 from ad valorem taxation for municipal purposes applicable to any resident qualifying under
 1669 this section is greater than or is increased to an amount greater than the amount of the
 1670 applicable exemption granted by this section, such other exemption shall apply and shall be
 1671 in lieu of and not in addition to the exemption granted by this section.

1672 (f) The exemptions granted by this section shall apply to all tax years beginning on or after
 1673 January 1, 2017.

1674 **SECTION 5.12.**

1675 Homestead exemption; one mill equivalent.

1676 (a) As used in this section, the term:

1677 (1) "Ad valorem taxes for municipal purposes" means all ad valorem taxes for municipal
 1678 purposes levied by, for, or on behalf of the City of Stonecrest, including, but not limited
 1679 to, any ad valorem taxes to pay interest on and to retire municipal bonded indebtedness.

1680 (2) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of
 1681 the O.C.G.A., as amended.

1682 (b) Each resident of the City of Stonecrest is granted an exemption on that person's
 1683 homestead from City of Stonecrest ad valorem taxes for municipal purposes in an amount
 1684 that provides the dollar equivalent of a one mill reduction of the millage rate applicable to
 1685 the homestead property with respect to ad valorem taxes for municipal purposes for the
 1686 taxable year. The value of that property in excess of such exempted amount shall remain
 1687 subject to taxation.

1688 (c) A person shall not receive the homestead exemption granted by subsection (b) of this
 1689 section unless the person or person's agent files an application with the governing authority

1690 of the City of Stonecrest or the designee thereof giving such information relative to receiving
 1691 such exemption as will enable the governing authority of the City of Stonecrest or the
 1692 designee thereof to make a determination regarding the initial and continuing eligibility of
 1693 such owner for such exemption. The governing authority of the City of Stonecrest or the
 1694 designee thereof shall provide application forms for this purpose.

1695 (d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of
 1696 the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year
 1697 so long as the owner occupies the residence as a homestead. After a person has filed the
 1698 proper application, as provided in subsection (c) of this section, it shall not be necessary to
 1699 make application thereafter for any year and the exemption shall continue to be allowed to
 1700 such person. It shall be the duty of any person granted the homestead exemption under
 1701 subsection (b) of this section to notify the governing authority of the City of Stonecrest or
 1702 the designee thereof in the event that person for any reason becomes ineligible for that
 1703 exemption.

1704 (e) The exemption granted by subsection (b) of this section shall not apply to or affect state
 1705 ad valorem taxes, county ad valorem taxes for county purposes, or county or independent
 1706 school district ad valorem taxes for educational purposes. The homestead exemption granted
 1707 by subsection (b) of this section shall be in addition to and not in lieu of any other homestead
 1708 exemption applicable to municipal ad valorem taxes for municipal purposes.

1709 (f) The exemption granted by subsection (b) of this section shall apply to all taxable years
 1710 beginning on or after January 1, 2017.

1711 ARTICLE VI

1712 GENERAL PROVISIONS

1713 SECTION 6.01.

1714 DeKalb County special services tax district.

1715 For the taxable years beginning on or after January 1, 2017, the adjusted ad valorem tax
 1716 millage rate and amount for service charges or fees for and DeKalb County special services
 1717 tax district within the boundaries of the City Stonecrest shall be 0 percent. This section is
 1718 enacted pursuant to the authority granted to the General Assembly under Section 1 of that
 1719 local constitutional amendment providing that certain municipalities in DeKalb County shall
 1720 constitute special services tax districts, Resolution Act. No. 168; House Resolution
 1721 No. 715-1916; Ga. L. 1978, p. 2468, to control the subject matter of such local constitutional
 1722 amendment. Municipal services provided by DeKalb County for the City of Stonecrest will
 1723 be established through intergovernmental agreements or established as otherwise authorized
 1724 by statute.

SECTION 6.02.

1725

1726

Referendum and initial election.

1727 (a) Unless prohibited by the federal Voting Rights Act of 1965, as amended, the election

1728 superintendent of DeKalb County shall call a special election for the purpose of submitting

1729 this Act to the qualified voters of the proposed City of Stonecrest for approval or rejection.

1730 The superintendent shall set November 3, 2015, as the date of such election. The

1731 superintendent shall issue the call for such election at least 30 days prior to the date thereof.

1732 The superintendent shall cause the date and purpose of the election to be published once a

1733 week for two weeks immediately preceding the date thereof in the official organ of DeKalb

1734 County. The ballot shall have written or printed thereon the words:

1735 " () YES Shall the Act incorporating the City of Stonecrest in DeKalb County

1736 according to the charter contained in the Act and the homestead exemptions

1737 () NO described in the Act be approved?"

1738 All persons desiring to vote for approval of the Act shall vote "Yes," and all persons desiring

1739 to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on

1740 such question are for approval of the Act, it shall become of full force and effect as provided

1741 in this charter, otherwise it shall be void and of no force and effect. The initial expense of

1742 such election shall be borne by DeKalb County. Within two years after the elections if the

1743 incorporation is approved, the City of Stonecrest shall reimburse DeKalb County for the

1744 actual cost of printing and personnel services for such election and for the initial election of

1745 the mayor and councilmembers pursuant to Section 2.02 of this charter. It shall be the duty

1746 of the superintendent to hold and conduct such election. It shall be his or her further duty to

1747 certify the result thereof to the Secretary of State.

1748 (b) For the purposes of the referendum election provided for in subsection (a) of this section

1749 and for the purposes of the special election of the City of Stonecrest to be held in conjunction

1750 with and on the date of the 2016 presidential preference primary, the qualified electors of the

1751 City of Stonecrest shall be those qualified electors of DeKalb County residing within the

1752 corporate limits of the City of Stonecrest as described by Appendix A of this charter. At

1753 subsequent municipal elections, the qualified electors of the City of Stonecrest shall be

1754 determined pursuant to the authority of Chapter 2 of Title 21 of the O.C.G.A., known as the

1755 "Georgia Election Code."

1756 (c) Only for the purposes of holding and conducting the referendum election provided for

1757 by subsection (a) of this section and holding and conducting the special election of the City

1758 of Stonecrest to be held on the date of the 2016 presidential preference primary, the election

1759 superintendent of DeKalb County is vested with the powers and duties of the election

1760 superintendent of the City of Stonecrest and the powers and duties of the governing authority
1761 of the City of Stonecrest.

1762 **SECTION 6.03.**

1763 Effective dates and transition.

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

1767 (b) A period of time will be needed for an orderly transition of various government functions
1768 from DeKalb County to the City of Stonecrest. Accordingly there shall be a two-year
1769 transition period as allowed by law beginning at 12:01 A.M. on July 1, 2016.

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

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

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

1790 (f) During the transition period, the governing authority of the City of Stonecrest may at any
1791 time, without the necessity of any agreement by DeKalb County, commence to exercise its
1792 planning and zoning powers; provided, however, that the city shall give the county notice of
1793 the date on which the city will assume the exercise of such powers. Upon the governing
1794 authority of the City of Stonecrest commencing to exercise its planning and zoning powers,

1795 the Municipal Court of the City of Stonecrest shall immediately have jurisdiction to enforce
 1796 the planning and zoning ordinances of the city. The provisions of this subsection shall
 1797 control over any conflicting provisions of any other subsection of this section.

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

1802 **SECTION 6.04.**

1803 Directory nature of dates.

1804

1805 It is the intention of the General Assembly that this Act be construed as directory rather than
 1806 mandatory with respect to any date prescribed in this Act. If it is necessary to delay any
 1807 action called for in this Act for providential cause, delay in securing approval under the
 1808 federal Voting Rights Act, or any other reason, it is the intention of the General Assembly
 1809 that the action be delayed rather than abandoned. Any delay in performing any action under
 1810 this Act, whether for cause or otherwise, shall not operate to frustrate the overall intent of this
 1811 Act. Without limiting the generality of the foregoing, it is specifically provided that if it is
 1812 not possible to hold the referendum election provided for in Section 6.02 of this Act on the
 1813 date specified in that section, then such referendum shall be held as soon thereafter as is
 1814 reasonably practicable but not later than 45 days after securing approval under the federal
 1815 Voting Rights Act. If the referendum election provided for in Section 6.02 of this Act is
 1816 conducted on or before November 3, 2015, the special election for the initial members of the
 1817 governing authority shall be conducted on the date specified in Section 2.02 of this Act. If
 1818 the referendum election provided for under Section 6.02 of this Act is conducted after
 1819 November 3, 2015, then the special election for the initial members of the governing
 1820 authority shall be held as soon thereafter as is reasonably practicable, and the commencement
 1821 of the initial terms of office shall be delayed accordingly. If the first election provided for
 1822 in Section 2.02 of this Act occurs after the date of the 2016 presidential preference primary,
 1823 the city council shall be authorized to delay the dates otherwise specified in Section 6.03 of
 1824 this Act.

1825 **SECTION 6.05.**

1826 Charter commission.

1827 No later than five years after the inception of the City of Stonecrest, the mayor and the city
 1828 council shall call for a charter commission to review the city's experience and recommend

1829 to the General Assembly any changes to the charter. Members of the charter commission
1830 shall be appointed as follows: one by the mayor, one by each member of the city council, and
1831 one member appointed by a vote of the members of the Georgia House of Representatives
1832 and Georgia Senate whose districts lie wholly or partially within the corporate boundaries
1833 of the City of Stonecrest. All members of the charter commission shall reside in the City of
1834 Stonecrest. The commission shall complete the recommendations within the time frame
1835 required by the city council.

1836 **SECTION 6.06.**

1837 Severability.

1838 In the event any section, subsection, sentence, clause, or phrase of this Act shall be declared
1839 or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other
1840 sections, subsections, sentences, clauses, or phrases of this Act, which shall remain of full
1841 force and effect, as if the section, subsection, sentence, clause, or phrase so declared or
1842 adjudged invalid or unconstitutional were not originally a part hereof. The General
1843 Assembly hereby declares that it would have passed the remaining parts of this Act if it had
1844 known that such part or parts hereof would be declared or adjudged invalid or
1845 unconstitutional.

1846 **SECTION 6.07.**

1847 Effective date.

1848 This Act shall become effective upon its approval by the Governor or upon its becoming law
1849 without such approval.

1850 **SECTION 6.08.**

1851 Repealer.

1852 All laws and parts of laws in conflict with this Act are repealed.

1853 APPENDIX A
 1854 LEGAL DESCRIPTION
 1855 CORPORATE LIMITS
 1856 CITY OF STONECREST, DEKALB COUNTY, GEORGIA

1857 Plan: stonecrest-2015

1858 Plan Type: Local

1859 Administrator: S043

1860 User: Gina

1861 District STONECREST

1862 DeKalb County

1863 VTD: 089BJ - BROWN'S MILL ELEMENTARY

1864 023416:

1865 2004 2005 2006 2009 2010 2011 2012 2013 2014 2015 2016 2017

1866 2018 3000 3001 3002 3003 3004 3005 4015 4016 4019 4020

1867 VTD: 089CF - MURPHEY CANDLER

1868 VTD: 089FA - FAIRINGTON ELEM

1869 VTD: 089FG - FLAT ROCK ELEM

1870 VTD: 089LD - LITHONIA (LIT)

1871 023303:

1872 4020 4021 4022

1873 VTD: 089LH - LITHONIA HIGH SCHOOL

1874 023309:

1875 3000 3001 3002 3003 3004 3005 3006 3007 3008 3009 3010 3011

1876 3012 3013 3014 3033 3034 3035 3036

1877 VTD: 089MC - MARBUT ELEM

1878 023309:

1879 2005 2006 4007

1880 VTD: 089MF - MCWILLIAMS

1881 VTD: 089MI - MILLER GROVE MIDDLE SCHOOL

1882 023214:

1883 2000 2001 2002 2003 2008 2009 2010 2011 2012 2013 2014 2022

1884 2023 2024

1885 023416:

1886 1000 1001 1014 1015

1887 VTD: 089MV - MILLER GROVE ROAD

1888 VTD: 089MZ - MILLER GROVE HIGH
 1889 VTD: 089PC - PRINCETON ELEM
 1890 023306:
 1891 3005 3006 3007 3013 3014
 1892 VTD: 089PI - PANOLA WAY ELEM
 1893 023212:
 1894 2002
 1895 VTD: 089PR - PANOLA ROAD
 1896 VTD: 089RH - REDAN-TROTTI
 1897 023306:
 1898 3008 3012 3016
 1899 023313:
 1900 1003 1004 1005 1006 1007 1008 1009 1010
 1901 VTD: 089RL - ROCK CHAPEL ROAD
 1902 023303:
 1903 1011 1012 1016 1017 1018 1019 1020 1021 1022 1025 1026 1027
 1904 1032 4012
 1905 023306:
 1906 3015 3020
 1907 023315:
 1908 1010 1011 1020
 1909 VTD: 089SL - STONEVIEW ELEM
 1910 023303:
 1911 3027 3028 3029 4000 4001 4002 4003 4004 4005 4006 4029 4030
 1912 4031 4032 4034 4035 4036
 1913 023310:
 1914 3000 3001 3002 3003 3004 3005 3006 3007 3008
 1915 023418:
 1916 1000 1001 1002 1023
 1917 023428:
 1918 2000 2001
 1919 VTD: 089SM - SALEM MIDDLE
 1920 VTD: 089SS - SNAPFINGER ROAD
 1921 023414:
 1922 1027
 1923 023416:
 1924 2003 2007 2008 2019 4004 4005 4006 4009 4010 4011 4012 4013

1925 4014 4017 4018

1926 VTD: 089WD - WOODROW ROAD

1927 As used in this appendix, the term "VTD" (voting tabulation district) shall mean and describe
 1928 the same geographical boundaries as provided in the report of the Bureau of the Census for
 1929 the United States decennial census of 2010 for the State of Georgia. The separate numeric
 1930 designations which are underneath a VTD heading shall mean and describe individual blocks
 1931 within a VTD as provided in the report of the Bureau of the Census for the United States
 1932 decennial census of 2010 for the State of Georgia.

1933 APPENDIX B
 1934 COUNCIL DISTRICTS
 1935 CITY OF STONECREST, DEKALB COUNTY, GEORGIA

1936 Plan: stonecrest-dist-2015

1937 Plan Type: Local

1938 Administrator: S043

1939 User: Gina

1940 District 001

1941 DeKalb County

1942 VTD: 089LD - LITHONIA (LIT)

1943 023303:

1944 4020 4021 4022

1945 VTD: 089PC - PRINCETON ELEM

1946 023306:

1947 3005 3006 3007 3013 3014

1948 VTD: 089RH - REDAN-TROTTI

1949 023306:

1950 3008 3012 3016

1951 023313:

1952 1003 1004 1005 1006 1007 1008 1009 1010

1953 VTD: 089RL - ROCK CHAPEL ROAD

1954 023303:

1955 1011 1012 1016 1017 1018 1019 1020 1021 1022 1025 1026 1027

1956 1032 4012

1957 023306:

1958 3015 3020

1959 023315:
 1960 1010 1011 1020
 1961 VTD: 089SL - STONEVIEW ELEM
 1962 023303:
 1963 3027 3028 3029 4000 4001 4002 4003 4004 4005 4006 4029 4030
 1964 4031 4032 4034 4035 4036
 1965 023310:
 1966 3000 3001 3003 3004 3005 3008
 1967 023418:
 1968 1000 1001 1002 1023
 1969 VTD: 089WD - WOODROW ROAD
 1970 023418:
 1971 1003 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014
 1972 1015 1016 1017 1018 1019 1020 1021 1022 1024 1025 1026 1027
 1973 1028 1029 1030 1031 1033 1034 1035 1036 1037 1038 1039 1048
 1974 1049 1050 1051 1052 1053 1054 1055 1056 1057 1058 1059 1060
 1975 1061 1062 1063 1064 1065 1066 1067 1068 1069 1070 1071 1072
 1976 1073 1074 1075 1076 1077 1078 1079

 1977 District 002
 1978 DeKalb County
 1979 VTD: 089LH - LITHONIA HIGH SCHOOL
 1980 023309:
 1981 3000 3001 3002 3003 3004 3005 3006 3007 3008 3009 3010 3011
 1982 3012 3013 3014 3033 3034 3035 3036
 1983 VTD: 089MC - MARBUT ELEM
 1984 023309:
 1985 2005 2006 4007
 1986 VTD: 089MF - MCWILLIAMS
 1987 023416:
 1988 1004 1008 1009 1010 1011 1012 1013 1016 1017 4000 4001 4002
 1989 4003 4007 4008
 1990 VTD: 089MI - MILLER GROVE MIDDLE SCHOOL
 1991 023214:
 1992 2000 2001 2002 2003 2008 2009 2010 2011 2012 2013 2014 2022
 1993 2023 2024
 1994 023416:

1995 1000 1001 1014 1015
 1996 VTD: 089MZ - MILLER GROVE HIGH
 1997 023310:
 1998 2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 4000
 1999 4001 4002 4003 4004 4005 4006 4007 4008 4009 4010 4011 4012
 2000 4013
 2001 VTD: 089PI - PANOLA WAY ELEM
 2002 023212:
 2003 2002
 2004 VTD: 089PR - PANOLA ROAD
 2005 023310:
 2006 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011
 2007 1012 1013 1014 1015 1016 1017
 2008 VTD: 089SL - STONEVIEW ELEM
 2009 023310:
 2010 3007
 2011 VTD: 089SS - SNAPFINGER ROAD
 2012 023416:
 2013 4004 4005 4006

 2014 District 003
 2015 DeKalb County
 2016 VTD: 089FA - FAIRINGTON ELEM
 2017 VTD: 089MF - MCWILLIAMS
 2018 023416:
 2019 1002 1003 1005 1006 1007 2000 2001 2002
 2020 VTD: 089MV - MILLER GROVE ROAD
 2021 023427:
 2022 2001 2002 2003 2004 2005
 2023 VTD: 089PR - PANOLA ROAD
 2024 023428:
 2025 1000 3000 4000
 2026 VTD: 089WD - WOODROW ROAD
 2027 023428:
 2028 1001 1002 1003 1004 1005 1006 1007 1008 2016 2017

2029 District 004
 2030 DeKalb County
 2031 VTD: 089BJ - BROWN'S MILL ELEMENTARY
 2032 023416:
 2033 2004 2005 2006 2009 2010 2011 2012 2013 2014 2015 2016 2017
 2034 2018 3000 3001 3002 3003 3004 3005 4015 4016 4019 4020
 2035 VTD: 089MV - MILLER GROVE ROAD
 2036 023427:
 2037 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011
 2038 1012 1013 1015 1016 1017
 2039 VTD: 089SM - SALEM MIDDLE
 2040 VTD: 089SS - SNAPFINGER ROAD
 2041 023414:
 2042 1027
 2043 023416:
 2044 2003 2007 2008 2019 4009 4010 4011 4012 4013 4014 4017 4018

 2045 District 005
 2046 DeKalb County
 2047 VTD: 089CF - MURPHEY CANDLER
 2048 VTD: 089FG - FLAT ROCK ELEM
 2049 VTD: 089MZ - MILLER GROVE HIGH
 2050 023428:
 2051 2002
 2052 VTD: 089SL - STONEVIEW ELEM
 2053 023310:
 2054 3002 3006
 2055 023428:
 2056 2000 2001
 2057 VTD: 089WD - WOODROW ROAD
 2058 023418:
 2059 1032 1040 1041 1042 1043 1044 1045 1046
 2060 023428:
 2061 2003 2004 2005 2006 2007 2008 2009 2010 2011 2012 2013 2014
 2062 2015 2018
 2063 As used in this appendix, the term "VTD" (voting tabulation district) shall mean and describe
 2064 the same geographical boundaries as provided in the report of the Bureau of the Census for

2065 the United States decennial census of 2010 for the State of Georgia. The separate numeric
 2066 designations in a district description which are underneath a VTD heading shall mean and
 2067 describe individual blocks within a VTD as provided in the report of the Bureau of the
 2068 Census for the United States decennial census of 2010 for the State of Georgia. Any part of
 2069 the city which is not included in District 1, 2, 3, 4, or 5 as described in this appendix shall be
 2070 included within that district contiguous to such part which contains the least population
 2071 according to the United States decennial census of 2010 for the State of Georgia. Any part
 2072 of the city which is described in this appendix as being in District 1, 2, 3, 4, or 5 shall
 2073 nevertheless not be included within such district if such part is not contiguous to such district.
 2074 Such noncontiguous part shall instead be included within the post that is contiguous to such
 2075 part which contains the least population according to the United States decennial census of
 2076 2010 for the State of Georgia. Except as otherwise provided in the description of any district,
 2077 whenever the description of such district refers to a named city, it shall mean the
 2078 geographical boundaries of that city as shown on the census map for the United States
 2079 decennial census of 2010 for the State of Georgia.

2080 APPENDIX C

2081 CERTIFICATE AS TO MINIMUM STANDARDS

2082 FOR INCORPORATION OF A NEW MUNICIPAL CORPORATION

2083 I, Dee Dawkins-Haigler, Representative from the 91st District, and the author of this bill
 2084 introduced at the 2015 session of the General Assembly of Georgia, which grants an original
 2085 municipal charter to the City of Stonecrest, do hereby certify that this bill is in compliance
 2086 with the minimum standards required by Chapter 31 of Title 36 of the O.C.G.A. in that the
 2087 area embraced within the original incorporation in this bill is in all respects in compliance
 2088 with the minimum standards required by Chapter 31 of Title 36 of the O.C.G.A. This
 2089 certificate is executed to conform to the requirements of Code Section 36-31-5 of the
 2090 O.C.G.A.

2091 So certified this _____ day of _____, 2015.

2092 _____
 2093 Honorable Dee Dawkins-Haigler
 2094 Representative, District 91
 2095 Georgia House of Representatives