

The Senate Committee on State and Local Governmental Operations - General offered the following substitute to SB 114:

A BILL TO BE ENTITLED
AN ACT

1 To incorporate the City of Buckhead City; to provide a charter; to provide for boundaries and
2 powers of the city; to provide for a governing authority of such city and the powers, duties,
3 authority, election, terms, vacancies, compensation, expenses, qualifications, prohibitions,
4 conflicts of interest, and suspension and removal from office relative to members of such
5 governing authority; to provide for inquiries and investigations; to provide for oaths,
6 organization, meetings, quorum, voting, rules, and procedures; to provide for ordinances and
7 codes; to provide for a mayor, mayor pro tempore, and city manager and certain duties,
8 powers, and other matters relative thereto; to provide for administrative affairs and
9 responsibilities; to provide for boards, commissions, and authorities; to provide for a city
10 attorney, a city clerk, and other personnel and matters relating thereto; to provide for rules
11 and regulations; to provide for a municipal court and the judge or judges thereof and other
12 matters relative to those judges; to provide for the court's jurisdiction, powers, practices, and
13 procedures; to provide for the right of certiorari; to provide for elections; to provide for
14 taxation, licenses, and fees; to provide for a millage rate cap; to provide for taxation on
15 behalf of the Atlanta Independent School System; to provide for franchises, service charges,
16 and assessments; to provide for bonded and other indebtedness; to provide for auditing,
17 accounting, budgeting, and appropriations; to provide for city contracts and purchasing; to
18 provide for the conveyance of property and interests therein; to provide for bonds for

19 officials; to provide for prior ordinances and rules, pending matters, and existing personnel;
20 to provide for penalties; to provide for definitions and construction; to provide for other
21 matters relative to the foregoing; to provide for a referendum; to provide contingent effective
22 dates, automatic repeal, and transitional provisions governing the transfer of various
23 functions and responsibilities from the City of Atlanta to the City of Buckhead City; to
24 provide for the transfer and assumption of bonded obligations; to provide for the continuation
25 of lease purchase and intergovernmental agreements; to provide for severability; to provide
26 for effective dates; to repeal conflicting laws; and for other purposes.

27 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

28 ARTICLE I.
29 INCORPORATION AND POWERS

30 SECTION 1.10.
31 Name.

32 This Act shall constitute the charter of the City of Buckhead City. The city and the
33 inhabitants thereof are constituted and declared a body politic and corporate under the name
34 and style "City of Buckhead City, Georgia," and by that name shall have perpetual
35 succession.

36 SECTION 1.11.
37 Corporate boundaries.

38 (a) The boundaries of this city shall be those set forth and described in Appendix A of this
39 charter, and said Appendix A is incorporated into and made a part of this charter. The

40 boundaries of this city at all times shall be shown on a map, a written description, or any
41 combination thereof, to be retained permanently in the office of the city clerk and to be
42 designated, as the case may be: "Official Map (or Description) of the corporate limits of
43 the City of Buckhead City, Georgia." Photographic, typed, or other copies of such map or
44 description certified by the city clerk shall be admitted as evidence in all courts and shall
45 have the same force and effect as with the original map or description.

46 (b) The city council may provide for the redrawing of any such map by ordinance to reflect
47 lawful changes in the corporate boundaries. A redrawn map shall supersede for all
48 purposes the entire map or maps which it is designated to replace.

49 SECTION 1.12.

50 Powers and construction.

51 (a) Except as provided in subsection (b) of this section, this city shall have the following
52 powers:

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

58 (2) Appropriations and expenditures. To make appropriations for the support of the
59 government of the city; to authorize the expenditure of money for any purposes
60 authorized by this charter and for any purpose for which a municipality is authorized by
61 the laws of the State of Georgia; and to provide for the payment of expenses of the city;

62 (3) Building regulation. To regulate and to license the erection and construction of
63 buildings and all other structures; to adopt building, housing, plumbing, electrical, gas,
64 and heating and air-conditioning codes; and to regulate all housing and building trades;

- 65 (4) Contracts. To enter into contracts and agreements with other governmental entities
66 and with private persons, firms, and corporations;
- 67 (5) Emergencies. To establish procedures for determining and proclaiming that an
68 emergency situation exists within or outside the city and to make and carry out all
69 reasonable provisions deemed necessary to deal with or meet such an emergency for the
70 protection, safety, health, or well-being of the citizens of the city;
- 71 (6) Environmental protection. To protect and preserve the natural resources,
72 environment, and vital areas of the state through the preservation and improvement of air
73 quality, the restoration and maintenance of water resources, the control of erosion and
74 sedimentation, the management of solid and hazardous waste, and other necessary actions
75 for the protection of the environment;
- 76 (7) Fire regulations. To fix and establish fire limits and from time to time to extend,
77 enlarge, or restrict the same; to prescribe fire safety regulations not inconsistent with
78 general law, relating to both fire prevention and detection and to fire fighting; and to
79 prescribe penalties and punishment for violations thereof;
- 80 (8) General health, safety, and welfare. To define, regulate, and prohibit any act,
81 practice, conduct, or use of property which is detrimental to health, sanitation,
82 cleanliness, welfare, and safety of the inhabitants of the city and to provide for the
83 enforcement of such standards;
- 84 (9) Gifts. To accept or refuse gifts, donations, bequests, or grants from any source for
85 any purpose related to powers and duties of the city and the general welfare of its
86 citizens, on such terms and conditions as the donor or grantor may impose;
- 87 (10) Health and sanitation. To prescribe standards of health and sanitation and to
88 provide for the enforcement of such standards;
- 89 (11) Jail sentences. To provide that persons given jail sentences in the municipal court
90 may work out such sentences in any public works or on the streets, roads, drains, and
91 other public property in the city; to provide for commitment of such persons to any jail;

- 92 or to provide for commitment of such persons to any county work camp or county jail by
93 agreement with the appropriate county officials;
- 94 (12) Municipal agencies and delegation of power. To create, alter, or abolish
95 departments, boards, offices, commissions, and agencies of the city and to confer upon
96 such agencies the necessary and appropriate authority for carrying out all the powers
97 conferred upon or delegated to the same;
- 98 (13) Municipal debts. To appropriate and borrow money for the payment of debts of the
99 city and to issue bonds for the purpose of raising revenue to carry out any project,
100 program, or venture authorized by this charter or the laws of the State of Georgia;
- 101 (14) Municipal property ownership. To acquire, dispose of, lease, and hold in trust or
102 otherwise any real, personal, or mixed property, in fee simple or lesser interest, inside or
103 outside the property limits of the city;
- 104 (15) Municipal property protection. To provide for the preservation and protection of
105 property and equipment of the city and the administration and use of same by the public;
106 and to prescribe penalties and punishment for violations thereof;
- 107 (16) Nuisance. To define a nuisance and provide for its abatement whether on public or
108 private property;
- 109 (17) Penalties. To provide penalties for violation of any ordinances adopted pursuant to
110 the authority of this charter and the laws of the State of Georgia;
- 111 (18) Planning and zoning. To provide comprehensive city planning for development by
112 zoning; and to provide subdivision regulation and the like as the city council deems
113 necessary and reasonable to ensure a safe, healthy, and esthetically pleasing community;
- 114 (19) Public hazards; removal. To provide for the destruction and removal of any
115 building or other structure which is or may become dangerous or detrimental to the
116 public;
- 117 (20) Public improvements. To provide for the acquisition, construction, building,
118 operation, and maintenance of parks and playgrounds, public grounds, recreational

119 facilities, public buildings, and charitable, cultural, educational, recreational,
120 conservation, and sport institutions, agencies, and facilities; and to regulate the use of
121 public improvements;

122 (21) Public utilities and services. To grant franchises or make contracts for or impose
123 taxes on public utilities and public service companies and to prescribe the rates, fares,
124 regulations, and standards and conditions of service applicable to the service to be
125 provided by the franchise grantee or contractor, insofar as not in conflict with valid
126 regulations of the Georgia Public Service Commission;

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

132 (23) Retirement. To provide and maintain a retirement plan for officers and employees
133 of the city;

134 (24) Roadways. To grant franchises and rights of way throughout the streets and roads
135 and over the bridges and viaducts for the use of public utilities; and to require real estate
136 owners to repair and maintain in a safe condition the sidewalks adjoining their lots or
137 lands and to impose penalties for failure to do so;

138 (25) Special areas of public regulation. To regulate or prohibit junk dealers, pawn shops,
139 the manufacture, sale, or transportation of any intoxicating liquors, alcoholic beverages,
140 and the use of firearms; to regulate the transportation, storage, and use of combustible,
141 explosive, and inflammable materials, the use of lighting and heating equipment, and any
142 other business or situation which may be dangerous to persons or property; to regulate
143 and control the conduct of peddlers and itinerant traders, theatrical performances,
144 exhibitions, and shows of any kind, by taxation or otherwise; and to license, tax, regulate,
145 or prohibit professional fortunetelling, palmistry, adult bookstores, and massage parlors;

146 (26) Special assessments. To levy and provide for the collection of special assessments
147 to cover the costs for any public improvements;

148 (27) Taxes: ad valorem. To levy and provide for the assessment, valuation, revaluation,
149 and collection of taxes on all property subject to taxation;

150 (28) Taxes: other. To levy and collect such other taxes as may be allowed now or in the
151 future by law;

152 (29) Taxicabs. To regulate and license vehicles operated for hire in the city; to limit the
153 number of such vehicles; to require the operators thereof to be licensed; to require public
154 liability insurance on such vehicles in the amounts to be prescribed by ordinance; and to
155 regulate the parking of such vehicles; and

156 (30) Other powers. To exercise and enjoy all other powers, functions, rights, privileges,
157 and immunities necessary or desirable to promote or protect the safety, health, peace,
158 security, good order, comfort, convenience, or general welfare of the city and its
159 inhabitants; to exercise all implied powers necessary or desirable to carry into execution
160 all powers granted in this charter as fully and completely as if such powers were fully
161 stated herein; and to exercise all powers now or in the future authorized to be exercised
162 by other municipal governments under other laws of the State of Georgia; and any listing
163 of particular powers in this charter shall not be held to be exclusive of others or restrictive
164 of general words and phrases granting powers, but shall be held to be in addition to such
165 powers unless expressly prohibited to municipalities under the Constitution or applicable
166 laws of the State of Georgia.

167 (b) All powers, functions, rights, privileges, and immunities of the city, its officers,
168 agencies, or employees shall be carried into execution as provided by this charter. If this
169 charter makes no provision, such shall be carried into execution as provided by ordinance
170 or as provided by pertinent laws of the State of Georgia.

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ARTICLE II.
GOVERNMENT STRUCTURE

SECTION 2.10.

City council creation; number; election.

175 (a) The legislative authority of the government of this city, except as otherwise specifically
176 provided in this charter, shall be vested in a city council of which the mayor shall be a
177 voting member.

178 (b)(1) The city council of the City of Buckhead City shall consist of six members, plus
179 the mayor.

180 (2) For the purposes of electing members of the city council, the City of Buckhead City
181 shall be divided into six council districts, designated Council Districts 1 through 6.
182 Council Districts 1, 2, 3, 4, 5, and 6 shall be and correspond to those six numbered
183 districts described in Appendix B attached to and made a part of this Act and further
184 identified as "User: SD053 Plan Name: BuckheadCity-Districts-2022 Plan Type: Local".

185 (3)(A) For the purposes of such plan:

186 (i) The term "VTD" shall mean and describe the same geographical boundaries as
187 provided in the report of the Bureau of the Census for the United States decennial
188 census of 2020 for the State of Georgia. The separate numeric designations in a
189 district description which are underneath a VTD heading shall mean and describe
190 individual Blocks within a VTD as provided in the report of the Bureau of the Census
191 for the United States decennial census of 2020 for the State of Georgia; and

192 (ii) Except as otherwise provided in the description of any district, whenever the
193 description of any district refers to a named city, it shall mean the geographical
194 boundaries of that city as shown on the census maps for the United States decennial
195 census of 2020 for the State of Georgia.

196 (B) Any part of the City of Buckhead City which is not included in any district
197 described in paragraph (2) of this subsection shall be included within that district
198 contiguous to such part which contains the least population according to the United
199 States decennial census of 2020 for the State of Georgia.

200 (C) Any part of City of Buckhead City which is described in paragraph (2) of this
201 subsection as being included in a particular district shall nevertheless not be included
202 within such district if such part is not contiguous to such district. Such noncontiguous
203 part shall instead be included within that district contiguous to such part which contains
204 the least population according to the United States decennial census of 2020 for the
205 State of Georgia.

206 (D) Any part of the City of Buckhead City which is described in paragraph (2) of this
207 subsection as being included in a particular district which, on the effective date of this
208 Act, is within the corporate boundaries of another municipality shall not be included
209 within such district.

210 (E) Any part of the City of Buckhead City which is described in paragraph (2) of this
211 subsection as being included in a particular district which is not within the corporate
212 boundaries of the City of Buckhead City shall not be included within such district.

213 (4) Following each decennial census, the city council shall revise such districts pursuant
214 to Code Section 36-35-4.1 of the O.C.G.A. to maintain a proper population balance
215 among such districts.

216 (5) One councilmember shall be elected from each of the six council districts. Each
217 person desiring to offer as a candidate for councilmember shall designate the council
218 district for which he or she is offering. Councilmembers shall be elected by a majority
219 vote of the qualified electors of the respective council districts voting at the elections of
220 the city. In the event that no candidate for a council district obtains a majority vote of the
221 qualified electors of the council district voting in the election, a run-off election shall be
222 held. The candidates receiving the two highest numbers of votes in the election for such

223 council district shall be included in the run-off election. The person receiving the highest
224 number of votes of the qualified electors of the council district voting at such run-off
225 election shall be elected. Each candidate for election to the city council shall reside in
226 the district he or she seeks to represent.

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

231 (d)(1) In order to ensure staggered elections of the councilmembers, in the first election
232 of the city council the terms for the candidates elected for Council Districts 2, 4, and 6
233 shall expire upon the administration of the oath of office to their successors elected in the
234 regular election held in November, 2025.

235 (2) The terms for the candidates elected for Council Districts 1, 3, and 5 shall expire
236 upon the administration of the oath of office to their successors elected in the regular
237 election held in November, 2027.

238 (3) Thereafter, a successor to each councilmember shall be elected at the November
239 election immediately preceding the end of such councilmember's term of office, and the
240 term of each councilmember shall expire upon the administration of the oath of office to
241 his or her successor.

242 (e)(1) With the exception of the initial term of office, the mayor of the City of Buckhead
243 City, with the powers and duties specified herein, shall be elected to a term of four years
244 and until his or her successor is elected and qualified. The mayor shall be elected by a
245 majority vote of the qualified electors of the city at large voting at the elections of the
246 city. In the event that no candidate for mayor obtains a majority vote of the qualified
247 electors of the city at large voting at the elections of the city, a run-off election shall be
248 held. The candidates receiving the two highest numbers of votes in the election shall be
249 included in the run-off election, and the candidate receiving the highest number of votes

250 in the run-off election of the qualified electors of the city at large voting at such run-off
251 election shall be elected.

252 (2) The term of the first elected mayor shall expire upon the administration of the oath
253 of office to his or her successor elected in the regular election held in November, 2027.
254 Thereafter, a successor to each mayor shall be elected at the November election
255 immediately preceding the end of such mayor's term of office, and the term of each
256 mayor shall expire upon the administration of the oath of office to his or her successor.

257 SECTION 2.11.

258 Mayor and councilmembers; terms and qualifications for office.

259 (a) For all elections subsequent to the first election, the mayor and councilmembers shall
260 serve for terms of four years and until their terms expire upon the administration of the oath
261 of office to their successors. No person shall be eligible to serve as mayor or
262 councilmember unless that person shall have been a resident of the City of Buckhead City
263 for a continuous period of at least 12 months immediately prior to the date of the election
264 for mayor or councilmember, shall continue to reside therein during that person's period
265 of service, and shall continue to be registered and qualified to vote in municipal elections
266 of the City of Buckhead City. In addition to the above requirements, no person shall be
267 eligible to serve as a councilmember representing a council district unless that person has
268 been a resident of the district such person seeks to represent for a continuous period of at
269 least six months immediately prior to the date of the election for councilmember and
270 continues to reside in such district during that person's period of service.

271 (b) An election shall be held on the third Tuesday in March, 2025, to elect the first mayor
272 and city council. At such election, the first mayor and council shall be elected to serve for
273 the initial terms of office specified in subsection (e) of Section 2.01 of this charter.

274 Thereafter, the time for holding regular municipal elections shall be on the Tuesday next
275 following the first Monday in November of each odd-numbered year beginning in 2027.

276 (c) For the initial terms of the councilmembers of Districts 2, 4, and 6, the councilmembers
277 serving from such districts shall serve full time. Thereafter, Districts 2, 4, and 6 will be
278 part-time positions. For the first two years of the initial terms of the councilmembers of
279 Districts 1, 3, and 5, the councilmembers serving from such districts shall serve full time,
280 and thereafter Districts 1, 3, and 5 will be part-time positions.

281 (d) The number of consecutive terms an individual may hold a position as a
282 councilmember shall be unlimited.

283 (e) The number of consecutive terms an individual may hold the position of mayor shall
284 be limited to two four-year terms and shall not include any partial term of office served as
285 mayor.

286 (f) No person who has been convicted of a felony or a crime of moral turpitude shall be
287 eligible for election or to serve as mayor or councilmember.

288 (g) No person who was a holder of elected public office at the time of the enactment of this
289 charter shall be eligible for election or to serve as mayor or councilmember during the first
290 four years of the city's existence.

291 SECTION 2.12.

292 Vacancy; filling of vacancies; suspensions.

293 (a) Vacancies. The office of mayor or councilmember shall become vacant upon such
294 person's failing or ceasing to reside in the city or upon the occurrence of any event
295 specified by the Constitution, Title 45 of the O.C.G.A., or such other applicable laws as are
296 or may hereafter be enacted, or upon qualifying for any municipal office other than
297 reelection to the present office held. Notwithstanding any other provisions within this

298 charter, the mayor, or such other presiding officer of the council upon disqualification of
299 the mayor, shall appoint the successor to serve the balance of the vacated term.

300 (b) Filling of vacancies. A vacancy in the office of mayor or councilmember shall be
301 filled for the remainder of the unexpired term, if any, by appointment if less than 12
302 months remain in the unexpired term, otherwise by an election as provided for in Section
303 5.14 of this charter and Titles 21 and 45 of the O.C.G.A. or such other laws as are or may
304 hereafter be enacted.

305 (c) Suspension. Upon the suspension from office of mayor or councilmember in any
306 manner authorized by the general laws of the State of Georgia, the city council or those
307 remaining shall appoint a successor for the duration of the suspension. If the suspension
308 becomes permanent, then the office shall become vacant and shall be filled for the
309 remainder of the unexpired term, if any, as provided for in this charter.

310 SECTION 2.13.

311 Compensation and expenses.

312 (a)(1) The mayor shall receive an initial salary of \$225,000.00 per year for the first four
313 years, paid in equal monthly installments from the funds of the city, and \$179,000.00 for
314 any year following.

315 (2) Each councilmember shall receive a salary of \$72,000.00 per year, paid in equal
316 monthly installments from the funds of the city.

317 (b) The mayor and councilmember salaries are subject to cost of living increases as
318 ascertained by the city council.

319 (c) The mayor and councilmembers may alter their compensation, as provided by law;
320 provided, however, that five affirmative votes shall be required to raise the salary pursuant
321 to this provision and a unanimous vote shall be required to lower the salary pursuant to this
322 provision.

SECTION 2.14.

Conflicts of interest; holding other offices.

(a) Elected and appointed officers of the city are trustees and servants of the residents of the city and shall act in a fiduciary capacity for the benefit of such residents.

(b) Conflict of interest. No elected official, appointed officer, or employee of the city or any agency or political entity to which this charter applies shall knowingly:

(1) Engage in any business or transaction or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of that person's official duties or which would tend to impair the independence of that person's judgment or action in the performance of that person's official duties;

(2) Engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of that person's official duties or would tend to impair the independence of that person's judgment or action in the performance of that person's official duties;

(3) Disclose confidential information, including information obtained at meetings which are closed pursuant to Chapter 14 of Title 50 of the O.C.G.A., concerning the property, government, or affairs of the governmental body by which that person is engaged without proper legal authorization or use such information to advance the financial or other private interest of that person or others;

(4) Accept any valuable gift, whether in the form of service, loan, thing, or promise, from any person, firm, or corporation which to that person's knowledge is interested, directly or indirectly, in any manner whatsoever, in business dealings with the governmental body by which that person is engaged; provided, however, that an elected official who is a candidate for public office may accept campaign contributions and services in connection with any such campaign;

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

350 (6) Vote or otherwise participate in the negotiation or in the making of any contract with
351 any business or entity in which that person has a financial interest.

352 (c) Disclosure. Any elected official, appointed officer, or employee who shall have any
353 financial interest, directly or indirectly, in any contract or matter pending before or within
354 any department of the city shall disclose such interest to the city council. The mayor or any
355 councilmember who has a financial interest in any matter pending before the city council
356 shall disclose such interest and such disclosure shall be entered on the records of the city
357 council, and that person shall disqualify himself or herself from participating in any
358 decision or vote relating thereto. Any elected official, appointed officer, or employee of
359 any agency or political entity to which this charter applies who shall have any financial
360 interest, directly or indirectly, in any contract or matter pending before or within such
361 entity shall disclose such interest to the governing body of such agency or entity.

362 (d) Use of public property. No elected official, appointed officer, or employee of the city
363 or any agency or entity to which this charter applies shall use property owned by such
364 governmental entity for personal benefit, convenience, or profit except in accordance with
365 policies promulgated by the city council or the governing body of such agency or entity.

366 (e) Contracts voidable and rescindable. Any violation of this section which occurs with
367 the knowledge, express or implied, of a party to a contract or sale shall render such contract
368 or sale voidable at the option of the city council.

369 (f) Ineligibility of elected official. Except where authorized by law, neither the mayor nor
370 any councilmember shall hold any other elective or compensated appointive office in the
371 city or otherwise be employed by said government or any agency thereof during the term
372 for which that person was elected. No former councilmember and no former mayor shall
373 hold any compensated appointive office in the city until one year after the expiration of the
374 term for which that person was elected.

375 (g) Political activities of certain officers and employees. No appointed officer and no
376 employee of the city shall continue in such employment upon qualifying as a candidate for
377 nomination or election to any public office. No employee of the city shall continue in such
378 employment upon election to any public office in this city or any other public office which
379 is inconsistent, incompatible, or in conflict with the duties of the city employee. Such
380 determination shall be made by the mayor and city council either immediately upon
381 election or at any time such conflict may arise.

382 (h) Penalties for violation.

383 (1) Any city officer or employee who knowingly conceals such financial interest or
384 knowingly violates any of the requirements of this section shall be guilty of malfeasance
385 in office or position and shall be deemed to have forfeited that person's office or position.

386 (2) Any officer or employee of the city who shall forfeit that person's office or position
387 as described in paragraph (1) of this subsection shall be ineligible for appointment or
388 election to or employment in a position in the city government for a period of three years
389 thereafter.

390 SECTION 2.15.

391 Inquiries and investigations.

392 Following the adoption of an authorizing resolution, the city council may make inquiries and
393 investigations into the affairs of the city and conduct of any department, office, or agency
394 thereof and for this purpose may subpoena witnesses, administer oaths, take testimony, and
395 require the production of evidence. Any person who fails or refuses to obey a lawful order
396 issued in the exercise of these powers by the city council shall be punished as may be
397 provided by ordinance.

398 SECTION 2.16.

399 General power and authority of the city council.

400 Except as otherwise provided by law or this charter, the city council shall be vested with all
401 the powers of government of this city.

402 SECTION 2.17.

403 Organizational meetings.

404 Unless otherwise provided by ordinance, the city council shall hold an organizational
405 meeting on the first Tuesday in January of each even-numbered year. The meeting shall be
406 called to order by the city clerk and the oath of office shall be administered to the newly
407 elected members as follows:

408 "I do solemnly (swear) (affirm) that I will faithfully perform the duties of (mayor)
409 (councilmember) of this city and that I will support and defend the charter thereof as well
410 as the Constitution and laws of the State of Georgia and the United States of America."

411 SECTION 2.18.

412 Meetings.

413 (a) The city council shall hold regular meetings at such times and places as shall be
414 prescribed by ordinance.

415 (b) Special meetings of the city council may be held on call of the mayor or three members
416 of the city council. Notice of such special meeting shall be served on all other members
417 personally, or by telephone personally, at least 48 hours in advance of the meeting. Such
418 notice to councilmembers shall not be required if the mayor and all councilmembers are
419 present when the special meeting is called. Such notice of any special meeting may be

420 waived by a councilmember in writing before or after such a meeting and attendance at the
421 meeting shall also constitute a waiver of notice on any business transacted in such
422 councilmember's presence. Only the business stated in the call may be transacted at the
423 special meeting.

424 (c) All meetings of the city council shall be public to the extent required by law, and notice
425 to the public of special meetings shall be made as fully as is reasonably possible as
426 provided by Code Section 50-14-1 of the O.C.G.A. or other such applicable laws as are or
427 may hereafter be enacted.

428 SECTION 2.19.

429 Rules of procedure.

430 (a) The city council shall adopt its rules of procedure and order of business consistent with
431 the provisions of this charter and shall provide for keeping of a journal of its proceedings,
432 which shall be a public record.

433 (b) All committees and committee chairpersons and officers of the city council shall be
434 appointed by the mayor and shall serve at the pleasure of the mayor. The mayor shall have
435 the power to appoint new members to any committee at any time.

436 SECTION 2.20.

437 Quorum; voting.

438 The mayor and three councilmembers, or four councilmembers without the mayor, shall
439 constitute a quorum and shall be authorized to transact business of the city council. Voting
440 on the adoption of ordinances shall be by voice vote and the vote shall be recorded in the
441 journal, but any councilmember shall have the right to request a roll-call vote and such vote
442 shall be recorded in the journal. Except as otherwise provided in this charter, the affirmative

443 vote of four councilmembers shall be required for the adoption of any ordinance, resolution,
444 or motion. An abstention shall be counted as an affirmative vote.

445 SECTION 2.21.

446 Ordinance form; procedures.

447 (a) Every proposed ordinance should be introduced in writing and in the form required for
448 final adoption. No ordinance shall contain a subject which is not expressed in its title. The
449 enacting clause shall be "It is hereby ordained by the governing authority of the City of
450 Buckhead City..." and every ordinance shall so begin.

451 (b) An ordinance may be introduced by any councilmember and be read at a regular or
452 special meeting of the city council. Ordinances shall be considered and adopted or rejected
453 by the city council in accordance with the rules which it shall establish; provided, however,
454 that an ordinance shall not be adopted the same day it is introduced, except for emergency
455 ordinances provided for in Section 2.23 of this charter. Upon introduction of any
456 ordinance, the clerk shall as soon as possible distribute a copy to the mayor and to each
457 councilmember and shall file a reasonable number of copies in the office of the clerk and
458 at such other public places as the city council may designate.

459 SECTION 2.22.

460 Action requiring an ordinance.

461 Acts of the city council which have the force and effect of law shall be enacted by ordinance.

SECTION 2.23.

Emergencies.

464 (a) To meet a public emergency affecting life, health, property, or public peace, the city
465 council may convene on call of the mayor or three councilmembers and may promptly
466 adopt an emergency ordinance, but such ordinance may not levy taxes; grant, renew, or
467 extend a franchise; regulate the rate charged by any public utility for its services; or
468 authorize the borrowing of money except for loans to be repaid within 30 days. An
469 emergency ordinance shall be introduced in the form prescribed for ordinances generally,
470 except that it shall be plainly designated as an emergency ordinance and shall contain, after
471 the enacting clause, a declaration stating that an emergency exists and describing the
472 emergency in clear and specific terms. An emergency ordinance may be adopted, with or
473 without amendment, or rejected at the meeting at which it is introduced, but the affirmative
474 vote of at least four councilmembers shall be required for adoption. It shall become
475 effective upon adoption or at such later time as it may specify. Every emergency ordinance
476 shall automatically stand repealed 30 days following the date upon which it was adopted,
477 but this shall not prevent reenactment of the ordinance in the manner specified in this
478 section if the emergency still exists. An emergency ordinance may also be repealed by
479 adoption of a repealing ordinance in the same manner specified in this section for adoption
480 of emergency ordinances.

481 (b) Such meetings shall be open to the public to the extent required by law and notice to
482 the public of emergency meetings shall be made as fully as is reasonably possible in
483 accordance with Code Section 50-14-1 of the O.C.G.A. or such other applicable laws as
484 are or may hereafter be enacted.

485 SECTION 2.24.
486 Codes of technical regulations.

- 487 (a) The city council may adopt any standard code of technical regulations by reference
488 thereto in an adopting ordinance. The procedure and requirements governing such
489 adopting ordinance shall be as prescribed for ordinances generally except that: (1) the
490 requirements of subsection (b) of Section 2.21 of this charter for distribution and filing of
491 copies of the ordinance shall be construed to include copies of any code of technical
492 regulations, as well as the adopting ordinance; and (2) a copy of each adopted code of
493 technical regulations, as well as the adopting ordinance, shall be authenticated and recorded
494 by the clerk pursuant to Section 2.25 of this charter.
- 495 (b) Copies of any adopted code of technical regulations shall be made available by the
496 clerk for inspection by the public.

497 SECTION 2.25.
498 Signing; authenticating;
499 recording; codification; printing.

- 500 (a) The clerk shall authenticate by the clerk's signature and record in full in a properly
501 indexed book kept for that purpose all ordinances adopted by the city council.
- 502 (b) The city council shall provide for the preparation of a general codification of all the
503 ordinances of the city having the force and effect of law. The general codification shall be
504 adopted by the city council by ordinance and shall be published promptly, together with
505 all amendments thereto and such codes of technical regulations and other rules and
506 regulations as the city council may specify. This compilation shall be known and cited
507 officially as "The Code of the City of Buckhead City, Georgia." Copies of the code shall

508 be furnished to all officers, departments, and agencies of the city and made available for
509 purchase by the public at a reasonable price as fixed by the city council.

510 (c) The city council shall cause each ordinance and each amendment to this charter to be
511 printed promptly following its adoption, and the printed ordinances and charter
512 amendments shall be made available for purchase by the public at reasonable prices to be
513 fixed by the city council. Following publication of the first code under this charter and at
514 all times thereafter, the ordinances and charter amendments shall be printed in substantially
515 the same style as the code currently in effect and shall be suitable in form for incorporation
516 therein. The city council shall make such further arrangements as deemed desirable with
517 reproduction and distribution of any current changes in or additions to codes of technical
518 regulations and other rules and regulations included in the code.

519 SECTION 2.26.

520 City manager; appointment; qualifications; compensation.

521 The mayor shall appoint a city manager, also known as "the manager," for an indefinite term.
522 The city council shall fix the manager's compensation. The city manager shall be appointed
523 solely on the basis of that person's executive and administrative qualifications, and shall
524 report to and be supervised by the mayor.

525 SECTION 2.27.

526 Removal of city manager.

527 (a) The city council may remove the manager from office in accordance with the following
528 procedures:

529 (1) The city council shall adopt by affirmative vote of a majority of all its members a
530 preliminary resolution which must state the reasons for removal and may suspend the

531 manager from duty for a period not to exceed 45 days. A copy of the resolution shall be
532 delivered promptly to the manager;

533 (2) Within five days after a copy of the resolution is delivered to the manager, the
534 manager may file with the city council a written request for a public hearing. This
535 hearing shall be held within 30 days after the request is filed. The manager may file with
536 the council a written reply not later than five days before the hearing; and

537 (3) If the manager has not requested a public hearing within the time specified in
538 paragraph (2) of this subsection, the city council may adopt a final resolution for removal,
539 which may be made effective immediately, by an affirmative vote of a majority of all its
540 members. If the manager has requested a public hearing, the city council may adopt a
541 final resolution for removal, which may be made effective immediately, by an affirmative
542 vote of a majority of all its members at any time after the public hearing.

543 (b) The manager may continue to receive a salary until the effective date of a final
544 resolution of removal.

545 SECTION 2.28.

546 Acting city manager.

547 By letter filed with the city clerk, the city manager shall designate, subject to approval of the
548 city council, a qualified city administrative officer to exercise the powers and perform the
549 duties of city manager during the city manager's temporary absence or physical or mental
550 disability. During such absence or disability, the city council may revoke such designation
551 at any time and appoint another officer of the city to serve until the city manager shall return
552 or the city manager's disability shall cease.

SECTION 2.29.

Powers and duties of the city manager.

The city manager shall be the chief administrative officer of the city. The city manager shall be responsible to the city council for the administration of all city affairs placed in the city manager's charge by or under this charter. As the chief administrative officer, the city manager shall:

- (1) Appoint and, when the city manager deems it necessary for the good of the city, suspend or remove all city employees and administrative officers the city manager appoints, except as otherwise provided by law or personnel ordinances adopted pursuant to this charter. The city manager may authorize any department director or administrative officer who is subject to the city manager's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office, or agency;
- (2) Direct and supervise the administration of all departments, offices, and agencies of the city, except as otherwise provided by this charter or by law;
- (3) Attend all city council meetings except for closed meetings held for the purposes of deliberating on the appointment, discipline, or removal of the city manager and have the right to take part in discussion but the city manager may not vote;
- (4) See that all laws, provisions of this charter, and acts of the city council, subject to enforcement by the city manager or by officers subject to the city manager's direction and supervision, are faithfully executed;
- (5) At the direction of the mayor, prepare and submit the annual operating budget and capital budget to the city council;
- (6) Submit to the city council and make available to the public a complete report on the finances and administrative activities of the city as of the end of each fiscal year;

577 (7) Make such other reports as the city council may require concerning the operations
578 of city departments, offices, and agencies subject to the city manager's direction and
579 supervision;

580 (8) Keep the city council fully advised as to the financial condition and future needs of
581 the city, and make such recommendations to the city council concerning the affairs of the
582 city as the city manager deems desirable; and

583 (9) Perform other such duties as are specified in this charter or as may be required by the
584 mayor.

585 SECTION 2.30.

586 Council interference with administration.

587 Except for the purpose of inquiries and investigations under Section 2.15 of this charter, the
588 city council or its members shall deal with city officers and employees who are subject to the
589 direction and supervision of the city manager solely through the city manager, and neither
590 the city council nor its members shall give orders to any such officer or employee, either
591 publicly or privately. The city council shall act in all matters as a body and no member shall
592 seek individually to influence the official acts of the city manager or any other officer or
593 employee of the city, or direct or request the appointment of any person to, or his or her
594 removal from, any office or position of employment, or to interfere in any way with the
595 performance of the duties by the city manager or other officers or employees.

596 SECTION 2.31.
597 Election of mayor; forfeiture.

598 The mayor shall be elected at large by the voters of the city and serve for a term of four years
599 and until a successor is elected and qualified. The mayor shall be a qualified elector of this
600 city and shall have been a resident of the city for 12 months prior to the date of election. The
601 mayor shall continue to reside in this city during the period of service. The mayor shall
602 forfeit the office on the same grounds and under the same procedure as for councilmembers.

603 SECTION 2.32.
604 Mayor pro tem.

605 The city council at the first regular meeting after the newly elected councilmembers have
606 taken office following each election shall elect a councilmember to serve as mayor pro tem.
607 The mayor pro tem shall be elected by a majority vote of the city council. The mayor pro
608 tem shall serve for a term of two years. The mayor pro tem shall assume the duties and
609 powers of the mayor during the mayor's physical or mental disability, suspension from office,
610 or absence. Any such disability of the mayor shall be declared by a majority vote of the city
611 council. The mayor pro tem shall sign all contracts and ordinances in which the mayor has
612 a disqualifying financial interest as provided in Section 2.14 of this charter. When acting as
613 mayor, the mayor pro tem shall be entitled to vote as a member of the council.

614 SECTION 2.33.
615 Powers and duties of mayor.

616 The mayor shall:

617 (1) Devote a full-time work schedule to the office elected hereto;

- 618 (2) Direct and supervise the city manager;
- 619 (3) Preside at all meetings of the city council;
- 620 (4) Be the head of the city for the purpose of service of process and for ceremonial
621 purposes, and be the official spokesperson for the city and the chief advocate of policy;
- 622 (5) Have the power to administer oaths and to take affidavits;
- 623 (6) Sign as a matter of course on behalf of the city all written and approved contracts,
624 ordinances, resolutions, and other instruments executed by the city which by law are
625 required to be in writing; and
- 626 (7) Perform such other duties as may be required by law, this charter, or by ordinance.

627 ARTICLE III.

628 ADMINISTRATIVE AFFAIRS

629 SECTION 3.10.

630 Administrative and service departments.

- 631 (a) Except as otherwise provided in this charter, the city council by ordinance shall
632 prescribe the functions or duties and establish, abolish, alter, consolidate, or leave vacant
633 all nonelective offices, positions of employment, departments, and agencies of the city as
634 necessary for the proper administration of the affairs and government of this city.
- 635 (b) Except as otherwise provided by this charter or by law, the directors of departments
636 and other appointed officers of the city shall be appointed solely on the basis of their
637 respective administrative and professional qualifications.
- 638 (c) All appointed officers and directors of departments shall receive such compensation
639 as prescribed by ordinance.
- 640 (d) There shall be a director of each department or agency who shall be its principal
641 officer. Each director shall, subject to the direction and supervision of the city manager,

642 be responsible for the administration and direction of the affairs and operations of that
643 director's department or agency.

644 (e) All appointed officers and directors under the supervision of the city manager shall be
645 nominated by the city manager with confirmation of appointment by the city council. All
646 appointed officers and directors shall be employees at will and subject to removal or
647 suspension at any time by the city manager unless otherwise provided by law or ordinance.

648 SECTION 3.11.

649 Boards, commissions, and authorities.

650 (a) The city council shall create by ordinance such boards, commissions, and authorities
651 to fulfill any investigative, quasi-judicial, or quasi-legislative function the city council
652 deems necessary and shall by ordinance establish the composition, period of existence,
653 duties, and powers thereof.

654 (b) All members of boards, commissions, and authorities of the city shall be appointed by
655 the mayor and council for such terms of office and in such manner as shall be provided by
656 ordinance, except where other appointing authority, terms of office, or manner of
657 appointment is prescribed by this charter or by law.

658 (c) The city council by ordinance may provide for the compensation and reimbursement
659 for actual and necessary expenses of the members of any board, commission, or authority.

660 (d) Except as otherwise provided by charter or by law, no member of any board,
661 commission, or authority shall hold any elective office in the city.

662 (e) Any vacancy on a board, commission, or authority of the city shall be filled for the
663 unexpired term in the manner prescribed in this charter for original appointment, except as
664 otherwise provided by this charter or by law.

665 (f) No member of a board, commission, or authority shall assume office until that person
666 has executed and filed with the clerk of the city an oath obligating that person to perform

667 faithfully and impartially the duties of that person's office; such oath shall be prescribed
668 by ordinance and administered by the mayor.

669 (g) All members of boards, commissions, or authorities of the city serve at will and may
670 be removed at any time by the mayor and council unless otherwise provided by law.

671 (h) Except as otherwise provided by this charter or by law, each board, commission, or
672 authority of the city shall elect one of its members as chairperson and one member as vice
673 chairperson and may elect as its secretary one of its own members or may appoint as
674 secretary an employee of the city. Each board, commission, or authority of the city
675 government may establish such bylaws, rules, and regulations, not inconsistent with this
676 charter, ordinances of the city, or law, as it deems appropriate and necessary for the
677 fulfillment of its duties or the conduct of its affairs. Copies of such bylaws, rules, and
678 regulations shall be filed with the clerk of the city.

679 SECTION 3.12.

680 City attorney.

681 The mayor and council shall appoint a city attorney, together with such assistant city
682 attorneys as may be authorized, and shall provide for the payment of such attorney or
683 attorneys for services rendered to the city. The city attorney shall be responsible for
684 providing for the representation and defense of the city in all litigation in which the city is
685 a party; may be the prosecuting officer in the municipal court; shall attend the meetings of
686 the city council as directed; shall advise the mayor and council and other officers and
687 employees of the city concerning legal aspects of the city's affairs; and shall perform such
688 other duties as may be required by virtue of such person's position as city attorney.

689 SECTION 3.13.

690 City clerk.

691 The mayor and council shall appoint a city clerk who shall not be a councilmember. The city
692 clerk shall be custodian of the official city seal and city records; maintain city council records
693 required by this charter; and perform such other duties as may be required by the city
694 council.

695 SECTION 3.14.

696 Position classification and pay plans.

697 The city manager shall be responsible for the preparation of a position classification and pay
698 plan which shall be submitted to the city council for approval. Such plan may apply to all
699 employees of the city and any of its agencies, departments, boards, commissions, or
700 authorities. When a pay plan has been adopted, the city council shall not increase or decrease
701 the salary range applicable to any position except by amendment of such pay plan. For
702 purposes of this section, all elected and appointed city officials are not city employees.

703 SECTION 3.15.

704 Personnel policies.

705 All employees serve at will and may be removed from office at any time unless otherwise
706 provided by ordinance.

707 ARTICLE IV.
708 JUDICIAL BRANCH

709 SECTION 4.10.
710 Creation; name.

711 There shall be a court to be known as the Municipal Court of the City of Buckhead City.

712 SECTION 4.11.
713 Chief judge; associate judge.

714 (a)(1) The municipal court shall be presided over by a chief judge and such part-time,
715 full-time, or standby judges as shall be provided by ordinance.

716 (2) The chief judge shall serve full time.

717 (3) The mayor shall appoint all judges.

718 (4) The terms of appointment for judges shall be the minimum terms required by law.

719 (b) No person shall be qualified or eligible to serve as a judge on the municipal court
720 unless that person shall have attained the age of 21 years and shall be a member of the State
721 Bar of Georgia and shall possess all qualifications required by law. All judges shall be
722 appointed by the city council and shall serve a term as provided by law and until a
723 successor is appointed and qualified.

724 (c) Compensation of the judges shall be fixed by ordinance.

725 (d) Judges may be removed from office as provided by law.

726 (e) Before assuming office, each judge shall take an oath, given by the mayor, that such
727 judge will honestly and faithfully discharge the duties of the judge's office to the best of
728 the judge's ability and without fear, favor, or partiality. The oath shall be entered upon the
729 minutes of the city council journal required in Section 2.19 of this charter.

730 SECTION 4.12.

731 Convening.

732 The municipal court shall be convened at regular intervals as provided by ordinance.

733 SECTION 4.13.

734 Jurisdiction; powers.

735 (a) The municipal court shall try and punish violations of this charter, all city ordinances,
736 and such other violations as provided by law.

737 (b) The municipal court shall have authority to punish those in its presence for contempt,
738 provided that such punishment shall not exceed \$200.00 or ten days in jail.

739 (c) The municipal court may fix punishment for offenses within its jurisdiction not
740 exceeding a fine of \$1,000.00 or imprisonment for six months or both such fine and
741 imprisonment or may fix punishment by fine, imprisonment, or alternative sentencing, as
742 now or hereafter provided by law.

743 (d) The municipal court shall have authority to establish a schedule of fees to defray the
744 cost of operation and shall be entitled to reimbursement of the cost of meals, transportation,
745 and caretaking of prisoners bound over to superior courts for violations of state law.

746 (e) The municipal court shall have authority to establish bail and recognizances to ensure
747 the presence of those charged with violations before such court and shall have discretionary
748 authority to accept cash or personal or real property as surety for the appearance of persons
749 charged with violations. Whenever any person shall give bail for that person's appearance
750 and shall fail to appear at the time fixed for trial, that person's bond shall be forfeited by
751 the judge presiding at such time and an execution issued thereon by serving the defendant
752 and the defendant's sureties with a rule nisi at least two days before a hearing on the rule
753 nisi. In the event that cash or property is accepted in lieu of bond for security for the

754 appearance of a defendant at trial, and if such defendant fails to appear at the time and
755 place fixed for trial, the cash so deposited shall be on order of the judge declared forfeited
756 to the city, or the property so deposited shall have a lien against it for the value forfeited
757 which lien shall be enforceable in the same manner and to the same extent as a lien for city
758 property taxes.

759 (f) The municipal court shall have the same authority as superior courts to compel the
760 production of evidence in the possession of any party; to enforce obedience to its orders,
761 judgments, and sentences; and to administer such oaths as are necessary.

762 (g) The municipal court may compel the presence of all parties necessary to a proper
763 disposal of each case by the issuance of summonses, subpoenas, and warrants which may
764 be served as executed by any officer as authorized by this charter or by law.

765 (h) Each judge of the municipal court shall be authorized to issue warrants for the arrest
766 of persons charged with offenses against any ordinance of the city, and each judge of the
767 municipal court shall have the same authority as a magistrate of the state to issue warrants
768 for offenses against state laws committed within the city.

769 SECTION 4.14.

770 Certiorari.

771 The right of certiorari from the decision and judgment of the municipal court shall exist in
772 all criminal cases and ordinance violation cases, and such certiorari shall be obtained under
773 the sanction of a judge of the Superior Court of Fulton County under the laws of the State of
774 Georgia regulating the granting and issuance of writs of certiorari.

775 SECTION 4.15.

776 Rules for court.

777 With the approval of the city council, the judge shall have full power and authority to make
778 reasonable rules and regulations necessary and proper to secure the efficient and successful
779 administration of the municipal court; provided, however, that the city council may adopt in
780 part or in toto the rules and regulations applicable to municipal courts. The rules and
781 regulations made or adopted shall be filed with the city clerk, shall be available for public
782 inspection, and, upon request, a copy shall be furnished to all defendants in municipal court
783 proceedings at least 48 hours prior to such proceedings.

784 ARTICLE V.

785 ELECTIONS AND REMOVAL

786 SECTION 5.10.

787 Applicability of general law.

788 All primaries and elections shall be held and conducted in accordance with Chapter 2 of
789 Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended.

790 SECTION 5.11.

791 Regular elections; time for holding.

792 Except as otherwise provided in Article VIII of this charter for the initial elections, there
793 shall be a municipal general election biennially in odd-numbered years on the Tuesday next
794 following the first Monday in November. There shall be elected the mayor and three
795 councilmembers at one election and at every other election thereafter. The remaining three

796 councilmember seats shall be filled at the election alternating with the first election so that
797 a continuing body is created.

798 SECTION 5.12.
799 Nonpartisan elections.

800 Political parties shall not conduct primaries for city offices and all names of candidates for
801 city offices shall be listed without party labels.

802 SECTION 5.13.
803 Election by majority.

804 The candidate receiving a majority of the votes cast for any city office shall be elected.

805 SECTION 5.14.
806 Special elections; vacancies.

807 In the event that the office of mayor or councilmember shall become vacant as provided in
808 Section 2.12 of this charter, the city council or those remaining shall order a special election
809 to fill the balance of the unexpired term of such official; provided, however, that, if such
810 vacancy occurs within 12 months of the expiration of the term of that office, the mayor shall
811 appoint a successor for the remainder of the term. In all other respects, the special election
812 shall be held and conducted in accordance with Chapter 2 of Title 21 of the O.C.G.A., the
813 "Georgia Election Code," as now or hereafter amended.

814 SECTION 5.15.
815 Other provisions.

816 Except as otherwise provided by this charter, the city council shall, by ordinance, prescribe
817 such rules and regulations as it deems appropriate to fulfill any options and duties under
818 Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code."

819 SECTION 5.16.
820 Removal of officers.

821 (a) A councilmember, the mayor, or other appointed officers provided for in this charter
822 shall be removed from office for any one or more of the causes provided in Title 45 of the
823 O.C.G.A. or such other applicable laws as are or may hereafter be enacted.

824 (b) Removal of an officer pursuant to subsection (a) of this section shall be accomplished
825 by one of the following methods:

826 (1) Following a hearing at which an impartial panel shall render a decision. In the event
827 an elected officer is sought to be removed by the action of the city council, such officer
828 shall be entitled to a written notice specifying the ground or grounds for removal and to
829 a public hearing which shall be held not less than ten days after the service of such
830 written notice. The city council shall provide by ordinance for the manner in which such
831 hearings shall be held. Any elected officer sought to be removed from office as provided
832 in this section shall have the right of appeal from the decision of the city council to the
833 Superior Court of Fulton County. Such appeal shall be governed by the same rules as
834 govern appeals to the superior court from the probate court; or

835 (2) By an order of the Superior Court of Fulton County following a hearing on a
836 complaint seeking such removal brought by any resident of the City of Buckhead City.

837 ARTICLE VI.
838 FINANCE

839 SECTION 6.10.
840 Property tax.

841 (a) The city council may assess, levy, and collect an ad valorem tax on all real and
842 personal property within the corporate limits of the city that is subject to such taxation by
843 the state and county. This tax is for the purpose of raising revenues to defray the costs of
844 operating the city government, of providing governmental services, for the repayment of
845 principal and interest on general obligations, and for any other public purpose as
846 determined by the city council in its discretion.

847 (b) There shall be assessed, levied, and collected an annual ad valorem tax for the support
848 of public schools and for educational purposes, at the millage rate determined by the board
849 of education of the Atlanta Independent School System, to be billed and collected as other
850 ad valorem taxes are billed and collected in accordance with this charter, the basis for the
851 billing and collection of such tax to be the millage as set forth in an annual written request
852 signed by the president of said board of education together with a certified copy of said
853 board's budget and filed with the governing authority, the format and time of annual filing
854 of such request to be the only action by the governing authority of the city necessary to
855 levy such tax annually. All revenue derived from such school and educational ad valorem
856 tax shall be paid into the treasury of the city and shall be remitted monthly to said board
857 of education free from any charge except the direct cost of collecting such tax.

858 SECTION 6.11.

859 Millage rate; due dates; payment methods.

860 The city council by ordinance shall establish a millage rate for the city property tax for
861 municipal purposes, a due date, and the time period within which these taxes must be paid,
862 provided that such millage rate shall not exceed 7.85 mills. The city council by ordinance
863 may provide for the payment of these taxes by installments or in one lump sum, as well as
864 authorize the voluntary payment of taxes prior to the time when due. The millage rate cap
865 provided by this section shall not apply to:

866 (1) Any ad valorem taxes levied by the city to repay any bonds issued pursuant to this
867 charter or state law;

868 (2) Any ad valorem taxes levied by the city to repay any obligations of the city of Atlanta
869 that the city assumes pursuant to this charter or by operation of state law; or

870 (3) Any ad valorem taxes for educational purposes levied by the city on behalf the
871 Atlanta Independent School System.

872 SECTION 6.12.

873 Occupation and business taxes.

874 The city council by ordinance shall have the power to levy such occupation or business taxes
875 as are not denied by law. The city council may classify businesses, occupations, or
876 professions for the purpose of such taxation in any way which may be lawful and may
877 compel the payment of such taxes as provided in Section 6.18 of this charter.

878 SECTION 6.13.

879 Licenses; permits; fees.

880 The city council by ordinance shall have the power to require businesses or practitioners
881 doing business in this city to obtain a permit for such activity from the city and pay a
882 regulatory fee for such permit as provided by general law. Such fees shall reflect the total
883 cost to the city of regulating the activity and, if unpaid, shall be collected as provided in
884 Section 6.18 of this charter.

885 SECTION 6.14.

886 Franchises.

887 (a) The city council shall have the power to grant franchises for the use of this city's streets
888 and alleys for the purposes of railroads, street railways, telephone companies, electric
889 companies, electric membership corporations, cable television and other
890 telecommunications companies, gas companies, transportation companies, and other
891 similar organizations. The city council shall determine the duration, terms, whether the
892 same shall be exclusive or nonexclusive, and the consideration for such franchises;
893 provided, however, that no franchise shall be granted for a period in excess of 35 years and
894 no franchise shall be granted unless the city receives just and adequate compensation
895 therefor. The city council shall provide for the registration of all franchises with the city
896 clerk in a registration book kept by the city clerk. The city council may provide by
897 ordinance for the registration within a reasonable time of all franchises previously granted.
898 (b) If no franchise agreement is in effect, the city council has the authority to impose a tax
899 on gross receipts for the use of this city's streets and alleys for the purposes of railroads,
900 street railways, telephone companies, electric companies, electric membership

901 corporations, cable television and other telecommunications companies, gas companies,
902 transportation companies, and other similar organizations.

903 SECTION 6.15.

904 Service charges.

905 The city council by ordinance shall have the power to assess and collect fees, charges, and
906 tolls for services provided or made available within and outside the corporate limits of the
907 city for the total cost to the city of providing or making available such services. If unpaid,
908 such charges shall be collected as provided in Section 6.18 of this charter.

909 SECTION 6.16.

910 Special assessments.

911 The city council by ordinance shall have the power to assess and collect the cost of
912 constructing, reconstructing, widening, or improving any public way, street, sidewalk,
913 curbing, gutters, sewers, or other utility mains and appurtenances from the abutting property
914 owners. If unpaid, such charges shall be collected as provided in Section 6.18 of this charter.

915 SECTION 6.17.

916 Construction; other taxes.

917 This city shall be empowered to levy any other tax or fee allowed now or hereafter by law,
918 and the specific mention of any right, power, or authority in this article shall not be construed
919 as limiting in any way the general powers of this city to govern its local affairs.

920 SECTION 6.18.

921 Collection of delinquent taxes and fees.

922 The city council by ordinance may provide generally for the collection of delinquent taxes,
923 fees, or other revenue due the city under Sections 6.10 through 6.17 of this charter by
924 whatever reasonable means as are not precluded by law. This shall include providing for the
925 dates when the taxes or fees are due; late penalties or interest; issuance and execution of
926 fi. fas.; creation and priority of liens; making delinquent taxes and fees personal debts of the
927 persons required to pay the taxes or fees imposed; revoking city permits for failure to pay any
928 city taxes or fees; and providing for the assignment or transfer of tax executions.

929 SECTION 6.19.

930 General obligation bonds.

931 The city council shall have the power to issue bonds for the purpose of raising revenue to
932 carry out any project, program, or venture authorized under this charter or the laws of the
933 state. Such bonding authority shall be exercised in accordance with the laws governing bond
934 issuance by municipalities in effect at the time said issue is undertaken.

935 SECTION 6.20.

936 Revenue bonds.

937 Revenue bonds may be issued by the city council as state law now or hereafter provides.
938 Such bonds are to be paid out of any revenue produced by the project, program, or venture
939 for which they were issued.

940 SECTION 6.21.

941 Short-term loans.

942 The city may obtain short-term loans and must repay such loans not later than December 31
943 of each year, unless otherwise provided by law.

944 SECTION 6.22.

945 Lease-purchase contracts.

946 The city may enter into multiyear lease, purchase, or lease-purchase contracts for the
947 acquisition of goods, materials, real and personal property, services, and supplies, provided
948 the contract terminates without further obligation on the part of the municipality at the close
949 of the calendar year in which it was executed and at the close of each succeeding calendar
950 year for which it may be renewed. Contracts must be executed in accordance with the
951 requirements of Code Section 36-60-13 of the O.C.G.A., or other such applicable laws as are
952 or may hereafter be enacted.

953 SECTION 6.23.

954 Fiscal year.

955 The city council shall set the fiscal year by ordinance. This fiscal year shall constitute the
956 budget year and the year for financial accounting and reporting of each and every office,
957 department, agency, and activity of the city government.

958 SECTION 6.24.

959 Budget ordinance.

960 The city council shall provide an ordinance on the procedures and requirements for the
961 preparation and execution of an annual operating budget, a capital improvement plan, and
962 a capital budget, including requirements as to the scope, content, and form of such budgets
963 and plans. The city council shall also comply with the budgeting and auditing provisions of
964 Chapter 81 of Title 36 of the O.C.G.A.

965 SECTION 6.25.

966 Operating budget.

967 On or before a date fixed by the city council but not later than 60 days prior to the beginning
968 of each fiscal year, the city manager shall submit to the city council a proposed operating
969 budget for the ensuing fiscal year. The budget shall be accompanied by a message from the
970 city manager containing a statement of the general fiscal policies of the city, the important
971 features of the budget, explanations of major changes recommended for the next fiscal year,
972 a general summary of the budget, and other pertinent comments and information. The
973 operating budget and the capital budget provided for in Section 6.29 of this charter, the
974 budget message, and all supporting documents shall be filed in the office of the city clerk and
975 shall be open to public inspection.

976 SECTION 6.26.

977 Action by city council on budget.

978 (a) The councilmembers may amend the operating budget proposed by the mayor, except
979 that the budget as finally amended and adopted must provide for all expenditures required

980 by state law or by other provisions of this charter and for all debt service requirements for
981 the ensuing fiscal year. The total appropriations from any fund shall not exceed the
982 estimated fund balance, reserves, and revenues.

983 (b) The city council by ordinance shall adopt the final operating budget for the ensuing
984 fiscal year not later than December 15 of each year. If the city council fails to adopt the
985 budget by said date, the amounts appropriated for operation for the then current fiscal year
986 shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all
987 items prorated accordingly, until such time as the city council adopts a budget for the
988 ensuing fiscal year. Adoption of the budget shall take the form of an appropriations
989 ordinance setting out the estimated revenues in detail by sources and making appropriations
990 according to fund and by organizational unit, purpose, or activity as set out in the budget
991 preparation ordinance adopted pursuant to Section 6.24 of this charter.

992 (c) The amount set out in the adopted operating budget for each organizational unit shall
993 constitute the annual appropriation for such, and no expenditure shall be made or
994 encumbrance created in excess of the otherwise unencumbered balance of the
995 appropriations or allotment thereof to which it is chargeable.

996 SECTION 6.27.

997 Levy of taxes.

998 The city council shall levy by ordinance such taxes as are necessary. The taxes and tax rates
999 set by such ordinance shall be such that reasonable estimates of revenues from such levy
1000 shall at least be sufficient, together with other anticipated revenues, fund balances, and
1001 applicable reserves, to equal the total amount appropriated for each of the several funds set
1002 forth in the annual operating budget for defraying the expenses of the general government
1003 of this city.

1004 SECTION 6.28.
1005 Changes in appropriations.

1006 The city council by ordinance may make changes in the appropriations contained in the
1007 current operating budget at any regular meeting or special or emergency meeting called for
1008 such purpose, but any additional appropriations may be made only from an existing
1009 unexpended surplus.

1010 SECTION 6.29.
1011 Capital improvements.

1012 (a) On or before the date fixed by the city council, but not later than 60 days prior to the
1013 beginning of each fiscal year, the mayor shall submit to the city council a proposed capital
1014 improvements plan with a recommended capital budget containing the means of financing
1015 the improvements proposed for the ensuing fiscal year. The city council shall have power
1016 to accept, with or without amendments, or reject the proposed plan and budget. The city
1017 council shall not authorize an expenditure for the construction of any building, structure,
1018 work, or improvement unless the appropriations for such project are included in the capital
1019 budget, except to meet a public emergency as provided in Section 2.23 of this charter.

1020 (b) The city council shall adopt by ordinance the final capital budget for the ensuing fiscal
1021 year not later than December 15 of each year. No appropriation provided for in a prior
1022 capital budget shall lapse until the purpose for which the appropriation was made shall
1023 have been accomplished or abandoned; provided, however, that the mayor may submit
1024 amendments to the capital budget at any time during the fiscal year, accompanied by
1025 recommendations. Any such amendments to the capital budget shall become effective only
1026 upon adoption by ordinance.

1027 SECTION 6.30.

1028 Audits.

1029 There shall be an annual independent audit of all city accounts, funds, and financial
1030 transactions by a certified public accountant selected by the city council. The audit shall be
1031 conducted according to generally accepted auditing principles. Any audit of any funds by
1032 the state or federal governments may be accepted as satisfying the requirements of this
1033 charter. Copies of annual audit reports shall be available at printing costs to the public.

1034 SECTION 6.31.

1035 Procurement and property management.

1036 No contract with the city shall be binding on the city unless:

1037 (1) It is in writing;

1038 (2) It is drawn by or submitted and reviewed by the city attorney and, as a matter of
1039 course, is signed by the city attorney to indicate such drafting or review; and

1040 (3) It is made or authorized by the city council and such approval is entered in the city
1041 council journal of proceedings pursuant to Section 2.19 of this charter.

1042 SECTION 6.32.

1043 Purchasing.

1044 The city council shall by ordinance prescribe procedures for a system of centralized
1045 purchasing for the city.

1046 SECTION 6.33.

1047 Sale and lease of property.

1048 (a) The city council may sell and convey or lease any real or personal property owned or
1049 held by the city for governmental or other purposes as now or hereafter provided by law.

1050 (b) The city council may quitclaim any rights it may have in property not needed for public
1051 purposes upon report by the mayor and adoption of a resolution, both finding that the
1052 property is not needed for public or other purposes and that the interest of the city has no
1053 readily ascertainable monetary value.

1054 (c) Whenever in opening, extending, or widening any street, avenue, alley, or public place
1055 of the city a small parcel or tract of land is cut off or separated by such work from a larger
1056 tract or boundary of land owned by the city, the city council may authorize the mayor to
1057 sell and convey said cut-off or separated parcel or tract of land to an abutting or adjoining
1058 property owner or owners where such sale and conveyance facilitates the highest and best
1059 use of the abutting owner's property. Included in the sales contract shall be a provision for
1060 the rights of way of said street, avenue, alley, or public place. Each abutting property
1061 owner shall be notified of the availability of the property and given the opportunity to
1062 purchase said property under such terms and conditions as set out by ordinance. All deeds
1063 and conveyances heretofore and hereafter so executed and delivered shall convey all title
1064 and interest the city has in such property, notwithstanding the fact that no public sale after
1065 advertisement was or is hereafter made.

1066 SECTION 6.34.

1067 Apportionment of revenue.

1068 Except as otherwise agreed pursuant to Chapter 70 of Title 36 of the O.C.G.A.:

1069 (a) For the year 2025, the City of Atlanta's collection of ad valorem taxes shall constitute
1070 payment in full for services other than water and sewer services delivered to customers
1071 sited within the City of Buckhead City; and

1072 (b) The City of Atlanta may retain those fees, assessments, fines, and forfeitures associated
1073 with those actual services it provided during the transition period and prior to the takeover
1074 of services by the City of Buckhead City; and

1075 (c) Through the end of the transition period and thereafter, the City of Buckhead City shall
1076 pay only for the actual cost of services provided by the City of Atlanta. Such services
1077 provided after December 30, 2024, shall be subject to an independent audit before
1078 payment.

1079 **ARTICLE VII.**
1080 **GENERAL PROVISIONS**

1081 **SECTION 7.10.**
1082 **Bonds for officials.**

1083 The officers and employees of this city, both elected and appointed, shall execute such surety
1084 or fidelity bonds in such amounts and upon such terms and conditions as the city council
1085 shall from time to time require by ordinance or as may be provided by law.

1086 **SECTION 7.11.**
1087 **Construction and definitions.**

1088 (a) Section captions in this charter are informative only and are not to be considered as a
1089 part thereof.

1090 (b) The word "shall" is mandatory and the word "may" is permissive.

1091 (c) The singular shall include the plural, the masculine shall include the feminine, and vice
1092 versa.

1093 ARTICLE VIII.
1094 REFERENDUM AND INITIAL ELECTIONS

1095 SECTION 8.10.
1096 Referendum and initial election.

1097 (a) The election superintendent of Fulton County shall call a special election for the
1098 purpose of submitting this Act to the qualified voters of the proposed City of Buckhead
1099 City for approval or rejection. The superintendent shall set the date of such election for the
1100 Tuesday after the first Monday in November, 2024. The superintendent shall issue the call
1101 for such election at least 30 days prior to the date thereof. The superintendent shall cause
1102 the date and purpose of the election to be published once a week for two weeks
1103 immediately preceding the date thereof in the official organ of Fulton County. The ballot
1104 shall have written or printed thereon the words:

1105 "() YES Shall the Act incorporating the City of Buckhead City in Fulton County
1106 () NO according to the charter contained in the Act be approved?"

1107 All persons desiring to vote for approval of the Act shall vote "Yes," and those persons
1108 desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes
1109 cast on such question are for approval of the Act, it shall become of full force and effect
1110 as provided in Section 8.11 of this charter, otherwise it shall be void and of no force and
1111 effect. The initial expense of such election shall be borne by Fulton County. Within two
1112 years after the elections if the incorporation is approved, the City of Buckhead City shall
1113 reimburse Fulton County for the actual cost of printing and personnel services for such
1114 election and for the initial election of the mayor and councilmembers pursuant to this

1115 charter. It shall be the duty of the superintendent to hold and conduct such election. It
1116 shall be his or her further duty to certify the result thereof to the Secretary of State.

1117 (b) For the purposes of the referendum election provided for in subsection (a) of this
1118 section and for the purposes of the special election of the City of Buckhead City to be held
1119 on the third Tuesday of March, 2025, the qualified electors of the City of Buckhead City
1120 shall be those qualified electors of Fulton County residing within the corporate limits of the
1121 City of Buckhead City as described by Appendix A of this charter. At subsequent
1122 municipal elections, the qualified electors of the City of Buckhead City shall be determined
1123 pursuant to the authority of Chapter 2 of Title 21 of the O.C.G.A. known as the "Georgia
1124 Election Code."

1125 (c) Only for the purposes of holding and conducting the referendum election provided for
1126 in subsection (a) of this section and holding the special election of the City of Buckhead
1127 City to be held on the third Tuesday of March, 2025, the election superintendent of Fulton
1128 County is vested with the powers and duties of the election superintendent of the City of
1129 Buckhead City and the powers and duties of the governing authority of the City of
1130 Buckhead City.

1131 SECTION 8.11.

1132 Effective dates and transition.

1133 (a) The provisions of this Act necessary for the referendum election provided for in
1134 Section 8.10 of this charter shall become effective immediately upon this Act's approval
1135 by the Governor or upon its becoming law without such approval.

1136 (b) Those provisions of this Act necessary for the special primary and special election
1137 provided for in Section 8.13 of this charter shall be effective upon the certification of the
1138 results of the referendum election provided for by Section 8.10 of this charter if this Act
1139 is approved at such referendum election.

1140 (c) Except as provided in Section 8.10 of this charter, the remaining provisions of this Act
1141 shall become of full force and effect for all purposes at 12:00 Midnight on June 30, 2025,
1142 except that the initial mayor and councilmembers shall take office immediately following
1143 their election and by action of a quorum may prior to 12:00 Midnight on June 30, 2025,
1144 meet and take actions binding on the city.

1145 (d) A period of time will be needed for an orderly transition of various government
1146 functions from the City of Atlanta to the City of Buckhead City. Accordingly there shall
1147 be a transition period beginning on the date the initial mayor and councilmembers take
1148 office under this charter, and ending at 12:00 Midnight on December 31, 2025. During
1149 such transition period, all provisions of this charter shall be effective as law, but not all
1150 provisions of this charter shall be implemented.

1151 (e) During such transition period, the City of Atlanta shall continue to provide within the
1152 territorial limits of the City of Buckhead City all government services and functions which
1153 the City of Atlanta provided in that area during the years 2025 and 2026 and at the same
1154 actual cost, except to the extent otherwise provided in this section; provided, however, that
1155 upon at least 60 days' prior written notice to the City of Atlanta by the City of Buckhead
1156 City, responsibility for any such service or function shall be transferred to the City of
1157 Buckhead City. For the year 2025, the City of Atlanta's collection of ad valorem taxes
1158 shall constitute payment in full for services other than water and sewer services delivered
1159 to customers sited within the City of Buckhead City, and the City of Atlanta may retain
1160 those fees, assessments, fines, and forfeitures associated with those actual services it
1161 provided during the transition period and prior to the takeover of services by the City of
1162 Buckhead City. Through the end of the transition period and thereafter, the City of
1163 Buckhead City shall pay only for the actual cost of services provided by the City of
1164 Atlanta. Such services provided after December 30, 2025, shall be subject to an
1165 independent audit before payment. The City of Buckhead City shall collect taxes, fees,

1166 assessments, fines and forfeitures, and other moneys within the territorial limits of the city
1167 in the same manner as authorized immediately prior to the effective date of this section.

1168 (f) During the transition period, the governing authority of the City of Buckhead City:

1169 (1) Shall hold regular meetings and may hold special meetings as provided in this
1170 charter;

1171 (2) May enact ordinances and resolutions as provided in this charter;

1172 (3) May amend this charter by home rule action as provided by general law;

1173 (4) May accept gifts and grants;

1174 (5) May borrow money and incur indebtedness to the extent authorized by this charter
1175 and general law;

1176 (6) May levy and collect an ad valorem tax for calendar years 2025 and 2026;

1177 (7) May establish a fiscal year and budget;

1178 (8) May create, alter, or abolish departments, boards, offices, commissions, and agencies
1179 of the city; appoint and remove officers and employees; and exercise all necessary or
1180 appropriate personnel and management functions; and

1181 (9) May generally exercise any power granted by this charter or general law, except to
1182 the extent that a power is specifically and integrally related to the provision of a
1183 governmental service, function, or responsibility not yet provided or carried out by the
1184 city.

1185 (g) Except as otherwise provided in this section, during the transition period, the
1186 Municipal Court of the City of Buckhead City may exercise its jurisdiction. During the
1187 transition period, all ordinances of the City of Atlanta on non-transferred services shall be
1188 applicable within the territorial limits of the City of Buckhead City and the appropriate
1189 court or courts of the City of Atlanta shall retain jurisdiction to enforce such ordinances.
1190 However, by mutual agreement and concurrent resolutions and ordinances if needed the
1191 City of Atlanta and the City of Buckhead City may during the transition period transfer all
1192 or part of such regulatory authority and the appropriate court jurisdiction to the City of

1193 Buckhead City. Any transfer of jurisdiction to the City of Buckhead City during or at the
1194 end of the transition period shall not in and of itself abate any judicial proceeding pending
1195 in the City of Atlanta or the pending prosecution of any violation of any ordinance of the
1196 City of Atlanta.

1197 (h) During the transition period, the governing authority of the City of Buckhead City may
1198 at any time, without the necessity of any agreement by the City of Atlanta, commence to
1199 exercise its planning and zoning powers; provided, however, that the City of Buckhead
1200 City shall give the City of Atlanta notice of the date on which the City of Buckhead City
1201 will assume the exercise of such powers. Upon the governing authority of the City of
1202 Buckhead City commencing to exercise its planning and zoning powers, the Municipal
1203 Court of the City of Buckhead City shall immediately have jurisdiction to enforce the
1204 planning and zoning ordinances of the City of Buckhead City. The provisions of this
1205 subsection shall control over any conflicting provisions of any other subsection of this
1206 section.

1207 (i)(1) To the extent that the City of Atlanta has obligations outstanding under general
1208 obligation bonds, lease purchase agreements, and intergovernmental contracts executed
1209 in connection with the issuance of revenue bonds on the effective date of this charter, the
1210 City of Buckhead City by operation of this charter, to the maximum extent permitted by
1211 the Georgia Constitution and general law, shall assume a pro rata share of such
1212 outstanding obligations.

1213 (2) The City of Buckhead City by operation of this charter, to the maximum extent
1214 permitted by the Georgia Constitution and general law, shall also assume a pro rata share
1215 of any lease purchase obligations and intergovernmental contract obligations outstanding
1216 on the effective date of this charter if the creation of the City of Buckhead City causes
1217 the City of Atlanta to lose revenues that had historically been used to pay such
1218 obligations.

1219 (3) The City of Buckhead City by operation of this charter, to the maximum extent
1220 permitted by the Georgia Constitution and general law, shall also remain contingently
1221 obligated on its pro rata share of unassumed lease purchase obligations and
1222 intergovernmental contract obligations in the event that the revenues used to pay such
1223 obligations are insufficient to pay the same.

1224 (4) For the purpose of calculating the City of Buckhead City's pro rata share of any bond
1225 obligations provided for in this subsection, such share shall be equal to the value of the
1226 City of Buckhead City's ad valorem property tax digest for tax year 2026 divided by the
1227 value of the City of Atlanta's ad valorem property tax digest for tax year 2025.

1228 (5) There is hereby created a special taxing district that shall be coterminous with the city
1229 limits of the City of Buckhead City, as provided for in Appendix A of this charter. Such
1230 special district shall be known as the "Buckhead Taxing District." The City of Buckhead
1231 City shall levy and collect a special tax in the Buckhead Taxing District sufficient to pay
1232 its share of the obligations provided for in this subsection.

1233 (j) Effective upon the termination of the transition period, subsections (b) through (h) of
1234 this section shall cease to apply except for the last sentence of subsection (g) which shall
1235 remain effective. Effective upon the termination of the transition period, the City of
1236 Buckhead City shall be a full functioning municipal corporation and subject to all general
1237 laws of this state.

1238 SECTION 8.12.

1239 Directory nature of dates.

1240 It is the intention of the General Assembly that this Act be construed as directory rather than
1241 mandatory with respect to any date prescribed in this Act. If it is necessary to delay any
1242 action called for in this Act for providential cause or any other reason, it is the intention of
1243 the General Assembly that the action be delayed rather than abandoned. Any delay in

1244 performing any action under this Act, whether for cause or otherwise, shall not operate to
1245 frustrate the overall intent of this Act. Without limiting the generality of the foregoing it is
1246 specifically provided that:

1247 (1) If it is not possible to hold the referendum election provided for in Section 8.10 of
1248 this charter on the date specified in that section, then such referendum shall be held as
1249 soon thereafter as is reasonably practicable; and

1250 (2) If it is not possible to hold the first election provided for in Section 8.13 of this
1251 charter on the date specified in that section, then there shall be a special primary and a
1252 special election for the initial members of the governing authority to be held as soon
1253 thereafter as is reasonably practicable, and the commencement of the initial terms of
1254 office shall be delayed accordingly.

1255 SECTION 8.13.

1256 Special election.

1257 (a) The first election for mayor and councilmembers shall be a special election held on the
1258 third Tuesday of March, 2025. At such election, the first mayor and councilmembers shall
1259 be elected to serve for the initial terms of office specified in subsections (b) and (c) of this
1260 section. Thereafter, the time for holding regular municipal elections shall be on the
1261 Tuesday next following the first Monday in November of each odd-numbered year
1262 beginning in 2025. The successors to the first mayor and initial councilmembers and future
1263 successors shall take office at the first organizational meeting in January immediately
1264 following their election and shall serve for terms of four years and until their respective
1265 successors are elected and qualified.

1266 (b) Three initial councilmembers shall serve a term of office of two years and until their
1267 respective successors are elected and qualified. The other three initial councilmembers
1268 shall serve a term of office of four years and until their respective successors are elected

1269 and qualified. Thereafter, successors to such initial members shall serve four-year terms
1270 of office and until their respective successors are elected and qualified.

1271 (c) The mayor of the City of Buckhead City shall be elected by a majority vote of the
1272 qualified electors of the city at large. The mayor shall serve a term of four years and until
1273 his or her successor is elected and qualified and successors to the mayor shall serve
1274 four-year terms of office and until their successors are elected and qualified.

1275

ARTICLE IX.

1276

GENERAL REPEALER

1277

SECTION 9.10.

1278

General repealer.

1279 All laws and parts of laws in conflict with this Act are repealed.

1280

APPENDIX A

1281

LEGAL DESCRIPTION

1282

CITY OF BUCKHEAD CITY, GEORGIA

1283 User: SD053

1284 Plan Name: BuckheadCity-Corp-2022

1285 Plan Type: Local

1286 District BUCKHEADCITY

1287 County Fulton GA

1288 VTD 06I

1289 VTD 06N

1290 VTD 06Q

1291 VTD 07A

1292 VTD 07B

1293 VTD 07C

1294 VTD 07D

1295 VTD 07E

1296 VTD 07F

1297 VTD 07H

1298 VTD 07J

1299 VTD 07M

1300 VTD 07N

1301 VTD 08A

1302 VTD 08B

1303 VTD 08C
1304 VTD 08D
1305 VTD 08E
1306 VTD 08F1
1307 VTD 08F2
1308 VTD 08G
1309 VTD 08H
1310 VTD 08J
1311 VTD 08K
1312 VTD 08L
1313 VTD 08M
1314 VTD 08N1
1315 VTD 08N2
1316 VTD 09A
1317 Block 008906:
1318 2004 2007 2009
1319 VTD 09F

1320 For the purposes of such plan, BuckheadCity-Corp-2022:

1321 (1) The term "VTD" shall mean and describe the same geographical boundaries as
1322 provided in the report of the Bureau of the Census for the United States decennial census
1323 of 2020 for the State of Georgia. The separate numeric designations in a district
1324 description which are underneath a "VTD" heading shall mean and describe individual
1325 blocks within a VTD as provided in the report of the Bureau of the Census for the United
1326 States decennial census of 2020 for the State of Georgia; and
1327 (2) Except as otherwise provided in the description of any district, whenever the
1328 description of any district refers to a named city, it shall mean the geographical

1329 boundaries of that city as shown on the census maps for the United States decennial
1330 census of 2020 for the State of Georgia.

1331 APPENDIX B
1332 User: SD053
1333 Plan Name: BuckheadCity-Districts-2022
1334 Plan Type: Local

1335 District 001
1336 County Fulton GA
1337 VTD 07D
1338 Block 009601:
1339 2000 2001 2002 2003 2004 2005 2006
1340 VTD 08A
1341 VTD 08B
1342 VTD 08C
1343 VTD 08D
1344 VTD 08F1
1345 Block 009803:
1346 1010
1347 Block 009900:
1348 2007 2009 2010 2011 2012
1349 VTD 08M
1350 Block 009504:
1351 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011
1352 1012 1013 1014 1015 1016
1353 VTD 08N1

1354 District 002
1355 County Fulton GA

1356 VTD 07A

1357 VTD 07B

1358 VTD 07C

1359 Block 009410:

1360 2000

1361 Block 009607:

1362 1000 1001 1002 3000 3003 3004 3005

1363 Block 010007:

1364 1003 1004 1005 1008 1009 1010 1011 1012 1013 2000 2001 2006

1365 2007

1366 District 003

1367 County Fulton GA

1368 VTD 06I

1369 VTD 06Q

1370 VTD 07E

1371 VTD 07F

1372 Block 009409:

1373 2004 2008

1374 Block 009606:

1375 1007 1008 1009 1010 1011 1014 1018 1022

1376 VTD 07M

1377 VTD 07N

1378 District 004

1379 County Fulton GA

1380 VTD 07C

1381 Block 009410:
1382 1003
1383 Block 009606:
1384 1000 1001 1005 1006
1385 Block 009607:
1386 2000 2001 2002 2003 3001 3002 3006 3007
1387 VTD 07D
1388 Block 009409:
1389 2000 2001
1390 Block 009601:
1391 1000 1001 1002 1003 1004 1005
1392 Block 009605:
1393 1000 1001 1002 1003 1004 1005 1006 2000 2001 2002 2003 3000
1394 3001 3002 3003 3004
1395 Block 009606:
1396 1002 1003 1004 1012 1013 1015 1016 1017 1019 1020 1021
1397 VTD 07F
1398 Block 009302:
1399 1000
1400 Block 009604:
1401 1000 1001 1002 2000 2001 2002 3000 3001 3002 3003 3004 3005
1402 3006 3007 3008 3009 3010 4000 4001 4002 4003 4004 4005
1403 VTD 07H
1404 Block 009301:
1405 2000 2009 2010 2011 2012 2013 2014
1406 Block 009302:
1407 1001 1002 1003 1004 1005 1006 1007

1408 VTD 08G
1409 VTD 08M
1410 Block 009501:
1411 2000 2001 2002 2003 2004 2007 2011 2012 2013 2014
1412 Block 009504:
1413 2000

1414 District 005
1415 County Fulton GA
1416 VTD 06N
1417 VTD 07H
1418 Block 009301:
1419 1002 2001 2002 2003 2004 2005 2006 2007 2008
1420 VTD 07J
1421 VTD 08H
1422 VTD 08K
1423 VTD 08L

1424 District 006
1425 County Fulton GA
1426 VTD 08E
1427 VTD 08F1
1428 Block 009804:
1429 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011
1430 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 2000
1431 2001 2002 2003 2004
1432 VTD 08F2

1433 VTD 08J

1434 VTD 08N2

1435 VTD 09A

1436 Block 008906:

1437 2004 2007 2009

1438 VTD 09F

1439

APPENDIX C

1440

CERTIFICATE AS TO MINIMUM STANDARDS

1441

FOR INCORPORATION OF A NEW MUNICIPAL CORPORATION

1442 I, Senator Randy Robertson, Georgia State Senate from the 29th District and the author of
 1443 this bill introduced at the 2023 session of the General Assembly of Georgia, which grants an
 1444 original municipal charter to the City of Buckhead City, do hereby certify that this bill is in
 1445 compliance with the minimum standards required by Chapter 31 of Title 36 of the O.C.G.A.
 1446 in that the area embraced within the original incorporation in this bill is in all respects in
 1447 compliance with the minimum standards required by Chapter 31 of Title 36 of the O.C.G.A.
 1448 This certificate is executed to conform to the requirements of Code Section 36-31-5 of the
 1449 O.C.G.A.

1450 So certified this _____ day of _____, 2023.

1451

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1453

Honorable Randy Robertson

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Senator, 29th District

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Georgia State Senate