

CITY OF SOUTH FULTON, GEORGIA
Benjamin Banneker High School Auditorium
Saturday, April 29, 2017
Immediately following the Swearing-in Ceremony



The Honorable William Bill Edwards, Mayor
The Honorable Catherine F. Rowell, District 1 Councilmember
The Honorable Carmalitha Gumbs, District 2 Councilmember
The Honorable Helen Z. Willis, District 3 Councilmember
The Honorable Naeema Gilyard, District 4 Councilmember
The Honorable Rosie Jackson, District 5 Councilmember
The Honorable khalid kamau, District 6 Councilmember
The Honorable Mark Baker, District 7 Councilmember
All members were present.

INAUGURAL MEETING MINUTES

1. Call to Order

The meeting was called to order at 12:30pm by Mayor Edwards and all members were present.

2. Approval of Agenda

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A motion was made by Councilmember Gumbs and seconded by Councilmember Baker to approve the agenda as presented. The motion carried unanimously.

3. Proclamations

- a. Moment of Silence – Langston Hughes High School students.

A moment of silence was conducted prior to the meeting, during the inaugural ceremony.

- b. Proclamation recognizing the Governor’s Transition Commission.

The proclamation was presented by the Mayor and Council.

4. Public Comment

No public comment was conducted.

5. Business

- a. Appointments

- i. Interim City Manager – Res2017-001

The Mayor nominated Ms. Ruth C. Jones as the Interim City Manager.

A motion was made by Councilmember Willis and seconded by Councilmember Baker to appoint Ms. Ruth C. Jones as the Interim City Manager. The motion carried unanimously.

- ii. Interim City Attorney – Res2017-002

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The Mayor nominated Mr. Josh Belinfante as the Interim City Attorney. A motion was made by Councilmember Gumbs and seconded by Councilmember Willis to appoint Mr. Josh Belinfante as the Interim City Attorney. The motion carried unanimously.

iii. City Clerk – Res2017-003

The Mayor nominated Mr. Mark Massey as City Clerk. A motion was made by Councilmember Rowell and seconded by Councilmember Baker to appoint Mr. Mark Massey as the permanent City Clerk. The motion carried unanimously.

iv. Mayor Pro Tempore – Res2017-004

The Mayor nominated Councilmember Rowell as Mayor Pro Tem. A motion was made by Councilmember Willis and seconded by Councilmember Baker to appoint Councilmember Rowell as Mayor Pro Tem. The motion carried unanimously.

v. City Council Parliamentarian – Res2017-005

The Mayor nominated Councilmember kamau as Parliamentarian. A motion was made by Councilmember Gumbs and seconded by Councilmember Baker to appoint Councilmember kamau as Parliamentarian. The motion carried unanimously.

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b. Resolutions

i. Resolution Establishing the Fiscal Year (Res2017-006);

A motion was made by Councilmember Willis and seconded by Councilmember Gumbs to approve the Resolution. The motion carried unanimously.

ii. Resolution Establishing the Time for General Sessions (Regular Meetings) and Working Sessions (Res2017-007);

A motion was made by Councilmember Jackson and seconded by Councilmember Baker to approve the Resolution. The motion carried unanimously.

iii. Resolution Authorizing the City of South Fulton to Establish Bank Accounts and to Obtain Tax Identification Number (Res2017-008);

A motion was made by Councilmember Willis and seconded by Councilmember Baker to approve the Resolution. The motion carried unanimously.

iv. Resolution to Accept a Short Term Loan (Tax Anticipation Note) from Iberia Bank (Res2017-009);

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A motion was made by Councilmember Gumbs and seconded by Councilmember Gilyard to approve the Resolution. The motion carried by a majority vote. Councilmembers Rowell, Gumbs, Willis, Gilyard, Jackson, and kamau voted aye. Councilmember Baker voted no.

- v. Resolution Providing Notice of the City of South Fulton's Intent to Commence Collecting Taxes, Fees, Assessments and Other Revenue, and Intent to Commence the Direct Provision of Public Services (Res2017-010);

A motion was made by Councilmember Rowell and seconded by Councilmember Jackson to approve the Resolution. The motion carried unanimously.

- vi. Resolution Declaring the City of South Fulton's Authority within the Municipal Boundaries (Controlling Law) (Res2017-011);

A motion was made by Councilmember Willis and seconded by Councilmember Jackson to approve the Resolution. The motion carried unanimously.

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- vii. Resolution Imposing a 90-day Moratorium on all Zoning Applications for Property within the City of South Fulton (Res2017-012);

A motion was made by Councilmember Gilyard and seconded by Councilmember Rowell to approve the Resolution. The motion carried unanimously.

- viii. Resolution Imposing a 90-day Moratorium on the Issuance of all Alcohol Licensing Permits for Age-Restricted Establishments within the City of South Fulton (Res2017-013);

A motion was made by Councilmember Jackson and seconded by Councilmember Willis to approve the Resolution. The motion carried unanimously.

- ix. Resolution Instructing the Interim City Manager to Commence Negotiations for Employee Benefits and to Authorize the Mayor to Sign Certain Contracts for Employee Benefits (Res2017-014); and

A motion was made by Councilmember Rowell and seconded by Councilmember kamau to approve the Resolution. The motion carried unanimously.

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- x. Resolution to Authorize Negotiations for an Intergovernmental Agreement with Fulton County (Res2017-015).

A motion was made by Councilmember Baker and seconded by Councilmember Rowell to approve the Resolution. The motion carried unanimously.

c. Ordinances

- i. An Ordinance to Recognize Act Number 421 of the 2016 Session of the Georgia General Assembly as the Charter of the City of South Fulton; to Provide an Effective Date; and for Other Purposes (Ord2017-001);

A motion was made by Councilmember Baker and seconded by Councilmember Gumbs to approve the Ordinance. The motion carried unanimously.

- ii. An Ordinance to Adopt a Code of Ordinances for the City of South Fulton (Ord2017-002); and

A motion was made by Councilmember Rowell and seconded by Councilmember Willis to approve the Ordinance. The motion carried unanimously.

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- iii. An Ordinance to Adopt Ordinances Governing City Council Meetings (Operational Ordinances) (Ord2017-003).

A motion was made by Councilmember Jackson and seconded by Councilmember Gilyard to approve the Ordinance. The motion carried unanimously.

6. Other Business

Whereupon the Mayor opened the floor for Councilmembers to make any announcements or statements from their respective districts.

7. Adjournment

The Mayor entertained a motion to adjourn. A motion was made by Councilmember Baker and seconded by Councilmember Willis to adjourn. The motion carried unanimously. The meeting was adjourned at 1:07pm.


Mark Massey, City Clerk

***For a copy of the minutes or any related documents, please contact the Office of the City Clerk.**

Ordinance No. 2017-001

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SOUTH FULTON, GEORGIA, TO RECOGNIZE ACT NUMBER 421 OF THE 2016 SESSION OF THE GEORGIA GENERAL ASSEMBLY AS THE CHARTER OF THE CITY OF SOUTH FULTON; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

THE COUNCIL OF THE CITY OF SOUTH FULTON HEREBY ORDAINS as follows:

- SECTION I:** Act No. 421, 2016 p. 3726, is the Charter of the City of South Fulton, and it shall be maintained with the City Clerk and codified as Part I of the City of South Fulton Code of Ordinances.
- SECTION II:** A copy of the Charter of the City of South Fulton is incorporated into this Ordinance and attached as "Appendix 1."
- SECTION III:** It is the intention of the City Council and it is hereby ordained by the authority of the City Council that the provisions of this Ordinance shall become and be made part of The Code of the City of South Fulton, Georgia, and the codifier is authorized to make specified deletions, insertions, additions, and to insert headings, article numbers and section numbers as and where appropriate.
- SECTION IV:** All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.
- SECTION V:** If any section, subsection, provisions, or clause of any part of this Ordinance shall be declared invalid or unconstitutional, or if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent of the City Council that this Ordinance would have been adopted in its current form without the invalid or unconstitutional provision contained therein.
- SECTION VI:** This Ordinance shall become effective on May 1, 2017.

APPROVED AND ADOPTED this 29th day of April, 2017.

The foregoing Ordinance No. Ord 2017-001 was offered by Councilmember Baker, who moved its approval. The motion was seconded by Councilmember Gumbs, and being put to a vote, the result was as follows:

	AYE	NAY
William "Bill" Edwards, Mayor	☒	☐
Catherine Foster Rowell, <i>Mayor Pro Tem</i>	☒	☐
Carmalitha Lizandra Gumbs	☒	☐
Helen Zenobia Willis	☒	☐
Gertrude Naeema Gilyard	☒	☐
Rosie Jackson	☒	☐
Khalid kamau	☒	☐
Mark Baker	☒	☐

**** The Title Mayor Pro Tem will be added behind the name of the person selected.**

Ordinance
THIS ~~RESOLUTION~~ adopted this 29th day of April, 2017. **CITY OF SOUTH FULTON,
GEORGIA**

[Signature]

WILLIAM "BILL" EDWARDS, MAYOR

ATTEST:

[Signature]

Mark Massey, INTERIM CITY CLERK
APPROVED AS TO FORM:

[Signature]
Josh Belinfante

INTERIM CITY ATTORNEY



APPENDIX 1

House Bill 514 (AS PASSED HOUSE AND SENATE)

By: Representatives Bruce of the 61st, Fludd of the 64th, Kaiser of the 59th, Mabra of the 63rd, Jones of the 53rd, and others

A BILL TO BE ENTITLED
AN ACT

1 To incorporate the City of South Fulton in Fulton County, Georgia; to provide a charter for
2 the City of South Fulton; to provide for incorporation, boundaries, and powers of the city;
3 to provide for a governing authority of such city and the powers, duties, authority, election,
4 terms, method of filling vacancies, compensation, qualifications, prohibitions, and removal
5 from office relative to members of such governing authority; to provide for inquiries and
6 investigations; to provide for organization and procedures; to provide for ordinances and
7 codes; to provide for the offices of mayor and city manager and certain duties and powers
8 relative to those offices; to provide for administrative responsibilities; to provide for boards,
9 commissions, and authorities; to provide for a city attorney, a city clerk, a city treasurer, and
10 other personnel; to provide for rules and regulations; to provide for a municipal court and the
11 judge or judges thereof; to provide for practices and procedures; to provide for taxation and
12 fees; to provide for franchises, service charges, and assessments; to provide for bonded and
13 other indebtedness; to provide for accounting and budgeting; to provide for purchases; to
14 provide for the sale of property; to provide for general homestead exemption; to provide for
15 bonds for officials; to provide for definitions and construction; to provide for other matters
16 relative to the foregoing; to provide for a referendum; to provide effective dates; to provide
17 for transition of powers and duties; to provide for directory nature of dates; to provide for a
18 charter commission; to provide for severability; to repeal conflicting laws; and for other
19 purposes.

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

21 ARTICLE I
22 INCORPORATION AND POWERS

23 SECTION 1.10.

24 Incorporation.

25 The City of South Fulton in Fulton County is incorporated by the enactment of this charter
26 and is constituted and declared a body politic and corporate under the name of the "City of
27 South Fulton." References in this charter to "the city" or "this city" refer to the City of South
28 Fulton. The city shall have perpetual existence.

29 SECTION 1.11.

30 Corporate boundaries.

31 The boundaries of the City of South Fulton shall include all unincorporated areas of Fulton
32 County, including the Fulton County Industrial District, as such exist on July 1, 2016;
33 provided, however, that, if the local constitutional amendment establishing the Fulton County
34 Industrial District is not repealed or determined judicially to be of no force and effect prior
35 to the first municipal election being conducted under this charter, the Fulton County
36 Industrial District shall not become a part of the City of South Fulton. The boundaries of the
37 city are more particularly described in Appendix A, attached to and made a part of this
38 charter. The city clerk shall maintain a current map and written legal description of the
39 corporate boundaries of the city, and such map and description shall incorporate any changes
40 which may hereafter be made in such corporate boundaries.

41 SECTION 1.12.

42 Municipal powers.

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

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

50 (1) Air and water pollution and environmental issues. To regulate the emission of smoke
51 or other exhaust which pollutes the air and to prevent the pollution of natural streams

- 52 which flow within the corporate limits of the city and to regulate any other environmental
53 matters that would affect the quality of life within the boundaries of the city;
- 54 (2) Animal regulations. To regulate and license or to prohibit the keeping or running at
55 large of animals and fowl and to provide for the impoundment of same if in violation of
56 any ordinance or lawful order; to provide for the disposition by sale, gift, or humane
57 destruction of animals and fowl when not redeemed as provided by ordinance; and to
58 provide punishment for violation of ordinances enacted under this paragraph;
- 59 (3) Appropriations and expenditures. To make appropriations for the support of the
60 government of the city; to authorize the expenditure of money for any purposes
61 authorized by this charter and for any purpose for which a municipality is authorized by
62 the laws of the State of Georgia; and to provide for the payment of expenses of this city;
- 63 (4) Building regulations. To regulate and to license the erection and construction of
64 buildings and all other structures not inconsistent with general law; to adopt building,
65 housing, plumbing, electrical, gas, and heating and air conditioning codes; and to regulate
66 all housing and building trades except as otherwise prohibited by general law;
- 67 (5) Business regulation and taxation. To levy and to provide for the collection of license
68 fees and taxes on privileges, occupations, trades, and professions; to license and regulate
69 the same; to provide for the manner and method of payment of such licenses and taxes;
70 and to revoke such licenses after due process for the failure to pay any city taxes or fees;
- 71 (6) Condemnation. To condemn property, inside or outside the corporate limits of the
72 city, for present or future use and for any corporate purpose deemed necessary by the
73 governing authority, utilizing procedures enumerated in Title 22 of the O.C.G.A. or such
74 other laws as are or may hereafter be enacted;
- 75 (7) Contracts. To enter into contracts and agreements with other governments and
76 entities and with private persons, firms, and corporations;
- 77 (8) Emergencies. To establish procedures for determining and proclaiming that an
78 emergency situation exists inside or outside the city and to make and carry out all
79 reasonable provisions deemed necessary to deal with or meet such an emergency for the
80 protection, safety, health, or well-being of the citizens of the city;
- 81 (9) Environmental protection. To protect and preserve the natural resources,
82 environment, and vital areas of the city, the region, and the state through the preservation
83 and improvement of air quality, the restoration and maintenance of water resources, the
84 control of erosion and sedimentation, the management of storm water and establishment
85 of a storm-water utility, the management of solid and hazardous waste, and other
86 necessary actions for the protection of the environment;
- 87 (10) Ethics. To adopt ethics ordinances and regulations governing the conduct of
88 municipal elected officials, appointed officials, and employees, establishing procedures

- 89 for handling ethics complaints, and setting forth penalties for violations of such rules and
90 procedures;
- 91 (11) Fire regulations. To fix and establish fire limits and from time to time to extend,
92 enlarge, or restrict the same; to prescribe fire safety regulations, not inconsistent with
93 general law relating to both fire prevention and detection and to fire fighting; and to
94 prescribe penalties and punishment for violations thereof;
- 95 (12) Garbage fees. To levy, fix, assess, and collect a garbage, refuse, and trash collection
96 and disposal and other sanitary service charge, tax, or fee for such services as may be
97 necessary in the operation of the city from all individuals, firms, and corporations
98 residing in or doing business within the city and benefiting from such services; to enforce
99 the payment of such charges, taxes, or fees; and to provide for the manner and method
100 of collecting such service charges;
- 101 (13) General health, safety, and welfare. To define, regulate, and prohibit any act,
102 practice, conduct, or use of property which is detrimental to the health, sanitation,
103 cleanliness, welfare, and safety of the inhabitants of the city and to provide for the
104 enforcement of such standards;
- 105 (14) Gifts. To accept or refuse gifts, donations, bequests, or grants from any source for
106 any purpose related to the powers and duties of the city and the general welfare of its
107 citizens on such terms and conditions as the donor or grantor may impose;
- 108 (15) Health and sanitation. To prescribe standards of health and sanitation within the
109 city and to provide for the enforcement of such standards;
- 110 (16) Homestead exemption. To establish and maintain procedures for offering
111 homestead exemptions to residents of the city as authorized by Act of the General
112 Assembly;
- 113 (17) Jail sentences. To provide that persons given jail sentences in the municipal court
114 may work out such sentences in any public works or on the streets, roads, drains, and
115 other public property of the city; to provide for the commitment of such persons to any
116 jail; to provide for the use of pretrial diversion and any alternative sentencing allowed by
117 law; or to provide for the commitment of such persons to any county work camp or
118 county jail by agreement with the appropriate county officials;
- 119 (18) Motor vehicles. To regulate the operation of motor vehicles and exercise control
120 over all traffic, including parking, upon or across the streets, roads, alleys, and walkways
121 of the city;
- 122 (19) Municipal agencies and delegation of power. To create, alter, or abolish
123 departments, boards, offices, commissions, and agencies of the city and to confer upon
124 such agencies the necessary and appropriate authority for carrying out all the powers
125 conferred upon or delegated to the same;

- 126 (20) Municipal debts. To appropriate and borrow money for the payment of debts of the
127 city and to issue bonds for the purpose of raising revenue to carry out any project,
128 program, or venture authorized by this charter or the laws of the State of Georgia;
- 129 (21) Municipal property ownership. To acquire, dispose of, lease, and hold in trust or
130 otherwise any real, personal, or mixed property, in fee simple or lesser interest, inside or
131 outside the property limits of the city;
- 132 (22) Municipal property protection. To provide for the preservation and protection of
133 property and equipment of the city and the administration and use of same by the public;
134 and to prescribe penalties and punishment for violations thereof;
- 135 (23) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose
136 of public utilities, including, but not limited to, a system of waterworks, sewers, and
137 drains, sewage disposal, gas works, electric plants, transportation facilities, public
138 airports, and any other public utility; and to fix the taxes, charges, rates, fares, fees,
139 assessments, regulations, and penalties therefor; and to provide for the withdrawal of
140 service for refusal or failure to pay the same; and to authorize the extension of water,
141 sewerage, and electrical distribution systems, and all necessary appurtenances by which
142 said utilities are distributed, inside and outside the corporate limits of the city; and to
143 provide utility services to persons, firms, and corporations inside and outside the
144 corporate limits of the city as provided by ordinance;
- 145 (24) Nuisances. To define a nuisance and provide for its abatement whether on public
146 or private property;
- 147 (25) Penalties. To provide penalties for violation of any ordinances adopted pursuant to
148 the authority of this charter and the laws of the State of Georgia;
- 149 (26) Planning and zoning. To provide comprehensive city planning for development by
150 zoning and to provide subdivision regulation and the like as the city council deems
151 necessary and reasonable to ensure a safe, healthy, and esthetically pleasing community;
- 152 (27) Police and fire protection. To exercise the power of arrest through duly appointed
153 police officers and to establish, operate, or contract for a police and a fire-fighting
154 agency;
- 155 (28) Public hazards; removal. To provide for the destruction and removal of any
156 building or other structure which is or may become dangerous or detrimental to the
157 public;
- 158 (29) Public improvements. To provide for the acquisition, construction, building,
159 operation, and maintenance of public ways, parks, playgrounds, recreational facilities,
160 cemeteries, markets and market houses, public buildings, libraries, public housing,
161 airports, hospitals, terminals, docks, parking facilities, or charitable, cultural, educational,
162 recreational, conservation, sport, curative, corrective, detentional, penal, and medical

163 institutions, agencies, and facilities; to provide any other public improvements inside or
164 outside the corporate limits of the city; to regulate the use of public improvements; and,
165 for such purposes, property may be acquired by condemnation under Title 22 of the
166 O.C.G.A. or such other applicable laws as are or may hereafter be enacted;

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

169 (31) Public transportation. To organize and operate or contract for such public
170 transportation systems as are deemed beneficial;

171 (32) Public utilities and services. To grant franchises or make contracts for public
172 utilities and public services and to prescribe the rates, fares, regulations, and the standards
173 and conditions of service applicable to the service to be provided by the franchise grantee
174 or contractor, insofar as not in conflict with valid regulations of the Public Service
175 Commission;

176 (33) Regulation of roadside areas. To prohibit or regulate and control the erection,
177 removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any
178 and all other structures or obstructions upon or adjacent to the rights of way of streets and
179 roads or within view thereof, inside or abutting the corporate limits of the city and to
180 prescribe penalties and punishment for violation of such ordinances;

181 (34) Retirement. To provide and maintain a retirement plan for officers and employees
182 of the city;

183 (35) Roadways. To lay out, open, extend, widen, narrow, establish or change the grade
184 of, abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise
185 improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and
186 walkways within the corporate limits of the city; and to negotiate and execute leases over,
187 through, under, or across any city property or the right of way of any street, road, alley,
188 and walkway or portion thereof within the corporate limits of the city for bridges,
189 passageways, or any other purpose or use between buildings on opposite sides of the
190 street and for other bridges, overpasses, and underpasses for private use at such location
191 and to charge a rental therefor in such manner as may be provided by ordinance; and to
192 authorize and control the construction of bridges, overpasses, and underpasses within the
193 corporate limits of the city; and to grant franchises and rights of way throughout the
194 streets and roads and over the bridges and viaducts for the use of public utilities and for
195 private use; and to require real estate owners to repair and maintain in a safe condition
196 the sidewalks adjoining their lots or lands and to impose penalties for failure to do so;

197 (36) Sewer fees. To levy a fee, charge, or sewer tax as necessary to assure the acquiring,
198 constructing, equipping, operating, maintaining, and extending of a sewage disposal plant
199 and sewerage system; to levy on those to whom sewers and sewerage systems are made

200 available a sewer service fee, charge, or tax for the availability or use of the sewers; to
201 provide for the manner and method of collecting such service charge; and to impose on
202 and collect a sewer connection fee or fees from those connected to the system;

203 (37) Solid waste disposal. To provide for the collection and disposal of garbage, rubbish,
204 and refuse and to regulate the collection and disposal of garbage, rubbish, and refuse by
205 others; and to provide for the separate collection of glass, tin, aluminum, cardboard,
206 paper, and other recyclable materials and provide for the sale of such items;

207 (38) Special areas of public regulation. To regulate or prohibit junk dealers, pawnshops,
208 pain management clinics, the manufacture, sale, or transportation of intoxicating liquors,
209 and the use of firearms; to regulate the transportation, storage, and use of combustible,
210 explosive, and inflammable materials, the use of lighting and heating equipment, and any
211 other business or situation which may be dangerous to persons or property; to regulate
212 and control the conduct of peddlers and itinerant traders, theatrical performances,
213 exhibitions, and shows of any kind, by taxing or otherwise; and to license, tax, regulate,
214 or prohibit professional fortunetelling, palmistry, adult bookstores, adult entertainment,
215 and massage parlors;

216 (39) Special assessments. To levy and provide for the collection of special assessments
217 to cover the costs of any public improvement;

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

220 (A) For all years, the millage rate imposed for ad valorem taxes on real property for
221 operating budget purposes shall not exceed 13.469 unless a higher limit is
222 recommended by resolution of the city council and approved by a majority of the
223 qualified voters of the city voting in a referendum; provided, however, that for the
224 purposes of compliance with Code Section 48-8-91 of the O.C.G.A., the millage rate
225 may be adjusted upward for the sole purpose of complying with the millage rate
226 rollback provisions set forth therein. For the purposes of this subparagraph, the term
227 "qualified voters" means those voters of the city who are qualified to vote in city
228 elections and cast a vote for or against such measure in such referendum. The question
229 to be presented to the voters in the referendum on increasing the millage rate shall be
230 "Do you approve increasing taxes on residential and nonresidential property for City
231 of South Fulton property owners by raising from [current millage rate] to [proposed
232 millage rate] the operating budget millage rate, which was capped in the original charter
233 for the city?" If such millage rate increase is approved by the qualified voters of the
234 City of South Fulton voting in the referendum, the new rate shall become the maximum
235 limit until changed again by resolution of the city council and approval by a majority
236 of the qualified voters of the City of South Fulton voting in a referendum.

237 Notwithstanding any provision of this paragraph to the contrary, during the first five
238 years of existence, the city shall not be authorized to increase the millage rate higher
239 than 14.469 except for the purposes of complying with Code Section 48-8-91 of the
240 O.C.G.A.;

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

244 (C) For all years, the billing date or dates and due date or dates for municipal ad
245 valorem taxes shall be the same as for Fulton County ad valorem taxes;

246 (41) Taxes (other). To levy and collect such other taxes as may be allowed now or in the
247 future by law;

248 (42) Taxicabs. To regulate and license vehicles operated for hire in the city; to limit the
249 number of such vehicles; to require the operators thereof to be licensed; to require public
250 liability insurance on such vehicles in the amounts to be prescribed by ordinance; and to
251 regulate the parking of such vehicles;

252 (43) Urban redevelopment. To organize and operate an urban redevelopment program;
253 and

254 (44) Other powers. To exercise and enjoy all other powers, functions, rights, privileges,
255 and immunities necessary or desirable to promote or protect the safety, health, peace,
256 security, good order, comfort, convenience, or general welfare of the city and its
257 inhabitants; to exercise all implied powers necessary to carry into execution all powers
258 granted in this charter as fully and completely as if such powers were fully stated in this
259 charter; and to exercise all powers now or in the future authorized to be exercised by
260 other municipal governments under other laws of the State of Georgia; and no listing of
261 particular powers in this charter shall be held to be exclusive of others, nor restrictive of
262 general words and phrases granting powers, but shall be held to be in addition to such
263 powers unless expressly prohibited to municipalities under the Constitution or applicable
264 laws of the State of Georgia.

265 **SECTION 1.13.**

266 **Exercise of powers.**

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

271 ARTICLE II
272 GOVERNMENT STRUCTURE, ELECTIONS, AND REMOVAL
273 SECTION 2.10.
274 City council creation; composition; number; election.

275 (a) The legislative authority of the government of this city, except as otherwise specifically
276 provided in this charter, shall be vested in a city council to be composed of a mayor and
277 seven councilmembers.

278 (b) The mayor and councilmembers shall serve for terms of four years and until their
279 respective successors are elected and qualified, except as otherwise provided in
280 subsection (d) of Section 2.11 of this charter. No person shall be eligible to serve as mayor
281 or councilmember unless that person shall have been a resident of the area comprising the
282 City of South Fulton for 12 months immediately preceding the election of mayor or
283 councilmembers, shall have attained the age of 21 years prior to the date of qualifying, and,
284 in the case of councilmembers, shall have been a resident of the district from which he or she
285 seeks election for six months at the time of qualifying for election; each such person shall
286 continue to reside within the city and, in the case of councilmembers, within the district from
287 which he or she was elected during said period of service and shall be registered and
288 qualified to vote in municipal elections of this city. The mayor may reside anywhere within
289 the city. No person's name shall be listed as a candidate on the ballot for election for either
290 mayor or councilmember unless such person shall file a written notice with the clerk of said
291 city that such person desires his or her name to be placed on said ballot as a candidate either
292 for mayor or councilmember. No person shall be eligible for the office of mayor or
293 councilmember unless such person shall file said notice within the time provided for in
294 Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code."

295 (c)(1) The mayor shall be limited to serving three full, consecutive four-year terms of
296 office.

297 (2) Councilmembers shall be limited to serving three full, consecutive terms of office.

298 (3) Persons who serve terms of less than four years as a result of being elected to an
299 initial term of office under subsection (d) of Section 2.11 of this charter or who fill an
300 unexpired term shall not be considered to have served a full term of office for the
301 purposes of this subsection.

SECTION 2.11.**Elections.**

(a) At any election, all persons who are qualified under the Constitution and laws of Georgia to vote for members of the General Assembly of Georgia and who are bona fide residents of the area comprising the City of South Fulton or of such city shall be eligible to qualify as voters in the election.

(b) All primaries and elections shall be held and conducted in accordance with Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code." Except as otherwise provided by this charter, the city council shall, by ordinance, prescribe such rules and regulations it deems appropriate to fulfill any options and duties under the "Georgia Election Code."

(c) Each councilmember shall be elected by a majority vote of the qualified electors of his or her respective council district voting at the elections of the city. For the purpose of electing members of the council, the City of South Fulton shall consist of seven council districts as described in Appendix B of this charter, which is attached and incorporated into this charter by reference; provided, however, that no territory described in such council districts shall be included in such council districts that has been annexed into other municipalities before July 1, 2016; and provided, further, that the territory known as the Fulton County Industrial District shall not be included in such council districts unless the local constitutional amendment creating such district is repealed or determined judicially to be of no force and effect prior to the first municipal election being conducted under this charter. Each candidate for election to the council other than the mayor shall reside in the council district he or she seeks to represent.

(d) The first election for mayor and councilmembers shall be a special election held on the third Tuesday in March, 2017. At such election, the mayor and councilmembers elected from Council Districts 2, 4, and 6 shall be elected for initial terms of office beginning immediately after their election and expiring on December 31, 2021. The councilmembers elected from Council Districts 1, 3, 5, and 7 shall be elected for initial terms of office beginning immediately after their election and expiring on December 31, 2019. Thereafter, at the elections provided for by subsection (f) of this section, their successors shall be elected for terms of four years. All members shall serve until their successors are elected and qualified.

(e) The mayor, for the special election and each subsequent election for mayor, shall be elected by the qualified electors of the city at large voting in such elections of the city.

(f) A special election shall be held on the third Tuesday in March, 2017, to elect the first mayor and council as provided in subsection (d) of this section. At such election, the first mayor and council shall be elected to serve for the initial terms of office specified in

338 subsection (d) of this section. Thereafter, the time for holding regular municipal elections
339 shall be on the Tuesday next following the first Monday in November of each odd-numbered
340 year beginning in 2019. The successors to the first mayor and councilmembers and future
341 successors shall be elected at the municipal election immediately preceding the expiration
342 of the respective terms of office and shall take office on the first day of January immediately
343 following their election for terms of four years and until their successors are elected and
344 qualified.

345 (g) All municipal elections shall be nonpartisan and without primaries.

346 **SECTION 2.12.**

347 Vacancies in office.

348 (a) The office of mayor or councilmember shall become vacant upon the incumbent's death,
349 resignation, forfeiture of office, or removal from office in any manner authorized by this
350 charter or the general laws of the State of Georgia.

351 (b) Upon the suspension from office of mayor or councilmember in any manner authorized
352 by the general laws of the State of Georgia, the city council or those remaining shall appoint
353 a successor for the duration of the suspension. If the suspension becomes permanent, then
354 the office shall become vacant and shall be filled as provided in subsection (c) of this section.

355 (c) In the event that the office of mayor or councilmember shall become vacant, the city
356 council or those remaining shall order a special election to fill the balance of the unexpired
357 term of such official; provided, however, if such vacancy occurs within 12 months of the
358 expiration of the term of that office, the city council or those members remaining shall
359 appoint a successor for the remainder of the term. In all other respects, the special election
360 shall be held and conducted in accordance with Chapter 2 of Title 21 of the O.C.G.A., the
361 "Georgia Election Code," as now or hereafter amended.

362 **SECTION 2.13.**

363 Election by majority vote.

364 The candidate for mayor who receives a majority of the votes cast in the applicable election
365 in the city at large shall be elected to a term of office. The candidates for councilmember
366 who receive a majority of the votes cast in the applicable election by the electors of their
367 respective districts shall be elected to a term of office. In the event no candidate receives a
368 majority of the votes cast in such election for such office, a run-off election shall be held
369 between the candidates receiving the two highest numbers of votes. Such run-off election

370 shall be held at the time specified by state election law, unless such run-off date is postponed
371 by court order.

372 **SECTION 2.14.**
373 Compensation and expenses.

374 The annual salary of the mayor shall be \$23,000.00 and the annual salary for each
375 councilmember shall be \$13,000.00. Such salary shall be paid from municipal funds in
376 monthly installments. The city council may provide for the reimbursement of expenses
377 actually and necessarily incurred by the mayor and members of the city council in carrying
378 out their official duties.

379 **SECTION 2.15.**
380 Prohibitions.

- 381 (a) No elected official, appointed officer, or employee of the city or any agency or political
382 entity to which this charter applies shall knowingly:
- 383 (1) Engage in any business or transaction or have a financial or other personal interest,
384 direct or indirect, which is incompatible with the proper discharge of official duties or
385 which would tend to impair the independence of his or her judgment or action in the
386 performance of official duties;
- 387 (2) Engage in or accept private employment or render services for private interests when
388 such employment or service is incompatible with the proper discharge of official duties
389 or would tend to impair the independence of his or her judgment or action in the
390 performance of official duties;
- 391 (3) Disclose confidential information concerning the property, government, or affairs of
392 the governmental body by which engaged without proper legal authorization or use such
393 information to advance the financial or other private interest of himself or herself or
394 others;
- 395 (4) Accept any valuable gift, whether in the form of service, loan, object, or promise,
396 from any person, firm, or corporation which to his or her knowledge is interested, directly
397 or indirectly, in any manner whatsoever in business dealings with the governmental body
398 by which he or she is engaged; provided, however, that an elected official who is a
399 candidate for public office may accept campaign contributions and services in connection
400 with any such campaign;
- 401 (5) Represent other private interests in any action or proceeding against this city or any
402 portion of its government; or

- 403 (6) Vote or otherwise participate in the negotiation or in the making of any contract with
404 any business or entity in which he or she has a financial interest.
- 405 (b) Any elected official, appointed officer, or employee who has any private financial
406 interest, directly or indirectly, in any contract or matter pending before or within any
407 department of the city shall disclose such private interest to the city council. The mayor or
408 any councilmember who has a private interest in any matter pending before the city council
409 shall disclose such private interest and such disclosure shall be entered on the records of the
410 city council, and he or she shall disqualify himself or herself from participating in any
411 decision or vote relating thereto. Any elected official, appointed officer, or employee of any
412 agency or political entity to which this charter applies who shall have any private financial
413 interest, directly or indirectly, in any contract or matter pending before or within such entity
414 shall disclose such private interest to the governing body of such agency or entity.
- 415 (c) No elected official, appointed officer, or employee of the city or any agency or entity to
416 which this charter applies shall use property owned by such governmental entity for personal
417 benefit, convenience, or profit, except in accordance with policies promulgated by the city
418 council or the governing body of such agency or entity.
- 419 (d) Any violation of this section which occurs with the knowledge, express or implied, of
420 a party to a contract or sale shall render said contract or sale voidable at the option of the city
421 council.
- 422 (e) Except as authorized by law, no member of the council shall hold any other elective city
423 office or other city employment during the term for which elected. The provisions of this
424 subsection shall not apply to any person holding employment on the effective date of this
425 Act.

426 **SECTION 2.16.**

427 **Removal of officers.**

- 428 (a) The mayor, a councilmember, or other appointed officers provided for in this charter
429 shall be removed from office for any one or more of the following causes:
- 430 (1) Incompetence, misfeasance, or malfeasance in office;
- 431 (2) Conviction of a crime involving moral turpitude;
- 432 (3) Failure at any time to possess any qualifications of office as provided by this charter
433 or by law;
- 434 (4) Knowingly violating Section 2.15 or any other express prohibition of this charter;
- 435 (5) Abandonment of office or neglect to perform the duties thereof; or
- 436 (6) Failure for any other cause to perform the duties of office as required by this charter
437 or by state law.

438 (b) Removal of any officer pursuant to subsection (a) of this section shall be accomplished
439 by one of the following methods:

440 (1) By the vote of five councilmembers after an investigative hearing. In the event an
441 elected officer is sought to be removed by the action of the city council, such officer shall
442 be entitled to a written notice specifying the ground or grounds for removal and to a
443 public hearing which shall be held not less than ten days after the service of such written
444 notice. Any elected officer sought to be removed from office as provided in this section
445 shall have the right of appeal from the decision of the city council to the Superior Court
446 of Fulton County. Such appeal shall be governed by the same rules as govern appeals to
447 the superior court from the probate court; or

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

450 ARTICLE III
451 ORGANIZATION OF GOVERNMENT, GENERAL
452 AUTHORITY, AND ORDINANCES
453 SECTION 3.10.
454 General power and authority.

455 (a) Except as otherwise provided by this charter, the city council shall be vested with all the
456 powers of government of this city as provided by Article I of this charter.

457 (b) In addition to all other powers conferred upon it by law, the city council shall have the
458 authority to adopt and provide for the execution of such ordinances, resolutions, rules, and
459 regulations, not inconsistent with this charter and with the Constitution and the laws of the
460 State of Georgia, which it shall deem necessary, expedient, or helpful for the peace, good
461 order, protection of life and property, health, welfare, sanitation, comfort, convenience,
462 prosperity, or well-being of the inhabitants of the City of South Fulton and may enforce such
463 ordinances by imposing penalties for violations thereof.

464 (c) Except for the office of city manager, the city council, by resolution, may establish,
465 abolish, merge, or consolidate offices, positions of employment, departments, and agencies
466 of the city as it shall deem necessary for the proper administration of the affairs of the
467 government of the city. The council shall prescribe the functions and duties of departments,
468 offices, and agencies; may provide that the same person shall fill any number of offices or
469 positions of employment; and may transfer or change the functions and duties of offices,
470 positions of employment, departments, and agencies of the city.

471 (d) The operations and responsibilities of each department now or hereafter established in
472 the city shall be distributed among such divisions or bureaus as may be provided by

473 ordinance of the city council. Each department shall consist of such officers, employees, and
474 positions of employment as may be provided by this charter or by ordinance and shall be
475 subject to the general supervision and guidance of the mayor and councilmembers.

476 (e) In all cases, unless otherwise prohibited by this charter or by state law, those functions
477 and duties necessary for the efficient and proper administration of the affairs of government
478 of the city may be provided through intergovernmental agreements or private contracts or
479 both.

480 SECTION 3.11.

481 Organization.

482 (a) The city council shall hold an organizational meeting not later than the first regular
483 meeting in January following an election. The meeting shall be called to order by the
484 mayor-elect, and the oath of office shall be administered to the newly elected mayor and
485 councilmembers by a judicial officer authorized to administer the oaths required by
486 Chapter 3 of Title 45 of the O.C.G.A. and the following oath:

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

490 (b) Following the induction of the mayor and councilmembers, the city council, by a
491 majority vote, shall elect a councilmember to serve as mayor pro tempore. The mayor pro
492 tempore shall assume the official duties and powers of the mayor during any disability or
493 absence of the mayor, as set forth in Section 3.30 of this charter. Any such disability or
494 absence shall be declared by a majority vote of the city council.

495 SECTION 3.12.

496 Inquiries and investigations.

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

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SECTION 3.13.**Meetings.**

- 504 (a) The city council shall, at least once during each calendar month, hold regular meetings
505 at such times and places as prescribed by ordinance. The council may recess any such
506 regular meeting and continue such meeting on any weekday or at any hour it may fix and
507 may transact any business at such continued meeting as may be transacted at any regular
508 meeting.
- 509 (b) Special meetings of the city council may be held on call of the mayor or four members
510 of the city council. Notice of such special meeting shall be served on all other members
511 personally, or by telephone personally, at least 48 hours in advance of the meeting. Such
512 notice to councilmembers shall not be required if the mayor and all councilmembers are
513 present when the special meeting is called. Such notice of any special meeting may be
514 waived by a councilmember in writing before or after such a meeting and attendance at the
515 meeting shall also constitute a waiver of notice on any business transacted in such
516 councilmember's presence. Only the business stated in the call may be transacted at the
517 special meeting.
- 518 (c) All meetings of the city council shall be public to the extent required by law and notice
519 to the public of special meetings shall be given as required by law.

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SECTION 3.14.**Procedures.**

- 522 (a) The city council shall adopt its rules of procedure and order of business consistent with
523 the provisions of this charter and shall provide for keeping a journal of its proceedings which
524 shall be a public record.
- 525 (b) All committees and committee chairpersons and officers of the city council shall be
526 appointed as prescribed by ordinance or resolution of the city council.

527
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SECTION 3.15.**Voting.**

- 529 (a) Except as otherwise provided in subsection (c) of this section, four councilmembers shall
530 constitute a quorum and shall be authorized to transact the business of the city council. For
531 voting and quorum purposes, the mayor shall be counted as one of the councilmembers.
532 Voting on the adoption of ordinances shall be by voice vote and the vote shall be recorded
533 in the journal, but any member of the city council shall have the right to request a roll-call

534 vote and such vote shall be recorded in the journal. No councilmember shall abstain from
535 voting except in the case of a conflict of interest or if absent when a motion being voted upon
536 was made. The councilmember shall provide a specific explanation of the conflict, and the
537 explanation shall be recorded in the journal.

538 (b) Except as otherwise provided in this charter, the affirmative vote of a majority of the
539 councilmembers present shall be required for the adoption of any ordinance, resolution, or
540 motion.

541 (c) In the event vacancies in office result in less than a quorum of councilmembers holding
542 office, then the remaining councilmembers in office shall constitute a quorum and shall be
543 authorized to transact business of the city council. A vote of a majority of the remaining
544 councilmembers shall be required for the adoption of any ordinance, resolution, or motion.

545 SECTION 3.16.

546 Ordinances.

547 (a) Any proposal for a new or amended ordinance shall be in writing and in the format
548 required for final adoption. No ordinance shall contain a subject which is not expressed in
549 its title. The enacting clause shall be "The Council of the City of South Fulton hereby
550 ordains ..." and every ordinance shall so begin.

551 (b) A new or amended ordinance may be proposed by the mayor or councilmember at a
552 regular or special meeting of the city council. Ordinances shall be considered and adopted
553 or rejected by the city council in accordance with the rules which it shall establish; provided,
554 however, an ordinance shall not be adopted the same day it is introduced, except for
555 emergency ordinances provided for in Section 3.18 of this charter. After adoption of any
556 ordinance, the city clerk shall, as soon as possible, forward an appropriately formatted
557 version of the adopted ordinance to that entity or agency that the city has retained to facilitate
558 the codification and online viewing and download of all city ordinances.

559 SECTION 3.17.

560 Effect of ordinances.

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

562

SECTION 3.18.

563

Emergencies.

564 To meet a public emergency affecting life, health, property, or public peace, the city council
565 may convene on call of the mayor or four councilmembers and may promptly adopt an
566 emergency ordinance, but such ordinance shall not levy taxes; grant, renew, or extend a
567 franchise; regulate the rate charged by any public utility for its services; or authorize the
568 borrowing of money except for loans to be repaid within 30 days. An emergency ordinance
569 shall be introduced in the form prescribed for ordinances generally, except that it shall be
570 plainly designated as an emergency ordinance and shall contain, after the enacting clause,
571 a declaration stating that an emergency exists and describing the emergency in clear and
572 specific terms. An emergency ordinance may be adopted, with or without amendment, or
573 rejected at the meeting at which it is introduced, but the affirmative vote of a majority of the
574 councilmembers present shall be required for adoption. It shall become effective upon
575 adoption or at such later time as it may specify. Every emergency ordinance shall
576 automatically stand repealed 30 days following the date upon which it was adopted, but this
577 shall not prevent reenactment of the ordinance in the manner specified in this section if the
578 emergency continues to exist. An emergency ordinance shall also be repealed by adoption
579 of a repealing ordinance in the same manner specified in this section for adoption of
580 emergency ordinances.

581

SECTION 3.19.

582

Codes.

583 (a) The city council may adopt any standard code of technical regulations by reference
584 thereto in an adopting ordinance. The procedure and requirements governing such adopting
585 ordinance shall be as prescribed for ordinances generally except that: (1) the requirements
586 of subsection (b) of Section 3.16 of this charter for distribution and filing of copies of the
587 ordinance shall be construed to include copies of any code of technical regulations, as well
588 as the adopting ordinance; and (2) a copy of each adopted code of technical regulations, as
589 well as the adopting ordinance, shall be authenticated and recorded by the city clerk pursuant
590 to Section 3.20 of this charter.

591 (b) Any adopted code of technical regulations shall be forwarded for online codification,
592 viewing, and download in the same manner as provided for ordinances in subsection (b) of
593 Section 3.16 of this charter and shall otherwise be made available for review and copying
594 upon request in accord with Code Section 50-18-70, et seq., of the O.C.G.A.

595
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SECTION 3.20.

Codification of ordinances.

597 (a) The city clerk shall authenticate by the city clerk's signature and record in full in a
598 properly indexed book kept for that purpose all ordinances adopted by the council.
599 (b) The city shall provide for the preparation of a general codification of all the ordinances
600 of the city having the force and effect of law. The general codification shall be adopted by
601 the city council by ordinance and shall be published promptly together with all amendments
602 thereto and shall contain such codes of technical regulations and other rules and regulations
603 as the city council may specify. This compilation shall be known and cited officially as "The
604 Code of the City of South Fulton, Georgia." Copies of the code shall be furnished to all
605 officers, departments, and agencies of the city and shall be made available for purchase by
606 the public at a reasonable price as fixed by the city council.
607 (c) The city council shall cause each ordinance and each amendment to this charter to be
608 promptly delivered in an appropriate format to that entity or agency that the city has retained
609 to facilitate the codification and online viewing and download of all city ordinances, charter
610 amendments, and technical regulations. Ordinances, charter amendments, and technical
611 regulations shall otherwise be available in hard copy format for viewing and copying at the
612 office of the city clerk in conformance with Code Section 50-18-70, et seq., of the O.C.G.A.
613 Following publication of the first code under this charter and at all times thereafter, the
614 ordinances and charter amendments shall be made available, whether in electronic or hard
615 copy format, in substantially the same style as the code then in effect and shall be suitable
616 in form for incorporation within the code. The city council shall make such further
617 arrangements as deemed desirable with reproduction and distribution of any changes in or
618 additions to codes of technical regulations and other rules and regulations included in the
619 code.

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SECTION 3.21.

Submission of ordinances to the mayor.

622 (a) Every ordinance, resolution, or other action adopted by the city council shall be
623 presented to the mayor for signature within five business days following the adoption of such
624 ordinance, resolution, or other action by the city council. The mayor shall have the right to
625 veto any ordinance adopted by the city council, in accordance with the procedure set forth
626 in this section.
627 (b) The mayor, within ten business days following receipt of an ordinance, shall return it to
628 the city clerk with or without the mayor's approval or with the mayor's veto. If an ordinance

629 has been approved by the mayor or if it is returned to the city clerk neither approved nor
630 disapproved, it shall become law upon its return to the city clerk. However, if the mayor fails
631 to return an ordinance to the city clerk within ten business days of receipt, it shall become
632 law at 12:00 Midnight on the tenth business day after receipt. If the ordinance is vetoed by
633 the mayor, the mayor shall submit to city council, through the city clerk, the reasons for the
634 mayor's veto. The city clerk shall record upon the ordinance the date of its delivery to and
635 its receipt from the mayor.

636 (c) An ordinance vetoed by the mayor shall automatically be on the agenda at the next
637 regular meeting of the city council for reconsideration. If the minimum number of
638 councilmembers necessary to vote to override the veto are not present, the action may be
639 continued until the next meeting at which such minimum number of councilmembers are
640 present. The city council may override a veto by the mayor and adopt any ordinance that
641 has been vetoed by the mayor by the affirmative votes of at least five councilmembers, not
642 including the mayor.

643 (d) In addition, the mayor may disapprove or reduce any item or items of appropriation in
644 any ordinance or resolution. The approved part or parts of any ordinance or resolution
645 making appropriations shall become law, and the part or parts disapproved or reduced shall
646 not become law unless subsequently passed by the city council over the mayor's veto as
647 provided herein. The disapproved or reduced part or parts of any such ordinance or
648 resolution shall be presented to the city council as though disapproved and shall not become
649 law unless overridden by the city council as set forth in subsection (c) of this section.

650 **SECTION 3.22.**

651 **Powers and duties of mayor.**

652 (a) The mayor shall be the chief executive officer of the city government and a member of
653 and the presiding officer of the city council and responsible for the efficient and orderly
654 administration of the city's affairs. The mayor shall be responsible for the enforcement of
655 laws, rules, regulations, ordinances, and franchises in the city. The mayor may conduct
656 inquiries and investigations into the conduct of the city's affairs and shall have such powers
657 and duties as specified in this charter or as may be provided by ordinance consistent with this
658 charter.

659 (b) The mayor shall:

660 (1) Preside at all meetings of the city council and participate therein as a voting member,
661 and in the mayor's absence, the mayor pro tempore shall preside as set forth in
662 Section 3.30 of this charter;

- 663 (2) Be the head of the city for the purpose of service of process and for ceremonial
664 purposes and be the official spokesperson for the city and the chief advocate of policy;
665 (3) Have power to administer oaths and execute affidavits;
666 (4) Sign as a matter of course on behalf of the city all written and approved contracts,
667 ordinances, resolutions, and other instruments executed by the city which by law are
668 required to be in writing. The city council may delegate contract signing authority to the
669 city manager to the extent allowed by law;
670 (5) See that all laws and ordinances of the city are faithfully executed;
671 (6) Vote on any motion, resolution, ordinance, or other question before the council other
672 than a veto override;
673 (7) Obtain short-term loans in the name of the city when authorized by the city council
674 to do so;
675 (8) Have the authority to appoint city council committees and appoint councilmembers
676 to oversee and report on the functions of the various departments of the city, subject to
677 confirmation by the city council;
678 (9) Require the city manager to meet with him or her at a time and place designated for
679 consultation and advice upon the affairs of the city;
680 (10) Nominate the city manager, city attorney, chief judge of municipal court, city clerk,
681 and city treasurer, subject to ratification by the city council; provided, however, that if
682 the mayor's nomination is rejected by the city council or the mayor fails to offer a
683 nomination, nominations may be offered by members of the city council;
684 (11) Prepare or have prepared an agenda for each meeting of the city council which shall
685 include all business submitted by the mayor, any councilmember, the city manager, and
686 the city attorney; and
687 (12) Fulfill and perform such other duties as are imposed by this charter and duly
688 adopted ordinances.

689 **SECTION 3.23.**

690 City manager; appointment;
691 qualifications; compensation; removal.

- 692 (a) The mayor shall nominate a city manager for an indefinite term and shall set the city
693 manager's initial compensation, subject to confirmation by the city council. The city
694 manager shall be nominated solely on the basis of that person's executive and administrative
695 qualifications.
696 (b) The mayor or a councilmember may recommend the removal of the city manager from
697 office in accordance with the following procedures:

698 (1) In response to such recommendation, the city council shall adopt by affirmative vote
699 of a majority of all its members a preliminary resolution which must state the reasons for
700 removal and may suspend the city manager from duty for a period not to exceed 45 days.
701 A copy of the resolution shall be delivered promptly to the city manager;
702 (2) Within ten days after a copy of the resolution is delivered to the city manager, that
703 person may file with the city council a written request for a public hearing. This hearing
704 shall be held within 30 days after the request is filed. The city manager may file with the
705 city council a written reply not later than five days before the hearing; and
706 (3) If the city manager has not requested a public hearing within the time specified in
707 paragraph (2) of this subsection, the city council may adopt a final resolution for removal,
708 which may be made effective immediately, by an affirmative vote of a majority of all its
709 members. If the city manager has requested a public hearing, the city council may adopt
710 a final resolution for removal, which may be made effective immediately, by an
711 affirmative vote of a majority of all its members at any time after the public hearing.
712 (c) The city manager shall continue to receive the city manager's salary until the effective
713 date of a final resolution of removal.

714 **SECTION 3.24.**

715 Acting city manager.

716 By letter filed with the city clerk, the city manager shall designate or in the absence of the
717 city manager the mayor shall designate, subject to approval of the city council, a qualified
718 city administrative officer to exercise the powers and perform the duties of city manager
719 during the city manager's temporary absence or physical or mental disability. During such
720 absence or disability, the city council may revoke such designation at any time and appoint
721 another officer of the city to serve until the city manager shall return or the city manager's
722 disability shall cease.

723 **SECTION 3.25.**

724 Powers and duties of the city manager.

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

729 (1) Have the authority to hire persons to act as department heads or directors and fill
730 other positions designated by ordinance or resolution and appoint and, when the city

- 731 manager deems it necessary for the good of the city, suspend or remove any city
732 employees and administrative officers the city manager hires or appoints, except as
733 otherwise provided by law or personnel ordinances adopted pursuant to this charter. The
734 city manager may authorize any administrative officer who is subject to the city
735 manager's direction and supervision to exercise these powers with respect to subordinates
736 in that officer's department, office, or agency;
- 737 (2) Direct and supervise the administration of all departments, offices, and agencies of
738 the city, except as otherwise provided by this charter or by law;
- 739 (3) Attend all city council meetings, except for closed meetings held for the purposes of
740 deliberating on the appointment, discipline, or removal of the city manager, and have the
741 right to take part in discussion, but the city manager may not vote;
- 742 (4) See that all laws, provisions of this charter, and acts of the city council, subject to
743 enforcement by the city manager or by officers subject to the city manager's direction and
744 supervision, are faithfully executed;
- 745 (5) Prepare and submit the annual operating budget and capital budget to the city
746 council;
- 747 (6) Submit to the city council and make available to the public a complete report on the
748 finances and administrative activities of the city as of the end of each fiscal year;
- 749 (7) Make such other reports as the city council or mayor may require concerning the
750 operations of those city departments, offices, and agencies that are subject to the city
751 manager's direction and supervision;
- 752 (8) Keep the city council fully advised as to the financial condition and future needs of
753 the city and make such recommendations to the city council concerning the affairs of the
754 city as the city manager deems desirable; and
- 755 (9) Perform other such duties as are specified in this charter or as may be required by the
756 city council.

757 **SECTION 3.26.**

758 Reserved.

759 **SECTION 3.27.**

760 Reserved.

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SECTION 3.28.

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Council's interference with administration.

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Except for the purpose of inquiries and investigations under Section 3.12 of this charter, the city council and its members shall deal with city officers and employees who are subject to the direction and supervision of the city manager solely through the city manager, and neither the city council nor its members shall give orders to any such officer or employee, either publicly or privately.

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SECTION 3.29.

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Selection of mayor pro tempore.

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There shall be a mayor pro tempore elected from among the councilmembers by the city council at the first regular meeting of each calendar year. All subsequent successors shall be elected at the first regular meeting of the city council in each calendar year to serve until the first regular meeting of the city council in the immediately following calendar year. The mayor pro tempore shall continue to vote and otherwise participate as a councilmember. A vacancy in the position of mayor pro tempore resulting from the mayor pro tempore ceasing to serve as a councilmember or from any other cause shall be filled for the remainder of the unexpired term at the next regularly scheduled council meeting.

778

SECTION 3.30.

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Mayor pro tempore.

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During the absence or physical or mental disability of the mayor for any cause, the mayor pro tempore of the city council or, in such person's absence or disability for any reason, any one of the councilmembers chosen by a majority vote of the city council shall be clothed with all the rights and privileges of the mayor and shall perform the official duties of the office of the mayor so long as such absence or disability shall continue, except that the mayor pro tempore shall not have the mayor's veto power except in the case of physical or mental disability of the mayor. A councilmember acting as mayor shall have only one vote. Any such absence or disability shall be declared by majority vote of all councilmembers. The mayor pro tempore or selected councilmember shall sign all contracts and ordinances in which the mayor has a disqualifying financial interest.

790 ARTICLE IV
791 ADMINISTRATIVE AFFAIRS
792 SECTION 4.10.
793 Department heads.

794 (a) Except as otherwise provided in this charter, the city council by ordinance shall prescribe
795 the functions or duties and establish, abolish, or alter all nonelective offices, positions of
796 employment, departments, and agencies of the city as necessary for the proper administration
797 of the affairs and government of this city.

798 (b) Except as otherwise provided by this charter or by law, the directors of departments and
799 other officers of the city shall be appointed solely on the basis of their respective
800 administrative and professional qualifications.

801 (c) All appointed officers and directors of departments shall receive such compensation as
802 prescribed by the city council.

803 (d) There shall be a director of each department or agency who shall be its principal officer.
804 Each director shall, subject to the direction and supervision of the city manager, be
805 responsible for the administration and direction of the affairs and operations of the director's
806 department or agency.

807 (e) The city manager may suspend or terminate directors or department heads, so long as the
808 city attorney reviews the facts supporting suspension or termination and concurs such action
809 is appropriate before such action is taken.

810 SECTION 4.11.
811 Boards.

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

816 (b) Every member of any appointed board, commission, or authority of the city shall be
817 appointed by a majority vote of the city council for such term of office and in such manner
818 as shall be provided by ordinance. Unless otherwise provided by ordinance or law, each
819 board, commission, or authority shall consist of eight members with one member being
820 nominated by each member of the city council and the mayor. Unless otherwise provided
821 by ordinance or law, there shall be no requirement that a board, commission, or authority
822 member reside in the district of the councilmember who nominates the member, but all
823 members shall be residents of the city.

- 824 (c) The city council, by ordinance, may provide for the compensation and reimbursement
825 for actual and necessary expenses of the members of any board, commission, or authority.
826 (d) Except as otherwise provided by charter or by law, no member of any board,
827 commission, or authority shall hold any elective office in the city.
828 (e) Any vacancy on a board, commission, or authority of the city shall be filled for the
829 unexpired term in the manner prescribed for the original appointment, except as otherwise
830 provided by this charter or by law.
831 (f) No member of a board, commission, or authority shall assume office until he or she has
832 executed and filed with the clerk of the city an oath obligating himself or herself to perform
833 faithfully and impartially the duties of the office, such oath to be prescribed by ordinance and
834 administered by the mayor.
835 (g) Any member of a board, commission, or authority may be removed from office by
836 majority vote of the city council.
837 (h) Except as otherwise provided by this charter or by law, each board, commission, or
838 authority of the city shall elect one of its members as chairperson and one member as
839 vice-chairperson, and may elect as its secretary one of its members or may appoint as
840 secretary an employee of the city. Each board, commission, or authority of the city
841 government may establish such bylaws, rules, and regulations, not inconsistent with this
842 charter, an ordinance of the city, or law, as it deems appropriate and necessary for the
843 fulfillment of its duties or the conduct of its affairs. Copies of such bylaws, rules, and
844 regulations shall be filed with the clerk of the city.

845 **SECTION 4.12.**

846 **City attorney.**

847 The mayor shall nominate and the city council shall confirm by a majority vote a city
848 attorney who shall be a member of the State Bar of Georgia and shall have actively practiced
849 law for at least seven years. The city attorney shall serve at the pleasure of the city council.
850 The city attorney shall be responsible for representing and defending the city in all litigation
851 in which the city is a party, may be the prosecuting officer in the municipal court, shall attend
852 the meetings of the council as directed, shall advise the city council, mayor, and other
853 officers and employees of the city concerning legal aspects of the city's affairs, and shall
854 perform such other duties as may be required by virtue of the position of city attorney. The
855 city council shall provide for the compensation of the city attorney.

856 **SECTION 4.13.**

857 City clerk.

858 The mayor shall nominate and the city council shall confirm by a majority vote a city clerk
859 who shall not be a councilmember. The city clerk shall be custodian of the official city seal,
860 maintain city council records required by this charter, and perform such other duties as may
861 be required by the city council. The city council shall provide for the compensation of the
862 city clerk.

863 **SECTION 4.14.**

864 Treasurer.

865 The mayor shall nominate and the city council shall confirm by a majority vote a city
866 treasurer to collect all taxes, licenses, fees, and other moneys belonging to the city subject
867 to the provisions of this charter and the ordinances of the city and to enforce all laws of
868 Georgia relating to the collection of delinquent taxes and sale or foreclosure for nonpayment
869 of taxes to the city. The city treasurer shall also be responsible for the general duties of a
870 treasurer and fiscal officer. The city council shall provide for the compensation of the
871 treasurer.

872 **SECTION 4.15.**

873 Rules and regulations.

874 The city council shall adopt rules and regulations consistent with this charter concerning:

- 875 (1) The method of employee selection and probationary periods of employment;
876 (2) The administration of a position classification and pay plan, methods of promotion
877 and applications of service ratings thereto, and transfer of employees within the
878 classification plan;
879 (3) Hours of work, vacation, sick leave, and other leaves of absence, overtime pay, and
880 the order and manner in which layoffs shall be effected;
881 (4) Such dismissal hearings as due process may require; and
882 (5) Such other personnel notices as may be necessary to provide for adequate and
883 systematic handling of personnel affairs.

884 ARTICLE V
885 JUDICIAL BRANCH
886 SECTION 5.10.
887 Municipal court.

888 There shall be a court to be known as the Municipal Court of the City of South Fulton.

889 SECTION 5.11.
890 Judges.

891 (a) The municipal court shall be presided over by a chief judge and such part-time, full-time,
892 or stand-by judges as shall be provided by ordinance. The chief judge shall be nominated
893 by the mayor and shall be confirmed by resolution of the city council, and the method of
894 selection and terms of any other judges shall be provided by ordinance.

895 (b) No person shall be qualified or eligible to serve as a judge on the municipal court unless
896 that person shall have attained the age of 21 years and shall have been a member of the State
897 Bar of Georgia for a minimum of three years.

898 (c) Compensation of the chief judge and other judges shall be fixed by the city council. The
899 position of chief judge shall not be a full-time position, and the person serving as chief judge
900 may engage in the private practice of law.

901 (d) The chief judge shall serve a term of four years, coincident with the term of the mayor,
902 but may be removed for cause by a vote of five members of the city council or upon action
903 taken by the Judicial Qualification Commission.

904 (e) Before assuming office, each judge shall take an oath, given by the mayor, that the judge
905 will honestly and faithfully discharge the duties of the office to the best of his or her ability
906 and without fear, favor, or partiality. The oath shall be entered upon the minutes of the city
907 council journal required in Section 3.14 of this charter.

908 SECTION 5.12.
909 Convening of court.

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

SECTION 5.13.**Powers.**

- 913 (a) The municipal court shall try and punish violations of this charter, all city ordinances,
914 and such other violations as provided by law.
- 915 (b) The municipal court shall have the authority to punish those in its presence for contempt,
916 provided that such punishment shall not exceed the statutory limits for fines and
917 imprisonment for such municipal court.
- 918 (c) The municipal court may fix punishment for offenses within its jurisdiction, including
919 both fines and imprisonment or alternative sentencing, provided that such fines or
920 imprisonment does not exceed the statutory limits as now exist or hereafter provided by law.
- 921 (d) The municipal court shall have the authority to establish a schedule of fees to defray the
922 cost of operation and shall be entitled to reimbursement of the actual cost of meals,
923 transportation, and caretaking of prisoners bound over to superior courts for violation of state
924 law.
- 925 (e) The municipal court shall have authority to establish bail and recognizances to ensure
926 the presence of those charged with violations before said court and shall have discretionary
927 authority to accept cash or personal or real property as surety bond for the appearance of
928 persons charged with violations. Whenever any person shall give bail for appearance and
929 shall fail to appear at the time fixed for trial, the bond shall be forfeited by the judge
930 presiding at such time and an execution shall be issued thereon by serving the defendant and
931 his or her sureties with a rule nisi at least two days before a hearing on the rule nisi.
- 932 (f) The municipal court shall have the same authority as superior courts to compel the
933 production of evidence in the possession of any party; to enforce obedience to its orders,
934 judgments, and sentences; and to administer such oaths as are necessary.
- 935 (g) The municipal court shall have the authority to bind prisoners over to the appropriate
936 court when it appears by probable cause that state law has been violated.
- 937 (h) Each judge of the municipal court may compel the presence of all parties necessary to
938 a proper disposal of each case by the issuance of summonses, subpoenas, and warrants which
939 may be served as executed by any officer as authorized by this charter or by law.
- 940 (i) Each judge of the municipal court shall be authorized to issue warrants for the arrest of
941 persons charged with offenses against any ordinance of the city, and each judge of the
942 municipal court shall have the same authority as a magistrate of the state to issue warrants
943 for offenses against state laws committed within the city.
- 944 (j) The municipal court is specifically vested with all the jurisdiction and powers throughout
945 the geographic area of this city granted by law to municipal courts and particularly by such
946 laws as authorize the abatement of nuisances and prosecution of traffic violations.

947 **SECTION 5.14.**

948 Certiorari.

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

953 **SECTION 5.15.**

954 Rules.

955 With the approval of the city council, the judge shall have full power and authority to make
956 reasonable rules and regulations necessary and proper to secure the efficient and successful
957 administration of the municipal court; provided, however, that the city council may adopt in
958 part or in toto the rules and regulations applicable to superior courts. The rules and
959 regulations made or adopted shall be filed with the city clerk, shall be available for public
960 inspection, and, upon request, shall be furnished to all defendants in municipal court
961 proceedings at least 48 hours prior to said proceedings.

962 **ARTICLE VI**

963 **FINANCE**

964 **SECTION 6.10.**

965 Property tax.

966 The city council may assess, levy, and collect an ad valorem tax on all real and personal
967 property within the corporate limits of the city that is subject to such taxation by the state and
968 county. This tax is for the purpose of raising revenues to defray the costs of operating the city
969 government, of providing governmental services, for the repayment of principal and interest
970 on general obligations, and for any other public purpose as determined by the city council
971 in its discretion.

972 **SECTION 6.11.**

973 Millage.

974 (a) The city council by ordinance shall establish a millage rate for the city property tax, a
975 due date, and the time period within which these taxes must be paid. The city council by

976 ordinance may provide for the payment of these taxes by installments or in one lump sum,
977 as well as authorize the voluntary payment of taxes prior to the time when due.
978 (b) For all years, the millage rate imposed for ad valorem taxes on real property shall not
979 exceed 13.469 unless a higher millage rate is recommended by resolution of the city council
980 and subsequently approved by a majority of the qualified voters of the city voting in a
981 referendum. For the purposes of this subsection, the term "qualified voters" means those
982 voters of the city who are qualified to vote in city elections and cast a vote for or against such
983 measure in such referendum. This millage rate limit shall apply to the millage rate actually
984 levied and shall not apply to the hypothetical millage rate computed under subsection (a) of
985 Code Section 48-8-91 of the O.C.G.A., relating to conditions on imposition of the joint
986 county and municipal sales tax.

987 **SECTION 6.12.**

988 Occupation taxes and business license fees.

989 The city council by ordinance shall have the power to levy such occupation or business taxes
990 as are not denied by law. Such taxes may be levied on both individuals and corporations who
991 transact business in this city or who practice or offer to practice any profession or calling
992 within the city to the extent such persons have a constitutionally sufficient nexus to this city
993 to be so taxed. The city council may classify businesses, occupations, professions, or
994 callings for the purpose of such taxation in any way which may be lawful and may compel
995 the payment of such taxes as provided in Section 6.18 of this charter.

996 **SECTION 6.13.**

997 Licenses.

998 The city council by ordinance shall have the power to require any individual or corporation
999 who transacts business in this city or who practices or offers to practice any profession or
1000 calling within the city to obtain a license or permit for such activity from the city and pay a
1001 reasonable fee for such license or permit where such activities are not now regulated by
1002 general law in such a way as to preclude city regulations. Such fees may reflect the total cost
1003 to the city of regulating the activity and, if unpaid, shall be collected as provided in
1004 Section 6.18 of this charter. The city council by ordinance may establish reasonable
1005 requirements for obtaining or keeping such licenses as the public health, safety, and welfare
1006 necessitate.

1007 **SECTION 6.14.**

1008 Reserved.

1009 **SECTION 6.15.**

1010 Sewer fees.

1011 The city council by ordinance shall have the power to assess and collect fees, charges, and
1012 tolls for sewers, sanitary and health services, or any other services provided or made
1013 available inside or outside the corporate limits of the city for the total cost to the city of
1014 providing or making available such services. If unpaid, such charges shall be collected as
1015 provided in Section 6.18 of this charter.

1016 **SECTION 6.16.**

1017 Roads.

1018 The city council by ordinance shall have the power to assess, charge, and collect the costs
1019 of constructing, reconstructing, widening, or improving any public way, street, sidewalk,
1020 curbing, gutters, sewers, or other utility mains and appurtenances from the abutting property
1021 owners under such terms and conditions as are reasonable. If unpaid, such charges shall be
1022 collected as provided in Section 6.18 of this charter.

1023 **SECTION 6.17.**

1024 Other taxes.

1025 This city shall be empowered to levy any other tax allowed now or hereafter by law, and the
1026 specific mention of any right, power, or authority in this article shall not be construed as
1027 limiting in any way the general powers of this city to govern its local affairs.

1028 **SECTION 6.18.**

1029 Collection of delinquent taxes.

1030 The city council by ordinance may provide generally for the collection of delinquent taxes,
1031 fees, or other revenue due the city under Sections 6.10 through 6.17 of this charter by
1032 whatever reasonable means as are not precluded by law. This shall include providing for the
1033 dates when the taxes or fees are due, late penalties or interest, issuance and execution of fi.
1034 fas., creation and priority of liens, making delinquent taxes and fees personal debts of the

1035 persons required to pay the taxes or fees imposed, revoking city licenses for failure to pay
1036 any city taxes or fees, and providing for the assignment or transfer of tax executions.

1037 **SECTION 6.19.**

1038 Borrowing.

1039 The city council shall have the power to issue bonds for the purpose of raising revenue to
1040 carry out any project, program, or venture authorized under this charter or the laws of the
1041 state. Such bonding authority shall be exercised in accordance with the laws governing bond
1042 issuance by municipalities in effect at the time said issue is undertaken.

1043 **SECTION 6.20.**

1044 Revenue bonds.

1045 Revenue bonds may be issued by the city council as state law now or hereafter provides.
1046 Such bonds are to be paid out of any revenue produced by the project, program, or venture
1047 for which they were issued.

1048 **SECTION 6.21.**

1049 Loans.

1050 The city may obtain short-term loans and must repay such loans not later than December 31
1051 of each year, unless otherwise provided by law.

1052 **SECTION 6.22.**

1053 Accounting and budgeting.

1054 The city council shall set the fiscal year by ordinance. This fiscal year shall constitute the
1055 budget year and the year for financial accounting and reporting of each and every office,
1056 department, agency, and activity of the city government.

1057 **SECTION 6.23.**

1058 Budget ordinance.

1059 The city council shall provide an ordinance on the procedures and requirements for the
1060 preparation and execution of an annual operating budget, a capital improvement program,
1061 and a capital budget, including requirements as to the scope, content, and form of such

1062 budgets and programs. The city council shall comply with the provisions of Chapter 81 of
1063 Title 36 of the O.C.G.A.

1064 **SECTION 6.24.**

1065 Operating budget.

1066 On or before a date fixed by the city council but not later than 30 days prior to the beginning
1067 of each fiscal year, the city manager shall submit to the city council a proposed operating
1068 budget for the ensuing fiscal year. The budget shall be accompanied by a message from the
1069 city manager containing a statement of the general fiscal policies of the city, the important
1070 features of the budget, explanations of major changes recommended for the next fiscal year,
1071 a general summary of the budget, and such other comments and information as the city
1072 manager may deem pertinent. The operating budget, the capital improvements budget, the
1073 budget message, and all supporting documents shall be filed in the office of the city clerk and
1074 shall be open to public inspection.

1075 **SECTION 6.25.**

1076 Adoption.

1077 (a) The city council may amend the operating budget proposed by the city manager, except
1078 that the budget as finally amended and adopted must provide for all expenditures required
1079 by state law or by other provisions of this charter and for all debt service requirements for
1080 the ensuing fiscal year. The total appropriations from any fund shall not exceed the
1081 estimated fund balance, reserves, and revenues.

1082 (b) After the conducting of a budget hearing, the city council shall adopt the final operating
1083 budget for the ensuing fiscal year on or before a date fixed by ordinance of the council. If the
1084 city council fails to adopt the budget by said date, the amounts appropriated for operation for
1085 the then current fiscal year shall be deemed adopted for the ensuing fiscal year on a
1086 month-to-month basis, with all items prorated accordingly, until such time as the city council
1087 adopts a budget for the ensuing fiscal year. Adoption of the budget shall take the form of an
1088 appropriations ordinance setting out the estimated revenues in detail by sources and making
1089 appropriations according to fund and by organizational unit, purpose, or activity as set out
1090 in the budget preparation ordinance adopted pursuant to Section 6.23 of this charter.

1091 (c) The amount set out in the adopted operating budget for each organizational unit shall
1092 constitute the annual appropriation for such, and no expenditure shall be made or
1093 encumbrance created in excess of the otherwise unencumbered balance of the appropriations
1094 or allotments thereof to which it is chargeable.

1095 **SECTION 6.26.**

1096 Levy of taxes.

1097 Following adoption of the operating budget, the city council shall levy by ordinance such
1098 taxes as are necessary. The taxes and tax rates set by such ordinance shall be such that
1099 reasonable estimates of revenues from such levy shall at least be sufficient, together with
1100 other anticipated revenues, fund balances, and applicable reserves, to equal the total amount
1101 appropriated for each of the several funds set forth in the annual operating budget for
1102 defraying the expense of the general government of this city.

1103 **SECTION 6.27.**

1104 Changes in budget.

1105 The city council by majority vote may make changes in the appropriations contained in the
1106 current operating budget at any regular meeting or special or emergency meeting called for
1107 such purposes.

1108 **SECTION 6.28.**

1109 Capital improvements.

1110 (a) On or before the date fixed by the city council, but not later than 30 days prior to the
1111 beginning of each fiscal year, the city manager shall submit to the city council a proposed
1112 capital improvements budget with any recommendations as to the means of financing the
1113 improvements proposed for the ensuing year. The city council shall have the power to
1114 accept, with or without amendments, or reject the proposed program and proposed means of
1115 financing. The city council shall not authorize an expenditure for the construction of any
1116 building, structure, work, or improvement, unless the appropriations for such project are
1117 included in the capital improvements budget, except to meet a public emergency as provided
1118 in Section 3.18 of this charter.

1119 (b) After the conducting of a public hearing, the city council shall adopt by ordinance the
1120 final capital improvements budget for the ensuing fiscal year on or before a date fixed by
1121 ordinance of the council. No appropriations provided for in a prior capital improvements
1122 budget shall lapse until the purpose for which the appropriations were made shall have been
1123 accomplished or abandoned; provided, however, the mayor may submit amendments to the
1124 capital improvements budget at any time during the fiscal year, accompanied by any
1125 recommendations. Any such amendments to the capital improvements budget shall become
1126 effective only upon adoption by majority vote of the city council.

1127 **SECTION 6.29.**

1128 Audits.

1129 There shall be an annual independent audit of all city accounts, funds, and financial
1130 transactions by a certified public accountant selected by the city council. The audit shall be
1131 conducted according to generally accepted accounting principles. Any audit of any funds by
1132 the state or federal government may be accepted as satisfying the requirements of this
1133 charter. Copies of all audit reports shall be available at printing costs to the public.

1134 **SECTION 6.30.**

1135 Procurement and property management.

1136 No contract with the city shall be binding on the city unless:

- 1137 (1) It is in writing;
1138 (2) It is drawn or submitted and reviewed by the city attorney and, as a matter of course,
1139 is signed by the city attorney to indicate such drafting or review; and
1140 (3) It is made or authorized by the city council and such approval is entered in the city
1141 council journal of proceedings pursuant to Section 3.14 of this charter.

1142 **SECTION 6.31.**

1143 Purchasing.

1144 The city council shall by ordinance prescribe procedures for a system of centralized
1145 purchasing for the city.

1146 **SECTION 6.32.**

1147 Sale of property.

1148 (a) The city council may sell and convey any real or personal property owned or held by the
1149 city for governmental or other purposes as now or hereafter provided by law, as well as any
1150 abandoned or surplus property.

1151 (b) The city council may quitclaim any rights it may have in property not needed for public
1152 purposes upon request by the mayor and adoption of a resolution, both finding that the
1153 property is not needed for public or other purposes and that the interest of the city has no
1154 readily ascertainable monetary value.

1155 (c) Whenever in opening, extending, or widening any street, avenue, alley, or public place
1156 of the city a small parcel or tract of land is cut off or separated by such work from a larger

1157 tract or boundary of land owned by the city, the city council may authorize the mayor to
1158 execute and deliver in the name of the city a deed conveying said cut-off or separated parcel
1159 or tract of land to an abutting or adjoining property owner or owners in exchange for rights
1160 of way of said street, avenue, alley, or public place when such exchange is deemed to be in
1161 the best interest of the city. All deeds and conveyances heretofore and hereafter so executed
1162 and delivered shall convey all title and interest the city has in such property, notwithstanding
1163 the fact that no public sale after advertisement was or is hereafter made.

1164 **SECTION 6.33.**

1165 General homestead exemption.

1166 (a) As used in this section, the term:

1167 (1) "Ad valorem taxes for municipal purposes" means all ad valorem taxes for municipal
1168 purposes levied by, for, or on behalf of the City of South Fulton, except for any ad
1169 valorem taxes to pay interest on and to retire municipal bonded indebtedness.

1170 (2) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of
1171 the O.C.G.A., as amended.

1172 (b) Each resident of the City of South Fulton is granted an exemption on that person's
1173 homestead from City of South Fulton ad valorem taxes for municipal purposes in the amount
1174 of \$30,000.00 of the assessed value of that homestead. The value of that property in excess
1175 of such exempted amount shall remain subject to taxation.

1176 (c) A person shall not receive the homestead exemption granted by subsection (b) of this
1177 section unless the person or person's agent files an application with the governing authority
1178 of the City of South Fulton, or the designee thereof, giving such information relative to
1179 receiving such exemption as will enable the governing authority of the City of South Fulton,
1180 or the designee thereof, to make a determination regarding the initial and continuing
1181 eligibility of such person for such exemption. The governing authority of the City of South
1182 Fulton, or the designee thereof, shall provide application forms for this purpose.

1183 (d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of
1184 the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year
1185 so long as the owner occupies the residence as a homestead. After a person has filed the
1186 proper application as provided in subsection (c) of this section, it shall not be necessary to
1187 make application thereafter for any year and the exemption shall continue to be allowed to
1188 such person. It shall be the duty of any person granted the homestead exemption under
1189 subsection (b) of this section to notify the governing authority of the City of South Fulton,
1190 or the designee thereof, in the event that person for any reason becomes ineligible for such
1191 exemption.

- 1192 (e) The exemption granted by subsection (b) of this section shall not apply to or affect state
1193 ad valorem taxes, county ad valorem taxes for county purposes, or county or independent
1194 school district ad valorem taxes for educational purposes. The homestead exemption granted
1195 by subsection (b) of this section shall be in addition to and not in lieu of any other homestead
1196 exemption applicable to municipal ad valorem taxes for municipal purposes.
1197 (f) The exemption granted by subsection (b) of this section shall apply to all taxable years
1198 beginning on or after January 1, 2017.

1199 **SECTION 6.34.**

1200 General homestead exemption for citizens age 65 or over.

1201 (a) As used in this section, the term:

1202 (1) "Ad valorem taxes for municipal purposes" means all ad valorem taxes for municipal
1203 purposes levied by, for, or on behalf of the City of South Fulton, except for any ad
1204 valorem taxes to pay interest on and to retire municipal bonded indebtedness.

1205 (2) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of
1206 the O.C.G.A., as amended.

1207 (3) "Senior citizen" means a person who is 65 years of age or over on or before January 1
1208 of the year in which application for the exemption under subsection (b) of this section is
1209 made.

1210 (b) Each resident of the City of South Fulton who is a senior citizen is granted an exemption
1211 on that person's homestead from City of South Fulton ad valorem taxes for municipal
1212 purposes in the amount of \$15,000.00 of the assessed value of that homestead. The value of
1213 that property in excess of such exempted amount shall remain subject to taxation.

1214 (c) A person shall not receive the homestead exemption granted by subsection (b) of this
1215 section unless the person or person's agent files an application with the governing authority
1216 of the City of South Fulton, or the designee thereof, giving the person's age and such
1217 additional information relative to receiving such exemption as will enable the governing
1218 authority of the City of South Fulton, or the designee thereof, to make a determination
1219 regarding the initial and continuing eligibility of such person for such exemption. The
1220 governing authority of the City of South Fulton, or the designee thereof, shall provide
1221 application forms for this purpose.

1222 (d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of
1223 the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year
1224 so long as the owner occupies the residence as a homestead. After a person has filed the
1225 proper application, as provided in subsection (c) of this section, it shall not be necessary to
1226 make application thereafter for any year and the exemption shall continue to be allowed to

1227 such person. It shall be the duty of any person granted the homestead exemption under
1228 subsection (b) of this section to notify the governing authority of the City of South Fulton,
1229 or the designee thereof, in the event that person for any reason becomes ineligible for that
1230 exemption.

1231 (e) The exemption granted by subsection (b) of this section shall not apply to or affect state
1232 ad valorem taxes, county ad valorem taxes for county purposes, or county or independent
1233 school district ad valorem taxes for educational purposes. The homestead exemption granted
1234 by subsection (b) of this section shall be in addition to and not in lieu of any other homestead
1235 exemption applicable to municipal ad valorem taxes for municipal purposes.

1236 (f) The exemption granted by subsection (b) of this section shall apply to all taxable years
1237 beginning on or after January 1, 2017.

1238 SECTION 6.35.

1239 Homestead exemption for citizens age 65 or over
1240 meeting certain income requirements.

1241 (a) As used in this section, the term:

1242 (1) "Ad valorem taxes for municipal purposes" means all ad valorem taxes for municipal
1243 purposes levied by, for, or on behalf of the City of South Fulton, including, but not
1244 limited to, any ad valorem taxes to pay interest on and to retire municipal bonded
1245 indebtedness.

1246 (2) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of
1247 the O.C.G.A., as amended.

1248 (3) "Income" means adjusted gross income as such term is defined in the Internal
1249 Revenue Code of 1986, as such code is defined in Code Section 48-1-2 of the O.C.G.A.,
1250 except that for purposes of this section the term shall include only that portion of income
1251 or benefits received as retirement, survivor, or disability benefits under the federal Social
1252 Security Act or under any other public or private retirement, disability, or pension system
1253 which exceeds the maximum amount which may be received by an individual and an
1254 individual's spouse under the federal Social Security Act.

1255 (4) "Senior citizen" means a person who is 65 years of age or over on or before January 1
1256 of the year in which application for the exemption under subsection (b) of this section is
1257 made.

1258 (b) Each resident of the City of South Fulton who is a senior citizen is granted an exemption
1259 on that person's homestead from City of South Fulton ad valorem taxes for municipal
1260 purposes in the amount of \$10,000.00 of the assessed value of that homestead. The
1261 exemption granted by this subsection shall only be granted if that person's income, together

1262 with the income of the spouse who also occupies and resides at such homestead, does not
1263 exceed the maximum amount which may be received by an individual and an individual's
1264 spouse under the federal Social Security Act for the immediately preceding year. The value
1265 of that property in excess of such exempted amount shall remain subject to taxation.

1266 (c) A person shall not receive the homestead exemption granted by subsection (b) of this
1267 section unless the person or person's agent files an application with the governing authority
1268 of the City of South Fulton, or the designee thereof, giving the person's age, income, and
1269 such additional information relative to receiving such exemption as will enable the governing
1270 authority of the City of South Fulton, or the designee thereof, to make a determination
1271 regarding the initial and continuing eligibility of such person for such exemption. The
1272 governing authority of the City of South Fulton, or the designee thereof, shall provide
1273 application forms for this purpose.

1274 (d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of
1275 the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year
1276 so long as the owner occupies the residence as a homestead. After a person has filed the
1277 proper application, as provided in subsection (c) of this section, it shall not be necessary to
1278 make application thereafter for any year and the exemption shall continue to be allowed to
1279 such person. It shall be the duty of any person granted the homestead exemption under
1280 subsection (b) of this section to notify the governing authority of the City of South Fulton,
1281 or the designee thereof, in the event that person for any reason becomes ineligible for that
1282 exemption.

1283 (e) The exemption granted by subsection (b) of this section shall not apply to or affect state
1284 ad valorem taxes, county ad valorem taxes for county purposes, or county or independent
1285 school district ad valorem taxes for educational purposes. The homestead exemption granted
1286 by subsection (b) of this section shall be in addition to and not in lieu of any other homestead
1287 exemption applicable to municipal ad valorem taxes for municipal purposes.

1288 (f) The exemption granted by subsection (b) of this section shall apply to all taxable years
1289 beginning on or after January 1, 2017.

1290

SECTION 6.36.

1291

Homestead exemption for citizens age 70 or over

1292

and disabled persons meeting certain income requirements.

1293 (a) As used in this section, the term:

1294

(1) "Ad valorem taxes for municipal purposes" means all ad valorem taxes for municipal

1295

purposes levied by, for, or on behalf of the City of South Fulton, including, but not

- 1296 limited to, any ad valorem taxes to pay interest on and to retire municipal bonded
1297 indebtedness.
- 1298 (2) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of
1299 the O.C.G.A., as amended.
- 1300 (3) "Income" means adjusted gross income determined pursuant to the Internal Revenue
1301 Code of 1986, as amended, for federal income tax purposes, except that for the purposes
1302 of this section the term shall include only that portion of income or benefits received as
1303 retirement, survivor, or disability benefits under the federal Social Security Act or under
1304 any other public or private retirement, disability, or pension system which exceeds the
1305 maximum amount which may be received by an individual and an individual's spouse
1306 under the federal Social Security Act.
- 1307 (4) "Senior citizen" means a person who is 70 years of age or over on or before January 1
1308 of the year in which application for the exemption under subsection (b) of this section is
1309 made.
- 1310 (b) Each resident of the City of South Fulton who is a senior citizen or who is disabled is
1311 granted an exemption on that person's homestead from City of South Fulton ad valorem taxes
1312 for municipal purposes for the full value of that homestead. The exemption granted by this
1313 subsection shall only be granted if that person's income, together with the income of the
1314 spouse who also occupies and resides at such homestead, does not exceed the maximum
1315 amount which may be received by an individual and an individual's spouse under the federal
1316 Social Security Act for the immediately preceding year.
- 1317 (c)(1) In order to qualify for the exemption provided for in subsection (b) of this section
1318 as being disabled, the person claiming such exemption shall be required to obtain a
1319 certificate from not more than three physicians licensed to practice medicine under
1320 Chapter 34 of Title 43 of the O.C.G.A., as amended, certifying that in the opinion of such
1321 physician or physicians such person is mentally or physically incapacitated to the extent
1322 that such person is unable to be gainfully employed and that such incapacity is likely to
1323 be permanent. Such certificate or certificates shall constitute part of and be submitted
1324 with the application provided for in paragraph (2) of this subsection.
- 1325 (2) A person shall not receive the homestead exemption granted by subsection (b) of this
1326 section unless the person or person's agent files an application with the governing
1327 authority of the City of South Fulton, or the designee thereof, giving the person's age,
1328 income, and such additional information relative to receiving such exemption as will
1329 enable the governing authority of the City of South Fulton, or the designee thereof, to
1330 make a determination regarding the initial and continuing eligibility of such person for
1331 such exemption. The governing authority of the City of South Fulton, or the designee
1332 thereof, shall provide application forms for this purpose.

1333 (d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of
1334 the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year
1335 so long as the owner occupies the residence as a homestead. After a person has filed the
1336 proper application, as provided in subsection (c) of this section, it shall not be necessary to
1337 make application thereafter for any year and the exemption shall continue to be allowed to
1338 such person. It shall be the duty of any person granted the homestead exemption under
1339 subsection (b) of this section to notify the governing authority of the City of South Fulton,
1340 or the designee thereof, in the event that person for any reason becomes ineligible for that
1341 exemption.

1342 (e) The exemption granted by subsection (b) of this section shall not apply to or affect state
1343 ad valorem taxes, county ad valorem taxes for county purposes, or county or independent
1344 school district ad valorem taxes for educational purposes. The homestead exemption granted
1345 by subsection (b) of this section shall be in addition to and not in lieu of any other homestead
1346 exemption applicable to municipal ad valorem taxes for municipal purposes.

1347 (f) The exemption granted by subsection (b) of this section shall apply to all taxable years
1348 beginning on or after January 1, 2017.

1349 **ARTICLE VII**
1350 **GENERAL PROVISIONS**
1351 **SECTION 7.10.**
1352 **Bonds for officials.**

1353 The officers and employees of this city, both elected and appointed, shall execute such surety
1354 or fidelity bonds in such amounts and upon such terms and conditions as the city council
1355 shall from time to time require by ordinance or as may be provided by law.

1356 **SECTION 7.11.**
1357 **Reserved.**

1358 **SECTION 7.12.**
1359 **Definitions and construction.**

1360 (a) Section captions in this charter are informative only and shall not be considered as a part
1361 thereof.

1362 (b) The word "shall" is mandatory and the word "may" is permissive.

1363 (c) The singular shall include the plural, the masculine shall include the feminine, and vice
1364 versa.

1365 **SECTION 7.13.**
1366 Qualified electors.

1367 (a) For the purposes of the referendum election provided for in Section 7.14 of this charter
1368 and for the purposes of the special election to be held on the third Tuesday in March, 2017,
1369 the qualified electors of the City of South Fulton shall be those qualified electors of Fulton
1370 County residing within the corporate limits of the City of South Fulton as described by
1371 Section 1.11 of this charter. At subsequent municipal elections, the qualified electors of the
1372 City of South Fulton shall be determined pursuant to the authority of Chapter 2 of Title 21
1373 of the O.C.G.A., known as the "Georgia Election Code."

1374 (b) Only for the purpose of holding and conducting the referendum election provided for by
1375 Section 7.14 of this charter and only for the purpose of holding and conducting the special
1376 election of the City of South Fulton to be held on the third Tuesday in March, 2017, the
1377 election superintendent of Fulton County is vested with the powers and duties of the election
1378 superintendent of the City of South Fulton and the powers and duties of the governing
1379 authority of the City of South Fulton.

1380 **SECTION 7.14.**
1381 Referendum.

1382 The election superintendent of Fulton County shall call a special election for the purpose of
1383 submitting this Act to the qualified voters of the proposed City of South Fulton, as provided
1384 in Section 7.13 of this charter, for approval or rejection. The superintendent shall set the date
1385 of such election for the Tuesday next following the first Monday in November, 2016. The
1386 superintendent shall issue the call for such election at least 30 days prior to the date thereof.
1387 The superintendent shall cause the date and purpose of the election to be published once a
1388 week for two weeks immediately preceding the date thereof in the official organ of Fulton
1389 County. The ballot shall have written or printed thereon the words:

1390 "() YES Shall the Act incorporating the City of South Fulton in Fulton County and
1391 () NO granting the homestead exemptions described therein be approved?"

1392 All persons desiring to vote for approval of the Act shall vote "Yes," and those persons
1393 desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes
1394 cast on such question are for approval of the Act, it shall become of full force and effect;
1395 otherwise, it shall thereafter be void and of no force and effect. The expense of the special
1396 election set forth in this section shall be borne by Fulton County. It shall be the duty of the
1397 superintendent to hold and conduct such election. It shall be his or her further duty to certify
1398 the result thereof to the Secretary of State.

1399

SECTION 7.15.

1400

Effective dates.

1401 (a) Sections 1.10 and 1.11 of this charter and those provisions of this charter necessary for
1402 the special election provided for in Section 7.14 of this charter shall become effective
1403 immediately upon this Act's approval by the Governor or upon its becoming law without
1404 such approval.

1405 (b) Those provisions of this Act necessary for the special election to be held on the third
1406 Tuesday in March, 2017, as provided by Article II of this charter, shall be effective upon the
1407 certification of the results of the referendum election provided for by Section 7.14 of this
1408 charter, if this Act is approved at such referendum election.

1409 (c) The remaining provisions of this Act shall become of full force and effect for all
1410 purposes on May 1, 2017, except that the initial mayor and councilmembers shall take office
1411 immediately following their election and by action of a quorum may prior to May 1, 2017,
1412 meet and take actions binding on the city.

1413

SECTION 7.16.

1414

Transition.

1415 (a) A period of time will be needed for an orderly transition of various government functions
1416 from Fulton County to the City of South Fulton. Accordingly, there shall be a transition
1417 period beginning on the date of the certification of the referendum results approving the
1418 incorporation of the City of South Fulton and ending at midnight on the last day of the
1419 twenty-fourth month following such date. During such transition period, all provisions of
1420 this charter shall be effective as law, but not all provisions of this charter shall be
1421 implemented.

1422 (b) During such transition period, Fulton County shall continue to provide within the
1423 territorial limits of the City of South Fulton all government services and functions which
1424 Fulton County provided in that area during 2016 and at the same actual cost, except to the
1425 extent otherwise provided in this section; provided, however, that upon at least 30 days' prior
1426 written notice to Fulton County by the City of South Fulton, responsibility for any such
1427 service or function shall be transferred to the City of South Fulton. Beginning on May 1,
1428 2017, the City of South Fulton shall collect taxes, fees, assessments, fines and forfeitures,
1429 and other moneys within the territorial limits of the City of South Fulton; provided, however,
1430 that upon at least 30 days' prior written notice to Fulton County by the City of South Fulton,
1431 the authority to collect any tax, fee, assessment, fine or forfeiture, or other moneys shall
1432 remain with Fulton County after May 1, 2017, until such time as Fulton County receives

1433 subsequent notice from the City of South Fulton that such authority shall be transferred to
1434 the City of South Fulton.

1435 (c) During the transition period, the governing authority of the City of South Fulton:

1436 (1) Shall hold regular meetings and may hold special meetings as provided in this
1437 charter;

1438 (2) May enact ordinances and resolutions as provided in this charter;

1439 (3) May amend this charter by home rule action as provided by general law;

1440 (4) May accept gifts and grants;

1441 (5) May borrow money and incur indebtedness to the extent authorized by this charter
1442 and general law;

1443 (6) May levy and collect an ad valorem tax for calendar years 2018 and 2019;

1444 (7) May establish a fiscal year and budget;

1445 (8) May create, alter, or abolish departments, boards, offices, commissions, and agencies
1446 of the city; appoint and remove officers and employees; and exercise all necessary or
1447 appropriate personnel and management functions; and

1448 (9) May generally exercise any power granted by this charter or general law, except to
1449 the extent that a power is specifically and integrally related to the provision of a
1450 governmental service, function, or responsibility not yet provided or carried out by the
1451 city.

1452 (d) Except as otherwise provided in this section, during the transition period, the Municipal
1453 Court of the City of South Fulton shall not exercise its jurisdiction. During the transition
1454 period, all ordinances of Fulton County shall remain applicable within the territorial limits
1455 of the City of South Fulton and the appropriate court or courts of Fulton County shall retain
1456 jurisdiction to enforce such ordinances. However, by appropriate agreement (and concurrent
1457 resolutions and ordinances if needed) Fulton County and the City of South Fulton may during
1458 the transition period transfer all or part of such regulatory authority and the appropriate court
1459 jurisdiction to the City of South Fulton. Any transfer of jurisdiction to the City of South
1460 Fulton during or at the end of the transition period shall not in and of itself abate any judicial
1461 proceeding pending in Fulton County or the pending prosecution of any violation of any
1462 ordinance of Fulton County.

1463 (e) During the transition period, the governing authority of South Fulton may at any time,
1464 without the necessity of any agreement by Fulton County, commence to exercise its planning
1465 and zoning powers; provided, however, that the city shall give the county notice of the date
1466 on which the city will assume the exercise of such powers. Upon the governing authority of
1467 South Fulton commencing to exercise its planning and zoning powers, the Municipal Court
1468 of the City of South Fulton shall immediately have jurisdiction to enforce the planning and

1469 zoning ordinances of the city. The provisions of this subsection shall control over any
1470 conflicting provisions of any other subsection of this section.

1471 (f) Effective upon the termination of the transition period, subsections (b) through (e) of this
1472 section shall cease to apply except for the last sentence of subsection (d) which shall remain
1473 effective. Effective upon the termination of the transition period, the City of South Fulton
1474 shall be a full functioning municipal corporation and subject to all general laws of this state.

1475 **SECTION 7.17.**
1476 Directory nature of dates.

1477 It is the intention of the General Assembly that this Act be construed as directory rather than
1478 mandatory with respect to any date prescribed in this Act. If it is necessary to delay any
1479 action called for in this Act for providential cause or any other reason, it is the intention of
1480 the General Assembly that the action be delayed rather than abandoned. Any delay in
1481 performing any action under this Act, whether for cause or otherwise, shall not operate to
1482 frustrate the overall intent of this Act. Without limiting the generality of the foregoing it is
1483 specifically provided that:

- 1484 (1) If it is not possible to hold the referendum election provided for in Section 7.14 of
1485 this Act on the date specified in that section, then such referendum shall be held as soon
1486 thereafter as is reasonably practicable; and
1487 (2) If it is not possible to hold the first municipal election provided for in Section 2.11
1488 of this Act on the date specified in that section, then there shall be a special election for
1489 the initial members of the governing authority to be held as soon thereafter as is
1490 reasonably practicable, and the commencement of the initial terms of office shall be
1491 delayed accordingly.

1492 **SECTION 7.18.**
1493 Charter commission.

1494 At the first regularly scheduled city council meeting, five years after the inception of the City
1495 of South Fulton, the mayor and city council shall call for a charter commission to review the
1496 city's experience and recommend to the General Assembly any changes to the city charter.
1497 Members of the charter commission shall be appointed as follows: one by the mayor, one by
1498 the city council, and one by each member of the Georgia House of Representatives and
1499 Senate whose district lies wholly or partially within the corporate boundaries of the City of
1500 South Fulton. All members of the charter commission must reside in the City of South

1501 Fulton. The commission must complete the recommendations within six months of its
1502 creation.

1503 **SECTION 7.19.**

1504 Severability.

1505 In the event any section, subsection, sentence, clause, or phrase of this Act shall be declared
1506 or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other
1507 sections, subsections, sentences, clauses, or phrases of this Act, which shall remain of full
1508 force and effect, as if the section, subsection, sentence, clause, or phrase so declared or
1509 adjudged invalid or unconstitutional were not originally a part hereof. The General
1510 Assembly hereby declares that it would have passed the remaining parts of this Act if it had
1511 known that such part or parts hereof would be declared or adjudged invalid or
1512 unconstitutional.

1513 **SECTION 7.20.**

1514 General repealer.

1515 All laws and parts of laws in conflict with this Act are repealed.

1516 APPENDIX A
1517 CORPORATE LIMITS
1518 CITY OF SOUTH FULTON

1519 The City of South Fulton shall include all the territory embraced within the following census
1520 blocks based upon the 2010 United States decennial census but shall not include any territory
1521 that was annexed into another municipality before July 1, 2016, and shall not include the
1522 territory included within the Fulton County Industrial District unless the local constitutional
1523 amendment creating such district is repealed or determined judicially to be of no force and
1524 effect prior to the first municipal election for the city:

1525 Fulton County
1526 VTD: 12109B - 09B
1527 008202:
1528 4002
1529 VTD: 12111E4 - 11E4
1530 007706:
1531 2028
1532 VTD: 121CP08B - CP08B
1533 010511:
1534 2004
1535 VTD: 121EP08A - EP08A
1536 011305:
1537 3015 3017
1538 011306:
1539 1031 2008 2018 2021
1540 VTD: 121FA01A - FA01A
1541 010400:
1542 3064 3066 3078 3079 3087 3099
1543 010514:
1544 2051 2078 2086 2100 2101 2102
1545 VTD: 121FA01B - FA01B
1546 010510:
1547 3126
1548 VTD: 121SC01 - SC01
1549 VTD: 121SC02 - SC02
1550 VTD: 121SC04 - SC04

1551 VTD: 121SC05 - SC05
 1552 VTD: 121SC07 - SC07
 1553 010304:
 1554 2087 2103 2105 2106 2107 2108 2109 2112
 1555 010400:
 1556 3000 3003 3005 3006 3008 3009 3011 3012 3013 3014 3017 3019
 1557 3021 3028 3029 3042 3043 3053 3054 3065 3080
 1558 010513:
 1559 1021 1022 1043 1044 1045 1048 1049 1050 1051 1052 1055 1060
 1560 1061 1062 1078 1098 1119 2022 2024 2029 2030 2056 3045
 1561 010514:
 1562 1002 1003 1004 1005 1006 1012 1013 1014 1017 1019 1021 1022
 1563 1023 1024 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034
 1564 1036 1037 1043 1044 1046 1051 1054 1055 1056 1057 1059 1061
 1565 1062 1063 1065 1066 1067 1073 1087 1088 1089 2000 2002 2003
 1566 2004 2005 2006 2007 2008 2009 2010 2011 2012 2013 2014 2015
 1567 2016 2017 2018 2019 2020 2021 2022 2023 2024 2025 2026 2028
 1568 2029 2030 2031 2032 2033 2034 2035 2038 2040 2043 2044 2045
 1569 2046 2054 2055 2057 2059 2060 2061 2068 2071 2072 2073 2074
 1570 2075 2076 2077 2080 2085 2087 2091 2094 2098 2108 2109 2110
 1571 2111 3055 3056 3079 3080
 1572 VTD: 121SC08 - SC08
 1573 010507:
 1574 3066
 1575 010510:
 1576 2003 4000 4001 4009
 1577 010511:
 1578 1033 1034 1035 1036 1037 1038 1039 1040 1041 1043 1045 1046
 1579 1047 1048 1049 1061 1062 2005 2006 2008 2009 2010 2011 2012
 1580 2013 2014 2015 2017 2018 2019 2020 2021 2024 2027 2028 2029
 1581 2030 2031 2032 2033 2034 2036 2037 2038 2039 2040 2041 2042
 1582 2043 2044 2045 2046 2047 2051 2052 2053 2054 2055 2056 2058
 1583 2062 2064 3000 3001 3002 3003 3004 3005 3008 3011 3012 3013
 1584 3014 3015
 1585 010512:
 1586 1002 1003 1004 1005 1006 1007 1008 1016 1017 1024 1025 2001
 1587 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011 2012 2015

1588 2019 2020 2035 2036
 1589 010513:
 1590 1007 1008 1063 1064 1069 1070 1071 1073 1074 1075 1077 1087
 1591 1088 1089 1094 1096 1097 1102 1105 1109 1110
 1592 VTD: 121SC09 - SC09
 1593 VTD: 121SC10 - SC10
 1594 010507:
 1595 1006 1008 2001 2002 2003 2004 2005 2006 2007 3037 3055 3056
 1596 3057 3059 3060 3067 3068
 1597 010511:
 1598 2066
 1599 VTD: 121SC11 - SC11
 1600 VTD: 121SC13A - SC13A
 1601 VTD: 121SC13B - SC13B
 1602 010301:
 1603 1016 1017 1018 1026 1027 1028 1029 1030 1031 1032 1049 1050
 1604 1051 1052 1053 1056 1057 1058 1062 1063 1064 1065 1066 1067
 1605 1068 1083 1084 1085 1086 1087 1088 1089 1090 1091 1092 1093
 1606 1097 1098 1099 1100 1101 1102 1103 1104 1105 1106 1110 1115
 1607 1116 1119 1123 1137
 1608 VTD: 121SC14 - SC14
 1609 VTD: 121SC16A - SC16A
 1610 VTD: 121SC16B - SC16B
 1611 VTD: 121SC17 - SC17
 1612 010511:
 1613 1019 1020 1021 1022 1023 1027 1028 1029 1032 1050 1051 1052
 1614 1053 1054 1055 1056 1057 1058 1059 1063 1064 1065 1066
 1615 010513:
 1616 1001 1005 1016 1030 1031 1032 1037 1038 1039 1041 1042 1103
 1617 1104 1106 1107 1117
 1618 VTD: 121SC18 - SC18
 1619 007706:
 1620 2007 2014 2017 2018 2019 2020 2021 2023 2029
 1621 010304:
 1622 1015 1016 1017 1018 1019 1020 1021 1023 1024 1025 1026 1027
 1623 1030 1031 1032 1033 1034 1035 1036 2000 2001 2004 2011 2012
 1624 2013 2014 2015 2016 2017 2018 2019 2020 2021 2022 2023 2024

1625 2025 2026 2041 2042 2043 2044 2045 2072 2073 2075 2078 2081
 1626 2092 2093 2115
 1627 VTD: 121SC19 - SC19
 1628 010507:
 1629 3002 3004 3005 3006 3007 3008 3009 3010 3011 3017 3020 3021
 1630 3022
 1631 010511:
 1632 1012 1013 1015 1016 1018 1024 1025 1026 1030 1031 1067
 1633 010604:
 1634 3011 3012 3013 3015 3016
 1635 011305:
 1636 3018 3019 3020 3021
 1637 011306:
 1638 1011 1012 1032 1033 1034 1036 1038 1039 1040 2019 2020 2025
 1639 2028 2029 2030 2031 2032 2033 2035 2036 2037 2038 2039
 1640 VTD: 121SC21 - SC21
 1641 010510:
 1642 2019 2020 2021 3002 3010 3011 3012 3013 3015 3016 3017 3026
 1643 3027 3028 3029 3031 3034 3036 3037 3038 3039 3042 3043 3044
 1644 3045 3046 3047 3048 3049 3050 3051 3052 3053 3054 3055 3064
 1645 3066 3067 3068 3069 3070 3071 3072 3073 3074 3075 3076 3077
 1646 3078 3079 3080 3082 3083 3085 3086 3087 3088 3089 3091 3096
 1647 3102 3103 3104 3105 3106 3107 3108 3109 3110 3112 3114 3115
 1648 3116 3127 3174 3186 3187 3188 3189 3190 3192 3214 3215 3216
 1649 3217 3220 3221 3222
 1650 010513:
 1651 2036
 1652 010515:
 1653 1022 1023 1024 1025 1036 1037 1038 1039 1040 1041 1042 1046
 1654 1048
 1655 VTD: 121SC23 - SC23
 1656 VTD: 121SC27 - SC27
 1657 VTD: 121SC29 - SC29
 1658 VTD: 121SC30 - SC30
 1659 007703:
 1660 3000 3001 3002 3003 3016
 1661 007704:

1662 3005 3006
1663 007802:
1664 1000 1001 1002 1003 1004 1006 1016 1018 1025 1027 1028 4012
1665 007806:
1666 2002 2020 2021 2022 2023 2024
1667 007900:
1668 3017 3018 3019 3038 3042 3051 3052 3058
1669 VTD: 121UC02 - UC02
1670 010510:
1671 3014
1672 010513:
1673 2037 2057
1674 VTD: 121UC03A - UC03A
1675 010510:
1676 3008

1677 For the purposes of this description, the term "VTD" shall mean and describe the same
1678 geographical boundaries as provided in the report of the Bureau of the Census for the United
1679 States decennial census of 2010 for the State of Georgia. The separate numeric designations
1680 in the description which are underneath a VTD heading shall mean and describe individual
1681 blocks within a VTD as provided in the report of the Bureau of the Census for the United
1682 States decennial census of 2010 for the State of Georgia.

1683
1684
1685

APPENDIX B
CITY COUNCIL DISTRICTS
CITY OF SOUTH FULTON

1686 Plan: SF-7dpi
1687 Plan Type: Local
1688 Administrator: HD61
1689 User: bak

1690 District 001
1691 Fulton County
1692 VTD: 12109B - 09B
1693 008202:
1694 4002
1695 VTD: 121SC01 - SC01
1696 007802:
1697 2017
1698 010303:
1699 1000 1001 1002 1003 1004 1014 1015 1016 1017 1018 1019 1020
1700 1040 1041 1043 2049 2050 2051 2053 2054 2055 2056 2057 2058
1701 2059 2060 2061 2062 2063 2064 2065 2070 2081
1702 010304:
1703 1000 1001 1002 1003 1004
1704 VTD: 121SC02 - SC02
1705 VTD: 121SC14 - SC14
1706 VTD: 121SC16A - SC16A
1707 VTD: 121SC16B - SC16B
1708 VTD: 121SC30 - SC30
1709 007703:
1710 3000 3001 3002 3003 3016
1711 007704:
1712 3005 3006
1713 007802:
1714 1000 1001 1002 1003 1004 1006 1016 1018 1025 1027 1028 4012
1715 007806:
1716 2002 2020 2021 2022 2023 2024

1717 007900;

1718 3017 3018 3019 3038 3042 3051 3052 3058

1719 District 002

1720 Fulton County

1721 VTD: 12111E4 - 11E4

1722 007706;

1723 2028

1724 VTD: 121SC01 - SC01

1725 010303;

1726 1048 1049 1050 1051

1727 010304;

1728 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1022 1028

1729 1029

1730 VTD: 121SC13A - SC13A

1731 VTD: 121SC18 - SC18

1732 007706;

1733 2007 2014 2017 2018 2019 2020 2021 2023 2029

1734 010304;

1735 1015 1016 1017 1018 1019 1020 1021 1023 1024 1025 1026 1027

1736 1030 1031 1032 1033 1034 1035 1036 2000 2001 2016 2017 2018

1737 2019 2020 2021 2022 2023 2024 2025 2026

1738 District 003

1739 Fulton County

1740 VTD: 121EP08A - EP08A

1741 011305;

1742 3015 3017

1743 011306;

1744 1031 2008 2018 2021

1745 VTD: 121SC05 - SC05

1746 010301;

1747 1095 2034 2035 2038 2039 2040 2042 2043 2044 2045 2046 2047

1748 2048 2049

1749 010304;

1750 2027 2028 2029 2030 2031 2032 2033 2034 2035 2036 2037 2038

1751 2039 2040 2046 2047 2048 2049 2050 2051 2052 2053 2054 2055

1752 2056 2057 2060 2061 2063 2064 2065 2066 2067 2068 2069 2070
 1753 2071 2083 2085 2089 2090 2091 2094 2095 2096 2097 2098 2099
 1754 2100 2101 2114
 1755 010513:
 1756 1009 1025 1026
 1757 010514:
 1758 1000
 1759 VTD: 121SC08 - SC08
 1760 010513:
 1761 1007 1008 1063 1064 1069 1070 1073 1074 1075 1087 1088 1089
 1762 1094 1102 1110
 1763 VTD: 121SC17 - SC17
 1764 010511:
 1765 1019 1020 1021 1022 1023 1027 1028 1029 1032 1050 1051 1052
 1766 1053 1054 1055 1056 1057 1058 1059 1063 1064 1065 1066
 1767 010513:
 1768 1001 1005 1016 1030 1031 1032 1037 1038 1039 1041 1042 1103
 1769 1104 1106 1107 1117
 1770 VTD: 121SC18 - SC18
 1771 010304:
 1772 2004 2011 2012 2013 2014 2015 2041 2042 2043 2044 2045 2072
 1773 2073 2075 2078 2081 2092 2093 2115
 1774 VTD: 121SC19 - SC19
 1775 010511:
 1776 1012 1013 1015 1016 1018 1024 1025 1026 1030 1031 1067
 1777 010604:
 1778 3011 3012 3013 3015 3016
 1779 011305:
 1780 3018 3019 3020 3021
 1781 011306:
 1782 1011 1012 1032 1033 1034 1036 1038 1039 1040 2019 2020 2025
 1783 2028 2029 2030 2031 2032 2033 2035 2036 2037 2038 2039

 1784 District 004
 1785 Fulton County
 1786 VTD: 121FA01A - FA01A

1787 010400:
 1788 3064 3066 3078 3079 3087 3099
 1789 010514:
 1790 2051 2078 2086 2100 2101 2102
 1791 VTD: 121SC04 - SC04
 1792 VTD: 121SC05 - SC05
 1793 010301:
 1794 1048 1054 1055 2009 2010 2011 2013 2014 2015 2016 2017 2018
 1795 2019 2020 2021 2022 2023 2024 2025 2026 2027 2028 2029 2030
 1796 2031 2032 2033 2051 2052 2053
 1797 VTD: 121SC07 - SC07
 1798 010304:
 1799 2087 2103 2105 2106 2107 2108 2109 2112
 1800 010400:
 1801 3000 3003 3005 3006 3008 3009 3011 3012 3013 3014 3017 3019
 1802 3021 3028 3029 3042 3043 3053 3054 3065 3080
 1803 010513:
 1804 1021 1022 1043 1044 1045 1048 1049 1050 1051 1052 1055 1060
 1805 1061 1062 1078 1098 1119 3045
 1806 010514:
 1807 1002 1003 1004 1005 1006 1012 1013 1014 1017 1019 1021 1022
 1808 1023 1024 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034
 1809 1036 1037 1043 1044 1046 1051 1054 1055 1056 1057 1059 1061
 1810 1062 1063 1065 1066 1067 1073 1087 1088 1089 2000 2002 2003
 1811 2004 2005 2006 2007 2008 2009 2010 2011 2012 2013 2014 2015
 1812 2016 2017 2018 2019 2020 2021 2022 2023 2024 2025 2026 2028
 1813 2029 2030 2031 2032 2033 2034 2035 2038 2040 2043 2044 2045
 1814 2046 2054 2055 2057 2059 2060 2061 2068 2071 2072 2073 2074
 1815 2075 2076 2077 2080 2085 2087 2091 2094 2098 2108 2109 2110
 1816 2111
 1817 VTD: 121SC08 - SC08
 1818 010513:
 1819 1077
 1820 VTD: 121SC13B - SC13B
 1821 010301:
 1822 1016 1017 1018 1026 1027 1028 1029 1030 1031 1032 1049 1050
 1823 1051 1052 1053 1056 1057 1058 1062 1063 1064 1065 1066 1067

1824 1068 1083 1084 1085 1086 1087 1088 1089 1090 1091 1092 1093
 1825 1097 1098 1099 1100 1101 1102 1103 1104 1105 1106 1110 1115
 1826 1116 1119 1123 1137

 1827 District 005
 1828 Fulton County
 1829 VTD: 121CP08B - CP08B
 1830 010511:
 1831 2004
 1832 VTD: 121SC08 - SC08
 1833 010507:
 1834 3066
 1835 010510:
 1836 2003 4000 4001 4009
 1837 010511:
 1838 1033 1034 1035 1036 1037 1038 1039 1040 1041 1043 1045 1046
 1839 1047 1048 1049 1061 1062 2005 2006 2008 2009 2010 2011 2012
 1840 2013 2014 2015 2017 2018 2019 2020 2021 2024 2027 2028 2029
 1841 2030 2031 2032 2033 2034 2036 2037 2038 2039 2040 2041 2042
 1842 2043 2044 2045 2046 2047 2051 2052 2053 2054 2055 2056 2058
 1843 2062 2064 3000 3001 3002 3003 3004 3005 3008 3011 3012 3013
 1844 3014 3015
 1845 010512:
 1846 1002 1003 1004 1005 1006 1007 1008 1016 1017 1024 1025 2001
 1847 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011 2012 2015
 1848 2019 2020 2035 2036
 1849 010513:
 1850 1071 1096 1097 1105 1109
 1851 VTD: 121SC09 - SC09
 1852 010507:
 1853 4000 4001 4002 4003 4004 4005 4006 4007 4008 4009 4010 4011
 1854 4012 4013 4014 4015 4016 4017 4018
 1855 010508:
 1856 1012 1013 1014 1015 1016 1017 1018 1019 1020
 1857 010510:
 1858 2002 2013 4003 4004 4005 4006 4008 4010

1859 VTD: 121SC10 - SC10
 1860 010507:
 1861 1006 1008 2001 2002 2003 2004 2005 2006 2007 3037 3055 3056
 1862 3057 3059 3060 3067 3068
 1863 010511:
 1864 2066
 1865 VTD: 121SC19 - SC19
 1866 010507:
 1867 3002 3004 3005 3006 3007 3008 3009 3010 3011 3017 3020 3021
 1868 3022

 1869 District 006
 1870 Fulton County
 1871 VTD: 121SC09 - SC09
 1872 010508:
 1873 1009 1010 1011 1021 1022 1023 1024 1025 1026 1027 1028 1029
 1874 1030 1031 1032 1033 1034 1035 1036 1037 1038 1039 1045 1046
 1875 VTD: 121SC11 - SC11
 1876 VTD: 121SC23 - SC23
 1877 010516:
 1878 2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2012
 1879 2013 2014 2015 2016 2019 2020 2021 2022 2023 2024 2025 2026
 1880 2027 2028 2029 2030 2031 2032 2033 2034 2035 2036 2037
 1881 VTD 121SC27 - SC27

 1882 District 007
 1883 Fulton County
 1884 VTD: 121FA01B - FA01B
 1885 010510:
 1886 3126
 1887 VTD: 121SC07 - SC07
 1888 010513:
 1889 2022 2024 2029 2030 2056
 1890 010514:
 1891 3055 3056 3079 3080
 1892 VTD: 121SC21 - SC21

1893 010510:
 1894 2019 2020 2021 3002 3010 3011 3012 3013 3015 3016 3017 3026
 1895 3027 3028 3029 3031 3034 3036 3037 3038 3039 3042 3043 3044
 1896 3045 3046 3047 3048 3049 3050 3051 3052 3053 3054 3055 3064
 1897 3066 3067 3068 3069 3070 3071 3072 3073 3074 3075 3076 3077
 1898 3078 3079 3080 3082 3083 3085 3086 3087 3088 3089 3091 3096
 1899 3102 3103 3104 3105 3106 3107 3108 3109 3110 3112 3114 3115
 1900 3116 3127 3174 3186 3187 3188 3189 3190 3192 3214 3215 3216
 1901 3217 3220 3221 3222
 1902 010513:
 1903 2036
 1904 010515:
 1905 1022 1023 1024 1025 1036 1037 1038 1039 1040 1041 1042 1046
 1906 1048
 1907 VTD: 121SC23 - SC23
 1908 010510:
 1909 1027
 1910 010515:
 1911 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011
 1912 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1028 1044
 1913 1045
 1914 010516:
 1915 2011 2017 2018
 1916 VTD: 121SC29 - SC29
 1917 VTD: 121UC02 - UC02
 1918 010510:
 1919 3014
 1920 010513:
 1921 2037 2057
 1922 VTD: 121UC03A - UC03A
 1923 010510:
 1924 3008

1925 For the purposes of this plan (SF-7dp1):

1926 (1) The term "VTD" shall mean and describe the same geographical boundaries as
 1927 provided in the report of the Bureau of the Census for the United States decennial census
 1928 of 2010 for the State of Georgia. The separate numeric designations in a district

1929 description which are underneath a VTD heading shall mean and describe individual
1930 blocks within a VTD as provided in the report of the Bureau of the Census for the United
1931 States decennial census of 2010 for the State of Georgia;

1932 (2) Except as otherwise provided in the description of any district, whenever the
1933 description of any district refers to a named city, it shall mean the geographical
1934 boundaries of that city as shown on the census maps for the United States decennial
1935 census of 2010 for the State of Georgia;

1936 (3) Any part of the City of South Fulton which is not included in any district described
1937 in this plan (SF-7dp1) shall be included within that district contiguous to such part which
1938 contains the least population according to the United States decennial census of 2010 for
1939 the State of Georgia; and

1940 (4) Any part of the City of South Fulton which is described in this plan (SF-7dp1) as
1941 being included in a particular district shall nevertheless not be included within such
1942 district if such part is not contiguous to such district. Such noncontiguous part shall
1943 instead be included within that district contiguous to such part which contains the least
1944 population according to the United States decennial census of 2010 for the State of
1945 Georgia.

1946 (5) Any part of the territory described in this plan (SF-7dp1) that has been annexed into
1947 another municipality before July 1, 2016, shall nevertheless not be included in any of the
1948 districts described in the plan.

1949 APPENDIX C
1950 CERTIFICATE AS TO MINIMUM STANDARDS
1951 FOR INCORPORATION OF A NEW MUNICIPAL CORPORATION

1952 I, Representative Roger Bruce, Georgia State Representative from the 61st District and the
1953 author of this bill introduced at the 2015 session of the General Assembly of Georgia, which
1954 grants an original municipal charter to the City of South Fulton, do hereby certify that this
1955 bill is in compliance with the minimum standards required by Chapter 31 of Title 36 of the
1956 O.C.G.A. in that the area embraced within the original incorporation in this bill is in all
1957 respects in compliance with the minimum standards required by Chapter 31 of Title 36 of the
1958 O.C.G.A. This certificate is executed to conform to the requirements of Code
1959 Section 36-31-5 of the O.C.G.A.

1960 So certified, this _____ day of _____, 2015.

1961 _____
1962 Honorable Roger Bruce
1963 Representative, 61st District
1964 Georgia State House of Representatives

ORDINANCE No. 2017-002

**AN ORDINANCE OF THE CITY OF SOUTH FULTON, GEORGIA, ADOPTING
AND ENACTING A NEW CODE FOR CITY OF SOUTH FULTON, GEORGIA;
AND FOR OTHER PURPOSES.**

THE COUNCIL OF THE CITY OF SOUTH FULTON HEREBY ORDAINS as follows:

Section 1. The document entitled the "Code of City of South Fulton, Georgia," a copy whereof accompanies this ordinance and is incorporated herein and made a part hereof, is hereby adopted and shall be treated and considered as a new and original comprehensive ordinance.

Section 2. Pursuant to Section 7.15 of the City Charter, the City of South Fulton incorporates on May 1, 2017; provided, however, the initial mayor and city council may, prior to May 1, 2017, meet and take actions binding on the City. Further, Section 7.16(d) of the City Charter, all ordinances of Fulton County, Georgia, shall remain applicable within the City of South Fulton unless amended or adopted by ordinance or resolution of the City of South Fulton; provided, however, any legislative decisions mandated by the Fulton County ordinances shall be undertaken by the City Council of the City of South Fulton.

Section 3. reserved

Section 4. reserved

Section 5. Any and all additions or amendments to the code, when passed in such form as to indicate the intention of the City Council to make the same a part thereof, shall be deemed to be incorporated into the code so that reference to the "Code of City of South Fulton, Georgia," shall be understood and intended to include such additions and amendments.

Section 6. A copy of the code shall be kept on file in the office of the city clerk, and preserved in loose-leaf form, or in such other form as the city clerk may consider most expedient. It shall be the express duty of the city clerk or someone authorized by the city clerk, to insert in their designated places all amendments, ordinances or resolutions which indicate the intention of the city council to make those provisions a part of the code, when those provisions have been reprinted in page form, and to extract from the code all provisions which may be from time to time repealed by the city council. A copy of the code shall be available for all persons desiring to examine it and shall be considered the official Code of City of South Fulton, Georgia.

Section 7. As pages of the code are replaced because the matter contained on them shall have been repealed, amended, or otherwise shall have been superseded or rendered obsolete or inoperative, the city clerk shall retain copies of the pages of the code so superseded, rendered obsolete or otherwise rendered inoperative in a file so that the former provisions of the code may be readily available and easily found. The purpose of this section is to permit anyone desiring to do so to ascertain the precise status of any section of the code as of any given date.

Section 8. In case of the amendment of any section of the code for which a penalty is not provided, the general penalty as provided in the City Charter of the code shall apply to the section as amended; or in case such amendment contains provisions for which a penalty, other than the aforementioned general penalty, is provided in another section in the same chapter, the penalty so provided in such other section shall be held to relate to the section so amended, unless such penalty is specifically repealed therein.

Section 9. It shall be unlawful for any person, firm or corporation to change or amend by additions or deletions, any part or portion of the code, or to insert or delete pages or portions thereof, or to alter or tamper with the code in any manner whatsoever which may cause the law of City of South Fulton, Georgia to be misrepresented thereby.

Section 10. reserved

Section 11. This ordinance shall be in force and take effect on

Adopted this 29th day of April, 2017.

APPROVED AND ADOPTED this 29th day of April, 2017.

The foregoing Ordinance No. Ord 2017-002 was offered by Councilmember Rowell, who moved its approval. The motion was seconded by Councilmember Willis, and being put to a vote, the result was as follows:

	AYE	NAY
William "Bill" Edwards, Mayor	☒	☐
Catherine Foster Rowell, <u>Mayor Pro Tem</u>	☒	☐
Carmalitha Lizandra Gumbs	☒	☐
Helen Zenobia Willis	☒	☐
Gertrude Naeema Gilyard	☒	☐
Rosie Jackson	☒	☐
khalid kamau	☒	☐
Mark Baker	☒	☐

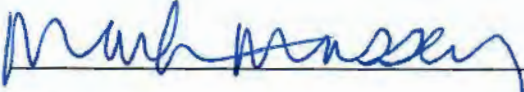
**** The Title Mayor Pro Tem will be added behind the name of the person selected.**

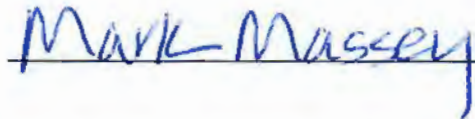
THIS RESOLUTION adopted this 29th day of April, 2017. **CITY OF SOUTH
FULTON, GEORGIA**



WILLIAM "BILL" EDWARDS, MAYOR

ATTEST:

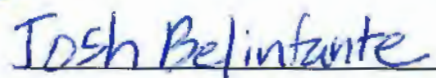


, ~~INTERIM~~ CITY CLERK



APPROVED AS TO FORM:



, INTERIM CITY ATTORNEY

**STATE OF GEORGIA
COUNTY OF FULTON
CITY OF SOUTH FULTON**

ORDINANCE No. 2017-003

ADOPTION OF ORDINANCES GOVERNING CITY COUNCIL MEETINGS.

WHEREAS, the City of South Fulton ("City") is a municipal corporation duly organized and existing under the laws of the State of Georgia;

WHEREAS, Act 421, 2016 p. 3726, passed during the 2016 session of the Georgia General Assembly, creates the City of South Fulton Charter (the "Charter");

WHEREAS, the Charter provides that the City of South Fulton incorporates on May 1, 2017;

WHEREAS, Section 7.15(c) of the City Charter authorizes the elected Mayor and City Councilmembers to meet prior to May 1, 2017 and take actions to bind the City;

WHEREAS, on April 23, 2017, the Fulton County City Council of Elections certified the election results of the runoff elections of the Mayor and City Councilmembers;

WHEREAS, the City is charged holding and conducting meetings;

THE COUNCIL OF THE CITY OF SOUTH FULTON HEREBY ORDAINS
as follows:

Section 1: The City of South Fulton Code of Ordinances, Part 2, Title 1 is established as follows:

Title 1: USE OF THE CODE

CHAPTER 1. - GENERAL PROVISIONS

Sec. 1-1001. - How Code designated and cited.

The ordinances embraced in the following parts, chapters, articles and sections shall constitute and be designated "The Code of Ordinances, City of South Fulton, Georgia," and may be so cited.

Sec. 1-1002. - Reserved.

Sec. 1-1003. - Rules of construction.

In the construction of this Code and all ordinances, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the city council:

- (1) *Charter*. The word "Charter" shall mean the Charter of the City, as it now exists or as it may be amended in the future.

- (2) *City*. The words "city," "the city" or "this city" shall be construed as if the words "of South Fulton, Georgia" followed them.
- (3) *Code*. Whenever the term "Code" or "this Code" is referred to without further qualification, it shall mean The Code of Ordinances, City of South Fulton, Georgia, as designated in section 1-1001.
- (4) *Computation of time*. Unless otherwise specifically provided, the time within which an act is required by law to be done shall be computed by excluding the first day or the last; except that if the last day shall fall on Saturday, Sunday or a legal holiday, another day shall be added in the computation.
- (5) *Council*. The words "council" or "city council" shall be construed as if the words "of South Fulton, Georgia" followed them.
- (6) *County*. The words "the county" or "this county" shall mean Fulton County, Georgia.
- (7) *Court*. The word "court" shall mean the recorder's court of the city.
- (8) *Gender*. The masculine gender includes the feminine and the neuter.
- (9) *Joint authority*. All words giving a joint authority to three (3) or more persons or officers shall be construed as giving such authority to a majority of such persons or officers, or to a quorum.
- (10) *Judge*. The word "judge" shall mean the judge of the city court of the city.
- (11) *Keeper and proprietor*. The words "keeper" and "proprietor" shall mean and include persons, firms, associations, corporations, clubs and co-partnerships, whether acting by themselves or as a servant, agent or employee.
- (12) *Land*. "Land" and "real estate" includes rights and easements of an incorporeal nature.
- (13) *Month*. The word "month" shall mean a calendar month.
- (14) *Number*. The singular or plural shall each include the other, unless expressly excluded.
- (15) *Oath*. The word "oath" includes affirmation. When an oath is required or authorized by law, an affirmation in lieu thereof may be taken by a person having conscientious scruples against taking an oath. An affirmation has the same force and effect as an oath.
- (16) *Officers, departments, boards, commissions*. Any reference to the title of an officer, department, board or commission shall be construed as if the words "of South Fulton, Georgia" followed them.
- (17) *O.C.G.A.* The abbreviation "O.C.G.A." shall mean the Official Code of Georgia Annotated, as amended.
- (18) *Or, and*. "Or" may be read "and," and "and" may be read "or" if the sense requires it.
- (19) *Owner*. The word "owner," applied to a building or land, shall include any part owner, joint owner, tenant in common, and joint tenant or person in possession under a bond for title.
- (20) *Person*. The word "person" shall extend and be applied to associations, firms, partnerships and bodies politic and corporate as well as to individuals.

- (21) *Personal property.* The term "personal property" means all tangible personal property and all intangible personal property as the terms are defined in O.C.G.A. § 48-1-2(19).
- (22) *Preceding, following.* The words "preceding" and "following" mean next before and next after, respectively.
- (23) *Property.* The term "property" includes real and personal property.
- (24) *Public place.* The term "public place" shall mean any place where the conduct involved may reasonably be expected to be viewed by people other than members of the actor's family or household.
- (25) *Real property.* The term "real property" shall include all lands, including improvements and fixtures thereon and property of any nature appurtenant thereto or used in connection therewith, and every estate, interest, right, and use, legal or equitable, therein, including terms for years and liens by way of judgment, mortgage, or otherwise.
- (26) *Shall, may* The word "shall" is mandatory; the word "may" is permissive.
- (27) *Sidewalk.* The word "sidewalk" shall mean that portion of a street between the curb lines or the lateral lines of a railway, and the adjacent property lines, intended for by use pedestrians.
- (28) *Signature or subscription.* "Signature" or "subscription" includes the mark of an illiterate or infirm person.
- (29) *State.* The words "the state" or "this state" shall be construed to mean the State of Georgia.
- (30) *Street.* The word "street" shall mean the entire width between boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.
- (31) *Tenant or occupant.* The words "tenant" or "occupant," applied to a building or land, shall include any person holding a written or oral lease of, or who occupies, the whole or a part of, such building or land, either alone or with others.
- (32) *Tense.* Words used in the past or present tense shall include the future as well as the past and present.
- (33) *Written, in writing.* "Written" or "in writing" shall be construed to include any representation of words, letters or figures, whether by printing or otherwise.
- (34) *Year.* The word "year" shall mean a calendar year.

Sec. 1-1004. - Severability of parts of Code.

It is hereby declared to be the intention of the city council that the sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code, or its application to any persons or circumstances, shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or other invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code or their application, since the same would have been enacted by the city council without the incorporation in this Code of any such unconstitutional or otherwise invalid phrase, clause, sentence, paragraph or section.

Sec. 1-1005. - Catch lines of sections, etc.

The catch lines of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be titles of the sections nor as any part of the section, nor unless expressly so provided, shall they be so deemed when any of the sections, including the catch lines, are amended or re-enacted. No provision of this Code shall be held invalid by reason of deficiency in any catch line or any heading or title to any part, chapter or article.

The history notes appearing in parenthesis after sections in this Code are not intended to have any legal effect but are merely intended to indicate the source of matter contained in the sections.

The editor's notes, Charter references, cross references and state law references in this Code are not intended to have any legal effect but are merely intended to assist the user of this Code.

Sec. 1-1006. - General penalty; continuing violations.

Whenever in this Code or in any ordinance of the city any act is prohibited or is made or declared to be unlawful or an offense, or whenever in such Code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of such provision of this Code any such ordinance shall be punished by a fine not to exceed one thousand dollars (\$1,000.00) or imprisonment in the city jail for not more than ninety (90) days, or labor on the public works or streets in the city for not more than ninety (90) days, or community service work for not more than ninety (90) days, subject to all limitation contained in the charter of the city. Each day any violation of this Code or of any ordinance shall continue shall constitute a separate offense.

Sec. 1-1007. - Reserved

Sec. 1-1008. - Reserved

Sec. 1-1009. - Reserved

Sec. 1-1010. - Formal motion, resolution or recommendation required for passage of new ordinance.

No proposed ordinance for introduction or consideration and enactment thereof shall be drawn, prepared or considered for enactment, which shall not have been previously requested by a formal motion, resolution or recommendation of someone (1) or more members of the city council, and entered on the minutes of the city council.

Sec. 1-1011. - Altering Code.

It shall be unlawful for any person in the city to change or amend by additions or deletions, any part or portion of this Code, or to insert or delete pages, or portions thereof, or to alter or tamper with such Code in any manner whatsoever except by ordinance or resolution or other official act of the city council, which will cause the law of the city to be misrepresented thereby.

Sec. 1-1012. - Official city time.

- (a) Time referred to in ordinances, resolutions, rules and regulations of the city shall mean Eastern Standard Time, and acts and deeds of commission prohibited after a named hour or before a named hour shall be held and understood to mean such

hour by Eastern Standard Time, and wherever any reference to time is made in any of the ordinances and regulations of the city, the rules, ordinances and regulations are hereby amended to provide that the time provided therein shall be and is hereby made Eastern Standard Time in accordance with the laws of this state.

- (b) Notwithstanding the provisions of subsection (a), Eastern Daylight Saving Time shall apply when such time is in effect in this state.

Sec. 1-1013. - Reserved

Sec. 1-1014. - Supplementation of Code.

- (a) By contract or by city personnel, supplements to this Code shall be prepared and printed whenever authorized or directed by the mayor and council. A supplement to the Code shall include all substantive parts of permanent and general ordinances passed by the mayor and council during the period covered by the supplement and all changes made thereby in the Code. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be prepared that, when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement.
- (b) In the preparation of a supplement to this Code, all portions of the Code which have been repealed shall be excluded from the Code by the omission thereof from reprinted pages.
- (c) When preparing a supplement to this Code, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified Code. For example, the codifier may:
 - (1) Organize the ordinance material into appropriate subdivisions;
 - (2) Provide appropriate catch lines, headings and titles for sections and other subdivisions of the Code printed in the supplement, and make changes in such catch lines, headings, and titles;
 - (3) Assign appropriate numbers to sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing section or other subdivision numbers;
 - (4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be or to "sections _____ to _____" (inserting section numbers to indicate the sections of the Code which embody the substantive sections of the ordinance incorporated in the Code); and
 - (5) Make other nonsubstantive changes necessary to preserve the original meaning of the ordinance sections inserted in the Code; but in no case, shall the codifier make any change in the meaning or effect of ordinance material included in the supplement of already embodied in the Code.

Title 2: Legislature

Ch. 1. General Provisions

Ch. 2. Mayor and Council

Ch. 3. Elections

Ch. 4. Ethics Policy

CHAPTER 1. - GENERAL PROVISIONS

Sec. 2-1001. - Public records; ordinances, resolutions; removal from office; penalty.

No original book, record, paper, document, bond, receipt, order, check, writing, or entry thereon shall be removed from the office, agency, or department wherein it belongs, except by special permission of the city council or written direction of the mayor, and then only for such temporary time and legitimate purpose as may be lawful and necessary, nor shall any unauthorized erasure, alteration, obliteration, mutilation, concealment, or destruction of any of the foregoing be allowed.

Sec. 2-1002. - Same; bonds, contracts, etc.; duty to file with city clerk.

It shall be the duty of every officer, agent and employee of the city and of every officer, agent and employee of every board, bureau, commission, committee and department of the city, to promptly file and deposit, for safekeeping with the city clerk, every bond, contract and writing required of him by the city, or required by any board, bureau, commission, committee, department, officer, agent or employee of the city.

Sec. 2-1003. - Same; reception and safekeeping by clerk; withdrawal from custody.

It shall be the duty of the city clerk to receive and safely keep any and all bonds, contracts, papers and writings required by the city or required of officers, agents and employees of the several departments, boards, bureaus, commissions and committees of the city; and bonds, contracts, papers and writings filed and deposited with the city clerk, as required by this section and the preceding section of this chapter, shall not be withdrawn from the custody of the city clerk, except with the approval of the city council.

Sec. 2-1004. - Same; issuance of certificate showing presence or absence of liens.

On completion of an examination of land records the clerk or his assistant shall furnish the person making written request for the examination, his agent or attorney a certified statement under the corporate seal of the city, showing whether the city has any tax, sewer, sidewalk or other liens, assessments or charges against the property particularly described in such written request, which certified statement shall be in substantially the following form:

CITY OF SOUTH FULTON CERTIFICATE

I do hereby certify that all that tract or parcel of land situated, lying and being in the City of South Fulton, and more particularly described on the books of said city as follows:

(Here insert city description of property)

is not subject to any City of South Fulton liens, assessments or charges except as follows:

Taxes			Sewers			Sidewalks			Other		
Prin.	Int.	Cost	Prin.	Int.	Cost	Prin.	Int.	Cost	Prin.	Int.	Cost
\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
Year _____											
Year _____											
Year _____											
Year _____											
Year _____											
Year _____											
Year _____											
Year _____											
Year _____											
Year _____											

I do not certify as to any particular description, size, frontage, depth, lines or boundaries of said property except as indicated above, nor do I certify anything as to the ownership of said property.

IN WITNESS WHEREOF, I have hereunto set my official signature and the seal of said city this _____ day of _____, year _____.

South Fulton City Clerk

Sec. 2-1005. - Correspondence, writings, to be spread upon minutes of council; exceptions.

Letters to the mayor, city council, councilman committees, or to any other employee, officer, or agencies of the city, and any other writings relating to contracts or proposed contracts, and all formal appeals, claims, complaints, offers, proposals, acceptance, agreements, objections and refusals requiring action by the city council shall be included in and spread upon its minutes, but such minutes shall not include mere complimentary communications or letters of appreciation or thanks which do not require action thereon by the city council or some agency of the city, nor admit proper performance of a contract or duty imposed on the city by law.

Sec. 2-1006. - Documents to which city is a party to be approved by authorized agent.

It shall be unlawful for any officer or employee of the city to prepare any ordinance or resolution or fill out any claim, complaint, blank form or application or to type any letter, or answer or reply to any of them, against, or for presentation to the city or any agency thereof; or to prepare any notice, advertisement, deed or contract to which the city, or any agency thereof may be a party for the protection of anyone other than the city, its officers or employees, but all of such documents to which the city or any agency thereof may be or become a party shall be subject to the approval by the city's duly authorized agent in such case.

Sec. 2-1007. - Right-of-way deed or easement; approval; waiver.

- (a) No right-of-way deed or easement shall hereafter be accepted on behalf of the city by its city council unless nor until the same shall have been approved in writing by the head of the city agency involved and the city engineer, nor unless the form and legality is also approved in writing by the city attorney; provided, that such prior written approval of any or all of such persons may be waived, by resolution of the city council when the reasons of such persons for their failure to so approve such conveyance or easement are submitted in writing to the city council with such proposed conveyance or easement, and after consideration of such reasons the city council shall consider the same, and may waive the condition and accept the right-of-way deed or easement.
- (b) The city shall not hereafter accept any right-of-way conveyance or easement for the purpose of opening, widening, extending, straightening, curbing, grading, paving, constructing, improving or relocating any street, sidewalk, street curb, storm drain, water, or electric lines, or other public improvement, other than those acquired by the exercise of the power of eminent domain, without express formal approval thereof by the city council, unless the form of such conveyances or easements are of the uniform standards required by the city, including the rights of ingress to and egress from all parts of the rights-of-way, at all reasonable times for the purpose of inspecting and to clear and maintain the same, and to install, construct, repair and maintain therein, the public improvements for which the rights-of-way are obtained with easements for necessary fills, slopes, embankments, supports, walls, approaches, excavations, tree trimming, and all other rights, powers, and authority necessary or incident to a proper exercise of the rights expressly granted; and no exceptions or favors shall apply in any case which do not apply in all other similar cases unless it is expressly authorized by resolution of the city council.

Sec. 2-1008. - Contracts to contain authorization source.

All formal or written contracts of the city shall state when and how they were authorized, and if authorized by a resolution of the city council, the numbered paragraph of the city council minutes containing the resolution.

Sec. 2-1009. - Performance of work, services, etc. by city on private property; deed, easement, covenant of indemnity required.

It shall be unlawful for any officer, employee, agency or department of the city to perform any work, render any service or furnish any materials in the improvement of any private property before a formal recordable deed or easement, and release covenant of indemnity running with the land shall have been obtained therefor; whereby the city, its officers, agents, employees and contractors shall be granted the necessary right-of-

way, with rights of ingress and egress, and released from and indemnified against any and all liability for personal injury and property loss, damage, costs, and expenses or claims therefor for alleged willful or negligent acts or conduct of the city and its officers, employees, agents or contractors, or any of them in performance of such work, or in connection therewith, and even then no such materials, service or work shall be furnished in improvement of private property except to such extent as the city shall have contributed to the creation of conditions requiring it.

Sec. 2-1010. - Submission, referral of applications to city, agency, department, officer, employee; action thereon.

All applications to the city, or to any agency, department, officer or employee of the city for which applications no other ordinance shall have specifically been provided, shall be made in writing in duplicate, dated, consecutively numbered, and shall be signed by the applicant, and then considered approved, granted or denied within a reasonable time, or referred in writing to the appropriate city agency, committee, officer or employee for investigation, study, report and recommendation, and a copy thereof, together with a copy of the writing referring the same, shall be retained by the officer, agency or employee so referring.

Sec. 2-1011. - Execution of written contracts.

Every written contract to which the city is a party shall be executed on behalf of the city by the mayor thereof in the name of the city, or in event of his absence, disability, or disqualification by the mayor pro tem of the city and attested by the city clerk, or in event of his absence, disability or disqualification by the assistant clerk of the city, unless and except when the city council shall authorize and direct some other officer or agent to execute the written contract on behalf of the city.

Sec. 2-1012. - Applications, claims, petitions, similar matters; writing required.

No application, claim, complaint, demand, objection, offer, petition or report, nor any answer or reply thereto, will be entertained or considered by the city or any agency, department, officer, agent or employee thereof unless nor until the same is reduced to writing, dated and signed by the person or persons making such application, claim, complaint, demand, objection, offer, petition or report, or making the answer or reply thereto.

Sec. 2-1013. - Same; indexing, filing, retention.

Every application, claim, complaint, demand, objection, offer, petition, report, answer or reply made to or filed with the city or any agency or department thereof, shall be properly indexed, filed and safely kept, and a copy of every application, claim, complaint, demand, objection, offer, petition, report, answer or reply by the city or any agency or department thereof shall be likewise properly indexed, filed and retained by the officer or agent making the same.

Sec. 2-1014. - Same; contents generally.

Every application, claim, complaint, demand, objection, offer, petition, report, answer or reply shall consist of a plain, simple, clear and distinct statement of the facts stating the time, place and circumstances, and the nature of the facts set forth as the basis of the application, claim, complaint, demand, objection, offer, petition, report,

answer or reply with the names of the persons involved if possible, but if this be not possible then by a description or other identifying information.

Sec. 2-1015. - Same; injury, damage, prejudice to be indicated.

Every application, claim, complaint, demand, objection, offer, petition or report made to or filed with the city or any officer or agency thereof shall indicate how and wherein the persons filing the same have been or will be injured, damaged or prejudiced unless the relief sought by them is granted.

Sec. 2-1016. - Same; scope of hearing restricted.

In any hearing on any application, claim, complaint, demand, objection, offer, petition, report, answer or reply before the city council or before any officer, agency or authority of the city, the chairman or presiding officer in such hearing shall restrict and confine discussion to the issues defined by the writings, and unnecessary, irrelevant matters shall not be considered.

Sec. 2-1017. - Official organ; designation.

The official newspaper of the city shall be determined by resolution of the mayor and city council. It shall be a newspaper of general circulation within the city.

Sec. 2-1018. - Same; advertisement of tax sales, etc.

All sales under tax or other executions due the city, unless otherwise provided by law, shall be advertised in the official newspaper. All other advertisements for and in behalf of the city shall be advertised in the official newspaper unless required by law to be advertised in some other paper.

Sec. 2-1019. - Franchises; grant, amendment, abandonment, discontinuance; notice, hearing requirements.

No final action, except in case of necessity, shall be taken on any application for a franchise, or for an amendment of one already granted, if the applicant be a common carrier of passengers or goods, such as a railroad, express company, bus, truck, motor, taxicab or other line, person, firm or corporation, engaged in transportation of passengers or goods for hire; nor on any original application for a franchise, nor for an amendment of one already granted if the applicant be engaged in transportation or transmission of electricity, power, gas, telephonic or telegraphic service or petroleum products, without prior publication of notice by the city at the applicant's expense of the time and place when the action will be taken, which notice shall state that the application has been filed, and shall be published and directed to all persons at interest. It shall be published in each of the two (2) consecutive weeks in the official newspaper of the city; provided, an original franchise shall in no case be granted, unless nor until such notice shall have been so published; provided, further, that permanent abandonment, stoppage, discontinuance or removal of service now being rendered, shall in no case be approved or granted, unless nor until such notice shall have been so published, and parties at interest afforded an opportunity to be heard; provided, further, that any substantial change in location, route, size, type, color, height or appearance of any such facilities, including relocation from overhead to underground, and vice versa, shall be so material that final action shall not be taken on any application in relation thereto, unless nor until the notice has been so published and such hearing afforded, except in such case of necessity that time will not permit publication of the notice, in which latter case notice which circumstances of the case will reasonably permit shall be given by the city at the expense of the applicant, and such hearing afforded; provided, further, that the

City Council of South Fulton shall be the final judge of the necessity, or absence thereof, which will excuse publication of notice in any cases, except where the application is for an original franchise, or is for approval of abandonment or discontinuance of service under an existing franchise.

CHAPTER 2. - MAYOR AND COUNCIL

Sec. 2-2001. - Time, place for meetings; Open Meetings.

- (a) Unless otherwise noted by the Council, all meetings of the Council shall be held at 7:00 pm. In the event that there is no quorum present at the scheduled starting time for that meeting, the mayor shall wait 30 minutes to see whether a quorum will be present. If a quorum is not obtained after this waiting period, the mayor shall adjourn the meeting and readvertise it in accordance with state law. Meetings are held at 7:00 p.m. on the second and fourth Tuesday of each month unless special circumstances dictate a different meeting date, time, or place. In the event that special circumstances dictate a different meeting date, time, or place, the public shall be duly notified in accordance with O.C.G.A. § 50-14-1 et seq., the Georgia Open Meetings Act. The Council holds regularly scheduled work sessions commencing at 5:00 p.m. on the second and fourth Tuesdays of each month.
- (b) All meetings of the Council shall be held in accordance with O.C.G.A. § 50-14-1 et seq., the Georgia Open Meetings Act. The public shall be granted access to all meetings at all times except closed executive sessions. The law states that where a quorum of the governing authority or agency thereof are present, and where official action is to be discussed or taken, the meetings must be open and the public granted access.

Sec. 2-2002. - Presiding officer and rules for debate.

- (a) *Generally.* In accordance with the City Charter, the Mayor shall preside over meetings of the Council, and he or she serves as the presiding officer. In order to ensure a fair, orderly, and efficient meeting, the mayor must enforce the rules of procedure adopted by the Council. In the absence of the mayor, the Mayor Pro Tempore shall preside. Where a quorum is present and neither the Mayor nor the Mayor Pro Tempore is present, the Council may designate an acting presiding officer. Meetings are conducted in accordance with these procedural rules, applicable state law, and Robert's Rules of Order, Newly Revised. Where a Councilmember raises a procedural question and these rules are silent, and in the absence of a specific statute, ordinance, or resolution, the question shall be resolved in accordance with the provisions of Robert's Rules of Order, Newly Revised, so long as the provision used to answer the question is not in violation of local, state or federal laws. The parliamentarian shall advise the Mayor on parliamentary inquiries for which such advice is sought.
- (b) *Debate.* All resolutions, contracts, and items of business which require Council approval prior to the expenditure of funds, as well as any other item which requires Council action, shall be acted upon by the Council only after a councilmember makes a motion and receives a second to the motion. A motion and proper second is recorded by the clerk. Each councilmember, by virtue of his/her election to the Council, has the right and obligation to debate any and all issues which come before the Council for consideration. However, to ensure an

orderly and efficient meeting, each councilmember shall observe the following rules in regards to debate:

- (1) The mayor, as presiding officer (or Mayor Pro Tempore in the mayor's absence), shall call for discussion on an item. No debate on an item should begin until the item has been sounded by the clerk to the Council (the clerk), or in the clerk's absence, the mayor's designee.
- (2) Once the item has been properly moved and seconded, the mayor shall call for discussion.
- (3) Thereafter, the mayor shall open debate by recognizing each councilmember who wishes to speak for a period not to exceed ten total minutes, with the additional stipulation that no councilmember shall hold the floor for more than five consecutive minutes of their allotted time. However, at the opening of each Council meeting, a councilmember may ask their colleagues to waive the normal time limits on issues they deem need more time. The Council will vote on each request before the agenda begins and decide among themselves what additional amount of time to allot to each councilmember. The clerk shall be the official timekeeper for the Council.
- (4) If a councilmember believes that debate on an issue is too lengthy or that a vote should be called for immediately on an issue, he or she can "call the question" or "move the previous question." This motion is out of order if it is made while another Councilmember has the floor or if the maker of the motion is not recognized by the mayor. This is a motion that is not debatable and requires a second. Once the motion has been properly made and seconded, the mayor shall immediately stop debate on the issue being debated and announce that there is a call the question motion on the floor. Immediately thereafter, the mayor shall call for a vote on the call the question motion, not on the main motion. If the call the question motion fails, debate on the issue may continue, and then the mayor may allow debate on the issue to resume. If it passes, the mayor must immediately call for a vote on the issue which was the subject of the call the question motion.
- (5) Any action by the Council, including final action on applications for changes in land use status, but excluding a reconsideration of any action previously considered, i.e., motions to adjourn, motions to suspend the rules, an affirmative vote to lay on the table, or to take from the table, shall be subject to a motion to reconsider. After a motion to reconsider is made, a motion to rescind must also be made. After the motion to rescind is made, the matter would be appropriate for an additional passed motion and discussion thereon. Such motions can only be made by a member of the prevailing side on the original action. A motion to reconsider may be made immediately after it fails to prevail but in no case can it be made any later than the next scheduled Council of councilmembers meeting. A motion to reconsider is debatable only if the action being reconsidered is debatable. Upon passage of a motion to reconsider, the subject matter shall be considered anew without regard to previous Council action. No reconsideration can be made on a zoning request at a subsequent meeting.
- (6) Any zoning matter which is deferred or on which discussion is otherwise postponed by the Council shall be heard at the next appropriate scheduled zoning meeting. Zoning matters are heard only on the first meeting of the month, in accordance with a schedule set by the director of developmental services. Ordinarily, no new zoning cases are heard in January.

- (c) *Quorum.* A quorum must be present for the transaction of business of the Council. In accordance with the Georgia law, four of the seven elected councilmembers must be present to constitute a quorum. It is the duty of the mayor to enforce this rule. Any councilmember may raise a point of order if that councilmember believes that a quorum is not present. If during the course of a meeting a quorum is lost, the Council cannot transact business. If, however, members of the Council are in the councilmembers' conference room adjacent to the assembly hall and are able to hear the business of the Council through the public address system, the Council has not lost a quorum. If a quorum is not attained within 30 minutes, the mayor must adjourn the meeting.
- (d) *Duties and privileges of the presiding officer.* The presiding officer shall preserve order and decorum, and shall immediately speak to points of order and shall decide all questions of order, subject to appeal. In case of any disturbance or disorderly conduct, the presiding officer shall have the power to require the chamber to be cleared or request that the sergeant at arms, (chief of police and or the designee) to remove those individuals ruled by the chair as being out of order. In the event the chair fails to rule individuals out of order that are causing a disturbance, any member of council may call for a point of order and present a motion to have the individual ruled out of order and to instruct the sergeant of arms to remove those individuals ruled as out of order. The motion to remove will require a two-thirds (2/3) vote. The presiding officer shall require the observation of rules of conduct to protect the rights of all council members and citizens.
- (e) *Order of business.* When a quorum is present the council shall proceed to the business before it, which shall be conducted, as much as practicable, in the following order:

Order of business:

- (1) Meeting called to order.
- (2) Quorum roll call.
- (3) Invocation.
- (4) Pledge to the Flag.
- (5) Presentation/announcements.
- (6) Committee reports.
- (7) Approval of the council agenda.
- (8) Approval of city council minutes.
- (9) Public hearings.
- (10) Public comments.
- (11) Consent agenda items. Any council member may move an item from the consent agenda to the council agenda.
- (12) Agenda items. Only a council member who places an item on the council agenda may remove the item.
- (13) Comments from council.
- (13) Recess to executive session.
- (14) Adjournment.

The chair, without debate, subject to appeal, shall decide all questions relating to the priority of business. The agenda for the meeting may be amended upon two-thirds (2/3) vote of the council.

- (f) *Voting.* The affirmative vote of at least four members shall be required for said Council to take official action. Each councilmember shall record his or her vote in the manner called for by the mayor.

- (g) *Agenda, preparation of; public comment.*

(1) The Council holds regular meetings on the second and fourth Tuesdays of each month. Work sessions of the Council are held on the same days. Regular meetings commence at 7:00 pm, and work sessions commence at 5:00 pm. All times are eastern standard time. The agenda is prepared at the direction of the mayor and by the clerk's office in concert with the city manager's office. The deadline for submitting items for regularly scheduled Council meetings to the clerk's office for inclusion on the next agenda is 10:00 a.m. on Friday prior to the meeting. A final copy of the agenda is distributed to the councilmembers, city attorney, city manager and appropriate staff by 2:00 p.m. on the Friday preceding the scheduled meeting of the Council. Copies are also made available to the public at that time. A post agenda is provided after the meeting. The post agenda is a precursor to the final minutes and reflects actions taken by the Council at a particular meeting. Post agendas/preliminary minutes are distributed by the clerk's office within 48 hours of a meeting.

(2) The agenda preparation procedure is as follows:

- i. Any councilmember wishing to place an item on the agenda may do so and should submit a memorandum to the clerk stating the item to be placed on the agenda. Any supporting documents germane to the item should also be submitted.
- ii. Adding of items to the agenda during the meeting is disfavored. Where there is a showing of an emergency or extraordinary circumstances exist, an item may be added to the agenda when it is adopted during the meeting by four affirmative votes. A motion shall be properly made and must carry to add each item to the agenda on the day of the meeting. That item shall appear on the post agenda under the "added during the meeting" heading.
- iii. Under the public comment section of the agenda, members of the public may be placed on the agenda to discuss a particular item of importance. To do so, the member of the public should first contact the office of the county manager who will ensure that the relevant department heads and other individuals have been contacted in an attempt to resolve the issue. In the event that the issue cannot be resolved by the county manager in consultation with the department heads, the citizen may then contact any councilmember so that councilmember may place that person on the agenda. The councilmember should then inform the clerk by memorandum stating the subject to be discussed, the person who will discuss it, a contact address, and a phone number for the person who will discuss the matter. Any supporting material germane to the item being discussed should also be submitted.

- iv. Whenever any agenda item, via resolution, seeks Council approval of a written agreement, a copy of the written agreement shall be attached to the agenda item or resolution and shall be distributed by the clerk as with other agenda items. Upon approval of the item, the clerk shall include a copy of the written agreement in the official minutes of the Council meeting at which such approval occurred.
- (h) *Consent agenda.* The Council uses a consent agenda which lists items of routine nature, such as renewal of grants, subdivision confirmations, refund reports, etc. Any items of business that are expected to receive unanimous approval and for which debate is not expected, should be placed on the consent agenda. Items may be removed from the consent agenda for further discussion, but may not be added. The consent agenda is adopted with one motion.
- (i) *Decorum.* All councilmembers are expected to conduct themselves in a courteous and respectful manner. Councilmembers seeking information from staff should do so within the confines of proper decorum. A councilmember shall not speak until recognized by the mayor and likewise shall not interrupt another councilmember's remarks. All comments made by a councilmember shall directly address the motion or item being discussed. The mayor shall enforce the rules of decorum and if a councilmember believes that a particular rule is being broken he/she shall raise a point of order when recognized by the mayor. A second on a point or order issue is not required, and the mayor may either rule on the question or allow the Council to decide the issue by majority vote. Any councilmember shall have the right to express dissent from or protest against any resolution or action of the Council and have the reason entered into the minutes.
- (j) *Public hearings and participation.*
- (1) In accordance with law and policy, the Council frequently conducts public hearings on a number of matters and issues. These public hearing rules are intended to ensure that the public has the opportunity to fairly participate in the meeting while promoting the orderly, efficient, and effective flow of the meeting.
 - (2) Rules for conducting public hearings and allowing for public comment are as follows:
 - i. Agenda.
 - a. Public comment shall be at or near the start of the Council meeting.
 - b. If a public hearing is required, or if it is requested by the Council, the mayor shall announce that the public hearing on a matter is now open and should call forth those persons who wish to speak in favor, against, or otherwise on the particular issue. The mayor shall inform the public that all comments by proponents, opponents, or the public shall be made from the podium and that any individual making a comment should first give their name and address. The mayor shall also inform the public that comments will only be received from the podium.
 - ii. Members of the public who wish to speak should complete a speaker's card and should hand it to a representative of the clerk's office. Members of the public are expected to adhere to the rules of decorum

outlined herein and should be informed of such at the beginning of the public hearing by the mayor. There should be no vocal, boisterous, or other disruptive demonstrations which will disrupt the orderly flow of the meeting. Any persons engaging in this type of behavior shall be ruled out of order by the mayor and shall, at the mayor's discretion, be removed from the assembly hall.

(3) Time.

- i. At all meetings other than those addressed in subparagraph B of this paragraph, the time for public comment shall be limited to thirty (30) minutes, and each speaker will have two (2) minutes to address the Council. Time provided to one speaker may not be transferred to another. The Council may allow for more time, either in total or per speaker, by a majority vote.
 - ii. At hearings on proposed rezonings, use permit, modification and/or concurrent variance petitions, as well as amendments to the text of the Fulton County Zoning Resolution (hereinafter "land-use petitions"), proponents and opponents are allowed ten minutes per side to present data, evidence and opinions. Each side's time period may be divided among multiple speakers in whatever manner desired. In the event a public hearing is conducted and final action on a land-use petition is deferred by the Council, a second public hearing (conducted under the same rules as set forth above) will be allowed when the petition is again considered by the Council following the deferral. No land-use petition shall be the subject of more than two public hearings before the Council, regardless of the number of times final action is deferred by the Council, unless four or more members of the Council vote to conduct such additional public hearing(s).
- (4) Once the public hearing has concluded, the mayor shall so announce, and the Council shall convene into open executive session to make its decisions.
- (5) As a general rule, members of the public do not speak on agenda items unless those items have been advertised for public hearing, have been placed in the public hearing segment of the agenda or unless the Council, by four affirmative votes, has decided that public participation is necessary in its deliberative process. The Council shall follow its public hearing rules when such participation is warranted.
- (6) Persons claiming to represent a homeowners association must sign an affidavit stating that the homeowners association for which they claim to speak has authorized them to do so. The clerk shall maintain copies of such affidavits and bring them to the Council meetings.
- (k) *Amendments.* Any amendment to this division by a councilmember shall be submitted to the clerk in writing one week before the designated meeting. The proposed amendment shall be included on the agenda for that meeting and distributed to all councilmembers. All amendments require four affirmative votes by the Council for adoption.
- (l) *Special meetings and rescheduled regular meetings.* Whenever the mayor cancels, reschedules, or moves the regularly scheduled meeting, it must be done in accordance with O.C.G.A. § 50-14-1 et seq., the Georgia Open Meetings Act which requires that notice of the change is posted for at least 24 hours at the

place of the regular meeting. In addition, written or oral notice shall be given by the clerk at least 24 hours in advance of the meeting to either the legal organ of the county or a newspaper having a general circulation at least equal to that of the legal organ and to each member of the Council. Other special meetings known as special call meetings may be scheduled by the mayor at the request of four councilmembers. Special call meetings are also governed by the notice requirements set forth above. When emergency circumstances occur, the Council may hold a meeting with less than 24 hours' notice. When such meetings are held, the clerk shall provide notice to the legal organ of the county, or a newspaper with at least the general circulation of the legal organ, and to each member of the Council as soon as practical. The notice shall include those subjects expected to be discussed at the meeting. In addition, the minutes shall reflect the reason for the emergency meeting and the nature of the notice.

- (m) *Executive sessions.* Executive sessions of the Council may be held for the purpose of conducting business excepted by O.C.G.A. § 50-14-1 et seq., the Georgia Open Meetings Act. Where a meeting is devoted in part to matters within the authorized exceptions to the Georgia Open Meetings Act, any portion of the meeting not subject to any such exception shall be open to the public. No executive session shall be held except pursuant to a majority affirmative vote of the Council taken in a public meeting. The minutes of the public meeting shall reflect the names of the councilmembers present, those voting for the executive session, and the reasons for the session. Only necessary staff shall be present at the executive session
- (n) *Suspending the rules of order.* Rules of order may be suspended where a motion to suspend is properly moved and seconded. The term "rules of order" in this context means suspending the order of business, moving an item up or down on the agenda, or removing an item from the agenda. Four affirmative votes shall be required to suspend the rules of order. Rules governing a quorum, voting methods and requirements, the notification to councilmembers of meetings, and rules necessary for compliance with state and/or federal law may not be suspended.
- (o) *Parliamentarian.* The Council shall designate a person as its parliamentarian. The parliamentarian shall serve as the parliamentarian for the Council, and in that capacity will answer point of order questions when directed by the mayor.
- (p) *Establishment and appointment of committees, commissions, city authorities, boards, and taskforces.*
 - (1) The creation of any committee composed exclusively of councilmembers, commission, or any city authority, or board by the mayor or council shall require approval by a majority vote of the council, except those exempted by state law.
 - (2) Appointment of members to such committees composed exclusively of councilmembers, commissions, city authorities, or boards will be made by the mayor and confirmed by majority vote of the council, except those exempted by state law, or unless the creating ordinance specifies another method of appointment. All appointments to standing committees, commissions, city authorities, or boards shall be made and approved within thirty (30) days of a vacancy.

- (3) The mayor or council may create task forces to analyze and recommend solutions to specific issues, opportunities, or problems. Task forces may be created by resolution or by ordinance, and the number of members, qualifications, and term shall be provided in the resolution or ordinance. The method of appointment shall be as described in paragraphs (ii) of this rule, above. Task forces shall have no quasi-judicial or quasi-legislative functions, and shall not be delegated the power of subpoena.
- (q) *Attorney-Client Privilege.* Should attorney-client privileged material be disclosed to the city council in a closed meeting with the city attorney or other counsel engaged to represent the city, or in written legal opinions drafted by the city attorney or outside counsel, the privilege shall belong to the City of South Fulton. Therefore, the decision to waive that attorney-client privilege by disclosing either orally or in writing the contents of the attorney-client privileged material may only be made by majority vote of the council and not by an individual member of the city council.
- (r) *Request for legal opinion.* Requests by one (1) or more council members for a formal written legal opinion shall require approval by a majority vote of the full council.
- (s) *Hiring of department heads.* At least ten (10) business days prior to the council vote to fill a vacant department head position, the city manager shall provide the mayor and council with the resumes of the top three (3) candidates.
- (t) *Representation of private interests.* In keeping with their role as stewards of the public interest, councilmembers shall not appear on behalf of the private interests of third parties before the council or any board or commission, or proceeding of the city, nor shall members of boards and commissions appear before their own bodies or before the council on behalf of the private interests of third parties on matters related to the areas of service of their bodies.
- (u) *Advocacy.* Councilmembers shall represent the official policies or positions of the city council, board and commission to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, whether publicly or privately, councilmembers shall explicitly state they do not represent the governing body or the city, nor will they allow the inference that they do.
- (v) *Independence of boards and commissions.* Because of the value of the independent advice of boards and commissions to the public decision-making process, members of council shall refrain from using their position to unduly influence the deliberations or outcomes of board and commission proceedings.
- (w) *Positive work place environment.* Councilmembers shall support the maintenance of a positive and constructive work place environment for city employees and for citizens and businesses dealing with the city. Councilmembers shall recognize their role in interactions with city employees as delineated in charter section 2-401 and refrain from creating the inference of inappropriate direction to staff.
- (x) *Implementation of the Code of Ethics.* As an expression of the standards of conduct for members expected by the city the code of ethics, as codified in sections 2-4001 through 2-4030, is intended to be self-enforcing. In order to be effective, council members must be thoroughly familiar with it and embrace its

provisions. For this reason, ethical standards shall be included in the regular orientations for city councilmembers, appointees to boards and commissions, and newly appointed officials. Councilmembers entering office shall sign a statement affirming they have read and understood the city code of ethics.

Sec. 2-2003. – Reserved.

Sec. 2-2004. - Reserved.

Sec. 2-2004.5. - Reserved.

Sec. 2-2005. - Budget policies.

The following budget policies are adopted and are included in each annual budget of the city:

- (1) The finance director shall review and approve by signature all agenda items requiring expenditure or encumbrance of city funds presented to council, representing that the agenda item presents the appropriate corresponding budget allocation, and that funds are available within such budget line item.
- (2) No unbudgeted agenda item will be presented to the city council for consideration without a corresponding budget amendment ordinance duly prepared and presented for adoption in accordance with Article V of the City Charter.
- (3) The city manager will advise council of intra-department budget transfers from compensation budget line items.
- (4) All non-compensation expenses attributable to individual council members will be charged to such member's budget lines.
- (5) All council travel and training expenditure items in excess of twenty-five dollars (\$25.00) shall require a written receipt for reimbursement.
- (6) The city council member per diem for travel shall be equal to or less than the established employee per diem amount.

Sec. 2-2006. – Reserved.

Sec. 2-2007. - Removal of elected officials.

An action to remove the mayor or a councilmember arising from misconduct, malfeasance, nonfeasance, malpractice, or willful neglect of duty of the official while in office pursuant to Charter section 2-107, as it shall be amended from time to time, shall be accomplished by one (1) of the following methods:

- (a) As provided by O.C.G.A. §45-5-6.1, as it shall be amended from time to time.
- (b) By an order of the Superior Court of Fulton County following a hearing on a complaint seeking such removal brought by any resident of the city.

Sec. 2-2008. – Reserved.

Sec. 2-2009. - Reserved.

Sec. 2-2010. - Compensation and expenses for the mayor and councilmembers.

- (a) Effective May 1, 2017, the mayor shall receive an annual salary of fourteen thousand two hundred dollars (\$23,000.00). Said salary shall be paid in a manner established by the City Council.
- (b) Effective May 1, 2017, each other member of council shall receive an annual salary of eleven thousand dollars (\$13,000.00). Said salary shall be paid in a manner established by the City Council.
- (c) Allowable expenditures for the purpose of communication with constituents shall be capped at an amount set by the City Council, and shall only be permitted for:
 - (1) Printed and robotic communicating with residents.
 - a. No greeting cards sent by mail or email.
 - b. No postcards except to inform residents of an upcoming meeting where information concerning a current/future council agenda item(s) will be discussed.
- (d) All reimbursements shall contain the original itemized receipt/vendor bill.
- (e) A copy of all printed materials shall be turned in with the copy of the receipt/vendor bill within five business days of the initial distribution date. This also applies to contracted email materials.

CHAPTER 3. - ELECTIONS

Sec. 2-3001. - Election defined.

For the purpose of this chapter, an election is defined to mean any state, county, city or federal election, whether such election be a general, primary, special or referendum on any subject submitted to the citizens for vote.

Sec. 2-3002. - Elections for office of mayor or councilperson; requirement—Official ballot; duty of city clerk.

- (a) All persons who desire to seek election to the office of mayor or councilperson of the city shall file notice of candidacy as provided in O.C.G.A. § 21-2-132, as amended; the notice shall be in the form of a written statement of intention and shall be filed with the city election superintendent; the statement shall state the full and complete name of the candidate and the street number address of his or her residence in the city; provided the person may choose to campaign under a name other than his or her full and complete name, but which campaign name shall contain a combination of the names and/or initials of his or her given name, and may use or designate any nickname by which the person is commonly known; the statement of intention shall also request the election superintendent to have their respective names as candidates for the offices they respectively seek to fill to be printed upon the official election ballot to be used in the general city elections for mayor or councilperson, and any run-off election if same be applicable. All such persons shall accompany his or her notice of candidacy with an affidavit in the general format as promulgated by the election superintendent and in compliance with O.C.G.A. § 21-2-132(e), as amended. Any person desiring to qualify for election to the office of city councilperson shall, in the notice of candidacy and the accompanying affidavit, shall state the post number and ward.

- (b) The mayor and council, shall, by resolution; set the actual opening and closing qualifying dates pursuant to this section.
- (c) The city clerk shall be and is hereby designated as the municipal election superintendent.

Sec. 2-3003. - Same—Qualification fee.

- (a) Any person desiring to qualify for election to the office of mayor of the city shall first pay a qualification fee to the election superintendent in an amount equal to three (3) percent of the annual salary for that position.
- (b) Any person desiring to qualify for election to the office of city councilperson shall first pay a qualification fee to the election superintendent in an amount equal to three (3) percent of the annual salary for said position.

Sec. 2-3004. - Special elections—Registration list.

- (a) Special elections, other than elections to fill a vacancy, shall be governed, as to registrations for same, by the particular charter provisions or ordinance under which the election is called.
- (b) When special elections shall be called for the purpose of filling any vacancy on the city council or in the office of the mayor, the city clerk shall obtain from Fulton County an up-to-date registration list.

Sec. 2-3005. - Solicitation, etc.—Within two hundred feet of polling place.

It shall be unlawful for any person, verbally, by written or printed means or by cards, literature or other advertisement, to solicit any person or attempt in any manner to influence the vote of any person within a distance of two hundred (200) feet of a polling place when an election is being held within the city.

Sec. 2-3006. - Same—By election officials.

It shall be unlawful for any manager or clerk of any primary or general election in the city to solicit, counsel or advise any person to vote for any particular candidate. This section shall not be construed to make it unlawful for an election manager publicly to explain any other question a voter may ask in order to enable the voter to mark his ballot intelligently.

Sec. 2-3007. - Voting precincts.

Voting precincts shall be established, with a minimum of one (1) such precinct in each ward, by the city elections superintendent in conjunction with the county elections superintendent so as to facilitate voting by the citizens of the city. Said ward locations shall be established at least thirty (30) days in advance of any election hereafter held by the city.

Sec. 2-3008. - Persons taking oath to be registered.

The city registrar shall receive registrations of all persons who take the prescribed oath of a voter.

Sec. 2-3009. - Forms of oath.

The oath to be required of all persons registering their names for elections shall be on forms furnished by Fulton County.

Sec. 2-3010. - Registration office hours designated.

The registration office of the city shall be opened to registration at all times during normal business hours of the city.

Sec. 2-3011. - Registrar designated; duty to register qualified voters.

The city clerk or his authorized representative shall act as chief registrar for the city, and it shall be the duty of the clerk or his authorized representative to register the qualified voters of the city.

Sec. 2-3012. - Procedure when voter moves from one ward to another.

Whenever a registered voter shall move from one ward of the city to another ward, he shall request the city clerk in writing to change his address and registration to the ward of his new residence; every qualified and registered voter shall be entitled to vote in one of the wards and shall not be refused the right to vote for failure to change or cause to be changed the address of his residence.

Sec. 2-3013. - Reinstatement of persons erroneously removed from registration list.

When it shall be made to appear sufficient to the city registrar that the name of any voter has been erroneously removed from the city registration list, or through error has been omitted therefrom, where the voter in no wise contributes to the error but same is an error solely of the registrar or of the county registrar, the city registrar shall be and is hereby authorized to reinstate such name and the person shall be eligible to vote in any election wherein he would have been eligible had it not been for such error.

Secs. 2-3014, 2-3015. - Reserved.

Sec. 2-3016. - Disposition of unused ballots.

Ballots not used in an election shall be returned to the city clerk by the election managers when the election polls close on the date of the election for which the ballots were prepared.

Sec. 2-3017. - Same—Form for special elections.

The form of ballot to be used in special elections shall be the same as in general elections, except it shall state that it is a special election instead of a general election; and except that when the special election is for the purpose of submitting to the qualified voters some question other than the election of candidates for office, the ballot shall so state, and appropriate directions shall be printed thereon to enable voter to intelligently mark his ballot.

CHAPTER 4. - ETHICS POLICY

Sec. 2-4001. - Declaration of policy.

- (a) Our government is a representative democracy. Those who are elected, appointed, hired, volunteer, or campaign to serve the public as representatives accept a public trust, which they share with those whom they elect, appoint, hire or otherwise enlist to help them serve the public. The public entrusts its power and resources to its servants to use only in the public interest. Public trust requires public servants to fulfill their public duties faithfully and honestly, and to subordinate any personal interest which conflicts with the public interest. Public trust also requires that

government be conducted in an open manner, when appropriate, so that the official actions of public servants may be subject to public scrutiny and so that members of the public have access to information upon which decisions and policies affecting them are made; but public trust also requires that government be conducted in a manner which respects the rights of its constituents to privacy and confidentiality. Public trust also requires that acts which are contrary to the public interest be defined and prohibited; that there be an orderly procedure for raising and addressing ethical questions; that ethical behavior be encouraged and suitably rewarded; and that unethical behavior be discouraged and suitably disciplined through a process which is fundamentally fair.

- (b) It is the responsibility of each public servant to act in a manner which contributes to cultivating public trust in the integrity of government. Public trust in the integrity of government is cultivated when individual public servants act with integrity and when the public is aware that its servants act with integrity. Therefore, dedicated public servants not only act with integrity, but also choose to avoid even lawful activity when the appearance of impropriety would lessen the public's confidence in the integrity of its servants and its system. As a result, sometimes public servants sacrifice opportunities which would be open to them if they were not public servants.
- (c) Most public servants strive to live by these standards most of the time, but because sometimes some do not, some formal policies are necessary. In adopting these formal policies, this community recognizes that:
 - (1) Public servants are also members of society and, therefore, share the same general personal and economic interests in the decisions and policies of government as all members of the community do; and
 - (2) Public servants retain their rights to publicly express their views on matters of general public interest, and to express their opinions on the effect of public actions on their personal or economic interests or rights; and
 - (3) It is sound public policy for standards of ethical conduct for public servants to distinguish between those minor and inconsequential conflicts that are unavoidable in a free society, and those conflicts which are personal, material and avoidable; and
 - (4) Public servants are entitled to engage in employment, professional or business activities, other than official duties, in order to support themselves and their families and to maintain a continuity of professional or business activity, and are entitled to maintain investments; and
 - (5) In this community it is possible and reasonable to require public servants to engage in employment, professional or business activities and to maintain investments which do not impede or undermine the integrity of their service to the community.
- (d) Although this chapter is necessary to identify minimum standards below which a public servant's conduct cannot fall without the risk of penalty, it is understood that a healthy ethical environment for the provision of public service cannot be achieved or maintained by mere adherence to minimum standards. Therefore, this chapter also requires that the community provide additional, positive means of encouraging ethical behavior among its public servants. It is also understood that no external activity can replace the internal commitment which motivates those who act ethically. The principal policy which forms the foundation of this chapter is to

encourage internal commitment by establishing and maintaining a work environment which supports integrity with pride and enthusiasm.

- (e) A work environment which supports integrity includes public servants who:
- (1) Recognize with gratitude that the primary reason they hold a public position is to serve the public; and
 - (2) Recognize with pride that they hold their public position because the public trusts them; and
 - (3) Recognize with sadness that the public's trust in government and in them is diminished when any public servant acts unethically; and
 - (4) Recognize with hope that their public service is an opportunity to help restore public trust in their government; and
 - (5) Are fair and impartial, but also courteous and enthusiastic in serving the public and each other in the performance of their duties; and
 - (6) Are adequately educated in the principles of ethics; and
 - (7) Are motivated to pursue ethical ideals which always exceed minimum standards and often achieve the highest standards; and
 - (8) Exemplify ethical conduct; and
 - (9) Encourage ethical practices which protect, advance and promote the public interest; and
 - (10) In speaking about the conduct of those in public service, or in responding to others who speak about it, express approval of positive ethical principles and behavior, and refrain from unjustly disparaging or demeaning those who advocate ethical principles or practice ethical behavior; and
 - (11) Recognize that the most effective way to eradicate unethical practices is to consistently act ethically themselves, and to consistently react appropriately with respect to the ethical decisions of those with whom they work; and
 - (12) Exercise sound and independent judgment to act ethically in situations where others around them may be inclined to act unethically; and
 - (13) When they observe serious unethical practices, promptly disclose them to appropriate authorities, and encourage others to do the same; and
 - (14) Make and implement decisions and policies through proper channels of the governmental organization; and
 - (15) Insure that those for whose performance they are responsible are aware of minimum standards of ethics below which their conduct cannot fall without the risk of disciplinary consequences; and
 - (16) When unethical behavior has been determined by the board, they will make the appropriate recommendation to the appropriate legal authority and the mayor and council.

Sec. 2-4002. - Purposes of chapter.

This chapter is adopted:

- (a) To state principles of ethics which are to be applied in public service; and
- (b) To identify minimum standards of ethical conduct for public servants; and

- (c) To require that public servants engage in ethical practices which always meet minimum standards; and
- (d) To encourage public servants to pursue the highest ethical ideals which they can achieve; and
- (e) To provide reasonable due process for public servants who are alleged to have violated this chapter; and
- (f) To provide an objective and fair process to identify and resolve ethical issues; and
- (g) To inform public servants and the public of the minimum standards to which public servants must adhere; and
- (h) To promote public confidence in the integrity of public servants; and
- (i) To encourage members of the public to seek public office or employment, to serve on public boards, to assist public servants as volunteers, and to take pride in participating in the governmental process; and
- (j) To establish penalties, as appropriate, for public servants who violate the public trust; and
- (k) To provide for a just and reasonable balance among the rights of all individuals who are directly affected by the operation of this chapter.

Sec. 2-4003. - Definitions.

For purposes of this chapter, the following terms, phrases, words and their derivatives shall have the meanings given herein. Words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. All capitalized terms used in the definition of any other term shall have their meaning as otherwise defined in this section. The words "shall" and "will" are mandatory and "may" is permissive. Words not defined shall be given their common and ordinary meanings unless the context suggests otherwise. When a right or duty pertains to the holder of a specific position, such as the mayor, city manager or city clerk, the same right or duty pertains to any designee to whom the holder of the position may lawfully delegate the right or duty.

Appointing authority means the city manager, mayor, governing body, or any other person who appoints a person to a public position under the authority of the code, charter, state, or federal law.

Associated, when used with reference to a business or an organization, includes any business or organization in which a public servant, a public servant's domestic partner, spouse, family member or a public servant's partner in interest is a director, officer or trustee, or owns or controls, directly or indirectly, and severally or in the aggregate, at least five (5) percent of the outstanding equity, or any business or organization in which a public servant or a partner in interest has a personal interest.

Benefit means:

- (1) Anything, regardless of its monetary value, perceived or intended by either the one who offers it or the one to whom it is offered to be sufficient in value to influence a public servant in the performance or non-performance of an official action; or
- (2) Anything, regardless of its monetary value, which, under the circumstances, a reasonably prudent person in the position of the public servant to whom the

thing is or may be offered, would recognize as being likely to be intended to influence the public servant in the performance or non-performance of an official action; and

- (3) The term "benefit" includes, but is not limited to, a valuable act, advance, award, contract, compensation, contribution, deposit, emolument, employment, favor, fee, forbearance, fringe benefit, gift, gratuity, honorarium, loan, offer, payment, perquisite, privilege, promise, reward, remuneration, service, subscription, or the promise that any of these things will be conferred in the future.

Board, when used with the article "the," as in any reference to "the board," means the board of ethics established under section 2-508 of the Charter to operate under the provisions of this chapter, unless the context clearly indicates otherwise; used generically, "board" may mean any voting body:

- (1) Which is established to participate as a body in some manner in the conduct of the city government, including participation, which is merely advisory, whether established by state law, city charter, ordinance, contract, executive action or any other lawful means; and
- (2) Any part of whose membership is appointed by the mayor or governing body acting on behalf of the city; but the term "board" does not include a board, commission or committee which is the governing body of a separate political subdivision of the state, or whose membership, after appointment, is not subject to any regulation by the governing body; nor does it include any city administrative agency, bureau, department, division or office which is administered by individuals rather than by a body.

Business means an activity, association, commercial entity, corporation, enterprise, firm, franchise, holding company, joint stock company, organization, partnership, receivership, self-employed individual, sole proprietorship, trust or other legal entity established to earn or otherwise obtain money, whether for profit or non-profit, excluding a municipal corporation or governmental entity.

Business day means Monday through Friday from 8:00 a.m. to 5:00 p.m. excluding holidays recognized by the closure of routine city government operations.

Business with which a public servant is associated means a business in which any of the following applies:

- (1) The public servant is an owner, partner, director, officer, employee or independent contractor in relation to the business; or
- (2) A public servant's partner in interest, spouse, family member or domestic partner is an owner, partner, director or officer; or
- (3) The public servant or a partner in interest is a stockholder of close corporation stock which is worth at least one thousand dollars (\$1,000.00) at fair market value or which represents more than five (5) percent equity interest; or
- (4) Any business, regardless of ownership or value, by whom or for whose benefit a decision maker is influenced to act in the hope or expectation of obtaining a personal benefit for the public servant or for a partner in interest of the public servant.

Candidate means an individual who is a candidate for an elective city office, as defined in federal and or state statutes, city charter or ordinance provision, or an applicant for city employment or for an appointive city position.

Censure means a motion adopted in a regularly scheduled public meeting officially expressing blame and/or disapproval for the particular conduct of the public servant to be disciplined. A censure need not be in writing nor recorded with the city clerk but shall be reflected in the minutes of the meeting at which it was adopted.

Chapter means 'Chapter 4' of the Code of Ordinances. *Chapter* is synonymous with charter for the purposes of this chapter and specifically in the phrase 'violations of this chapter'.

Child means a son or daughter, whether or not the son or daughter is the biological offspring of the legal parent or parents, and whether or not the son or daughter is financially dependent on the parent or parents.

Confidential information means information which has been obtained in the course of holding public office, employment, as an independent contractor, or otherwise acting as a public servant, and which information is not available to members of the public under the Georgia Open Records Act, O.C.G.A §50-18-70, et seq., as it may be amended from time to time, or other law or regulation and which the public servant is not authorized to disclose, including:

- (1) Any written information that could lawfully be excepted from disclosure pursuant to state law, unless the public servant disclosing it is authorized to do so by state law, or pursuant to some other pertinent law, policy or procedure; and
- (2) Any non-written information which, if it were written, could be excepted from disclosure under state law, unless the public servant disclosing it is authorized to do so by the state law, or pursuant to some other pertinent law, policy or procedure;
- (3) Information which was obtained in the course of or by means of a record or oral report of a lawful executive or closed session, whether or not the disclosure of the information would violate state law, unless the public servant disclosing it is authorized by state law to do so, or unless the public servant disclosing it has been properly authorized to disclose it pursuant to an applicable law, policy, or procedure; however, when such information is also available through channels which are open to the public, this provision does not prohibit public servants from disclosing the availability of those channels; and
- (4) Information protected under the attorney-client privilege or the attorney work product doctrine, unless the public servant disclosing it has been properly authorized to disclose it pursuant to an applicable law, policy, or procedure.

Compensation means any benefit conferred upon or received by any person in return for services rendered or to be rendered.

Conflict of interest means not only a personal interest, as defined in this chapter, but also a professional or non-pecuniary interest, such as arises when the city attorney is precluded from representing one (1) public servant because of the city attorney's preexisting attorney-client relationship with another public servant.

Controlled or illegal substance means any drug or other substance, the use of which is regulated by federal or state law, except that within the meaning of this chapter the term does not include any drug or substance which has been lawfully prescribed by a licensed medical professional for the use of a public servant as a patient, and which is used by the public servant in accordance with the prescription.

Decision maker means any public servant or group of public servants empowered to act in a discretionary manner on behalf of the city in any capacity whatsoever, including the making of recommendations. Decision maker includes, but is not limited to, any city agency, bureau, department, division, office, administrator or person who is charged with implementing and administering particular legislation or executive or administrative decisions, and, to the extent this chapter is applicable to them, any volunteer or independent contractor who is empowered to exercise any discretionary power which could influence a public servant in the performance or nonperformance of an official action. In this ordinance, the term "decision maker" is used to represent each and every public servant who could take any discretionary action regarding a matter in which a public servant or a partner in interest has or may have a conflict of interest, or as a result of which a public servant might receive a personal benefit.

Decision making means the exercise of any discretionary public power in any capacity whatsoever, including the making of recommendations, by any public servant whose action pertains to a matter in which a public servant or a public servant's partner in interest has or may have a conflict of interest, or as a result of which a public servant might receive a personal benefit.

Disclose means, unless the context of this chapter indicates otherwise, to file, with the board, a document, in a form required or authorized under this chapter, signed and sworn to by the public servant who is required to file the document, which informs the public in accordance with the requirements of this chapter of a conflict of interest or a potential conflict of interest, and any other information pertinent to the purpose of filing the document, including the name and address of any person alleged to have a conflict of interest or a potential conflict of interest; or, when this chapter permits, the filing of an accurate copy of the official minutes of a governing body or board which informs the public of the required information. Unless this chapter or a law which supersedes it requires or permits another procedure, information shall be deemed disclosed if any public servant within a reasonable time before any official action is to be taken by the decision maker, files an affidavit with the board disclosing the nature and extent of the public servant's conflict of interest, and identifying the decision maker(s) who may act on the matter. For purposes of this provision, "within a reasonable time" means within adequate time to allow the board, or the decision maker(s), to review the disclosure before taking any official action.

Domestic partner means any two (2) adults who meet the following criteria:

- (1) Responsible for each other's welfare;
- (2) Neither person is registered in a union or domestic partnership with another party;
 - i. Not related as defined by state law;
 - ii. Share a primary residence; and
 - iii. Have declared their intent for a permanent partnership.

Employee means a person, other than an elected public servant, employed and paid a salary to work for the city, whether under civil service or not, whether full-time, part-time, or on a contract basis, and including those officially selected but not yet serving; including independent contractors, subcontractors, and consultants and, for purposes of establishing ethical obligations under this chapter and for no other purpose, employee includes volunteers notwithstanding the fact that they are unpaid. An employee is a public servant within the definition of this chapter, although not subject to the jurisdiction of the ethics board.

Ethics panel means an ad hoc, three (3) member panel of the board, assembled to hear and decide an ethics complaint in accordance with this chapter. Each ethics panel shall also have the advice of an attorney assigned for each hearing. Such attorney(s) shall be identified for the board by the city attorney.

Gift means any benefit or thing or act of value conveyed to or performed for the benefit of a public servant or a partner in interest, including any advance, award, contract, contribution, deposit, employment, favor, forbearance, gift, gratuity, honorarium, loan, payment, service, subscription, or the promise that any of these things or acts of value will be conferred in the future, if such thing or act of value is conferred or performed without the lawful exchange of consideration which is at least equal in value to the thing or act conferred or performed.

Governing body means the elected officials who comprise the legislative body of the city.

Hearing means the convening of a three (3) member panel of the board, plus a selected attorney, convened to hear and determine a specific ethics complaint as provided by this chapter.

Immediate family means:

- (1) A public servant's spouse and or domestic partner; and
- (2) A public servant's relative by marriage, lineal descent or adoption; and
- (3) A public servant's parents, parents-in-law, sisters, sisters-in-law, brothers, brothers-in-law, stepparents, stepbrothers or stepsisters; and
- (4) An individual claimed by the public servant or the public servant's spouse as a dependent under the United States Internal Revenue Code.

Interest means any personal benefit accruing to a public servant or the public servant's partner in interest, whether in the public servant's own name or the name of any person or business from which the public servant is entitled to receive any personal benefit, as a result of a matter which is or which is expected to become the subject of an official action by or with the city.

Investigation means a formal action as directed through a majority vote of the panel present of the ethics board to conduct an investigation into a specific ethics complaint.

Loan means a transfer of money, property or anything else of ascertainable monetary value in exchange for an obligation, conditional or not, to repay in whole or in part.

Matter means, unless the context of this chapter indicates otherwise, any act, action, agenda item, allegation, application, amendment, auction, bill, business, case, charge, claim, consideration, contract, controversy, decree, deed, deliberation, discussion, hearing, issue, lease, license, measure, offer, order, ordinance, permit, personnel action, petition, policy, presentation, procedure, privilege, proceeding, project, proposal, proposition, purchase, recommendation, regulation, rental, request, resolution, sale, subject, transaction, use, variance, or other discretionary choice pending before a city decision maker when a public servant or a partner in interest has a personal interest in the outcome of the decision, or the decision may result in a personal benefit to a public servant, family member, domestic partner or a partner in interest.

Ministerial action means an action that a public servant performs in a given set of circumstances in a prescribed manner in obedience to the mandate of legal authority, without regard to the exercise of the public servant's own judgment as to the propriety of the action being taken.

Negotiating concerning prospective employment means one (1) or more discussions between a public servant and a potential employer other than the city concerning the possibility of the public servant or a partner in interest considering or accepting employment with the employer, in which discussion(s) the public servant responds in a positive way.

Office means any of the following:

- (1) An elected position within the government of the city; or
- (2) A city attorney; or
- (3) A city clerk; or
- (4) A city manager; or
- (5) Any other appointed city position in which a public servant serves, except a position limited to the exercise of ministerial functions or a position filled by an independent contractor; or
- (6) An appointed city position which is filled by the governing body or the executive or administrative head of the city, and in which the incumbent serves at the pleasure of the appointing authority, except a clerical position, a position limited to the exercise of ministerial functions or a position filled by an independent contractor.

Officer means any person elected or appointed to hold a city office.

Official action means any act, action, approval, decision, denial, directive, disapproval, inaction, order, performance, nonperformance, recommendation, vote, or other direct result of a public servant's exercise of discretionary authority in connection with the public servant's public position.

Official duty means any official action or ministerial action which a public servant is obligated or authorized to perform by virtue of being a public servant.

Official records means any minutes, papers, documents, completed forms, or other records maintained by a public agent for the purpose of fulfilling the disclosure requirements of this chapter.

Organization means, unless the context indicates otherwise, any non-profit business other than an individual or governmental agency.

Partner in interest means, when used in this chapter in connection with a public servant, as in the phrase "a public servant or a partner in interest" any and all of the following:

- (1) A member of the public servant's immediate family; or
- (2) A business with which the public servant or a member of the public servant's immediate family is associated; or
- (3) Any other person with whom the public servant or a member of his immediate family is in business, or is negotiating or has an agreement concerning future employment or the future conferring of any personal benefit, whether in the public servant's own name or the name of any business or person from whom the public servant is entitled, or expects to become entitled, to receive any personal benefit, as a result of a contract or transaction which is, or which is expected to become, the subject of an official action by or with the city. The term partner in interest does not imply or require any form of legal partnership or formal agreement.

- (4) When used in the phrase "a public servant or a partner in interest," the term "partner in interest" refers only to a partner in interest of the public servant to whom reference is being made, and not to any other person's partner in interest.

Personal benefit means any benefit which is offered or received, or perceived to be offered or received, primarily for the purpose of influencing the manner in which a public servant performs or refrains from performing an official action, so that an attempt is made to induce the public servant, or the public servant is induced, to act in favor of some interest other than the public interest on the basis of an expectation or hope that the public servant or a partner in interest of the public servant will obtain some private gain by acting against the public interest; provided, however, that the term "personal benefit" within the meaning of this chapter does not include any of the following, which, although they may benefit individual public servants, are deemed to be primarily public benefits rather than personal benefits:

- (1) Payment by the city of salaries, compensation or employee benefits; or payment by an employer or business other than the city of salaries, compensation, employee benefits or pursuant to a contract, when the payment is unrelated to a public servant's status as a public servant and is not made for the purpose of influencing, directly or indirectly, the vote, official action or decision of a public servant; or
- (2) Fees, expenses, or income, including those resulting from outside employment, which are permitted and reported in accordance with the policies of the city; or
- (3) Authorized reimbursement of actual and necessary expenses; or
- (4) Admission, regardless of value, to events to which public servants are invited in their official, representative capacity as public servants; or
- (5) Campaign or political contributions which are made and reported in accordance with state law; or
- (6) Reasonable hosting, including travel and expenses, entertainment, meals or refreshments furnished in connection with public events, appearances or ceremonies related to official city business, if furnished by the sponsor of such public event; or in connection with speaking engagements, teaching or rendering other public assistance to an organization or another governmental entity; this provision applies only if the city does not also pay the person for the same activity; or
- (7) Reasonable gratuities given by a group in appreciation for a public servant speaking or making any presentation before that group, provided that the value of any such gratuity shall not exceed fifty dollars (\$50.00); or
- (8) Awards publicly presented in recognition of public service, acts of heroism or for solving crimes; or
- (9) Gifts or other tokens of recognition presented by representatives of governmental bodies or political subdivisions who are acting in their official capacities; or
- (10) Anything of value, regardless of the value, when the thing of value is offered to the city, is accepted on behalf of the city, and is to remain the property of the city; or
- (11) Commercially reasonable loans made in the ordinary course of the lender's business in accordance with prevailing rates and terms, and which do not

discriminate against or in favor of an individual who is a public servant because of such individual's status as a public servant; or

- (12) Complimentary copies of trade publications; or
- (13) Any unsolicited benefit conferred by any one (1) person or business if the economic value totals less than three hundred dollars (\$300.00) per calendar year, and if there is no express or implied understanding or agreement that a vote, official action or decision of a public servant will be influenced; or
- (14) Reasonable compensation for a published work which did not involve the use of the city's time, equipment, facilities, supplies, staff or other resources, if the payment is arranged or paid by the publisher of the work; or
- (15) Reasonable compensation for a published work which did involve the use of the city's time, equipment, facilities, supplies, staff or other resources, if the payment of the compensation to the public servant is lawfully authorized by a representative of the city who is empowered to authorize such compensation; or
- (16) Anything of value, if the payment, gift, or other transfer of value is unrelated to and does not arise from the recipient's holding or having held a public position, and if the activity or occasion for which it is given does not involve the use of the city's time, equipment, facilities, supplies, staff or other resources in any manner or degree which is not available to the general public; or
- (17) Anything of value received as a devise, bequest or inheritance; or
- (18) A gift received from a relative within the third degree of consanguinity, under the civil law computation method, to the public servant, or the spouse of such a relative; or
- (19) A gift received from a spouse of a public servant, or a spouse's relative within the third degree of consanguinity to the spouse, under the civil law computation method.

Personal interest means a direct or indirect interest having value peculiar to a particular individual or group, whether the value is pecuniary or non-pecuniary, which value may accrue to such individual or group or result in such individual or group deriving or potentially deriving a personal benefit as a result of the approval or denial of any ordinance, resolution, order or other official action, or the performance or nonperformance thereof, by a public servant, and which interest is not shared by the general public; it is to be stressed that the phrase "personal interest of a public servant" includes not only the personal interest of the individual public servant, but also the interest of any partner in interest.

Public reprimand means a form of public discipline which shall be a written resolution based upon the findings of the ethics panel and the governing body that a violation of this chapter or Charter has occurred, to be read publicly at the earliest possible regularly scheduled meeting of the governing body by the mayor, mayor pro-tem, or designated councilmember. Said public reprimand shall be recorded with the city clerk.

Public servant for purposes of the ethics board, means any member of the governing body or of any city agency, board, commission, committee, task force, or other deliberative, policymaking, or voting body, and any city clerk, municipal court judge, city manager, city attorney or other person, whether elected or appointed, or legally authorized by contract or in any other manner to act in any capacity under the

authority of the city and who is not subject to civil service. Public servant is synonymous with city official for purposes of this chapter.

Relative means a person who is related to an official or employee as spouse or domestic partner or as any of the following, whether by marriage, blood or adoption: parent, child, brother, sister, aunt, uncle, niece, nephew, grandparent, grandchild, father-in-law, mother-in-law, son-in-law, daughter-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister, brother-in-law or sister-in-law.

Statement when used in reference to the financial disclosure requirements established by this chapter means the prescribed form(s) for fulfilling the financial disclosure requirements.

Volunteer means an individual who is permitted by the city, or by a person authorized to act on behalf of the city, to assist public servants in performing any kind of official duty or action, including actions which are clerical, menial or merely advisory, without any expectation of receiving compensation.

Voting body means the governing body and any other city authority, board, commission, committee, council or group, regardless of whether its function is legislative, administrative, quasi-administrative, or quasi-judicial or any combination thereof, which, in order to take any official action, even if the action is merely advisory, must act as a body on the basis of a vote of some or all of its members.

Sec. 2-4004. - Exemptions.

- (a) This chapter does not prevent any public servant from accepting other employment or following any pursuit which in no way interferes with the full and faithful discharge of his or her public duties, provided that the public servant complies with all applicable city requirements, including any requirements imposed by this chapter.
- (b) No public servant shall be deemed to have a conflict of interest by virtue of carrying out any contract pursuant to which the public servant directly or indirectly received income or benefits in the form of compensation for the performance of official duties.
- (c) No public servant shall be deemed to have a conflict of interest by virtue of sharing, directly or indirectly, in the benefit of a lawful city action when the benefit to the public servant is substantially the same as the benefit to the public at large or to a segment of the public to whom the benefit is provided in a nondiscriminatory manner.
- (d) This chapter does not prohibit any public servant from taking any action to approve the lawful payment of salaries, employee benefits, reimbursements of actual and necessary expenses, or other lawful payments which are authorized in accordance with city policies.
- (e) This chapter does not prohibit public servants from taking any official action properly within the scope of their duties with respect to any proposal to enact or modify law or public policy.
- (f) This chapter does not prohibit an elected official from raising campaign contributions in any manner which is otherwise permitted by law.
- (g) This chapter does not prohibit communication between an individual or organization and a candidate regarding the candidate's views, record or plans for future action regarding an issue or measure in an attempt to determine a

candidate's viewpoints or how the candidate plans to act in the future, if such communication results in an endorsement of the candidate, a decision not to endorse the candidate, or a contribution or expenditure required to be recorded or reported under a state statute.

- (h) Actions which might otherwise be alleged to constitute a conflict of interest shall not constitute a violation of this chapter if:
 - (1) Before acting, the public servant requested and received a written opinion from the city attorney or a formal ethics opinion or a confidential advisory opinion from the board or a panel, in accordance with the procedures established in this chapter; and
 - (2) The material facts, as stated in the request for an opinion, are true and complete; and
 - (3) The actions taken were consistent with the opinion.

Sec. 2-4005. - Who is covered.

This chapter applies to all public servants, as the term is defined in this chapter, except that it shall not apply to a municipal judge while acting in a judicial capacity.

Sec. 2-4006. - Duties.

- (a) No public servant or former public servant shall divulge to any unauthorized person confidential information acquired in the course of holding his or her position in advance of the time prescribed by the governing body, administrators, or other applicable law for its release to the public. This includes information acquired that is subject to the attorney-client privilege or the attorney work product doctrine.
- (b) All public servants shall respond fully and truthfully to any inquiries by the board in connection with the investigation of an alleged or potential violation of this chapter or the Charter. All public servants shall cooperate fully in any investigation by the board, and shall locate, compile and produce for them such information as they may request, unless the information requested is exempt from disclosure under other applicable law.
- (c) All public servants have an affirmative duty to report any ethical violations of this chapter or the Charter of which they have knowledge. Any person may report a violation of this chapter by filing an ethics complaint against any person other than a paid employee on the proscribed form with the city clerk, who shall convene an ethics panel for processing of such report.
- (d) *Duty to comply with the law.* All public servants shall comply with the Constitution and laws of the United States, the Constitution and laws of the State of Georgia, and the Charter and ordinances of the city in the performance of their public duties. In addition to being a violation of other laws, it is also a violation of this chapter for any public servant to:
 - (1) Be convicted of any felony or misdemeanor involving moral turpitude, as that term may be defined by state law, whether or not the crime relates directly to the duties of the public servant's position in public service; or
 - (2) Be found guilty of or liable for violating any federal, state or city law prohibiting discrimination against any protected class; or
 - (3) Be found guilty of or liable for violating any federal, state or city laws prohibiting sexual harassment; or

- (4) Be found guilty of violating any federal, state or city laws prohibiting retaliation against public servants who assert a lawful claim of any nature or otherwise engage in lawfully protected activity; or
- (5) Be found guilty of violating any state laws governing lobbying activities conducted by the public servant; or
- (6) Be found guilty of violating the city's policy prohibiting the possession or consumption by employees of alcohol or any controlled or illegal substance in any city facility, vehicle, or work site, including lunch periods and rest breaks; prohibiting public servants from driving or reporting to work, performing work, or visiting a work site while under the influence of alcohol or any controlled or illegal substance; prohibiting public servants from engaging in the consumption, possession, sale, purchase or transfer of controlled substances; and imposing a duty to provide proof of lawful prescription when requested; to advise a supervisor if the use of prescription drugs may affect a public servant's ability to perform public duties safely and efficiently; or
- (7) Be found guilty of violating any federal, state or city laws or policies regulating political activity; or
- (8) Be convicted of habitual violations of other federal, state and local laws. Public servants have an ethical duty to abide by the general laws of the state and city, such as the laws governing driving under the influence, the uniform rules of the road, and offenses involving moral turpitude. Habitual violations of state and city laws may indicate disrespect for the law and may contribute to the erosion of public trust.
 - a. If any person believes that a public servant has been convicted of habitual violations of state, federal, or local laws, and that those convictions contribute to the erosion of public trust, that person may file a written complaint with the city clerk, setting forth the facts upon which the complaint is based. The clerk shall forward a copy of the complaint to the alleged offender and the selected three (3) member panel; and if the panel, in its discretion, decides to hear the complaint, it shall give the person notice and an opportunity to be heard. In the event the panel finds that the alleged offender is guilty of habitual violations of law and that the violations contribute to the erosion of public trust, the panel shall have no power other than to inform the offender and city council of the panel's findings, which may subject the offender to further disciplinary action. Having received such notice, the offender shall violate this chapter if the offender violates the order of the board.
 - b. In addition, the governing body, or city manager, where applicable, acting with the authorization of the governing body, may adopt a policy more precisely describing this general duty of all public servants to comply with specified laws in order to help gain and retain respect for city government. The policy must inform public servants of the circumstances under which, and the procedures by means of which, violations of state and city laws will be deemed violations of the policy. The procedures adopted in connection with the policy must safeguard the Constitutional rights of the public servants who are subject to the policy, including the rights of notice and a hearing. If the city adopts a general policy, public servants have a duty to adhere to that policy. If they fail to do so, and thereafter, in accordance with the procedures established by the policy, are determined to have violated

the policy, the violation of the policy by the public servants shall also constitute a violation of this provision of this chapter.

- (9) No member of the governing body shall use his or her position in any way to coerce, or give the appearance of coercing, another person to provide any benefits to him or her or to his or her immediate family, or for those with whom the member has business or financial ties.
- (10) No member of the governing body shall use his or her position in any way to coerce, or give the appearance of coercing, a city employee, an appointed official of the city, or a contract employee to provide any benefit to him or her or to persons in his or her immediate family.
- (11) No member of the governing body shall use his or her position in any way to coerce, or give the appearance of coercing, a municipal court judge in the outcome of matters before the municipal court.

Sec. 2-4007. - Reserved.

Sec. 2-4008. - Complicity.

No person shall, directly or indirectly, aid, abet, agree with, assist, encourage or solicit any public servant or a public servant's partner in interest to violate this chapter or to participate in any way in a violation of this chapter with or by another person.

Sec. 2-4009. - Deliberation and vote prohibited.

Except as otherwise provided by law, no public servant shall, in such capacity, participate in the discussion, debate, deliberation or vote, or otherwise take part in the decision-making process on any agenda item before the governing body in which the public servant or a partner in interest has a conflict of interest.

Sec. 2-4010. - Duty to leave meeting.

- (a) To avoid the appearance of impropriety, after any public servant or a partner in interest is determined to have a conflict of interest or a potential conflict of interest in any matter, and once all questions relating to the conflict of interest have been answered to the satisfaction of the decision maker, the public servant shall immediately leave the meeting room, except that if the matter is being considered at a public meeting, the public servant may remain in the area of the room occupied by the general public. If a public servant who has a conflict of interest in a matter is present as a member of a body which is to consider the matter, the public servant shall leave his or her regular seat as a member of the body, and not return to it until deliberation and action on the matter is completed.
- (b) Nothing herein shall require members of voting bodies to leave their seats while action is taken regarding any item contained on a "consent agenda" on which there is no deliberation, the public servant's conflict has been disclosed, and the public servant abstains from voting on the item.

Sec. 2-4011. - Public contracts.

- (a) The city is prohibited from entering into any contract with a business in which a public servant or a public servant's partner in interest has a controlling interest without full disclosure.

- (b) Any public servant who has or may have a personal interest in any contract shall disclose such interest prior to the first of any of the events set forth in (1), (2), (3), and (4) below:
 - (1) The solicitation of a contract; or
 - (2) The bidding of a contract; or
 - (3) The negotiation of a contract; or
 - (4) The approval by the governing body of a contract.
- (c) In addition to any other remedies available in law or equity, any contract entered into in violation of this section may be voided by resolution of the city council.
- (d) *Mandatory provision in independent contracts.* When the city contracts with any person to act on behalf of the city as an independent contractor, the contract shall include a provision which binds the independent contractor, as a condition of accepting the contract, to comply with the applicable provisions of this chapter and Charter. Any question about whether provisions are applicable, including the financial disclosure provisions, may be resolved by a written opinion of the city attorney or by a decision of the ethics board. The governing body, if it deems it necessary or appropriate to do so, may adopt policies or guidelines to further define the circumstances under which any certain provision will or will not apply to independent contractors.

Sec. 2-4012. - Disclosure of conflict of interest or potential conflict of interest.

- (a) A governing body member who has or may have, a conflict of interest in a matter which requires an official action by any decision maker, shall, before the matter is decided, disclose the conflict of interest or the potential or alleged conflict of interest; if the member of the governing body believes that no conflict of interest exists, or that despite any alleged or potential special interest, such governing body member is nevertheless able to vote and otherwise participate fairly, objectively and in a manner consistent with the public interest, then the member shall so state in the written disclosure. All questions relating to a special interest shall be resolved before the matter is decided, and if the matter comes before the governing body, before the governing body engages in any consideration of the merits of the matter.
- (b) If any member of the ethics board has or may have a conflict of interest in any matter before the board or the ethics panel, such member shall not appear before the board or the panel, discuss, debate, deliberate about, act upon, vote upon or otherwise participate in or influence the decision-making process pertaining to the matter in which the member has a conflict of interest. All questions relating to a conflict of interest of any board member shall be resolved before the board or the panel engages in any consideration of the merits of any matter in which a special interest is involved.
- (c) If the city attorney or any assistant city attorney has or may have a conflict of interest in any matter before the ethics panel or the board, or if any attorney who is responsible for performing any functions on behalf of the ethics panel or board is precluded from doing so because of a legal conflict of interest (such as that arising from the representation of a party whose legal position is adverse to that of the board) which cannot be resolved by the city attorney's office internally by screening or some other method, the attorney shall disclose the personal interest, or the nature of the conflict, to the ethics panel or board. If the ethics panel or board

determines that the attorney has a personal interest in the matter, or if the city attorney determines that the city attorney's office cannot resolve the conflict in a manner which will allow the city attorney's office to perform its duties properly in the matter, another attorney shall be selected by the city attorney to assist ethics panel.

- (d) Any public servant who has or may have a conflict of interest shall disclose it, in writing filed with city clerk. After receiving a disclosure, the city clerk shall:
 - (1) Maintain a record of such disclosure which shall be open to the public; and
 - (2) Promptly forward a copy of the disclosure to the decision maker which may act on the matter; and
 - (3) Promptly forward a copy of the disclosure to any person who is named in the disclosure as having or potentially having a conflict of interest; and
 - (4) Promptly forward a copy of the disclosure to the members of the board selected as the ethics panel and to the city attorney.
- (e) Any public servant who believes that any other public servant has a conflict of interest in any agenda item before a governmental body shall disclose such interest to the city clerk, and the city clerk shall forward copies of such disclosure to the person who is alleged to have a conflict of interest to the city attorney.
- (f) A public servant, in addition to disqualifying himself or herself from participation in any decision regarding the pecuniary or employment interest of a partner in interest, shall make known the existence of the relationship and the interest by filing, in writing, with the city clerk an affidavit disclosing the relationship and the nature and extent of the conflict of interest involved.
- (g) A public servant shall not participate in any public discussions, executive session discussions or voting where the public servant, public servant's family member or partner in interest may gain from any decision ultimately made, including legal issues and employment issues.

Sec. 2-4013. - Reserved.

Sec. 2-4014. - Reserved.

Sec. 2-4015. - Candidates: honesty in applications for positions.

No person seeking to become a public official, employee, contractor, volunteer or appointee to any public position shall make any false or materially misleading statement, certificate, mark, rating or report in regard to any test, certification, appointment or investigation, or in any manner commit any fraud, conceal any wrongdoing or knowingly withhold information about wrongdoing in connection with employment or service with the city or in connection with a work-related contract or service of any city public servant.

Sec. 2-4016. - Financial disclosure statement—Filing.

Financial disclosure statements shall be filed as required by state law.

Sec. 2-4017. - Reserved.

Sec. 2-4018. - Reserved.

Sec. 2-4019. - Reserved.

Sec. 2-4020. – Reserved.

Sec. 2-4021. - Reserved.

Sec. 2-4022. - Reserved.

Sec. 2-4023. - Reserved.

Sec. 2-4024. - Reserved.

Sec. 2-4025. - Reserved.

Sec. 2-4026. - Reserved.

Sec. 2-4027. - Reserved.

Sec. 2-4028. - Reserved.

Sec. 2-4029. - Reserved.

Sec. 2-4030. - Severability.

If any provision of this chapter is held by any court or by any federal or state agency of competent jurisdiction to be invalid as conflicting with any federal, state or city charter provision now or hereafter in effect, or is held by such court or agency to be modified in any way in order to conform to the requirements of any such provision, the conflicting provision of this chapter shall be considered a separate, distinct and independent part of this chapter, and such holding shall not affect the validity and enforceability of this chapter as a whole, or any part other than the part declared to be invalid.

- (a) It is hereby declared to be the intention of the mayor and council that all sections, paragraphs, sentences, clauses and phrases of this chapter are or were, upon their enactment, believed by the mayor and council to be fully valid, enforceable and constitutional.
- (b) It is hereby declared to be the intention of the mayor and council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this chapter is severable from every other section, paragraph, sentence, clause or phrase of this chapter. It is hereby further declared to be the intention of the mayor and council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this chapter is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this chapter.
- (c) In the event that any phrase, clause, sentence, paragraph or section of this chapter shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the mayor and council that such invalidity, unconstitutionally or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the chapter and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the chapter shall remain valid, constitutional, enforceable, and of full force and effect.

The foregoing ^{Ordinance} Resolution No. 002017-003 was offered by Councilmember Jackson, who moved its approval. The motion was seconded by Councilmember Gilyard, and being put to a vote, the result was as follows:

	AYE	NAY
William "Bill" Edwards, Mayor	<u>✓</u>	<u> </u>
Catherine Foster Rowell ^{Mayor Pro Tem}	<u>✓</u>	<u> </u>
Carmalitha Lizandra Gumbs	<u>✓</u>	<u> </u>
Helen Zenobia Willis	<u>✓</u>	<u> </u>
Gertrude Naeema Gilyard	<u>✓</u>	<u> </u>
Rosie Jackson	<u>✓</u>	<u> </u>
khalid kamau	<u>✓</u>	<u> </u>
Mark Baker	<u>✓</u>	<u> </u>

**** The Title Mayor Pro Tem will be added behind the name of the person selected.**

Ordinance
THIS ~~RESOLUTION~~ adopted this 29th day of April, 2017. CITY OF
SOUTH FULTON, GEORGIA

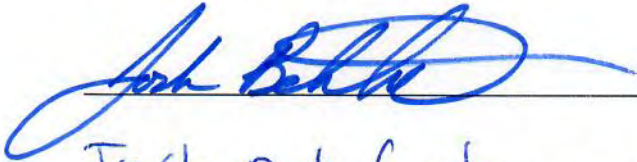

WILLIAM "BILL" EDWARDS, MAYOR

ATTEST:


Mark Massey, CITY CLERK



APPROVED AS TO FORM:


Josh Belinfante, CITY ATTORNEY Interim

**STATE OF GEORGIA
COUNTY OF FULTON
CITY OF SOUTH FULTON**

RESOLUTION NO. 2017-001

**RESOLUTION APPOINTING RUTH C. JONES THE INTERIM CITY
MANAGER; AND FOR OTHER PURPOSES.**

WHEREAS, the City of South Fulton ("City") is a municipal corporation duly organized and existing under the laws of the State of Georgia and is charged with providing public services to local residents; and

WHEREAS, Section 7.15(c) of the City Charter authorizes the elected Mayor and City Councilmembers to meet prior to May 1, 2017 and take actions to bind the City;

WHEREAS, on April 23, 2017, the Fulton County City Council of Elections certified the election results of the runoff elections of the Mayor and City Councilmembers;

WHEREAS, Section 3.23 of the City of South Fulton Code of Ordinances requires that the Mayor recommend qualified candidates for the position of Interim City Manager and the Mayor has recommended Ruth C. Jones as a qualified candidate for the position of Interim City Manager; and

WHEREAS, the City Council has considered the candidate recommended by the Mayor, and has determined that the Mayor's candidate possesses the correct qualifications, experience, skills, and familiarity with the operation of City of South Fulton government for appointment to the position of Interim City Manager; and

WHEREAS, Section 3.23 of the City of South Fulton Code of Ordinances provides that the City Manager shall be the chief administrative officer for the City, shall devote all of his or her working time and attention to the affairs of the City, shall be responsible to the Mayor and City Council for the administration of all City affairs in his or her charge, and shall have certain delineated powers and duties under the ordinance; and

WHEREAS, the City Council finds that the foregoing appointment is necessary and beneficial to its citizens and to the efficient operation of the City.

**THEREFORE, IT IS NOW RESOLVED BY THE CITY COUNCIL OF THE
CITY OF SOUTH FULTON, GEORGIA, AS FOLLOWS:**

1. **Appointment.** The City Council hereby approves the nomination of Ruth C. Jones as the Interim City Manager pursuant to the provisions of the City of South Fulton Code of Ordinances Section 3.23, and until a permanent City Manager is appointed.
2. **Approval of Execution.** The Mayor is hereby authorized to sign all documents necessary to effectuate this Resolution. The City Clerk is authorized to execute,

attest to, and seal any document that may be necessary to effectuate this Resolution, subject to approval as to form by the City Attorney.

3. **Severability.** To the extent, any portion of this Resolution is declared invalid, unenforceable or non-binding, that shall not affect the remaining portions of this Resolution.
4. **Repeal of Conflicting Provisions.** All City resolutions are hereby repealed to the extent they are inconsistent with this Resolution.
5. **Effective Date.** This Resolution shall take effect immediately.

The foregoing Resolution No. 2017-001 was offered by Councilmember Willis, who moved its approval. The motion was seconded by Councilmember Baker, and being put to a vote, the result was as follows:

	AYE	NAY
William "Bill" Edwards, Mayor	☒	☐
Catherine Foster Rowell, Mayor Pro Tem	☒	☐
Carmalitha Lizandra Gumbs	☒	☐
Helen Zenobia Willis	☒	☐
Gertrude Naeema Gilyard	☒	☐
Rosie Jackson	☒	☐
khalid kamau	☒	☐
Mark Baker	☒	☐

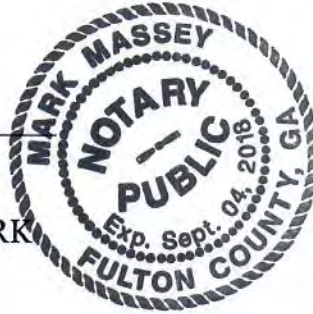
**** The Title Mayor Pro Tem will be added behind the name of the person selected.**

THIS RESOLUTION adopted this 29th day of April 2017. CITY OF
SOUTH FULTON, GEORGIA


WILLIAM "BILL" EDWARDS, MAYOR

ATTEST:


Mark Massey, CITY CLERK



APPROVED AS TO FORM:


Josh Belinfante, INTERIM CITY ATTORNEY

**STATE OF GEORGIA
COUNTY OF FULTON
CITY OF SOUTH FULTON**

RESOLUTION NO. 2017-002

RESOLUTION APPOINTING JOSH BELINFANTE THE INTERIM CITY ATTORNEY; AND FOR OTHER PURPOSES.

WHEREAS, the City of South Fulton ("City") is a municipal corporation duly organized and existing under the laws of the State of Georgia and is charged with providing public services to local residents; and

WHEREAS, Section 7.15(c) of the City Charter authorizes the elected Mayor and City Councilmembers to meet prior to May 1, 2017 and take actions to bind the City;

WHEREAS, on April 23, 2017, the Fulton County City Council of Elections certified the election results of the runoff elections of the Mayor and City Councilmembers;

WHEREAS, pursuant to Sections 3.22(b)(10) and 4.12 of the City Charter, the City Council desires to appoint and employ Josh Belinfante and the law firm of Robbins Ross Alloy Belinfante Littlefield LLC as the Interim City Attorney who shall be responsible for presenting and defending the City in all litigation in which the City is a party, may be the prosecuting officer in the Municipal Court, shall attend the meetings of the City Council as directed, shall advise the City Council, Mayor, and other officers and employees of the City concerning legal aspects of the City's affairs, shall perform such other duties as may be required of him by virtue of his position as Interim City Attorney; and

WHEREAS, pursuant to Section 4.12 of the City Charter, the appointee shall further perform such other duties as may be required by the City Council; and

WHEREAS, the Interim City Attorney shall be the legal advisor and representative of the City, and not the legal advisor or representative of any individual elected official, appointee, employee, or other representative of the City; and

WHEREAS, the City Council finds that the foregoing appointment is necessary and beneficial to its citizens and to the efficient operation of the City.

THEREFORE, IT IS NOW RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOUTH FULTON, GEORGIA, AS FOLLOWS:

1. **Appointments.** The City Council hereby approves the Mayor's nomination of Josh Belinfante and the law firm of Robbins Ross Alloy Belinfante Littlefield LLC as the Interim City Attorney until a permanent City Attorney is approved by the City Council.
2. **Approval of Execution.** The Mayor is hereby authorized to sign all documents necessary to effectuate this Resolution. The City Clerk is authorized to execute, attest to, and seal any document which may be necessary to effectuate this Resolution, subject to approval as to form by the City Attorney.

3. **Severability.** To the extent any portion of this Resolution is declared to be invalid, unenforceable or non-binding, that shall not affect the remaining portions of this Resolution.
4. **Repeal of Conflicting Provisions.** All City resolutions are hereby repealed to the extent they are inconsistent with this Resolution.
5. **Effective Date.** This Resolution shall take effect immediately.

The foregoing Resolution No. 2017-002 was offered by Councilmember Gumbs, who moved its approval. The motion was seconded by Councilmember Willis, and being put to a vote, the result was as follows:

	AYE	NAY
William "Bill" Edwards, Mayor	<u>✓</u>	_____
Catherine Foster Rowell, <u>Mayor Pro Tem</u>	<u>✓</u>	_____
Carmalitha Lizandra Gumbs	<u>✓</u>	_____
Helen Zenobia Willis	<u>✓</u>	_____
Gertrude Naeema Gilyard	<u>✓</u>	_____
Rosie Jackson	<u>✓</u>	_____
khalid kamau	<u>✓</u>	_____
Mark Baker	<u>✓</u>	_____

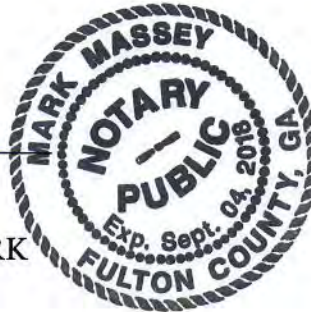
**** The Title Mayor Pro Tem will be added behind the name of the person selected.**

THIS RESOLUTION adopted this 29th day of April 2017. CITY OF
SOUTH FULTON, GEORGIA

[Signature]
WILLIAM "BILL" EDWARDS, MAYOR

ATTEST:

[Signature]
Mark Massey, CITY CLERK



APPROVED AS TO FORM:

[Signature]
Josh Belinfante, INTERIM CITY ATTORNEY

**STATE OF GEORGIA
COUNTY OF FULTON
CITY OF SOUTH FULTON**

RESOLUTION NO. 2017-003

**RESOLUTION APPOINTING MARK MASSEY AS CITY CLERK, SETTING
THE COMPENSATION AND DATE OF HIRE OF SAID CLERK, AND FOR
OTHER PURPOSES.**

WHEREAS, the City of South Fulton ("City") is a municipal corporation duly organized and existing under the laws of the State of Georgia and is charged with providing public services to residents located within the corporate limits of the City; and

WHEREAS, Section 7.15(c) of the City Charter authorizes the elected Mayor and City Councilmembers to meet prior to May 1, 2017 and take actions to bind the City;

WHEREAS, on April 23, 2017, the Fulton County City Council of Elections certified the election results of the runoff elections of the Mayor and City Councilmembers;

WHEREAS, pursuant to City Charter Sections 3.22(b)(10) and 4.13, the City Clerk shall be custodian of the official City seal, maintain City Council records, and perform such other duties as may be required by the City Council; and

WHEREAS, the appointee shall perform the duties of the Clerk directly or supervise others under his/her supervision if approved by the City Council, and notwithstanding any delegation of duties, the appointee shall remain responsible for the duties assigned to him/her by the City Charter and the City Council; and

WHEREAS, pursuant to City Charter Sections 3.22(b)(10) and 4.13, the Mayor nominates and the City Council desires to appoint Mark Massey as the City Clerk; and

WHEREAS, the City Council finds that the foregoing appointment is necessary and beneficial to its citizens and to the efficient operation of the City.

**THEREFORE, IT IS NOW RESOLVED BY THE CITY COUNCIL OF THE
CITY OF SOUTH FULTON, GEORGIA, AS FOLLOWS:**

1. **Appointments** - The City Council of the City of South Fulton, pursuant to its authority under Section 4.13, of the City Charter, approves of the Mayor's nomination of Mark Massey as the City Clerk.
2. **Compensation** - The City Council approves an annual salary for the City Clerk of One Hundred Thousand Dollars and no cents (\$100,000.00), and such salary shall be independent of any employment benefits the City Clerk receives.
3. **Approval of Execution** - The Mayor is hereby authorized to sign all documents and to perform all other acts necessary to effectuate this Resolution on behalf of the City of South Fulton. The City Clerk is authorized to execute, attest to, and seal any

document that may be necessary to effectuate this Resolution, subject to approval as to form by the City Attorney.

4. **Severability** - To the extent, any portion of this Resolution is declared invalid, unenforceable, or non-binding, that shall not affect the remaining portions of this Resolution.
5. **Repeal of Conflicting Provisions** - All City resolutions inconsistent with this Resolution are hereby repealed.
6. **Effective Date** - This Resolution shall be effective on the date of its approval by the City Council and Mayor as provided in the City Charter.

The foregoing Resolution No. 2017-003 was offered by Councilmember Rowell, who moved its approval. The motion was seconded by Councilmember Baker, and being put to a vote, the result was as follows:

	AYE	NAY
William "Bill" Edwards, Mayor	☒	☐
Catherine Foster Rowell, <i>Mayor Pro Tem</i>	☒	☐
Carmalitha Lizandra Gumbs	☒	☐
Helen Zenobia Willis	☒	☐
Gertrude Naeema Gilyard	☒	☐
Rosie Jackson	☒	☐
khalid kamau	☒	☐
Mark Baker	☒	☐

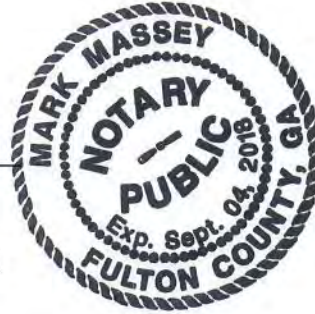
**** The Title Mayor Pro Tem will be added behind the name of the person selected.**

THIS RESOLUTION adopted this 29th day of April 2017. CITY OF
SOUTH FULTON, GEORGIA

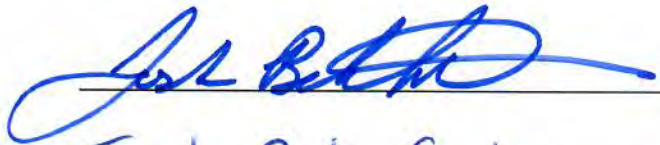

WILLIAM "BILL" EDWARDS, MAYOR

ATTEST:


Mark Massey, CITY CLERK



APPROVED AS TO FORM:


Josh Belinfante INTERIM CITY ATTORNEY

**STATE OF GEORGIA
COUNTY OF FULTON
CITY OF SOUTH FULTON**

RESOLUTION NO. 2017-004

**RESOLUTION APPOINTING DR. CATHERINE FOSTER ROWELL AS
MAYOR PRO TEMPORE, SETTING THE DATE OF APPOINTMENT OF SAID
MAYOR PRO TEMPORE; AND FOR OTHER PURPOSES.**

WHEREAS, the City of South Fulton ("City") is a municipal corporation duly organized and existing under the laws of the State of Georgia and is charged with providing public services to residents located within the corporate limits of the City; and

WHEREAS, Section 7.15(c) of the City Charter authorizes the elected Mayor and City Councilmembers to meet prior to May 1, 2017 and take actions to bind the City;

WHEREAS, on April 23, 2017, the Fulton County City Council of Elections certified the election results of the runoff elections of the Mayor and City Councilmembers;

WHEREAS, pursuant to City Charter Section 3.30, during the absence or physical or mental disability of the Mayor for any cause, the Mayor Pro Tempore shall be clothed with all the rights and privileges of the mayor; and

WHEREAS, the Mayor Pro Tempore shall perform the official duties of the office of the Mayor so long as the Mayor's absence or disability and notwithstanding any delegation of duties, the appointee shall remain responsible for the duties assigned to him/her by the City Charter and the City Council; and

WHEREAS, any such absence or disability of the Mayor shall be declared by majority vote of all councilmembers;

WHEREAS, the Mayor Pro Tempore shall sign all contracts and ordinances in which the Mayor has a disqualifying financial interest.

WHEREAS, pursuant to City Charter Sections 3.11(b) and 3.29, the City Council desires to elect Dr. Catherine Foster Rowell as the Mayor Pro Tempore; and

WHEREAS, the City Council finds that the foregoing appointment is necessary and beneficial to its citizens and to the efficient operation of the City.

**THEREFORE, IT IS NOW RESOLVED BY THE CITY COUNCIL OF THE
CITY OF SOUTH FULTON, GEORGIA, AS FOLLOWS:**

7. **Appointment** - The City Council of the City of South Fulton, pursuant to its authority under Section 3.29, of the City Charter, hereby elects Dr. Catherine Foster Rowell as Mayor Pro Tempore of the City of South Fulton. The Mayor Pro Tempore appointed hereunder shall begin the appointment on April 29, 2017, and shall serve as Mayor Pro Tempore until the first regular meeting of the city council in the immediately following calendar year.

8. **Approval of Execution** - The Mayor is hereby authorized to sign all documents and to perform all other acts necessary to effectuate this Resolution on behalf of the City of South Fulton. The City Clerk is authorized to execute, attest to, and seal any document that may be necessary to effectuate this Resolution, subject to approval as to form by the Interim City Attorney.
9. **Severability** - To the extent, any portion of this Resolution is declared invalid, unenforceable, or non-binding, that shall not affect the remaining portions of this Resolution.
10. **Repeal of Conflicting Provisions** - All City resolutions inconsistent with this Resolution are hereby repealed.
11. **Effective Date** - This Resolution shall be effective on the date of its approval by the City Council and Mayor as provided in the City Charter.

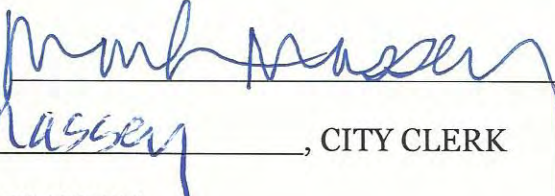
The foregoing Resolution No. 2017-004 was offered by Councilmember Willis, who moved its approval. The motion was seconded by Councilmember Baker, and being put to a vote, the result was as follows:

	AYE	NAY
William "Bill" Edwards, Mayor	☒	☐
Catherine Foster Rowell	☒	☐
Carmalitha Lizandra Gumbs	☒	☐
Helen Zenobia Willis	☒	☐
Gertrude Naeema Gilyard	☒	☐
Rosie Jackson	☒	☐
khalid kamau	☒	☐
Mark Baker	☒	☐

THIS RESOLUTION adopted this 29th day of April 2017. CITY OF
SOUTH FULTON, GEORGIA

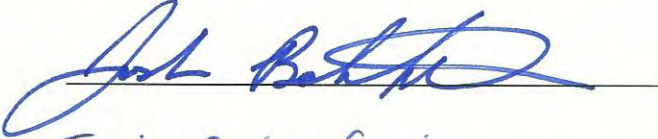

WILLIAM "BILL" EDWARDS, MAYOR

ATTEST:


Mark Massey, CITY CLERK

APPROVED AS TO FORM:




Josh Belinfante, INTERIM CITY ATTORNEY

STATE OF GEORGIA
COUNTY OF FULTON
CITY OF SOUTH FULTON

RESOLUTION NO. 2017-005

**RESOLUTION APPOINTING khalid kamau AS PARLIAMENTARIAN,
SETTING THE DATE OF APPOINTMENT OF SAID PARLIAMENTARIAN;
AND FOR OTHER PURPOSES.**

WHEREAS, the City of South Fulton ("City") is a municipal corporation duly organized and existing under the laws of the State of Georgia and is charged with providing public services to residents located within the corporate limits of the City; and

WHEREAS, Section 7.15(c) of the City Charter authorizes the elected Mayor and City Councilmembers to meet prior to May 1, 2017 and take actions to bind the City;

WHEREAS, on April 23, 2017, the Fulton County City Council of Elections certified the election results of the runoff elections of the Mayor and City Councilmembers;

WHEREAS, the City Council desires to appoint Councilman khalid kamau as the Parliamentarian of the City Council; and

WHEREAS, upon the request of the presiding officer, the Parliamentarian advises the presiding officer on matters related to parliamentary procedure; and

WHEREAS, the City Council finds that the foregoing appointment is necessary and beneficial to its citizens and to the efficient operation of the City.

**THEREFORE, IT IS NOW RESOLVED BY THE CITY COUNCIL OF THE
CITY OF SOUTH FULTON, GEORGIA, AS FOLLOWS:**

1. **Appointment** - The City Council of the City of South Fulton hereby appoints khalid kamau as Parliamentarian of the City of South Fulton. The Parliamentarian appointed hereunder shall begin the appointment on April 29, 2017, and shall serve as Parliamentarian until the first regular meeting of the city council in the immediately following calendar year.
2. **Approval of Execution** - The Mayor is hereby authorized to sign all documents and to perform all other acts necessary to effectuate this Resolution on behalf of the City of South Fulton. The City Clerk is authorized to execute, attest to, and seal any document that may be necessary to effectuate this Resolution, subject to approval as to form by the Interim City Attorney.
3. **Severability** - To the extent, any portion of this Resolution is declared invalid, unenforceable, or non-binding, that shall not affect the remaining portions of this Resolution.
4. **Repeal of Conflicting Provisions** - All City resolutions inconsistent with this Resolution are hereby repealed.

5. **Effective Date** - This Resolution shall be effective on the date of its approval by the City Council and Mayor as provided in the City Charter.

The foregoing Resolution No. 2017-005 was offered by Councilmember Gilyard, who moved its approval. The motion was seconded by Councilmember Baker, and being put to a vote, the result was as follows:

	AYE	NAY
William "Bill" Edwards, Mayor	<u>✓</u>	<u> </u>
Catherine Foster Rowell, <u>Mayor Pro Tem</u>	<u>✓</u>	<u> </u>
Carmalitha Lizandra Gumbs	<u>✓</u>	<u> </u>
Helen Zenobia Willis	<u>✓</u>	<u> </u>
Gertrude Naeema Gilyard	<u>✓</u>	<u> </u>
Rosie Jackson	<u>✓</u>	<u> </u>
khalid kamau	<u>✓</u>	<u> </u>
Mark Baker	<u>✓</u>	<u> </u>

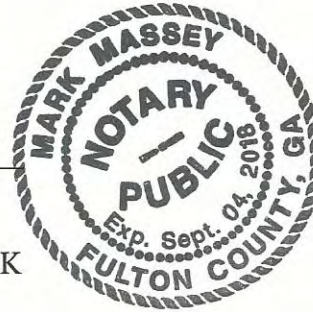
**** The Title Mayor Pro Tem will be added behind the name of the person selected.**

THIS RESOLUTION adopted this 29th day of April 2017. CITY OF
SOUTH FULTON, GEORGIA

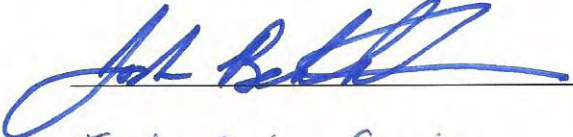

WILLIAM "BILL" EDWARDS, MAYOR

ATTEST:


Mark Massey, CITY CLERK



APPROVED AS TO FORM:


John Belinfante, INTERIM CITY ATTORNEY

**STATE OF GEORGIA
COUNTY OF FULTON
CITY OF SOUTH FULTON**

RESOLUTION NO. 2017-006

**RESOLUTION ESTABLISHING THE FISCAL YEAR AS COMMENCING ON
OCTOBER 1 AND CONCLUDING ON SEPTEMBER 30; AND FOR OTHER
PURPOSES.**

WHEREAS, the City of South Fulton ("City") is a municipal corporation duly organized and existing under the laws of the State of Georgia and is charged with providing public services to local residents; and

WHEREAS, Section 7.15(c) of the City Charter authorizes the elected Mayor and City Councilmembers to meet prior to May 1, 2017, and take actions to bind the City;

WHEREAS, on April 23, 2017, the Fulton County City Council of Elections certified the election results of the runoff elections of the Mayor and City Councilmembers;

WHEREAS, O.C.G.A. § 36-81-3, requires the City to establish a fiscal year for the operations of the local government; and

WHEREAS, the City Council desires to follow the fiscal year established by the United States federal government, which is a 12-month period ending on September 30, having begun on October 1 of the previous calendar year; and

WHEREAS, the City Council finds that establishing a fiscal year is necessary and beneficial to its citizens and to the efficient operation of the City.

THEREFORE, IT IS NOW RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOUTH FULTON, GEORGIA, AS FOLLOWS: THAT THE FISCAL YEAR OF THE CITY SHALL BEGIN ON OCTOBER 1 AND END ON SEPTEMBER 30.

1. **Establishing the Fiscal Year.** The Fiscal Year for the City of South Fulton shall begin on October 1 and end on September 30 of each calendar year.
2. **Approval of Execution.** The Mayor is hereby authorized to sign all documents necessary to effectuate this Resolution. The City Clerk is authorized to execute, attest to, and seal any document that may be necessary to effectuate this Resolution, subject to approval as to form by the City Attorney.
3. **Severability.** To the extent, any portion of this Resolution is declared invalid, unenforceable or non-binding, that shall not affect the remaining portions of this Resolution.
4. **Repeal of Conflicting Provisions.** All City resolutions are hereby repealed to the extent they are inconsistent with this Resolution.
5. **Effective Date.** This Resolution shall take effect immediately.

The foregoing Resolution No. 2017-006 was offered by Councilmember
Willis, who moved its approval. The motion was seconded by
Councilmember Gumbs, and being put to a vote, the
result was as follows:

	AYE	NAY
William "Bill" Edwards, Mayor	<u>✓</u>	<u> </u>
Catherine Foster Rowell, <u>Mayor Pro Tem</u>	<u>✓</u>	<u> </u>
Carmalitha Lizandra Gumbs	<u>✓</u>	<u> </u>
Helen Zenobia Willis	<u>✓</u>	<u> </u>
Gertrude Naeema Gilyard	<u>✓</u>	<u> </u>
Rosie Jackson	<u>✓</u>	<u> </u>
khalid kamau	<u>✓</u>	<u> </u>
Mark Baker	<u>✓</u>	<u> </u>

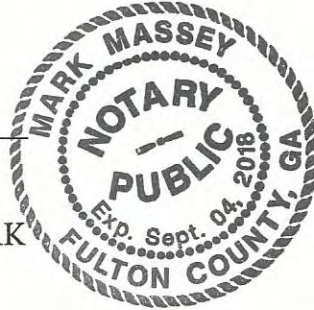
**** The Title Mayor Pro Tem will be added behind the name of the person selected.**

THIS RESOLUTION adopted this 29th day of April 2017. CITY OF
SOUTH FULTON, GEORGIA


WILLIAM "BILL" EDWARDS, MAYOR

ATTEST:


Mark Massey, CITY CLERK



APPROVED AS TO FORM:


Josh Belinfante, INTERIM CITY ATTORNEY

STATE OF GEORGIA
COUNTY OF FULTON
CITY OF SOUTH FULTON

RESOLUTION NO. 2017-007

RESOLUTION ESTABLISHING THE TIME FOR CITY COUNCIL GENERAL SESSIONS AND WORK SESSIONS; AND FOR OTHER PURPOSES.

WHEREAS, the City of South Fulton ("City") is a municipal corporation duly organized and existing under the laws of the State of Georgia and is charged with providing public services to local residents; and

WHEREAS, Section 7.15(c) of the City Charter authorizes the elected Mayor and City Councilmembers to meet prior to May 1, 2017 and take actions to bind the City;

WHEREAS, on April 23, 2017, the Fulton County City Council of Elections certified the election results of the runoff elections of the Mayor and City Councilmembers;

WHEREAS, pursuant to City Charter Section 3.13, the City Council shall meet at least once during each calendar month and hold regular meetings;

WHEREAS, the City Council desires to establish regular general sessions to be held by the City Council on the second and fourth Tuesday of every month beginning at 7:00 pm eastern standard time;

WHEREAS, the City Council desires to establish regular working sessions to be held by the City Council on the second and fourth Tuesday of every month beginning at 5:00 pm and conclude at 6:30 pm eastern standard time; and

WHEREAS, the City Council finds that setting the time for City Council general sessions is necessary and beneficial to its citizens and to the efficient operation of the City.

THEREFORE, IT IS NOW RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOUTH FULTON, GEORGIA, AS FOLLOWS:

1. **Time of General Sessions.** Unless cancelled by the City Council, the City Council shall meet for General Session on the second and fourth Tuesday of every month beginning at 7:00 pm eastern standard time.
2. **Time of Work Sessions.** Unless cancelled by the City Council, the City Council shall meet for Work Sessions on the second and fourth Tuesday of every month beginning at 5:00 pm and concluding at 6:30 pm eastern standard time.
3. **Approval of Execution.** The Mayor is hereby authorized to sign all documents necessary to effectuate this Resolution. The City Clerk is authorized to execute, attest to, and seal any document that may be necessary to effectuate this Resolution, subject to approval as to form by the Interim City Attorney.

4. **Severability.** To the extent, any portion of this Resolution is declared invalid, unenforceable or non-binding, that shall not affect the remaining portions of this Resolution.
5. **Repeal of Conflicting Provisions.** All City resolutions are hereby repealed to the extent they are inconsistent with this Resolution.
6. **Effective Date.** This Resolution shall take effect immediately.

The foregoing Resolution No. 2017-007 was offered by Councilmember Jackson, who moved its approval. The motion was seconded by Councilmember Baker, and being put to a vote, the result was as follows:

	AYE	NAY
William "Bill" Edwards, Mayor	☒	☐
Catherine Foster Rowell, <u>Mayor Pro Tem</u>	☒	☐
Carmalitha Lizandra Gumbs	☒	☐
Helen Zenobia Willis	☒	☐
Gertrude Naeema Gilyard	☒	☐
Rosie Jackson	☒	☐
khalid kamau	☒	☐
Mark Baker	☒	☐

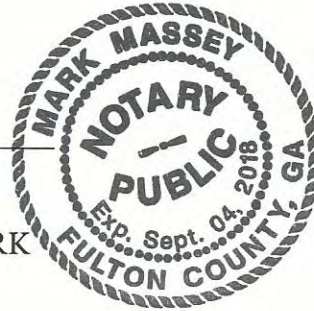
**** The Title Mayor Pro Tem will be added behind the name of the person selected.**

THIS RESOLUTION adopted this 29th day of April 2017. CITY OF
SOUTH FULTON, GEORGIA


WILLIAM "BILL" EDWARDS, MAYOR

ATTEST:


Mark Massey, CITY CLERK



APPROVED AS TO FORM:


Belinfante, Josh, INTERIM CITY ATTORNEY

**STATE OF GEORGIA
COUNTY OF FULTON
CITY OF SOUTH FULTON**

RESOLUTION NO. 2017-008

RESOLUTION AUTHORIZING THE CITY OF SOUTH FULTON TO ESTABLISH AND OPEN BANK ACCOUNTS, TO OBTAIN TAX IDENTIFICATION NUMBERS, DESIGNATING CERTAIN PERSONS AS AUTHORIZED TO SIGN CHECKS ON THE CITY'S BEHALF, AND FOR OTHER PURPOSES.

WHEREAS, the City of South Fulton ("City") is a municipal corporation duly organized and existing under the laws of the State of Georgia and is charged with providing public services to local residents; and

WHEREAS, the Charter provides that the City of South Fulton incorporates on May 1, 2017; and

WHEREAS, Section 7.15(c) of the City Charter authorizes the elected Mayor and City Councilmembers to meet prior to May 1, 2017 and take actions to bind the City; and

WHEREAS, on April 23, 2017, the Fulton County City Council of Elections certified the election results of the runoff elections of the Mayor and City Councilmembers; and

WHEREAS, from time to time the City is required to open and maintain bank accounts of all nature including but not limited to checking, savings, escrow, and trust accounts pursuant to Sections 1.12 and 7.16 of the City Charter; and

WHEREAS, banking institutions require that a resolution be duly adopted by the City Council authorizing the opening and management of the account; and

WHEREAS, banking institutions also require that a resolution be duly adopted by the City Council naming certain persons to be authorized to execute documents related to each said account; and

WHEREAS, the City finds that a Resolution authorizing the City to open bank accounts and to designate authorized signatories is necessary and beneficial to its citizens and to the proper use of City funds.

NOW THEREFORE, THE COUNCIL OF THE CITY OF SOUTH FULTON HEREBY RESOLVES AS FOLLOWS;

1. **Authorization.** - The Mayor, Interim City Manager, and City Clerk, as designated below, are hereby authorized to obtain any necessary tax identification numbers and to open such bank accounts and sign checks as may be needed by the City to conduct the business of the City and in accordance with Sections 1.12 and 7.16 of the City Code of Ordinances.

Name/Title/Position Signature

William "Bill" Edwards, Mayor _____
Ruth C. Jones, Interim City Manager _____
Mark Massey, City Clerk _____

6. **Approval of Execution.** The Mayor is hereby authorized to sign all documents necessary to effectuate this Resolution. The City Clerk is authorized to execute, attest to, and seal any document that may be necessary to effectuate this Resolution, subject to approval as to form by the Interim City Attorney.
7. **Severability.** To the extent, any portion of this Resolution is declared invalid, unenforceable or non-binding, that shall not affect the remaining portions of this Resolution.
8. **Repeal of Conflicting Provisions.** All City resolutions are hereby repealed to the extent they are inconsistent with this Resolution.
9. **Effective Date.** This Resolution shall take effect immediately.

The foregoing Resolution No. 2017-008 was offered by Councilmember Willis, who moved its approval. The motion was seconded by Councilmember Baker, and being put to a vote, the result was as follows:

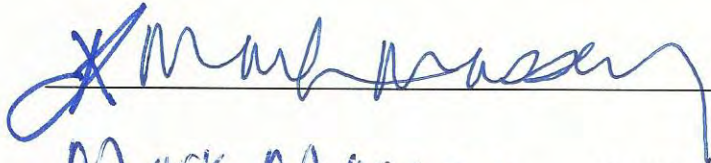
	AYE	NAY
William "Bill" Edwards, Mayor	✓	
Catherine Foster Rowell, <u>Mayor Pro Tem</u>	✓	
Carmalitha Lizandra Gumbs	✓	
Helen Zenobia Willis	✓	
Gertrude Naeema Gilyard	✓	
Rosie Jackson	✓	
khalid kamau	✓	
Mark Baker	✓	

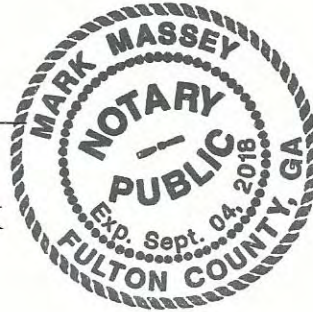
**** The Title Mayor Pro Tem will be added behind the name of the person selected.**

THIS RESOLUTION adopted this 29th day of April 2017. CITY OF
SOUTH FULTON, GEORGIA

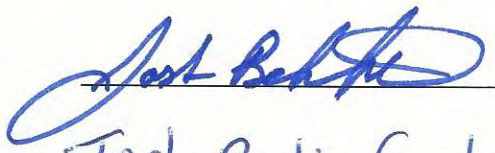

WILLIAM "BILL" EDWARDS, MAYOR

ATTEST:


Mark Massey, CITY CLERK



APPROVED AS TO FORM:


Josh Belinfante, INTERIM CITY ATTORNEY

RESOLUTION NO. 2017-009

RESOLUTION AUTHORIZING THE CITY COUNCIL TO ACCEPT A SHORT TERM LOAN FROM IBERIA BANK IN THE FORM OF A TAX ANTICIPATION NOTE; AND FOR OTHER PURPOSES.

WHEREAS, the City of South Fulton ("City") is a municipal corporation duly organized and existing under the laws of the State of Georgia and is charged with providing public services to residents located within the corporate limits of the City; and

WHEREAS, Section 7.15(c) of the City Charter authorizes the elected Mayor and City Councilmembers to meet prior to May 1, 2017 and take actions to bind the City;

WHEREAS, on April 23, 2017, the Fulton County City Council of Elections certified the election results of the runoff elections of the Mayor and City Councilmembers;

WHEREAS, the City is authorized by Article IX, Section V, Paragraph V of the Constitution of the State of Georgia of 1983 and Section 36-80-2 of the Official Code of Georgia Annotated, to incur a temporary loan in order to pay current expenses during any calendar year; and

WHEREAS, the City's transition team solicited information regarding terms and conditions for a short term loan from several banks doing business in Georgia;

WHEREAS, IberiaBank responded timely to the transition team's solicitation;

WHEREAS, IberiaBank has experience providing TANs to other municipalities;

WHEREAS, the Mayor and the Council has determined that it is in the best interest of the City to incur a temporary loan in order to pay current expenses for calendar year 2017 in anticipation of the receipt of taxes levied or to be levied for its general fund (the "General Fund");

WHEREAS, the Mayor and Council find IberiaBank's terms to be commercially reasonable, competitive with other respondents, and consistent with the best interests of the City of South Fulton;

WHEREAS, the City proposes to borrow up to the principal amount of \$12,000,000 pursuant to the term sheet issued by IberiaBank attached hereto as Exhibit "A" and incorporated herein (the "Term Sheet"), to pay the current expenses of the City.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City and it is hereby resolved by authority of the same, as follows:

Section 1. Approval. The City, acting by and through the Mayor and the City Council, hereby approves obtaining a short term loan ("Series 2017 TAN") from IberiaBank pursuant to the loan terms set forth in the Term Sheet, which is hereby also approved, and in accordance with IberiaBank's customary closing practices for issuance and purchase of municipal tax anticipation notes.

Section 2. Operating Accounts. The City, acting by and through the Mayor and the City Council, hereby approves establishing and opening the City's operating accounts at IberiaBank.

Section 3. General Authority. From and after the date of adoption of this resolution, the Mayor and the officers of the City (including but not limited to, the Interim City Clerk, Interim City Manager, and Interim City Attorney) are hereby authorized to do such acts and things, and to execute and deliver all such certificates or agreements as may be necessary or desirable in connection with entering into, obtaining and selling the Series 2017 TAN. All actions of the Governing Body, officers or agents of the City taken in connection therewith prior to the date hereof are hereby ratified and confirmed.

Section 4. Governing Law. This resolution is governed by the laws of the State of Georgia.

Section 5. Effective Date. This resolution shall be in full force and effect immediately upon its adoption, and any and all resolutions or parts of resolutions in conflict with this resolution shall be, and they are, to the extent of such conflict, hereby repealed.

The foregoing Resolution No. 2017-009 was offered by Councilmember Gumbs, who moved its approval. The motion was seconded by Councilmember Gilyard, and being put to a vote, the result was as follows:

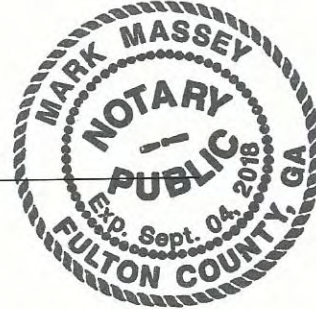
	AYE	NAY
William "Bill" Edwards, Mayor	☒	
Catherine Foster Rowell	☒	
Carmalitha Lizandra Gumbs	☒	
Helen Zenobia Willis	☒	
Gertrude Naeema Gilyard	☒	
Rosie Jackson	☒	
khalid kamau	☒	
Mark Baker		☒

THIS RESOLUTION adopted this 29th day of April 2017. CITY OF
SOUTH FULTON, GEORGIA

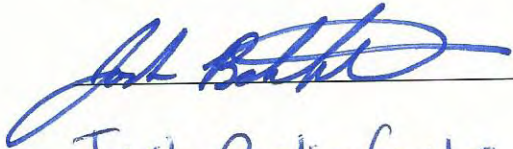

WILLIAM "BILL" EDWARDS, MAYOR

ATTEST:


Mark Massey, CITY CLERK



APPROVED AS TO FORM:


Josh Belinfante, INTERIM CITY ATTORNEY

**STATE OF GEORGIA
COUNTY OF FULTON
CITY OF SOUTH FULTON**

RESOLUTION NO. 2017-010

**A RESOLUTION PROVIDING NOTICE OF THE CITY OF SOUTH FULTON'S
INTENT TO COMMENCE COLLECTING TAXES, FEES, ASSESSMENTS AND
OTHER REVENUE, AND INTENT TO COMMENCE THE DIRECT
PROVISION OF PUBLIC SERVICES.**

WHEREAS, the City of South Fulton ("City") is a municipal corporation duly organized and existing under the laws of the State of Georgia;

WHEREAS, pursuant to Act 421 of the 2016 session of the Georgia General Assembly (the "City Charter"), the City of South Fulton incorporates on May 1, 2017;

WHEREAS, Section 7.15(c) of the City Charter authorizes the elected Mayor and City Councilmembers to meet prior to May 1, 2017 and take actions to bind the City;

WHEREAS, on April 23, 2017, the Fulton County Board of Elections certified the election results of the runoff elections of the Mayor and City Councilmembers;

WHEREAS, Section 7.16(b) of the City Charter authorizes the City of South Fulton to provide written notice to Fulton County of its intent to collect any tax, fee, assessment, fine or forfeiture, other monies; and

WHEREAS, Section 7.16(b) of the City Charter also authorizes the City of South Fulton to provide written notice to Fulton County of its intent to provide services or functions now being performed by Fulton County;

BE IT HEREBY RESOLVED by the Mayor and City Council that:

1. The aforesaid recitals are not mere recitals, but are material portions of this Resolution;
2. The Interim City Attorney is instructed to place Fulton County on notice that the City seeks to commence collecting the following taxes, fees, assessments, fines or forfeitures, or other monies, on June 1, 2017:
 - a. All allowable franchise fees;
 - b. The Local Option Sales Tax ("LOST");
 - c. All allowable ad valorem taxes;
 - d. Insurance premium taxes; and
 - e. Insurance license fees;

3. The Interim City Attorney is further instructed to place Fulton County on notice that the City seeks to commence providing the following services between June 1, 2017, and September 1, 2017:
 - a. Planning and Development services;
 - b. Police Department services; and
 - c. Code Enforcement services.
4. The Interim City Manager is further instructed to engage in negotiations with public and private utilities for the purpose of entering into franchise agreements and/or adopting franchise fee ordinances.
5. Approval of Execution. The Mayor is hereby authorized to sign all documents necessary to effectuate this Resolution. The City Clerk is authorized to execute, attest to, and seal any document that may be necessary to effectuate this Resolution, subject to approval as to form by the Interim City Attorney.
6. Severability. To the extent, any portion of this Resolution is declared invalid, unenforceable or non-binding, that shall not affect the remaining portions of this Resolution.
7. Repeal of Conflicting Provisions. All City resolutions are hereby repealed to the extent they are inconsistent with this Resolution.
8. Effective Date. This Resolution shall take effect immediately.

The foregoing Resolution No. 2017-010 was offered by Councilmember Rowell, who moved its approval. The motion was seconded by Councilmember Jackson, and being put to a vote, the result was as follows:

	AYE	NAY
William "Bill" Edwards, Mayor	<u>✓</u>	<u> </u>
Catherine Foster Rowell, <u>Mayor Pro Tem</u>	<u>✓</u>	<u> </u>
Carmalitha Lizandra Gumbs	<u>✓</u>	<u> </u>
Helen Zenobia Willis	<u>✓</u>	<u> </u>
Gertrude Naeema Gilyard	<u>✓</u>	<u> </u>
Rosie Jackson	<u>✓</u>	<u> </u>
khalid kamau	<u>✓</u>	<u> </u>
Mark Baker	<u>✓</u>	<u> </u>

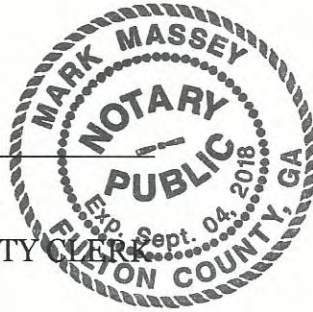
**** The Title Mayor Pro Tem will be added behind the name of the person selected.**

THIS RESOLUTION adopted this 29th day of April 2017. CITY OF
SOUTH FULTON, GEORGIA


WILLIAM "BILL" EDWARDS, MAYOR

ATTEST:


Mark Massey, CITY CLERK



APPROVED AS TO FORM:


Josh Belinfante, INTERIM CITY ATTORNEY

**STATE OF GEORGIA
COUNTY OF FULTON
CITY OF SOUTH FULTON**

RESOLUTION NO. 2017-011

**RESOLUTION DECLARING THE CITY OF SOUTH FULTON'S AUTHORITY
WITHIN THE MUNICIPAL BOUNDARIES**

WHEREAS, the City of South Fulton ("City") is a municipal corporation duly organized and existing under the laws of the State of Georgia;

WHEREAS, pursuant to House Bill 514 of the 2016 session of the Georgia General Assembly (Act No. 421, 2016 p. 3726) (the "City Charter"), the City of South Fulton incorporates on May 1, 2017;

WHEREAS, Section 7.15(c) of the City Charter authorizes the elected Mayor and City Councilmembers to meet prior to May 1, 2017 and take actions to bind the City;

WHEREAS, on April 23, 2017, the Fulton County Board of Elections certified the election results of the runoff elections of the Mayor and City Councilmembers;

WHEREAS, the City is authorized to exercise various powers for the benefit, health, safety and welfare of its citizens, *see* City Charter §§ 1.12-1.13;

WHEREAS, O.C.G.A. § 36-31-8 authorizes the General Assembly to create transition periods for newly-incorporated cities like the City of South Fulton, and it provides a lawful exception to the prohibition of counties providing services within municipal boundaries. *See* Article IX, Section, 2, Paragraph 3 of the Constitution of Georgia;

WHEREAS, O.C.G.A. § 36-31-8 requires Fulton County to continue to provide services to the City of South Fulton until the expiration of the transition period or until the City of South Fulton commences providing services itself;

WHEREAS, Section 7.16 of the City Charter establishes a two-year transition period pursuant to O.C.G.A. § 36-31-8;

WHEREAS, Section 7.16 provides that during the transition period, "all ordinances of Fulton County shall remain applicable within the territorial limits of the City of South Fulton," but that the City of South Fulton may transfer "regulatory authority" to itself;

WHEREAS, it is well understood that the City of South Fulton may exercise governing authority within its borders; *see* City Charter, Sections 1.12 (describing municipal powers); 1.13 (describing exercise of municipal powers); 7.15 (establishing effective date of incorporation); 7.16(b)(9) (describing authority within transition period);

WHEREAS, it is further understood and recognized in Georgia that city councils often sit in a legislative capacity and a quasi-judicial capacity, and city governments also

exercise executive authority; *see Rozier v. Mayor*, 310 Ga. App. 178, 180 (2011) (describing different capacities of municipal government);

WHEREAS, when Section 7.16(d) speaks of a transition for the City of South Fulton to begin exercising “regulatory authority,” it is necessarily speaking of its authority to draft and enact its own ordinances, because to reach any other conclusion would render the act of incorporation largely meaningless;

WHEREAS, nothing prevents the City from exercising its quasi-judicial or administrative authority, even over services that must be provided by Fulton County pursuant to Fulton County’s current set of ordinances;

WHEREAS, the City’s authority is to be construed liberally; *see City Charter*, § 1.12(b);

WHEREAS, as of May 1, the Fulton County ordinances provide the governing law for municipal matters, but the City of South Fulton City Council is the governing body presiding over matters that fall within the scope of municipal authority, and consequently, the City Council is charged with adopting its own interpretation of the Fulton County ordinances, and it is empowered to make any decision that, prior to May 1, 2017, would be made by the Fulton County Board of Commissioners; and

WHEREAS, every Fulton County Ordinance impliedly substitutes the Mayor and City Council for the Fulton County Board of Commissioners on any quasi-judicial or legislative decision that affects City residents (e.g., approving or disapproving of applications);

BE IT HEREBY RESOLVED by the Mayor and City Council that:

1. The aforesaid recitals are not mere recitals, but are material portions of this Resolution;
2. The City Council of the City of South Fulton declares that, during the transition period authorized by O.C.G.A. § 36-31-8 and Section 7.16 of the Charter, until amended by City ordinance, Fulton County ordinances provide the governing law for areas within the City’s municipal boundaries; provided, however, to the extent Fulton County ordinances empower Fulton County Board of Commissioners to render any decision that falls within the scope of authority of the City of South Fulton and exclusively impacts residents within the City of South Fulton (e.g., licensing, applications, etc.), those decisions shall be made by the City of South Fulton and any decision rendered by the Fulton County Board of Commissions after May 1, 2017 that exclusively impacts the City’s residents shall not be recognized by the City of South Fulton.

The foregoing Resolution No. 2017-011 was offered by Councilmember Willis, who moved its approval. The motion was seconded by Councilmember Jackson, and being put to a vote, the result was as follows:

	AYE	NAY
William "Bill" Edwards, Mayor	<u>✓</u>	<u> </u>
Catherine Foster Rowell, <u>Mayor Pro Tem</u>	<u>✓</u>	<u> </u>
Carmalitha Lizandra Gumbs	<u>✓</u>	<u> </u>
Helen Zenobia Willis	<u>✓</u>	<u> </u>
Gertrude Naeema Gilyard	<u>✓</u>	<u> </u>
Rosie Jackson	<u>✓</u>	<u> </u>
khalid kamau	<u>✓</u>	<u> </u>
Mark Baker	<u>✓</u>	<u> </u>

**** The Title Mayor Pro Tem will be added behind the name of the person selected.**

THIS RESOLUTION adopted this 29th day of April 2017. CITY OF
SOUTH FULTON, GEORGIA

[Signature]

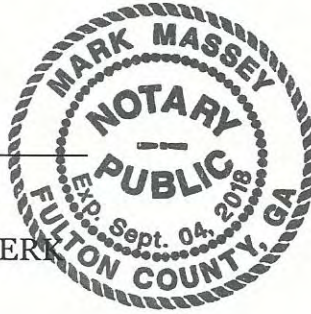
WILLIAM "BILL" EDWARDS, MAYOR

ATTEST:

[Signature]

Mark Massey

CITY CLERK



APPROVED AS TO FORM:

[Signature]

Josh Belinfante, INTERIM CITY ATTORNEY

**STATE OF GEORGIA
COUNTY OF FULTON
CITY OF SOUTH FULTON**

RESOLUTION NO. 2017-012

A RESOLUTION IMPOSING A 90 DAY MORATORIUM ON ALL ZONING APPLICATIONS FOR PROPERTY WITHIN THE CITY OF SOUTH FULTON

WHEREAS, the City of South Fulton ("City") is a municipal corporation duly organized and existing under the laws of the State of Georgia;

WHEREAS, pursuant to House Bill 514 of the 2016 session of the Georgia General Assembly, the City of South Fulton incorporates on May 1, 2017;

WHEREAS, Section 7.15(c) of the City Charter authorizes the elected Mayor and City Councilmembers to meet prior to May 1, 2017 and take actions to bind the City;

WHEREAS, on April 23, 2017, the Fulton County Board of Elections certified the election results of the runoff elections of the Mayor and City Councilmembers;

WHEREAS, the City is charged with preserving the health, safety, and welfare of its citizens;

WHEREAS, the City's zoning power allows for, among other things, obtaining rezoning of land, including a change in conditions that constitutes a zoning decision of the governing body;

WHEREAS, pursuant to Section 7.16(d) of the City Charter, all Fulton County Ordinances, including the Fulton County Zoning Ordinance, remains effective in the City until the City exercises control over the area and adopts its own ordinance on the issue(s);

WHEREAS, the Mayor and City Council desire to study and make independent decisions on the matters of city planning and zoning within the City;

WHEREAS, a reasonable amount of time is necessary in order to accomplish such acts, particularly in the light of the City's May 1, 2017 incorporation;

WHEREAS, the Mayor and City Council need a reasonable amount of time to study and decide appropriate zoning policies for the City; and

WHEREAS, the Mayor and City Council find that a ninety (90) day period of time to conduct review of the zoning provisions is a reasonable period of time.

BE IT HEREBY RESOLVED by the Mayor and City Council that:

1. The aforesaid recitals are not mere recitals, but are material portions of this Resolution;

2. During the period within the moratorium, the Mayor and City Council shall study and consider revisions to the City's zoning ordinance, which it adopted from Fulton County on April 29, 2017, effective May 1, 2017;
3. During the period within the moratorium, no applications for a rezoning, zoning variance, or other change in zoning shall be reviewed, discussed, or adopted by the Mayor and City Council;
4. During the period within the moratorium, no applications for a rezoning, zoning variance, or other change in zoning shall be accepted by Fulton County on behalf of the City of South Fulton;
5. This moratorium covers any applications for rezoning, zoning variance, or change in zoning sought to be filed at any time on or after May 1, 2017;
6. The moratorium shall commence at midnight on May 1, 2017 and shall end upon ninety (90) days' expiration therefrom, unless sooner terminated by resolution of the Mayor and City Council;
7. In the event that any one or more of the provisions contained in this Resolution or Moratorium shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision of this resolution or moratorium but this resolution and moratorium shall be construed as if such invalid, illegal, or unenforceable provision has never been contained herein.
8. The within resolution and moratorium shall become effective on May 1, 2017.

The foregoing Resolution No. 2017-012 was offered by Councilmember Gilyard, who moved its approval. The motion was seconded by Councilmember Rowell, and being put to a vote, the result was as follows:

	AYE	NAY
William "Bill" Edwards, Mayor	☒	☐
Catherine Foster Rowell, <i>Mayor Pro Tem</i>	☒	☐
Carmalitha Lizandra Gumbs	☒	☐
Helen Zenobia Willis	☒	☐
Gertrude Naeema Gilyard	☒	☐
Rosie Jackson	☒	☐
khalid kamau	☒	☐
Mark Baker	☒	☐

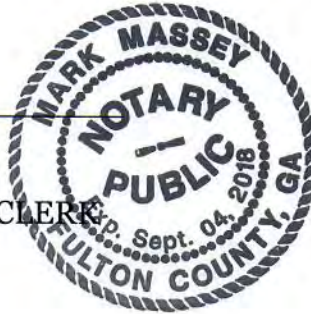
**** The Title Mayor Pro Tem will be added behind the name of the person selected.**

THIS RESOLUTION adopted this 29th day of April 2017. **CITY OF SOUTH FULTON, GEORGIA**


WILLIAM "BILL" EDWARDS, MAYOR

ATTEST:


Mark Massey, CITY CLERK



APPROVED AS TO FORM:


Josh Belinfante, INTERIM CITY ATTORNEY

**STATE OF GEORGIA
COUNTY OF FULTON
CITY OF SOUTH FULTON**

RESOLUTION NO. 2017-013

**A RESOLUTION IMPOSING A 90 DAY MORATORIUM ON THE ISSUANCE
OF ALL ALCOHOL LICENSING PERMITS FOR AGE-RESTRICTED
ESTABLISHMENTS WITHIN THE CITY OF SOUTH FULTON**

WHEREAS, the City of South Fulton ("City") is a municipal corporation duly organized and existing under the laws of the State of Georgia;

WHEREAS, Act 241, 2016 p. 3726, passed during the 2016 session of the Georgia General Assembly, creates the City of South Fulton Charter (the "Charter");

WHEREAS, the Charter provides that the City of South Fulton incorporates on May 1, 2017;

WHEREAS, Section 7.15(c) of the City Charter authorizes the elected Mayor and City Councilmembers to meet prior to May 1, 2017 and take actions to bind the City;

WHEREAS, on April 23, 2017, the Fulton County Board of Elections certified the election results of the runoff elections of the Mayor and City Councilmembers;

WHEREAS, the City is charged with preserving the health, safety, and welfare of its citizens;

WHEREAS, pursuant to Section 6.13 of the City Charter, the City's regulatory power allows for, among other things, to establish reasonable requirements for obtaining or keeping such licenses as the public health, safety, and welfare necessitate;

WHEREAS, pursuant to Section 7.16(d) of the City Charter, all Fulton County Ordinances, including the Fulton County Zoning Ordinance, remains effective in the City until the City exercises control over the area and adopts its own ordinance on the issue(s);

WHEREAS, the Mayor and City Council desire to study and make independent decisions on the licensing and regulation of age-restricted establishments which serve alcohol within the City;

WHEREAS, a reasonable amount of time is necessary in order to accomplish such acts, particularly in the light of the City's May 1, 2017 incorporation;

WHEREAS, the Mayor and City Council need a reasonable amount of time to study and decide appropriate licensing and regulation policies for the City; and

WHEREAS, the Mayor and City Council find that a ninety (90) day period of time to conduct review of alcohol licensing and regulations is a reasonable period of time.

BE IT HEREBY RESOLVED by the Mayor and City Council that:

1. The aforesaid recitals are not mere recitals, but are material portions of this Resolution;
2. During the period within the moratorium, the Mayor and City Council shall study and consider revisions to the City's licensing and regulations of age-restricted establishments which serve alcohol, which it adopted from Fulton County on April 29, 2017, effective May 1, 2017;
3. During the period within the moratorium, no applications for an alcohol permit or license for an age-restricted establishment shall be reviewed, discussed, or adopted by the Mayor and City Council;
4. During the period within the moratorium, no applications for an alcohol permit or license for an age-restricted establishment shall be accepted by Fulton County on behalf of the City of South Fulton;
5. This moratorium covers any applications for an alcohol permit or license sought to be filed at any time on or after May 1, 2017;
6. The moratorium shall commence at midnight on May 1, 2017 and shall end upon ninety (90) days' expiration therefrom, unless sooner terminated by resolution of the Mayor and City Council;
7. In the event that any one or more of the provisions contained in this Resolution or Moratorium shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision of this resolution or moratorium but this resolution and moratorium shall be construed as if such invalid, illegal, or unenforceable provision has never been contained herein.
8. The within resolution and moratorium shall become effective on May 1, 2017.

The foregoing Resolution No. 2017-013 was offered by Councilmember Jackson, who moved its approval. The motion was seconded by Councilmember Willis, and being put to a vote, the result was as follows:

	AYE	NAY
William "Bill" Edwards, Mayor	<u>✓</u>	<u> </u>
Catherine Foster Rowell, <u>Mayor Pro Tem</u>	<u>✓</u>	<u> </u>
Carmalitha Lizandra Gumbs	<u>✓</u>	<u> </u>
Helen Zenobia Willis	<u>✓</u>	<u> </u>
Gertrude Naeema Gilyard	<u>✓</u>	<u> </u>
Rosie Jackson	<u>✓</u>	<u> </u>
khalid kamau	<u>✓</u>	<u> </u>
Mark Baker	<u>✓</u>	<u> </u>

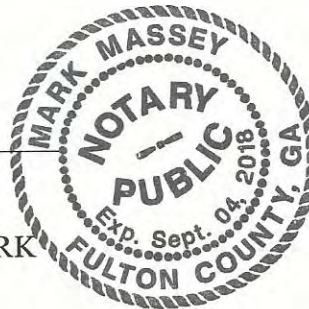
**** The Title Mayor Pro Tem will be added behind the name of the person selected.**

THIS RESOLUTION adopted this 29th day of April 2017. CITY OF SOUTH FULTON, GEORGIA

[Signature]
WILLIAM "BILL" EDWARDS, MAYOR

ATTEST:

[Signature]
Mark Massey, CITY CLERK



APPROVED AS TO FORM:

[Signature]
Josh Belinfante, INTERIM CITY ATTORNEY

**STATE OF GEORGIA
COUNTY OF FULTON
CITY OF SOUTH FULTON**

RESOLUTION NO. 2017-014

**A RESOLUTION INSTRUCTING THE INTERIM CITY MANAGER TO
COMMENCE NEGOTIATIONS FOR EMPLOYEE BENEFITS AND TO
AUTHORIZE THE MAYOR TO SIGN CERTAIN CONTRACTS FOR
EMPLOYEE BENEFITS**

WHEREAS, the City of South Fulton ("City") is a municipal corporation duly organized and existing under the laws of the State of Georgia;

WHEREAS, pursuant to Act 421 of the 2016 session of the Georgia General Assembly (the "City Charter"), the City of South Fulton incorporates on May 1, 2017;

WHEREAS, Section 7.15(c) of the City Charter authorizes the elected Mayor and City Councilmembers to meet prior to May 1, 2017 and take actions to bind the City;

WHEREAS, on April 23, 2017, the Fulton County Board of Elections certified the election results of the runoff elections of the Mayor and City Councilmembers;

WHEREAS, the City is authorized to employ persons to assist with City functions;

WHEREAS, to hire the best and brightest workforce for the City of South Fulton, the City should provide competitive benefits to City employees;

BE IT HEREBY RESOLVED by the Mayor and City Council that:

1. The aforesaid recitals are not mere recitals, but are material portions of this Resolution;
2. The Interim City Manager is instructed negotiate with public and private companies for the provision of health, life, and retirement benefits that are substantially similar to those offered by Fulton County as of April 3, 2017.
3. The Interim City Manager is authorized to enter into negotiations with payroll service providers for the purpose of coordinating payroll functions for city employees.
4. The Interim City Manager is further instructed to present the Mayor with proposed contracts for consideration.
5. The Mayor is authorized to approve contracts that are commercially reasonable and provide benefits that are substantially similar to those offered by Fulton County as of April 3, 2017; provided, however, if the Mayor has not been presented with such contracts, or if the Mayor has not executed such

contracts prior to the next meeting of the City Council, the City Council shall be required to approve the contracts.

The foregoing Resolution No. 2017-014 was offered by Councilmember Rowell, who moved its approval. The motion was seconded by Councilmember Kamau, and being put to a vote, the result was as follows:

	AYE	NAY
William "Bill" Edwards, Mayor	<u>✓</u>	<u> </u>
Catherine Foster Rowell, <u>Mayor Pro Tem</u>	<u>✓</u>	<u> </u>
Carmalitha Lizandra Gumbs	<u>✓</u>	<u> </u>
Helen Zenobia Willis	<u>✓</u>	<u> </u>
Gertrude Naeema Gilyard	<u>✓</u>	<u> </u>
Rosie Jackson	<u>✓</u>	<u> </u>
khalid kamau	<u>✓</u>	<u> </u>
Mark Baker	<u>✓</u>	<u> </u>

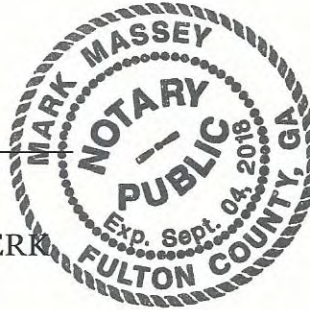
**** The Title Mayor Pro Tem will be added behind the name of the person selected.**

THIS RESOLUTION adopted this 29th day of April 2017. CITY OF
SOUTH FULTON, GEORGIA

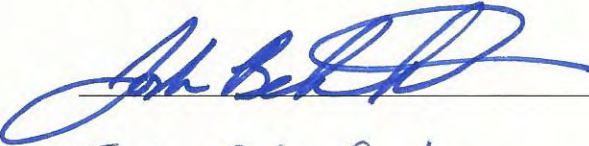

WILLIAM "BILL" EDWARDS, MAYOR

ATTEST:


Mark Massey, CITY CLERK



APPROVED AS TO FORM:


Josh Belinfante, INTERIM CITY ATTORNEY

**STATE OF GEORGIA
COUNTY OF FULTON
CITY OF SOUTH FULTON**

RESOLUTION NO. 2017-015

**A RESOLUTION INSTRUCTING THE INTERIM CITY MANAGER TO
COMMENCE NEGOTIATIONS WITH FULTON COUNTY REGARDING AN
INTERGOVERNMENTAL AGREEMENT FOR SERVICES**

WHEREAS, the City of South Fulton ("City") is a municipal corporation duly organized and existing under the laws of the State of Georgia;

WHEREAS, pursuant to Act 421 of the 2016 session of the Georgia General Assembly (the "City Charter"), the City of South Fulton incorporates on May 1, 2017;

WHEREAS, Section 7.15(c) of the City Charter authorizes the elected Mayor and City Councilmembers to meet prior to May 1, 2017 and take actions to bind the City;

WHEREAS, on April 23, 2017, the Fulton County Board of Elections certified the election results of the runoff elections of the Mayor and City Councilmembers;

WHEREAS, on April 23, 2017, the Fulton County Board of Elections certified the election results of the runoff elections of the Mayor and City Councilmembers;

WHEREAS, the City Charter provides the City with a twenty-four (24) month transition period before it must assume and exercise all powers of a municipality;

WHEREAS, Section 7.16(b) of the City Charter provides that "during such transition period, Fulton County shall continue to provide within the territorial limits of the City of South Fulton all government services and functions which Fulton County provided in that are during 2016 at the same actual cost;"

WHEREAS, O.C.G.A. § 36-31-8 provides that during transition periods of new municipalities, the county shall continue to provide government services and functions in the territory of the new city until the end of the transition period, or until the city assumes the provision of services; and

WHEREAS, the City seeks to enter into an intergovernmental agreement with Fulton County for the provision of various services within the City's boundaries for a period not to extend the transition period;

BE IT HEREBY RESOLVED by the Mayor and City Council that:

1. The aforesaid recitals are not mere recitals, but are material portions of this Resolution;
2. The Interim City Manager is instructed negotiate with Fulton County regarding an intergovernmental agreement for the provision of various services within the City's boundaries.

3. The Interim City Attorney is authorized to assist the City Manager in the negotiations with Fulton County.

The foregoing Resolution No. 2017-019 was offered by Councilmember Baker, who moved its approval. The motion was seconded by Councilmember Rowell, and being put to a vote, the result was as follows:

	AYE	NAY
William "Bill" Edwards, Mayor	☒	☐
Catherine Foster Rowell, <u>Mayor Pro Tem</u>	☒	☐
Carmalitha Lizandra Gumbs	☒	☐
Helen Zenobia Willis	☒	☐
Gertrude Naeema Gilyard	☒	☐
Rosie Jackson	☒	☐
khalid kamau	☒	☐
Mark Baker	☒	☐

**** The Title Mayor Pro Tem will be added behind the name of the person selected.**

THIS RESOLUTION adopted this 29th day of April 2017. CITY OF
SOUTH FULTON, GEORGIA

William "Bill" Edwards

WILLIAM "BILL" EDWARDS, MAYOR

ATTEST:

Mark Massey

Mark Massey, CITY CLERK



APPROVED AS TO FORM:

Josh Belinfante

Josh Belinfante, INTERIM CITY ATTORNEY