

A BILL TO BE ENTITLED
AN ACT

To provide for the incorporation of the City of DeKalb in DeKalb County, Georgia; to provide for the name and corporate boundaries; to provide for municipal powers; to provide for city council and its members, manner of election, terms of office, manner of filling vacancies, conflicts of interest, duties and authority, compensation, officers, and procedures; to provide for the powers and duties of the mayor; to provide for a city manager; to provide for community area planning units; to provide for administrative and service departments; to provide for a city attorney, chief financial officer, and city clerk; to provide for boards and authorities; to provide for the regulation of employees; to provide for a municipal court and the operation thereof; to provide for elections and removal; to provide for taxation, franchises, service charges, bonds, and other fiscal matters; to provide for budgeting and audits; to provide for purchasing and contracting; to provide for economic development; to provide for bonds; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA;

ARTICLE I
INCORPORATION AND POWERS
SECTION 1.10
Incorporation

This city and the inhabitants thereof, are incorporated by the enactment of this charter and are hereby constituted and declared a body politic and corporate under the name and style "City of DeKalb", Georgia, and by that name shall have perpetual succession.

Section 1.11.
Corporate Boundaries.

(a) The corporate boundaries of this city shall be as described and set forth in Appendix A attached hereto and said Appendix A is incorporated into and made a part of this charter.

Any areas included in the boundaries listed in Appendix A that have been incorporated or annexed shall be excluded from the city of DeKalb.

(b) The city council may provide for changes in Appendix A by ordinance to reflect lawful changes in the corporate boundaries. The city clerk shall maintain a current map and written legal description of the corporate boundaries of the city, and such map and description shall incorporate any changes which may hereafter be made in such corporate boundaries.

Section 1.12
Municipal powers.

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

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

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

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

(3) Building Regulation. To regulate and to license the erection and construction of buildings and all other structures; to adopt building, housing, plumbing, fire safety,

electrical, gas, and heating and air conditioning codes; and to regulate all housing, and building trades;

(4) Business Regulation and Taxation. To levy and to provide for the collection of regulatory fees and taxes on privileges, occupations, trades and professions as authorized by Title 48 of the Official Code of Georgia Annotated, or other such applicable laws as are or may hereafter be enacted; to permit and regulate the same; to provide for the manner and method of payment of such regulatory fees and taxes; and to revoke such permits after due process for failure to pay any city taxes or fees;

(5) Community Improvement District. To provide for the creation of a community improvement district within the City of DeKalb subject to the conditions prescribed in Article IX, 273 Section VII, Paragraph III of the Constitution of the State of Georgia. Such district shall be created for the provision of such of the following governmental services and facilities as may be provided for in the resolution activating such district, or as may be adopted by resolutions of the majority of the electors and the majority of the equity electors as defined in this section:

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

(2) Parks and recreational areas and facilities;

(3) Stormwater and sewage collection and disposal systems;

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

(5) Public transportation;

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

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

(6) Condemnation. To condemn property, inside or outside the corporate limits of the city, for present or future use and for any corporate purpose deemed necessary by the governing authority, utilizing procedures enumerated in Title 22 or 32 of the Official Code of Georgia Annotated, or such other applicable laws as are or may hereafter be enacted;

(7) Contracts. To enter into contracts and agreements with other governmental entities and with private persons, firms and corporations;

- (8) Emergencies. To establish procedures for determining and proclaiming that an emergency situation exists within or without the city, and to make and carry out all reasonable provisions deemed necessary to deal with or meet such an emergency for the protection, safety, health or well-being of the citizens of the city;
- (9) Environmental Protection. To protect and preserve the natural resources, environment and vital areas of the city, the region, and the state through the preservation and improvement of air quality, the restoration and maintenance of water resources, the control of erosion and sedimentation, the management of stormwater and establishment of a stormwater utility, the management of solid and hazardous waste, and other necessary actions for the protection of the environment;
- (10) Fire Regulations. To fix and establish fire limits and from time to time to extend, enlarge or restrict the same; to prescribe fire safety regulations not inconsistent with general law, relating to both fire prevention and detection and to fire fighting; and to prescribe penalties and punishment for violations thereof;
- (11) Garbage Fees. To levy, fix, assess, and collect a garbage, refuse and trash collection and disposal, and other sanitary service charge, tax, or fee for such services as may be necessary in the operation of the city from all individuals, firms, and corporations residing in or doing business therein benefiting from such services; to enforce the payment of such charges, taxes or fees; and to provide for the manner and method of collecting such service charges;
- (12) General Health, Safety and Welfare. To define, regulate and prohibit any act, practice, conduct or use of property which is detrimental to health, sanitation, cleanliness, welfare, and safety of the inhabitants of the city, and to provide for the enforcement of such standards;
- (13) Gifts. To accept or refuse gifts, donations, bequests or grants from any source for any purpose related to powers and duties of the city and the general welfare of its citizens, on such terms and conditions as the donor or grantor may impose;
- (14) Health and Sanitation. To prescribe standards of health and sanitation and to provide for the enforcement of such standards;

- (15) Homestead Exemption. To establish and maintain procedures for offering homestead exemptions to residents of the city and maintaining current homestead exemptions of residents of the city as authorized by Act of the General Assembly;
- (16) Jail Sentences. To provide that persons given jail sentences in the city's court may work out such sentences in any public works or on the streets, roads, drains and other public property in the city, to provide for commitment of such persons to any jail, to provide for the use of pretrial diversion and any alternative sentencing allowed by law, or to provide for commitment of such persons to any county work camp or county jail by agreement with the appropriate county officials;
- (17) Motor Vehicles. To regulate the operation of motor vehicles and exercise control over all traffic, including parking upon or across the streets, roads, alleys and walkways of the city;
- (18) Municipal Agencies and Delegation of Power. To create, alter or abolish departments, boards, offices, commissions and agencies of the city, and to confer upon such agencies the necessary and appropriate authority for carrying out all the powers conferred upon or delegated to the same;
- (19) Municipal Courts. To create a municipal court with a judge or judge and associate judges as may be necessary and to authorize the creation of a municipal court clerk's office or make said clerk's duties a part of the duties of the city clerk as designated by the city council;
- (20) Municipal Debts. To appropriate and borrow money for the payment of debts of the city and to issue bonds for the purpose of raising revenue to carry out any project, program or venture authorized by this charter or the laws of the State of Georgia;
- (21) Municipal Property Ownership. To acquire, dispose of, lease, and hold in trust or otherwise, any real, personal, or mixed property, in fee simple or lesser interest, inside or outside the property limits of the city;
- (22) Municipal Property Protection. To provide for the preservation and protection of property and equipment of the city, and the administration and use of same by the public; and to prescribe penalties and punishment for violations thereof;

(23) Municipal Utilities. To acquire, lease, construct, operate, maintain, sell and dispose of public utilities, including but not limited to a system of waterworks, sewers and drains, sewage disposal, stormwater management, gas works, electric light plants, cable television and other telecommunications, transportation facilities, public airports, and any other public utility; and to fix the taxes, charges, rates, fares, fees, assessments, regulations and penalties, and to provide for the withdrawal of service for refusal or failure to pay the same;

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

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

(26) Planning and Zoning. To provide comprehensive city planning for development by zoning; to provide technical assistance to CAPUs and CARs to assist them in making recommendations; and to provide subdivision regulation and the like as the city council deems necessary and reasonable to insure a safe, healthy, and aesthetically pleasing community;

(27) Police and Fire Protection. To exercise the power of arrest through duly appointed police officers, and to establish, operate, or contract for a police and a firefighting agency;

(28) Public Hazards: Removal. To provide for the destruction and removal of any building or other structure which is or may become dangerous or detrimental to the public;

(29) Public Improvements. To provide for the acquisition, construction, building, operation and maintenance of public ways, parks and playgrounds, recreational facilities, cemeteries, markets and market houses, public buildings, libraries, public housing, airports, hospitals, terminals, docks, parking facilities, or charitable, cultural, educational, recreational, conservation, sport, curative, corrective, detentional, penal and medical institutions, agencies and facilities; and to provide any other public improvements, inside or outside the corporate limits of the city; to regulate the use of public improvements; and for such purposes, property may be acquired by

condemnation under Title 22 or 32 of the Official Code of Georgia Annotated, or such other applicable laws as are or may hereafter be enacted;

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

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

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

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

(34) Retirement. To provide and maintain a retirement plan and other employee benefit plans and programs for officers and employees of the city;

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

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

availability or use of the sewers; to provide for the manner and method of collecting such service charges and for enforcing payment of the same; and to charge, impose and collect a sewer connection fee or fees to those connected with the system;

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

(38) Special Areas of Public Regulation. To regulate or prohibit junk dealers, the manufacture and sale of intoxicating liquors; to regulate the transportation, storage and use of combustible, explosive and inflammable materials, the use of lighting and heating equipment, and any other business or situation which may be dangerous to persons or property; to regulate and control the conduct of peddlers and itinerant traders, theatrical performances, exhibitions, and shows of any kind, by taxation or otherwise; to license and tax professional fortunetelling, palmistry, and massage parlors; and to restrict adult bookstores to certain areas;

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

(40) Taxes: Ad Valorem. To levy and provide for the assessment, valuation, revaluation, and collection of taxes on all property subject to taxation.

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

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

(43) Tourism , conventions and trade shows. To provide for the structure, operation, and management of the DeKalb Convention and Visitors Bureau created pursuant to Section 1.14 of this charter and to authorize the city of DeKalb to contract with private

sector nonprofit organizations or other governmental agencies to promote tourism conventions, and trade shows;

(44) Urban Redevelopment. To organize and operate an urban redevelopment program;

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

Section 1.13

Exercise of powers.

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

Section 1.14

Tourism, conventions, and trade shows.

The DeKalb Convention and Visitors Bureau is hereby authorized to be created by an ordinance of the city council. When created, the bureau shall consist of a board of seven members appointed by the city council. The bureau shall report to the chief operating officer

on a regular basis and shall send an annual report to the mayor and the city council in January of each year.

ARTICLE II
LEGISLATIVE BRANCH

Section 2.10.

City council creation; number; election.

(a) The legislative authority of the government of City of DeKalb, except as otherwise specifically provided in this charter, shall be vested in a city council to be composed of seven council members. The council members shall be elected in the manner provided by general law and this charter.

(b) For the purpose of electing the seven council members, there shall be six council districts, designated Council Districts 1 through 6, as described in Appendix B of this Act. The Council Districts shall be aligned with the Community Area Planning Units (CAPUs). Each person desiring to offer as a candidate for councilmember shall designate the council district for which he or she is offering.

(c) The six Council Districts shall correspond to the following Community Area Planning Units.

District 1: CAPU North

District 2: CAPU East

District 3: CAPU North Central

District 4: CAPU South Central

District 5: CAPU West

District 6: CAPU South

(d) One councilperson shall be elected from each of the six council districts and shall hold Council Posts 1, 2, 3, 4, 5 and 6, respectively. Each person desiring to offer as a candidate for councilmember for such posts shall designate the council post for which he or she is offering. Councilmembers for such posts shall be elected by a majority vote of the qualified electors of the respective council districts voting at the elections of the city. In the event that

no candidate for a council post obtains a majority vote of the qualified electors of the council district for the election, then a run-off election shall be held. The candidates receiving the two highest numbers of votes in the election for such council post will be included in the run-off election. The person receiving the highest number of votes of the qualified electors of the council district voting at such run-off election shall be elected.

(e) The President of the Council shall be elected from the city at large and shall represent Council Post 7. Candidates offering for election to Council Post 7 shall be elected citywide. The councilmember for Post 7 shall be elected by a majority vote of the qualified electors of the City of DeKalb voting at the elections of the city. In the event that no candidate obtains a majority vote of the qualified electors of the council district for the election, then a run-off election shall be held. The candidates receiving the two highest numbers of votes in the election for such council post will be included in the run-off election. The person receiving the highest number of votes of the qualified electors of the council district voting at such run-off election shall be elected.

(f) With the exception of the initial terms set forth in this section, councilmembers shall be elected to terms of four years and until their successors are elected and qualified. Councilmembers shall be elected on a staggered basis in alternate election cycles such that every two years three or four councilmembers are up for election. In order to assure staggered elections of the councilmembers, in the first election of the city council the terms for the candidates elected for Council Posts 1, 3, 5 and 7 shall expire upon the administration of the oath of office to their successors elected in the regular elections held in November 2022. The terms for the candidates elected for Council Posts 2, 4 and 6 along with the Mayor shall expire upon the administration of the oath of office to their successors elected in the regular elections held in November 2024. Thereafter, a successor to each councilmember shall be elected at the November election immediately preceding the end of such councilmember's term of office and the term of each councilmember shall expire upon the administration of the oath of office to his or her successor.

(g) Non-partisan elections

Political parties shall not conduct primaries for any city offices and all names of candidates for city offices shall be listed without party designations.

(h) Other Provisions

(1) Except for minor traffic violations, candidates for any office in the city of DeKalb should disclose any prior criminal history.

(2) 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.

(i) Removal of Officers.

(1) The mayor, councilmembers, or other appointed officers provided for in this charter shall be removed from office for any one or more of the causes provided in Title 45 of the Official Code of Georgia Annotated, or such other applicable laws as are or may hereafter be enacted.

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

(A) Following a hearing, which can be brought by a resident of the city, at which an impartial panel shall render a decision. In the event an elected officer is sought to be removed by the action of the city council, such officer shall be entitled to a written notice specifying the ground or grounds for removal and to a public hearing which shall be held not less than ten (10) days and not more than 30 days after the service of such written notice. The city council shall provide by ordinance for the manner in which such hearings shall be held.

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

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

Section 2.11.
City Council terms

The members of the city council shall serve for terms of 4 years and until their respective successors are elected and qualified. Any councilmember who has been elected for two consecutive four-year terms under the provisions of this Charter shall not be eligible to be elected for the succeeding term except for the initial electees of Council posts 1,3,5 and 7 who shall be eligible to serve for three consecutive terms but shall not be elected for the succeeding term.

Section 2.12
Qualifications for office

- (a) To qualify for election as a councilmember, a person:
- (1) Must be at least 18 years of age;
 - (2) Must be a resident of the city and of the council district from which they seek to qualify for at least one year immediately preceding the date of his or her filing of notice of candidacy to seek office; and
 - (3) Must be a registered voter of the city.
- (b) To hold office as a councilmember, a person:
- (1) Must continue to possess the qualifications prescribed in subsection (a) of this Section;
 - (2) Must, if elected from one council district or residency post, continue to reside in the same council district or post from which elected; and
 - (3) Must not hold any other elective public office.
- (c) Whenever the terms “reside”, “residence”, or “residency” appear in this section, the same shall be interpreted to mean their primary domicile.

Section 2.13.

Vacancy; filling of vacancies.

(a) Vacancies - The office of councilmember, president of the council, and mayor shall become vacant upon the incumbent's death, resignation, forfeiture of office, declaration of intent to run for another office, ceasing to be a resident, removal from office, assumption of or temporary or permanent appointment to another office, disability rendering that person ineligible or occurrence of any event specified by the Constitution of the State of Georgia, Title 45 of the Official Code of Georgia Annotated, or such other applicable laws as are or may hereafter be enacted.

(b) In the event the office of mayor, president of the council, or councilmember shall become vacant by reason of death, resignation, or any other cause, the council shall, within 30 days after the occurrence of such vacancy, call a special election to fill the balance of the unexpired term of such office by giving notice thereof in one or more newspapers of general circulation within the city, except:

(1) If a regular election for the office of mayor is to be held within twelve (12) months after the date that a vacancy in the office of mayor occurs, the president of the council shall assume and discharge the powers and duties of the office of mayor for the duration of the mayor's unexpired term. If a regular election for the office of the president of the council is to be held within twelve (12) months after the date that a vacancy occurs in the office of the president of the council, the remaining council members shall select one of the existing council members to temporarily assume the position of city council president.

(2) If a regular election for the office of councilmember (other than the president of the council) is to be held within twelve months after the date that a vacancy occurs in the office of councilmember, the remaining members of the council shall by majority vote appoint a qualified person from the District to fill the vacancy. The members of the council shall appoint such person within 30 days of the date the vacancy occurs.

(3) If the office of mayor or council president is expected to be temporarily vacant (the incumbent returns within six months or less), then the processes outlined in Section

2.13(b)(1) and Section 2.13(b)(2) shall be considered temporary appointments and the appointed people shall resume their previous position upon a return to office of the original elected official.

(c) If any elected officer of the city qualifies for another municipal, county, state, or federal elective office, his or her resignation shall be governed by Article II, Section II, Paragraph V, of the Constitution of the State of Georgia.

(d) This provision shall also apply to a temporary vacancy created by the suspension from office of the mayor or any councilmember.

Section 2.14.

Compensation and expenses.

The annual salary of the councilmember shall be \$60,000. The annual salary of the president of the council shall be \$65,000. The annual salary of the mayor shall be \$75,000. Such salary shall be paid from municipal funds in bi-monthly installments. City council members are accountable and responsible for diligently and actively representing their constituency in the fulfillment of the strategic plan. The city council may provide by ordinance for the provision of insurance, retirement, workers' compensation, and other employee benefits to the members of city council and may provide by ordinance for the reimbursement of expenses actually and necessarily incurred by the members of city council in carrying out their official duties.

Section 2.15

President of the council

(a) The president of the council shall be elected from the city at-large for a term of four years commencing on the first Monday in January after each regular municipal election as provided in this Charter and shall serve until his or her successor has taken office.

(b) (1) To qualify for election as president of the council, a person:

(A) Must be at least 18 years of age;

(B) Must be a resident of the city for at least one year immediately preceding the date of his or her filing of notice of candidacy to seek office;

(C) Must be a qualified elector of the city; and

(D) Must not be an employee of the city.

(2) To hold office as president of the council, a person:

(A) Must continue to possess the qualifications prescribed in section 2-202(a);

(B) Must, if elected from one council district or residency post, continue to reside in the same council district or post from which elected; and

(C) Must not hold any elective public office.

(c) The president of the council:

(1) Shall preside at meetings of the council but shall not be a member of that body;

(2) Shall vote only in the case of a tie vote of the council;

(3) Shall appoint the members and chairpersons of such committees as may be established by the council pursuant to its rules, and fill vacancies therein, provided any such appointments shall be subject to rejection by a majority vote of the total membership of the council; and the president of the council shall not be a member of any said committees;

(4) Shall exercise all powers and discharge all duties of the mayor in the case of a vacancy in the office of mayor or during the disability of the mayor;

(5) Shall be authorized to compel the attendance of councilmembers by subpoena, subject to the rules of council;

(6) Shall have such further powers and perform such other duties consistent with law as may be provided by ordinance or resolution of council; and

(7) May speak to any pending matter before the council but shall not introduce ordinances or resolutions.

(e) If the president of the council exercises the powers and discharges the duties of the mayor as provided in subsection (c) herein, he or she shall not exercise any of the powers and duties enumerated herein.

Section 2.16.

Conflicts of interest; holding other offices.

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

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

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

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

(3) Disclose confidential information, including information obtained at meetings which are closed pursuant to Title 50, chapter 14 of the Official Code of Georgia Annotated, concerning the property, government, or affairs of the governmental body by which the official is engaged without proper legal authorization; or use such information to advance the financial or other private interest of the official or others;

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

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

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

(c) Any elected official, appointed officer, or employee who shall have any financial interest, directly or indirectly, in any contract or matter pending before or within any department of the city shall disclose such interest to the city council. The mayor or any councilmember who has

a financial interest in any matter pending before the city council shall disclose such interest and such disclosure shall be entered on the records of the city council, and that official shall disqualify himself or herself from participating in any decision or vote relating thereto. Any elected official, appointed officer, or employee of any agency or political entity to which this charter applies who shall have any financial interest, directly or indirectly, in any contract or matter pending before or within such entity shall disclose such interest to the governing body of such agency or entity.

(d) After investigation and due process proceedings, upon determination of breach of conflict of interest, the councilmember shall be subject to suspension and a fine or termination, both to be determined by the ethics board. Upon a second breach of conflict of interest, the councilmember's term of office shall be terminated.

(e) No elected official, appointed officer, or employee of the city or any agency or entity to which this charter applies shall use property owned by such governmental entity for personal benefit or profit but shall use such property only in their capacity as an officer or employee of the city.

(f) Any violation of this section which occurs with the knowledge, express or implied, of a party to a contract or sale shall render said contract or sale voidable at the option of the city council and any expenses incurred with a voidable contract shall be reimbursable to the city

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

(h) No appointive officer of the city shall continue in such employment upon qualifying as a candidate for nomination or election to any public office. No employee of the city shall continue in such employment upon qualifying for or election to any public office in this city or any other public office which is inconsistent, incompatible or in conflict with the duties of the city employee. Such determination shall be made by the ethics board either immediately upon election or at any time such conflict may arise.

- (i) (1) Any city officer or employee who knowingly conceals such financial interest or knowingly violates any of the requirements of this section shall be guilty of malfeasance in office or position and shall be deemed to have forfeited that person's office or position.
- (2) Any officer or employee of the city who shall forfeit an office or position as described in paragraph (1) above, shall be ineligible for appointment or election to or employment in a position in the city government for a period of three years thereafter.

Section 2.17.

Inquiries and investigations.

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

Section 2.18.

General power and authority of the city council.

- (a) Except as otherwise provided by law or this charter, the city council shall be vested with all the powers of government of this city.
- (b) In addition to all other powers conferred upon it by law, the council shall have the authority to adopt and provide for the execution of such ordinances, resolutions, rules, and regulations, not inconsistent with this charter and the Constitution and the laws of the State of Georgia, which it shall deem necessary, expedient, or helpful for the peace, good order, protection of life and property, health, welfare, sanitation, comfort, convenience, prosperity, or well-being of the inhabitants of the City of DeKalb and may enforce such ordinances by imposing penalties for violation thereof.

Section 2.19.

Eminent Domain.

The city council is hereby empowered to acquire, construct, operate and maintain public ways, parks, public grounds, cemeteries, markets, market houses, public buildings, libraries, sewers, drains, sewage treatment, waterworks, electrical systems, gas systems, airports, hospitals, and charitable, educational, recreational, sport, curative, corrective, detentional, penal and medical institutions, agencies and facilities, and any other public improvements inside or outside the city, and to regulate the use thereof, and for such purposes, property may be condemned under procedures established under general law applicable now or as provided in the future.

Section 2.20.

Organizational Meeting.

(a) The council shall meet for organization in the council chamber, or any other designated public place, on the first Monday in January following each regular election, or, if such Monday is a legal holiday, then on the next following day not a legal holiday.

(b) Oath of Office. At such organizational meeting, the mayor, president of the council, and councilmembers shall take and subscribe before a judge of the superior court, or any official authorized to administer oaths, the following oath of office:

"I do solemnly swear that I will faithfully perform the duties of councilmember (or mayor or president of the council) of the City of DeKalb, Georgia and that I will support and defend the charter thereof as well as the constitution and laws of the State of Georgia and of the United States of America. "I am not the holder of any unaccounted for public money due this state or any political subdivision or authority thereof. I am not the holder of any office of trust under the government of the United States, any other state, or any foreign state which I by the laws of the State of Georgia am prohibited from holding. I am otherwise qualified to hold said office according to the Constitution and laws of Georgia. I have been a resident [of my district and] the "City of DeKalb" for the time required by the Constitution and laws of this state and by the

municipal charter. I will perform the duties of my office in the best interest of the "City of DeKalb" to the best of my ability without fear, favor, affection, reward, or expectation thereof."

(c) (1) The mayor and councilmembers shall, following each regular municipal general election or such election held in place thereof, attend a mandatory training session that shall include, but not be limited to, matters of campaign and financial disclosure requirements, standards of conduct, ethics code and the legislative process. The city clerk, shall hold, or cause to be held, a training session for all current and newly elected City of DeKalb officials that shall include, but not be limited to, matters of campaign and financial disclosure requirements, standards of conduct, ethics code, and the legislative process. Said training session shall be offered on two separate dates, but no later than July 1 of the year following each municipal general election or no later than 60 days following any election held in lieu thereof, and no later than 60 days following a Special Election held to fill a vacancy in office. Persons required to attend shall be present at the entirety of a session, or at a combination of the offered sessions whereby all training modules designated for the particular office held are covered. Attendance as noted shall be mandatory. Each official shall be required to sign an affidavit stating that he/she has completed training, with said affidavit to be certified by the Clerk or the Clerk's designee.

(2) Any official required to attend who has not completed the mandatory training by the end of the second available training session, shall be deemed non-compliant and shall be immediately fined \$50.00. An additional \$100.00 fine shall continuously be assessed for each non-compliant official, every 30 days after the date of non-compliance in which an official has not paid the assessed fine or received a waiver and completed a makeup training session as outlined in subsections (6) and (7) of this section.

(3) All payments of fines shall be paid to the City of DeKalb and shall be submitted to the City clerk, or designee who shall then record that the fine has been received and forward each payment to the Chief Financial Officer.

(4) Immediately following the second offered training session, and if necessary upon the assessment of further fines, the city clerk shall notify, by certified mail, each official who has not completed mandatory training that he or she is in non-compliance of the

law and of the penalty thereby imposed. The clerk shall simultaneously notify the chief financial officer of the city and the president of council of any official's non-compliance. However, failure of receipt of such notification does not relieve the official of the obligation to attend the mandatory training and to pay the assessed fine.

(5) Any non-compliant official may submit a written appeal to the president of the council requesting a waiver of the assessed fine. Supporting evidence of the reason(s) of his/her non-compliance must be presented in the appeal. If due cause is shown, the council may adopt a resolution, by majority vote, to waive the fine.

(6) In all such cases, whether the assessed fine is paid or waived, any non-compliant official shall be required to attend a make-up training session scheduled by appointment with the city Clerk. Such session may be provided through a videotaped session but shall cover in its entirety all required training modules. The non-compliant official's signed affidavit of completion of training and the city clerk's or the city clerk's designee's certification of the same, shall be required to avoid further assessments of fines. There shall be no waiver of training attendance granted under any circumstances.

(7) The City Clerk shall develop, or cause to be developed, a manual detailing all of the provisions of this subsection.

Section 2.21.

Special meetings.

(a) Special meetings of the city council may be held on call of the mayor or the President of the City Council or upon the written demand of at least 4 members of the city council. Notice of such special meetings shall be served on all other members personally, or by telephone personally, at least 48 hours in advance of the meeting. Such notice to councilmembers shall not be required if the mayor and all councilmembers are present when the special meeting is called. Such notice of any special meeting may be waived by a councilmember in writing before or after such a meeting, and attendance at the meeting shall also constitute a waiver of notice on any business transacted in such councilmembers presence. Only the business stated in the call may be transacted at the special meeting. Alternative modes of participation

which can be duly recorded such as conference calls, video conferencing, or other accepted forms of communication shall be permitted.

(b) All meetings of the city council shall be public to the extent required by law and notice to the public of special meetings shall be made fully as is reasonably possible as provided by section 50-14-1 of the Official Code of Georgia Annotated, or other such applicable laws as are or may hereafter be enacted.

Section 2.22.

Rules of procedure.

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

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

Section 2.23.

Quorum: voting.

(a) A majority of the council excluding the President shall constitute a quorum but a smaller number may adjourn from time to time and may compel the attendance of absent members. The council may by ordinance provide methods to compel the attendance of its members and to punish for the violation thereof.

(b) The affirmative vote of a majority of the councilmember's shall be required for the transaction of business and the passage of ordinances and resolutions, except as otherwise provided by law. Where no quorum can be assembled except by the filling of vacancies, the members may transact business by a majority vote of members present to the extent necessary to fill such vacancies in the membership of the council as provided by this Charter and by law.

(c) Voting on the adoption of ordinances shall be recorded in the journal, but any member of the city council shall have the right to request a roll call vote and such vote shall be recorded in the journal. Except as otherwise provided in this charter, the affirmative vote of 4 councilmembers shall be required for the adoption of any ordinance, resolution, or motion. If an affirmative vote of 4 councilmembers is not obtained, the proposed ordinance, resolution or motion is considered closed until and unless it is introduced aGeorgiain.

(d) No member of the city council shall abstain from voting on any matter properly brought before the council for official action except when such councilmember has a conflict of interest, which is disclosed in writing prior to or at the meeting and made a part of the minutes. Any member of the city council present and eligible to vote on a matter and refusing to do so for any reason other than a properly disclosed and recorded conflict of interest shall be deemed to have voted no.

Section 2.24.

Ordinance form; procedures.

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

(b) An ordinance may be introduced by any councilmember and be read at a regular or special meeting of the city council. Ordinances shall be considered and adopted or rejected by the city council in accordance with the rules which it shall establish; provided, however, an ordinance shall not be adopted the same day it is introduced, except for emergency ordinances provided in Section 2.26. Upon introduction of any ordinance, the clerk shall as soon as possible distribute a copy to the mayor and to each councilmember and shall file a reasonable number of copies in the office of the clerk and at such other public places as the city council may designate.

Section 2.25.

Action requiring an ordinance.

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

Section 2.26.

Emergencies.

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

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

Section 2.27.

Codes of technical regulations.

(a) The city council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such adopting ordinance shall be as prescribed for ordinances generally except that: (1) the requirements of Section 2.24 for distribution and filing of copies of the ordinance shall be construed to include copies of any code of technical regulations, as well as the adopting ordinance; and (2) a copy of each adopted code of technical regulations, as well as the adopting ordinance, shall be authenticated and recorded by the clerk pursuant to Section 2.24.

(b) Copies of any adopted code of technical regulations shall be made available by the clerk for inspection by the public.

Section 2.28.

Signing; authenticating; recording; codification; printing.

(a) The city clerk shall authenticate by the city clerk's signature and record in full in a properly indexed book kept for that purpose, all ordinances adopted by the council.

(b) The city council shall provide for the preparation of a general codification of all the ordinances of the city having the force and effect of law. The general codification shall be adopted by the city council by ordinance and shall be published promptly, together with all amendments thereto and such codes of technical regulations and other rules and regulations as the city council may specify. This compilation shall be known and cited officially as "The Code of City of DeKalb, Georgia." Copies of the code shall be furnished to all officers, departments and agencies of the city, and made available for purchase by the public at a reasonable price as fixed by the city council.

(c) The city council shall cause each ordinance and each amendment to this charter to be printed promptly following its adoption, and the printed or digital ordinances and charter amendments shall be made available for purchase by the public at reasonable prices to be fixed by the city council. Following publication of the first code under this charter and at all times thereafter, the ordinances and charter amendments shall be printed in substantially the same style as the code currently in effect and shall be suitable in form for incorporation

therein. The city council shall make such further arrangements as deemed desirable with reproduction and distribution of any current changes in or additions to codes of technical regulations and other rules and regulations included in the code.

ARTICLE III
EXECUTIVE BRANCH

Section 3.10
Qualifications for office

- (a) To qualify for election as a Mayor, a person:
 - (1) Must be at least 25 years of age;
 - (2) Must be a resident of the city for at least one year immediately preceding the date of his or her filing of notice of candidacy to seek office; and
 - (3) Must be a registered voter of the city.
- (b) To hold office as a Mayor a person:
 - (1) Must continue to possess the qualifications prescribed in subsection (a) of this Section;
 - (2) Must continue to reside in the city; and
 - (3) Must not hold any other elective public office.

Section 3.11.
Mayor term limits

The mayor shall serve for terms of 4 years and until his/her respective successors are elected and qualified. A mayor who has been elected for two consecutive four-year terms under the provisions of this Charter shall not be eligible to be elected for the succeeding term.

Section 3.12
Powers and duties.

(a) The mayor shall be the chief executive officer of the city and they shall have the power and it shall be his or her duty to:

- (1) Execute and enforce the provisions of this Charter, the ordinances of this city, and all other laws;
- (2) Exercise supervision over all the administration of all departments of the city and delegate all or part of such supervision to the city manager;
- (3) Prepare periodically, but not less than annually, and submit to the council for approval a comprehensive state of the city policy which shall consider the city's physical, economic and social aspects and state the goals and objectives of City of DeKalb and its citizens and the necessary recommendations, policies, plans, programs, and priorities for attaining them;
- (4) Submit the recommended annual budget, which is matched to the objectives outlined in the comprehensive state of the city policy, to the appropriate committee of the Council;
- (5) Approve or veto proposed ordinances and resolutions as provided in this Charter;
- (6) Convene special meetings of the council at his or her discretion in accordance with earlier section;
- (7) At their discretion, conduct studies and make investigations and reports to the council concerning the operations of departments, offices, and agencies of the city and require any department, board, commission, or agency under their jurisdiction to submit written reports and information;
- (8) Prescribe, require, publish, and implement standards of administrative, management, and operating practices and procedures to be followed and adhered to by all offices, departments, boards, commissions, authorities, and other agencies of the city subject to their supervision and jurisdiction or delegate all or part of such responsibilities to the city manager;
- (9) Advise the council as to the financial condition, future needs, and general welfare of the city and make such recommendations to the council concerning the affairs of the city as he or she deems desirable;

(10) When authorized by the council, negotiate deeds, bonds, contracts, and other instruments and documents on behalf of the city and execute same after final approval by the council;

(11) Represent the city in affairs of intergovernmental relations, promote and improve the government of the city, encourage the growth of the city, and promote and develop the prosperity and social well-being of its people;

(12) At their discretion, initiate such administrative reorganization within city government as he or she may deem desirable;

(13) Perform such duties as may be required by law, and in their discretion perform such other duties as may be authorized by law;

(14) Purchase supplies, material, equipment and personal property of every type and description, and services of every type and description including for the rental, repair, or maintenance of equipment, machinery, and other city- owned property; provided, however, the purchase amount does not exceed \$50,000.00 in aggregate to any one vendor; it is in accordance with an approved budget, and such purchases conform with the provisions herein and any purchasing and procurement ordinances of the city, and a duly enacted appropriation by the council authorizes expenditures for such purposes. Any award of contract not competitively procured in accordance with the Charter, the approved budget, or ordinances of the city, or not awarded to the lowest bidder or offeror, or any contract that exceeds the aggregate amount of \$50,000.00 to any one vendor, shall be approved by the city council prior to an award;

Section 3.13

Delegation of powers and duties; prohibition.

In no event shall the mayor delegate to the city manager or any other appointed officer or employee the power to approve or veto ordinances or resolutions, convene meetings of the council, serve as acting mayor, remove the city attorney, chief financial officer, or city manager, or amend budgets.

Section 3.14

Mayor's staff

The mayor may hire such staff to aid in the discharge of the mayor's duties, including a chief of staff, as authorized by the council through an approved budget. The chief of staff shall have such duties as assigned by the mayor but shall not be assigned any supervisory or management duties outside of the mayor's office or duties which are inconsistent with the provisions of this Charter. Such persons shall serve at the pleasure of the mayor.

Section 3.15

Submission of Ordinances to the Mayor; Veto Power.

(a) Every ordinance adopted by the city council shall be presented promptly by the city clerk to the mayor.

(b) The mayor, within ten (10) calendar days of receipt of an ordinance, shall return it to the city clerk with mayor's approval or disapproval. If the ordinance has been approved by the mayor, it shall become law upon its return to the city clerk; if the ordinance is neither approved nor disapproved, it shall become law at twelve o'clock noon on the tenth calendar day after its adoption; if the ordinance is disapproved, the mayor shall submit to the city council through the city clerk a written statement of reasons for the veto. The city clerk shall record upon the ordinance the date of its delivery to and receipt from the mayor.

(c) Ordinances vetoed by the mayor shall be presented by the city clerk to the city council at its next meeting. If the city council then or at its next meeting adopts the ordinance by an affirmative vote of two-thirds of its members, it shall become law.

(d) The mayor may disapprove or reduce any item or items of appropriation in any ordinance. The approved part or parts of any ordinance making appropriations shall become law, and the part or parts disapproved shall not become law unless subsequently passed by the city council over the mayor's veto as provided herein. The reduced part or parts shall be presented to city council as though disapproved and shall not become law unless overridden by the council as provided in subsection (c) above.

Section 3.16

City council interference with Administration.

Except for the purpose of inquiries and investigations under Section 2.17 of this charter, the city council or its members shall deal with city officers and employees who are subject to the direction and supervision of the city manager solely through the mayor, and neither the city council nor its members shall give orders to any such officer or employee, either publicly or privately.

Section 3.17

Chief Operating Officer.

(a) The mayor shall hire, subject to the confirmation by a majority vote of the entire council, an officer whose title shall be "city manager."

(b) The city manager shall have a graduate or professional degree plus a minimum of ten years of progressively responsible administrative experience in the public or private section which has included responsibility for supervising a large scale service delivery program with a substantial budget. The qualifications herein may be waived by the city council upon a three-fourths' vote of its membership.

(c) The city manager shall receive such compensation as fixed by the council.

(d) The city manager shall hold office at the pleasure of the mayor and may not be dismissed by the mayor without the approval of the council.

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

(f) The city manager shall have the following powers and duties:

- (1) To the extent delegated by the mayor, to exercise supervision over all activities of city departments and the boards and commissions connected with such departments and be the contact officer between the mayor and such departments, boards, and commissions;

- (2) To make periodic reports with such recommendations to the mayor regarding the activities of the various departments, bureaus, boards, commissions, authorities, and other agencies of the city under his or her jurisdiction and make or cause to be made investigations and studies of the organization and procedures thereof and to require such reports therefrom as deemed necessary;
- (3) To ensure that an annual budget is constructed whereby anticipated expenses will be met by projected income in an effort to achieve a balanced budget.
- (4) To ensure that periodic (no less than quarterly) reviews shall be conducted of the finances of city departments to ensure that expenditures are aligned with approved appropriations or to make adjustments accordingly. This is supportive of a balanced budget.
- (5) To provide liaison, coordination, and communications between and among city departments and agencies and the various agencies of the federal, state, and local governments and other public and private agencies concerning the affairs of the city;
- (6) To provide direction on participation in federal and state grant-in-aid programs, monitoring and evaluation of grant contract programs, and communication of program policies and priorities;
- (7) To conduct research and make information available to the mayor, council, and the various departments, offices, and agencies of the city;
- (8) To attend meetings of the council and its committees and to make available such information as may be requested; and
- (9) To perform all other duties as required by this Charter or lawfully delegated to him or her by the mayor.

ARTICLE IV
COMMUNITY AREA PLANNING UNITS (CAPUS)

Section 4.10

Purpose.

Community Area Planning Units (CAPUs) shall make recommendations to the mayor and city council on zoning, land use, code enforcement, and other planning related issues. CAPUs provide an opportunity both for the citizenry formally to provide input into the comprehensive development plan of the city and to provide a means by which information concerning the operation of city government can be provided to the citizens of City of DeKalb. Further, it is the policy of the city to coordinate the recommendations of community area planning units with the formulation of the city's budget, both capital and operating. In addition, CAPUs may make recommendations to the city council and the mayor on other issues relevant to the quality of community life within the City of DeKalb.

Section 4.11
Structure.

(a) The City of DeKalb shall be divided into six (6) Community Area Planning Units (CAPU). Nothing in this Charter shall preclude the option to further subdivide the community area planning units (CAPUs).

(b) The CAPUs shall be designated as follows with boundaries as outlined in Appendix B.

District 1: CAPU North

District 2: CAPU East

District 3: CAPU North Central

District 4: CAPU South Central

District 5: CAPU West

District 6: CAPU South

(c) Each CAPU shall have six months from the CAPU start date to complete bylaws that will define their structure. CAPUs should begin operating after receiving training from the City of DeKalb and within three months of the implementation of the City of DeKalb.

(d) Each CAPU shall elect an odd number of representatives to comprise their CAPU Board. The CAPU board shall help guide the CAPU and act as a liaison between the City of DeKalb city government and the residents of the CAPU. The number of people on the board shall be determined by each CAPU (no less than 5) and written into their bylaws.

(e) As a liaison between the city government and the residents of the CAPU, CAPU boardmembers are not entitled to any additional rights or privileges. Except where expressly permitted in writing, CAPU members or boardmembers shall deal with city officers and employees solely through the mayor.

Section 4.12

Election; term.

(a) Members of the CAPU Boards shall be elected for two-year terms on every odd year. Elections shall take place in October or November. If an election(s) has not been held by November 30, said election shall be conducted by the Planning Department during the month of December.

(b) The initial CAPU board shall be elected after the City of DeKalb has provided technical assistance and training to the residents of the CAPU. CAPU elections and boards should be held within 6 months after the City of DeKalb begins operations.

(c) Any person desiring to be elected to the CAPU Board must be

- (1) A person of 18 years of age or older
- (2) A primary resident of the CAPU for one (1) year prior to the election
- (3) A registered voter of DeKalb County residing within that district

(d) CAPU board members shall be elected by residents, homeowners, and property owners within the designated boundaries of that CAPU. Eligible voters can prove residency by the use of a driver's license, utility bill or voter registration card. Every individual 18 and over is eligible to vote.

(e) Residents, homeowners and property owners shall set in their bylaws the odd number of CAPU board members they wish to elect. Voting procedures shall be established by each community area planning unit. Although the procedure may vary, bylaws describing the voting procedures shall contain provisions delineating the voting process for issues as well as officer elections.

Section 4.13

Governance.

- (a) Each CAPU shall be guided by boards composed of an odd number of members. The Board may elect four (4) positions from amongst the CAPU members:
- (1) Coordinator – The coordinator shall maintain regularly scheduled meetings; facilitate regular meetings; and be selected as one of the Community Area Representatives (CARs).
 - (2) Deputy Coordinator – The deputy coordinator shall fulfill the roles and responsibilities of the Coordinator in his or her absence.
 - (3) Secretary – The secretary shall keep records of all the individual members, Home Owner Associations/Condo Associations/Civic Associations in the CAPU; keep records of the minutes of each regularly public and council scheduled meetings; and keep record of all correspondence
 - (4) Treasurer – The treasurer shall keep track of all funds raised, received, and disbursed; produce a monthly report detailing such funds; and help maintain the financial solvency of the CAPU.
- (b) CAPUs shall meet at regularly determined times to inform, discuss, and address issues related to planning and quality of life. There will be regular meetings for the purpose of providing input into a comprehensive strategic economic and community plan for the City of DeKalb,

Section 4.14 CAPU powers.

CAPUs shall have the power to:

- (1) Make recommendations to the City Council about zoning, land-use, code enforcement, and other planning related issues within their district,
- (2) Make recommendations to the City Council about other quality of life issues within their district, and

- (3) Participate in ensuring that a comprehensive, coordinated, community economic development vision is developed and implemented for the City of DeKalb.
- (4) Form a joint body of all the CAPUs for the purpose of addressing issues of joint concern to CAPUs.
- (5) Make recommendations to the city council about joint CAPU quality of life issues.
- (6) Create standing or temporary committees that are open to any CAPU resident in good standing. These standing committees will report to the CAPUs (or joint body) for the purpose of
 - a) providing input to the comprehensive plan
 - b) providing input to the mayor and city council regarding the operational and budgetary needs and concerns of the city.
 - c) discussing any common issues, and
 - d) when relevant, ensuring there is coordination between the six CAPUs.
- (7) Assist in the process of selecting candidates for the City of DeKalb board of ethics as outlined in Section 5.18.

Section 4.16

Responsibilities of the City of DeKalb.

The City of DeKalb will ensure that each CAPU receives the following:

- (1) Training on the CAPU structure, duties, and responsibilities.
- (2) Technical assistance in creating bylaws.
- (3) Assistance with notification of meetings to other residents in the CAPU.
- (4) Assistance with copying the agenda and other relevant documents or providing a projector and/or other resources that will display the agenda for regularly scheduled meetings
- (5) A space free of charge for the CAPU to hold regular meetings
- (6) Provision of a city planner that will provide technical information to the CAPUs about the zoning, land-use, and planning proposals that require citizen input.

ARTICLE V

ADMINISTRATIVE AFFAIRS

Section 5.10

Administrative and service departments.

(a) Except where another meaning is clearly intended, the word "department" in this charter shall mean any agency in the executive branch of the city government. The departments of the city shall be created and established by ordinance, and the departments shall be responsible for the performance of the functions and services enumerated therein.

(b) The operations and responsibilities of such departments shall be distributed accordingly: that the first degree of organization shall be department; that the second degree of organization shall be office; that the third degree of organization shall be division, that the fourth degree of organization shall be bureau. The assignment of organizational structure shall be accomplished by the administrative branch of government and shall be published to the governing body through a communication that shall set forth the organizational structure of each department. The departments shall consist of such officers, employees, and positions as may be authorized by ordinance.

(c) There shall be a director of each department who shall be the principal officer thereof. Each director shall, subject to the direction and supervision of the city manager be responsible for the administration and direction of the affairs and operations of his or her department and shall exercise general management and control thereof.

(d) Vacancies occurring in an appointive office shall be filled in the same manner as prescribed by this Charter for original appointments.

(e) The commissioners of departments and other appointed officers shall be appointed solely on the basis of their respective executive, administrative, and professional qualifications which shall be prescribed by ordinance.

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

(g) The compensation of appointed officers and directors of departments shall be fixed by the council.

(h) The mayor may initiate or create additional departments, or propose the abolishment of departments, subject to the provisions of this Charter and approval by the council.

Section 5.11.

Commissioners of departments — appointment; removal; residency;

(a) The mayor shall appoint all directors of departments, subject to confirmation by a majority of the city council. As used in this section, "director" means the administrative head of each department regardless of the title of a particular department head. Directors may be removed by the mayor upon approval by a majority of the city council.

(b) Directors of departments shall have the power and duty to appoint and remove deputy directors and bureau administrators.

Section 5.12

Administrative reorganization

(a) The mayor, as chief executive of the city, is hereby empowered, subject to any limitations of this Charter, to initiate, direct, and implement the reorganization of any department.

(b) The mayor shall prepare and sign a plan of reorganization of any department or departments and shall submit such plan to the council. Any plan presented shall be in the form of a proposed ordinance and the council shall by majority vote approve, modify, or reject any such plan within 60 days of its submission to the council. No reorganization shall become effective until the council has acted or 60 days have elapsed from the date of submission, whichever first occurs.

Section 5.13.

City attorney.

(a) There shall be a city attorney who shall be appointed by the mayor subject to confirmation by a majority vote of the city council. The city attorney may be removed at the pleasure of the mayor or the city council by a three-fourths' vote of its membership.

(b) The city attorney shall be an active member of the State Bar of Georgia in good standing and shall have at least ten years' experience in the active practice of municipal law immediately preceding his or her appointment. The number of years' experience herein may be waived by the city council upon a three-fourths' vote of its membership.

(c) The city attorney shall serve as the chief legal advisor of the city and shall be the director of the department of law. He or she shall perform such duties as prescribed by this charter, ordinance or law.

(e) The city attorney shall be responsible to the mayor and to the city council.

Section 5.14

Chief financial officer.

(a) There shall be a chief financial officer who shall be appointed by the mayor, subject to the confirmation by a majority vote of the city council. The chief financial officer may be removed at the pleasure of the mayor with approval by a majority vote of the city council.

(b) The chief financial officer shall have at least ten years' experience in the management of fiscal operations or public finance and proven administrative ability or have served at least ten years as a comptroller or financial head of a business with a substantial budget. The number of years' experience herein may be waived by the city council upon a three-fourths' vote of its membership.

(c) The chief financial officer shall be the director of the department of finance and shall perform such duties as shall be provided by this Charter or by ordinance or resolution or required by law.

(d) The chief financial officer shall be responsible to the mayor but available to council members for budgetary questions.

(e) The chief financial officer shall prepare a quarterly report on the budget status and economic trends in conjunction with the budget office. In addition, the third quarter report

shall include revenue and expenditure projections through the end of the fiscal year so that projected overruns and underruns can be considered for use in the subsequent budget year.

Section 5.15.

City clerk.

(a) There shall be a City clerk, who shall be appointed by the council and who shall not be a member thereof. To be eligible to occupy this position, the City clerk must be designated a certified city clerk by the Georgia City Clerks and Finance Officers Association, or by an equivalent certifying agency from another state, or must receive such certification within one year following his or her appointment. The City clerk shall be appointed and removed at the pleasure of the mayor upon a majority vote of the city council membership.

(b) The City clerk shall be the custodian of the official seal and of all records and documents of the city which are not assigned to the custody of some other officer. The clerk, or his or her designee, shall keep the rules of the council and the minutes of the proceedings of the council, maintain a current and comprehensive index of all ordinances and resolutions, publish notice of ordinances proposed for adoption under rules prescribed by council or required by this charter or law, and perform such other duties as may be assigned by this charter or by ordinance.

(c) The city clerk shall be responsible to the city council president and shall perform the duties of his or her office under the direction and supervision of the president of the council and the committee designated by the council, acting through its chairperson.

Section 5.16

Office of economic development.

The City of DeKalb has the authority to create an Office of Economic Development for the purposes of promoting, encouraging, attracting and retaining business and commercial development for the City of DeKalb.

Section 5.17.

Boards, commissions; authorities.

(a) As related to corporate, municipal, governmental, or public purposes and for the security of the peace, health, and good government of the city, the council shall have the authority to create commissions, councils, boards, authorities or other similar bodies which shall perform duties prescribed by the council, including, but not limited to, making studies, conducting research and investigations, holding hearings, and preparing recommendations as to needed ordinances and resolutions. All members of such boards, commissions, councils, authorities or other similar bodies shall be legal residents of the city. The chair of each board, commission, council, authority or other similar body shall provide to the City clerk the names and addresses of its members.

(b) The city council shall have the authority to provide for the composition of such commissions, councils, boards, authorities or other similar bodies their periods of existence, and for the compensation of their members and employees, in whole or in part. The city council may provide by ordinance for reimbursement of the actual and necessary expenses incurred by the members thereof in the performance of their official duties. The council shall have the authority to annually appropriate and donate money, derived from taxation, contributions, or otherwise, for and to such commissions, councils, boards, authorities and other similar bodies to provide for their operation, either in whole or in part.

(c) All regular, full-time employees of commissions, councils, boards, authorities or other similar bodies which have been created by the council shall be considered to be employees of the city. Such employees shall be entitled to all of the benefits and privileges as are other employees of the city and shall be subject to all laws, ordinances and resolutions governing employees of the city except as otherwise specifically prescribed in the code of ordinances. Such employees shall be within the unclassified service of the civil service unless the council shall provide by ordinance for other terms and conditions of employment and personnel matters relating to such employees. No member of a board, commission, council, authority or similar body shall be deemed an employee of the city under the provisions of this subsection

- (d) Any vacancy in office of any member of a board, commission, council, authority or similar body shall be filled for the unexpired term in the manner prescribed for the original appointment. The chair shall provide to the city clerk the name and address of its new members.
- (e) No member of any board, commission, council, authority or similar body shall assume office until he or she has executed and filed with the city clerk an oath or affirmation obligating himself or herself to faithfully and impartially perform the duties of his or her office, such oath or affirmation to be prescribed by ordinance and administered by the mayor or the city clerk.
- (f) Any member of a board, commission, council, authority or similar body created by the council may be removed from office for cause by a majority vote of the councilmembers present.
- (g) Each board, commission, council, authority and similar body may establish such bylaws, rules, and regulations, not inconsistent with this Charter, ordinances of the council, or applicable state law, as it deems appropriate and necessary for the conduct of its affairs, copies of which shall be filed with the City clerk.
- (h) All boards, commissions, councils, authorities and other similar bodies and their employees shall comply with the budgetary procedures of the city as provided in this Charter.
- (i) The functions of boards, commissions, councils, authorities and other similar bodies of the city, whether established by Acts of the General Assembly or the city council, shall be provided for by ordinances or resolutions of the city council. However, any boards, commissions, councils, authorities and other similar bodies which derive their powers from general law shall continue to exercise such powers.
- (j) The mayor may initiate the creation of additional boards, commissions, councils, authorities and other similar bodies subject to the approval of the council.
- (k) All boards, commissions, councils, authorities and other similar bodies shall keep an attendance record of every meeting for each member.
- (l) The appointing authority shall attach a summary of attendance for the period of time served to the appointment communication when re-appointing any individual to the board, commission, council, authority or similar body.

(m) The chairs of city boards, commissions, councils, authorities and other similar bodies or their designees shall promptly notify the mayor and council in writing of any membership vacancies, resignations, excessive absences, no-shows, tardiness, or failure to perform.

(n) Any member of a board, commission, council, authority or similar body, serving an expired term, can continue to serve until he or she is re-appointed or a successor is appointed.

(o) New members shall be contacted and invited to the first meeting by the chair or his/her designee and be provided with copies of bylaws, rules, regulations and previous year's minutes.

(p) The chairperson of each board, commission, council, authority and similar body or his or her designee shall prepare and submit an annual standardized report for all boards, commissions, authorities, and other agencies outlining activities and accomplishments to the mayor and council.

Section 5.18

Board of ethics.

(a) There is created the board of ethics to be composed of seven citizens of the City of DeKalb to be appointed as provided in subsection (b) of this section. Each member of the board of ethics shall have been a resident of City of DeKalb for at least one (1) year immediately preceding the date of taking office and shall remain a resident of the city while serving as a member of the board of ethics. No person shall serve as a member of the board of ethics if the person has, or has had within the immediately preceding two-year period, any interest in any contract, transaction, or official action with the City of DeKalb, Georgia.

(b) Two members of the board of ethics shall be appointed by the Mayor, two members shall be appointed by the City Council, and three members shall be appointed by a majority vote of the Community Area Planning Units (CAPUs). Each member shall be appointed for a term of three years. One member appointed by the mayor shall be appointed for an initial term of one year and the other shall be appointed for an initial term of three years. Of the five members appointed by the CAPUs, two shall be appointed for initial terms of one year and three shall be appointed for initial terms of three years. The appointing authorities shall

designate the initial terms of their respective appointees. Successors to the first members of the board of ethics and future successors shall be appointed by the respective appointing authorities for terms of three years upon the expiration of the respective terms of office. All members of the board of ethics shall serve until their successors are appointed and qualified. The initial seven members of the board of ethics shall be appointed to take office on a date to be determined by the mayor but no later than one year after the City of DeKalb begins operations.

Section 5.19

Discrimination prohibited.

It shall be the policy of the city, its departments, and boards that all personnel matters shall be determined solely on the basis of merit and qualification, without respect to race, color, creed, religion, sex, domestic relationship status, parental status, familial status, sexual orientation, national origin, political affiliation, gender identity or racial profiling.

Section 5.21

Personnel policies.

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

ARTICLE VI

JUDICIAL BRANCH

Section 6.10.

Creation; name.

There shall be a court to be known as the Municipal Court of “City of DeKalb, GEORGIA”.

Section 6.11.

Convening.

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

Section 6.12.

Jurisdiction, authority, and powers generally.

(a) The municipal court and each judge thereof shall have jurisdiction and power coextensive with the territorial limits of City of DeKalb, Georgia, to:

- (1) Try and punish violations of this charter, all city ordinances, and such other violations as provided by law;
- (2) Try, hear, and abate nuisances as provided by the laws of this state;
- (3) Hear, try, and determine as a committing court all warrants for the violation of any state law and, while acting under the authority of the laws of the State of Georgia, to bind over such persons to an appropriate higher court for the eventual trial of said case;
- (4) Punish those in its presence for contempt, provided that such punishment shall not exceed \$200.00 or ten days in jail or both;
- (5) Punish for violations within its jurisdiction not exceeding a fine of \$1,000.00 or imprisonment for six months or both such fine and imprisonment or may fix punishment by fine, imprisonment, or alternative sentencing as now or hereafter provided by law;
- (6) Establish bail and recognizance to ensure the presence of those charged with violations before said court;
- (7) Compel the production of books, papers, and other evidence in the possession of any party with the same authority as magistrates of the state;
- (8) Compel the presence of witnesses or all parties necessary to a proper disposal of each case by issuance of summonses, subpoenas, warrants, orders, and all other

process in cases within its jurisdiction arising under the laws of the State of Georgia or this Charter or ordinances of the city with full power to enforce the same;

(9) Enforce obedience to its orders, judgments, and sentences with the same authority as magistrates of the state;

(10) Administer all oaths as are necessary with the same authority as magistrates of the state and take affidavits and attest other papers;

(11) Issue warrants for the arrest of persons charged with offenses aGeorgiainst any ordinance of the city, and each judge of the municipal court shall have the authority as magistrate of the state to issue warrants for offenses aGeorgiainst state laws committed within the city; and

(12) Such other powers and duties as shall be provided by law or ordinance.

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

(c) The municipal court shall have authority to establish bail and recognizances to ensure the presence of those charged with violations before said court, and shall have discretionary authority to accept cash or personal or real property as surety for the appearance of persons charged with violations. Whenever any person shall give bail for that person's appearance and shall fail to appear at the time fixed for trial, the bond shall be forfeited by the judge presiding at such time, and an execution issued thereon by serving the defendant and the defendant's sureties with a rule nisi, at least two (2) days before a hearing on the rule nisi. In the event that cash or property is accepted in lieu of bond for security for the appearance of a defendant at trial, and if such defendant fails to appear at the time and place fixed for trial, the cash so deposited shall be on order of the judge declared forfeited to the city, or the property so deposited shall have a lien against it for the value forfeited which lien shall be enforceable in the same manner and to the same extent as a lien for city property taxes.

Section 6.13.

Appellate review.

The orders, verdicts, judgments, and sentences of the court shall be subject to appellate review by writ of certiorari in the appropriate superior court or as otherwise provided by general law.

Section 6.14.

Judges; qualifications; term of office; appointment; vacancies.

(a) The municipal court shall be presided over by such number of municipal court judges as shall be authorized by the city council. The city council may determine whether the municipal court judges are part- or full-time.

(b) To qualify for appointment as a judge of the municipal court, a person shall be at least 25 years of age, a resident of the city for at least one year, a member of the State Bar of Georgia, and a practicing attorney with a minimum of five years' experience. To hold office as a judge after such appointment, a person shall continue to possess said qualifications and shall not hold or qualify for any other public office.

(c) The city council shall appoint a person to the position of municipal court judge in accordance with the provisions of this article.

(d) A judge of the municipal court shall be appointed for a term of four years and, upon completion of such term, such judge shall continue to serve until not retained by a vote of city electors as provided herein. Judges may also be removed from the position by a two-thirds vote of the entire membership of the city council or shall be removed upon action taken by the State Judicial Qualifications Commission for:

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

(e) Before assuming office, each judge shall take and subscribe an oath or affirmation, before some officer authorized to administer oaths, faithfully to discharge the duties of the office. The oath shall be filed with the City clerk.

(f) Vacancies. In the event of any vacancy in the office of a municipal court judge for any cause, whether by death, resignation, lack of retention, or removal, the city council shall appoint some qualified person to fill such vacancy in accordance with the provisions of this article. Any judge appointed to fill a vacancy shall not be required to run against his or her record until he or she has held office at least 12 months, and in such event his or her term shall be extended until the end of the calendar year of the second general municipal election following the date of his or her appointment.

Section 6.15.

Chief judge.

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

(b) If more than three judges, the municipal court judges shall by a majority vote select a chief judge to serve at their pleasure. If two judges, the senior judge shall be the chief judge.

(c) The chief judge shall be responsible for the general supervision of the municipal court and shall promulgate all rules necessary for the supervision, conduct, and administration of the court, including but not limited to the number of divisions into which the court is divided and the assignment of judges to duty therein; the hours of operation of the court; the preparation of calendars deemed necessary and proper; and a system for keeping court records and shall require such reports from the judges, solicitor, public defender, clerk/administrator, and other court personnel as deemed necessary and proper. Such rules so promulgated shall be reduced to writing. The chief judge shall be responsible also for the preparation and submittal of budgets of said court to the mayor and city council and appropriate departments, committees, and agencies. He or she shall further perform other duties as the council may provide by ordinance or as required by law.

(d) Vacancy, incapacity, or inability. In the event of a vacancy, incapacity, or inability of the chief judge to perform his or her duties, the remaining judges of the court, by a majority vote, shall select another chief judge in accordance with this section.

(e) Judges serve at-will and may be removed from office at any time by the city council unless otherwise provided by ordinance.

Section 6.16.

Codes of ethics.

(a) The Code of Judicial Conduct, as adopted by the Supreme Court of Georgia, as now or hereafter amended, shall govern the conduct of the judges of the municipal court.

(b) The Code of Professional Responsibility, as adopted by the Supreme Court of Georgia, as now or hereafter amended, shall govern the conduct of the solicitor, public defender, and their assistants of the municipal court.

(c) Said codes are hereby incorporated herein by reference as if set out at length in this section, and copies thereof are on file in the office of the City clerk.

ARTICLE VII

FINANCE

Section 7.10.

Property Tax.

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

Section 7.11.

Millage rate; due dates; payment methods.

The city council, by ordinance, shall establish a millage rate for the city property tax, a due date, and the time period within which these taxes must be paid. The city council, by ordinance, may provide for the payment of these taxes by two installments or in one lump sum, as well as authorize the voluntary payment of taxes prior to the time when due. Once the millage rate is established, the city of DeKalb shall be authorized to increase the millage rate up to 1.5 mills after which any increase shall require a resolution by the city council and approval by a majority of the qualified voters of the City of DeKalb voting in a referendum to approve such increase. The city council may provide for limits, freezes, discounts, and/or other allowances from the millage rate to vulnerable populations.

Section 7.12

Occupation and business taxes.

The city council by ordinance shall have the power to levy such occupation or business taxes that are not denied by law. The city council may classify businesses, occupations or professions for the purpose of such taxation in any way which may be lawful and may compel the payment of such taxes.

Section 7.13

Regulatory fees; permits.

The city council by ordinance shall have the power to require businesses or practitioners doing business within this city to obtain a permit for such activity from the city and pay a reasonable regulatory fee for such permit as provided by general law. Such fees shall reflect the total cost to the city of regulating the activity, and if unpaid, shall be collected as provided in Section 7.18 of this charter.

Section 7.14

Franchises.

(a) The city council shall have the power to grant franchises for the use of this city's streets and alleys for the purposes of railroads, street railways, telephone companies, electric companies, electric membership corporations, cable television and other telecommunications companies, gas companies, transportation companies and other similar organizations. The city council shall determine the duration, terms, whether the same shall be exclusive or nonexclusive, and the consideration for such franchises; provided, however, no franchise shall be granted for a period in excess of 35 years and no franchise shall be granted unless the city receives just and adequate compensation therefor. The city council shall provide for the registration of all franchises with the city clerk in a registration book kept by the clerk. The city council may provide by ordinance for the registration within a reasonable time of all franchises previously granted.

(b) If no franchise agreement is in effect, the city council has the authority to impose a tax on gross receipts for the use of this city's streets and alleys for the purposes of railroads, street railways, telephone companies, electric companies, electric membership corporations, cable television and other telecommunications companies, gas companies, transportation companies and other similar organizations.

Section 7.15

Service charges.

The city council by ordinance shall have the power to assess and collect fees, charges, assessments, and tolls for sewers, sanitary and health services, or any other services provided or made available within and without the corporate limits of the city. If unpaid, such charges shall be collected as provided in Section 7.18.

Section 7.16.

Special assessments.

The city council by ordinance shall have the power to assess and collect the cost of constructing, reconstructing, widening, or improving any public way, street, sidewalk, curbing, gutters, sewers, or other utility mains and appurtenances from the abutting property owners. If unpaid, such charges shall be collected as provided in Section 7.18 of this charter.

Section 7.17

Construction; other taxes and fees.

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

Section 7.18

Collection of delinquent taxes and fees.

The city council, by ordinance, may provide generally for the collection of delinquent taxes, fees, or other revenue due the city under Sections 7.10 through 7.17 by whatever reasonable means as are not precluded by law. This shall include providing for the dates when the taxes or fees are due; late penalties or interest; issuance and execution of Fi.Fa.'s; creation and priority of liens; making delinquent taxes and fees personal debts of the persons required to pay the taxes or fees imposed; revoking city permits for failure to pay any city taxes or fees; and providing for the assignment or transfer of tax executions.

Section 7.19

General obligation bonds.

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

Section 7.20
Revenue bonds.

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

Section 7.21
Short-term loans.

The city may obtain short-term loans and must repay such loans not later than the end of each fiscal year, unless otherwise provided by law.

Section 7.22
Lease-purchase contracts.

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

Section 7.23
Fiscal year.

The fiscal year shall be from July 1 to June 30. This fiscal year shall constitute the budget year and the year for financial accounting and reporting of each and every office, department, agency and activity of the city government unless otherwise provided by state or federal law.

Section 7.24

Preparation of Budgets.

The city council shall provide an ordinance on the procedures and requirements for the preparation and execution of an annual operating budget, a capital improvement plan and a capital budget, including requirements as to the scope, content and form of such budgets and plans.

Section 7.25

Submission of operating budget to city council.

(a) On or before a date fixed by the city council but not later than 90 days prior to the beginning of each fiscal year, the mayor shall submit to the city council a proposed operating budget for the ensuing fiscal year. The budget shall be accompanied by a message from the mayor containing a statement of the general fiscal policies of the city, the important features of the budget, explanations of major changes recommended for the next fiscal year, a general summary of the budget, and such other pertinent comments and information. The operating budget and the capital budget hereinafter provided for, the budget message, and all supporting documents shall be filed in the office of the city clerk and shall be open to public inspection.

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

(c) All unencumbered balances of appropriations in the current operating budget at the end of the fiscal year shall lapse into the unappropriated surplus or reserves of the fund or funds

from which such appropriations were made. When a supplemental appropriation is certified by the mayor to exist, these appropriations may be spent during the current fiscal year following passage of a supplemental appropriation ordinance.

Section 7.26

Action by city council on budget.

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

(b) The city council by ordinance shall adopt the final operating budget for the ensuing fiscal year not later than the first day of the twelfth month of the fiscal year currently ending. If the city council fails to adopt the budget by the prescribed deadline, the operating budget and capital budget proposed by the mayor shall be adopted without further action by the city council.

Section 7.27

Tax levies.

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

Section 7.28

Independent audit.

(a) There shall be an annual independent audit of all city accounts, funds and financial transactions by a certified public accountant selected by the city council. The audit shall be conducted according to generally accepted auditing principles. Copies of annual audit reports shall be available at printing costs to the public.

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

(c) The city council shall appoint the independent auditor.

Section 7.29

Contracting procedures.

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

(1) it is in writing;

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

(3) it is made or authorized by the city council and such approval is entered in the city council journal of proceedings pursuant to Section 2.22(a).

Section 7.30

Centralized purchasing.

The city council shall by ordinance prescribe procedures upon the recommendation of the mayor for a system of centralized purchasing for the city.

Section 7.31

Sale and lease of city property.

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

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

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

Section 7.32

Homestead exemption; freeze.

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

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

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

(3) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of 1014 the O.C.G.A., as amended, with the additional qualification that it shall include

not more than five contiguous acres of homestead property.

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

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

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

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

exemption applicable to municipal ad valorem taxes for municipal purposes.

(f) The exemption granted by subsection (b) of this section shall apply to all taxable years beginning on or after January 1, 2025.

Section 7.33

Homestead exemption; senior citizens; disabled.

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

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

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

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

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

(b) Each resident of the City of DeKalb who is disabled or is a senior citizen is granted an exemption on that person's homestead from City of DeKalb ad valorem taxes for municipal purposes in the amount of \$14,000.00 of the assessed value of that homestead. The exemption granted by this subsection shall only be granted if that person's income, together with the income of the spouse who also occupies and resides at such homestead, does not

exceed \$15,000.00 for the immediately preceding year. The value of that property in excess of such exempted amount shall remain subject to taxation.

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

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

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

(e) The exemption granted by subsection (b) of this section shall not apply to or affect state ad valorem taxes, county ad valorem taxes for county purposes, or county or independent school district ad valorem taxes for educational purposes. The homestead exemption granted

by subsection (b) of this section shall be in addition to and not in lieu of any other homestead exemption applicable to municipal ad valorem taxes for municipal purposes.

(f) The exemption granted by subsection (b) of this section shall apply to all taxable year beginning on or after January 1, 2025.

Section 7.34

Homestead exemption; general.

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

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

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

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

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

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

make application thereafter for any year and the exemption shall continue to be allowed to such person. It shall be the duty of any person granted the homestead exemption under subsection (b) of this section to notify the governing authority of the City of DeKalb, or the designee thereof, in the event that person for any reason becomes ineligible for that exemption.

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

(f) The exemption granted by subsection (b) of this section shall apply to all taxable years beginning on or after January 1, 2025.

Section 7.35

Homestead exemption; surviving spouses.

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

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

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

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

(b) Any person who is a resident of the City of DeKalb and who is an unremarried surviving spouse of a member of the armed forces of the United States, which member has been killed in or has died as a result of any war or armed conflict in which the armed forces of the United States engaged, whether under United States command or otherwise, shall be granted a

homestead exemption from all City of DeKalb ad valorem taxation for municipal purposes in the amount of the greater of \$32,500.00 or the maximum amount which may be granted to a disabled veteran under Section 2102 of Title 38 of the United States Code, as amended. As of January 1, 2013, the maximum amount which may be granted to a disabled veteran under Section 2102 of Title 38 of the United States Code, as amended, is \$50,000.00. The exemption shall be on the homestead which the unremarried surviving spouse owns and actually occupies as a residence and homestead. In the event such surviving spouse remarries, such person shall cease to be qualified to continue the exemption under this Act effective December 31 of the taxable year in which such person remarries. The value of all property in excess of such exemption granted to such unremarried surviving spouse shall remain subject to taxation.

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

(d) An unremarried surviving spouse filing for the exemption under this section shall be required to file with the governing authority of the City of DeKalb, or the designee thereof, information relative to marital status and such other information which the governing authority of the City of DeKalb, or the designee thereof, deems necessary to determine eligibility for the exemption. Each unremarried surviving spouse shall file for the exemption only once with the governing authority of the City of DeKalb or the designee thereof. Once filed, the exemption shall automatically be renewed from year to year, except that the governing

authority of the City of DeKalb, or the designee thereof, may require annually that the holder of an exemption substantiate his or her continuing eligibility for the exemption. It shall be the duty of any person granted the homestead exemption under this section to notify the governing authority of the City of DeKalb, or the designee thereof, in the event that person for any reason becomes ineligible for such exemption.

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

(f) The exemptions granted by this section shall apply to all tax years beginning on or after January 1, 2025.

Section 7.36

Homestead exemption; one mill equivalent.

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

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

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

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

taxation.

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

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

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

(f) The exemption granted by subsection (b) of this section shall apply to all taxable years beginning on or after January 1, 2025.

Section 7.37

Homestead exemption; fire services tax district HOST equivalent.

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

(1) "Ad valorem taxes for fire services" means all ad valorem taxes for the purpose of

providing fire services levied by, for, or on behalf of the City of DeKalb, including, but not limited to, any ad valorem taxes to pay interest on and to retire municipal bonded indebtedness.

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

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

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

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

(e) The exemption granted by subsection (b) of this section shall not apply to or affect state ad valorem taxes, county ad valorem taxes for county purposes, or county or independent school district ad valorem taxes for educational purposes. The homestead exemption granted

by subsection (b) of this section shall be in addition to and not in lieu of any other homestead exemption applicable to municipal ad valorem taxes for municipal purposes.

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

ARTICLE VIII

ECONOMIC DEVELOPMENT PROVISIONS

Section 8.10

Creation of office of economic development.

As defined in Section 5.16 of this charter, an office of Economic Development shall be created in the Executive Branch.

Section 8.11

Creation of development authorities.

The City of DeKalb has the authority to create one or more statutory agencies for the purpose of promoting trade, commerce, industry and employment opportunities for the public good and to promote the general welfare of the city. The statutory agencies, when permitted by law, may develop financing packages including but not limited to provision of taxable and tax-exempt bonds for companies based on the type and number of jobs produced.

Section 8.12

Urban Redevelopment Agency.

City of DeKalb shall have the authority to create an urban redevelopment agency with all the powers, rights, and authorities that attend its creation including all financing capability.

Section 8.13

Cooperation with Community Area Planning Units (CAPUs).

The Planning Department of the City of DeKalb shall seek input from the Office of Economic Development and the CAPUs to develop a comprehensive community economic development plan.

Section 8.14

Eminent domain for economic development.

The City of DeKalb's statutory agencies may engage in the use of eminent domain when necessary for economic development purposes provided it is consistent with state law.

ARTICLE IX

GENERAL PROVISIONS

Section 9.10

DeKalb County special services tax district.

For the taxable years beginning on or after January 1, 2025, the adjusted ad valorem tax millage rate and amount for service charges or fees for district services for the City of DeKalb special services tax district shall be 0 percent. This section is enacted pursuant to the authority granted to the General Assembly under Section 1 of that local constitutional amendment providing that certain municipalities in DeKalb County shall constitute special services tax districts, Resolution Act No 168; House Resolution No. 715-1916; Ga. L. 1978, p. 2468, to control the subject matter of such local constitutional amendment. Municipal services provided by DeKalb County for the City of DeKalb shall be established through intergovernmental agreements or established as otherwise authorized by statute.

Section 9.11

Referendum and initial election.

(a) The election superintendent of DeKalb County shall call a special election for the purpose of submitting this Act to the qualified voters of the proposed City of DeKalb for approval or rejection. The superintendent shall set the date of such election for the Tuesday after the first Monday in November 2023. The superintendent shall issue the call for such election at least 60 days prior to the date thereof. The superintendent shall cause the date and purpose of the election to be published once a week for two weeks immediately preceding the date thereof in the official or Georgian of DeKalb County. The ballot shall have written or printed thereon the words:

“() YES Shall the Act incorporating the City of DeKalb in DeKalb County according to the charter contained in the Act and the homestead exemptions described in the Act be approved?”

() NO

All persons desiring to vote for approval of the Act shall vote “Yes,” and all persons desiring to vote for rejection of the Act shall vote “No.” If more than one-half of the votes cast on such question are for approval of the Act, it shall become of full force and effect as provided in this charter, otherwise it shall be void and of no force and effect. The initial expense of such election shall be borne by DeKalb County. Within two years after the elections if the incorporation is approved, the City of DeKalb shall reimburse DeKalb County for the actual cost of printing and personnel services for such election and for the initial election of the mayor and councilmember’s pursuant to Section 2.10(f) of this charter. It shall be the duty of the superintendent to hold and conduct such election. It shall be his or her further duty to certify the result thereof to the Secretary of State.

(b) For the purposes of the referendum election provided for in subsection (a) of this section and for the purposes of the special election of the City of DeKalb to be held on the date of the third Tuesday in March 2024, the qualified electors of the City of DeKalb shall be those qualified electors of DeKalb County residing within the corporate limits of the City of DeKalb as described by Appendix A of this charter. The qualified voters for each District, as stated in Section 2.10(f) and specified in Appendix B shall be the qualified electors of DeKalb County residing within each of the District limits within the City of DeKalb with the exception of the

President of the Council and the Mayor who shall be elected at-large within the City of DeKalb. At subsequent municipal elections, the qualified electors of the City of DeKalb shall be determined pursuant to the authority of Chapter 2 of Title 21 of the O.C.G.A., the “Georgia Election Code.”

(c) Only for the purposes of holding and conducting the referendum election provided for by subsection (a) of this section and holding and conducting the special election of the City of DeKalb to be held on the date of the third Tuesday in March 2024, the election superintendent of DeKalb County is vested with the powers and duties of the election superintendent of the City of DeKalb and the powers and duties of the governing authority of the City of DeKalb.

Section 9.12

Effective dates and transition.

(a) The initial mayor and council members shall take the oath of office the next business day after certification of the election of such officers and by action of any four members of the governing authority may, prior to the first day of the second month immediately following the special election on the third Tuesday in March 2024, meet and take actions binding on the city.

(b) A period of time will be needed for an orderly transition of various government functions from DeKalb County to the City of DeKalb. Accordingly, there shall be a two-year transition period as allowed by law beginning at 12:01AM on July 1, 2024.

(c) During such transition period, DeKalb County shall continue to provide within the territorial limits of the city all government services and functions which DeKalb County provided in 2024 and at the same actual direct cost and level of service, except to the extent otherwise provided in this section; provided, however, that upon at least 30 days’ prior written notice to the governing authority of DeKalb County by the governing authority of the City of DeKalb, responsibility for any such service or function shall be transferred to the City of DeKalb. The governing authority of the City of DeKalb shall determine the date of commencement of collection of taxes, fees, assessments, fines and forfeitures, and other

monies within the territorial limits of the city and the date upon which the City of DeKalb is considered removed from the special services tax district.

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

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

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

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

Section 9.13

Directory nature of dates.

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

General Assembly that the action be delayed rather than abandoned. Any delay in performing any action under this Act, whether for cause or otherwise, shall not operate to frustrate the overall intent of this Act. Without limiting the generality of the foregoing, it is specifically provided that, if it is not possible to hold the referendum election provided for in Section 9.11(a) of this Act on the date specified in that section, then such referendum shall be held as soon thereafter as is reasonably practicable. If the referendum election provided for in Section 9.11(a) of this Act is conducted on or before the Tuesday after the first Monday in November, 2023, the special election for the initial members of the governing authority shall be conducted on the date specified in Section 9.11(b) of this Act. If the referendum election provided for under Section 9.11(a) of this Act is conducted after the Tuesday after the first Monday in November, 2023, then the special election for the initial members of the governing authority shall be held as soon thereafter as is reasonably practicable, and the commencement of the initial terms of office shall be delayed accordingly. If the first election provided for in Section 9.11(b) of this Act occurs after the date of the third Tuesday in March 2024, the city council shall be authorized to delay the dates otherwise specified in Section 9.12 of this Act.

Section 9.14

Charter commission.

No later than five years after the inception of the City of DeKalb, the mayor and the city council shall call for a charter commission to review the city's experience and recommend to the General Assembly any changes to the charter. Members of the charter commission shall be appointed as follows: one member by the mayor, six Community Area Representatives (one chosen by each councilperson from Districts 1-6), two businesses selected by one of the entities created by Article VIII (Economic Development Provisions) of this Charter, and one member appointed by a vote of the Georgia House of Representatives and one member appointed by vote of the Georgia Senate both of whose districts lie wholly or partially within the corporate boundaries of the City of DeKalb. All members of the charter commission shall reside in the City of DeKalb. The commission shall complete the recommendations within the

time frame required by the city council.

Section 9.15
Bonds for officials.

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

Section 9.16
Severability

If any article, section, subsection, paragraph, sentence, or part thereof of this charter shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair other parts of this charter unless it clearly appears that such other parts are wholly and necessarily dependent upon the part held to be invalid or unconstitutional, it being the legislative intent in enacting this charter that each article, section, subsection, paragraph, sentence or part thereof be enacted separately and independent of each other.

Section 9.17
Effective date.

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

Section 9.18
Repealer.

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

APPENDIX A
LEGALDESCRIPTION
CORPORATE LIMITS
CITY OF DEKALB, DEKALB COUNTY, GEORGIA

Plan: SouthDeKalb-prop4-2014

Plan Type: local

Administrator: 503

User: bak

District SOUTHDEKALB

DeKalb County

VTD: 089AA - ALLGOOD ELEMENTARY

023204: 1004 1005 1007 1008 1010 1011 1012 2000 2001 2002 2003 2004
2005 2006 2007 2008 2009 2010 2011 2012 2013 2014 2015

VTD: 089AC - ATHERTON ELEMENTARY

VTD: 089AE - AVONDALE (AVO)

023102: 1013

VTD: 089AF - HOOPER ALEXANDER

022900: 3028

023101: 2002 2003 2013 2014

VTD: 089AM - AVONDALE MIDDLE

023112: 1007

023113: 2010

023115: 1000 1007

VTD: 089BJ - BROWN'S MILL ELEMENTARY

023426: 1001 1002 1003 1005 1006 1007 1008 1009 1010 1011 1012 1013
1014 1015 1016 1017 1018 1019 1024 1025 1031 2015 2030 2031 2032

VTD: 089BL - BOULDERCREST RD

VTD: 089BM - BETHUNE MIDDLE
 VTD: 089CA - COLUMBIA DRIVE
 VTD: 089CB - CANBY LANE ELEMENTARY
 VTD: 089CC - COLUMBIA ELEMENTARY
 VTD: 089CD - CEDAR GROVE ELEMENTARY
 VTD: 089CG - CHAPEL HILL ELEMENTARY
 VTD: 089CL - CLIFTON ELEMENTARY
 VTD: 089CM - COLUMBIA MIDDLE
 VTD: 089CP - CROSSROADS
 VTD: 089CQ - CANDLER
 VTD: 089CR - CEDAR GROVE MIDDLE
 VTD: 089CS - CEDAR GROVE SOUTH
 VTD: 089CT - COVINGTON HWY L
 VTD: 089DE - DUNAIRE ELEM
 VTD: 089EB - EASTLAND
 VTD: 089FC - FLAT SHOALS ELEM
 VTD: 089FE - FLAT SHOALS PARKWAY
 VTD: 089FJ - FLAT SHOALS
 VTD: 089FK - FLAKES MILL FIRE
 VTD: 089FL - FLAT SHOALS LIBRARY
 VTD: 089FM - FREEDOM MIDDLE
 VTD: 089GB - GLENHAVEN
 VTD: 089GC - GRESHAM PARK ELEM
 VTD: 089GE - GLENHAVEN ELEM
 VTD: 089HA - HAMBRICK ELEM
 021908: 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011
 1012 1013 1014
 021909: 1000 1001 1007 2000 3000
 022004: 2000 2001 2002 2003 2004 2005 2006 3000 3001 3002 3003 3004
 3005 3006 3007 3008 3009 3010 3011

022005: 3000

VTD: 089HH - NARVIE J HARRIS

VTD: 089IB - INDIAN CREEK ELEM

022005: 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1015
2002 2003 2004 2005 2006 2007 2008 2009 2010

022007: 1003 1004 2015 2017 2019 2020 2021

022008: 2005 2006 2007 2009 2010 4006

VTD: 089JB - JOLLY ELEM

022010: 1000 1004 1005 1006 1019 1020 1021

VTD: 089KA - KELLEY LAKE ELEM

VTD: 089KC - KELLEY CHAPEL

VTD: 089KD - ML KING JR HIGH

VTD: 089KE - KNOLLWOOD ELEM

VTD: 089LH - LITHONIA HIGH SCHOOL

023309: 3015 3016 3017 3018 3019 3020 3021 3022 3023 3024 3025 3026
3027 3028 3029 3030 3031 3032

VTD: 089MA - ELDRIDGE L MILL

VTD: 089MC - MARBUT ELEM

023309: 1000 1001 1002 1003 1004 2000 2001 2002 2003 2004 2007 4000
4001 4002 4003 4004 4005 4006

023314: 3015

VTD: 089MI - MILLER GROVE MIDDLE SCHOOL

023214: 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011
1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023
1024 2004 2005 2006 2007 2015 2016 2017 2018 2019 2020 2021 2025

VTD: 089ML - MEADOWVIEW ELEM

VTD: 089MM - MEMORIAL NORTH

022004: 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011
1012 1013 1014 1015 1016 1017 1018 1019 1020 1021

022005: 2000 2001 3001 3005 3006 3007 3008 3009 3010 3011 3012 3013

3014

022008: 1000 1001 1005 1006 1007 1008 1009 1015 1016 3000 3003 3004
3005 3006

VTD: 089MN - MEMORIAL SOUTH

VTD: 089MO - MIDWAY ELEM

023102: 1020 1021 2000 2001 2002 2003 2004 2005 2006 2007 2008 2009
2010 2011 2012 2013 2014 2015 2016 2017

023107: 1017 1018 1023 1024 1025 1026 3000 3001 3002 3003 3004 3005
3006 3007 3008 3009 3010 3011 3012 3013 3014 3015

VTD: 089MP - MCNAIR MIDDLE

VTD: 089MR - BOB MATHIS ELEM

VTD: 089NC - NORTH HAIRSTON

021910: 1001 1002 1003 1004 1005 1006 1007 1008 2001 2002 2003 2004
2005 2006 2007 2008 2009 2010 2011

VTD: 089OV - OAK VIEW ELEM

VTD: 089PA - PEACHCREST ELEM

VTD: 089PC - PRINCETON ELEM

023306: 3000 3001 3002 3003 3004 3009 3010 3011 3017 3018 3019

VTD: 089PH - PANOLA

VTD: 089PI - PANOLA WAY ELEM

023211: 2004 2007 2008 2010 2011 2012 2013 2015 2016

023212: 2000 2001 2003 2004 2005 2006 2007 2008 2009 2010 2011 2012

VTD: 089PN - PINEY GROVE

VTD: 089RA - RAINBOW ELEM

VTD: 089RC - REDAN ELEM

VTD: 089RE - ROCKBRIDGE ELEM

VTD: 089RF - ROCK CHAPEL ELEM

VTD: 089RG - ROWLAND ELEM

VTD: 089RH - REDAN-TROTTI

023313: 1000 1001 1002 2000 2001 2002 2003 2004 2005 2006 2007 2008

2009 2010 2011

VTD: 089RI - ROCKBRIDGE ROAD

VTD: 089RJ - ROWLAND ROAD

VTD: 089RK - REDAN ROAD

VTD: 089RL - ROCK CHAPEL ROAD

023303: 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1013
1014 1015 2000 2001 2002 2003 2004 2011 2013 2014 2015 2016 2017
2018 2036

023315: 2018 2019 2020 2021 2022 2023 2024 2025 2026 2027 2028 2029
2030 2031 2032 2033 2034 2035 2037 2038 2039 2040 2041

VTD: 089RM - REDAN MIDDLE

VTD: 089SC - SCOTTTDALE

022001: 2032 2035

022007: 1007 1009 1010 2018

022100: 1000 1001 1002 1003 1004

VTD: 089SD - STN MTN ELEMENTARY

021906: 1002 2007 2008 2012 2013 2014 2015 2019 2020 2021 2022

021907: 1000 1012 1013 1014 1015 1016 1017 1018 1019 1021 1022 1023
1024 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034 1035
1036 1037 1038 1039 1040 1051 1052 1053 1054 1055 1056 1057
1058 1059 1060 1061 1062 1063 1064 1065 1066 1068 2015 2016
2024 2025 2026 2027 2028 2029 2032 2036 2037 2038 2039 2040
2041 2042 2043 2044 2045 2046 2048 2049 2050 2051 2052 2053
3001 3002 3003 3004 3011 3012 3013 3025 3027 3062 3063

VTD: 089SG - SNAPPFINGER ELEM

VTD: 089SI - STN MTN MIDDLE

021907: 3026

VTD: 089SJ - STONE MILL ELEM

021906: 3008 3009 3010 3011 3012 3013 3014 3015 3016 3017 3018

021907: 3028 3029 3031 3034 3060 3061

021908: 2000 2001 2002 2003
021911: 1000 1001 1002 1003 1004 1005 2003 2004 2005 2006 2007 2008
2009 2010 2011
021913: 3001 3004 3005 3006 3007 3008
VTD: 089SK - SHADOW ROCK ELEM
VTD: 089SL - STONEVIEW ELEM
023303: 2005 2006 2007 2008 2009 2010 2030 3000 3001 3010 3011 3025
3026 3030 3031 3032 3033 3034 3035 3036
VTD: 089SO - SOUTH DESHON
VTD: 089SP - STN MTN CHAMPION
021906: 1004 1005 1010 3022 3026 3027
VTD: 089SR - SNAPFINGER ROAD
VTD: 089SS - SNAPFINGER ROAD
023414: 1013 1015 1016 1017 1018 1019 1020 1021 1022 1023 1024
1025 1026
VTD: 089ST - STEPHENSON MIDDLE
VTD: 089SU - SOUTH HAIRSTON
VTD: 089SV - STEPHENSON HIGH
VTD: 089TA - TERRY MILL ELEM
VTD: 089TB - TILSON ELEM
VTD: 089TC - TONEY ELEM
VTD: 089WA - WADSWORTH ELEM
VTD: 089WB - WESLEY CHAPEL SOUTH
VTD: 089WG - WOODRIDGE ELEM
VTD: 089WK - WHITE OAK
VTD: 089WN - WYNBROOKE ELEM
VTD: 089YA - YOUNG ROAD

APPENDIX B

Legal Description, Council Districts/Community Area Planning Units of City of DeKalb, DeKalb County Georgia

Boundaries				
CAPU District	Northern Boundary	Eastern Boundary	Southern Boundary	Western Boundary
Council District 1 - CAPU West	MEMORIAL DRIVE - Beginning and following the DeKalb/Fulton county boundary from Memorial Drive and ending at the corner of Memorial Drive and Candler Rd.	CANDLER ROAD - From corner of Memorial Drive and Candler Road ending at I-285.	I-285 -From corner of I-285 and Candler Road to Moreland Ave.	MORELAND AVENUE - From corner of DeKalb/Fulton county boundary west of Moreland Avenue continuing north and east on DeKalb/Fulton county boundary ending at Memorial Drive.
Council District 2 - CAPU South	I-285/FLAT SHOALS PARKWAY - Beginning at DeKalb/Fulton county boundary on I-285 continuing east on I-285 continuing onto Flat Shoals Parkway ending at the corner of Flat Shoals Parkway and Snapfinger Rd (Hwy 155).	Snapfinger Rd (HWY 155) - From the corner of Flat Shoals Parkway and Snapfinger Rd (Hwy 155) ending at the southern Dekalb/Henry county boundary.	Southern Dekalb County boundary - From the corner of Snapfinger Rd. (Hwy 155) continuing on southern Dekalb county boundary.	MORELAND AVENUE - From corner of southern boundary of Dekalb/Clayton county boundary continuing north on DeKalb/Fulton county boundary ending at I-285.
Council District 3 - CAPU South Central	COVINGTON HWY - Beginning at the corner of Memorial Drive and Covington Hwy and continuing east on Covington Hwy ending at the corner of Covington Hwy and Miller Rd.	MILLER RD/SOUTH RIVER (Excluding Proposed City of Stonecrest) - From the corner of Covington Hwy and Miller Rd continuing south on Miller Rd. along the Proposed City of Stonecrest boundary to I-20 continuing west on I-20 to continuing south along the South River bordering the proposed City of Stonecrest boundary ending at Snapfinger Rd (Hwy 155).	FLAT SHOALS PARKWAY - From the corner of Snapfinger Rd. (Hwy 155) and Flat Shoals Parkway continuing west on Flat Shoals Parkway ending at I-285.	CANDLER RD/MEMORIAL DR - From I-285 at Flat Shoals Parkway continuing north to Candler Rd to the corner of Candler Rd. and Memorial Drive continuing northeast on Memorial ending at the corner of Memorial Drive and Covington Hwy.
Council District 4 - CAPU North Central	ROCKBRIDGE RD - Beginning at the corner of N. Decatur Rd and I-285 continuing east on N. Decatur Rd. onto Rockbridge Rd continuing to City of Pine Lake southern boundary continuing east on Rockbridge Rd ending at the corner of Rockbridge Rd. and S. Stone Mountain Lithonia Rd.	S Stone Mountain Lithonia Rd. /Panola Rd. - From the corner of Rockbridge Rd. and S. Stone Mountain Lithonia Rd. continuing south on S. Stone Mountain Lithonia Rd. continuing south on Panola Rd. and ending at the proposed boundary of the City of Stonecrest on Covington Hwy.	COVINGTON HWY - From the corner of Covington Hwy and Park Central Blvd continuing west on Covington Hwy ending at the corner of Covington Hwy and Memorial Dr.	MEMORIAL DR. - From the corner of Memorial Dr. and Covington Hwy continuing north on Memorial Dr. ending at I-285 and N. Decatur Rd.
Council District 5 - CAPU North	E. Ponce De Leon Ave/US Hwy 78 (Excluding the proposed City of Tucker annexation area) - Beginning at the eastern boundary of the City of Clarkston on US Hwy 78 continuing east on US Hwy 78 to the boundary of the proposed City of Tucker annexation continuing south along the western boundary of the proposed City of Tucker annexation to E. Ponce De Leon Ave continuing east on E. Ponce De Leon Ave ending at the corner of Memorial Drive and E. Ponce De Leon.	S Stone Mountain Lithonia Rd. /Panola Rd. (Excluding City of Stone Mountain and Proposed City of Stonecrest) - From the corner of Memorial Drive and E. Ponce de Leon Ave continuing east on City of Stone Mountain boundary continuing south to S. Stone Mountain Lithonia Rd. continuing south on Panola Rd to proposed City of Stonecrest boundary at Covington Hwy.	ROCKBRIDGE RD - Same as CAPU North Central northern boundary	I-285 - From the corner of I-285 and N. Decatur Rd. continuing north on I-285 to the western boundary of the City of Clarkston continuing east, south and north around the City of Clarkston boundaries until ending at US Hwy 78.
Council District 6 - CAPU East	US Hwy 178 - Beginning at corner Memorial Drive and E. Ponce De Leon ending at corner of US Hwy 178 and DeKalb/Gwinnett county boundary.	Dekalb/Gwinnett County boundary - From corner of US Hwy 178 continuing southeast ending at corner of DeKalb county boundary and I-20.	I-20 /Covington Hwy (Excluding Proposed City of Stonecrest) - From corner of Dekalb/Gwinnett county boundary at I-20 continuing west on I-20 to city of Lithonia boundary continuing north on city of Lithonia boundary continuing on GA 124/Rock Chapel Rd. continuing west on proposed City of Stonecrest boundary to Rogers Lake Rd. continuing north on Rogers Lake Rd. to Swift Creek continuing south on proposed City of Stonecrest boundary to S. Stone Mountain Lithonia Rd. continuing south on city of Stonecrest boundary along to Covington Hwy continuing west on Covington Hwy ending at corner of Panola Rd and Proposed City of Stonecrest boundary.	S Stone Mountain Lithonia Rd. /Panola Rd. (Excluding Proposed City of Stonecrest) - From Covington Hwy at the boundary of the proposed City of Stonecrest located east of Briar Knoll Rd continuing west along the proposed City of Stonecrest to Panola Rd continuing north on Panola Rd. onto S. Stone Mountain Lithonia Rd. continuing along the City of Stone Mountain eastern boundary ending at the corner of E. Ponce De Leon and Memorial Dr.

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

I, _____, Representative from the _____ District, and the author of this bill introduced at the 2023 session of the General Assembly of Georgia, which grants an original municipal charter to the City of DeKalb, do hereby certify that this bill is in compliance with the minimum standards required by Chapter 31 of Title 36 of the O.C.G.A. in that the area embraced within the original incorporation in this bill is in all respects in compliance with the minimum standards required by Chapter 31 of Title 36 of the O.C.G.A. This certificate is executed to conform to the requirements of Code Section 36-31-5 of the O.C.G.A.

So certified this _____ day of _____, 2023.
