

Senate Bill 507

By: Senators Parent of the 42nd and Harrell of the 40th

A BILL TO BE ENTITLED
AN ACT

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

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

23

ARTICLE I

24

CREATION, INCORPORATION, POWERS

25

SECTION 1.01.

26

Incorporation.

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

34

SECTION 1.02.

35

Corporate boundaries.

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

41

SECTION 1.03.

42

Powers and construction.

43 Subject to subsection (b) of this section, the city shall have the following powers:

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

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

53 (3) Building regulation. To regulate and to license the erection and construction of
54 buildings and all other structures; to adopt building, housing, plumbing, electrical, gas,
55 and heating and air conditioning codes; and to regulate all housing and building trades
56 to the extent permitted by general law;

57 (4) Business regulation and taxation. To levy and to provide for the collection of
58 regulatory fees and taxes on privileges, occupations, trades, and professions as authorized
59 by Title 48 of the O.C.G.A. or other such applicable laws as are or may hereafter be
60 enacted; to permit and regulate the same; to provide for the manner and method of
61 payment of such regulatory fees and taxes; and to revoke such permits after due process
62 for failure to pay any city taxes or fees;

63 (5) Condemnation:

64 (A) To condemn property inside the corporate limits of the city for present or future
65 use and for any public purpose deemed necessary by the city council utilizing
66 procedures enumerated in Title 22 of the O.C.G.A. or such other applicable laws as are
67 or may hereafter be enacted; and

68 (B) To condemn and cause to be remediated or removed any building, structure, or
69 existing condition within its corporate limits that is dangerous to life, limb, or property,
70 by reasons of decay, dilapidation, or unsanitary condition. Nothing in this
71 subparagraph shall be construed to relieve the municipality of any duty to give owners
72 or interested persons reasonable notice and opportunity to remedy the situation.
73 Nothing in this subparagraph shall be construed as relieving the municipality of liability
74 to any interested person for damages to person or property taken or destroyed in
75 furtherance of this subparagraph. This subparagraph shall not be construed as
76 authorizing the doing of any act or thing contrary to the Constitution of this state and
77 the policy of the general laws of this state. The municipality shall have authority to
78 adopt reasonable ordinances and resolutions for the purpose of carrying out this
79 subparagraph;

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

82 (7) Emergencies. To establish procedures for determining and proclaiming that an
83 emergency situation exists within or without the city, and to make and carry out all
84 reasonable provisions deemed necessary to deal with or meet such an emergency for the
85 protection, safety, health, or well-being of the citizens of the city;

86 (8) Environmental protection. To protect and preserve the natural resources,
87 environment, and vital areas of the city, the region, and the state through the enactment
88 of ordinances that preserve and improve air quality, restore and maintain water resources,
89 control erosion and sedimentation, manage storm water and establish a storm-water

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

108 (9) Ethics. To adopt ethics ordinances and regulations governing such things as, but not
109 limited to, the conduct of municipal elected officials, appointed officials, contractors,
110 vendors, and employees, establishing procedures for ethics complaints, and setting forth
111 penalties for violations of such rules and procedures;

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

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

122 (12) General health, safety, and welfare. To define, regulate, and prohibit any act,
123 practice, conduct, or use of property which is detrimental to health, sanitation,
124 cleanliness, welfare, and safety of the inhabitants of the city, and to provide for the
125 enforcement of such standards;

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

163 plants, cable television and other telecommunications, transportation facilities, public
164 airports, and any other public utility; to fix the taxes, charges, rates, fares, fees,
165 assessments, regulations, and penalties; and to provide for the withdrawal of service for
166 refusal or failure to pay the same;

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

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

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

175 (27) Police and fire protection. To exercise the power of arrest through duly appointed
176 police officers, and to establish, operate, or contract for a police and a fire-fighting
177 agency. It is the intent of the General Assembly that the city shall utilize the DeKalb
178 County Police Department for police services, so long as such are available, through an
179 intergovernmental agreement, for a period of at least ten years after the creation of the
180 city;

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

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

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

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

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

- 200 (33) Regulation of roadside areas. To prohibit or regulate and control the erection,
201 removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any
202 and all other structures or obstructions upon or adjacent to the rights of way of streets and
203 roads or within view thereof, within or abutting the corporate limits of the city; and to
204 prescribe penalties and punishment for violation of such ordinances;
- 205 (34) Retirement and employee benefits. To provide and maintain a retirement plan,
206 insurance, and such other employee benefits for appointed officers and employees of the
207 city as are determined by the city council;
- 208 (35) Roadways. To lay out, open, extend, widen, narrow, establish or change the grade
209 of, abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise
210 improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and
211 walkways within the corporate limits of the city; to grant franchises and rights of way
212 throughout the streets and roads and over the bridges and viaducts for the use of public
213 utilities; and to require real estate owners to repair and maintain in a safe condition the
214 sidewalks adjoining their lots or lands and to impose penalties for failure to do so;
- 215 (36) Solid waste disposal. To provide for the collection and disposal of garbage, rubbish,
216 and refuse and to regulate the collection and disposal of garbage, rubbish, and refuse by
217 others; and to provide for the separate collection of glass, tin, aluminum, cardboard,
218 paper, and other recyclable materials and to provide for the sale of such items;
- 219 (37) Special assessments. To levy and provide for the collection of special assessments
220 to cover the costs for any public improvements, subject to referendum;
- 221 (38) Taxes; ad valorem. To levy and provide for the assessment, valuation, revaluation,
222 and collection of taxes on all property subject to taxation. For all years, the fair market
223 value of all property subject to taxation shall be determined according to the tax digest
224 of DeKalb County, as provided in Code Section 48-5-352 of the O.C.G.A.;
- 225 (39) Taxes: other. To levy and collect such other taxes and fees as may be allowed now
226 or in the future by law;
- 227 (40) Taxicabs. To regulate and license vehicles operated for hire in the city; to limit the
228 number of such vehicles; to require the operators thereof to be licensed; to require public
229 liability insurance on such vehicles in the amounts to be prescribed by ordinance; to
230 inspect said vehicles and mandate standards of safety and cleanliness; and to regulate the
231 parking of such vehicles;
- 232 (41) Tourism, conventions, and trade shows. To provide for the structure, operation, and
233 management of the Vista Grove Convention and Visitors Bureau created pursuant to
234 Section 1.05 of this charter and to authorize the City of Vista Grove to contract with
235 private sector nonprofit organizations or other governmental agencies to promote tourism,
236 conventions, and trade shows;

237 (42) Urban redevelopment. To organize and operate an urban redevelopment program;
238 and
239 (43) Other powers. To exercise and enjoy all other powers, functions, rights, privileges,
240 and immunities necessary or desirable to promote or protect the safety, health, peace,
241 security, good order, comfort, convenience, or general welfare of the city and its
242 inhabitants; to exercise all implied powers necessary or desirable to carry into execution
243 all powers granted in this charter as fully and completely as if such powers were fully
244 stated herein; and to exercise all powers now or in the future authorized to be exercised
245 by other municipal governments under other laws of the State of Georgia; and any listing
246 of particular powers in this charter shall not be held to be exclusive of others or restrictive
247 of general words and phrases granting powers, but shall be held to be in addition to such
248 powers unless expressly prohibited to municipalities under the Constitution or applicable
249 laws of the State of Georgia.

250 **SECTION 1.04.**

251 Exercise of powers.

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

256 **SECTION 1.05.**

257 Tourism, conventions, and trade shows.

258 The Vista Grove Convention and Visitors Bureau is hereby authorized to be created by an
259 ordinance of the city council. When created, the bureau shall consist of a board of seven
260 members appointed by the city council. The bureau shall report to the city manager on a
261 regular basis and shall send an annual report to the city council in January of each year.

297 part shall instead be included within that district contiguous to such part which contains
298 the least population according to the United States decennial census of 2010 for the
299 State of Georgia.

300 (iv) Any part of the City of Vista Grove which is described in subparagraph (A) of this
301 paragraph as being included in a particular district which, on the effective date of this
302 Act is within the corporate boundaries of another municipality, shall not be included
303 within such district.

304 (v) Any part of the City of Vista Grove which is described in subparagraph (A) of this
305 paragraph as being included in a particular district which is not within the corporate
306 boundaries of the City of Vista Grove shall not be included within such district.

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

310 (3) One councilmember shall be elected from each of the three council districts and shall
311 hold Council District 1, Post 1; Council District 1, Post 2; Council District 2, Post 1;
312 Council District 2, Post 2; Council District 3, Post 1; and Council District 3, Post 2,
313 respectively. Each candidate for election to the city council shall reside in the district he
314 or she seeks to represent and shall designate the council district for which he or she is
315 offering. Councilmembers shall be elected by a majority vote of the qualified electors
316 of the respective council districts voting at the elections of the city. In the event that no
317 candidate for a council district obtains a majority vote of the qualified electors of the
318 council district voting in the election, then a run-off election shall be held. The
319 candidates receiving the two highest numbers of votes in the election for such council
320 district shall be included in the run-off election. The person receiving the highest number
321 of votes of the qualified electors of the council district voting at such run-off election
322 shall be elected.

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

327 (d) In order to assure staggered elections of the councilmembers, in the first election of the
328 city council, the terms for the candidates elected for Council District 1, Post 1; Council
329 District 2, Post 1; and Council District 3, Post 1, shall expire upon the administration of the
330 oath of office to their successors elected in the regular elections held in November, 2023, as
331 provided in subsection (b) of Section 2.02 of this charter. The terms for the candidates
332 elected for Council District 1, Post 2; Council District 2, Post 2; and Council District 3, Post
333 2, shall expire upon the administration of the oath of office to their successors elected in the

334 regular elections held in November, 2025, as provided in subsection (b) of Section 2.02 of
 335 this charter. Thereafter, a successor to each councilmember shall be elected at the November
 336 election immediately preceding the end of such councilmember's term of office, and the term
 337 of each councilmember shall expire upon the administration of the oath of office to his or her
 338 successor.

339 (e) With the exception of the initial term of office, the mayor of the City of Vista Grove,
 340 with the powers and duties specified herein, shall be elected to a term of four years and until
 341 his or her successor is elected and qualified. The mayor shall be elected by a majority vote
 342 of the qualified electors of the city at large voting at the elections of the city. In the event
 343 that no candidate for mayor obtains a majority vote of the qualified electors of the city at
 344 large voting at the elections of the city, then a run-off election shall be held. The candidates
 345 receiving the two highest numbers of votes in the election shall be included in the run-off
 346 election, and the candidate receiving the highest number of votes of the qualified electors of
 347 the city at large who are voting at such runoff shall be elected. The term of the first elected
 348 mayor shall expire upon the administration of the oath of office to his or her successor
 349 elected in the regular election held in November, 2023, as provided in subsection (b) of
 350 Section 2.02 of this charter. Thereafter, a successor to each mayor shall be elected at the
 351 November election immediately preceding the end of such mayor's term of office, and the
 352 term of each mayor shall expire upon the administration of the oath of office to his or her
 353 successor.

354

SECTION 2.02.

355

Mayor and councilmembers; terms and qualifications for office.

356 (a) For all elections subsequent to the first election, the mayor and councilmembers shall
 357 serve for terms of four years and until their terms shall expire upon the administration of the
 358 oath of office to their successors. No person shall be eligible to serve as mayor or
 359 councilmember unless that person shall have been a resident of the area encompassing the
 360 City of Vista Grove for a continuous period of at least 12 months immediately prior to the
 361 date of the election for mayor or councilmember, shall continue to reside therein during that
 362 person's period of service, and shall continue to be registered and qualified to vote in
 363 municipal elections of the City of Vista Grove. In addition to the above requirements, no
 364 person shall be eligible to serve as a councilmember representing a council district unless that
 365 person continues to reside in such district during his or her period of service.

366 (b) An election shall be held on the third Tuesday in March, 2021, to elect the first mayor
 367 and city council. At such election, the first mayor and council shall be elected to serve for
 368 the initial terms of office specified in subsections (d) and (e) of Section 2.01 of this charter.

369 Thereafter, the time for holding regular municipal elections shall be on the Tuesday next
 370 following the first Monday in November of each odd-numbered year beginning in 2023.

371 (c) The number of consecutive terms an individual may hold a position as a councilmember
 372 shall be three terms.

373 (d) The number of consecutive terms an individual may hold the position of mayor shall be
 374 limited to three terms.

375 (e) No person who has been convicted of a felony or a crime of moral turpitude shall be
 376 eligible for election or to serve as mayor or councilmember of the City of Vista Grove.

377 **SECTION 2.03.**

378 Vacancy; filling of vacancies; suspensions.

379 (a) Elected officials of the city cannot hold other elective or public offices. The elective
 380 offices of the city's government shall become vacant upon the member's death, resignation,
 381 forfeiture of office, or removal from office. The following shall result in an elected city
 382 official forfeiting his or her office:

383 (1) Violating the provisions of this charter;

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

386 (3) Failing to attend one-half of the regular meetings of the council in a six-month period
 387 without being excused by the council.

388 (b) The office of mayor shall become vacant upon the incumbent's death, resignation,
 389 forfeiture of office, or removal from office in any manner authorized by this charter or the
 390 general laws of the State of Georgia. A vacancy in the office of mayor shall be filled for the
 391 remainder of the unexpired term by a special election if such vacancy occurs 12 months or
 392 more prior to the expiration of the term of that office. If such vacancy occurs within 12
 393 months of the expiration of the term of that office, the city council or those members
 394 remaining shall appoint a successor for the remainder of the term. This provision shall also
 395 apply to a temporary vacancy created by the suspension from office of the mayor.

396 (c) The office of a councilmember shall become vacant upon the incumbent's death,
 397 resignation, forfeiture of office, or removal from office in any manner authorized by this
 398 charter or the general laws of the State of Georgia. A vacancy in the office of a
 399 councilmember shall be filled for the remainder of the unexpired term by a special election
 400 if such vacancy occurs 12 months or more prior to the expiration of the term of that office.
 401 If such vacancy occurs within 12 months of the expiration of the term of that office, the
 402 mayor shall appoint a successor for the remainder of the term, subject to the approval of the

403 city council or those members remaining. This provision shall also apply to a temporary
404 vacancy created by the suspension from office of a councilmember.

405 **SECTION 2.04.**

406 Nonpartisan elections.

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

409 **SECTION 2.05.**

410 Election votes.

411 The candidate for mayor who receives a majority vote of the qualified electors of the city at
412 large voting at the elections of the city and the candidates for the city council who receive
413 the majority vote of the qualified electors of their respective districts shall be elected to a
414 term of office.

415 **SECTION 2.06.**

416 Applicability of general laws; qualifying; other provisions.

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

424 **SECTION 2.07.**

425 Compensation and expenses.

426 The annual salary of the mayor shall be \$20,000.00, and the annual salary for each
427 councilmember shall be \$14,000.00. Such salaries shall be paid from municipal funds in
428 monthly installments. The mayor shall be provided an annual expense allowance
429 of \$5,000.00, and each council member shall be provided an annual expense allowance
430 of \$3,000.00, for the reimbursement of expenses actually and necessarily incurred by the

431 mayor and council members, respectively, in carrying out their duties as elected officials of
432 the city.

433 **SECTION 2.08.**

434 Inquiries and investigations.

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

440 **SECTION 2.09.**

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

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

447 "I do solemnly swear (or affirm) that I will faithfully execute the office of
448 [councilmember or mayor, as the case may be] of the City of Vista Grove and will,
449 to the best of my ability, support and defend the Constitution of the United States, the
450 Constitution of Georgia, and the charter, ordinances, and regulations of the City of
451 Vista Grove. I am not the holder of any unaccounted for public money due this state
452 or any political subdivision or authority thereof. I am not the holder of any office of
453 trust under the government of the United States, any other state, or any foreign state
454 which I by the laws of the State of Georgia am prohibited from holding. I am
455 otherwise qualified to hold said office according to the Constitution and laws of
456 Georgia. I have been a resident of my district and the City of Vista Grove for the time
457 required by the Constitution and laws of this state and by the municipal charter. I will
458 perform the duties of my office in the best interests of the City of Vista Grove to the
459 best of my ability without fear, favor, affection, reward, or expectation thereof."

460 (b) Following the induction of the mayor and councilmembers, the city council, by a
461 majority vote of the councilmembers, shall elect a councilmember to be mayor pro tempore,
462 who shall serve for a term of two years and until a successor is elected and qualified. The

463 number of successive terms an individual may hold a position as mayor pro tempore shall
464 be unlimited.

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

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

475 (e) Special meetings of the city council may be held on the call of either the mayor and one
476 councilmember or on the call of three councilmembers. Notice of such special meetings
477 shall be delivered to all councilmembers, the mayor, and the city manager personally, by
478 registered mail, or by electronic means at least 24 hours in advance of the meeting. Such
479 notice shall not be required if the mayor, all councilmembers, and the city manager are
480 present when the special meeting is called. Such notice of any special meeting may be
481 waived by the mayor, a councilmember, or the city manager in writing before or after such
482 a meeting, and attendance at the meeting shall also constitute a waiver of notice. The notice
483 of such special meeting shall state what business is to be transacted at the special meeting.
484 Only the business stated in the call may be transacted at the special meeting.

485 **SECTION 2.10.**

486 Quorum; voting.

487 (a) Four councilmembers shall constitute a quorum and shall be authorized to transact
488 business for the city council. The mayor shall be counted toward the making of a quorum.
489 Voting on the adoption of ordinances shall be taken by voice vote and the yeas and nays shall
490 be recorded in the minutes but, on the request of any member, there shall be a roll-call vote.
491 In order for any ordinance, resolution, motion, or other action of the city council to be
492 adopted, the measure must receive at least three affirmative votes and shall receive the
493 affirmative votes of a majority of those voting. No member of the city council shall abstain
494 from voting on any matter properly brought before the city council for official action except
495 when such councilmember has a conflict of interest which is disclosed in writing prior to or
496 at the meeting and made a part of the minutes or when a voting member abstains by reason
497 of protest under the councilmember's First Amendment rights and such reason is disclosed

498 in writing prior to or at the meeting and made a part of the minutes. Other than in instances
 499 of a properly disclosed and recorded conflict of interest or abstention under this section, any
 500 member of the city council present and eligible to vote on a matter and refusing to do so for
 501 any reason shall be deemed to have acquiesced or concurred with the members of the
 502 majority who did vote on the question involved, provided that in the case of a tie vote of the
 503 voting councilmembers, each councilmember shall be required to vote unless he or she
 504 discloses a reason for not voting. The mayor shall have one vote on all matters brought
 505 before the council.

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

- 507 (1) Adopting or amending an administrative code or establishing, altering, or abolishing
- 508 a department, office not specified in this charter, or agency;
- 509 (2) Providing a fine or other penalty;
- 510 (3) Levying taxes;
- 511 (4) Granting, renewing, or extending a franchise;
- 512 (5) Regulating a rate for a public utility;
- 513 (6) Authorizing the borrowing of money;
- 514 (7) Conveying, leasing, or encumbering city land;
- 515 (8) Regulating land use and development;
- 516 (9) Amending or repealing an ordinance already adopted; and
- 517 (10) Proposing and voting on a budget for the fiscal year and to authorize a budget plan
- 518 for a term beyond the current fiscal year.

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

- 523 (1) Levy taxes;
- 524 (2) Grant, renew, or extend a franchise;
- 525 (3) Regulate a rate for a public utility; or
- 526 (4) Borrow money.

527

SECTION 2.11.

528

General power and authority of the city council.

529 (a) Except as otherwise provided by law or by this charter, the city council shall be vested
 530 with all the powers of government of the City of Vista Grove as provided by Article I of this
 531 charter.

532 (b) In addition to all other powers conferred upon it by law, the city council shall have the
 533 authority to adopt and provide for the execution of such ordinances, resolutions, rules, and
 534 regulations, not inconsistent with this charter and the Constitution and the laws of the State
 535 of Georgia, which it shall deem necessary, expedient, or helpful for the peace, good order,
 536 protection of life and property, health, welfare, sanitation, comfort, convenience, prosperity,
 537 or well-being of the inhabitants of the City of Vista Grove and may enforce such ordinances
 538 by imposing penalties for violation thereof.

539 **SECTION 2.12.**

540 Administrative and service departments.

541 (a) Except for the office of city manager, the internal auditor, and the elected positions
 542 provided for in this charter, the city council may, by ordinance, establish, abolish, merge, or
 543 consolidate offices not specified in this charter, positions of employment, departments, and
 544 agencies of the city as it shall deem necessary for the proper administration of the affairs and
 545 government of the city. The city council shall prescribe the functions and duties of existing
 546 departments, offices, and agencies or of any departments, offices, and agencies hereinafter
 547 created or established; may provide that the same person shall fill any number of offices and
 548 positions of employment; and may transfer or change the functions and duties of offices,
 549 positions of employment, departments, and agencies of the city.

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

555 **SECTION 2.13.**

556 Ethics.

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

- 559 (1) Engage in any business or transaction or have a financial or other personal interest,
 560 direct or indirect, which is incompatible with the proper discharge of official duties or
 561 which would tend to impair the independence of his or her judgment or action in the
 562 performance of official duties;
- 563 (2) Engage in or accept private employment or render services for private interests when
 564 such employment or service is incompatible with the proper discharge of official duties

565 or would tend to impair the independence of his or her judgment or action in the
566 performance of official duties;

567 (3) Disclose confidential information concerning the property, government, or affairs of
568 the governmental body by which engaged without proper legal authorization or use such
569 information to advance the financial or other private interest of himself or herself or
570 others, except as required by law;

571 (4) Accept any valuable gift, whether in the form of service, loan, object, or promise,
572 from any person, firm, or corporation which to his or her knowledge is interested, directly
573 or indirectly, in any manner whatsoever in business dealings with the governmental body
574 by which he or she is engaged. "Valuable" shall be an amount determined by the city
575 council; provided, however, that the amount shall not exceed \$150.00;

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

578 (6) Vote or otherwise participate in the negotiation or in the making of any contract with
579 any business or entity in which he or she, or members of his or her immediate family,
580 have a financial interest.

581 No elected official, appointed officer, or employee of the city or any agency, board authority,
582 bureau, or any other political entity to which this charter applies nor any member of such
583 person's family, nor any person who has an employment or other personal relationship with
584 such person, may contract with the city, either directly or indirectly or through any entity in
585 which such person has a financial or employment interest, for the provision of goods,
586 professional services, construction or rehabilitation of improvements, or any other
587 procurement request by the city. "Family" shall, for the purposes of this section, include,
588 parents, aunts, uncles, nieces, nephews, siblings, spouse, and children of such person and
589 shall also include the parents, siblings, spouses, and children of any of the foregoing family
590 members.

591 (b) Any elected official, appointed officer, or employee who has any private financial
592 interest, directly or indirectly, in any contract or matter pending before or within any
593 department of the city shall disclose such private interest to the city council. "Private
594 financial interest" shall include interests of immediate family. The mayor or any
595 councilmember who has a private interest in any matter pending before the city council shall
596 disclose in writing such private interest; such disclosure shall be entered on the records of
597 the city council, and he or she shall disqualify himself or herself from participating in any
598 decision or vote relating thereto. Any elected official, appointed officer, or employee of any
599 agency or political entity to which this charter applies who shall have any private financial
600 interest, directly or indirectly, in any contract or matter pending before or within such entity
601 shall disclose such private interest to the governing body of such agency or entity.

602 (c) No elected official, appointed officer, or employee of the city or any agency or entity to
 603 which this charter applies shall use property owned by such governmental entity for personal
 604 benefit, convenience, or profit, except in accordance with policies promulgated by the city
 605 council or the governing body of such agency or entity.

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

609 (e) Except as authorized by law, no member of the city council shall hold any other elective
 610 city, state, or federal office or be employed by any DeKalb County city or DeKalb County
 611 government during the term for which elected.

612 (f) Consistent with this subsection of the charter, the City of Vista Grove will maintain an
 613 independent administrative law judge to adjudicate all ethics complaints for the City of Vista
 614 Grove. Within 30 days following the initial election of the mayor, the chief judge of the
 615 Superior Court of DeKalb County shall appoint to a two-year term an administrative law
 616 judge who shall adjudicate all ethics complaints for the City of Vista Grove. The
 617 administrative law judge shall have the power to dismiss any claim that fails to state an ethics
 618 violation in accordance with this section. The administrative law judge, at his or her
 619 discretion, may hold a hearing to determine the facts and validity of any such claim. The
 620 administrative law judge shall have the power to levy fines, issue public reprimands or
 621 warnings, and to refer ethics violations to the county solicitor or DeKalb County District
 622 Attorney for further criminal investigation. The administrative law judge may also
 623 recommend that an officer be removed from office for violations of this section, including,
 624 without limitation, for action taken in contravention of conflict of interest rules. The
 625 administrative law judge shall be compensated either on an hourly rate or at fixed fee per
 626 complaint, provided that such compensation shall be set by the city council in its reasonable
 627 discretion at an amount comparable to that of similar part-time judicial and administrative
 628 hearing positions, and the administrative law judge shall be reimbursed for all reasonable
 629 itemized expenses.

630

SECTION 2.14.

631

Boards, commissions, and authorities.

632 (a) All members of boards, commissions, and authorities of the city shall be appointed by
 633 the mayor, subject to confirmation by the city council, for such terms of office and such
 634 manner of appointment as provided by ordinance, except where other appointing authority,
 635 terms of office, or manner of appointment is prescribed by this charter or by applicable state
 636 law. If the city council does not approve of two consecutive nominations by the mayor for

637 the same position, any councilmember may nominate another person to fill the position,
638 subject to confirmation by the city council.

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

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

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

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

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

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

662

SECTION 2.15.

663

Ordinance form; procedures.

664 (a) Every proposed ordinance and resolution shall be introduced in writing, and the city
665 council shall have the authority to approve, disapprove, or amend the same. A resolution
666 may be passed at the time it is offered, but an ordinance shall not be adopted until the title
667 of such ordinance shall have been read at two city council meetings, provided that the
668 beginnings such meetings are not less than 24 hours nor more than 60 days apart. This
669 requirement of two readings shall not apply to emergency ordinances, to ordinances passed
670 during the first 90 days from the date on which the city begins operation, to ordinances
671 adopted at the first business meeting of the city council in a calendar year, or to ordinances

672 adopted at the first meeting of the initial city council elected under subsection (b) of
673 Section 2.02 of this charter.

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

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

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

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

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

688 **SECTION 2.16.**

689 Submission of ordinances to the city clerk.

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

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

696 **ARTICLE III**

697 **EXECUTIVE BRANCH**

698 **SECTION 3.01.**

699 Powers and duties of the mayor.

700 (a) The mayor shall:

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

702 (2) Set the agenda for meetings of the city council after receiving input from members
703 of the city council, the city manager, and the public; provided, however, that additional

704 items shall be added to the agenda upon the written request of any member of the city
 705 council, and name of the mayor or councilmember placing an item on the agenda shall
 706 be noted on the agenda;

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

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

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

713 (6) Vote in matters before the city council to the extent provided in subsection (a) of
 714 Section 2.10 of this charter;

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

717 (8) Serve in a part-time capacity and be compensated accordingly; and

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

720 (b) The mayor shall have the authority to certify that a supplemental appropriation is
 721 possible due to unexpected revenue increases, but only with approval of the city council.

722 (c) The mayor shall have all of the powers specifically granted to the mayor elsewhere in
 723 this charter, regardless of whether such powers are enumerated in this section.

724 **SECTION 3.02.**

725 City manager; appointment and qualification.

726 The mayor shall nominate a person for the office of city manager, with approval by city
 727 council required to make the appointment official. If the first proposed city manager is
 728 rejected by the city council, the mayor shall select a second appointee. If the city council
 729 rejects the second selection, the city council shall offer a candidate for city manager and, by
 730 a majority vote, shall send the candidate's name to the mayor for approval. If the mayor
 731 vetoes or does not approve, a second vote of a two-thirds' majority of the council shall be
 732 required to approve the appointee for the position. The city council may offer as many
 733 candidates as needed until the required approval is achieved. The city manager shall be
 734 appointed without regard to political beliefs and solely on the basis of his or her education
 735 and experience in the accepted competencies and practices of local government management.

736

SECTION 3.03.

737

City manager; chief administrative officer.

738 The city manager shall be the chief administrative officer of the government of the city. The
 739 city manager shall devote all of his or her working time and attention to the affairs of the city
 740 and shall be responsible to the mayor and city council for the proper and efficient
 741 administration of the affairs of the city over which said officer has jurisdiction.

742

SECTION 3.04.

743

City manager; powers and duties enumerated.

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

- 745 (1) See that all laws and ordinances are enforced;
- 746 (2) Propose a budget for city operations from a zero base, with input from the actual
 747 expenditure of the city from the prior year;
- 748 (3) Appoint and employ all necessary employees of the city, provided that the power of
 749 this appointment shall not include officers and employees who by this charter are
 750 appointed or elected by the mayor and the city council or departments not under the
 751 jurisdiction of the city manager;
- 752 (4) Remove employees appointed and employed under paragraph (3) of this section
 753 without the consent of the city council and without assigning any reason therefor;
- 754 (5) Exercise supervision and control of all departments and all divisions created in this
 755 charter or that may hereafter be created by the city council, except as otherwise provided
 756 in this charter or specified by the city council;
- 757 (6) Attend all meetings of the city council, without a right to vote, but with a right to take
 758 part in the discussions as seen fit by the chair; provided, however, that regardless of the
 759 decision of the meeting chair, the city manager may take part in any discussion and report
 760 on any matter requested and approved by the city council at such meeting. The city
 761 manager shall be entitled to receive notice of all special meetings;
- 762 (7) Recommend to the city council, after prior review and comment by the mayor, the
 763 adoption of such measures as the city manager may deem necessary or expedient;
- 764 (8) See that all terms and conditions imposed in favor of the city or its inhabitants in any
 765 public utility franchise are faithfully kept and performed and, upon knowledge of any
 766 violation thereof, to call the same to the attention of the city attorney, whose duty it shall
 767 be forthwith to take such steps as are necessary to protect and enforce the same;
- 768 (9) Make and execute all lawful contracts on behalf of the city as to matters within the
 769 city manager's level of authorization as established by the city council to the extent that

770 such contracts are funded in the city's budget, except such as may be otherwise provided
 771 by law; provided, however, that no contract purchase or obligation requiring a budget
 772 amendment shall be valid and binding until after approval of the city council;

773 (10) Sign all orders, checks, and warrants for payment of money within the city
 774 manager's level of authorization as established by the city council to the extent that such
 775 contracts are funded in the city's budget, except such as may be otherwise provided by
 776 law; provided, however, that no such order, check, or warrant requiring a budget
 777 amendment shall be valid and binding until after approval of the city council;

778 (11) Act as a budget officer to prepare and submit to the city council, after review and
 779 comment by the mayor and prior to the beginning of each fiscal year, a budget of
 780 proposed expenditures for the ensuing year, showing in as much detail as practicable the
 781 amounts allotted to each department of the city government and the reasons for such
 782 estimated expenditures;

783 (12) Keep the city council at all times fully advised as to the financial condition and
 784 needs of the city;

785 (13) Make a full written report to the city council on the fifteenth of each month showing
 786 the operations and expenditures of each department of the city government for the
 787 preceding month; a synopsis of such reports shall be published by the city clerk;

788 (14) Fix all salaries and compensation of city employees in accordance with the city
 789 budget and the city pay and classification plan;

790 (15) By his or her authority, transfer appropriations within a department, fund, service,
 791 strategy, or organizational unit, but only with the approval of the city council; and

792 (16) Perform such other duties as may be prescribed by this charter or required by
 793 ordinance or resolution of the city council.

794 **SECTION 3.05.**

795 City council interference with administration.

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

801

SECTION 3.06.

802

City manager; removal.

803 (a) The mayor and city council may suspend the city manager from office for any reason,
804 in accordance with the following procedures:

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

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

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

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

822 (c) If the city manager is suspended in accordance with subsection (a) of this section or
823 becomes disabled and is unable to carry out the duties of the office or if the city manager
824 dies, the acting city manager shall perform the duties of the city manager until the city
825 manager's disability is removed or until the city manager is replaced. Removal of the city
826 manager because of disability shall be carried out in accordance with the provisions of
827 subsection (a) of this section.

828

SECTION 3.07.

829

Acting city manager.

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

834 (b) In the event of a vacancy in the office of city manager, the mayor may designate, with
835 the approval of the city council, a person to be acting city manager, who shall exercise all
836 powers, duties, and functions of the city manager until a city manager is appointed.

837

SECTION 3.08.

838

City attorney.

839 The mayor shall appoint the city attorney, together with such assistant city attorneys as may
840 be deemed appropriate, subject to confirmation by the city council, and shall provide for the
841 payment of such attorney for services rendered to the city. The rates or salary paid to any
842 city attorney or assistant city attorney shall be approved in advance by the city council. The
843 city attorney shall be responsible for representing and defending the city in all litigation in
844 which the city is a party; may be the prosecuting officer in the municipal court; shall attend
845 the meetings of the city council as directed; shall advise the city council, mayor, other
846 officers, and employees of the city concerning legal aspects of the city's affairs; and shall
847 perform such other duties as may be required by virtue of his or her position as city attorney.
848 Except as provided in this charter, the city attorney shall review and sign all contracts of the
849 city but shall not have the power to bind the city. In a conflict between the mayor and the
850 city council, the city attorney shall engage separate outside legal counsel to represent the
851 interests of the city council and mayor, respectively. Notwithstanding any law or ordinance
852 to the contrary, the city attorney shall not represent the interests of the city council or the
853 mayor against the other. As permissible, where such representation best serves the interests
854 of the city, and depending on the individual circumstance, such outside legal counsel may
855 jointly represent the city, mayor, and councilmembers in their official capacities.

856

SECTION 3.09.

857

City clerk.

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

862 **SECTION 3.10.**

863 Tax collector.

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

869 **SECTION 3.11.**

870 City accountant.

871 The city council shall appoint a city accountant, subject to confirmation by the city council
872 to perform the duties of an accountant.

873 **SECTION 3.12.**

874 City internal auditor.

875 The city council shall appoint an internal auditor to audit the financial records and
876 expenditures of city funds and to report the results of such audits in writing to the city
877 council at times and intervals set by the city council but no less than quarterly. Such audit
878 reports shall, at a minimum, identify all city expenditures and other financial matters that the
879 internal auditor either determines are not in compliance with or cannot conclusively be
880 determined to be in compliance with the provisions of this charter, the applicable city budget,
881 and applicable ordinances, resolutions, or other actions duly adopted or approved under the
882 provisions of this charter.

883 **SECTION 3.13.**

884 Consolidation of functions.

885 The city manager, with the approval of the city council, may consolidate the positions of city
886 clerk, city tax collector, and city accountant, or any other positions, or may assign the
887 functions of any one or more of such positions to the holder or holders of any other positions.
888 The city manager may also, with the approval of the city council, perform all or any part of
889 the functions of any of the positions or offices in lieu of the appointment of other persons to
890 perform the same.

891

SECTION 3.14.

892

Position classification and pay plans; employment at will.

893 The city manager shall be responsible for the preparation of a position classification and a
 894 pay plan, which shall be submitted to the city council for adoption. Said plan may apply to
 895 all employees of the City of Vista Grove and any of its agencies and offices. When a pay
 896 plan has been adopted by the city council, neither the city council nor the city manager shall
 897 increase or decrease the salaries of individual employees except in conformity with such pay
 898 plan or pursuant to an amendment of said pay plan duly adopted by the city council. Except
 899 as otherwise provided in this charter, all employees of the city shall be subject to removal or
 900 discharge, with or without cause, at any time.

901

SECTION 3.15.

902

Contract for private services.

903 Notwithstanding any of the previous provisions provided for in this charter, and without
 904 limiting its powers under this charter or otherwise under the laws of the State of Georgia and
 905 the Constitution of the State of Georgia, the city council may by resolution contract for the
 906 performance of city functions and staffing by qualified independent private entities.

907

ARTICLE IV

908

MUNICIPAL COURT

909

SECTION 4.01.

910

Creation.

911 The city council may, by ordinance, establish a court to be known as the Municipal Court of
 912 the City of Vista Grove which shall have jurisdiction and authority to try offenses against the
 913 laws and ordinances of said city and to punish for a violation of such laws and ordinances.
 914 Such court shall have the power to enforce its judgments by the imposition of such penalties
 915 as may be provided by law, including ordinances of the city; to punish witnesses for
 916 nonattendance and also to punish any person who may counsel or advise, aid, encourage, or
 917 persuade another whose testimony is desired or material in any proceeding before said court
 918 to go or move beyond the reach of the process of the court; to try all offenses within the
 919 territorial limits of the city constituting traffic cases which, under the laws of Georgia, are
 920 placed within the jurisdiction of municipal courts to the extent of, and in accordance with,
 921 the provisions of such laws and all laws subsequently enacted amendatory thereof. Said

922 court shall be presided over by the judge of such court pursuant to Chapters 32 through 45
923 and 60 through 76 of Title 36 of the O.C.G.A.

924 **SECTION 4.02.**

925 Judge.

926 (a) There shall be at least one judge of the municipal court, and that judge shall be
927 designated as the chief judge with the authority to direct the court calendar, recommend
928 associate judges to the city council, sit in presiding matters, discipline the city solicitors, and
929 enforce all the powers of a judicial officer pursuant to Chapter 1 of Title 15 of the O.C.G.A.

930 (b) The judge shall meet the qualifications of Code Section 36-32-1.1 of the O.C.G.A. and
931 shall be nominated by the mayor, subject to approval by the city council. The compensation
932 and number of the judges shall be fixed by the city council.

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

938 (d) A judge shall serve in accordance with the provisions of Code Section 36-32-2 of the
939 O.C.G.A. and shall be subject to removal in accordance with the provisions of Code
940 Section 36-32-2.1.

941 **SECTION 4.03.**

942 Convening.

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

945 **SECTION 4.04.**

946 Jurisdiction; powers.

947 (a) The municipal court shall try cases and punish for crimes against the City of Vista Grove
948 and for violation of its ordinances. The municipal court may fix punishment for offenses
949 within its jurisdiction to the fullest extent allowed by state law.

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

952 (c) The municipal court shall have authority to establish bail and recognizances to ensure
 953 the presence of those charged with violations before said court and shall have discretionary
 954 authority to accept cash or personal or real property as security for appearances of persons
 955 charged with violations. Whenever any person shall give bail for his or her appearance and
 956 shall fail to appear at the time fixed for trial, the bond shall be forfeited to the judge presiding
 957 at such time and an execution issued thereon by serving the defendant and his or her sureties
 958 with a rule nisi at least two days before a hearing on the rule nisi. In the event that cash or
 959 property is accepted in lieu of bond for security for the appearance of a defendant at trial, and
 960 if such defendant fails to appear at the time and place fixed for trial, the cash so deposited
 961 shall be on order of the judge declared forfeited to the City of Vista Grove, or the property
 962 so deposited shall have a lien against it for the value forfeited.

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

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

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

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

973 **SECTION 4.05.**

974 Certiorari.

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

979 **SECTION 4.06.**

980 Rules for court.

981 With the approval of the city council, the judge shall have full power and authority to make
 982 reasonable rules and regulations necessary and proper to secure the efficient and successful
 983 administration of the municipal court.

1015 from which such appropriations were made. When a supplemental appropriation is certified
 1016 by the city manager to exist, the appropriation may be spent during the current fiscal year
 1017 following passage of a supplemental appropriation ordinance.

1018 **SECTION 5.04.**

1019 Action by city council on budget.

1020 (a) The city council may amend the operating budget or capital budget proposed by the city
 1021 manager in accordance with subsection (a) of Section 5.03 of this charter except that the
 1022 budget, as finally amended and adopted, shall provide for all expenditures required by law
 1023 or by other provisions of this charter and for all debt service requirements for the ensuing
 1024 fiscal year; and the total appropriations from any fund shall not exceed the estimated fund
 1025 balance, reserves, and revenues constituting the fund availability of such fund.

1026 (b) The city council shall adopt a budget on or before the first day of the eleventh month of
 1027 the fiscal year currently ending. If the city council fails to adopt the budget by the prescribed
 1028 deadline, the operating budget and capital budget proposed by the mayor and city manager
 1029 shall be adopted without further action by the city council.

1030 **SECTION 5.05.**

1031 Procurement and property management.

1032 No contract with the city shall be binding on the city unless it is in writing. The city council
 1033 may adopt procedures for the authorization of certain contracts without city attorney review
 1034 or city council approval. Absent the foregoing, no contract with the city shall be binding on
 1035 the city unless:

1036 (1) It is drawn or submitted and reviewed by the city attorney and, as a matter of course,
 1037 is signed by the city attorney to indicate such drafting or review; and

1038 (2) It is made or authorized by the city council and such approval is entered in the city
 1039 council journal of proceedings.

1040 **SECTION 5.06.**

1041 Purchasing.

1042 The city council shall, by ordinance, prescribe procedures for a system of centralized
 1043 purchasing for the city.

1044 **SECTION 5.07.**

1045 Audits.

1046 (a) In addition to regular audits performed by the internal auditor, as described in
 1047 Section 3.12, there shall be an annual independent audit of all city accounts, funds, and
 1048 financial transactions by a certified public accountant appointed by resolution of the city
 1049 council. The audit shall be conducted according to generally accepted accounting principles.
 1050 Copies of all audit reports shall be available at printing cost to the public.

1051 (b) As a minimum, all audits and budgets of the city shall satisfy the requirements of
 1052 Chapter 81 of Title 36 of the O.C.G.A., relating to local government audits and budgets.

1053 **SECTION 5.08.**

1054 Reserved.

1055 **SECTION 5.09.**

1056 Homestead exemption; freeze.

1057 (a) As used in this section, the term:

1058 (1) "Ad valorem taxes for municipal purposes" means all municipal ad valorem taxes for
 1059 municipal purposes levied by, for, or on behalf of the City of Vista Grove, including, but
 1060 not limited to, ad valorem taxes to pay interest on and to retire municipal bonded
 1061 indebtedness.

1062 (2) "Base year" means the taxable year immediately preceding the taxable year in which
 1063 the exemption under this section is first granted to the most recent owner of such
 1064 homestead.

1065 (3) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of
 1066 the O.C.G.A., as amended, with the additional qualification that it shall include not more
 1067 than five contiguous acres of homestead property.

1068 (b) Each resident of the City of Vista Grove is granted an exemption on that person's
 1069 homestead from City of Vista Grove ad valorem taxes for municipal purposes in an amount
 1070 equal to the amount by which the current year assessed value of that homestead exceeds the
 1071 base year assessed value of that homestead. This exemption shall not apply to taxes assessed
 1072 on improvements to the homestead or additional land that is added to the homestead after
 1073 January 1 of the base year. If any real property is added to or removed from the homestead,
 1074 the base year assessed value shall be adjusted to reflect such addition or removal, and the
 1075 exemption shall be recalculated accordingly. The value of that property in excess of such
 1076 exempted amount shall remain subject to taxation.

1077 (c) A person shall not receive the homestead exemption granted by subsection (b) of this
 1078 section unless the person or person's agent files an application with the governing authority
 1079 of the City of Vista Grove, or the designee thereof, giving such information relative to
 1080 receiving such exemption as will enable the governing authority of the City of Vista Grove,
 1081 or the designee thereof, to make a determination regarding the initial and continuing
 1082 eligibility of such owner for such exemption. The governing authority of the City of Vista
 1083 Grove, or the designee thereof, shall provide application forms for this purpose.

1084 (d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of
 1085 the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year
 1086 so long as the owner occupies the residence as a homestead. After a person has filed the
 1087 proper application as provided in subsection (c) of this section, it shall not be necessary to
 1088 make application thereafter for any year, and the exemption shall continue to be allowed to
 1089 such person. It shall be the duty of any person granted the homestead exemption under
 1090 subsection (b) of this section to notify the governing authority of the City of Vista Grove, or
 1091 the designee thereof, in the event that person for any reason becomes ineligible for that
 1092 exemption.

1093 (e) The exemption granted by subsection (b) of this section shall not apply to or affect state
 1094 ad valorem taxes, county ad valorem taxes for county purposes, or county or independent
 1095 school district ad valorem taxes for educational purposes. The homestead exemption granted
 1096 by subsection (b) of this section shall be in addition to and not in lieu of any other homestead
 1097 exemption applicable to municipal ad valorem taxes for municipal purposes.

1098 (f) The exemption granted by subsection (b) of this section shall apply to all taxable years
 1099 beginning on or after January 1, 2021.

1100 **SECTION 5.10.**

1101 Homestead exemption; senior citizens; disabled.

1102 (a) As used in this section, the term:

1103 (1) "Ad valorem taxes for municipal purposes" means all ad valorem taxes for municipal
 1104 purposes levied by, for, or on behalf of the City of Vista Grove, including, but not limited
 1105 to, any ad valorem taxes to pay interest on and to retire municipal bonded indebtedness.

1106 (2) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of
 1107 the O.C.G.A., as amended.

1108 (3) "Income" means Georgia taxable net income determined pursuant to Chapter 7 of
 1109 Title 48 of the O.C.G.A., as amended, for state income tax purposes, except income shall
 1110 not include income received as retirement, survivor, or disability benefits under the
 1111 federal Social Security Act or under any other public or private retirement, disability, or

1112 pension system, except such income which is in excess of the maximum amount
1113 authorized to be paid to an individual and such individual's spouse under the federal
1114 Social Security Act. Income from such sources in excess of such maximum amount shall
1115 be included as income for the purposes of this charter.

1116 (4) "Senior citizen" means a person who is 65 years of age or over on or before January 1
1117 of the year in which application for the exemption under subsection (b) of this section is
1118 made.

1119 (b) Each resident of the City of Vista Grove who is disabled or is a senior citizen is granted
1120 an exemption on that person's homestead from City of Vista Grove ad valorem taxes for
1121 municipal purposes in the amount of \$14,000.00 of the assessed value of that homestead.
1122 The exemption granted by this subsection shall be granted only if that person's income,
1123 together with the income of the spouse who also occupies and resides at such homestead,
1124 does not exceed \$15,000.00 for the immediately preceding year. The value of that property
1125 in excess of such exempted amount shall remain subject to taxation.

1126 (c)(1) In order to qualify for the exemption provided for in subsection (b) of this section
1127 due to being disabled, the person claiming such exemption shall be required to obtain a
1128 certificate from not more than three physicians licensed to practice medicine under
1129 Chapter 34 of Title 43 of the O.C.G.A., as amended, certifying that, in the opinion of
1130 such physician or physicians, such person is mentally or physically incapacitated to the
1131 extent that he or she is unable to be gainfully employed and that such incapacity is likely
1132 to be permanent. Such certificate or certificates shall constitute part of and be submitted
1133 with the application provided for in paragraph (2) of this subsection.

1134 (2) A person shall not receive the homestead exemption granted by subsection (b) of this
1135 section unless the person or person's agent files an application with the governing
1136 authority of the City of Vista Grove, or the designee thereof, giving the person's age,
1137 income, and such additional information relative to receiving such exemption as will
1138 enable the governing authority of the City of Vista Grove, or the designee thereof, to
1139 make a determination regarding the initial and continuing eligibility of such owner for
1140 such exemption. The governing authority of the City of Vista Grove, or the designee
1141 thereof, shall provide application forms for this purpose.

1142 (d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of
1143 the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year
1144 so long as the owner occupies the residence as a homestead. After a person has filed the
1145 proper application, as provided in subsection (c) of this section, it shall not be necessary to
1146 make application thereafter for any year and the exemption shall continue to be allowed to
1147 such person. It shall be the duty of any person granted the homestead exemption under
1148 subsection (b) of this section to notify the governing authority of the City of Vista Grove, or

1149 the designee thereof, in the event that person for any reason becomes ineligible for that
1150 exemption.

1151 (e) The exemption granted by subsection (b) of this section shall not apply to or affect state
1152 ad valorem taxes, county ad valorem taxes for county purposes, or county or independent
1153 school district ad valorem taxes for educational purposes. The homestead exemption granted
1154 by subsection (b) of this section shall be in addition to and not in lieu of any other homestead
1155 exemption applicable to municipal ad valorem taxes for municipal purposes.

1156 (f) The exemption granted by subsection (b) of this section shall apply to all taxable years
1157 beginning on or after January 1, 2021.

1158

SECTION 5.11.

1159

Homestead exemption; general.

1160 (a) As used in this section, the term:

1161 (1) "Ad valorem taxes for municipal purposes" means all ad valorem taxes for municipal
1162 purposes levied by, for, or on behalf of the City of Vista Grove, including, but not limited
1163 to, any ad valorem taxes to pay interest on and to retire municipal bonded indebtedness.

1164 (2) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of
1165 the O.C.G.A., as amended.

1166 (b) Each resident of the City of Vista Grove is granted an exemption on that person's
1167 homestead from City of Vista Grove ad valorem taxes for municipal purposes in the amount
1168 of \$10,000.00 of the assessed value of that homestead. The value of that property in excess
1169 of such exempted amount shall remain subject to taxation.

1170 (c) A person shall not receive the homestead exemption granted by subsection (b) of this
1171 section unless the person or person's agent files an application with the governing authority
1172 of the City of Vista Grove, or the designee thereof, giving such information relative to
1173 receiving such exemption as will enable the governing authority of the City of Vista Grove,
1174 or the designee thereof, to make a determination regarding the initial and continuing
1175 eligibility of such owner for such exemption. The governing authority of the City of Vista
1176 Grove, or the designee thereof, shall provide application forms for this purpose.

1177 (d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of
1178 the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year
1179 so long as the owner occupies the residence as a homestead. After a person has filed the
1180 proper application, as provided in subsection (c) of this section, it shall not be necessary to
1181 make application thereafter for any year and the exemption shall continue to be allowed to
1182 such person. It shall be the duty of any person granted the homestead exemption under
1183 subsection (b) of this section to notify the governing authority of the City of Vista Grove, or

1184 the designee thereof, in the event that person for any reason becomes ineligible for that
1185 exemption.

1186 (e) The exemption granted by subsection (b) of this section shall not apply to or affect state
1187 ad valorem taxes, county ad valorem taxes for county purposes, or county or independent
1188 school district ad valorem taxes for educational purposes. The homestead exemption granted
1189 by subsection (b) of this section shall be in addition to and not in lieu of any other
1190 homestead exemption applicable to municipal ad valorem taxes for municipal purposes.

1191 (f) The exemption granted by subsection (b) of this section shall apply to all taxable years
1192 beginning on or after January 1, 2021.

1193

SECTION 5.12.

1194

Homestead exemption; surviving spouses.

1195 (a) As used in this section, the term:

1196 (1) "Ad valorem taxes for municipal purposes" means all ad valorem taxes for municipal
1197 purposes levied by, for, or on behalf of the City of Vista Grove, including, but not limited
1198 to, ad valorem taxes to pay interest on and to retire municipal bonded indebtedness.

1199 (2) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of
1200 the O.C.G.A., as amended.

1201 (3) "Unremarried surviving spouse" of a member of the armed forces includes the
1202 unmarried widow or widower of a member of the armed forces who is receiving spousal
1203 benefits from the United States Department of Veterans Affairs.

1204 (b) Any person who is a resident of the City of Vista Grove and who is an unremarried
1205 surviving spouse of a member of the armed forces of the United States, which member has
1206 been killed in or has died as a result of any war or armed conflict in which the armed forces
1207 of the United States engaged, whether under United States command or otherwise, shall be
1208 granted a homestead exemption from all City of Vista Grove ad valorem taxation for
1209 municipal purposes in the amount of the greater of \$32,500.00 or the maximum amount,
1210 which may be granted to a disabled veteran under Section 2102 of Title 38 of the United
1211 States Code, as amended. As of January 1, 2013, the maximum amount which may be
1212 granted to a disabled veteran under Section 2102 of Title 38 of the United States Code, as
1213 amended, is \$50,000.00. The exemption shall be on the homestead which the unremarried
1214 surviving spouse owns and actually occupies as a residence and homestead. In the event
1215 such surviving spouse remarries, such person shall cease to be qualified to continue the
1216 exemption under this Act effective December 31 of the taxable year in which such person
1217 remarries. The value of all property in excess of such exemption granted to such unremarried
1218 surviving spouse shall remain subject to taxation.

1219 (c) In order to qualify for the exemption provided for in this Act, the unremarried surviving
1220 spouse shall furnish to the governing authority of the City of Vista Grove, or the designee
1221 thereof, documents from the Secretary of Defense evidencing that such unremarried
1222 surviving spouse receives spousal benefits as a result of the death of such person's spouse
1223 who, as a member of the armed forces of the United States, was killed or died as a result of
1224 a war or armed conflict while on active duty or while performing authorized travel to or from
1225 active duty during such war or armed conflict in which the armed forces of the United States
1226 engaged, whether under United States command or otherwise, pursuant to the Survivor
1227 Benefit Plan under Subchapter II of Chapter 73 of Title 10 of the United States Code or
1228 pursuant to any preceding or subsequent federal law which provides survivor benefits for
1229 spouses of members of the armed forces who were killed or who died as a result of any war
1230 or armed conflict.

1231 (d) An unremarried surviving spouse filing for the exemption under this section shall be
1232 required to file with the governing authority of the City of Vista Grove, or the designee
1233 thereof, information relative to marital status and such other information which the governing
1234 authority of the City of Vista Grove, or the designee thereof, deems necessary to determine
1235 eligibility for the exemption. Each unremarried surviving spouse shall file for the exemption
1236 only once with the governing authority of the City of Vista Grove or the designee thereof.
1237 Once filed, the exemption shall automatically be renewed from year to year, except that the
1238 governing authority of the City of Vista Grove, or the designee thereof, may require annually
1239 that the holder of an exemption substantiate his or her continuing eligibility for the
1240 exemption. It shall be the duty of any person granted the homestead exemption under this
1241 section to notify the governing authority of the City of Vista Grove, or the designee thereof,
1242 in the event that person for any reason becomes ineligible for such exemption.

1243 (e) The exemption granted by this section shall be in lieu of and not in addition to any other
1244 exemption from ad valorem taxation for municipal purposes which is equal to or lower in
1245 amount than such exemption granted by this section. If the amount of any other exemption
1246 from ad valorem taxation for municipal purposes applicable to any resident qualifying under
1247 this section is greater than or is increased to an amount greater than the amount of the
1248 applicable exemption granted by this section, such other exemption shall apply and shall be
1249 in lieu of and not in addition to the exemption granted by this section.

1250 (f) The exemptions granted by this section shall apply to all tax years beginning on or after
1251 January 1, 2021.

1252 ARTICLE VI
1253 GENERAL PROVISIONS.

1254 SECTION 6.01.
1255 DeKalb County Special Services Tax District.

1256 For the taxable years beginning on or after January 1, 2021, the adjusted ad valorem tax
1257 millage rate and amount for service charges or fees for district services for the Vista Grove
1258 special services tax district shall be zero percent. This section is enacted pursuant to the
1259 authority granted to the General Assembly under Section 1 of that local constitutional
1260 amendment providing that certain municipalities in DeKalb County shall constitute special
1261 services tax districts, Resolution Act. No. 168; House Resolution No. 715-1916; Ga. L. 1978,
1262 p. 2468, to control the subject matter of such local constitutional amendment. Municipal
1263 services provided by DeKalb County for the City of Vista Grove will be established through
1264 intergovernmental agreements or established as otherwise authorized by statute.

1265 SECTION 6.02.
1266 Referendum and initial election.

1267 (a) The election superintendent of DeKalb County shall call a special election for the
1268 purpose of submitting this Act to the qualified voters of the proposed City of Vista Grove for
1269 approval or rejection. The superintendent shall set the date of such election for the Tuesday
1270 after the first Monday in November, 2020. The superintendent shall issue the call for such
1271 election at least 90 days prior to the date thereof. The superintendent shall cause the date and
1272 purpose of the election to be published once a week for two weeks immediately preceding
1273 the date thereof in the official organ of DeKalb County. The ballot shall have written or
1274 printed thereon the words:

1275 "() YES Shall the Act incorporating the City of Vista Grove in DeKalb County,
1276 () NO according to the charter contained in the Act, be approved?"

1277 All persons desiring to vote for approval of the Act shall vote "Yes," and those persons
1278 desiring to vote for rejection of the Act shall vote "No." If more than 53 percent of the votes
1279 cast on such question are for approval of the Act, it shall become of full force and effect as
1280 provided in this charter; otherwise it shall be void and of no force and effect. The initial
1281 expense of such election shall be borne by DeKalb County. Within two years after the
1282 elections if the incorporation is approved, the City of Vista Grove shall reimburse DeKalb
1283 County for the actual cost of printing and personnel services for such election and for the
1284 initial election of the mayor and councilmembers pursuant to Section 2.02 of this charter.

1285 It shall be the duty of the superintendent to hold and conduct such election. It shall be his
1286 or her further duty to certify the result thereof to the Secretary of State.

1287 (b) For the purposes of the referendum election provided for in subsection (a) of this section
1288 and for the purposes of the special election of the City of Vista Grove to be held on the third
1289 Tuesday in March, 2021, the qualified electors of the City of Vista Grove shall be those
1290 qualified electors of DeKalb County residing within the corporate limits of the City of Vista
1291 Grove as described by Appendix A of this charter. At subsequent municipal elections, the
1292 qualified electors of the City of Vista Grove shall be determined pursuant to the authority of
1293 Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code."

1294 (c) Only for the purposes of holding and conducting the referendum election provided for
1295 by subsection (a) of this section and holding and conducting the special election of the City
1296 of Vista Grove to be held on the third Tuesday in March, 2021, the election superintendent
1297 of DeKalb County is vested with the powers and duties of the election superintendent of the
1298 City of Vista Grove and the powers and duties of the governing authority of the City of Vista
1299 Grove.

1300

SECTION 6.03.

1301

Effective dates and transition.

1302 (a) The initial mayor and councilmembers shall take the oath of office the next business day
1303 after certification of the election of such officers and, by action of any four members of the
1304 governing authority may, prior to the first day of the second month immediately following
1305 their election, meet and take actions binding on the city.

1306 (b) A period of time will be needed for an orderly transition of various governmental
1307 functions from DeKalb County to the City of Vista Grove. Accordingly, there shall be a
1308 two-year transition period as allowed by law, beginning at 12:01 A.M. on the first day of the
1309 second month immediately following the election of the initial mayor and councilmembers.

1310 (c) During such transition period, DeKalb County shall continue to provide, within the
1311 territorial limits of the city, all governmental services and functions which DeKalb County
1312 provided prior to such date in 2020, at the same actual direct cost and level of service, except
1313 to the extent otherwise provided in this section; provided, however, that upon at least 30
1314 days' prior written notice to the governing authority of DeKalb County by the governing
1315 authority of City of Vista Grove, responsibility for any such service or function shall be
1316 transferred to the City of Vista Grove. The governing authority of the City of Vista Grove
1317 shall determine the date of commencement of collection of taxes, fees, assessments, fines,
1318 and forfeitures, and other moneys within the territorial limits of the city and the date upon
1319 which the City of Vista Grove is considered removed from the special tax district.

1320 (d) During the transition period, the governing authority of the City of Vista Grove may
 1321 generally exercise any power granted by this charter or general law, except to the extent that
 1322 a power is specifically and integrally related to the provision of a governmental service,
 1323 function, or responsibility not yet provided or carried out by the city.

1324 (e) During the transition period, all ordinances of DeKalb County shall remain applicable
 1325 within the territorial limits of the city unless otherwise amended, repealed, or replaced by the
 1326 City of Vista Grove. Any transfer of jurisdiction to the City of Vista Grove during or at the
 1327 end of the transition period shall not in and of itself abate any judicial proceeding pending
 1328 in DeKalb County or the pending prosecution of any violation of any ordinance of DeKalb
 1329 County.

1330 (f) During the transition period, the governing authority of the City of Vista Grove may at
 1331 any time, without the necessity of any agreement by DeKalb County, commence to exercise
 1332 its planning and zoning powers; provided, however, that the city shall give the county notice
 1333 of the date on which the city will assume the exercise of such powers. Upon the governing
 1334 authority of the City of Vista Grove commencing to exercise its planning and zoning powers,
 1335 the Municipal Court of the City of Vista Grove shall immediately have jurisdiction to enforce
 1336 the planning and zoning ordinances of the city. The provisions of this subsection shall
 1337 control over any conflicting provisions of any other subsection of this section.

1338 (g) Effective upon the termination of the transition period, subsections (b) through (f) of this
 1339 section shall cease to apply except for the last sentence of subsection (e) which shall remain
 1340 effective. Effective upon the termination of the transition period, the City of Vista Grove
 1341 shall be a full functioning municipal corporation and subject to all general laws of this state.

1342 (h) It is the intention of the General Assembly that the City of Vista Grove remain liable for
 1343 that portion of the unfunded pension liability of DeKalb County that the area encompassed
 1344 by the city incurred prior to its assumption of providing any services formerly provided by
 1345 employees of DeKalb County who were under DeKalb County pension plans.

1346

SECTION 6.04.

1347

Directory nature of dates.

1348 It is the intention of the General Assembly that this Act be construed as directory rather than
 1349 mandatory with respect to any date prescribed in this Act. If it is necessary to delay any
 1350 action called for in this Act for providential cause or any other reason, it is the intention of
 1351 the General Assembly that the action be delayed rather than abandoned. Any delay in
 1352 performing any action under this Act, whether for cause or otherwise, shall not operate to
 1353 frustrate the overall intent of this Act. Without limiting the generality of the foregoing, it is
 1354 specifically provided that if it is not possible to hold the referendum election provided for in

1355 Section 6.02 of this Act on the date specified in that section, then such referendum shall be
 1356 held as soon thereafter as is reasonably practicable. If the referendum election provided for
 1357 in Section 6.02 of this Act is conducted on the Tuesday following the first Monday in
 1358 November, 2020, the special election for the initial members of the governing authority shall
 1359 be conducted on the date specified in Section 2.02 of this Act. If the referendum election
 1360 provided for under Section 6.02 of this Act is conducted after the Tuesday following the first
 1361 Monday in November, 2020, then the special election for the initial members of the
 1362 governing authority shall be held as soon thereafter as is reasonably practicable, and the
 1363 commencement of the initial terms of office shall be delayed accordingly. If the first election
 1364 provided for in Section 2.02 of this Act occurs after the third Tuesday in March, 2021, the
 1365 city council shall be authorized to delay the dates otherwise specified in Section 6.03 of this
 1366 Act.

1367

SECTION 6.05.

1368

Charter commission.

1369 Not later than three years after the inception of the City of Vista Grove, the mayor and the
 1370 city council shall call for a charter commission to review the city's experience and
 1371 recommend to the city council any changes to propose to the General Assembly. Members
 1372 of the charter commission shall be appointed as follows: one member by the mayor, one
 1373 member by each city council member, and one member by each member of the Georgia
 1374 House of Representatives and Georgia Senate whose district lies wholly or partially within
 1375 the corporate boundaries of the City of Vista Grove. All members of the charter commission
 1376 shall reside in the City of Vista Grove. The commission shall complete the recommendations
 1377 within the time frame required by the city council.

1378

SECTION 6.06.

1379

Severability.

1380 In the event any section, subsection, sentence, clause, or phrase of this Act shall be declared
 1381 or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other
 1382 sections, subsections, sentences, clauses, or phrases of this Act, which shall remain of full
 1383 force and effect, as if the section, subsection, sentence, clause, or phrase so declared or
 1384 adjudged invalid or unconstitutional were not originally a part hereof.

1385 **SECTION 6.07.**

1386 Effective date.

1387 This Act shall become effective upon its approval by the Governor or upon its becoming law
1388 without such approval.

1389 **SECTION 6.08.**

1390 Repealer.

1391 All laws and parts of laws in conflict with this Act are repealed.

1392 APPENDIX A
 1393 LEGAL DESCRIPTION
 1394 CORPORATE LIMITS
 1395 CITY OF VISTA GROVE, DEKALB COUNTY, GEORGIA

1396 Plan: VistaGrove-city-2020

1397 Plan Type: Local

1398 Administrator: S042

1399 User: Gina

1400 District VISTAGROVE

1401 DeKalb County

1402 VTD: 089BD - BRIARLAKE ELEMENTARY

1403 VTD: 089CJ - CLAIRMONT HILLS

1404 021602:

1405 2026 2028

1406 VTD: 089CW - CORALWOOD

1407 021602:

1408 2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011

1409 2012 2013 2014 2015 2016 2017 2018 2019 2020 2022 2023 2024

1410 2025 2027 2029

1411 021704:

1412 3010 3011 3017 3018 3019 3020

1413 VTD: 089EF - EVANSDALE ELEM

1414 021808:

1415 1013

1416 VTD: 089HB - HAWTHORNE ELEM

1417 021705:

1418 3006 3010

1419 021706:

1420 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 2000

1421 2001 2002 2003 2008 2009 2010 2011 2012 2013 2014 2015 2016

1422 4008 4009

1423 VTD: 089HC - HENDERSON MILL

1424 VTD: 089HD - HERITAGE ED

1425 021605:

1426 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011

1427 1012 1013 1014 1017 1018 3003 3004 3005
1428 VTD: 089LA - LAKESIDE HIGH
1429 VTD: 089LB - LAVISTA ROAD
1430 021602:
1431 2021
1432 021603:
1433 1008 1010 1011 1012 1014
1434 021604:
1435 2021 2023 2024
1436 VTD: 089MW - MIDVALE ROAD
1437 021808:
1438 1014
1439 021809:
1440 5021
1441 021810:
1442 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010
1443 VTD: 089ND - NORTHLAKE
1444 VTD: 089OA - OAK GROVE ELEM
1445 021604:
1446 1000 1001 1002 1003 1004 1005 1012
1447 021605:
1448 1015 1016 2000 2001 2002 2003 2004 2005 2006 2007 2008 2009
1449 2010 2011 2012 2013 2014 2015 2016 2017 3007 3012 3013 3015
1450 021703:
1451 2024
1452 VTD: 089RD - REHOBOTH
1453 021704:
1454 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023
1455 VTD: 089SA - SAGAMORE HILLS
1456 VTD: 089WI - WARREN TECH
1457 021705:
1458 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1015
1459 2015 2018 2019 2030 2031 2032 2033 2034
1460 021808:
1461 2024

1462 Also to include the following parcels as recorded by the DeKalb County Tax Assessor

1463 as of March, 2020:

1464 18 111 03 001

1465 18 111 03 003

1466 18 111 03 005

1467 18 111 03 017

1468 18 111 03 018

1469 18 111 03 019

1470 18 111 03 023

1471 18 111 03 026

1472 18 111 03 028

1473 18 111 03 029

1474 18 111 03 030

1475 18 111 03 032

1476 18 111 03 033

1477 18 111 03 034

1478 18 111 03 035

1479 18 111 03 036

1480 18 111 03 037

1481 18 111 03 041

1482 For the purposes of this description, the term "VTD" shall mean and describe the same
1483 geographical boundaries as provided in the report of the Bureau of the Census for the United
1484 States decennial census of 2010 for the State of Georgia. The separate numeric designations
1485 in the description which are underneath a VTD heading shall mean and describe individual
1486 blocks within a VTD as provided in the report of the Bureau of the Census for the United
1487 States decennial census of 2010 for the State of Georgia. All right-of-way and boundary
1488 descriptions shall be as of the date of the passage of this legislation. Any part of the City of
1489 Vista Grove as described in this Appendix as being included in the City of Vista Grove
1490 which, on the effective date of this Act is within the corporate boundaries of another
1491 municipality, shall not be included within such city.

1492 APPENDIX B
 1493 LEGAL DESCRIPTION
 1494 CITY COUNCIL DISTRICTS
 1495 CITY OF VISTA GROVE, DEKALB COUNTY, GEORGIA

1496 Plan: VistaGrove-dist-2020
 1497 Plan Type: Local
 1498 Administrator: S042
 1499 User: Gina

1500 District 001
 1501 DeKalb County
 1502 VTD: 089EF - EVANSDALE ELEM
 1503 021808:
 1504 1013
 1505 VTD: 089HB - HAWTHORNE ELEM
 1506 021705:
 1507 3006 3010
 1508 021706:
 1509 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 2000
 1510 2001 2002 2003 2008 2009 2010 2011 2012 2013 2014 2015 2016
 1511 4008 4009
 1512 VTD: 089HC - HENDERSON MILL
 1513 VTD: 089MW - MIDVALE ROAD
 1514 021808:
 1515 1014
 1516 021809:
 1517 5021
 1518 021810:
 1519 1000 1001 1002
 1520 VTD: 089WI - WARREN TECH
 1521 021705:
 1522 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1015
 1523 2015 2018 2019 2030 2031 2032 2033 2034
 1524 021808:
 1525 2024

1526 District 002
 1527 DeKalb County
 1528 VTD: 089BD - BRIARLAKE ELEMENTARY
 1529 VTD: 089HD - HERITAGE ED
 1530 021605:
 1531 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011
 1532 1012 1013 1014 1017 1018 3003 3004 3005
 1533 VTD: 089LA - LAKESIDE HIGH
 1534 VTD: 089MW - MIDVALE ROAD
 1535 021810:
 1536 1003 1004 1005 1006 1007 1008 1009 1010
 1537 VTD: 089ND - NORTHLAKE
 1538 021704:
 1539 2015 2016 2017 2018 2019 2020 2021 2022 2023
 1540 VTD: 089OA - OAK GROVE ELEM
 1541 021604:
 1542 1000 1001 1002
 1543 021605:
 1544 1015 1016 2000 2001 2002 2003 2014 2015 2016 2017

 1545 District 003
 1546 DeKalb County
 1547 VTD: 089CJ - CLAIRMONT HILLS
 1548 021602:
 1549 2026 2028
 1550 VTD: 089CW - CORALWOOD
 1551 021602:
 1552 2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011
 1553 2012 2013 2014 2015 2016 2017 2018 2019 2020 2022 2023 2024
 1554 2025 2027 2029
 1555 021704:
 1556 3010 3011 3017 3018 3019 3020
 1557 VTD: 089LB - LAVISTA ROAD
 1558 021602:
 1559 2021
 1560 021603:
 1561 1008 1010 1011 1012 1014

1562 021604:
 1563 2021 2023 2024
 1564 VTD: 089ND - NORTHLAKE
 1565 021704:
 1566 3000 3012 3013 3014 3015 3016 3021 3022 3023 3024 3025 3026
 1567 3027 3028 3029 3030
 1568 VTD: 089OA - OAK GROVE ELEM
 1569 021604:
 1570 1003 1004 1005 1012
 1571 021605:
 1572 2004 2005 2006 2007 2008 2009 2010 2011 2012 2013 3007 3012
 1573 3013 3015
 1574 021703:
 1575 2024
 1576 VTD: 089RD - REHOBOTH
 1577 021704:
 1578 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023
 1579 VTD: 089SA - SAGAMORE HILLS
 1580 Also to include the following parcels as recorded by the DeKalb County Tax Assessor
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 1582 18 111 03 001
 1583 18 111 03 003
 1584 18 111 03 005
 1585 18 111 03 017
 1586 18 111 03 018
 1587 18 111 03 019
 1588 18 111 03 023
 1589 18 111 03 026
 1590 18 111 03 028
 1591 18 111 03 029
 1592 18 111 03 030
 1593 18 111 03 032
 1594 18 111 03 033
 1595 18 111 03 034
 1596 18 111 03 035
 1597 18 111 03 036

1598 18 111 03 037

1599 18 111 03 041

1600

APPENDIX C

1601

CERTIFICATE AS TO MINIMUM STANDARDS

1602

FOR INCORPORATION OF A NEW MUNICIPAL CORPORATION

1603 I, Elena Parent, Senator from the 42nd District, and the author of this bill introduced at the
 1604 2020 session of the General Assembly of Georgia, which grants an original municipal charter
 1605 to the City of Vista Grove, do hereby certify that this bill is in compliance with the minimum
 1606 standards required by Chapter 31 of Title 36 of the O.C.G.A. in that the area embraced within
 1607 the original incorporation in this bill is in all respects in compliance with the minimum
 1608 standards required by Chapter 31 of Title 36 of the O.C.G.A. This certificate is executed to
 1609 conform to the requirements of Code Section 36-31-5 of the O.C.G.A.

1610 So certified this _____ day of _____, 2020.

1611

1612

Honorable Elena Parent

1613

Senator, District 42

1614

Georgia Senate