

Senate Bill 263

By: Senator Jeffares of the 17th

AS PASSED

**A BILL TO BE ENTITLED
AN ACT**

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

19 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

20 **ARTICLE I**
21 **INCORPORATION AND POWERS**
22 **SECTION 1.10.**

23 **Name.**

24 This city and the inhabitants thereof are incorporated by the enactment of this charter and are
25 hereby constituted and declared a body politic and corporate under the name and style Eagle's
26 Landing, Georgia, and by that name shall have perpetual succession.

27

SECTION 1.11.

28

Corporate boundaries.

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

31 (b) The city council shall maintain a current map and written legal description of the
32 corporate boundaries of the city, and such map and description shall incorporate any changes
33 which may hereafter be made in such corporate boundaries.

34

SECTION 1.12.

35

Powers and construction.

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

40 (b) The powers of this city shall be construed liberally in favor of the city. The specific
41 mention or failure to mention particular powers shall not be construed as limiting in any way
42 the powers of this city.

43

SECTION 1.13.

44

Examples of powers.

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

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

54 (3) Building regulation. To regulate and to license the erection and construction of
55 buildings and all other structures; to adopt building, housing, plumbing, fire safety,
56 electrical, gas, and heating and air conditioning codes; and to regulate all housing and
57 building trades;

- 58 (4) Business regulation and taxation. To levy and to provide for the collection of
59 regulatory fees and taxes on privileges, occupations, trades, and professions as authorized
60 by Title 48 of the O.C.G.A., or other such applicable laws as are or may hereafter be
61 enacted; to permit and regulate the same; to provide for the manner and method of
62 payment of such regulatory fees and taxes; and to revoke such permits after due process
63 for failure to pay any city taxes or fees;
- 64 (5) Condemnation. To condemn property, inside or outside the corporate limits of the
65 city, for present or future use and for any corporate purpose deemed necessary by the
66 governing authority, utilizing procedures enumerated in Title 22 of the O.C.G.A., or such
67 other applicable laws as are or may hereafter be enacted;
- 68 (6) Contracts. To enter into contracts and agreements with other governmental entities
69 and with private persons, firms, and corporations;
- 70 (7) Emergencies. To establish procedures for determining and proclaiming that an
71 emergency situation exists within or without the city, and to make and carry out all
72 reasonable provisions deemed necessary to deal with or meet such an emergency for the
73 protection, safety, health, or well-being of the citizens of the city;
- 74 (8) Environmental protection. To protect and preserve the natural resources,
75 environment, and vital areas of the city, the region, and the state through the preservation
76 and improvement of air quality, the restoration and maintenance of water resources, the
77 control of erosion and sedimentation, the control, regulation, and management of
78 stormwater and establishment of a stormwater utility, the management of solid and
79 hazardous waste, and other necessary actions for the protection of the environment;
- 80 (9) Fire regulations. To fix and establish fire limits and from time to time to extend,
81 enlarge, or restrict the same; to prescribe fire safety regulations not inconsistent with
82 general law, relating to both fire prevention and detection and to fire fighting; and to
83 prescribe penalties and punishment for violations thereof;
- 84 (10) Garbage fees. To levy, fix, assess, and collect a garbage, refuse, and trash collection
85 and disposal, and other sanitary service charge, tax, or fee for such services as may be
86 necessary in the operation of the city from all individuals, firms, and corporations
87 residing in or doing business therein benefiting from such services; to enforce the
88 payment of such charges, taxes, or fees; and to provide for the manner and method of
89 collecting such service charges;
- 90 (11) General health, safety, and welfare. To define, regulate, and prohibit any act,
91 practice, conduct, or use of property which is detrimental to health, sanitation,
92 cleanliness, welfare, and safety of the inhabitants of the city, and to provide for the
93 enforcement of such standards;

- 94 (12) Gifts. To accept or refuse gifts, donations, bequests, or grants from any source for
95 any purpose related to powers and duties of the city and the general welfare of its
96 citizens, on such terms and conditions as the donor or grantor may impose;
- 97 (13) Health and sanitation. To prescribe standards of health and sanitation and to
98 provide for the enforcement of such standards;
- 99 (14) Jail sentences. To provide that persons given jail sentences in the city's court may
100 fulfill such sentences in any public works or on the streets, roads, drains, and other public
101 property in the city; to provide for commitment of such persons to any jail; and to provide
102 for the use of pretrial diversion and any alternative sentencing allowed by law, or to
103 provide for commitment of such persons to any county work camp or county jail by
104 agreement with the appropriate county officials;
- 105 (15) Motor vehicles. To regulate the operation of motor vehicles and exercise control
106 over all traffic, including parking upon or across the streets, roads, alleys, and walkways
107 of the city;
- 108 (16) Municipal agencies and delegation of power. To create, alter, or abolish
109 departments, boards, offices, commissions, and agencies of the city, and to confer upon
110 such agencies the necessary and appropriate authority for carrying out all the powers
111 conferred upon or delegated to the same;
- 112 (17) Municipal debts. To appropriate and borrow money for the payment of debts of the
113 city and to issue bonds for the purpose of raising revenue to carry out any project,
114 program, or venture authorized by this charter or the laws of the State of Georgia;
- 115 (18) Municipal property ownership. To acquire, dispose of, lease, and hold in trust or
116 otherwise, any real, personal, or mixed property, in fee simple or lesser interest, inside
117 or outside the property limits of the city;
- 118 (19) Municipal property protection. To provide for the preservation and protection of
119 property and equipment of the city, and the administration and use of same by the public
120 and to prescribe penalties and punishment for violations thereof;
- 121 (20) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose
122 of public utilities, including, but not limited to, a system of waterworks, sewers and
123 drains, sewage disposal, stormwater management, gas works, electric light plants, cable
124 television and other telecommunications, transportation facilities, public airports, and any
125 other public utility; to fix the taxes, charges, rates, fares, fees, assessments, regulations,
126 and penalties relative to such utilities, and to provide for the withdrawal of service for
127 refusal or failure to pay the same;
- 128 (21) Nuisance. To define a nuisance and provide for its abatement whether on public or
129 private property;

- 130 (22) Penalties. To provide penalties for violation of any ordinances adopted pursuant to
131 the authority of this charter and the laws of the State of Georgia;
- 132 (23) Planning and zoning. To provide comprehensive city planning for development by
133 zoning and to provide subdivision regulation and the like as the city council deems
134 necessary and reasonable to insure a safe, healthy, and aesthetically pleasing community;
- 135 (24) Police and fire protection. To exercise the power of arrest through duly appointed
136 police officers and to establish, operate, or contract for a police and a firefighting agency;
- 137 (25) Public hazards: Removal. To provide for the destruction and removal of any
138 building or other structure which is or may become dangerous or detrimental to the
139 public;
- 140 (26) Public improvements. To provide for the acquisition, construction, building,
141 operation, and maintenance of public ways, parks and playgrounds, cemeteries, markets
142 and market houses, public buildings, libraries, public housing, airports, hospitals,
143 terminals, docks, and charitable, cultural, educational, recreational, parking, conservation,
144 sport, curative, corrective, detentional, penal, and medical institutions, agencies, and
145 facilities; to provide any other public improvements, inside or outside the corporate limits
146 of the city; to regulate the use of public improvements; and for such purposes, property
147 may be acquired by condemnation under Title 22 of the O.C.G.A., or such other
148 applicable laws as are or may hereafter be enacted;
- 149 (27) Public peace. To provide for the prevention and punishment of loitering, disorderly
150 conduct, drunkenness, riots, and public disturbances;
- 151 (28) Public transportation. To organize and operate such public transportation systems
152 as are deemed beneficial;
- 153 (29) Public utilities and services. To grant franchises or make contracts for or impose
154 taxes on public utilities and public service companies and to prescribe the rates, fares,
155 regulations, and standards and conditions of service applicable to the service to be
156 provided by the franchise grantee or contractor, insofar as not in conflict with valid
157 regulations of the Public Service Commission;
- 158 (30) Regulation of roadside areas. To prohibit or regulate and control the erection,
159 removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any
160 and all other structures or obstructions upon or adjacent to the rights-of-way of streets and
161 roads or within view thereof, within or abutting the corporate limits of the city and to
162 prescribe penalties and punishment for violation of such ordinances;
- 163 (31) Retirement. To provide and maintain a retirement plan and other employee benefit
164 plans and programs for officers and employees of the city;
- 165 (32) Roadways. To lay out, open, extend, widen, narrow, establish, or change the grade
166 of, abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise

167 improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and
168 walkways within the corporate limits of the city; to grant franchises and rights-of-way
169 throughout the streets and roads, and over the bridges and viaducts for the use of public
170 utilities; and to require real estate owners to repair and maintain in a safe condition the
171 sidewalks adjoining their lots or lands, and to impose penalties for failure to do so;

172 (33) Sewer and water fees. To levy a fee, charge, or sewer or water tax as necessary to
173 assure the acquiring, constructing, equipping, operating, maintaining, and extending, both
174 within and without of the city, of a sewage disposal plant and sewerage system and a
175 water system, to levy on those to whom sewers and sewerage systems are made available
176 a sewer service fee, charge, or sewer tax for the availability or use of the sewers, and to
177 levy on those to whom water systems are made available a water service fee, charge, or
178 tax for the availability or use of the water system; to provide for the manner and method
179 of collecting such service charges and for enforcing payment of the same; and to charge,
180 impose, and collect a sewer connection fee or fees to those connected with the sewer
181 system and a water connection fee or fees to those connected with the water system;

182 (34) Solid waste disposal. To provide for the collection and disposal of garbage, rubbish,
183 and refuse; to regulate the collection and disposal of garbage, rubbish, and refuse by
184 others; and to provide for the separate collection of glass, tin, aluminum, cardboard,
185 paper, and other recyclable materials and to provide for the sale of such items;

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

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

196 (37) Taxes: Ad valorem. To levy and provide for the assessment, valuation, revaluation,
197 and collection of taxes on all property subject to taxation provided, however, that, unless
198 eliminated or adjusted by the municipal governing authority by home rule pursuant to
199 Chapter 35 of Title 36 of the O.C.G.A., except for special tax districts and general
200 obligation bond indebtedness, the millage rate imposed for ad valorem taxes on real
201 property shall not exceed 5.00 unless a higher limit is recommended by resolution of the
202 city council and subsequently approved by a majority vote of the qualified voters of the
203 City of Eagle's Landing voting on the issue in a referendum. For the purposes of this

204 paragraph, the term "qualified voters" means those voters of the city who are qualified
 205 to vote in city elections and cast a vote for or against such measure in such referendum.
 206 The question to be presented to the voters in the referendum on increasing the millage
 207 rate shall be, "Do you approve increasing taxes on residential and nonresidential property
 208 for City of Eagle's Landing property owners by raising from [current millage rate], which
 209 was capped in the original charter for the city, to [proposed millage rate] the operating
 210 budget millage rate?" If such millage rate increase is approved by the qualified voters of
 211 the City of Eagle's Landing voting in the referendum, the new rate shall become the
 212 maximum limit until changed again by resolution of the city council and approval by a
 213 majority of the qualified voters of the City of Eagle's Landing voting in such referendum;
 214 (38) Taxes: Other. To levy and collect such other taxes as may be allowed now or in the
 215 future by law;
 216 (39) Taxicabs. To regulate and license vehicles operated for hire in the city; to limit the
 217 number of such vehicles; to require the operators thereof to be licensed; to require public
 218 liability insurance on such vehicles in the amounts to be prescribed by ordinance; and to
 219 regulate the parking of such vehicles;
 220 (40) Urban redevelopment. To organize and operate an urban redevelopment program;
 221 and
 222 (41) Other powers. To exercise and enjoy all other powers, functions, rights, privileges,
 223 and immunities necessary or desirable to promote or protect the safety, health, peace,
 224 security, good order, comfort, convenience, or general welfare of the city and its
 225 inhabitants; to exercise all implied powers necessary or desirable to carry into execution
 226 all powers granted in this charter as fully and completely as if such powers were fully
 227 stated herein; and to exercise all powers now or in the future authorized to be exercised
 228 by other municipal governments under other laws of the State of Georgia, and no listing
 229 of particular powers in this charter shall be held to be exclusive of others, nor restrictive
 230 of general words and phrases granting powers, but shall be held to be in addition to such
 231 powers unless expressly prohibited to municipalities under the Constitution or applicable
 232 laws of the State of Georgia.

233 **SECTION 1.14.**

234 Exercise of powers.

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

239

ARTICLE II

240

GOVERNMENT STRUCTURE

241

SECTION 2.10.

242

City council creation; number; election.

243

244

245

246

The legislative authority of the government of this city, except as otherwise specifically provided in this charter, shall be vested in a city council to be composed of a mayor and four councilmembers. The mayor and councilmembers shall be elected in the manner provided by general law and this charter.

247

SECTION 2.11.

248

City council terms and qualifications for office.

249

250

251

252

253

254

255

256

257

258

259

260

261

262

(a) Except for the initial terms of office under subsection (d) of Section 5.11 of this charter, the mayor and other members of the city council shall serve for terms of four years and until their respective successors are elected and qualified, except as otherwise provided in this section and in subsection (f) of Section 5.11 of this charter. No person shall be eligible to serve as mayor or councilmember unless that person is at least 21 years of age or older on the date of qualification, shall have been a resident of the area encompassed by the corporate boundaries of the city for at least 12 months immediately prior to the date of his or her election, and, in the case of councilmembers, a resident of the area encompassed by the district from which he or she seeks election for a period of at least 12 months immediately prior to his or her election. The mayor and each councilmember shall continue to reside within such corporate boundaries during their respective periods of service and be registered and qualified to vote in municipal elections of this city. In addition, the councilmembers elected by district shall continue to reside in the district from which elected during their respective periods of service.

263

264

265

266

267

268

269

270

271

(b) Upon serving three full, consecutive terms as a member of the city council, such member shall be ineligible to seek reelection to such office. Upon serving three full, consecutive terms as mayor, such individual shall be ineligible to seek reelection as mayor. Although a member of the city council may become ineligible to serve another consecutive term in such office, such member shall be eligible to seek the office of mayor and, although the mayor may become ineligible to serve another consecutive term in such office, such individual shall be eligible to seek election as a member of the city council. Partial terms of office or initial terms of office of less than four years under subsection (d) of Section 5.11 of this charter shall not be counted in determining the number of terms served.

272

SECTION 2.12.

273

Vacancy; filling of vacancies.

274 (a) The office of mayor or councilmember shall become vacant upon the incumbent's death,
 275 resignation, forfeiture of office, or occurrence of any event specified by the Constitution of
 276 the State of Georgia, Title 45 of the O.C.G.A., or such other applicable laws as are or may
 277 hereafter be enacted.

278 (b) A vacancy in the office of mayor or councilmember shall be filled for the remainder of
 279 the unexpired term, if any, by appointment by the city council or those members remaining
 280 if less than 12 months remains in the unexpired term. If such vacancy occurs 12 months or
 281 more prior to the expiration of the term of that office, it shall be filled for the remainder of
 282 the unexpired term by a special election, as provided for in Section 5.14 of this charter and
 283 in accordance with Titles 21 and 45 of the O.C.G.A., or other such laws as are or may
 284 hereafter be enacted.

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

287

SECTION 2.13.

288

Compensation and expenses.

289 The initial annual salary of the mayor shall be \$12,000.00 and the initial annual salary of
 290 each councilmember shall be \$8,000.00. Thereafter, such salaries may be adjusted by the
 291 governing authority in accordance with Code Section 36-35-4 of the O.C.G.A. Such salaries
 292 shall be paid from municipal funds in equal monthly installments. The city council may
 293 provide for the reimbursement of expenses actually and necessarily incurred by the mayor
 294 and councilmembers in carrying out their official duties; provided, however, that the annual
 295 total of such reimbursement shall not exceed \$6,000.00 for the mayor and \$4,000.00 for any
 296 councilmember.

297

SECTION 2.14.

298

Conflicts of interest; holding other offices.

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

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

- 303 (1) Engage in any business or transaction, or have a financial or other personal interest,
304 direct or indirect, which is incompatible with the proper discharge of that person's official
305 duties or which would tend to impair the independence of the official's judgment or action
306 in the performance of those official duties;
- 307 (2) Engage in or accept private employment, or render services for private interests when
308 such employment or service is incompatible with the proper discharge of that person's
309 official duties or would tend to impair the independence of the official's judgment or
310 action in the performance of those official duties;
- 311 (3) Disclose confidential information, including information obtained at meetings which
312 are closed pursuant to Chapter 14 of Title 50 of the O.C.G.A., concerning the property,
313 government, or affairs of the governmental body by which the official is engaged without
314 proper legal authorization; or use such information to advance the financial or other
315 private interest of the official or others;
- 316 (4) Accept any valuable gift, whether in the form of service, loan, thing, or promise,
317 from any person, firm, or corporation which to the official's knowledge is interested,
318 directly or indirectly, in any manner whatsoever, in business dealings with the
319 governmental body by which the official is engaged; provided, however, that an elected
320 official who is a candidate for public office may accept campaign contributions and
321 services in connection with any such campaign;
- 322 (5) Represent other private interests in any action or proceeding against this city or any
323 portion of its government; or
- 324 (6) Vote or otherwise participate in the negotiation or in the making of any contract with
325 any business or entity in which the official has a financial interest.
- 326 (c) Any elected official, appointed officer, or employee who shall have any financial
327 interest, directly or indirectly, in any contract or matter pending before or within any
328 department of the city shall disclose such interest to the city council. The mayor or any
329 councilmember who has a financial interest in any matter pending before the city council
330 shall disclose such interest and such disclosure shall be entered on the records of the city
331 council, and that official shall disqualify himself or herself from participating in any
332 discussion, decision, or vote relating thereto. Any elected official, appointed officer, or
333 employee of any agency described in paragraph (16) of Section 1.13 of this charter or
334 political entity to which this charter applies who shall have any financial interest, directly or
335 indirectly, in any contract or matter pending before or within such entity shall disclose such
336 interest to the governing body of such agency or entity.
- 337 (d) No elected official, appointed officer, or employee of the city or any agency or entity to
338 which this charter applies shall use property owned by such governmental entity for personal

339 benefit or profit but shall use such property only in their capacity as an officer or employee
340 of the city.

341 (e) Any violation of this section which occurs with the knowledge, express or implied, of
342 a party to a contract or sale shall render said contract or sale voidable at the option of the city
343 council.

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

349 (g) No appointive officer of the city shall continue in such employment upon qualifying as
350 a candidate for nomination or election to any public office. No employee of the city shall
351 continue in such employment upon qualifying for or election to any public office in this city
352 or any other public office which is inconsistent, incompatible, or in conflict with the duties
353 of the city employee. Such determination shall be made by the mayor and council either
354 immediately upon election or at any time such conflict may arise.

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

358 (2) Any officer or employee of the city who shall forfeit an office or position as
359 described in paragraph (1) of this subsection shall be ineligible for appointment or
360 election to or employment in a position in the city government for a period of three years
361 thereafter.

362 **SECTION 2.15.**

363 Inquiries and investigations.

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

370 **SECTION 2.16.**

371 General power and authority of the city council.

372 (a) Except as otherwise provided by law or this charter, the city council shall be vested with
 373 all the powers of government of this city.

374 (b) In addition to all other powers conferred upon it by law, the council shall have the
 375 authority to adopt and provide for the execution of such ordinances, resolutions, rules, and
 376 regulations, not inconsistent with this charter and the Constitution and the laws of the State
 377 of Georgia, which it shall deem necessary, expedient, or helpful for the peace, good order,
 378 protection of life and property, health, welfare, sanitation, comfort, convenience, prosperity,
 379 or well-being of the inhabitants of the City of Eagle's Landing and may enforce such
 380 ordinances by imposing penalties for violation thereof.

381 (c) The city council shall have the power to discipline, suspend, and remove all appointed
 382 officials of the city, city employees, and city contractors.

383 (d) Appeals from decisions and judgments of the city council shall be by certiorari unless
 384 otherwise provided by law, and such certiorari shall be obtained under the sanction of a judge
 385 of the Superior Court of Henry County under the laws of the State of Georgia regulating the
 386 granting and issuance of writs of certiorari.

387 **SECTION 2.17.**

388 Eminent domain.

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

398 **SECTION 2.18.**

399 Organizational meeting; regular and special meetings.

400 (a) The city council shall hold an organizational meeting on the first Tuesday in January of
 401 each year or on a date prescribed by ordinance; provided, however, that, if such date is a
 402 legal holiday, the organizational meeting shall be held on the next succeeding business day.
 403 The meeting shall be called to order by the mayor or the city clerk.

404 (b) The city council shall hold regular meetings at such times and places as shall be
405 prescribed by ordinance.

406 (c) Special meetings of the city council may be held on call of the mayor or three members
407 of the city council. Notice of such special meetings shall be served on all other members
408 personally, or by telephone personally, at least 48 hours in advance of the meeting. Such
409 notice to councilmembers shall not be required if the mayor and all councilmembers are
410 present when the special meeting is called. Such notice of any special meeting may be
411 waived by a councilmember in writing before or after such a meeting, and attendance at the
412 meeting shall also constitute a waiver of notice on any business transacted in such
413 councilmembers presence. Only the business stated in the call may be transacted at the
414 special meeting.

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

419 **SECTION 2.19.**

420 Rules of procedure.

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

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

427 **SECTION 2.20.**

428 Quorum: voting.

429 (a) Three members of the city council, excluding the mayor, shall constitute a quorum and
430 shall be authorized to transact business of the city council. Voting on the adoption of
431 ordinances shall be by voice vote and the vote shall be recorded in the journal, but any
432 member of the city council shall have the right to request a roll call vote and such vote shall
433 be recorded in the journal. Except as otherwise provided in this charter, the affirmative vote
434 of three councilmembers shall be required for the adoption of any ordinance, resolution, or
435 motion.

436 (b) No member of the city council shall abstain from voting on any matter properly brought
 437 before the council for official action except when such councilmember has a conflict of
 438 interest which is disclosed in writing prior to or at the meeting and made a part of the
 439 minutes. Any member of the city council present and eligible to vote on a matter and
 440 refusing to do so for any reason other than a properly disclosed and recorded conflict of
 441 interest shall be deemed to have acquiesced or concurred with the members of the majority
 442 who did vote on the question involved.

443 **SECTION 2.21.**

444 Ordinance form; procedures.

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

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

457 **SECTION 2.22.**

458 Action requiring an ordinance.

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

460 **SECTION 2.23.**

461 Emergencies.

462 (a) To meet a public emergency affecting life, health, property or public peace, the city
 463 council may convene on call of the mayor or three councilmembers and promptly adopt an
 464 emergency ordinance, but such ordinance may not levy taxes; grant, renew, or extend a
 465 franchise; regulate the rate charged by any public utility for its services; or authorize the
 466 borrowing of money except for loans to be repaid within 30 days. An emergency ordinance

467 shall be introduced in the form prescribed for ordinances generally, except that it shall be
 468 plainly designated as an emergency ordinance and shall contain, after the enacting clause,
 469 a declaration stating that an emergency exists, and describing the emergency in clear and
 470 specific terms. An emergency ordinance may be adopted, with or without amendment, or
 471 rejected at the meeting at which it is introduced, but the affirmative vote of at least three
 472 councilmembers shall be required for adoption. It shall become effective upon adoption or
 473 at such later time as it may specify. Every emergency ordinance shall automatically stand
 474 repealed 30 days following the date upon which it was adopted, but this shall not prevent
 475 reenactment of the ordinance in the manner specified in this section if the emergency still
 476 exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance
 477 in the same manner specified in this section for adoption of emergency ordinances.

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

482 **SECTION 2.24.**

483 Codes of technical regulations.

484 (a) The city council may adopt any standard code of technical regulations by reference
 485 thereto in an adopting ordinance. The procedure and requirements governing such adopting
 486 ordinance shall be as prescribed for ordinances generally except that:

487 (1) The requirements of subsection (b) of Section 2.21 of this charter for distribution and
 488 filing of copies of the ordinance shall be construed to include copies of any code of
 489 technical regulations, as well as the adopting ordinance; and

490 (2) A copy of each adopted code of technical regulations, as well as the adopting
 491 ordinance, shall be authenticated and recorded by the clerk pursuant to Section 2.25 of
 492 this charter.

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

495 **SECTION 2.25.**

496 Signing; authenticating; recording; codification; printing.

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

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

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

516 **SECTION 2.26.**

517 City manager; appointment; qualifications; compensation.

518 The city council may appoint a city manager to serve at the pleasure of the city council and,
 519 if so appointed, shall fix the city manager's compensation. The city manager shall be
 520 appointed solely on the basis of executive and administrative qualifications.

521 **SECTION 2.27.**

522 Removal of city manager.

523 If a city manager is appointed by the city council, then the city council may establish
 524 procedures for the suspension or removal of such city manager from office.

525 **SECTION 2.28.**

526 Acting city manager.

527 When a city manager has been appointed by the city council, and in the event of absence or
 528 disability, the city manager may, by a letter filed with the city clerk, designate, subject to
 529 approval of the city council, a qualified city administrative officer to exercise the powers and

530 perform the duties of city manager during the city manager's temporary absence or physical
 531 or mental disability. During such absence or disability, the city council may revoke such
 532 designation at any time and appoint another officer of the city to serve until the city manager
 533 shall return or the city manager's absence or disability shall cease.

534 **SECTION 2.29.**

535 Powers and duties of the city manager.

536 When a city manager has been appointed by the city council, the city manager shall be the
 537 chief executive and administrative officer of the city. The city manager shall be responsible
 538 to the city council for the administration of all city affairs placed in the city manager's charge
 539 by the city council or this charter. As the chief executive and administrative officer, the city
 540 manager shall:

- 541 (1) Other than appointments reserved for the mayor in subsection (e) of Section 3.10,
 542 hire and, when the city manager deems it necessary for the good of the city, discipline,
 543 suspend, or remove any city employees and administrative officers that the city manager
 544 hires, except as otherwise provided by law or personnel ordinances adopted pursuant to
 545 this charter. The city manager may authorize any administrative officer who is subject
 546 to the city manager's direction and supervision to exercise these powers with respect to
 547 subordinates in that officer's department, office or agency;
- 548 (2) Direct and supervise the administration of all departments, offices, and agencies of
 549 the city, except as otherwise provided by this charter or by law;
- 550 (3) Attend all city council meetings except for closed meetings held for the purposes of
 551 deliberating on the appointment, discipline, or removal of the city manager and have the
 552 right to take part in discussion but not vote;
- 553 (4) See that all laws, provisions of this charter, and acts of the city council, subject to
 554 enforcement by the city manager or by officers subject to the city manager's direction and
 555 supervision, are faithfully executed;
- 556 (5) Prepare and submit the annual operating budget and capital budget to the city
 557 council;
- 558 (6) Submit to the city council and make available to the public a complete report on the
 559 finances and administrative activities of the city as of the end of each fiscal year;
- 560 (7) Issue such other reports as the city council may require concerning the operations of
 561 city departments, offices, and agencies subject to the city manager's direction and
 562 supervision;

- 563 (8) Keep the city council fully advised as to the financial condition and future needs of
 564 the city, and make such recommendations to the city council concerning the affairs of the
 565 city as the city manager deems desirable; and
 566 (9) Perform other such duties as are specified in this charter or as may be required by the
 567 city council.

568 **SECTION 2.30.**

569 Council interference with administration.

570 When a city manager has been appointed by the city council, except for the purpose of
 571 inquiries and investigations under Section 2.15 of this charter, the city council or its members
 572 shall deal with city officers and employees who are subject to the direction and supervision
 573 of the city manager solely through the city manager, and neither the city council nor its
 574 members shall give orders to any such officer or employee, either publicly or privately.

575 **SECTION 2.31.**

576 Election of mayor; forfeiture; compensation.

577 Except as otherwise provided in this charter, the mayor shall be elected and serve for a term
 578 of four years and until a successor is elected and qualified. The mayor shall be a qualified
 579 elector of this city and shall have been a resident of the city for at least 12 months
 580 immediately prior to his or her election. The mayor shall continue to reside in this city
 581 during the period of service. The mayor shall forfeit the office on the same grounds and
 582 under the same procedure as for councilmembers. The compensation of the mayor shall be
 583 established in the same manner as for councilmembers.

584 **SECTION 2.32.**

585 Mayor pro tem.

586 By a majority vote at the first meeting of the city council in January of each year, the city
 587 council shall elect a councilmember to serve as mayor pro tem who shall serve until the first
 588 regular meeting of the city council in the immediately following year. The mayor pro tem
 589 shall assume the duties and powers of the mayor during the mayor's physical or mental
 590 disability, suspension from office, or absence. Any such disability or absence shall be
 591 declared by a majority vote of the city council. The mayor pro tem shall sign all contracts
 592 and ordinances in which the mayor has a disqualifying financial interest as provided in
 593 Section 2.14 of this charter. When acting as mayor, the mayor pro tem shall continue to have

594 only one vote as a member of the council and shall exercise that power notwithstanding
 595 paragraph (5) of Section 2.33 of this charter. A vacancy in the position of mayor pro tem
 596 resulting from the mayor pro tem ceasing to serve as a councilmember, or from any other
 597 cause, shall be filled for the remainder of the unexpired term in the same manner as the
 598 original election.

599 **SECTION 2.33.**

600 Powers and duties of mayor.

601 The mayor shall:

- 602 (1) Preside at all meetings of the city council;
- 603 (2) Be the head of the city for the purpose of service of process and for ceremonial
 604 purposes, and be the official spokesperson for the city and the chief advocate of policy
 605 adopted by the city council;
- 606 (3) Have the power to administer oaths and to take affidavits;
- 607 (4) Sign as a matter of course on behalf of the city all written and approved contracts,
 608 ordinances, and other instruments executed by the city which by law are required to be
 609 in writing;
- 610 (5) Vote on matters before the city council only in order to break a tie or as otherwise
 611 provided in this charter;
- 612 (6) If no city manager has been appointed, prepare and submit to the city council a
 613 recommended annual operating budget and recommended capital budget; and
- 614 (7) Fulfill such other executive and administrative duties as the city council shall by
 615 ordinance establish.

616 **SECTION 2.34.**

617 Submission of ordinances to the mayor; veto power.

- 618 (a) Every ordinance adopted by the city council shall be presented promptly by the clerk to
 619 the mayor.
- 620 (b) The mayor, within ten calendar days of receipt of an ordinance, shall return it to the clerk
 621 with or without the mayor's approval, or with the mayor's disapproval. If the ordinance has
 622 been approved by the mayor, it shall become law upon its return to the clerk; if the ordinance
 623 is neither approved nor disapproved, it shall become law at 12:00 Noon on the tenth calendar
 624 day after its adoption; if the ordinance is disapproved, the mayor shall submit to the city
 625 council through the clerk a written statement of reasons for the veto. The clerk shall record
 626 upon the ordinance the date of its delivery to and receipt from the mayor.

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

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

636 ARTICLE III

637 ADMINISTRATIVE AFFAIRS

638 SECTION 3.10.

639 Administrative and service departments.

640 (a) Except as otherwise provided in this charter, the city council, by ordinance, shall
 641 prescribe the functions or duties, and establish, abolish, alter, consolidate, or leave vacant all
 642 nonelective offices, positions of employment, departments, and agencies of the city, as
 643 necessary for the proper administration of the affairs and government of this city.

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

647 (c) All appointive officers and directors of departments shall receive such compensation as
 648 prescribed by ordinance or resolution.

649 (d) There shall be a director of each department or agency who shall be its principal officer.
 650 Each director shall, subject to the direction and supervision of the mayor or, in the case
 651 where the city council has appointed a city manager, the city manager, be responsible for the
 652 administration and direction of the affairs and operations of that director's department or
 653 agency.

654 (e) All appointive officers and directors under the supervision of the mayor or, in the case
 655 where the city council has appointed a city manager, the city manager, shall be nominated
 656 by the mayor with confirmation of appointment by at least two of the other members of the
 657 city council. If the other members of the city council reject an officer or director of the
 658 mayor, such other members of the city council shall then proceed to fill such appointment
 659 by majority vote of the city council. Appointments by the city council shall be subject to
 660 veto by the mayor which may be overridden by the vote of four members of the city council.
 661 All appointive officers and directors shall be employees at-will and subject to removal,

662 suspension, or other discipline at any time by the city council. In the case where the city
663 council has appointed a city manager, the city manager, unless otherwise provided by law
664 or ordinance, may remove, suspend, or discipline at any time any appointed officers,
665 directors, or employees of the city, except for the city clerk, the municipal judge or associate
666 judges, and the city attorney.

667 **SECTION 3.11.**

668 **Boards, commissions, and authorities.**

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

673 (b) All members of boards, commissions, and authorities of the city shall be appointed by
674 a majority vote of the city council, except where other appointing authority, terms of office,
675 or manner of appointment is prescribed by this charter or by law. Except as otherwise
676 provided by this charter or by law, each board, commission, or authority shall consist of five
677 members with one member being appointed by each member of the city council and the
678 mayor. Members appointed by the mayor may reside anywhere within the corporate limits
679 of the city, but a member appointed by a member of the city council shall reside within the
680 district of the councilmember who appointed such member.

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

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

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

688 (f) No member of a board, commission, or authority shall assume office until that person has
689 executed and filed with the clerk of the city an oath obligating himself to faithfully and
690 impartially perform the duties of that member's office, such oath to be prescribed by
691 ordinance and administered by the mayor.

692 (g) All board, commission, or authority members serve at-will and may be removed at any
693 time by a vote of three members of the city council unless otherwise provided by law.

694 (h) Except as otherwise provided by this charter or by law, each board, commission, or
695 authority of the city shall elect one of its members as chair and one member as vice-chair,
696 and may elect as its secretary one of its own members or may appoint as secretary an

697 employee of the city. Each board, commission, or authority of the city government may
698 establish such bylaws, rules, and regulations, not inconsistent with this charter, ordinances
699 of the city, or law, as it deems appropriate and necessary for the fulfillment of its duties or
700 the conduct of its affairs. Copies of such bylaws, rules, and regulations shall be filed with
701 the clerk of the city.

702 **SECTION 3.12.**

703 City attorney.

704 The city council shall appoint a city attorney, together with such assistant city attorneys as
705 may be authorized, and shall provide for the payment of such attorney or attorneys for
706 services rendered to the city. The city attorney shall be responsible for providing for the
707 representation and defense of the city in all litigation in which the city is a party; may be the
708 prosecuting officer in the municipal court; shall attend the meetings of the council as
709 directed; shall advise the city council, mayor, and other officers and employees of the city
710 concerning legal aspects of the city's affairs; and shall perform such other duties as may be
711 required by virtue of the person's position as city attorney. The city attorney shall not be a
712 public official of the city and shall not take an oath of office. The city attorney shall at all
713 times be an independent contractor. A law firm, rather than an individual, may be designated
714 as the city attorney. The city attorney shall serve at the pleasure of the city council.

715 **SECTION 3.13.**

716 City clerk.

717 The city council shall appoint a city clerk who shall not be a councilmember. The city clerk
718 shall be custodian of the official city seal and city records; maintain city council records
719 required by this charter; and perform such other duties as may be required by the city
720 council. The city clerk shall serve at the pleasure of the city council.

721 **SECTION 3.14.**

722 Position classification and pay plans.

723 The mayor or, in the case where the city council has appointed a city manager, the city
724 manager, shall be responsible for the preparation of a position classification and pay plan
725 which shall be submitted to the city council for approval. Such plan may apply to all
726 employees of the city and any of its agencies, departments, boards, commissions, or
727 authorities. When a pay plan has been adopted, the city council shall not increase or decrease

728 the salary range applicable to any position except by amendment of such pay plan. For
729 purposes of this section, all elected and appointed city officials are not city employees.

730 **SECTION 3.15.**

731 Personnel policies.

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

734 **ARTICLE IV**
735 **JUDICIAL BRANCH**

736 **SECTION 4.10.**

737 Creation; name.

738 There shall be a court to be known as the Municipal Court of the City of Eagle's Landing.

739 **SECTION 4.11.**

740 Chief judge; associate judge.

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

743 (b) No person shall be qualified or eligible to serve as a judge on the municipal court unless
744 that person shall have attained the age of 21 years, shall be a member of the State Bar of
745 Georgia, and shall possess all qualifications required by law. All judges shall be appointed
746 by the city council and shall serve until a successor is appointed and qualified.

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

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

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

754 **SECTION 4.12.**

755 Convening.

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

757

SECTION 4.13.

758

Jurisdiction; powers.

759 (a) The municipal court shall have jurisdiction and authority to try and punish violations of
760 this charter, all city ordinances, and such other violations as provided by law.

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

763 (c) The municipal court may fix punishment for offenses within its jurisdiction not
764 exceeding a fine of \$1,000.00 or imprisonment for 180 days or both such fine and
765 imprisonment or may fix punishment by fine, imprisonment, or alternative sentencing as now
766 or hereafter provided by law.

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

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

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

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

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

792 **SECTION 4.14.**

793 Certiorari.

794 The right of certiorari from the decision and judgment of the municipal court shall exist in
 795 all criminal cases and ordinance violation cases, and such certiorari shall be obtained under
 796 the sanction of a judge of the Superior Court of Henry County under the laws of the State of
 797 Georgia regulating the granting and issuance of writs of certiorari.

798 **SECTION 4.15.**

799 Rules for court.

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

807 **ARTICLE V**808 **ELECTIONS AND REMOVAL**809 **SECTION 5.10.**

810 Applicability of general law.

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

813 **SECTION 5.11.**

814 Election, terms, and oath of office of the city council and mayor.

815 (a) Except for the initial elections under subsection (d) of this section, municipal general
 816 elections for the city shall be held biennially in the odd-numbered years on the Tuesday next
 817 following the first Monday in November.

818 (b) There shall be elected the mayor and councilmembers from Council Districts 3 and 4 at
 819 one election and at every other regular election thereafter. The remaining city council seats
 820 from Council Districts 1 and 2 shall be filled at the election alternating with the first election
 821 so that a continuing body is created.

822 (c) Each councilmember shall be elected by a majority vote of the qualified electors of his
823 or her respective council district voting at the elections of the city. For the purpose of
824 electing members of the city council, the City of Eagle's Landing shall consist of four council
825 districts as described in Appendix B of this charter, which is attached and incorporated into
826 this charter by reference. Each candidate for election to the city council other than the mayor
827 shall reside in the council district he or she seeks to represent.

828 (d) If the city is formed as a result of the referendum held in the 2018 general primary, the
829 first election for mayor and councilmembers shall be a special election held in conjunction
830 with the 2018 November general election. At such election, the mayor and councilmembers
831 elected from Council Districts 3 and 4 shall be elected for initial terms of office beginning
832 immediately after their election and expiring upon the election and qualification of their
833 respective successors in 2023. The councilmembers elected from Council Districts 1 and 2
834 shall be elected for initial terms of office beginning immediately after their election and
835 expiring upon the election and qualification of their respective successors in 2021.
836 Thereafter, successors to the mayor and councilmembers shall be elected at the November
837 general election immediately preceding the end of their respective terms of office, and such
838 successors shall take office in accordance with subsection (g) of this section for terms of four
839 years and until their respective successors are elected and qualified.

840 (e) If the city is formed as a result of a referendum held in a special election after the 2018
841 general primary but on or before the 2018 November general election, then the first election
842 for mayor and councilmembers shall be a special election to be held on the first special
843 election date pursuant to Code Section 21-2-540 of the O.C.G.A. in 2019. At such special
844 election, the mayor and councilmembers elected from Council Districts 3 and 4 shall be
845 elected for initial terms of office beginning immediately after their election and expiring
846 upon the election and qualification of their respective successors in 2023. The
847 councilmembers from Council Districts 1 and 2 shall be elected for initial terms of office
848 beginning immediately after their election and expiring upon the election and qualification
849 of their respective successors in 2021. Thereafter, successors to the mayor and
850 councilmembers shall be elected at the November general election immediately preceding
851 the end of their respective terms of office, and such successors shall take office in accordance
852 with subsection (g) of this section for terms of four years and until their respective successors
853 are elected and qualified.

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

856 (g) Except for the initial election of the mayor and council, the terms of office of the mayor
857 and councilmembers shall begin on the Monday following such person's election which is
858 at least five days following the certification of the results of such person's election to such

859 office unless a petition to contest the results of such person's election to such office is filed
 860 pursuant to Article 13 of Chapter 2 of Title 21 of the O.C.G.A. If a petition to contest the
 861 election results is filed, such person shall not be sworn in until a judgment has been entered
 862 pursuant to Code Section 21-2-527 of the O.C.G.A. or such petition has been withdrawn or
 863 dismissed. In such case, the person's term of office shall begin on the Monday following the
 864 entry of such judgment or the withdrawal or dismissal of such petition. Such officeholder
 865 shall be sworn in at the next meeting of the governing authority, which shall be held not later
 866 than two weeks following the beginning of such person's term of office, and shall hold office
 867 until his or her successor's term begins in accordance with this subsection.

868 (h) The oath of office to be administered to newly elected members shall be administered
 869 by a judicial officer authorized to administer oaths and shall, to the extent that it comports
 870 with federal and state law, be as follows:

871 "I do solemnly (swear)(affirm) that I will faithfully perform the duties of
 872 (mayor)(councilmember) of this city and that I will support and defend the charter thereof
 873 as well as the Constitution and laws of the State of Georgia and of the United States of
 874 America. I am not the holder of any unaccounted for public money due this state or any
 875 political subdivision or authority thereof. I am not the holder of any office of trust under
 876 the government of the United States, any other state, or any foreign state which I, by the
 877 laws of the State of Georgia, am prohibited from holding. I am otherwise qualified to hold
 878 said office according to the Constitution and laws of the State of Georgia. I have been a
 879 resident of (my district and) the City of Eagle's Landing for the time required by the
 880 Constitution and laws of this state and by the municipal charter. I will perform the duties
 881 of my office in the best interest of the City of Eagle's Landing to the best of my ability
 882 without fear, favor, affection, reward, or expectation thereof."

883 **SECTION 5.12.**

884 Nonpartisan elections.

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

887 **SECTION 5.13.**

888 Election by majority.

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

890 **SECTION 5.14.**

891 Special elections; vacancies.

892

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

900 **SECTION 5.15.**

901 Other provisions.

902 Except as otherwise provided by this charter, the city council shall, by ordinance, prescribe
 903 such rules and regulations it deems appropriate to fulfill any options and duties under the
 904 Georgia Election Code.

905 **SECTION 5.16.**

906 Removal of officers.

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

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

912 (1) Following a hearing at which an impartial panel shall render a decision. In the event
 913 an elected officer is sought to be removed by the action of the city council, such officer
 914 shall be entitled to a written notice specifying the ground or grounds for removal and to a
 915 public hearing which shall be held not less than ten days after the service of such written
 916 notice. The city council shall provide by ordinance for the manner in which such hearings
 917 shall be held. Any elected officer sought to be removed from office as herein provided
 918 shall have the right of appeal from the decision of the city council to the Superior Court of
 919 Henry County. Such appeal shall be governed by the same rules as govern appeals to the
 920 superior court from the probate court; or

921 (2) By a final order of the Superior Court of Henry County following a hearing on a
 922 complaint seeking such removal brought by any resident of the City of Eagle's Landing.

923 ARTICLE VI
 924 FINANCE
 925 SECTION 6.10.
 926 Property tax.

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

933 SECTION 6.11.
 934 Millage rate; due dates; payment methods.

935 (a) Subject to the limitations contained in paragraph (37) of Section 1.13 of this charter, the
 936 city council, by ordinance, shall establish a millage rate for the city property tax, a due date,
 937 and the time period within which these taxes must be paid. The city council, by ordinance,
 938 may provide for the payment of these taxes by two installments or in one lump sum, as well
 939 as authorize the voluntary payment of taxes prior to the time when due.

940 (b) For all years, except for special tax districts and general obligation bond indebtedness,
 941 the millage rate imposed for ad valorem taxes on real property shall not exceed 5.00 unless
 942 a higher millage rate is recommended by resolution of the city council and subsequently
 943 approved by a majority of the qualified voters of the City of Eagle's Landing voting on the
 944 issue in a referendum. For the purposes of this subsection, the term 'qualified voters' means
 945 those voters of the city who are qualified to vote in city elections and cast a vote for or
 946 against such measure in such referendum. The question to be presented to the voters in the
 947 referendum on increasing the millage rate shall be, "Do you approve increasing taxes on
 948 residential and nonresidential property for City of Eagle's Landing property owners by
 949 raising from [current millage rate], which was capped in the original charter for the city, to
 950 [proposed millage rate] the operating budget millage rate?" If such millage rate increase is
 951 approved by the qualified voters of the City of Eagle's Landing voting in the referendum, the
 952 new rate shall become the maximum limit until changed again by resolution of the city
 953 council and approval by a majority of the qualified voters of the City of Eagle's Landing
 954 voting in such referendum. This millage rate limit shall apply to the millage rate actually
 955 levied and shall not apply to the hypothetical millage rate computed under subsection (a) of

956 Code Section 48-8-91 of the O.C.G.A., relating to conditions on imposition of the joint
957 county and municipal sales tax.

958 **SECTION 6.12.**

959 Occupation and business taxes.

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

964 **SECTION 6.13.**

965 Regulatory fees; permits.

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

971 **SECTION 6.14.**

972 Franchises.

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

984 (b) If no franchise agreement is in effect, the city council has the authority to impose a tax
985 on gross receipts for the use of this city's streets and alleys for the purposes of railroads,
986 street railways, telephone companies, electric companies, electric membership corporations,

987 cable television and other telecommunications companies, gas companies, transportation
 988 companies, and other similar organizations.

989 **SECTION 6.15.**

990 Service charges.

991 The city council by ordinance shall have the power to assess and collect fees, charges,
 992 assessments, and tolls for sewers, sanitary and health services, stormwater management, or
 993 any other services provided or made available within and without the corporate limits of the
 994 city. If unpaid, such charges shall be collected as provided in Section 6.18 of this charter.

995 **SECTION 6.16.**

996 Special assessments.

997 The city council by ordinance shall have the power to assess and collect the cost of
 998 constructing, reconstructing, widening, or improving any public way, street, sidewalk,
 999 curbing, gutters, sewers, or other utility mains and appurtenances from the abutting property
 1000 owners. If unpaid, such charges shall be collected as provided in Section 6.18 of this charter.

1001 **SECTION 6.17.**

1002 Construction; other taxes and fees.

1003 This city shall be empowered to levy any other tax or fee allowed now or hereafter by law,
 1004 and the specific mention of any right, power, or authority in this article shall not be construed
 1005 as limiting in any way the general powers of this city to govern its local affairs.

1006 **SECTION 6.18.**

1007 Collection of delinquent taxes and fees.

1008 The city council, by ordinance, may provide generally for the collection of delinquent taxes,
 1009 fees, or other revenue due the city under Sections 6.10 through 6.17 of this charter by
 1010 whatever reasonable means as are not precluded by law. This shall include providing for the
 1011 dates when the taxes or fees are due; late penalties or interest; issuance and execution of
 1012 fi.fa.; creation and priority of liens; making delinquent taxes and fees personal debts of the
 1013 persons required to pay the taxes or fees imposed; revoking city permits for failure to pay any
 1014 city taxes or fees; and providing for the assignment or transfer of tax executions.

SECTION 6.19.

1015

1016

General obligation bonds.

1017 The city council shall have the power to issue bonds for the purpose of raising revenue to
 1018 carry out any project, program, or venture authorized under this charter or the laws of the
 1019 state. Such bonding authority shall be exercised in accordance with the laws governing bond
 1020 issuance by municipalities in effect at the time said issue is undertaken.

SECTION 6.20.

1021

1022

Revenue bonds.

1023 Revenue bonds may be issued by the city council as state law now or hereafter provides.
 1024 Such bonds are to be paid out of any revenue produced by the project, program, or venture
 1025 for which they were issued.

SECTION 6.21.

1026

1027

Short-term loans.

1028 The city may obtain short-term loans and shall repay such loans not later than December 31
 1029 of each year, unless otherwise provided by law.

SECTION 6.22.

1030

1031

Lease-purchase contracts.

1032 The city may enter into multiyear lease, purchase, or lease-purchase contracts for the
 1033 acquisition of goods, materials, real and personal property, services, and supplies provided
 1034 the contract terminates without further obligation on the part of the municipality at the close
 1035 of the calendar year in which it was executed and at the close of each succeeding calendar
 1036 year for which it may be renewed. Contracts must be executed in accordance with the
 1037 requirements of Code Section 36-60-13 of the O.C.G.A., or other such applicable laws as are
 1038 or may hereafter be enacted.

SECTION 6.23.

Fiscal year.

1041 The city council shall set the fiscal year by ordinance. This fiscal year shall constitute the
1042 budget year and the year for financial accounting and reporting of each and every office,
1043 department, agency, and activity of the city government unless otherwise provided by state
1044 or federal law.

SECTION 6.24.

Preparation of budgets.

1047 The city council shall provide an ordinance on the procedures and requirements for the
1048 preparation and execution of an annual operating budget, a capital improvement plan, and
1049 a capital budget, including requirements as to the scope, content, and form of such budgets
1050 and plans.

SECTION 6.25.

Submission of operating budget to city council.

1053 On or before a date fixed by the city council but not later than 30 days prior to the beginning
1054 of each fiscal year, the mayor or, in the case where the city council has appointed a city
1055 manager, the city manager, shall submit to the city council a proposed operating budget for
1056 the ensuing fiscal year. The budget shall be accompanied by a message from the mayor or
1057 city manager, as the case may be, containing a statement of the general fiscal policies of the
1058 city, the important features of the budget, explanations of major changes recommended for
1059 the next fiscal year, a general summary of the budget, and such other pertinent comments and
1060 information. The operating budget and the capital budget hereinafter provided for, the
1061 budget message, and all supporting documents shall be filed in the office of the city clerk and
1062 shall be open to public inspection.

1063 **SECTION 6.26.**

1064 Action by city council on budget.

1065 (a) The city council may amend the operating budget proposed by the mayor or the city
 1066 manager, as the case may be; except, that the budget as finally amended and adopted must
 1067 provide for all expenditures required by state law or by other provisions of this charter and
 1068 for all debt service requirements for the ensuing fiscal year, and the total appropriations from
 1069 any fund shall not exceed the estimated fund balance, reserves, and revenues.

1070 (b) The city council by ordinance shall adopt the final operating budget for the ensuing fiscal
 1071 year not later than 15 days prior to the beginning of such fiscal year. If the city council fails
 1072 to adopt the budget by this date, the amounts appropriated for operation for the current fiscal
 1073 year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all
 1074 items prorated accordingly until such time as the city council adopts a budget for the ensuing
 1075 fiscal year. Adoption of the budget shall take the form of an appropriations ordinance setting
 1076 out the estimated revenues in detail by sources and making appropriations according to fund
 1077 and by organizational unit, purpose, or activity as set out in the budget preparation ordinance
 1078 adopted pursuant to Section 6.24 of this charter.

1079 (c) The amount set out in the adopted operating budget for each organizational unit shall
 1080 constitute the annual appropriation for such, and no expenditure shall be made or
 1081 encumbrance created in excess of the otherwise unencumbered balance of the appropriations
 1082 or allotment thereof, to which it is chargeable.

1083 **SECTION 6.27.**

1084 Tax levies.

1085 The city council shall levy by ordinance such taxes as are necessary. The taxes and tax rates
 1086 set by such ordinances shall be such that reasonable estimates of revenues from such levy
 1087 shall at least be sufficient, together with other anticipated revenues, fund balances, and
 1088 applicable reserves, to equal the total amount appropriated for each of the several funds set
 1089 forth in the annual operating budget for defraying the expenses of the general government
 1090 of this city.

1091 **SECTION 6.28.**

1092 Changes in appropriations.

1093 The city council by ordinance may make changes in the appropriations contained in the
 1094 current operating budget, at any regular, special, or emergency meeting called for such

1095 purpose, but any additional appropriations may be made only from an existing unexpended
1096 surplus.

1097 **SECTION 6.29.**

1098 Capital budget.

1099 (a) On or before the date fixed by the city council but no later than 30 days prior to the
1100 beginning of each fiscal year, the mayor or, in the case where the city council has appointed
1101 a city manager, the city manager, shall submit to the city council a proposed capital
1102 improvements plan with a recommended capital budget containing the means of financing
1103 the improvements proposed for the ensuing fiscal year. The city council shall have power
1104 to accept, with or without amendments, or reject the proposed plan and proposed budget.
1105 The city council shall not authorize an expenditure for the construction of any building,
1106 structure, work, or improvement, unless the appropriations for such project are included in
1107 the capital budget, except to meet a public emergency as provided in Section 2.23 of this
1108 charter.

1109 (b) The city council shall adopt by ordinance the final capital budget for the ensuing fiscal
1110 year not later than 15 days prior to the beginning of such fiscal year. No appropriation
1111 provided for in a prior capital budget shall lapse until the purpose for which the appropriation
1112 was made shall have been accomplished or abandoned; provided, however, the mayor or the
1113 city manager, as the case may be, may submit amendments to the capital budget at any time
1114 during the fiscal year, accompanied by recommendations. Any such amendments to the
1115 capital budget shall become effective only upon adoption by ordinance.

1116 **SECTION 6.30.**

1117 Independent audit.

1118 There shall be an annual independent audit of all city accounts, funds, and financial
1119 transactions by a certified public accountant selected by the city council. The audit shall be
1120 conducted according to generally accepted auditing principles. Any audit of any funds by
1121 the state or federal governments may be accepted as satisfying the requirements of this
1122 charter. Copies of annual audit reports shall be available at printing costs to the public.

1123 **SECTION 6.31.**

1124 Contracting procedures.

1125 No contract with the city shall be binding on the city unless:

- 1126 (1) It is in writing;
- 1127 (2) It is drawn by or submitted to and reviewed by the city attorney, and as a matter of
- 1128 course, is signed by the city attorney to indicate such drafting or review; and
- 1129 (3) It is made or authorized by the city council and such approval is entered in the city
- 1130 council journal of proceedings pursuant to Section 2.20 of this charter.

1131 **SECTION 6.32.**

1132 Centralized purchasing.

1133 The city council shall by ordinance prescribe procedures for a system of centralized

1134 purchasing for the city.

1135 **SECTION 6.33.**

1136 Sale and lease of city property.

- 1137 (a) The city council may sell and convey, or lease any real or personal property owned or
- 1138 held by the city for governmental or other purposes as now or hereafter provided by law.
- 1139 (b) The city council may quitclaim any rights it may have in property not needed for public
- 1140 purposes upon report by the mayor or the city manager, as the case may be, and adoption of
- 1141 a resolution, both finding that the property is not needed for public or other purposes and that
- 1142 the interest of the city has no readily ascertainable monetary value.
- 1143 (c) Whenever in opening, extending, or widening any street, avenue, alley, or public place
- 1144 of the city, a small parcel or tract of land is cut off or separated by such work from a larger
- 1145 tract or boundary of land owned by the city, the city council may authorize the mayor or the
- 1146 city manager, as the case may be, to sell and convey said cut-off or separated parcel or tract
- 1147 of land to an abutting or adjoining property owner or owners where such sale and
- 1148 conveyance facilitate the enjoyment of the highest and best use of the abutting owner's
- 1149 property. Included in the sales contract shall be a provision for the rights-of-way of said
- 1150 street, avenue, alley, or public place. Each abutting property owner shall be notified of the
- 1151 availability of the property and given the opportunity to purchase said property under such
- 1152 terms and conditions as set out by ordinance. All deeds and conveyances heretofore and
- 1153 hereafter so executed and delivered shall convey all title and interest the city has in such
- 1154 property, notwithstanding the fact that no public sale after advertisement was or is hereafter
- 1155 made.

1156 ARTICLE VII

1157 GENERAL PROVISIONS

1158 SECTION 7.10.

1159 Bonds for officials.

1160 The officers and employees of this city, both elective and appointive, shall execute such
1161 surety or fidelity bonds in such amounts and upon such terms and conditions as the city
1162 council shall from time to time require by ordinance or as may be provided by law.

1163 SECTION 7.11.

1164 Construction.

1165 (a) Section captions in this charter are informative only and are not to be considered as a part
1166 thereof.

1167 (b) The word "shall" is mandatory and the word "may" is permissive.

1168 (c) The singular shall include the plural, the masculine shall include the feminine, and vice
1169 versa.

1170 SECTION 7.12.

1171 Qualified electors.

1172 (a) For the purposes of the referendum election provided for in Section 7.13 of this charter
1173 and for the purposes of the special election to be held in conjunction with the 2018
1174 November general election, the qualified electors of the City of Eagle's Landing shall be
1175 those qualified electors of Henry County residing within the proposed corporate limits of the
1176 City of Eagle's Landing as described by Appendix B of this charter. At subsequent municipal
1177 elections, the qualified electors of the City of Eagle's Landing shall be determined pursuant
1178 to the authority of Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code."

1179 (b) Only for the purpose of holding and conducting the referendum election provided for by
1180 Section 7.13 of this charter and only for the purpose of holding and conducting the special
1181 election of the City of Eagle's Landing to be held in conjunction with the 2018 November
1182 general election, the election superintendent of Henry County is vested with the powers and
1183 duties of the election superintendent of the City of Eagle's Landing and the powers and duties
1184 of the governing authority of the City of Eagle's Landing.

1185 **SECTION 7.13.**

1186 Referendum.

1187 The election superintendent of Henry County shall call a special election for the purpose of
 1188 submitting this Act to the qualified voters of the proposed City of Eagle's Landing, as
 1189 provided in Section 7.12 of this charter, for approval or rejection. The superintendent shall
 1190 set the date of such election for the date of the 2018 general primary. The superintendent
 1191 shall issue the call for such election at least 30 days prior to the date thereof. The
 1192 superintendent shall cause the date and purpose of the election to be published once a week
 1193 for two weeks immediately preceding the date thereof in the official organ of Henry County.

1194 The ballot shall have written or printed thereon the words:

1195 "() YES Shall the Act incorporating the City of Eagle's Landing in Henry County,
 1196 () NO imposing term limits, prohibiting conflicts of interest, and creating
 community improvement districts be approved?"

1197 All persons desiring to vote for approval of the Act shall vote "Yes," and those persons
 1198 desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes
 1199 cast on such question are for approval of the Act, it shall become of full force and effect;
 1200 otherwise, it shall thereafter be void and of no force and effect. The expense of the special
 1201 election set forth in this section shall be borne by Henry County. It shall be the duty of the
 1202 superintendent to hold and conduct such election. It shall be his or her further duty to certify
 1203 the result thereof to the Secretary of State.

1204 **SECTION 7.14.**

1205 Effective dates.

1206 (a) Those provisions of this charter necessary for the special election provided for in
 1207 Section 7.13 of this charter shall become effective immediately upon this Act's approval by
 1208 the Governor or upon its becoming law without such approval.

1209 (b) Those provisions of this Act necessary for the special election to be held in conjunction
 1210 with the 2018 November general election shall be effective upon the certification of the
 1211 results of the referendum election provided for by Section 7.13 of this charter, if this Act is
 1212 approved at such referendum election.

1213 (c) The remaining provisions of this Act shall become of full force and effect for all
 1214 purposes on January 1, 2019, except that the initial mayor and councilmembers shall take
 1215 office immediately following their election and by action of a quorum may, prior to
 1216 January 1, 2019, meet and take actions binding on the city.

1217 **SECTION 7.15.**

1218 Transition.

1219 (a) A period of time will be needed for an orderly transition of various government functions
 1220 from Henry County to the City of Eagle's Landing. Accordingly, there shall be a transition
 1221 period beginning on January 1, 2019, and ending at midnight on the last day of the
 1222 twenty-fourth month following such date. During such transition period, all provisions of
 1223 this charter shall be effective as law, but not all provisions of this charter shall be
 1224 implemented.

1225 (b) During such transition period, Henry County shall provide within the total territorial
 1226 limits of the City of Eagle's Landing all government services and functions which Henry
 1227 County provided in that portion of the area which was previously unincorporated and which
 1228 is now within the corporate limits of the City of Eagle's Landing during 2018 and at the same
 1229 actual cost, except to the extent otherwise provided in this section; provided, however, that
 1230 upon at least 30 days' prior written notice to Henry County by the City of Eagle's Landing,
 1231 responsibility for any such service or function shall be transferred to the City of Eagle's
 1232 Landing. Beginning on January 1, 2019, the City of Eagle's Landing shall collect taxes, fees,
 1233 assessments, fines and forfeitures, and other moneys within the territorial limits of the City
 1234 of Eagle's Landing; provided, however, that upon at least 30 days' prior written notice to
 1235 Henry County by the City of Eagle's Landing, the authority to collect any tax, fee,
 1236 assessment, fine or forfeiture, or other moneys shall remain with Henry County after
 1237 January 1, 2019, until such time as Henry County receives subsequent notice from the City
 1238 of Eagle's Landing that such authority shall be transferred to the City of Eagle's Landing.

1239 (c) During the transition period, the governing authority of the City of Eagle's Landing:

- 1240 (1) Shall hold regular meetings and may hold special meetings as provided in this
- 1241 charter;
- 1242 (2) May enact ordinances and resolutions as provided in this charter;
- 1243 (3) May amend this charter by home rule action as provided by general law;
- 1244 (4) May accept gifts and grants;
- 1245 (5) May borrow money and incur indebtedness to the extent authorized by this charter
- 1246 and general law;
- 1247 (6) May levy and collect an ad valorem tax for calendar years 2019 and 2020;
- 1248 (7) May establish a fiscal year and budget;
- 1249 (8) May create, alter, or abolish departments, boards, offices, commissions, and agencies
- 1250 of the city; appoint and remove officers and employees; and exercise all necessary or
- 1251 appropriate personnel and management functions; and

1252 (9) May generally exercise any power granted by this charter or general law, except to
1253 the extent that a power is specifically and integrally related to the provision of a
1254 governmental service, function, or responsibility not yet provided or carried out by the
1255 city.

1256 (d) Except as otherwise provided in this section, during the transition period, the Municipal
1257 Court of the City of Eagle's Landing shall not exercise its jurisdiction. During the transition
1258 period, all ordinances of Henry County shall be applicable within the territorial limits of the
1259 City of Eagle's Landing and the appropriate court or courts of Henry County shall retain
1260 jurisdiction to enforce such ordinances. However, by appropriate agreement (and concurrent
1261 resolutions and ordinances if needed) Henry County and the City of Eagle's Landing may
1262 during the transition period transfer all or part of such regulatory authority and the
1263 appropriate court jurisdiction to the City of Eagle's Landing. Any transfer of jurisdiction to
1264 the City of Eagle's Landing during or at the end of the transition period shall not in and of
1265 itself abate any judicial proceeding pending in Henry County or the pending prosecution of
1266 any violation of any ordinance of Henry County.

1267 (e) During the transition period, the governing authority of the City of Eagle's Landing may
1268 at any time, without the necessity of any agreement by Henry County, commence to exercise
1269 its planning and zoning powers; provided, however, that the city shall give the county notice
1270 of the date on which the city will assume the exercise of such powers. Upon the governing
1271 authority of the City of Eagle's Landing commencing to exercise its planning and zoning
1272 powers, the Municipal Court of the City of Eagle's Landing shall immediately have
1273 jurisdiction to enforce the planning and zoning ordinances of the city. The provisions of this
1274 subsection shall control over any conflicting provisions of any other subsection of this
1275 section.

1276 (f) During the transition period, all business licenses and permits which were previously
1277 issued by the City of Stockbridge or Henry County shall continue to be effective for the term
1278 for which such licenses and permits were originally issued.

1279 (g) Effective upon the termination of the transition period, subsections (b) through (f) of this
1280 section shall cease to apply except for the last sentence of subsection (d) which shall remain
1281 effective. Effective upon the termination of the transition period, the City of Eagle's Landing
1282 shall be a full-functioning municipal corporation and subject to all general laws of this state.

1283 (h) The City of Eagle's Landing shall be a successor in interest to all intergovernmental
1284 agreements which affect the territory contained within the corporate limits of the city which
1285 are in existence at the time the city is the created.

1286 (I) During the transition period, all existing zoning and land use provisions shall remain in
1287 effect and all valid, existing licenses issued previously to businesses operating in the

1288 corporate limits of the City of Eagle's Landing by the City of Stockbridge or Henry County
 1289 shall continue in force and effect until their expiration.

1290 **SECTION 7.16.**

1291 Directory nature of dates.

1292 It is the intention of the General Assembly that this Act be construed as directory rather than
 1293 mandatory with respect to any date prescribed in this Act. If it is necessary to delay any
 1294 action called for in this Act for providential cause or any other reason, it is the intention of
 1295 the General Assembly that the action be delayed rather than abandoned. Any delay in
 1296 performing any action under this Act, whether for cause or otherwise, shall not operate to
 1297 frustrate the overall intent of this Act. Without limiting the generality of the foregoing it is
 1298 specifically provided that:

1299 (1) If it is not possible to hold the referendum election provided for in Section 7.13 of
 1300 this Act on the date specified in that section, then such referendum shall be held as soon
 1301 thereafter as is reasonably practicable; and

1302 (2) If it is not possible to hold the first municipal election provided for in this Act on the
 1303 date specified in that section, then there shall be a special election for the initial members
 1304 of the governing authority to be held on the next possible special election date authorized
 1305 pursuant to Code Section 21-2-540 of the O.C.G.A.

1306 **ARTICLE VIII**

1307 **COMMUNITY IMPROVEMENT DISTRICTS**

1308 **SECTION 8.10.**

1309 Purpose.

1310 The purpose of this article shall be to provide enabling legislation for the creation of one or
 1311 more community improvement districts within the City of Eagle's Landing, and such district
 1312 or districts may be created for the provision of some or all of the following governmental
 1313 services and facilities as provided and authorized by Article IX, Section VII of the
 1314 Constitution of the State of Georgia and the resolution activating each district as it now exists
 1315 or hereafter amended or supplemented as provided for by law, including, but not limited to:

1316 (1) Street and road construction and maintenance, including curbs, sidewalks, street
 1317 lights, and devices and services to control the flow of traffic on streets and roads or
 1318 services in connection therewith;

1319 (2) Parks and recreational areas and facilities and services;

- 1320 (3) Public transportation, including, but not limited to, services intended to reduce the
 1321 volume of automobile traffic, to transport two or more persons in conveyances, to
 1322 improve air quality, and to provide bicycle and pedestrian facilities and the operation of
 1323 a traffic management association or similar entity and services;
- 1324 (4) Terminal and dock facilities and parking facilities and services; and
- 1325 (5) Such other services and facilities as may be provided for by general law or as the
 1326 Constitution of the State of Georgia may authorize or provide now or hereafter.

1327 **SECTION 8.11.**

1328 Definitions.

1329 As used in this article, the term:

- 1330 (1) "Agricultural" means the growing of crops for sale or the raising of animals for sale
 1331 or use, including the growing of field crops, fruit or nut trees, the raising of livestock or
 1332 poultry, and the operation of dairies, horse boarding facilities, and riding stables.
- 1333 (2) "Board" means the governing body created for the governance of a community
 1334 improvement district herein authorized.
- 1335 (3) "Caucus of electors" or "caucus" means the meeting of electors hereinafter provided
 1336 for at which the elected board members of the district are elected. A quorum at such
 1337 caucus shall consist of those electors present, and a majority of those present and voting
 1338 is necessary to elect board members. No proxy votes shall be cast.
- 1339 (4) "City council" means the city council of the City of Eagle's Landing.
- 1340 (5) "City governing authority or body" means the city council and the mayor.
- 1341 (6) "District" means the geographical area designated as such by the resolution of the
 1342 governing body of the City of Eagle's Landing consenting to the creation of the
 1343 community improvement district or districts or as thereafter modified by any subsequent
 1344 resolution of the governing body or bodies within which the district is or is to be located,
 1345 or a body corporate and politic being a community improvement district created and
 1346 activated pursuant hereto, as the context requires or permits.
- 1347 (7) "Electors" means the owners of real property within the given district which is
 1348 subject to taxes, fees, and assessments levied by the board, as they appear on the most
 1349 recent ad valorem real property tax return records of Henry County, or one officer or
 1350 director of a corporate elector, one trustee of a trust which is an elector, one partner of a
 1351 partnership elector, or one designated representative of an elector whose designation is
 1352 made in writing to the respective county tax commissioner and the city clerk of the City
 1353 of Eagle's Landing at least ten days prior to an election. An owner of property that is
 1354 subject to taxes, fees, or assessments levied by the board shall have one vote for an

1355 election based on numerical majority. An owner of multiple parcels shall have one vote,
 1356 not one vote per parcel, for an election based on numerical majority. Multiple owners of
 1357 one parcel shall have one vote for an election based on numerical majority which must
 1358 be cast by one of their number who is designated in writing.

1359 (8) "Equity electors" means electors who cast votes equal to each \$1,000.00 value of all
 1360 owned real property within the given district which is then subject to taxes, fees, and
 1361 assessments levied by the board. Value of real property shall be the assessed value.

1362 (9) "Forestry" means the planting and growing of trees for sale in a program which
 1363 includes reforestation of harvested trees, regular underbrush and undesirable growth
 1364 clearing, fertilizing, pruning, thinning, cruising, and marking which indicate an active tree
 1365 farming operation. The term does not include the casual growing of trees on land
 1366 otherwise idle or held for investment, even though some harvesting of trees may occur
 1367 thereon.

1368 (10) "Hereby," "herein," "hereunder," and "herewith" mean under this Act.

1369 (11) "Mayor" means the mayor of the City of Eagle's Landing.

1370 (12) "Project" means the acquisition, construction, installation, modification, renovation,
 1371 or rehabilitation of land, interests in land, buildings, structures, facilities, or other
 1372 improvements, including operation of facilities or other improvements, located or to be
 1373 located within or otherwise providing service to the district and the acquisition,
 1374 installation, modification, renovation, rehabilitation, or furnishing of fixtures, machinery,
 1375 equipment, furniture, or other property of any nature whatsoever used on, in, or in
 1376 connection with any such land, interest in land, building, structure, facility, or other
 1377 improvements for the purposes set forth in Section 8.10 of this article.

1378 (13) "Property owner" or "owner of real property" means any entity or person shown as
 1379 a taxpayer for one or more parcels of real estate on the most recent ad valorem tax
 1380 records of Henry County within the district as certified by the Henry County Tax
 1381 Commissioner.

1382 (14) "Property used nonresidentially" means property or any portion thereof used for
 1383 neighborhood shopping, planned shopping centers, general commercial, transient lodging
 1384 facilities, tourist services, office or institutional, office services, light industry, heavy
 1385 industry, central business district, parking, or other commercial or business use or vacant
 1386 land zoned or approved for any of the aforementioned uses which do not include
 1387 residential.

1388 (15) "Residential" means a specific structure, work, or improvement undertaken
 1389 primarily to provide either single family or multifamily dwelling accommodations for
 1390 persons and families of four units or less, and for which an application for homestead
 1391 exemption has been filed and accepted.

1392 (16) "Taxpayer" means an entity or person paying ad valorem taxes on real property,
 1393 whether on one or more parcels of property within the district. Multiple owners of one
 1394 parcel shall constitute one taxpayer and shall designate in writing one of their number to
 1395 represent the whole.

1396 (17) "Value" or "assessed value" of property means the values established in the most
 1397 recent ad valorem tax reassessment of such properties certified by the Henry County
 1398 Board of Tax Assessors.

1399 **SECTION 8.12.**

1400 **Creation.**

1401 Pursuant to Article IX, Section VII of the Constitution of the State of Georgia, there is
 1402 created one or more community improvement districts to be located in the City of Eagle's
 1403 Landing, Georgia, wholly within the incorporated area thereof, which shall be activated upon
 1404 compliance with the conditions set forth in this section. Each district, if more than one are
 1405 implemented, shall be governed as directed by this article. The conditions for such activation
 1406 shall be:

1407 (1) The adoption of a resolution consenting to the creation of the community
 1408 improvement district or districts by the governing authority for the City of Eagle's
 1409 Landing and imposing such conditions on the projects and activities which may be
 1410 undertaken as will ensure their compatibility with adopted city policies and planning for
 1411 the area; and

1412 (2) The written consent to the creation of the community improvement district by:

1413 (A) A majority of the owners of real property within the given district which will be
 1414 subject to taxes, fees, and assessments levied by the board of the given district; and

1415 (B) The owners of real property within the given district which constitutes at
 1416 least 75 percent by value of all real property within the district which will be subject to
 1417 taxes, fees, and assessments levied by the board. For this purpose, value shall be
 1418 determined by the most recent approved county ad valorem tax digest.

1419 The written consent provided for in this paragraph shall be submitted to the Henry
 1420 County tax commissioner, who shall certify whether subparagraphs (A) and (B) of this
 1421 paragraph have been satisfied with respect to such proposed district. The district or
 1422 districts or respective board or boards created under this article shall not transact any
 1423 business or exercise any powers under this article until the foregoing conditions are met.
 1424 A copy of such resolutions shall be filed with the Secretary of State and with the city
 1425 clerk of the City of Eagle's Landing, who shall each maintain a record of the district
 1426 activated under this article. Nothing contained herein shall limit the ability of the

1427 governing authority of the City of Eagle's Landing to implement more than one
 1428 community improvement district so long as the requirements hereof and of the
 1429 Constitution of the State of Georgia are satisfied. The provisions of this article shall be
 1430 construed so as to provide for the independent application and exercise of all powers for
 1431 each district contained herein including the ability to levy taxes as outlined herein as
 1432 separately and independently authorizing and empowering such separate community
 1433 improvement districts created hereby. Nothing contained herein shall require the
 1434 governing authority of the City of Eagle's Landing to create more than one community
 1435 improvement district, or to require the creation of a new district if the district boundaries
 1436 of an existing district are changed, added to, supplemented, or modified.

1437 **SECTION 8.13.**

1438 Administration, appointment, and election of board members.

1439 Each district created pursuant hereto shall be administered either by the governing authority
 1440 or by a board as prescribed under this article. In the event that a district is to be governed by
 1441 such a board, the board shall be composed of a minimum of seven board members to be
 1442 appointed and elected as hereinafter provided:

1443 (1) Two board members shall be appointed by the Mayor of the City of Eagle's Landing,
 1444 and confirmed by a majority of the city council, one of whom shall be a member of the
 1445 city council, to serve in Posts 6 and 7. Two board members shall be elected by the vote
 1446 of electors, and three members shall be elected by the vote of equity electors. The
 1447 members representing the electors and equity electors shall be elected to serve in post
 1448 positions 1 through 5, respectively. Each elected board member shall receive a majority
 1449 of the votes cast for the post for which he or she is a candidate. Votes for Posts 1 and 2
 1450 shall be cast by electors, and votes for Posts 3, 4, and 5 shall be cast by the equity
 1451 electors. The initial term of office for the members representing Posts 1 and 3 shall be
 1452 one year. The initial term of office for the members representing Posts 2 and 5 shall be
 1453 two years, and the initial term of office of the members representing Post 3 shall be three
 1454 years. Thereafter, all terms of office shall be for four years, except the appointed board
 1455 members who shall serve at the pleasure of the appointing body which appointed him or
 1456 her. Elected board members shall be subject to recall in the same manner as elected.

1457 (2) The initial board members to be elected as provided in paragraph (1) of this section
 1458 shall be elected in a caucus of electors which shall be held within 120 days after the
 1459 adoption of the resolution by the City of Eagle's Landing consenting to the creation of the
 1460 district, and the obtaining of the written consents herein provided at such time and place
 1461 within the district as the City of Eagle's Landing shall designate after notice thereof shall

1462 have been given to said electors by publishing same in the legal organ of Henry County
 1463 as hereinafter provided. Thereafter, there shall be conducted annually, not later than 120
 1464 days following the last day for filing ad valorem real property tax returns in Henry
 1465 County, a caucus of said electors at such time and place within the district as the board
 1466 shall designate in such notice for the purpose of electing board members to those board
 1467 member positions whose terms expire or are vacant. If a vacancy occurs in an elected
 1468 position on the board, the board shall, within 60 days thereof, call a special election to fill
 1469 the same to be held within 60 days of the call unless such vacancy occurs within 180 days
 1470 of the next regularly scheduled election, in which case a special election may, but need
 1471 not, be called. For any election held hereunder, notice thereof shall be given to said
 1472 electors by publishing notice thereof in the legal organ of Henry County at least once
 1473 each week for four weeks prior to such election.

1474 (3) Board members shall receive no compensation for their services, but shall be
 1475 reimbursed for actual expenses reasonably incurred in the performance of their duties.
 1476 They shall elect one of their number as chairperson and another as vice chairperson.
 1477 They shall also elect a secretary and a treasurer, or a secretary/treasurer, either of whom
 1478 may, but need not, be a member of the board or an elector.

1479 (4) If the boundaries of a district are subsequently changed after creation of the district
 1480 to include land within the unincorporated area of the county or a municipality which was
 1481 not a party to the creation of the district, or if a municipality's boundaries are changed to
 1482 include land within an existing district, the governing authority of the municipality shall
 1483 acquire the right to appoint a member to the board of the district upon entering into the
 1484 cooperation agreement provided for in Section 8.17 of this article. If, by municipal
 1485 annexation or by deannexation of land from a district, the district no longer includes land
 1486 within the incorporated area of the City of Eagle's Landing or within a municipality,
 1487 respectively, then the board member of the district appointed by such governing authority
 1488 in which the district is no longer located shall cease to be a board member.

1489 (5) Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," shall not apply
 1490 to the election of district board members. Should a vacancy in office of a district board
 1491 member occur, and the regular caucus of electors is more than six months in the future,
 1492 a special election shall be called to fill such vacancy, unless it is filled by appointment
 1493 as hereinabove required. The district board may adopt such bylaws not inconsistent
 1494 herewith to provide for any matter concerning such elections.

1495 **SECTION 8.14.**

1496 Taxes, fees, and assessments.

1497 (a) The board may levy taxes, fees, and assessments within the district only on real property
1498 used nonresidentially, specifically excluding all property exempt from ad valorem taxation
1499 under the Constitution or laws of the State of Georgia; all property used for residential,
1500 agricultural, or forestry purposes; and all tangible personal property and intangible property.
1501 Any tax, fee, or assessment so levied shall not exceed 2.5 percent of the aggregate assessed
1502 value of all such real property, subject to such limitations as the governing authority for the
1503 City of Eagle's Landing may implement with the adoption of the resolution consenting to the
1504 creation of said district. The taxes, fees, and assessments levied by the board shall be
1505 equitably apportioned among the properties subject to such taxes, fees, and assessments
1506 according to the need for governmental services and facilities created by the degree of
1507 density of development of each such property. The proceeds of taxes, fees, and assessments
1508 levied by the board shall be used only for the purpose of providing those governmental
1509 services and facilities set forth in Section 8.10 of this article which are specially required by
1510 the degree of density of development within the district and not for the purpose of providing
1511 those governmental services and facilities provided to the municipality as a whole. Any tax,
1512 fee, or assessment so levied shall be collected by the City of Eagle's Landing in the same
1513 manner as taxes, fees, and assessments are levied by the City of Eagle's Landing. Delinquent
1514 taxes shall bear the same interest and penalties as City of Eagle's Landing ad valorem taxes
1515 and may be enforced and collected in the same manner. The proceeds of taxes, fees, and
1516 assessments so levied, less a fee to cover the costs of collection of 0.25 percent thereof, but
1517 not more than \$10,000.00 in any one calendar year, shall be transmitted as soon as they are
1518 acquired by the City of Eagle's Landing to the board, and shall be expended by the board
1519 only for the purposes authorized hereby.

1520 (b) The board shall levy the taxes provided for in subsection (a) of this section subsequent
1521 to the report of the assessed taxable values for the current calendar year and notify in writing
1522 the collecting governing bodies so they may include the levy on their regular ad valorem tax
1523 bills, if possible.

1524 (c) There shall be a segregation of all funds from the levy of taxes, fees, and assessments as
1525 described hereunder for the district, and neither the City of Eagle's Landing nor the
1526 respective county tax commissioner shall expend for any purpose not authorized by the board
1527 of this district any such taxes, fees, or charges assessed and collected hereunder except for
1528 such costs as may be attributed to the billing and collection of such fees, levies, and
1529 assessments.

1530 (d) If, but for this provision, a parcel of real property is removed from a district or otherwise
1531 would become nontaxable, it shall continue to bear the tax millage levied by the district then
1532 extant upon such parcel for indebtedness of the district then outstanding until said
1533 indebtedness is paid or refunded.

1534 **SECTION 8.15.**

1535 Boundaries of the district.

1536 (a) The boundaries of the district or districts shall be as designated as such by the City of
 1537 Eagle's Landing as set forth in the resolution required in Section 8.12 of this article, or as
 1538 may thereafter be added as hereinafter provided.

1539 (b) The boundaries of the district or districts may be increased after the initial creation of a
 1540 district if:

1541 (1) Written consent of the owners of any real property sought to be annexed is first
 1542 obtained;

1543 (2) The board of the district adopts a resolution consenting to the annexation; and

1544 (3) A resolution is adopted which grants consent to the annexation by the governing
 1545 authority of such municipalities as may have area within the district before or after the
 1546 annexation.

1547 **SECTION 8.16.**

1548 Debt.

1549 Except as otherwise provided in this section, the district may incur debt without regard to the
 1550 requirements of Article IX, Section V of the Constitution of the State of Georgia, which debt
 1551 shall be backed by the full faith and credit and taxing power of the district but shall not be
 1552 an obligation of the State of Georgia or any other unit of government of the State of Georgia
 1553 other than the district; provided, however, that the board and the district may not issue bonds
 1554 validated under or in accordance with Article 3 of Chapter 82 of Title 36 of the O.C.G.A.,
 1555 known as the "Revenue Bond Law," or in accordance with such other successor provisions
 1556 governing bond validation generally or as may be provided by law.

1557 **SECTION 8.17.**

1558 Cooperation with local governments.

1559 The services and facilities provided pursuant hereto may be provided for in a cooperation
 1560 agreement executed jointly by the board, the governing body of the City of Eagle's Landing,
 1561 and any municipalities and other governmental authorities or agencies within which the
 1562 district is partially located. The provisions of this section shall in no way limit the authority
 1563 of the City of Eagle's Landing or any such municipality or any such authority to provide
 1564 services or facilities within the district; and the City of Eagle's Landing or such
 1565 municipalities shall retain full and complete authority and control over any of its facilities

1566 located within its respective areas of any district. Said control shall include, but not be
 1567 limited to, the modification of, access to, and degree and type of services provided through
 1568 or by facilities of the municipality or county. Nothing contained in this section shall be
 1569 construed to limit or preempt the application of any governmental laws, ordinances,
 1570 resolutions, or regulations to the district or the services or facilities provided therein.

1571 **SECTION 8.18.**

1572 Powers.

1573 (a) The district and the board created pursuant hereto shall have all of the powers necessary
 1574 or convenient to carry out and effectuate the purposes and provisions hereof, including,
 1575 without limiting the generality of the foregoing, the power to:

1576 (1) Bring and defend actions;

1577 (2) Adopt and amend a corporate seal;

1578 (3) Make and execute contracts, agreements, and other instruments necessary or
 1579 convenient to exercise the powers of the board or to further the public purposes for which
 1580 the district is created including, but not limited to, contracts for construction of projects,
 1581 leases of projects, contracts for sale of projects, agreements for loans to finance projects,
 1582 contracts with respect to the use of projects, and agreements with other jurisdictions or
 1583 community improvement districts regarding multijurisdictional projects or services or for
 1584 other cooperative endeavors to further the public purposes of the district;

1585 (4) Acquire by purchase, lease, or otherwise and to hold, lease, and dispose of real and
 1586 personal property of every kind and character, or any interest therein, in furtherance of
 1587 the public purposes of the district;

1588 (5) Finance by loan, private grant, lease, or otherwise, construct, erect, assemble,
 1589 purchase, acquire, own, repair, remodel, renovate, rehabilitate, modify, maintain, extend,
 1590 improve, install, sell, equip, expand, add to, operate, or manage projects and to pay the
 1591 cost of any project from the proceeds of the district or any other funds of the district, or
 1592 from any contributions or loans by persons, corporations, partnerships, whether limited
 1593 or general, or other entities, all of which the board is authorized to receive, accept, and
 1594 use;

1595 (6) Borrow money to further or carry out its public purposes and to execute bonds, notes,
 1596 other obligations, leases, trust indentures, trust agreements, agreements for the sale of its
 1597 notes, or other obligations, loan agreements, security agreements, assignments, and such
 1598 other agreements or instruments as may be necessary or desirable, in the judgment of the
 1599 board, to evidence and to provide security for such borrowing;

- 1600 (7) Issue notes or other obligations of the district and use the proceeds thereof for the
1601 purpose of paying all or any part of the cost of any project and otherwise to further or
1602 carry out the public purposes of the district and to pay all reasonably incurred costs of the
1603 board incidental to, or necessary and appropriate to, furthering or carrying out such
1604 purposes; provided, however, that the board and the district may not issue bonds
1605 validated under or in accordance with Article 3 of Chapter 82 of Title 36 of the O.C.G.A.,
1606 known as the "Revenue Bond Law," or in accordance with such other successor
1607 provisions governing bond validation generally or as may be provided by law;
- 1608 (8) Make application directly or indirectly to any private source for loans, grants,
1609 guarantees, or other financial assistance in furtherance of the district's public purposes
1610 and to accept and use the same upon such terms and conditions as are prescribed by such
1611 private source; provided, however, that the district and the board shall not have the power
1612 to apply for, receive, administer, or utilize grants from federal, state, county, or municipal
1613 governments or agencies or any other public sources;
- 1614 (9) Enter into agreements with the federal government or any agency thereof to use the
1615 facilities or services of the federal government or any agency thereof in order to further
1616 or carry out the public purposes of the district;
- 1617 (10) Contract for any period, not exceeding 50 years, with the State of Georgia, state
1618 institutions, or any municipal corporation, county, or political subdivision of this state for
1619 the use by the district of any facilities or services of the state or any such state institution,
1620 municipal corporation, county, or political subdivision of this state, or for the use by any
1621 state institution or any municipal corporation, county, or political subdivision of this state
1622 of any facilities or services of the district, provided that such contracts shall deal with
1623 such activities and transactions as the district and any such political subdivision with
1624 which the district contracts are authorized by law to undertake;
- 1625 (11) Grant, mortgage, convey, assign, or pledge its property, revenues or taxes, or fees
1626 or assessments to be received as security for its notes, or other indebtedness and
1627 obligations;
- 1628 (12) Receive and use the proceeds of any tax levied by any county or any municipal
1629 corporation to pay the costs of any project or for any other purpose for which the board
1630 may use its own funds pursuant hereto;
- 1631 (13) Receive and administer gifts, private grants, and devises of money and property of
1632 any kind and to administer trusts;
- 1633 (14) Use any real property, personal property, or fixtures or any interest therein or to rent
1634 or lease such property to or from others or make contracts with respect to the use thereof
1635 or to sell, lease, exchange, transfer, assign, pledge, or otherwise dispose of or grant

1636 options for any such property in any manner as it deems to be the best advantage of the
 1637 district and the public purposes thereof;

1638 (15) Appoint, select, and employ engineers, surveyors, architects, urban or city planners,
 1639 fiscal agents, attorneys, and others and to fix their compensation and pay their expenses;

1640 (16) Encourage and promote the improvement and development of the district and to
 1641 make, contract for, or otherwise cause to be made long range plans or proposals for the
 1642 district in cooperation with the City of Eagle's Landing and any municipal corporations
 1643 in which the district is wholly or partially located;

1644 (17) Invest its funds, whether derived from the issuance of its bonds or otherwise, in such
 1645 manner as it may deem prudent and appropriate, without further restriction;

1646 (18) Adopt bylaws governing the conduct of business by the board, the election and
 1647 duties of officers of the board, and other matters which the board determines to deal
 1648 within its bylaws;

1649 (19) Exercise any power granted by the laws of this state to public or private
 1650 corporations which is not in conflict with the public purposes of the district; and

1651 (20) Do all things necessary or convenient to carry out the powers conferred hereby.

1652 (b) The powers enumerated in subsection (a) of this section are cumulative of and in addition
 1653 to those powers enumerated herein and elsewhere in this article, and no such power limits
 1654 or restricts any other power of the board except where expressly noted.

1655 **SECTION 8.19.**

1656 Construction; notice, proceeding, publication, referendum.

1657 This article shall be liberally construed to effect the purposes hereof. No notice, proceeding,
 1658 or publication except those required hereby shall be necessary to the performance of any act
 1659 authorized hereby, nor shall any such act be subject to referendum.

1660 **SECTION 8.20.**

1661 Applicability of Chapter 5 of Title 10 of the O.C.G.A.,
 1662 the "Georgia Securities Act of 1973."

1663 The offer, sale, or issuance of notes or other obligations by the district shall not be subject
 1664 to regulation under Chapter 5 of Title 10 of the O.C.G.A., the "Georgia Securities Act of
 1665 1973."

SECTION 8.21.

Dissolution.

1666
1667

1668
1669
1670
1671
1672
1673
1674
1675
1676
1677
1678
1679
1680
1681
1682
1683
1684
1685
1686
1687
1688
1689
1690
1691
1692
1693
1694
1695
1696
1697
1698

(a) A district activated under the provisions of this article may be dissolved upon the occurrence of any of the following:

(1) The adoption of a resolution approving of the dissolution of the community improvement district by the City of Eagle's Landing and such other municipalities, as applicable, if partially within one or more municipalities; or

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

(A) A majority of the owners of real property within the district subject to taxes, fees, and assessments levied by the board of the district; or

(B) The owners of real property constituting at least 75 percent by value of all real property within the district subject to taxes, fees, and assessments levied by the board.

For this purpose, value shall be determined by the most recent approved county ad valorem tax digest.

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

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

(c) Upon a successful dissolution action, all noncash assets of the district other than public facilities or land or easements to be used for such public facilities, as described in Section 8.10 of this article, shall be reduced to cash and, along with all other cash on hand, shall be applied to the repayment of any debt obligation of the district. Any cash remaining after all outstanding obligations are satisfied shall be refunded to each property owner in direct proportion to the total amount in taxes, fees, or assessments paid by the property owner relative to the total revenues paid by all properties in the district.

(d) When a dissolution becomes effective, the municipal governing authority shall take title to all property previously in the ownership of the district and all taxes, fees, and assessments of the district shall cease to be levied and collected.

(e) A district may be reactivated in the same manner as an original activation.

1699 ARTICLE IX
 1700 GENERAL REPEALER
 1701 **SECTION 9.10.**
 1702 General repealer.

1703 All laws and parts of laws in conflict with this Act are repealed.

1704 APPENDIX A
 1705 Corporate Boundaries of the City of Eagle's Landing

1706 The City of Eagle's Landing shall include all the territory embraced within the following
 1707 census blocks based upon the 2010 United States decennial census:

1708 Plan: eagleslanding-city-2017

1709 Plan Type: Local

1710 Administrator: S017

1711 User: Gina

1712 District EAGLESLAND

1713 Henry County

1714 VTD: 15133 - SPIVEY COMMUNITY

1715 070104:

1716 1001 1055 1056

1717 VTD: 15138 - HICKORY FLAT

1718 070205:

1719 1002 3002 3021 3026 3028 3030 3031 3033 3035 3036 3037 3038

1720 3039 3040 3041 3042 3043 3044 3045 3046 3047 3051 3052

1721 070309:

1722 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023 1024 1025

1723 1026 1027 1028 1032 1033 1034 1035 1036 2037 2038 2039 2040

1724 2041 2042 2043 2044 2045 2046 2047 2048 2049 2055

1725 VTD: 15139 - STOCKBRIDGE EAST

1726 070114:

1727 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011

1728 1022 1024 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034

1729 1035 1036 1037 1038 1044 1048 1049 1050 1053 1054 1055 1056

1730 1057 1058 1062 1067 2027 2028 2031 2032

1731 070309:
 1732 1000
 1733 VTD: 15140 - STOCKBRIDGE WEST
 1734 070114:
 1735 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1023 1051
 1736 1063

 1737 VTD: 15142 - COTTON INDIAN
 1738 070205:
 1739 3012
 1740 VTD: 15150 - PATES CREEK
 1741 070104:
 1742 1037 1038 1039 1040 1041 1042 1043 1046 1047 1048 1049 1050
 1743 1051 1052 1053 1054 1058 1059 1060 1061 1062 1063 1064 1065
 1744 1066 1067 1068 1069 1070 1071 1072 1073 1074 1075 2000 2001
 1745 2002 2003 2004 2005 2006 2007 2008 2009 2010
 1746 070305:
 1747 3000 3001 3002 3003 3004 3005 3006

 1748 VTD: 15153 - FLIPPEN
 1749 VTD: 15157 - DUTCHTOWN
 1750 070305:
 1751 3007 3008 3009 3010 3011 3012 3015 3019 3020

 1752 VTD: 15160 - LAKE HAVEN
 1753 070309:
 1754 1029
 1755 070310:
 1756 2001

1757 For the purposes of this description, the term "VTD" shall mean and describe the same
 1758 geographical boundaries as provided in the report of the Bureau of the Census for the United
 1759 States decennial census of 2010 for the State of Georgia. The separate numeric designations
 1760 in the description which are underneath a VTD heading shall mean and describe individual
 1761 blocks within a VTD as provided in the report of the Bureau of the Census for the United
 1762 States decennial census of 2010 for the State of Georgia.

1763 APPENDIX B
1764 City Council Districts

1765 Plan: eagleslanding-dist-2017

1766 Plan Type: Local

1767 Administrator: S017

1768 User: Gina

1769 District 001

1770 Henry County

1771 VTD: 15133 - SPIVEY COMMUNITY

1772 070104:

1773 1001

1774 VTD: 15150 - PATES CREEK

1775 070104:

1776 1037 1038 1039 1040 1041 1042 1043 1046 1047 1048 1049 1050

1777 1051 1052 1065 1066 1067 1068 1069 1070 1071 1074 1075 2000

1778 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010

1779 070305:

1780 3000 3001 3002 3003 3004 3005 3006

1781 VTD: 15153 - FLIPPEN

1782 070114:

1783 1045 1046 1047 1059 1060 1061 1064 1065 1066

1784 070309:

1785 2011 2012 2013 2014 2015 2016 2017 2018 2019 2020 2021 2022

1786 2023 2024 2026 2050 2053 2054

1787 VTD: 15157 - DUTCHTOWN

1788 070305:

1789 3007 3008 3009 3010 3011 3012 3015 3019 3020

1790 District 002

1791 Henry County

1792 VTD: 15133 - SPIVEY COMMUNITY

1793 070104:

1794 1055 1056

1795 VTD: 15139 - STOCKBRIDGE EAST
 1796 070114:
 1797 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011
 1798 1022 1024 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034
 1799 1035 1036 1037 1038 1044 1048 1049 1050 1053 1054 1055 1056
 1800 1057 1058 1062 1067 2027 2028 2031 2032
 1801 070309:
 1802 1000
 1803 VTD: 15140 - STOCKBRIDGE WEST
 1804 070114:
 1805 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1023 1051
 1806 1063
 1807 VTD: 15142 - COTTON INDIAN
 1808 070205:
 1809 3012
 1810 VTD: 15150 - PATES CREEK
 1811 070104:
 1812 1053 1054 1058 1059 1060 1061 1062 1063 1064 1072 1073
 1813 VTD: 15153 - FLIPPEN
 1814 070205:
 1815 3013

 1816 District 003
 1817 Henry County
 1818 VTD: 15138 - HICKORY FLAT
 1819 070309:
 1820 2046 2047 2048
 1821 VTD: 15153 - FLIPPEN
 1822 070114:
 1823 1039 1040 1041 1042 1043 1052 2029 2030
 1824 070205:
 1825 3009 3010 3011 3014 3015
 1826 070309:
 1827 1001 1002 1003 1004 1005 1006 1037 2000 2001 2002 2003 2004
 1828 2005 2006 2007 2008 2009 2010 2025 2027 2028 2029 2030 2031
 1829 2032 2033 2034 2035 2036 2051 2052

1830 District 004
 1831 Henry County
 1832 VTD: 15138 - HICKORY FLAT
 1833 070205:
 1834 1002 3002 3021 3026 3028 3030 3031 3033 3035 3036 3037 3038
 1835 3039 3040 3041 3042 3043 3044 3045 3046 3047 3051 3052
 1836 070309:
 1837 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023 1024 1025
 1838 1026 1027 1028 1032 1033 1034 1035 1036 2037 2038 2039 2040
 1839 2041 2042 2043 2044 2045 2049 2055
 1840 VTD: 15153 - FLIPPEN
 1841 070309:
 1842 1007 1008 1009 1010 1011 1012 1013
 1843 VTD: 15160 - LAKE HAVEN
 1844 070309:
 1845 1029
 1846 070310:
 1847 2001

1848 For the purposes of this plan (eagleslanding-dist-2017):

1849 (1) The term "VTD" shall mean and describe the same geographical boundaries as
 1850 provided in the report of the Bureau of the Census for the United States decennial census
 1851 of 2010 for the State of Georgia. The separate numeric designations in a district
 1852 description which are underneath a VTD heading shall mean and describe individual
 1853 blocks within a VTD as provided in the report of the Bureau of the Census for the United
 1854 States decennial census of 2010 for the State of Georgia;

1855 (2) Except as otherwise provided in the description of any district, whenever the
 1856 description of any district refers to a named city, it shall mean the geographical
 1857 boundaries of that city as shown on the census maps for the United States decennial
 1858 census of 2010 for the State of Georgia;

1859 (3) Any part of the City of Eagle's Landing which is not included in any district
 1860 described in this plan (eagleslanding-dist-2017) shall be included within that district
 1861 contiguous to such part which contains the least population according to the United States
 1862 decennial census of 2010 for the State of Georgia; and

1863 (4) Any part of the City of Eagle's Landing which is described in this plan
 1864 (eagleslanding-dist-2017) as being included in a particular district shall nevertheless not
 1865 be included within such district if such part is not contiguous to such district. Such

1866 noncontiguous part shall instead be included within that district contiguous to such part
 1867 which contains the least population according to the United States decennial census
 1868 of 2010 for the State of Georgia.

1869 APPENDIX C

1870 CERTIFICATE AS TO MINIMUM STANDARDS

1871 FOR INCORPORATION OF A NEW MUNICIPAL CORPORATION

1872 I, Rick Jeffares, Georgia State Senator from the 17th District and the author of this bill
 1873 introduced at the 2017 session of the General Assembly of Georgia, which grants an original
 1874 municipal charter to the City of Eagle's Landing, do hereby certify that this bill is in
 1875 compliance with the minimum standards required by Chapter 31 of Title 36 of the O.C.G.A.
 1876 in that the area embraced within the original incorporation in this bill is in all respects in
 1877 compliance with the minimum standards required by Chapter 31 of Title 36 of the O.C.G.A.
 1878 This certificate is executed to conform to the requirements of Code Section 36-31-5 of the
 1879 O.C.G.A.

1880 So certified, this _____ day of _____, 2017.

1881

1882

Honorable Rick Jeffares

1883

Senator, 17th District

1884

Georgia State Senate