

**INTERGOVERNMENTAL AGREEMENT FOR THE  
PROVISION OF ELECTION SERVICES BETWEEN  
FULTON COUNTY, GEORGIA and  
CITY OF SOUTH FULTON, GEORGIA**

THIS INTERGOVERNMENTAL AGREEMENT is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2023, between Fulton County, Georgia (“County”), a political subdivision of the State of Georgia, and the City of South Fulton, Georgia (“City”), a municipal corporation lying wholly or partially within the County (each a “Party” and collectively the “Parties”).

**WHEREAS**, the Parties to this Agreement are both governmental units; and

**WHEREAS**, the County and the City desire to maintain a mutually beneficial, efficient, and cooperative relationship that will promote the interests of the citizens of both jurisdictions; and

**WHEREAS**, the City desires to contract with the County to conduct the City’s 2023 general election and potential runoff elections for the citizens of the City pursuant to the applicable laws of the State of Georgia; and

**WHEREAS**, the City and the County are authorized by Art. IX, Sec. III, Par. I of the Constitution of the State of Georgia to contract for any period not exceeding fifty (50) years for the provision of facilities or services which they are authorized by law to provide, including an agreement for the conduct of the City elections; and

**WHEREAS**, O.C.G.A. § 21-2-45(c) authorizes the governing authority of any municipality to contract with the County within which that municipality wholly or partially lies to conduct any or all elections; and

**WHEREAS**, pursuant to O.C.G.A. § 21-2-45(c), a municipality, via adoption of an ordinance, may authorize a county to conduct such election(s), and the City has adopted such an ordinance; and

**WHEREAS**, pursuant to O.C.G.A. § 21-2-45(c), a municipality may request that the county perform all duties as superintendent of elections as specified in Title 21 of Georgia Law.

**NOW THEREFORE**, in consideration of the following mutual obligations, the County and City agree as follows:

**ARTICLE 1 - CONDUCT OF ELECTIONS**

1.1 This Agreement will govern the conduct of any and all elections which the City requests the County to conduct, including any and all runoffs which may be necessary. It is the intent of the Parties that any elections which the County has agreed to perform based on the City’s request

("City Elections") shall be conducted in compliance with all applicable federal, state, and local legal requirements.

1.2 For each election that the City would like the County to perform, the City, at its sole option, shall submit to County a request for the County to conduct the City's municipal election, in the form attached hereto as Exhibit A. Requests must be made and received at the address specified in the Notice Section below no later than March 31, 2023 to allow the County sufficient advance time and notice to adequately prepare to conduct the City Election. If a request is not made and received within the prescribed time, the County shall not conduct the City's election even if the City has so requested the County conduct an election.

1.3 In the event the City requires a special election as defined by O.C.G.A. § 21-2-2(33), the City and the County shall confer as allowed by law and determine the cost the City will pay for the County's election services, and a mutually convenient date to conduct any such election.

## **ARTICLE 2 - TERM OF AGREEMENT**

This Agreement shall commence on the date that it is executed by the Chairman or on behalf of the governing authority of Fulton County, Georgia and will terminate on December 31, 2023, unless otherwise terminated as set forth herein.

## **ARTICLE 3 - DUTIES AND RESPONSIBILITIES**

Pursuant to this Agreement, and contingent upon the City's timely request and agreement by the County to conduct a City election, each Party shall provide the following enumerated services for the election to be held November 7, 2023, and any associated runoff elections which may occur:

3.1 The County, through the Department of Registration and Elections ("DRE") or their designee(s), shall be responsible for:

- a) Designating early and advance voting sites and hours;
- b) Placing the City's candidate(s) on the electronic and printed ballots for City Elections after qualifying;
- c) Placing the City's referendum question(s) on the ballot for a City Election after timely written notice from the City is received by the County (which such notice shall include all necessary details and information);
- d) Hiring, training, supervising, and paying poll officers and absentee ballot clerks;
- e) Preparing and submitting to the City Clerk, as required by O.C.G.A. § 21-2-224(e), a list of electors;



- f) Performing duties of elections Superintendent and absentee ballot clerk for the November 7, 2023 City Election;
- g) Performing logic and accuracy testing as required by Sections 183-1-12-.08 of the Official Compilation of Rules and Regulations of the State of Georgia;
- h) Providing staff, equipment and supplies for conducting the November 7, 2023 City general election at City polling places on City Election days and for conducting recounts as may be required;
- i) Certifying City Election returns as required by O.C.G.A. § 21-2-493, and submitting certified City Election returns to the Georgia Secretary of State and City Clerk or as otherwise directed; and
- j) Upon a change in City precincts or voter districts, notifying City residents of any change in voting districts and/or municipal precincts.

3.2 The City shall be responsible for:

- a) Recommending, with the understanding that the County shall make the final determination of, early voting sites and hours of operation to the County in conformance with current election laws and regulations;
- b) Adopting Election ordinances pursuant to O.C.G.A. § 21-2-45(c);
- c) Preparing qualifying materials for potential candidates and performing qualifying of candidates, including any write-in candidates, for City Elections as required by state law, specifically O.C.G.A. § 21-2-130 *et seq.*;
- d) Fixing and publishing the qualifying fee as required by O.C.G.A. § 21-2-131;
- e) Collecting and retaining the qualifying fee as required by O.C.G.A. § 21-2-131, as it may be amended;
- f) Performing filing officer duties as required by the Georgia Government Transparency and Campaign Finance Commission for any and all state reports filed by the candidates or committees in conjunction with City Elections to ensure compliance with Title 21, Chapter 5 of the Official Code of Georgia;
- g) Verifying the City's voter list and street maintenance files by June 21, 2023.
- h) Providing the County with an electronic copy of referendums that must be placed on a ballot;

- i) Reviewing ballot proofs and notifying County of corrections or approval within twenty-four (24) hours of receiving proofs for candidate listings; and
- j) Otherwise cooperating with the County in the performance of this Agreement and providing the County such documentation and information as it may reasonably request to facilitate the performance of its duties under this Agreement.

#### **ARTICLE 4 - COMPENSATION AND CONSIDERATION**

4.1 To conduct the general elections and associated run-off elections for all fifteen (15) municipalities within the County's geographical territory, the County estimates that the total cost to the County will be \$5,720,000.00 to conduct general municipal elections and \$2,451,900.00 to conduct any associated runoff elections.

4.2 In consideration for the County's election services, the City shall pay an estimated pro-rata share of the total election cost based on the City's number of registered voters. Payments must be received by the County at least four (4) months prior to the date of the City's scheduled general election and two (2) weeks prior to any associated run-off election.

4.3 The City's estimated pro-rata share of the total election cost presently is **\$388,065.88**. This amount is subject to recalculation if the County does not provide all cities within the County's jurisdictional limits with election assistance in 2023. The County will notify the City of any change in the City's estimated pro-rata share no later than September 1, 2023.

4.4 If the estimated pro-rata share payment results in the City making payments in excess of the actual cost of performing the City's requested election services, such excess payments shall be refunded to the City.

4.5 If the actual cost to the County to conduct the City's general election or associated runoff elections exceeds the estimated pro-rata share advance payment made by the City, the City shall pay such excess amount to the County within thirty (30) days of the County's request for payment of the excess amount. Failure on the part of the City to remit payment timely is a material breach of this Agreement.

4.6 Notwithstanding anything else in this Agreement to the contrary, in compliance with O.C.G.A. § 21-2-45(c), the City understands and agrees that it shall be responsible for paying all costs incurred by the County in performing election services which the City has requested from the County.

#### **ARTICLE 5 - LEGAL RESPONSIBILITIES**

5.1 The City shall be solely responsible for any liability resulting from any claims or litigation arising from or pertaining to any City Election, except claims or litigation regarding the acts of agents or employees of the County, the County Board of Registration and Elections, and the County Election Superintendent in connection with any City Election held pursuant to this Agreement. The City agrees to reimburse the County for all costs, including, but not limited to,



court costs and attorney fees for the County Attorney or outside counsel, incurred by the County as a result of any such claim or litigation. The City shall make payment of such reimbursements to the County within thirty (30) days of receipt of any invoice for reimbursement from the County.

5.2 In the event that a City Election is contested, the City shall be solely responsible for any liability resulting from any claims or litigation arising from or pertaining to any contested City Election, except claims or litigation regarding the acts of agents or employees of the County, the County Board of Registrations and Elections, and the County Election Superintendent in connection with any City Election held pursuant to this Agreement. The City agrees to reimburse the County for all costs incurred in responding to the election challenge, including, but not limited to, attorney's fees for the County Attorney or outside counsel and all expenses associated with the election challenge and any appeals thereafter. The City shall make payment of such reimbursements to the County within thirty (30) days of receipt of any invoice for reimbursement from the County. If a second election is required, such election will constitute a City Election under this Agreement and shall be conducted in accordance with the terms of this Agreement.

5.3 To the extent allowed by law, the City agrees to defend and hold harmless the County with respect to any claim, demand, action, damages, judgment, cost and/or expenses (including, without limitation, reasonable attorney's fees and legal expenses) to which the County may be subjected as a consequence of or as a result of any error, omission, tort, intentional tort, willful misconduct, or any other negligence on the part of the City and/or its employees.

5.4 To the extent allowed by law, the County agrees to defend and hold harmless the City with respect to any claim, demand, action, damages, judgment, cost and/or expenses (including, without limitation, reasonable attorney's fees and legal expenses) to which the City may be subjected as a consequence of or as a result of willful misconduct on the part of the County and/or its employees.

5.5 It is the intent of the Parties for them, along with their officials, officers, employees and agents to be covered under the auspices of any applicable immunity granted by law, including sovereign immunity and official or qualified immunities.

5.6 Should it be necessary to comply with legal requirements that any of the County's personnel shall be sworn in as a temporary officer or employee of the City, such formality shall be observed without limitation.

## **ARTICLE 6 - EMPLOYMENT STATUS**

6.1 All County personnel assigned under this Agreement are and will continue to be employees of the County for all purposes, including, but not limited to: duties and responsibilities, employee benefits, grievance, payroll, pension, promotion, annual or sick leave, standards of performance, training, workers compensation and disciplinary functions.

6.2 All County personnel assigned under this Agreement are and will continue to be part of the DRE and under the supervision of the Fulton County Director of the DRE.

6.3 All City personnel assigned under this Agreement are and will continue to be employees of the City.

#### **ARTICLE 7 - RECORDKEEPING AND REPORTING**

7.1 The DRE is the central repository for all DRE records and makes available public records as defined and required by the Georgia Open Records Act, O.C.G.A. § 50-18-70, *et seq.*, O.C.G.A. § 21-2-51 and O.C.G.A. § 21-2-72, now and as they may be amended hereafter. During the term of this Agreement, the County will continue to comply with the applicable provisions of the Georgia Open Records Act and the Georgia Election Code.

7.2 Except as limited by any provision of state or federal law, the City may request, review and access data and County records at a mutually agreed upon time to ensure compliance with this Agreement.

#### **ARTICLE 8 - E-VERIFY AND TITLE VI**

Each Party agrees that it will comply with all E-Verify and Title VI requirements and execute any documents reasonably required related to such compliance. Further, each Party agrees that any contracts let for work completed pursuant to this Agreement shall contain all required E-Verify and Title VI requirements under applicable law.

#### **ARTICLE 9 - AUTHORIZATION**

Each of the individuals executing this Agreement on behalf of his or her respective Party agrees and represents to the other Party that he or she is authorized to do so and further agrees and represents that this Agreement has been duly passed upon by the required governmental agency or council in accordance with all applicable laws and spread upon the minutes thereof. The Parties hereto agree that this Agreement is an intergovernmental contract and is entered into pursuant to Article IX, Section III, Paragraph I of the Constitution of the State of Georgia 1983.

#### **ARTICLE 10 - TERMINATION AND REMEDIES**

Either Party may unilaterally terminate this Agreement, in whole or in part, for any reason whatsoever or no reason at all, by notice in writing to the other Party delivered at least thirty (30) days prior to the effective date of the termination. Upon termination, the City shall be responsible for any and all costs the County has incurred, for preparation and/or performance of the City Election, up to receipt of notice to terminate this Agreement. Without terminating this Agreement, the County may suspend, delay, or interrupt all or any part of its responsibilities under this Agreement for the period of time that the County determines appropriate for its convenience.

#### **ARTICLE 11 - NOTICES**

All required notices shall be given by certified first class U.S. Mail, return receipt requested, or statutory overnight delivery. The Parties further agree to provide to each other non-

binding duplicate electronic mail notice. Future changes in address shall be effective upon written notice being given by the City to the County Elections Superintendent or by the County to the City Clerk. Notices shall be addressed to the Parties at the following addresses:

If to the County:                   Fulton County Board of Registration and Elections  
  Attn: Director  
  130 Peachtree St SW, Suite 2186  
  Atlanta, Georgia 30303

With a copy to:                   Fulton County Office of the County Attorney  
  Attn: County Attorney  
  141 Pryor Street SW, Suite 4038  
  Atlanta, Georgia 30303

If to the City:                    City Clerk  
  Attn.: Corey Adams \_\_\_\_\_  
  5440 Fulton Industrial Blvd. Atlanta, GA 30336

\_\_\_\_\_

\_\_\_\_\_

With a copy to:                   City Attorney  
  Attn.: Vincent Hyman \_\_\_\_\_  
  5440 Fulton Industrial Blvd. Atlanta, GA  
  30336 \_\_\_\_\_



## **ARTICLE 12 - NON-ASSIGNABILITY**

Neither Party shall assign any of the obligations or benefits of this Agreement.

## **ARTICLE 13 - ENTIRE AGREEMENT**

The Parties acknowledge, one to the other, that the terms of this Agreement constitute the entire understanding and Agreement of the Parties regarding the subject matter of the Agreement. This Agreement constitutes the entire understanding and agreement between the Parties concerning the subject matter of this Agreement and supersedes all prior oral or written agreements or understandings. No representation oral or written not incorporated in this Agreement shall be binding upon the City or the County. All Parties must sign any subsequent changes in the Agreement.

## **ARTICLE 14 - SEVERABILITY, VENUE AND ENFORCEABILITY**

If a court of competent jurisdiction renders any provision of this Agreement (or portion of a provision) to be invalid or otherwise unenforceable, that provision or portion of the provision will be severed, and the remainder of this Agreement will continue in full force and effect as if the invalid provision or portion of the provision were not part of this Agreement. No action taken pursuant to this Agreement should be deemed to constitute a waiver of compliance with any representation, warranty, covenant or agreement contained in this Agreement and will not operate or be construed as a waiver of any subsequent breach, whether of a similar or dissimilar nature. This Agreement is governed by the laws of the state of Georgia without regard to conflicts of law principles thereof. Should any Party institute suit concerning this Agreement, venue shall be in the Superior Court of Fulton County, Georgia. Should any provision of this Agreement require judicial interpretation, it is agreed that the court interpreting or construing the same shall not apply a presumption that the terms hereof shall be more strictly construed against one Party by reason of the rule of construction that a document is to be construed more strictly against the Party who itself or through its agent prepared the same, it being agreed that the agents of all Parties have participated in the preparation hereof.

## **ARTICLE 15 - BINDING EFFECT**

This Agreement is intended for the benefit of the Parties hereto and is not for the benefit of, nor may any provision hereof be enforced by, any other person.

## **ARTICLE 16 - COUNTERPARTS**

This Agreement may be executed in several counterparts, each of which shall be an original, and all of which shall constitute but one and the same instrument. Electronic signatures shall have the same weight and effect of wet signatures.



**IN WITNESS WHEREOF**, the City and County have executed this Agreement through their duly authorized officers on the day and year first above written.

**FULTON COUNTY, GEORGIA**

\_\_\_\_\_  
Robert L. Pitts, Chairman  
Fulton County Board of Commissioners


\_\_\_\_\_  
DATE:

Attest: \_\_\_\_\_  
Tonya R. Grier, Clerk to Commission

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Y. Soo Jo, County Attorney

**APPROVED AS TO SUBSTANCE:**

  
\_\_\_\_\_  
Nadine Williams, Director  
Fulton County Department of Registration  
and Elections

[Signatures Continued on Following Page]

CITY OF SOUTH FULTON, GEORGIA



khalid kamau, Mayor



APPROVED AS TO FORM:

 3/29/23

Vincent D. Hyman, City Attorney

APPROVED AS TO SUBSTANCE:

 3/31/23

Corey E. Adams, Sr., City Clerk



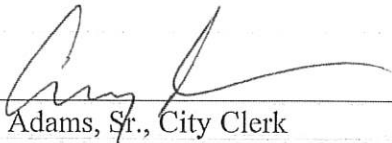
**EXHIBIT A**

As per the Agreement executed on March 28, 2023, the City of South Fulton, hereby requests that Fulton County conduct its General and potential Runoff Elections beginning on November 7, 2023, within the boundary of Fulton County.

The last day to register to vote in this election is October 10, 2023.

The list of early voting locations will be forthcoming.

This 31<sup>st</sup> day of March, 2023

  
\_\_\_\_\_  
Corey e. Adams, Sr., City Clerk



Fulton County, Georgia agrees to conduct the City of South Fulton's General and potential Runoff Elections beginning on November 7, 2023, within the boundary of Fulton County.

This \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
(SEAL)  
Robert L. Pitts, Chairman  
Fulton County Board of Commissioners

## PART 1 CHARTER<sup>1</sup>

### ARTICLE I. INCORPORATION AND POWERS

#### Sec. 1.10. Incorporation.

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

#### Sec. 1.11. Corporate boundaries.

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

#### Sec. 1.12. Municipal powers.

- (a) This city shall have all powers possible for a city to have under the present or future Constitution and laws of this state as fully and completely as though they were specifically enumerated in this Charter. This city shall have all the powers of self-government not otherwise prohibited by this Charter or by general law.
- (b) The powers of this city shall be construed liberally in favor of the city. The specific mention or failure to mention particular powers shall not be construed as limiting in any way the powers of this city. Said powers shall include, but are not limited to, the following:
  - (1) *Air and water pollution and environmental issues.* To regulate the emission of smoke or other exhaust which pollutes the air and to prevent the pollution of natural streams which flow within the corporate limits of the city and to regulate any other environmental matters that would affect the quality of life within the boundaries of the city;

---

<sup>1</sup>Editor's note(s)—Printed herein is Ordinance No. 2017-001, effective on May 1, 2017, recognizing Act No. 421, 2016 p. 3726 as the Charter of the City of South Fulton. Amendments to the ordinance are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original ordinance. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, headings and catchlines have been made uniform with those used in the Code of Ordinances. Additions made for clarity are indicated by brackets.



- 
- (2) *Animal regulations.* To regulate and license or to prohibit the keeping or running at large of animals and fowl and to provide for the impoundment of same if in violation of any ordinance or lawful order; to provide for the disposition by sale, gift, or humane destruction of animals and fowl when not redeemed as provided by ordinance; and to provide punishment for violation of ordinances enacted under this paragraph;
  - (3) *Appropriations and expenditures.* To make appropriations for the support of the government of the city; to authorize the expenditure of money for any purposes authorized by this Charter and for any purpose for which a municipality is authorized by the laws of the State of Georgia; and to provide for the payment of expenses of this city;
  - (4) *Building regulations.* To regulate and to license the erection and construction of buildings and all other structures not inconsistent with general law; to adopt building, housing, plumbing, electrical, gas, and heating and air conditioning codes; and to regulate all housing and building trades except as otherwise prohibited by general law;
  - (5) *Business regulation and taxation.* To levy and to provide for the collection of license fees and taxes on privileges, occupations, trades, and professions; to license and regulate the same; to provide for the manner and method of payment of such licenses and taxes; and to revoke such licenses after due process for the failure to pay any city taxes or fees;
  - (6) *Condemnation.* To condemn property, inside or outside the corporate limits of the city, for present or future use and for any corporate purpose deemed necessary by the governing authority, utilizing procedures enumerated in Title 22 of the O.C.G.A. or such other laws as are or may hereafter be enacted;
  - (7) *Contracts.* To enter into contracts and agreements with other governments and entities and with private persons, firms, and corporations;
  - (8) *Emergencies.* To establish procedures for determining and proclaiming that an emergency situation exists inside or outside the city and to make and carry out all reasonable provisions deemed necessary to deal with or meet such an emergency for the protection, safety, health, or well-being of the citizens of the city;
  - (9) *Environmental protection.* To protect and preserve the natural resources, environment, and vital areas of the city, the region, and the state through the preservation and improvement of air quality, the restoration and maintenance of water resources, the control of erosion and sedimentation, the management of stormwater and establishment of a stormwater utility, the management of solid and hazardous waste, and other necessary actions for the protection of the environment;
  - (10) *Ethics.* To adopt ethics ordinances and regulations governing the conduct of municipal elected officials, appointed officials, and employees, establishing procedures for handling ethics complaints, and setting forth penalties for violations of such rules and procedures;
  - (11) *Fire regulations.* To fix and establish fire limits and from time to time to extend, enlarge, or restrict the same; to prescribe fire safety regulations, not inconsistent with general law relating to both fire prevention and detection and to firefighting; and to prescribe penalties and punishment for violations thereof;
  - (12) *Garbage fees.* To levy, fix, assess, and collect a garbage, refuse, and trash collection and disposal and other sanitary service charge, tax, or fee for such services as may be necessary in the operation of the city from all individuals, firms, and corporations residing in or doing business within the city and benefiting from such services; to enforce the payment of such charges, taxes, or fees; and to provide for the manner and method of collecting such service charges;

- 
- (13) *General health, safety, and welfare.* To define, regulate, and prohibit any act, practice, conduct, or use of property which is detrimental to the health, sanitation, cleanliness, welfare, and safety of the inhabitants of the city and to provide for the enforcement of such standards;
  - (14) *Gifts.* To accept or refuse gifts, donations, bequests, or grants from any source for any purpose related to the powers and duties of the city and the general welfare of its citizens on such terms and conditions as the donor or grantor may impose;
  - (15) *Health and sanitation.* To prescribe standards of health and sanitation within the city and to provide for the enforcement of such standards;
  - (16) *Homestead exemption.* To establish and maintain procedures for offering homestead exemptions to residents of the city as authorized by Act of the General Assembly;
  - (17) *Jail sentences.* To provide that persons given jail sentences in the municipal court may work out such sentences in any public works or on the streets, roads, drains, and other public property of the city; to provide for the commitment of such persons to any jail; to provide for the use of pretrial diversion and any alternative sentencing allowed by law; or to provide for the commitment of such persons to any county work camp or county jail by agreement with the appropriate county officials;
  - (18) *Motor vehicles.* To regulate the operation of motor vehicles and exercise control over all traffic, including parking, upon or across the streets, roads, alleys, and walkways of the city;
  - (19) *Municipal agencies and delegation of power.* To create, alter, or abolish departments, boards, offices, commissions, and agencies of the city and to confer upon such agencies the necessary and appropriate authority for carrying out all the powers conferred upon or delegated to the same;
  - (20) *Municipal debts.* To appropriate and borrow money for the payment of debts of the city and to issue bonds for the purpose of raising revenue to carry out any project, program, or venture authorized by this Charter or the laws of the State of Georgia;
  - (21) *Municipal property ownership.* To acquire, dispose of, lease, and hold in trust or otherwise any real, personal, or mixed property, in fee simple or lesser interest, inside or outside the property limits of the city;
  - (22) *Municipal property protection.* To provide for the preservation and protection of property and equipment of the city and the administration and use of same by the public; and to prescribe penalties and punishment for violations thereof;
  - (23) *Municipal utilities.* To acquire, lease, construct, operate, maintain, sell, and dispose of public utilities, including, but not limited to, a system of waterworks, sewers, and drains, sewage disposal, gas works, electric plants, transportation facilities, public airports, and any other public utility; and to fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties therefor; and to provide for the withdrawal of service for refusal or failure to pay the same; and to authorize the extension of water, sewerage, and electrical distribution systems, and all necessary appurtenances by which said utilities are distributed, inside and outside the corporate limits of the city; and to provide utility services to persons, firms, and corporations inside and outside the corporate limits of the city as provided by ordinance;
  - (24) *Nuisances.* To define a nuisance and provide for its abatement whether on public or private property;
  - (25) *Penalties.* To provide penalties for violation of any ordinances adopted pursuant to the authority of this Charter and the laws of the State of Georgia;
  - (26) *Planning and zoning.* To provide comprehensive city planning for development by zoning and to provide subdivision regulation and the like as the city council deems necessary and reasonable to ensure a safe, healthy, and esthetically pleasing community;



- 
- (27) *Police and fire protection.* To exercise the power of arrest through duly appointed police officers and to establish, operate, or contract for a police and a fire-fighting agency;
  - (28) *Public hazards; removal.* To provide for the destruction and removal of any building or other structure which is or may become dangerous or detrimental to the public;
  - (29) *Public improvements.* To provide for the acquisition, construction, building, operation, and maintenance of public ways, parks, playgrounds, recreational facilities, cemeteries, markets and market houses, public buildings, libraries, public housing, airports, hospitals, terminals, docks, parking facilities, or charitable, cultural, educational, recreational, conservation, sport, curative, corrective, detentional, penal, and medical institutions, agencies, and facilities; to provide any other public improvements inside or outside the corporate limits of the city; to regulate the use of public improvements; and, for such purposes, property may be acquired by condemnation under Title 22 of the O.C.G.A. or such other applicable laws as are or may hereafter be enacted;
  - (30) *Public peace.* To provide for the prevention and punishment of loitering, disorderly conduct, drunkenness, riots, and public disturbances;
  - (31) *Public transportation.* To organize and operate or contract for such public transportation systems as are deemed beneficial;
  - (32) *Public utilities and services.* To grant franchises or make contracts for public utilities and public services and to prescribe the rates, fares, regulations, and the standards and conditions of service applicable to the service to be provided by the franchise grantee or contractor, insofar as not in conflict with valid regulations of the Public Service Commission;
  - (33) *Regulation of roadside areas.* To prohibit or regulate and control the erection, removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any and all other structures or obstructions upon or adjacent to the rights of way of streets and roads or within view thereof, inside or abutting the corporate limits of the city and to prescribe penalties and punishment for violation of such ordinances;
  - (34) *Retirement.* To provide and maintain a retirement plan for officers and employees of the city;
  - (35) *Roadways.* To lay out, open, extend, widen, narrow, establish or change the grade of, abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and walkways within the corporate limits of the city; and to negotiate and execute leases over, through, under, or across any city property or the right of way of any street, road, alley, and walkway or portion thereof within the corporate limits of the city for bridges, passageways, or any other purpose or use between buildings on opposite sides of the street and for other bridges, overpasses, and underpasses for private use at such location and to charge a rental therefor in such manner as may be provided by ordinance; and to authorize and control the construction of bridges, overpasses, and underpasses within the corporate limits of the city; and to grant franchises and rights of way throughout the streets and roads and over the bridges and viaducts for the use of public utilities and for private use; and to require real estate owners to repair and maintain in a safe condition the sidewalks adjoining their lots or lands and to impose penalties for failure to do so;
  - (36) *Sewer fees.* To levy a fee, charge, or sewer tax as necessary to assure the acquiring, constructing, equipping, operating, maintaining, and extending of a sewage disposal plant and sewerage system; to levy on those to whom sewers and sewerage systems are made available a sewer service fee, charge, or tax for the availability or use of the sewers; to provide for the manner and method of collecting such service charge; and to impose on and collect a sewer connection fee or fees from those connected to the system;

- 
- (37) *Solid waste disposal.* To provide for the collection and disposal of garbage, rubbish, and refuse and to regulate the collection and disposal of garbage, rubbish, and refuse by others; and to provide for the separate collection of glass, tin, aluminum, cardboard, paper, and other recyclable materials and provide for the sale of such items;
- (38) *Special areas of public regulation.* To regulate or prohibit junk dealers, pawnshops, pain management clinics, the manufacture, sale, or transportation of intoxicating liquors, and the use of firearms; to regulate the transportation, storage, and use of combustible, explosive, and inflammable materials, the use of lighting and heating equipment, and any other business or situation which may be dangerous to persons or property; to regulate and control the conduct of peddlers and itinerant traders, theatrical performances, exhibitions, and shows of any kind, by taxing or otherwise; and to license, tax, regulate, or prohibit professional fortunetelling, palmistry, adult bookstores, adult entertainment, and massage parlors;
- (39) *Special assessments.* To levy and provide for the collection of special assessments to cover the costs of any public improvement;
- (40) *Taxes (ad valorem).* To levy and provide for the assessment, valuation, revaluation, and collection of taxes on all property subject to taxation; provided, however, that:
- (A) For all years, the millage rate imposed for ad valorem taxes on real property for operating budget purposes shall not exceed 13.469 unless a higher limit is recommended by resolution of the city council and approved by a majority of the qualified voters of the city voting in a referendum; provided, however, that for the purposes of compliance with Code Section 48-8-91 of the O.C.G.A., the millage rate may be adjusted upward for the sole purpose of complying with the millage rate rollback provisions set forth therein. For the purposes of this subparagraph, the term "qualified voters" means those voters of the city who are qualified to vote in city elections and cast a vote for or against such measure in such referendum. The question to be presented to the voters in the referendum on increasing the millage rate shall be "Do you approve increasing taxes on residential and nonresidential property for City of South Fulton property owners by raising from [current millage rate] to [proposed millage rate] the operating budget millage rate, which was capped in the original Charter for the city?" If such millage rate increase is approved by the qualified voters of the City of South Fulton voting in the referendum, the new rate shall become the maximum limit until changed again by resolution of the city council and approval by a majority of the qualified voters of the City of South Fulton voting in a referendum. Notwithstanding any provision of this paragraph to the contrary, during the first five years of existence, the city shall not be authorized to increase the millage rate higher than 14.469 except for the purposes of complying with Code Section 48-8-91 of the O.C.G.A.;
- (B) For all years, the fair market value of all property subject to taxation shall be determined according to the tax digest of Fulton County, as provided in Code Section 48-5-352 of the O.C.G.A.; and
- (C) For all years, the billing date or dates and due date or dates for municipal ad valorem taxes shall be the same as for Fulton County ad valorem taxes;
- (41) *Taxes (other).* To levy and collect such other taxes as may be allowed now or in the future by law;
- (42) *Taxicabs.* To regulate and license vehicles operated for hire in the city; to limit the number of such vehicles; to require the operators thereof to be licensed; to require public liability insurance on such vehicles in the amounts to be prescribed by ordinance; and to regulate the parking of such vehicles;
- (43) *Urban redevelopment.* To organize and operate an urban redevelopment program; and
- (44) *Other powers.* To exercise and enjoy all other powers, functions, rights, privileges, and immunities necessary or desirable to promote or protect the safety, health, peace, security, good order, comfort,



---

convenience, or general welfare of the city and its inhabitants; to exercise all implied powers necessary to carry into execution all powers granted in this Charter as fully and completely as if such powers were fully stated in this Charter; and to exercise all powers now or in the future authorized to be exercised by other municipal governments under other laws of the State of Georgia; and no listing of particular powers in this Charter shall be held to be exclusive of others, nor restrictive of general words and phrases granting powers, but shall be held to be in addition to such powers unless expressly prohibited to municipalities under the Constitution or applicable laws of the State of Georgia.

**Sec. 1.13. Exercise of powers.**

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

**ARTICLE II. GOVERNMENT STRUCTURE, ELECTIONS, AND REMOVAL**

**Sec. 2.10. City council creation; composition; number; election.**

- (a) 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 part-time mayor and seven part-time councilmembers.
- (b) The mayor and councilmembers shall serve for terms of four years and until their respective successors are elected and qualified, except as otherwise provided in subsection (d) of Section 2.11 of this charter. No person shall be eligible to serve as mayor or councilmember unless that person shall have been a resident of the area comprising the City of South Fulton for 12 months immediately preceding the election of mayor or councilmembers, shall have attained the age of 21 years prior to the date of qualifying, and, in the case of councilmembers, shall have been a resident of the district from which he or she seeks election for six months at the time of qualifying for election; each such person shall continue to reside within the city and, in the case of councilmembers, within the district from which he or she was elected during said period of service and shall be registered and qualified to vote in municipal elections of this city. The mayor may reside anywhere within the city. No person's name shall be listed as a candidate on the ballot for election for either mayor or councilmember unless such person shall file a written notice with the clerk of said city that such person desires his or her name to be placed on said ballot as a candidate either for mayor or councilmember. No person shall be eligible for the office of mayor or councilmember unless such person shall file said notice within the time provided for in Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia Election Code.'
- (c) (1) The mayor shall be limited to serving three full, consecutive four-year terms of office.
  - (2) Councilmembers shall be limited to serving three full, consecutive terms of office.
  - (3) Persons who serve terms of less than four years as a result of being elected to an initial term of office under subsection (d) of Section 2.11 of this Charter or who fill an unexpired term shall not be considered to have served a full term of office for the purposes of this subsection.

(H.B. 1019(Act 414), p.\_\_\_\_)

---

### **Sec. 2.11. Elections.**

- (a) At any election, all persons who are qualified under the Constitution and laws of Georgia to vote for members of the General Assembly of Georgia and who are bona fide residents of the area comprising the City of South Fulton or of such city shall be eligible to qualify as voters in the election.
- (b) All primaries and elections shall be held and conducted in accordance with Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code." Except as otherwise provided by this Charter, the city council shall, by ordinance, prescribe such rules and regulations it deems appropriate to fulfill any options and duties under the "Georgia Election Code."
- (c) Each councilmember shall be elected by a majority vote of the qualified electors of his or her respective council district voting at the elections of the city. For the purpose of electing members of the council, the City of South Fulton shall consist of seven council districts as described in Appendix B of this Charter, which is attached and incorporated into this Charter by reference; provided, however, that no territory described in such council districts shall be included in such council districts that has been annexed into other municipalities before July 1, 2016; and provided, further, that the territory known as the Fulton County Industrial District shall not be included in such council districts unless the local constitutional amendment creating such district is repealed or determined judicially to be of no force and effect prior to the first municipal election being conducted under this Charter. Each candidate for election to the council other than the mayor shall reside in the council district he or she seeks to represent.
- (d) The first election for mayor and councilmembers shall be a special election held on the third Tuesday in March, 2017. At such election, the mayor and councilmembers elected from Council Districts 2, 4, and 6 shall be elected for initial terms of office beginning immediately after their election and expiring on December 31, 2021. The councilmembers elected from Council Districts 1, 3, 5, and 7 shall be elected for initial terms of office beginning immediately after their election and expiring on December 31, 2019. Thereafter, at the elections provided for by subsection (f) of this section, their successors shall be elected for terms of four years. All members shall serve until their successors are elected and qualified.
- (e) The mayor, for the special election and each subsequent election for mayor, shall be elected by the qualified electors of the city at large voting in such elections of the city.
- (f) The time for holding regular municipal elections shall be on the Tuesday next following the first Monday in November of each odd-numbered year. The successors to the first mayor and councilmembers and future successors shall be elected at the municipal election immediately preceding the expiration of the respective terms of office and shall take office on the first day of January immediately following their election for terms of four years and until their successors are elected and qualified.
- (g) All municipal elections shall be nonpartisan and without primaries.

(H.B. 1019(Act 414), p. \_\_\_\_)

### **Sec. 2.12. Vacancies in office.**

- (a) The office of mayor or councilmember shall become vacant upon the incumbent's death, resignation, forfeiture of office, or removal from office in any manner authorized by this Charter or the general laws of the State of Georgia.
- (b) Upon the suspension from office of mayor or councilmember in any manner authorized by the general laws of the State of Georgia, the city council or those remaining shall appoint a successor for the duration of the suspension. If the suspension becomes permanent, then the office shall become vacant and shall be filled as provided in subsection (c) of this section.

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

### **Sec. 2.13. Election by majority vote.**

The candidate for mayor who receives a majority of the votes cast in the applicable election in the city at large shall be elected to a term of office. The candidates for councilmember who receive a majority of the votes cast in the applicable election by the electors of their respective districts shall be elected to a term of office. In the event no candidate receives a majority of the votes cast in such election for such office, a run-off election shall be held between the candidates receiving the two highest numbers of votes. Such run-off election shall be held at the time specified by state election law, unless such run-off date is postponed by court order.

### **Sec. 2.14. Compensation and expenses.**

The mayor and councilmembers shall receive compensation and expenses for their services as provided by ordinance.

(Ord. No. 2019-022, § 1, 8-13-2019, eff. 1-1-2020)

### **Sec. 2.15. Prohibitions.**

- (a) No elected official, appointed officer, or employee of the city or any agency or political entity to which this Charter applies shall knowingly:
- (1) Engage in any business or transaction or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of official duties or which would tend to impair the independence of his or her judgment or action in the performance of official duties;
  - (2) Engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of official duties or would tend to impair the independence of his or her judgment or action in the performance of official duties;
  - (3) Disclose confidential information concerning the property, government, or affairs of the governmental body by which engaged without proper legal authorization or use such information to advance the financial or other private interest of himself or herself or others;
  - (4) Accept any valuable gift, whether in the form of service, loan, object, or promise, from any person, firm, or corporation which to his or her knowledge is interested, directly or indirectly, in any manner whatsoever in business dealings with the governmental body by which he or she is engaged; provided, however, that an elected official who is a candidate for public office may accept campaign contributions and services in connection with any such campaign;
  - (5) Represent other private interests in any action or proceeding against this city or any portion of its government; or
  - (6) Vote or otherwise participate in the negotiation or in the making of any contract with any business or entity in which he or she has a financial interest.
- (b) Any elected official, appointed officer, or employee who has any private financial interest, directly or indirectly, in any contract or matter pending before or within any department of the city shall disclose such



---

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

- (c) No elected official, appointed officer, or employee of the city or any agency or entity to which this Charter applies shall use property owned by such governmental entity for personal benefit, convenience, or profit, except in accordance with policies promulgated by the city council or the governing body of such agency or entity.
- (d) Any violation of this section which occurs with the knowledge, express or implied, of a party to a contract or sale shall render said contract or sale voidable at the option of the city council.
- (e) Except as authorized by law, no member of the council shall hold any other elective city office or other city employment during the term for which elected. The provisions of this subsection shall not apply to any person holding employment on the effective date of this Act.

### **Sec. 2.16. Removal of officers.**

- (a) The mayor, a councilmember, or other appointed officers provided for in this charter shall be removed from office for any one or more of the following causes:
  - (1) Failure to uphold the Constitution, laws, and regulations of the United States, the State of Georgia, this charter, and the code of ordinances of the city;
  - (2) Discrimination by the dispensing of special favors or privileges to anyone, whether or not for remuneration;
  - (3) Engaging in any business with the government, either directly or indirectly, which is inconsistent with the conscientious performance of his or her governmental duties;
  - (4) Using any information coming to him or her confidentially in the performance of governmental duties as a means for making private profit;
  - (5) Failure to expose corruption wherever discovered;
  - (6) Soliciting, accepting, or agreeing to accept gifts, loans, gratuities, discounts, favors, hospitality, or services from any person, association, or corporation under circumstances from which it could reasonably be inferred that a major purpose of the donor is to influence the performance of the member's official duties;
  - (7) Accepting any economic opportunity under circumstances where he or she knows or should know that there is a substantial possibility that the opportunity is being afforded him or her with intent to influence his or her conduct in the performance of his or her official duties;
  - (8) Engaging in other conduct which is unbecoming to a member or which constitutes a breach of public trust;
  - (9) Taking any official action with regard to any matter under circumstances in which he or she knows or should know that he or she has a direct or indirect monetary interest in the subject matter of such matter or in the outcome of such official action;
  - (10) Conviction of a crime involving moral turpitude;
  - (11) Failure at any time to possess any qualifications of office as provided by this charter or by law;

- 
- (12) Knowingly violating Section 2.15 this charter;
  - (13) Abandonment of office or neglect to perform the duties thereof; and
  - (14) Moving residency out of the district such councilmember was elected from.
- (b) Removal of any officer pursuant to subsection (a) of this section shall be accomplished by one of the following methods:
- (1) Reserved.
  - (2) By an order of the Superior Court of Fulton County following a hearing on a complaint seeking such removal brought by any resident of the City of South Fulton.
- (H.B. 1019(Act 414), p. \_\_\_\_; Ord. No. 2022-003, § 1, 1-25-2022)

## **ARTICLE III. ORGANIZATION OF GOVERNMENT, GENERAL AUTHORITY, AND ORDINANCES**

### **Sec. 3.10. General power and authority.**

- (a) Except as otherwise provided by this Charter, the city council shall be vested with all the powers of government of this city as provided by Article I of this Charter.
- (b) In addition to all other powers conferred upon it by law, the city council shall have the authority to adopt and provide for the execution of such ordinances, resolutions, rules, and regulations, not inconsistent with this Charter and with the Constitution and the laws of the State of Georgia, which it shall deem necessary, expedient, or helpful for the peace, good order, protection of life and property, health, welfare, sanitation, comfort, convenience, prosperity, or well-being of the inhabitants of the City of South Fulton and may enforce such ordinances by imposing penalties for violations thereof.
- (c) Except for the office of city manager, the city council, by resolution, may establish, abolish, merge, or consolidate offices, positions of employment, departments, and agencies of the city as it shall deem necessary for the proper administration of the affairs of the government of the city. The council shall prescribe the functions and duties of departments, offices, and agencies; may provide that the same person shall fill any number of offices or positions of employment; and may transfer or change the functions and duties of offices, positions of employment, departments, and agencies of the city.
- (d) The operations and responsibilities of each department now or hereafter established in the city shall be distributed among such divisions or bureaus as may be provided by ordinance of the city council. Each department shall consist of such officers, employees, and positions of employment as may be provided by this Charter or by ordinance and shall be subject to the general supervision and guidance of the mayor and councilmembers.
- (e) In all cases, unless otherwise prohibited by this Charter or by state law, those functions and duties necessary for the efficient and proper administration of the affairs of government of the city may be provided through intergovernmental agreements or private contracts or both.

### **Sec. 3.10A. Role delineation.**

Based upon the firm belief that the proper, efficient, and effective administration and operation of the city's council-manager form of government will be fostered by a clear definition of the roles and responsibilities of the

---

city council, mayor, and city manager, this section states the following principles, which are intended to be fully consistent with this article:

- (1) The full and complete legislative and policy making authority of the city resides in the part-time city council, and the full-time city manager shall take no action which impinges upon or interferes with the city council's policy making role. Other than providing information relevant and germane to the city council's legislative deliberations, the city manager shall strive to remain a neutral party in such legislative deliberations. To ensure the actuality and appearance of neutrality, neither the city manager nor any department heads shall participate in any political activity on behalf of the mayor, any councilmember, or any candidate for such offices, nor shall the city manager or any department head make any political contribution to the mayor, any councilmember, or any candidate for such offices. The mayor and councilmembers shall not solicit or accept any campaign contributions from any city employee;
- (2) The city manager is the full-time chief executive officer of the city, and, as such, all department heads, except the city attorney who is appointed by and reports to the mayor and council, report to the city manager. The mayor and council shall observe the management authority of the city manager;
- (3) Except as otherwise provided in this charter, the mayor and councilmembers shall not in any manner dictate the appointment or removal of any city administrative officers or employees whom the city manager or any of his or her subordinates are empowered to appoint. The city manager shall have the authority to provide, at levels he or she deems necessary and appropriate, administrative support staff for the mayor and councilmembers, and any such administrative support staff shall be subject to the authority and direction of the city manager and not the mayor or any councilmember;
- (4) Except for the purpose of conducting an investigation or inquiry authorized by the city council pursuant to Section 3.12 of this charter, the mayor and councilmembers shall deal with city officers and employees who are subject to the direction and supervision of the city manager solely through the city manager, and neither the mayor nor any councilmembers shall give orders to any such officers or employees either publicly or privately;
- (5) The mayor and city council shall not give directives to any city officers or employees, other than the city manager or city attorney, regarding any matters including, but not limited to, constituent complaints and complaints regarding the services, operation, or administration of any department or function of city government. Although the mayor and city council shall not be prohibited from communicating with city officers or employees with constituent complaints or concerns, the city manager must be copied on all such communications;
- (6) The mayor and councilmembers, unless acting pursuant to a duly authorized investigation or inquiry, shall not discuss in open session the performance of or complaints against any city officer or employee during a city council meeting. This provision is not intended to prevent the mayor or city council from discussing, in general terms, the performance of or any issue relating to any department or function of city government;
- (7) It shall be prohibited for the mayor or any councilmember to sit in on personnel and management meetings between the city manager and city employees unless such participation is consented to by the city manager and approved by the city council;
- (8) The mayor shall have no management authority or responsibility with respect to the operations and administration of city government; and
- (9) The mayor and council, as elected officials, shall possess fundamental oversight duties and responsibilities with respect to all operations and administration of city government, and the city manager shall be responsible and duty bound to facilitate the mayor and city council's oversight function. Once the city council has passed the operating and capital budgets of the city, it shall be the



---

responsibility of the city manager to administer such budgets and to keep the mayor and city council fully informed as to the city's progress against such budgets. The city manager shall provide monthly financial updates on the budgets with year to date information, and such updates shall contain all material information necessary for the mayor and city council to evaluate the financial performance and condition of the city. However, once the city council has appropriated funds in the budget and encumbered such funds through subsequent legislative action, the city manager shall have the authority to administer such budget including contract administration and account payables as part of the management function. Any expenditure of city funds directly by the mayor and individual councilmembers, whether by purchasing card or other means, shall be subject to the approval of the city manager as his or her duty to administer the city's budget, and the city manager shall have the authority to have such expenditures forensically audited.

(H.B. 1019(Act 414), p.\_\_\_\_)

### **Sec. 3.11. Organization.**

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

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

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

### **Sec. 3.12. Inquiries and investigations.**

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

### **Sec. 3.13. Meetings.**

- (a) The city council shall, at least once during each calendar month, hold regular meetings at such times and places as prescribed by ordinance. The council may recess any such regular meeting and continue such meeting on any weekday or at any hour it may fix and may transact any business at such continued meeting as may be transacted at any regular meeting.
- (b) Special meetings of the city council may be held on call of the mayor or five members of the city council. The minutes of any such special meeting not called by the mayor shall indicate which councilmembers called the meeting. Notice of such special meeting shall be served on all other members personally, or by telephone personally, at least 48 hours in advance of the meeting. Such notice to councilmembers shall not be required if the mayor and all councilmembers are present when the special meeting is called. Such notice of any special meeting may be waived by a councilmember in writing before or after such a meeting and attendance at the meeting shall also constitute a waiver of notice on any business transacted in such councilmember's presence. Written or oral notice of such special meeting shall be given at least 24 hours in

---

advance of the meeting to the legal organ of Fulton County and to a newspaper of general circulation in the county. Notice shall also be posted for at least 24 hours at the place of regular meetings and on the city's website. Upon written request from any local broadcast or print media outlet whose place of business and physical facilities are located in the county, notice shall be provided by telephone, facsimile, or e-mail to that requesting media outlet at least 24 hours in advance of the called meeting. Only the business stated in the call may be transacted at the special meeting.

- (c) All meetings of the city council shall be public to the extent required by law and notice to the public of special meetings shall be given as required by law.

(H.B. 1019(Act 414), p. \_\_\_\_)

### **Sec. 3.14. Procedures.**

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

### **Sec. 3.15. Voting.**

- (a) Except as otherwise provided in subsection (c) of this section, four councilmembers shall constitute a quorum and shall be authorized to transact the business of the city council. For voting and quorum purposes, the mayor shall be counted as one of the councilmembers. Voting on the adoption of ordinances shall be by voice vote and the vote shall be recorded in the journal, but any member of the city council shall have the right to request a roll-call vote and such vote shall be recorded in the journal. No councilmember shall abstain from voting except in the case of a conflict of interest or if absent when a motion being voted upon was made. The councilmember shall provide a specific explanation of the conflict, and the explanation shall be recorded in the journal.
- (b) Except as otherwise provided in this Charter, the affirmative vote of a majority of the councilmembers present shall be required for the adoption of any ordinance, resolution, or motion.
- (c) In the event vacancies in office result in less than a quorum of councilmembers holding office, then the remaining councilmembers in office shall constitute a quorum and shall be authorized to transact business of the city council. A vote of a majority of the remaining councilmembers shall be required for the adoption of any ordinance, resolution, or motion.

### **Sec. 3.16. Ordinances.**

- (a) Any proposal for a new or amended ordinance shall be in writing and in the format required for final adoption. No ordinance shall contain a subject which is not expressed in its title. The enacting clause shall be "The Council of the City of South Fulton hereby ordains..." and every ordinance shall so begin.
- (b) A new or amended ordinance may be proposed by the mayor or councilmember at a regular or special meeting of the city council. Ordinances shall be considered and adopted or rejected by the city council in accordance with the rules which it shall establish; provided, however, an ordinance shall not be adopted the same day it is introduced, except for emergency ordinances provided for in Section 3.18 of this Charter. After adoption of any ordinance, the city clerk shall, as soon as possible, forward an appropriately formatted version of the adopted ordinance to that entity or agency that the city has retained to facilitate the codification and online viewing and download of all city ordinances.

---

### **Sec. 3.17. Effect of ordinances.**

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

### **Sec. 3.18. Emergencies.**

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

### **Sec. 3.19. Codes.**

- (a) The city council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such adopting ordinance shall be as prescribed for ordinances generally except that:
  - (1) The requirements of subsection (b) of Section 3.16 of this Charter for distribution and filing of copies of the ordinance shall be construed to include copies of any code of technical regulations, as well as the adopting ordinance; and
  - (2) A copy of each adopted code of technical regulations, as well as the adopting ordinance, shall be authenticated and recorded by the city clerk pursuant to Section 3.20 of this Charter.
- (b) Any adopted code of technical regulations shall be forwarded for online codification, viewing, and download in the same manner as provided for ordinances in subsection (b) of Section 3.16 of this Charter and shall otherwise be made available for review and copying upon request in accord with Code Section 50-18-70, et seq., of the O.C.G.A.

### **Sec. 3.20. Codification of ordinances.**

- (a) The city clerk shall authenticate by the city clerk's signature and record in full in a properly indexed book kept for that purpose all ordinances adopted by the council.
- (b) The city shall provide for the preparation of a general codification of all the ordinances of the city having the force and effect of law. The general codification shall be adopted by the city council by ordinance and shall be published promptly together with all amendments thereto and shall contain such codes of technical regulations and other rules and regulations as the city council may specify. This compilation shall be known and cited officially as "The Code of the City of South Fulton, Georgia." Copies of the Code shall be furnished to all officers, departments, and agencies of the city and shall be made available for purchase by the public at a reasonable price as fixed by the city council.

- 
- (c) The city council shall cause each ordinance and each amendment to this Charter to be promptly delivered in an appropriate format to that entity or agency that the city has retained to facilitate the codification and online viewing and download of all city ordinances, Charter amendments, and technical regulations. Ordinances, Charter amendments, and technical regulations shall otherwise be available in hard copy format for viewing and copying at the office of the city clerk in conformance with Code Section 50-18-70, et seq., of the O.C.G.A. Following publication of the first Code under this Charter and at all times thereafter, the ordinances and Charter amendments shall be made available, whether in electronic or hard copy format, in substantially the same style as the Code then in effect and shall be suitable in form for incorporation within the Code. The city council shall make such further arrangements as deemed desirable with reproduction and distribution of any changes in or additions to codes of technical regulations and other rules and regulations included in the Code.

### **Sec. 3.21. Submission of ordinances to the mayor.**

- (a) Every ordinance, resolution, or other action adopted by the city council shall be presented to the mayor for signature within two business days following the adoption of such ordinance, resolution, or other action by the city council. The mayor shall have the right to veto any ordinance, resolution, or other action adopted by the city council, in accordance with the procedures set forth in this section.
- (b) The mayor, within five business days following receipt of an ordinance, resolution, or other action adopted by the city council, shall return it to the city clerk with or without the mayor's approval or with the mayor's veto. If an ordinance, resolution, or other action adopted by the city council has been approved by the mayor or if it is returned to the city clerk neither approved nor disapproved, it shall become law upon its return to the city clerk. However, if the mayor fails to return an ordinance, resolution, or other action adopted by the city council to the city clerk within five business days of receipt, it shall become law at 12:00 Midnight on the fifth business day after receipt. If an ordinance, resolution, or other action adopted by the city council is vetoed by the mayor, the mayor shall submit to city council, through the city clerk, the reason for the mayor's veto. The city clerk shall record upon the ordinance, resolution, or other action adopted by the city council the date of its delivery to and its receipt from the mayor.
- (c) An ordinance, resolution, or other action adopted by the city council vetoed by the mayor shall automatically be on the agenda at the next regular meeting of the city council for reconsideration. Votes to override mayoral vetoes shall only occur at regular scheduled meetings of the city council, and cannot occur at a special meeting or emergency meeting. If the minimum number of councilmembers necessary to vote to override the veto are not present, the action may be continued until the next meeting at which such minimum number of councilmembers are present. The city council may override a veto by the mayor and adopt any ordinance, resolution, or other action adopted by the city council that has been vetoed by the mayor by the affirmative votes of at least five councilmembers, not including the mayor.

(H.B. 1019(Act 414), p. \_\_\_\_; Ord. No. 2022-018, § 1, 5-25-2022)

### **Sec. 3.22. Powers and duties of mayor.**

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



- 
- (1) Preside at all meetings of the city council and participate therein as a voting member, and in the mayor's absence, the mayor pro tempore shall preside as set forth in Section 3.30 of this Charter;
  - (2) Be the head of the city for the purpose of service of process and for ceremonial purposes and be the official spokesperson for the city and the chief advocate of policy;
  - (3) Have power to administer oaths and execute affidavits;
  - (4) Sign as a matter of course on behalf of the city all written and approved contracts, ordinances, resolutions, and other instruments executed by the city which by law are required to be in writing. The city council may delegate contract signing authority to the city manager to the extent allowed by law;
  - (5) See that all laws and ordinances of the city are faithfully executed;
  - (6) Vote on any tied motion, resolution, ordinance, or other question before the council other than a veto override;
  - (7) Obtain short-term loans in the name of the city when authorized by the city council to do so;
  - (8) Appoint city council committees, committee chairpersons, committee vice chairpersons, and appoint councilmembers to oversee and report on the functions of the various departments of the city, subject to confirmation by the city council;
  - (9) Require the city manager to meet with him or her at a time and place designated for consultation and advice upon the affairs of the city;
  - (10) Nominate the city manager, city attorney, and chief judge of municipal court as provided by this charter or general state law;
  - (11) Prepare or have prepared an agenda for each meeting of the city council which shall include all business submitted by the mayor, any councilmember, the city manager, and the city attorney; and
  - (12) Fulfill and perform such other duties as are imposed by this Charter and duly adopted ordinances.

(H.B. 1019(Act 414), p.\_\_\_\_)

**Sec. 3.23. City manager; appointment; qualifications; compensation; removal.**

- (a) The mayor shall nominate a city manager for an indefinite term and shall set the city manager's initial compensation, subject to confirmation by the city council. The city manager shall be nominated solely on the basis of that person's executive and administrative qualifications.
- (b) The mayor or a councilmember may recommend the removal of the city manager from office in accordance with the following procedures:
  - (1) In response to such recommendation, the city council shall adopt by affirmative vote of five of its members a preliminary resolution which must state the reasons for removal and may suspend the city manager from duty for a period not to exceed 45 days.
  - (2) Within ten days after a copy of the resolution is delivered to the city manager, that person may file with the city council a written request for a public hearing. This hearing shall be held within 30 days after the request is filed. The city manager may file with the city council a written reply not later than five days before the hearing; and
  - (3) If the city manager has not requested a public hearing within the time specified in paragraph (2) of this subsection, the city council may adopt a final resolution for removal, which may be made effective immediately, by an affirmative vote of five of its members. If the city manager has requested a public

---

hearing, the city council may adopt a final resolution for removal, which may be made effective immediately, by an affirmative vote of five of its members at any time after the public hearing.

- (c) The city manager shall continue to receive the city manager's salary until the effective date of a final resolution of removal.

(H.B. 1019(Act 414), p. \_\_\_\_; Ord. No. 2022-003, § 2, 1-25-2022)

### **Sec. 3.24. Acting city manager.**

- (a) The assistant city manager shall be the acting city manager during the city manager's temporary absence or physical or mental disability.
- (b) If there is no assistant city manager, by letter filed with the city clerk, the city manager shall designate or in the absence of the city manager the mayor shall designate, subject to approval of the city council, a qualified city administrative officer to exercise the powers and perform the duties of city manager during the city manager's temporary absence or physical or mental disability. During such absence or disability, the city council may revoke a designation made pursuant to this subsection, at any time and appoint another officer of the city to serve until the city manager shall return or the city manager's disability shall cease.
- (c) If the temporary absence or disability of the city manager exceeds 180 days, the office of city manager shall be vacant and the mayor shall nominate a new city manager. The acting city manager shall continue to serve in that capacity until the new city manager is nominated and confirmed pursuant to Section 3.23 of this charter."

(H.B. 1019(Act 414), p. \_\_\_\_)

### **Sec. 3.25. Powers and duties of the city manager.**

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

- (1) Have the authority to hire persons to act as department heads or directors and fill other positions designed by ordinance or resolution and appoint and, when the city manager deems it necessary for the good of the city, suspend or remove any city employees and administrative officers the city manager hires or appoints, except as otherwise provided by law. The city manager may authorize any administrative officer who is subject to the city manager's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office, or agency. Notwithstanding any other provision of this charter to the contrary, before the city manager can remove the police chief or the fire chief such removal must be approved by a majority of the city council;
- (2) Direct and supervise the administration of all departments, offices, and agencies of the city, except as otherwise provided by this Charter or by law;
- (3) Attend all city council meetings, except for closed meetings held for the purposes of deliberating on the appointment, discipline, or removal of the city manager, and have the right to take part in discussion, but the city manager may not vote;
- (4) See that all laws, provisions of this Charter, and acts of the city council, subject to enforcement by the city manager or by officers subject to the city manager's direction and supervision, are faithfully executed;
- (5) Prepare and submit the annual operating budget and capital budget to the city council;

- 
- (6) Submit to the city council and make available to the public a complete report on the finances and administrative activities of the city as of the end of each fiscal year;
  - (7) Make such other reports as the city council or mayor may require concerning the operations of those city departments, offices, and agencies that are subject to the city manager's direction and supervision;
  - (8) Keep the city council fully advised as to the financial condition and future needs of the city and make such recommendations to the city council concerning the affairs of the city as the city manager deems desirable; and
  - (9) Perform other such duties as are specified in this Charter or as may be required by the city council.

(H.B. 1019(Act 414), p. \_\_\_\_)

**Sec. 3.26. Reserved.**

**Sec. 3.27. Reserved.**

**Sec. 3.28. Council's interference with administration.**

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

**Sec. 3.29. Selection of mayor pro tempore.**

There shall be a mayor pro tempore elected from among the councilmembers by the city council at the first regular meeting of each calendar year. The term of the mayor pro tempore shall be one year. No councilmember shall serve two or more successive terms as mayor pro tempore. All subsequent successors shall be elected at the first regular meeting of the city council in each calendar year to serve until the first regular meeting of the city council in the immediately following calendar year. The mayor pro tempore shall continue to vote and otherwise participate as a councilmember. A vacancy in the position of mayor pro tempore resulting from the mayor pro tempore ceasing to serve as a councilmember or from any other cause shall be filled for the remainder of the unexpired term at the next regularly scheduled council meeting.

(H.B. 1019(Act 414), p. \_\_\_\_)

**Sec. 3.30. Mayor pro tempore.**

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

**ARTICLE IV. ADMINISTRATIVE AFFAIRS**

---

**Sec. 4.10. Department heads.**

- (a) Except as otherwise provided in this Charter, the city council by ordinance shall prescribe the functions or duties and establish, abolish, or alter all nonelective offices, positions of employment, departments, and agencies of the city as necessary for the proper administration of the affairs and government of this city.
- (b) Except as otherwise provided by this Charter or by law, the directors of departments and other officers of the city shall be appointed solely on the basis of their respective administrative and professional qualifications.
- (c) All appointed officers and directors of departments shall receive such compensation as prescribed by the city council.
- (d) There shall be a director of each department or agency who shall be its principal officer. Each director shall, subject to the direction and supervision of the city manager, be responsible for the administration and direction of the affairs and operations of the director's department or agency.
- (e) Except for the fire chief and the police chief, the city manager may suspend or terminate directors or department heads, so long as the city attorney reviews the facts supporting suspension or termination and concurs such action is appropriate before such action is taken. The city manager may suspend or terminate the fire chief or police chief, provided that a majority of the city council vote to approve such suspension or termination.

(H.B. 1019(Act 414), p.\_\_\_\_)

**Sec. 4.11. Boards.**

- (a) The city council shall create by ordinance such boards, commissions, and authorities to fulfill any investigative, quasi-judicial, or quasi-legislative function the city council deems necessary and shall by ordinance establish the composition, period of existence, duties, and powers thereof.
- (b) Every member of any appointed board, commission, or authority of the city shall be appointed by a majority vote of the city council for such term of office and in such manner as shall be provided by ordinance. Unless otherwise provided by ordinance or law, each board, commission, or authority shall consist of eight members with one member being nominated by each member of the city council and the mayor. Unless otherwise provided by ordinance or law, there shall be no requirement that a board, commission, or authority member reside in the district of the councilmember who nominates the member, but all members shall be residents of the city.
- (c) The city council, by ordinance, may provide for the compensation and reimbursement for actual and necessary expenses of the members of any board, commission, or authority.
- (d) Except as otherwise provided by Charter or by law, no member of any board, commission, or authority shall hold any elective office in the city.
- (e) Any vacancy on a board, commission, or authority of the city shall be filled for the unexpired term in the manner prescribed for the original appointment, except as otherwise provided by this Charter or by law.
- (f) No member of a board, commission, or authority shall assume office until he or she has executed and filed with the clerk of the city an oath obligating himself or herself to perform faithfully and impartially the duties of the office, such oath to be prescribed by ordinance and administered by the mayor.
- (g) Any member of a board, commission, or authority may be removed from office by majority vote of the city council.



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

#### **Sec. 4.12. City attorney.**

- (a) The mayor shall nominate and the city council shall confirm by a majority vote a city attorney who shall be a member of the State Bar of Georgia and shall have actively practiced law for at least seven years.
- (b) The mayor shall have the authority to remove the city attorney for good cause; provided, however, that an affirmative vote of five members of the city council may prevent the removal by determining that good cause for removal does not exist. If requested by a majority vote of the city council, the mayor shall provide in writing the reasons for such removal. Good cause may include but not be limited to the following:
- (1) Incompetence, misfeasance, or malfeasance in office;
  - (2) Conviction of a crime involving moral turpitude or a crime punishable as a felony;
  - (3) Failure at any time to possess any of the qualifications of office as provided by this section;
  - (4) Gross misconduct in reference to the duties of office; or
  - (5) Abandonment of office or neglect to perform the duties thereof.
- (c) The city attorney shall be responsible for representing and defending the city in all litigation in which the city is a party, may be the prosecuting officer in the municipal court, shall attend the meetings of the council as directed, shall advise the city council, mayor, and other officers and employees of the city concerning legal aspects of the city's affairs, and shall perform such other duties as may be required by virtue of the position of city attorney. The mayor shall set the compensation of the city attorney.
- (d) An individual shall be designated as the city attorney, and such individual shall be an employee of the city. The city attorney shall not engage in the private practice of law, nor while serving as city attorney shall such individual represent any other governmental body, authority, agency, board, public corporation, or political subdivision.
- (e) The city attorney shall be the department head for the city law department, and the city may hire assistant city attorneys to assist the city attorney as the mayor and city council deem necessary and appropriate.
- (f) (1) Where not inconsistent with the Georgia Rules of Professional Conduct enacted by the State Bar of Georgia and the rulings of the Supreme Court of Georgia, this subsection shall govern the city attorney.
- (2) The city attorney represents the city acting through its duly elected and appointed officials.
  - (3) If the city attorney knows that an elected or appointed officer, employee, or other person associated with the city is engaged in action, intends to act, or refuses to act in a matter related to the representation that is a violation of a legal obligation to the city, or a violation of law that reasonably might be imputed to the city, and that is likely to result in substantial injury to the city, then the city attorney shall proceed as is reasonably necessary in the best interest of the city. Unless the city attorney reasonably believes that it is not necessary in the best interest of the city to do so, the city attorney shall refer the matter to a higher authority in the city, including, if warranted by the circumstances, to the mayor and city council.

- 
- (4) Except as provided in paragraph (5) of this subsection, if despite the city attorney's efforts in accordance with paragraph (3) of this subsection the mayor and city council insist upon or fail to address in a timely and appropriate manner an action, or a refusal to act, that is clearly a violation of law, and the city attorney reasonably believes that the violation is reasonably certain to result in substantial injury to the city, then the city attorney may reveal information relating to the representation whether or not Rule 1.6 of the Georgia Rules of Professional Conduct of the State Bar of Georgia permits such disclosure, but only if and to the extent the city attorney reasonably believes necessary to prevent substantial injury to the city.
  - (5) Paragraph (4) of this subsection shall not apply with respect to information relating to a city attorney's, or any other attorney's, representation of the city to investigate an alleged violation of law, or to defend the city or an officer, employee, or other constituent associated with the city against a claim arising out of an alleged violation of law.
  - (6) In dealing with the city's elected and appointed officers, officials and employees, and other constituents, the city attorney shall explain the identity of the client when the city attorney knows or reasonably should know that the city's interests are adverse to those of the individuals with whom the city attorney is dealing."

(H.B. 921(Act 330), p. \_\_\_\_; Ord. No. 2022-003, § 3, 1-25-2022)

#### **Sec. 4.13. City clerk.**

The mayor shall nominate and the city council shall confirm by a majority vote a city clerk who shall not be a councilmember. The city clerk shall report to mayor and city council. The city council shall provide for the compensation of the city clerk.

The city clerk's office shall serve as the central repository for information regarding all legislative actions of the governing authority. The city clerk shall serve as the designated custodian and administrator of the city council's legislative actions. The records for all city boards, authorities, commissions, etc., shall be maintained by the office of the city clerk. The city clerk shall be custodian of the official city seal, maintain city council records required by this Charter, and perform such other duties as may be required by the city council. The city clerk may be removed by five affirmative votes of city council.

(H.B. 1019(Act 414), p. \_\_\_\_; Ord. No. 2022-031, § 1, 9-27-2022)

#### **Sec. 4.14. Finance director.**

The city manager shall appoint a finance director to collect all taxes, licenses, fees, and other moneys belonging to the city subject to the provisions of this charter and the ordinances of the city and to enforce all laws of Georgia relating to the collection of delinquent taxes and sale or foreclosure for nonpayment of taxes to the city. The finance director shall also be responsible for the general duties of the treasurer and fiscal officer of the city. The city council shall provide for the compensation of the finance director."

(H.B. 1019(Act 414), p. \_\_\_\_)

#### **Sec. 4.15. Rules and regulations.**

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

- (1) The method of employee selection and probationary periods of employment;

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

**Sec. 4.16. Internal auditor.**

- (a) There is hereby created a financial administrative unit of the city to be known as office of internal audit. The head of this unit shall be designated as the internal auditor (director). The director shall be independent of the other departments of the city and shall only be directly accountable to the public and the city council for work performed.
- (b) Appointment of director: The director shall be appointed by recommendation of the mayor and approval of the city council. The mayor's appointment shall be made from a list of three candidates supplied by an executive search firm that meet the following requirements:
  - (1) Bachelor's degree from a four-year college or university in accounting or related field (MBA preferred); Licensed as a Certificated Public Accountant (CPA); Certification issued by The Institute of Internal Auditors as a Certificated Internal Auditor (CIA) and certification issued by the Association of Certified Fraud Examiners (CFE) preferred.
  - (2) Five or more years of internal audit experience in a public sector organization, or any combination of education, training and experience which provide the required knowledge, skills and abilities to perform the essential functions of the job.
- (c) Removal of director: The director may not be removed from office except for misconduct, inefficiency, incompetence, inability or failure to perform the duties of such office or negligence in the performance of such duties. In such cases that warrant removal from office, said removal shall be accomplished only by a resolution adopted in public hearing by a vote of no less than five members of the city council; nothing contained herein shall prevent the council from eliminating the office of the director by the normal ordinance process, which action shall not be considered a removal for cause, but simply a change in policy by the city.
- (d) Duties and responsibilities.
  - (1) *Compliance:* It shall be the duty and responsibility of the Director to review city financial transactions, policies and practices for compliance with federal, state and local rules and regulations and applicable city policies. The Director shall, on a monthly basis, perform independent and objective audits or reviews of financial, compliance and operational activities of the city and the city's contractors, licensees and franchisees. Audits or reviews performed shall analyze and evaluate financial management systems and operational controls and procedures of the city to develop recommended policies and procedures.
  - (2) *Annual work plan:* The director shall formulate and present to the council an annual work plan of tasks and projects for review and adoption at the beginning of each fiscal year. Such annual plan may be amended from time to time by a majority vote of the city council.
  - (3) *Other assigned duties:* The director shall carry out any other duties as assigned by the city council.

- 
- (4) *Findings and reports:* The director shall communicate findings and reports to the appropriate departments for their input.
  - (5) *Fiduciary responsibility:* The director shall have a fiduciary responsibility to the citizens of the city and will, at all times, exercise their duties with complete impartiality, fairness and objectivity.
  - (6) *Deception prohibited:* It shall be unlawful for the director to deceive the public or the city council, in any manner, or to obstruct or manipulate the audit process, or conspire with others to do the same.
  - (7) *Coercion:* It shall be unlawful for the director to coerce, threaten, harass, intimidate, influence or obstruct in any manner another person in the discharge of their responsibilities.
- (e) Independence and accountability.
- (1) *Independence:* The director shall, at all times, be totally independent from any other department of the city. Any audits, investigations, findings, recommendations and requests made by the office of internal audit shall reflect the views of the director alone.
  - (2) *Influencing:* No person shall attempt to unduly influence or undermine the independence of the director or staff in the performance of the duties and responsibilities set forth in this article.
- (f) Cooperation and assistance.
- (1) *Employee cooperation:* All city employees shall be required as a condition of their employment to cooperate fully and truthfully with the Office of Internal Audit operating within the course and scope of this article, by providing the director or staff any information, evidence, interviews or other material as requested.
  - (2) *Access:* The director and staff shall have complete access to any and all records maintained and retained by the city necessary to carry out the duties and functions of the position. This access includes all electronic data or information maintained by the city and allowed by law.
  - (3) *Intimidation:* It shall be unlawful for any person, to directly or indirectly force, or by any threats to person or property, or in any manner willfully intimidate, influence, impede, deter, threaten, harass, obstruct or prevent another person from freely, fully and truthfully cooperating with the Office of Internal Audit.
  - (4) *Privileges, confidentiality:* Nothing contained herein is intended to waive any privileges or confidentiality that may exist for the protection of the city.
- (h) Reporting to council and public.
- (1) *Required:* The director shall report to the city council all finding and reports upon the completion of all assignments.
  - (2) *Quarterly summary to city council:* The director shall provide a quarterly summary to the city council of all activities conducted by the auditor or his office.
  - (3) *Report of activities:* The director shall report any or all activities conducted by the director upon the request of the city council at any time.
  - (4) *Quarterly report to public:* The director shall report quarterly to the public all activities, as allowed by law, conducted by the director.

(Ord. No. 2022-028, § 1, 9-27-2022)

## ARTICLE V. JUDICIAL BRANCH

---

**Sec. 5.10. Municipal court.**

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

**Sec. 5.11. Judges.**

- (a) The municipal court shall be presided over by a chief judge and such part-time, full-time, or stand-by judges as shall be provided by ordinance. The chief judge shall be nominated by the mayor and shall be confirmed by resolution of the city council, and the method of selection and terms of any other judges shall be provided by ordinance.
- (b) No person shall be qualified or eligible to serve as a judge on the municipal court unless that person shall have attained the age of 21 years and shall have been a member of the State Bar of Georgia for a minimum of three years.
- (c) Compensation of the chief judge and other judges shall be fixed by the city council. The position of chief judge shall not be a full-time position, and the person serving as chief judge may engage in the private practice of law.
- (d) The chief judge shall serve a term of four years, coincident with the term of the mayor, but may be removed upon action taken by the Judicial Qualification Commission or as provided by O.C.G.A. § 36-32-2.1.
- (e) Before assuming office, each judge shall take an oath, given by the mayor, that the judge will honestly and faithfully discharge the duties of the office to the best of his or her ability and without fear, favor, or partiality. The oath shall be entered upon the minutes of the city council journal required in Section 3.14 of this Charter.

(H.B. 1019(Act 414), p. \_\_\_\_)

**Sec. 5.12. Convening of court.**

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

**Sec. 5.13. Powers.**

- (a) The municipal court shall try and punish violations of this Charter, all city ordinances, and such other violations as provided by law.
- (b) The municipal court shall have the authority to punish those in its presence for contempt, provided that such punishment shall not exceed the statutory limits for fines and imprisonment for such municipal court.
- (c) The municipal court may fix punishment for offenses within its jurisdiction, including both fines and imprisonment or alternative sentencing, provided that such fines or imprisonment does not exceed the statutory limits as [they] now exist or hereafter [as] provided by law.
- (d) The municipal court shall have the authority to establish a schedule of fees to defray the cost of operation and shall be entitled to reimbursement of the actual cost of meals, transportation, and caretaking of prisoners bound over to superior courts for violation of state law.
- (e) The municipal court shall have authority to establish bail and recognizances to ensure the presence of those charged with violations before said court and shall have discretionary authority to accept cash or personal or real property as surety bond for the appearance of persons charged with violations. Whenever any person shall give bail for appearance and shall fail to appear at the time fixed for trial, the bond shall be forfeited by



---

the judge presiding at such time and an execution shall be issued thereon by serving the defendant and his or her sureties with a rule nisi at least two days before a hearing on the rule nisi.

- (f) The municipal court shall have the same authority as superior courts to compel the production of evidence in the possession of any party; to enforce obedience to its orders, judgments, and sentences; and to administer such oaths as are necessary.
- (g) The municipal court shall have the authority to bind prisoners over to the appropriate court when it appears by probable cause that state law has been violated.
- (h) Each judge of the municipal court may compel the presence of all parties necessary to a proper disposal of each case by the issuance of summonses, subpoenas, and warrants which may be served as executed by any officer as authorized by this Charter or by law.
- (i) Each judge of the municipal court shall be authorized to issue warrants for the arrest of persons charged with offenses against any ordinance of the city, and each judge of the municipal court shall have the same authority as a magistrate of the state to issue warrants for offenses against state laws committed within the city.
- (j) The municipal court is specifically vested with all the jurisdiction and powers throughout the geographic area of this city granted by law to municipal courts and particularly by such laws as authorize the abatement of nuisances and prosecution of traffic violations.

#### **Sec. 5.14. Certiorari.**

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

#### **Sec. 5.15. Rules.**

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

## **ARTICLE VI. FINANCE**

#### **Sec. 6.10. Property tax.**

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

---

### **Sec. 6.11. Millage.**

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

### **Sec. 6.12. Occupation taxes and business license fees.**

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

### **Sec. 6.13. Licenses.**

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

### **Sec. 6.14. Reserved.**

### **Sec. 6.15. Sewer fees.**

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

### **Sec. 6.16. Roads.**

The city council by ordinance shall have the power to assess, charge, and collect the costs of constructing, reconstructing, widening, or improving any public way, street, sidewalk, curbing, gutters, sewers, or other utility

---

mains and appurtenances from the abutting property owners under such terms and conditions as are reasonable. If unpaid, such charges shall be collected as provided in Section 6.18 of this Charter.

**Sec. 6.17. Other taxes.**

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

**Sec. 6.18. Collection of delinquent taxes.**

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

**Sec. 6.19. Borrowing.**

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

**Sec. 6.20. Revenue bonds.**

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

**Sec. 6.21. Loans.**

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

**Sec. 6.22. Accounting and budgeting.**

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

**Sec. 6.23. Budget ordinance.**

The city council shall provide an ordinance on the procedures and requirements for the preparation and execution of an annual operating budget, a capital improvement program, and a capital budget, including requirements as to the scope, content, and form of such budgets and programs. The city council shall comply with the provisions of Chapter 81 of Title 36 of the O.C.G.A.

---

### **Sec. 6.24. Operating budget.**

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

### **Sec. 6.25. Adoption.**

- (a) The city council may amend the operating budget proposed by the city manager, except that the budget as finally amended and adopted must provide for all expenditures required by state law or by other provisions of this Charter and for all debt service requirements for the ensuing fiscal year. The total appropriations from any fund shall not exceed the estimated fund balance, reserves, and revenues.
- (b) After the conducting of a budget hearing, the city council shall adopt the final operating budget for the ensuing fiscal year on or before a date fixed by ordinance of the council. If the city council fails to adopt the budget by said date, the amounts appropriated for operation for the then current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items prorated accordingly, until such time as the city council adopts a budget for the ensuing fiscal year. Adoption of the budget shall take the form of an appropriations ordinance setting out the estimated revenues in detail by sources and making appropriations according to fund and by organizational unit, purpose, or activity as set out in the budget preparation ordinance adopted pursuant to Section 6.23 of this Charter.
- (c) The amount set out in the adopted operating budget for each organizational unit shall constitute the annual appropriation for such, and no expenditure shall be made or encumbrance created in excess of the otherwise unencumbered balance of the appropriations or allotments thereof to which it is chargeable.

### **Sec. 6.26. Levy of taxes.**

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

### **Sec. 6.27. Changes in budget.**

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

### **Sec. 6.28. Capital improvements.**

- (a) On or before the date fixed by the city council, but not later than 30 days prior to the beginning of each fiscal year, the city manager shall submit to the city council a proposed capital improvements budget with any recommendations as to the means of financing the improvements proposed for the ensuing year. The city council shall have the power to accept, with or without amendments, or reject the proposed program and proposed means of financing. The city council shall not authorize an expenditure for the construction of any

---

building, structure, work, or improvement, unless the appropriations for such project are included in the capital improvements budget, except to meet a public emergency as provided in Section 3.18 of this Charter.

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

### **Sec. 6.29. Audits.**

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

### **Sec. 6.30. Procurement and property management.**

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

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

### **Sec. 6.31. Purchasing.**

- (a) The city council shall by ordinance prescribe procedures for a system of centralized purchasing for the city.
- (b) The ordinance adopted pursuant to the requirement of subsection (a) of this section may authorize the mayor and councilmembers to individually expend city funds that are budgeted to such officers, provided that any such expenditures, whether made using purchasing cards or other means, are subject to the approval of the city manager. Furthermore, the city manager shall report at each regular meeting of the city council all such expenditures approved for and made by the mayor or individual councilmembers since the last regular meeting of the city council.

(H.B. 1019(Act 414), p.\_\_\_\_)

### **Sec. 6.32. Sale of property.**

- (a) The city council may sell and convey any real or personal property owned or held by the city for governmental or other purposes as now or hereafter provided by law, as well as any abandoned or surplus property.
- (b) The city council may quitclaim any rights it may have in property not needed for public purposes upon request by the mayor and adoption of a resolution, both finding that the property is not needed for public or other purposes and that the interest of the city has no readily ascertainable monetary value.



- 
- (c) Whenever in opening, extending, or widening any street, avenue, alley, or public place of the city a small parcel or tract of land is cut off or separated by such work from a larger tract or boundary of land owned by the city, the city council may authorize the mayor to execute and deliver in the name of the city a deed conveying said cut-off or separated parcel or tract of land to an abutting or adjoining property owner or owners in exchange for rights of way of said street, avenue, alley, or public place when such exchange is deemed to be in the best interest of the city. All deeds and conveyances heretofore and hereafter so executed and delivered shall convey all title and interest the city has in such property, notwithstanding the fact that no public sale after advertisement was or is hereafter made.

**Sec. 6.33. General homestead exemption.**

- (a) As used in this section, the term:
- (1) "Ad valorem taxes for municipal purposes" means all ad valorem taxes for municipal purposes levied by, for, or on behalf of the City of South Fulton, except for any ad valorem taxes to pay interest on and to retire municipal bonded indebtedness.
  - (2) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of the O.C.G.A., as amended.
- (b) Each resident of the City of South Fulton is granted an exemption on that person's homestead from City of South Fulton ad valorem taxes for municipal purposes in the amount of \$30,000.00 of the assessed value of that homestead. The value of that property in excess of such exempted amount shall remain subject to taxation.
- (c) A person shall not receive the homestead exemption granted by subsection (b) of this section unless the person or person's agent files an application with the governing authority of the City of South Fulton, or the designee thereof, giving such information relative to receiving such exemption as will enable the governing authority of the City of South Fulton, or the designee thereof, to make a determination regarding the initial and continuing eligibility of such person for such exemption. The governing authority of the City of South Fulton, or the designee thereof, shall provide application forms for this purpose.
- (d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year so long as the owner occupies the residence as a homestead. After a person has filed the proper application as provided in subsection (c) of this section, it shall not be necessary to make application thereafter for any year and the exemption shall continue to be allowed to such person. It shall be the duty of any person granted the homestead exemption under subsection (b) of this section to notify the governing authority of the City of South Fulton, or the designee thereof, in the event that person for any reason becomes ineligible for such exemption.
- (e) The exemption granted by subsection (b) of this section shall not apply to or affect state ad valorem taxes, county ad valorem taxes for county purposes, or county or independent school district ad valorem taxes for educational purposes. The homestead exemption granted by subsection (b) of this section shall be in addition to and not in lieu of any other homestead exemption applicable to municipal ad valorem taxes for municipal purposes.
- (f) The exemption granted by subsection (b) of this section shall apply to all taxable years beginning on or after January 1, 2017.

**Sec. 6.34. General homestead exemption for citizens age 65 or over.**

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

- 
- (1) "Ad valorem taxes for municipal purposes" means all ad valorem taxes for municipal purposes levied by, for, or on behalf of the City of South Fulton, except for any ad valorem taxes to pay interest on and to retire municipal bonded indebtedness.
  - (2) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of the O.C.G.A., as amended.
  - (3) "Senior citizen" means a person who is 65 years of age or over on or before January 1 of the year in which application for the exemption under subsection (b) of this section is made.
- (b) Each resident of the City of South Fulton who is a senior citizen is granted an exemption on that person's homestead from City of South Fulton ad valorem taxes for municipal purposes in the amount of \$15,000.00 of the assessed value of that homestead. The value of that property in excess of such exempted amount shall remain subject to taxation.
  - (c) A person shall not receive the homestead exemption granted by subsection (b) of this section unless the person or person's agent files an application with the governing authority of the City of South Fulton, or the designee thereof, giving the person's age and such additional information relative to receiving such exemption as will enable the governing authority of the City of South Fulton, or the designee thereof, to make a determination regarding the initial and continuing eligibility of such person for such exemption. The governing authority of the City of South Fulton, or the designee thereof, shall provide application forms for this purpose.
  - (d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year so long as the owner occupies the residence as a homestead. After a person has filed the proper application, as provided in subsection (c) of this section, it shall not be necessary to make application thereafter for any year and the exemption shall continue to be allowed to such person. It shall be the duty of any person granted the homestead exemption under subsection (b) of this section to notify the governing authority of the City of South Fulton, or the designee thereof, in the event that person for any reason becomes ineligible for that exemption.
  - (e) The exemption granted by subsection (b) of this section shall not apply to or affect state ad valorem taxes, county ad valorem taxes for county purposes, or county or independent school district ad valorem taxes for educational purposes. The homestead exemption granted by subsection (b) of this section shall be in addition to and not in lieu of any other homestead exemption applicable to municipal ad valorem taxes for municipal purposes.
  - (f) The exemption granted by subsection (b) of this section shall apply to all taxable years beginning on or after January 1, 2017.

**Sec. 6.35. Homestead exemption for citizens age 65 or over meeting certain income requirements.**

- (a) As used in this section, the term:
  - (1) "Ad valorem taxes for municipal purposes" means all ad valorem taxes for municipal purposes levied by, for, or on behalf of the City of South Fulton, including, but not limited to, any ad valorem taxes to pay interest on and to retire municipal bonded indebtedness.
  - (2) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of the O.C.G.A., as amended.
  - (3) "Income" means adjusted gross income as such term is defined in the Internal Revenue Code of 1986, as such code is defined in Code Section 48-1-2 of the O.C.G.A., except that for purposes of this section the term shall include only that portion of income or benefits received as retirement, survivor, or

---

disability benefits under the federal Social Security Act or under any other public or private retirement, disability, or pension system which exceeds the maximum amount which may be received by an individual and an individual's spouse under the federal Social Security Act.

- (4) "Senior citizen" means a person who is 65 years of age or over on or before January 1 of the year in which application for the exemption under subsection (b) of this section is made.
- (b) Each resident of the City of South Fulton who is a senior citizen is granted an exemption on that person's homestead from City of South Fulton ad valorem taxes for municipal purposes in the amount of \$10,000.00 of the assessed value of that homestead. The exemption granted by this subsection shall only be granted if that person's income, together with the income of the spouse who also occupies and resides at such homestead, does not exceed the maximum amount which may be received by an individual and an individual's spouse under the federal Social Security Act for the immediately preceding year. The value of that property in excess of such exempted amount shall remain subject to taxation.
- (c) A person shall not receive the homestead exemption granted by subsection (b) of this section unless the person or person's agent files an application with the governing authority of the City of South Fulton, or the designee thereof, giving the person's age, income, and such additional information relative to receiving such exemption as will enable the governing authority of the City of South Fulton, or the designee thereof, to make a determination regarding the initial and continuing eligibility of such person for such exemption. The governing authority of the City of South Fulton, or the designee thereof, shall provide application forms for this purpose.
- (d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year so long as the owner occupies the residence as a homestead. After a person has filed the proper application, as provided in subsection (c) of this section, it shall not be necessary to make application thereafter for any year and the exemption shall continue to be allowed to such person. It shall be the duty of any person granted the homestead exemption under subsection (b) of this section to notify the governing authority of the City of South Fulton, or the designee thereof, in the event that person for any reason becomes ineligible for that exemption.
- (e) The exemption granted by subsection (b) of this section shall not apply to or affect state ad valorem taxes, county ad valorem taxes for county purposes, or county or independent school district ad valorem taxes for educational purposes. The homestead exemption granted by subsection (b) of this section shall be in addition to and not in lieu of any other homestead exemption applicable to municipal ad valorem taxes for municipal purposes.
- (f) The exemption granted by subsection (b) of this section shall apply to all taxable years beginning on or after January 1, 2017.

**Sec. 6.36. Homestead exemption for citizens age 70 or over and disabled persons meeting certain income requirements.**

- (a) As used in this section, the term:
- (1) "Ad valorem taxes for municipal purposes" means all ad valorem taxes for municipal purposes levied by, for, or on behalf of the City of South Fulton, including, but not limited to, any ad valorem taxes to pay interest on and to retire municipal bonded indebtedness.
- (2) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of the O.C.G.A., as amended.
- (3) "Income" means adjusted gross income determined pursuant to the Internal Revenue Code of 1986, as amended, for federal income tax purposes, except that for the purposes of this section the term shall include only that portion of income or benefits received as retirement, survivor, or disability benefits

---

under the federal Social Security Act or under any other public or private retirement, disability, or pension system which exceeds the maximum amount which may be received by an individual and an individual's spouse under the federal Social Security Act.

- (4) "Senior citizen" means a person who is 70 years of age or over on or before January 1 of the year in which application for the exemption under subsection (b) of this section is made.
- (b) Each resident of the City of South Fulton who is a senior citizen or who is disabled is granted an exemption on that person's homestead from City of South Fulton ad valorem taxes for municipal purposes for the full value of that homestead. The exemption granted by this subsection shall only be granted if that person's income, together with the income of the spouse who also occupies and resides at such homestead, does not exceed the maximum amount which may be received by an individual and an individual's spouse under the federal Social Security Act for the immediately preceding year.
- (c) (1) In order to qualify for the exemption provided for in subsection (b) of this section as being disabled, the person claiming such exemption shall be required to obtain a certificate from not more than three physicians licensed to practice medicine under Chapter 34 of Title 43 of the O.C.G.A., as amended, certifying that in the opinion of such physician or physicians such person is mentally or physically incapacitated to the extent that such person is unable to be gainfully employed and that such incapacity is likely to be permanent. Such certificate or certificates shall constitute part of and be submitted with the application provided for in paragraph (2) of this subsection.
- (2) A person shall not receive the homestead exemption granted by subsection (b) of this section unless the person or person's agent files an application with the governing authority of the City of South Fulton, or the designee thereof, giving the person's age, income, and such additional information relative to receiving such exemption as will enable the governing authority of the City of South Fulton, or the designee thereof, to make a determination regarding the initial and continuing eligibility of such person for such exemption. The governing authority of the City of South Fulton, or the designee thereof, shall provide application forms for this purpose.
- (d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year so long as the owner occupies the residence as a homestead. After a person has filed the proper application, as provided in subsection (c) of this section, it shall not be necessary to make application thereafter for any year and the exemption shall continue to be allowed to such person. It shall be the duty of any person granted the homestead exemption under subsection (b) of this section to notify the governing authority of the City of South Fulton, or the designee thereof, in the event that person for any reason becomes ineligible for that exemption.
- (e) The exemption granted by subsection (b) of this section shall not apply to or affect state ad valorem taxes, county ad valorem taxes for county purposes, or county or independent school district ad valorem taxes for educational purposes. The homestead exemption granted by subsection (b) of this section shall be in addition to and not in lieu of any other homestead exemption applicable to municipal ad valorem taxes for municipal purposes.
- (f) The exemption granted by subsection (b) of this section shall apply to all taxable years beginning on or after January 1, 2017.

## ARTICLE VI-A. ETHICS COMPLAINTS

### Sec. 6-A.1. Ethics complaints.

- (a) Any person may file an ethics complaint alleging a violation of any of the provisions of this charter or any ethics ordinance adopted by the city by an employee or city official by completing and submitting to the city

---

clerk the ethics complaint form adopted by the city manager. The person filing an ethics complaint shall be referred to in this article as the 'complainant.' In the event the city clerk is the subject of an ethics complaint, all duties of the city clerk in this article shall be undertaken by the city manager.

- (b) The ethics complaint shall, at a minimum, identify the specific provisions of the charter or ordinance alleged to be violated, shall be supported by affidavits based on personal knowledge, and shall show affirmatively that the affiant is competent to testify to the matters stated therein. All documents referred to in an affidavit shall be attached to the affidavit. Every ethics complaint shall be signed and notarized, and shall contain the following statement:

'I have read the ethics complaint and aver that the facts contained therein are true to the best of my knowledge and belief, and I am aware that the Ethics Ordinance authorizes the imposition of penalties against me for filing a frivolous complaint, including without limitation, payment of costs and attorney's fees associated with the handling and processing of the ethics complaint, and/or all other penalties applicable under the law.'

- (c) An ethics complaint shall be filed within six months of the date the alleged violation is said to have occurred, or in case of concealment or nondisclosure, within six months of the date the alleged violation was or should have been discovered by the complainant after due diligence.
- (d) No action may be taken on any ethics complaint which arises out of substantially the same facts or circumstances which have previously served as the basis for an ethics complaint pursuant to this article.
- (e) A separate ethics complaint shall be filed for each person alleged to have engaged in any activity violating this article even if the allegations arise from the same factual basis. The person alleged to have violated this article shall be referred to in this article as the 'respondent.'

(H.B. 1019(Act 414), p.\_\_\_\_)

### **Sec. 6-A.2. Processing ethics complaints.**

- (a) Upon receipt of an ethics complaint, the city clerk shall, within five business days from receipt of the ethics complaint, determine whether the ethics complaint on its face satisfies the requirements of Section 6-A.1 of this charter.
  - (1) If the ethics complaint does not meet the requirements set forth in Section 6-A.1 of this charter, the city clerk shall notify the complainant in writing of the defects via certified mail, return receipt requested. Thereafter, the complainant shall be afforded five business days from receipt of the notification of defect from the city clerk to cure any defects that may be cured and resubmit the ethics complaint. If an ethics complaint is not resubmitted within the allotted time period, the city and the city clerk shall take no further action on the ethics complaint.
  - (2) If the city clerk finds that the ethics complaint does meet the requirements of Section 6-A.1 of this charter on its face, the ethics complaint will be processed pursuant to the provisions of this article.
- (b) Upon confirmation by the city clerk that the ethics complaint meets the requirements of Section 6-A.1 of this charter on its face, the city clerk shall promptly forward a copy of the ethics complaint by certified mail, return receipt requested, to the city official or employee against whom the ethics complaint was filed.
- (c) Upon confirmation by the city clerk that the ethics complaint meets the requirements of Section 6-A.1 of this charter on its face, the city clerk shall promptly begin the process of randomly selecting an ethics panel as provided in Section 6-A.4 of this charter.
- (d) The respondent shall respond to the ethics complaint within 30 days of receipt of the ethics complaint from the city clerk. The respondent's response shall be supported by affidavits based on personal knowledge and

---

shall show affirmatively that the affiant is competent to testify to the matters stated therein. All documents referred to in an affidavit shall be attached to the affidavit. The respondent shall verify the response by his or her signature thereon, which shall be notarized.

- (e) Within 60 days of the determination by the city clerk that the ethics complaint meets the requirements of Section 6-A.1 of this charter, unless such time is extended by the ethics panel convened to hear the ethics complaint upon good cause shown, the ethics panel shall convene a meeting to conduct an initial review of the ethics complaint to determine whether specific, substantiated evidence from credible sources exists in the ethics complaint to support a reasonable belief that there has been a violation of this article.
- (f) If after reviewing the ethics complaint the ethics panel determines that no specific, substantiated evidence from credible sources exists to support a reasonable belief that there has been a violation of this article or determines that no violation occurred as a matter of applying the facts alleged and accepted as true to the terms of this article, the ethics panel shall dismiss the ethics complaint without further proceedings. Such dismissal shall be entered in writing stating the basis therefor.
- (g) If the ethics panel determines that specific, substantiated evidence from credible sources exists to support a reasonable belief that there has been a violation of this article by the respondent, the ethics panel shall set a hearing for consideration of the allegations of the ethics complaint, also known as the 'ethics hearing.' Written notice of the ethics hearing, containing the time, date, and place of such hearing, shall be sent to the complainant and the respondent by the city clerk by certified mail, return receipt requested.

(H.B. 1019(Act 414), p.\_\_\_\_)

### **Sec. 6-A.3. Ethics hearings.**

- (a) All ethics hearings shall be conducted so as to insure the requirements of due process for the respondent. At the ethics hearing, the complainant and respondent shall be entitled to make opening statements, testify, present witnesses and evidence, and make a closing statement after the submission of all evidence. The complainant and respondent shall not be required to testify unless subpoenaed to do so. Both the complainant and the respondent shall be allowed to question any witness that testifies.
- (b) The respondent and the complainant shall be entitled to be represented by legal counsel at all stages of consideration of an ethics complaint, including at the ethics hearing.
- (c) The ethics panel may not call witnesses or tender evidence of its own accord; however, members of the ethics panel may question any witnesses that are called to testify by either the respondent or the complainant.
- (d) Any final determination resulting from the ethics hearing shall include written findings of fact and conclusions of law. In reaching its decision on the ethics complaint, the ethics panel shall decide if clear and convincing evidence presented at the ethics hearing establishes a violation of this article.

(H.B. 1019(Act 414), p.\_\_\_\_)

### **Sec. 6-A.4. Ethics panel.**

- (a) Each ethics panel shall be constituted for the sole purpose of considering a single ethics complaint.
- (b) Each ethics panel shall consist of three randomly selected members from a list maintained by the city clerk.
- (c) The city clerk shall maintain a list of not less than nine nor more than 15 qualified individuals from which to draw members of ethics panels. The city clerk shall confirm the qualifications and willingness to serve of the members of the ethics panel not less than once per year.



- 
- (d) Individuals shall be deemed qualified to serve on the ethics panel for so long as they:
    - (1) Are attorneys at law in good standing with the State Bar of Georgia;
    - (2) Have at least five years experience in the practice of law, with no less than three of those years dedicated to general civil litigation practice;
    - (3) Reside or maintain an office within Fulton County;
    - (4) Are not, and have never been, an employee or city official, and are not the spouse, parent, child, or sibling of an existing or former employee or city official; and
    - (5) Have no, and the members of their immediate family have no, business or contractual relationship with the City of South Fulton, have not provided monetary or in-kind campaign contributions to sitting city council members, and otherwise have no conflict of interest in providing service on the ethics panel.
  - (e) Upon the city clerk determining that an ethics complaint meets the requirements of Section 6-A.1 of this charter on its face, the city clerk shall promptly draw names randomly from the list of qualified individuals and contact such individuals to determine their availability to serve on the ethics panel. The drawing of names by the city clerk shall be witnessed by at least one department director or a judge of the municipal court to ensure the integrity of the selection process. Upon selection of three qualified individuals who are available to serve on the ethics panel, the city clerk shall prepare a document identifying panel membership and both the clerk and the staff member or the judge of the municipal court that witnessed the selection process shall attest on that document to the legitimacy of the selection process.
  - (f) No person shall be qualified to serve on more than one ethics panel at any given time unless all other qualified individuals are either serving on an ethics panel or have expressed their unavailability to so serve. Service on an ethics panel shall be deemed to have terminated upon the entry of the written dismissal or decision of the ethics panel after the conclusion of an ethics hearing.
  - (g) An individual shall cease to be qualified immediately upon the third consecutive refusal, whether by choice or unavailability, to serve on an ethics panel after being randomly drawn from the list and contacted by the city clerk to serve.

(H.B. 1019(Act 414), p.\_\_\_\_)

### **Sec. 6-A.5. Organization and internal operating regulations.**

- (a) Each ethics panel shall elect a chairperson and vice chairperson to serve during the pendency of the ethics panel.
- (b) Members of the ethics panel shall be paid a per diem for each meeting or hearing they are required to attend. If a hearing lasts multiple days, then the ethics panel attorney shall receive a separate per diem for each day of hearing attendance. The per diem shall be the same for each ethics panel attorney and shall be approved by the city council.
- (c) The city council shall provide meeting space for the ethics panel. Subject to budgetary procedures and requirements of the city, the city shall provide the ethics panel with such supplies and equipment as may be reasonably necessary to perform its duties and responsibilities. The city clerk shall serve as recording secretary to the ethics panel.
- (d) Subject to budgetary procedures and requirements of the city, an attorney other than the city attorney shall be available to assist the ethics panel in carrying out its responsibilities or to act as an ethics hearing administrator, whose duties shall be limited to conducting the ethics hearing as directed by the ethics panel. Any such appointed counsel shall be approved by the city council, shall perform services at an approved hourly rate, and shall serve at the joint pleasure of the ethics panel and the city council.

---

(e) The chairperson shall be entitled to the same voting rights as the other members of the ethics panel.

(H.B. 1019(Act 414), p.\_\_\_\_)

### **Sec. 6-A.6. Removal of member.**

The city council may remove a member of the ethics panel on grounds of neglect of duty or misconduct in office. For purposes of this section, an ethics panel member that, without good cause, misses two scheduled ethics panel meetings during the handling of a single case shall be deemed to have neglected their duty such that no further evidence demonstrating neglect need be shown. Before initiating the removal of a member from the ethics panel, the city council shall give the member written notice of the reason for the intended action, and the member shall have the opportunity to reply. Thereafter, the city council shall afford such member an opportunity for a hearing before the city council. Upon removal of a member by the city council, the city clerk shall promptly undertake the same process as set forth in subsection 6-A.4(e) of this charter to designate a replacement member of the ethics panel, and the selection process shall be subject to the same witnessing protocol as set forth in subsection 6-A.4(e) of this charter.

(H.B. 1019(Act 414), p.\_\_\_\_)

### **Sec. 6-A.7. Resignation of member.**

If a member of the ethics panel decides to resign prior to the final resolution by the ethics panel of an ethics complaint, the member's resignation shall be submitted in writing to the city clerk who shall forward the resignation to the city council, the mayor, and the other members of the ethics panel. A resignation shall be deemed effective upon submission to the city clerk and cannot be revoked. Upon receipt of the resignation, the city clerk shall promptly undertake the same process as set forth in subsection 6-A.4(e) of this charter to designate a replacement member of the ethics panel, and the selection process shall be subject to the same witnessing protocol as set forth in subsection 6-A.4(e) of this charter.

(H.B. 1019(Act 414), p.\_\_\_\_)

### **Sec. 6-A.8. Duties and powers.**

The ethics panel shall have the following duties and powers:

- (1) To establish any procedures, rules, and regulations governing its internal organization and conduct of its affairs, provided that such procedures, rules, and regulations do not conflict with any provision contained herein;
- (2) To consider and hear complaints of violations of this article;
- (3) To administer oaths;
- (4) To issue subpoenas only when requested to do so by the complainant or the respondent in accordance with Section 6-A.11 of this charter;
- (5) To recommend such action as provided in this article as deemed appropriate because of any violation of this article; and
- (6) To perform any other function authorized by this article.

(H.B. 1019(Act 414), p.\_\_\_\_)

---

### **Sec. 6-A.9. Custodian of records.**

The city clerk shall serve as legal custodian of the ethics panel records, and shall accept, file, maintain, and administer, in accordance with all applicable laws, any information related to the purposes of this article.

(H.B. 1019(Act 414), p.\_\_\_\_)

### **Sec. 6-A.10. Limitation of liability.**

No member of the ethics panel, or any person acting on behalf of the ethics panel, shall be liable to any person for any damages arising out of the enforcement or operation of this ethics article, except in the case of willful or wanton misconduct. This limitation of liability shall apply to the city, the members of the ethics panel, the city clerk, the city attorney, and any person acting under the direction of the ethics panel.

(H.B. 1019(Act 414), p.\_\_\_\_)

### **Sec. 6-A.11. Subpoenas.**

- (a) Any request for a subpoena made by a party to the ethics panel shall be made at least five business days prior to the ethics hearing date, and shall state the names and addresses for whom the subpoenas are to be issued and the date and time for the witnesses to appear. Any party requesting a subpoena shall also notify the opposing party in writing as to whom the subpoenas will be issued. A failure to provide such notification or to timely request a subpoena under this subsection may result in a waiver of the right to subpoena such witness.
- (b) The ethics panel adopts O.C.G.A. § 45-20-9(c), which states:  

'Subpoenas shall be issued without discrimination between public and private parties. When a subpoena is disobeyed, any party may apply to the superior court of the county where the ethics hearing is being held for an order requiring obedience. Failure to comply with such order shall be cause for punishment as for contempt of court. The costs of securing the attendance of witnesses, including fees and mileage, shall be computed and assessed in the same manner as prescribed by law in civil cases in the superior court. Once issued a subpoena may be quashed by the [ethics panel] or any administrative law judge if it appears that the subpoena was used primarily as a means of harassment, that the testimony or documents sought are cumulative, that the testimony or documents sought are not relevant, that the testimony or documents sought are not material, that to respond to the subpoena would be unduly burdensome, or that for other good reasons basic fairness dictates that the subpoena should not be enforced.'
- (c) It is intended that O.C.G.A. § 24-13-25 shall apply to require \$25.00 per diem as a witness fee for any witnesses who are not city employees. City employees shall not be entitled to receive a witness fee during hours in which they are being paid by the city for performance of job duties. Additionally, if a witness resides outside the city, O.C.G.A. § 24-13-25 shall apply to require the \$25.00 per diem witness fee and \$0.20 per mile for travel expenses as a condition for appearance. Consistent with O.C.G.A. § 24-13-25, any subpoenas issued on behalf of the city will not require payment of the above-stated fees. If applicable, O.C.G.A. § 24-13-28 shall govern issuance of subpoenas to off-duty law enforcement officers.
- (d) The complainant and the respondent shall be individually responsible for costs of securing the attendance of any subpoenaed witness, including the costs of fees and mileage as applicable, and shall be individually responsible for service of any subpoena.

(H.B. 1019(Act 414), p.\_\_\_\_)

---

### **Sec. 6-A.12. Disciplinary action.**

- (a) Upon a determination that an employee has violated this article, the ethics panel shall recommend to the mayor and the city council that the city impose any combination of one or more of the following penalties and actions:
  - (1) No further action;
  - (2) Written warning or reprimand;
  - (3) Suspension without pay;
  - (4) Termination of employment; and
  - (5) Repayment to the city of any unjust enrichment.
- (b) Upon a determination that a city official has violated this article, the ethics panel shall recommend to the mayor and the city council that the city impose any combination of the following penalties and actions:
  - (1) No further action;
  - (2) Written warning, censure, or reprimand;
  - (3) Request for resignation from office;
  - (4) Removal from office to the extent provided by Georgia law; and
  - (5) Repayment to the city of any unjust enrichment.
- (c) The city council shall retain the discretion to determine whether any recommendation presented by the ethics panel under subsections (a) and (b) of this section shall be imposed. In exercising this discretion, the city council shall not be bound by the recommendation of the ethics panel and may impose any combination of the penalties listed in the relevant section. This discretion shall not entitle the city council to override a determination by the ethics panel that a violation has occurred.
- (d) In addition to any other remedy provided herein, upon determination of a violation of this article, the ethics panel may recommend to the mayor and the city council in writing that any contract, bid, or change order that was the subject of the violation be cancelled or rescinded. The city council shall retain the discretion to determine whether such a cancellation or rescission would be in the best interest of the city and shall not be bound in any way by a recommendation of the ethics panel.
- (e) In addition to any other remedy provided herein, the ethics panel may also forward its written decision to the Fulton County District Attorney's Office, the Office of the Attorney General of Georgia, or the Office of the Governor for appropriate action.

(H.B. 1019(Act 414), p. \_\_\_\_)

### **Sec. 6-A.13. Judicial review.**

- (a) Any party against whom a decision of the ethics panel is rendered may obtain judicial review of the decision by writ of certiorari to the Superior Court of Fulton County. The application for the writ shall be filed within 30 days from the date of the decision of the city council with respect to the punishment to be imposed. If the ethics panel dismisses the ethics complaint or finds no violation to have been proven by clear and convincing evidence after an ethics hearing, the writ shall be filed within 30 days of the written dismissal or decision. Judicial review shall be based upon the record. No party shall be entitled to a de novo appeal.

- 
- (b) Upon failure to timely request judicial review of the decision by writ of certiorari as provided in this section, the decision shall be binding and final upon all parties.

(H.B. 1019(Act 414), p.\_\_\_\_)

#### **Sec. 6-A.14. Ex parte communications.**

- (a) After an ethics complaint has been filed and during the pendency of an ethics complaint before the ethics panel, no member of the ethics panel may communicate directly or indirectly with any party or other person about any issue of fact or laws regarding the ethics complaint, except as follows:
  - (1) The members of the ethics panel may obtain legal advice from the city attorney and may discuss the ethics complaint with any city staff provided by the city council to assist the ethics panel; and
  - (2) The members of the ethics panel may discuss the ethics complaint at a lawfully conducted meeting.
- (b) If any person attempts to communicate with an ethics panel member regarding an ethics complaint pending before the ethics panel, the ethics panel member shall report the substance of the communication to the ethics panel on the public record at the next meeting or hearing of the ethics panel.
- (c) No ethics panel member shall undertake an independent investigation of any complaint or matter before the ethics panel.

(H.B. 1019(Act 414), p.\_\_\_\_)

#### **Sec. 6-A.15. Confidentiality of board of ethics information.**

No member of the ethics panel, nor any public servant who has access to any confidential information related to the functions or activities of the ethics panel, shall divulge that information to any person not authorized to have it.

(H.B. 1019(Act 414), p.\_\_\_\_)

#### **Sec. 6-A.16. Wrongful use of this article.**

- (a) The purpose of this article is to endeavor to maintain a high standard of ethical behavior by city officials and employees. This will be most effective when city officials, employees, and citizens work together to set and maintain high ethical standards.
- (b) In order to accomplish this purpose, ethics complaints shall be based on fact and have the intent to improve the ethical climate of the city.
- (c) A wrongful use of this article shall occur if and when a frivolous, false, or politically motivated ethics complaint is filed in a negligent, reckless, or purposeful manner without a basis in law or fact and for purposes other than reporting a violation of this article.
- (d) An ethics complaint is not frivolous if the complainant reasonably believes that facts exist to support the claim and either reasonably believes that under those facts the ethics complaint is valid under this article or acts upon the advice of counsel sought in good faith and given after full disclosure of all relevant facts within his or her knowledge and information.
- (e) In deciding if an ethics complaint is a wrongful use of this article, the ethics panel shall consider the following, without limitation:

- 
- (1) The timing of the ethics complaint with respect to when the facts supporting the alleged violation became known or should have become known to the complainant, when the ethics complaint was filed, and the date of any pending election in which the respondent is a candidate or is involved with a candidacy, if any;
  - (2) The nature and type of publicity surrounding the filing of the ethics complaint, and the degree of participation by the complainant in publicizing the fact that an ethics complaint was filed;
  - (3) The existence and nature of any relationship between the respondent and the complainant before the ethics complaint was filed;
  - (4) If respondent is a candidate for election to office, the existence and nature of any relationship between the complainant and any candidate or group opposing the respondent;
  - (5) Whether the complainant knew or reasonably should have known that the allegations in the ethics complaint were groundless; and
  - (6) The complainant's motives in filing the complaint.
- (f) Allegations of a violation of this section shall be raised by the respondent as part of the respondent's response to an ethics complaint.
- (g) Allegations of a violation of this section shall be considered by the ethics panel considering the ethics complaint that is alleged to be a violation of this section. Evidence supporting and opposing the allegations of a violation of this section shall be presented at the same ethics hearing conducted with respect to the ethics complaint that is alleged to be a violation of this section.
- (h) Upon a finding by the ethics panel that clear and convincing evidence of a violation of this section was presented at the ethics hearing, the ethics panel shall recommend to the mayor and the city council that the city impose any combination of the following penalties and actions:
- (1) Public reprimand;
  - (2) Criminal prosecution for perjury; and
  - (3) Payment of costs and attorney's fees associated with the handling and processing of the ethics complaint. For purposes of this subsection, the term 'costs' shall include the staff time dedicated to processing the ethics complaint as well as copy costs and other directly attributable administrative expenses. For purposes of this subsection, the phrase 'attorney's fees' shall include the reasonable fees of the attorney retained, if any, by the subject of the ethics complaint as well as any fees necessary to be paid to the ethics panel attorneys. Such fees shall be calculated and approved in the same manner as provided in Section 6-A.17.

(H.B. 1019(Act 414), p. \_\_\_\_)

### **Sec. 6-A.17. Reimbursement for reasonable attorney's fees.**

In the event an ethics complaint brought against the respondent arising out of their official duties is dismissed, either by voluntary withdrawal of the complaint by the petitioner or by action of the ethics panel or superior court dismissing the complaint as unfounded or otherwise subject to dismissal, the respondent shall be entitled to reimbursement from the city for reasonable attorney's fees incurred in defending said ethics complaint. Upon securing a final determination by the ethics panel or superior court of the complaint being dismissed, to include voluntary withdrawal of the complaint by the petitioner, the respondent shall submit a copy of the order making such findings or the petitioner's withdrawal, whichever is applicable, to the city manager along with a copy of all applicable itemized attorney's fees incurred in defending same. The itemized attorney's fees shall have attorney time and tasks broken down in one-tenth of an hour increments along with the attorney's hourly fee,



---

coupled with a sworn statement by the attorney that the amount submitted for repayment is the same amount for which the respondent would otherwise have been responsible, or has already paid. Other than attorney time, no other expense or fees shall be subject to reimbursement. The city manager shall submit the attorney fee statement to the city attorney for a determination of reasonableness, of which determination shall be provided in writing to the city manager. Upon all or a portion of the fees being deemed reasonable, the city manager shall submit all documentation to the city finance department for issuance of a reimbursement check to the respondent or respondent's attorney, at the respondent's discretion. Reimbursement under this paragraph shall not exceed \$7,500.00 per ethics complaint, unless otherwise approved in a resolution approved by a majority of the city council.

(H.B. 1019(Act 414), p. \_\_\_\_)

## **ARTICLE VII. GENERAL PROVISIONS**

### **Sec. 7.10. Bonds for officials.**

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

### **Sec. 7.11. Reserved.**

### **Sec. 7.12. Definitions and construction.**

- (a) Section captions in this Charter are informative only and shall not be considered as a part thereof.
- (b) The word "shall" is mandatory and the word "may" is permissive.
- (c) The singular shall include the plural, the masculine shall include the feminine, and vice versa.

### **Sec. 7.13. Reserved.**

Editor's note(s)—Section 18 of H.B. 1019(Act 414), adopted June 30, 2020, repealed § 7.13, which pertained to qualified electors and derived from Ordinance No. 2017-001, effective on May 1, 2017.

### **Sec. 7.14. Reserved.**

Editor's note(s)—Section 18 of H.B. 1019(Act 414), adopted June 30, 2020, repealed § 7.14, which pertained to referendum and derived from Ordinance No. 2017-001, effective on May 1, 2017.

### **Sec. 7.15. Reserved.**

Editor's note(s)—Section 18 of H.B. 1019(Act 414), adopted June 30, 2020, repealed § 7.15, which pertained to effective dates and derived from Ordinance No. 2017-001, effective on May 1, 2017.

### **Sec. 7.16. Reserved.**

Editor's note(s)—Section 18 of H.B. 1019(Act 414), adopted June 30, 2020, repealed § 7.16, which pertained to transition and derived from Ordinance No. 2017-001, effective on May 1, 2017.

---

**Sec. 7.17. Directory nature of dates.**

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

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

**Sec. 7.18. Charter commission.**

At the first regularly scheduled city council meeting, five years after the inception of the City of South Fulton, the mayor and city council shall call for a charter commission to review the city's experience and recommend to the General Assembly any changes to the city charter. Members of the charter commission shall be appointed as follows: one by the mayor, one by the city council, and one by each member of the Georgia House of Representatives and Senate whose district lies wholly or partially within the corporate boundaries of the City of South Fulton. All members of the charter commission must reside in the City of South Fulton. The commission must complete the recommendations within six months of its creation. The commission shall make its recommendations in writing directly to each member of the Georgia House of Representatives and Senate whose district lies wholly or partially within the corporate boundaries of the City of South Fulton. The members of the Georgia House of Representatives and Senate whose district lies wholly or partially within the corporate boundaries of the City of South Fulton shall call said charter commission if the mayor and city council fail to call such commission at the time required by this section.

(H.B. 1019(Act 414), p.\_\_\_\_)

**Sec. 7.19. Severability.**

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

**Sec. 7.20. General repealer.**

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

## APPENDIX A. CORPORATE LIMITS CITY OF SOUTH FULTON

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

### FULTON COUNTY

VTD: 12109B—09B

**008202:** 4002

VTD: 12111E4—11E4

**007706:** 2028

VTD: 121CP08B—CP08B

**010511:** 2004

VTD: 121EP08A—EP08A

**011305:** 3015 3017

**011306:** 1031 2008 2018 2021

VTD: 121FA01A—FA01A

**010400:** 3064 3066 3078 3079 3087 3099

**010514:** 2051 2078 2086 2100 2101 2102

VTD: 121FA01B—FA01B

**010510:** 3126

VTD: 121SC01—SC01

VTD: 121SC02—SC02

VTD: 121SC04—SC04

VTD: 121SC05—SC05

VTD: 121SC07—SC07

**010304:** 2087 2103 2105 2106 2107 2108 2109 2112

**010400:** 3000 3003 3005 3006 3008 3009 3011 3012 3013 3014 3017 3019 3021 3028 3029 3042 3043 3053 3054 3065 3080

**010513:** 1021 1022 1043 1044 1045 1048 1049 1050 1051 1052 1055 1060 1061 1062 1078 1098 1119 2022 2024 2029 2030 2056 3045

**010514:** 1002 1003 1004 1005 1006 1012 1013 1014 1017 1019 1021 1022 1023 1024 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034 1036 1037 1043 1044 1046 1051 1054 1055 1056 1057 1059 1061 1062 1063 1065 1066 1067 1073 1087 1088 1089 2000 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011 2012 2013 2014 2015 2016 2017 2018 2019 2020 2021 2022 2023 2024 2025 2026 2028 2029 2030 2031 2032 2033 2034 2035

PART 1 - CHARTER  
APPENDIX A. CORPORATE LIMITS CITY OF SOUTH FULTON

---

2038 2040 2043 2044 2045 2046 2054 2055 2057 2059 2060 2061 2068 2071 2072 2073 2074 2075 2076 2077  
2080 2085 2087 2091 2094 2098 2108 2109 2110 2111 3055 3056 3079 3080

VTD: 121SC08—SC08

**010507:** 3066

**010510:** 2003 4000 4001 4009

**010511:** 1033 1034 1035 1036 1037 1038 1039 1040 1041 1043 1045 1046 1047 1048 1049 1061 1062 2005 2006  
2008 2009 2010 2011 2012 2013 2014 2015 2017 2018 2019 2020 2021 2024 2027 2028 2029 2030 2031 2032  
2033 2034 2036 2037 2038 2039 2040 2041 2042 2043 2044 2045 2046 2047 2051 2052 2053 2054 2055 2056  
2058 2062 2064 3000 3001 3002 3003 3004 3005 3008 3011 3012 3013 3014 3015

**010512:** 1002 1003 1004 1005 1006 1007 1008 1016 1017 1024 1025 2001 2002 2003 2004 2005 2006 2007 2008  
2009 2010 2011 2012 2015 2019 2020 2035 2036

**010513:** 1007 1008 1063 1064 1069 1070 1071 1073 1074 1075 1077 1087 1088 1089 1094 1096 1097 1102 1105  
1109 1110

VTD: 121SC09—SC09

VTD: 121SC10—SC10

**010507:** 1006 1008 2001 2002 2003 2004 2005 2006 2007 3037 3055 3056 3057 3059 3060 3067 3068

**010511:** 2066

VTD: 121SC11—SC11

VTD: 121SC13A—SC13A

VTD: 121SC13B—SC13B

**010301:** 1016 1017 1018 1026 1027 1028 1029 1030 1031 1032 1049 1050 1051 1052 1053 1056 1057 1058 1062  
1063 1064 1065 1066 1067 1068 1083 1084 1085 1086 1087 1088 1089 1090 1091 1092 1093 1097 1098 1099  
1100 1101 1102 1103 1104 1105 1106 1110 1115 1116 1119 1123 1137

VTD: 121SC14—SC14

VTD: 121SC16A—SC16A

VTD: 121SC16B—SC16B

VTD: 121SC17—SC17

**010511:** 1019 1020 1021 1022 1023 1027 1028 1029 1032 1050 1051 1052 1053 1054 1055 1056 1057 1058 1059  
1063 1064 1065 1066

**010513:** 1001 1005 1016 1030 1031 1032 1037 1038 1039 1041 1042 1103 1104 1106 1107 1117

VTD: 121SC18—SC18

**007706:** 2007 2014 2017 2018 2019 2020 2021 2023 2029

**010304:** 1015 1016 1017 1018 1019 1020 1021 1023 1024 1025 1026 1027 1030 1031 1032 1033 1034 1035 1036  
2000 2001 2004 2011 2012 2013 2014 2015 2016 2017 2018 2019 2020 2021 2022 2023 2024 2025 2026 2041  
2042 2043 2044 2045 2072 2073 2075 2078 2081 2092 2093 2115

VTD: 121SC19—SC19

PART 1 - CHARTER  
APPENDIX A. CORPORATE LIMITS CITY OF SOUTH FULTON

---

**010507:** 3002 3004 3005 3006 3007 3008 3009 3010 3011 3017 3020 3021 3022

**010511:** 1012 1013 1015 1016 1018 1024 1025 1026 1030 1031 1067

**010604:** 3011 3012 3013 3015 3016

**011305:** 3018 3019 3020 3021

**011306:** 1011 1012 1032 1033 1034 1036 1038 1039 1040 2019 2020 2025 2028 2029 2030 2031 2032 2033 2035  
2036 2037 2038 2039

VTD: 121SC21—SC21

**010510:** 2019 2020 2021 3002 3010 3011 3012 3013 3015 3016 3017 3026 3027 3028 3029 3031 3034 3036 3037  
3038 3039 3042 3043 3044 3045 3046 3047 3048 3049 3050 3051 3052 3053 3054 3055 3064 3066 3067 3068  
3069 3070 3071 3072 3073 3074 3075 3076 3077 3078 3079 3080 3082 3083 3085 3086 3087 3088 3089 3091  
3096 3102 3103 3104 3105 3106 3107 3108 3109 3110 3112 3114 3115 3116 3127 3174 3186 3187 3188 3189  
3190 3192 3214 3215 3216 3217 3220 3221 3222

**010513:** 2036

**010515:** 1022 1023 1024 1025 1036 1037 1038 1039 1040 1041 1042 1046 1048

VTD: 121SC23—SC23

VTD: 121SC27—SC27

VTD: 121SC29—SC29

VTD: 121SC30—SC30

**007703:** 3000 3001 3002 3003 3016

**007704:** 3005 3006

**007802:** 1000 1001 1002 1003 1004 1006 1016 1018 1025 1027 1028 4012

**007806:** 2002 2020 2021 2022 2023 2024

**007900:** 3017 3018 3019 3038 3042 3051 3052 3058

VTD: 121UC02-UC02

**010510:** 3014

**010513:** 2037 2057

VTD: 121UC03A-UC03A

**010510:** 3008

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

## APPENDIX B. CITY COUNCIL DISTRICTS CITY OF SOUTH FULTON

Plan: SF-7dp1

PART 1 - CHARTER  
APPENDIX B. CITY COUNCIL DISTRICTS CITY OF SOUTH FULTON

---

Plan Type: Local

Administrator: HD61

User: bak

**DISTRICT 001 FULTON COUNTY**

VTD: 12109B—09B

**008202:** 4002

VTD: 121SC01—SC01

**007802:** 2017

**010303:** 1000 1001 1002 1003 1004 1014 1015 1016 1017 1018 1019 1020 1040 1041 1043 2049 2050 2051 2053  
2054 2055 2056 2057 2058 2059 2060 2061 2062 2063 2064 2065 2070 2081

**010304:** 1000 1001 1002 1003 1004

VTD: 121SC02—SC02

VTD: 121SC14—SC14

VTD: 121SC16A—SC16A

VTD: 121SC16B—SC16B

VTD: 121SC30—SC30

**007703:** 3000 3001 3002 3003 3016

**007704:** 3005 3006

**007802:** 1000 1001 1002 1003 1004 1006 1016 1018 1025 1027 1028 4012

**007806:** 2002 2020 2021 2022 2023 2024

**007900:** 3017 3018 3019 3038 3042 3051 3052 3058

**DISTRICT 002 FULTON COUNTY**

VTD: 12111E4—11E4

**007706:** 2028

VTD: 121SC01—SC01

**010303:** 1048 1049 1050 1051

**010304:** 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1022 1028 1029

VTD: 121SC13A—SC13A

VTD: 121SC18—SC18

**007706:** 2007 2014 2017 2018 2019 2020 2021 2023 2029

**010304:** 1015 1016 1017 1018 1019 1020 1021 1023 1024 1025 1026 1027 1030 1031 1032 1033 1034 1035 1036  
2000 2001 2016 2017 2018 2019 2020 2021 2022 2023 2024 2025 2026

**DISTRICT 003 FULTON COUNTY**

PART 1 - CHARTER  
APPENDIX B. CITY COUNCIL DISTRICTS CITY OF SOUTH FULTON

---

VTD: 121EP08A—EP08A

**011305:** 3015 3017

**011306:** 1031 2008 2018 2021

VTD: 121SC05—SC05

**010301:** 1095 2034 2035 2038 2039 2040 2042 2043 2044 2045 2046 2047 2048 2049

**010304:** 2027 2028 2029 2030 2031 2032 2033 2034 2035 2036 2037 2038 2039 2040 2046 2047 2048 2049 2050  
2051 2052 2053 2054 2055 2056 2057 2060 2061 2063 2064 2065 2066 2067 2068 2069 2070 2071 2083 2085  
2089 2090 2091 2094 2095 2096 2097 2098 2099 2100 2101 2114

**010513:** 1009 1025 1026

**010514:** 1000

VTD: 121SC08—SC08

**010513:** 1007 1008 1063 1064 1069 1070 1073 1074 1075 1087 1088 1089 1094 1102 1110

VTD: 121SC17—SC17

**010511:** 1019 1020 1021 1022 1023 1027 1028 1029 1032 1050 1051 1052 1053 1054 1055 1056 1057 1058 1059  
1063 1064 1065 1066

**010513:** 1001 1005 1016 1030 1031 1032 1037 1038 1039 1041 1042 1103 1104 1106 1107 1117

VTD: 121SC18—SC18

**010304:** 2004 2011 2012 2013 2014 2015 2041 2042 2043 2044 2045 2072 2073 2075 2078 2081 2092 2093 2115

VTD: 121SC19—SC19

**010511:** 1012 1013 1015 1016 1018 1024 1025 1026 1030 1031 1067

**010604:** 3011 3012 3013 3015 3016

**011305:** 3018 3019 3020 3021

**011306:** 1011 1012 1032 1033 1034 1036 1038 1039 1040 2019 2020 2025 2028 2029 2030 2031 2032 2033 2035  
2036 2037 2038 2039

**DISTRICT 004 FULTON COUNTY**

VTD: 121FA01A—FA01A

**010400:** 3064 3066 3078 3079 3087 3099

**010514:** 2051 2078 2086 2100 2101 2102

VTD: 121SC04—SC04

VTD: 121SC05—SC05

**010301:** 1048 1054 1055 2009 2010 2011 2013 2014 2015 2016 2017 2018 2019 2020 2021 2022 2023 2024 2025  
2026 2027 2028 2029 2030 2031 2032 2033 2051 2052 2053

VTD: 121SC07—SC07

**010304:** 2087 2103 2105 2106 2107 2108 2109 2112



PART 1 - CHARTER  
APPENDIX B. CITY COUNCIL DISTRICTS CITY OF SOUTH FULTON

---

**010400:** 3000 3003 3005 3006 3008 3009 3011 3012 3013 3014 3017 3019 3021 3028 3029 3042 3043 3053 3054  
3065 3080

010513: 1021 1022 1043 1044 1045 1048 1049 1050 1051 1052 1055 1060 1061 1062 1078 1098 1119 3045

**010514:** 1002 1003 1004 1005 1006 1012 1013 1014 1017 1019 1021 1022 1023 1024 1025 1026 1027 1028 1029  
1030 1031 1032 1033 1034 1036 1037 1043 1044 1046 1051 1054 1055 1056 1057 1059 1061 1062 1063 1065  
1066 1067 1073 1087 1088 1089 2000 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011 2012 2013 2014  
2015 2016 2017 2018 2019 2020 2021 2022 2023 2024 2025 2026 2028 2029 2030 2031 2032 2033 2034 2035  
2038 2040 2043 2044 2045 2046 2054 2055 2057 2059 2060 2061 2068 2071 2072 2073 2074 2075 2076 2077  
2080 2085 2087 2091 2094 2098 2108 2109 2110 2111

VTD: 121SC08—SC08

**010513:** 1077

VTD: 121SC13B—SC13B

**010301:** 1016 1017 1018 1026 1027 1028 1029 1030 1031 1032 1049 1050 1051 1052 1053 1056 1057 1058 1062  
1063 1064 1065 1066 1067 1068 1083 1084 1085 1086 1087 1088 1089 1090 1091 1092 1093 1097 1098 1099  
1100 1101 1102 1103 1104 1105 1106 1110 1115 1116 1119 1123 1137

**DISTRICT 005 FULTON COUNTY**

VTD: 121CP08B—CP08B

**010511:** 2004

VTD: 121SC08—SC08

**010507:** 3066

**010510:** 2003 4000 4001 4009

**010511:** 1033 1034 1035 1036 1037 1038 1039 1040 1041 1043 1045 1046 1047 1048 1049 1061 1062 2005 2006  
2008 2009 2010 2011 2012 2013 2014 2015 2017 2018 2019 2020 2021 2024 2027 2028 2029 2030 2031 2032  
2033 2034 2036 2037 2038 2039 2040 2041 2042 2043 2044 2045 2046 2047 2051 2052 2053 2054 2055 2056  
2058 2062 2064 3000 3001 3002 3003 3004 3005 3008 3011 3012 3013 3014 3015

**010512:** 1002 1003 1004 1005 1006 1007 1008 1016 1017 1024 1025 2001 2002 2003 2004 2005 2006 2007 2008  
2009 2010 2011 2012 2015 2019 2020 2035 2036

**010513:** 1071 1096 1097 1105 1109

VTD: 121SC09—SC09

**010507:** 4000 4001 4002 4003 4004 4005 4006 4007 4008 4009 4010 4011 4012 4013 4014 4015 4016 4017 4018

**010508:** 1012 1013 1014 1015 1016 1017 1018 1019 1020

**010510:** 2002 2013 4003 4004 4005 4006 4008 4010

VTD: 121SC10—SC10

**010507:** 1006 1008 2001 2002 2003 2004 2005 2006 2007 3037 3055 3056 3057 3059 3060 3067 3068

**010511:** 2066

VTD: 121SC19—SC19

**010507:** 3002 3004 3005 3006 3007 3008 3009 3010 3011 3017 3020 3021 3022

PART 1 - CHARTER  
APPENDIX B. CITY COUNCIL DISTRICTS CITY OF SOUTH FULTON

---

**DISTRICT 006 FULTON COUNTY**

VTD: 121SC09—SC09

**010508:** 1009 1010 1011 1021 1022 1023 1024 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034 1035 1036 1037 1038 1039 1045 1046

VTD: 121SC11—SC11

VTD: 121SC23—SC23

**010516:** 2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2012 2013 2014 2015 2016 2019 2020 2021 2022 2023 2024 2025 2026 2027 2028 2029 2030 2031 2032 2033 2034 2035 2036 2037

VTD: 121SC27—SC27

**DISTRICT 007 FULTON COUNTY**

VTD: 121FA01B—FA01B

**010510:** 3126

VTD: 121SC07—SC07

**010513:** 2022 2024 2029 2030 2056

**010514:** 3055 3056 3079 3080

VTD: 121SC21—SC21

**010510:** 2019 2020 2021 3002 3010 3011 3012 3013 3015 3016 3017 3026 3027 3028 3029 3031 3034 3036 3037 3038 3039 3042 3043 3044 3045 3046 3047 3048 3049 3050 3051 3052 3053 3054 3055 3064 3066 3067 3068 3069 3070 3071 3072 3073 3074 3075 3076 3077 3078 3079 3080 3082 3083 3085 3086 3087 3088 3089 3091 3096 3102 3103 3104 3105 3106 3107 3108 3109 3110 3112 3114 3115 3116 3127 3174 3186 3187 3188 3189 3190 3192 3214 3215 3216 3217 3220 3221 3222

**010513:** 2036

**010515:** 1022 1023 1024 1025 1036 1037 1038 1039 1040 1041 1042 1046 1048

VTD: 121SC23—SC23

**010510:** 1027

**010515:** 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1028 1044 1045

**010516:** 2011 2017 2018

VTD: 121SC29—SC29

VTD: 121UC02—UC02

**010510:** 3014

**010513:** 2037 2057

VTD: 121UC03A—UC03A

**010510:** 3008

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

PART 1 - CHARTER  
APPENDIX B. CITY COUNCIL DISTRICTS CITY OF SOUTH FULTON

---

- (1) The term "VTD" shall mean and describe the same geographical boundaries as provided in the report of the Bureau of the Census for the United States decennial census of 2010 for the State of Georgia. The separate numeric designations in a district description which are underneath a VTD heading shall mean and describe individual blocks within a VTD as provided in the report of the Bureau of the Census for the United States decennial census of 2010 for the State of Georgia;
- (2) Except as otherwise provided in the description of any district, whenever the description of any district refers to a named city, it shall mean the geographical boundaries of that city as shown on the census maps for the United States decennial census of 2010 for the State of Georgia;
- (3) Any part of the City of South Fulton which is not included in any district described in this plan (SF-7dp1) shall be included within that district contiguous to such part which contains the least population according to the United States decennial census of 2010 for the State of Georgia; and
- (4) Any part of the City of South Fulton which is described in this plan (SF-7dp1) as being included in a particular district shall nevertheless not be included within such district if such part is not contiguous to such district. Such noncontiguous part shall instead be included within that district contiguous to such part which contains the least population according to the United States decennial census of 2010 for the State of Georgia.
- (5) Any part of the territory described in this plan (SF-7dp1) that has been annexed into another municipality before July 1, 2016, shall nevertheless not be included in any of the districts described in the plan.

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

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

So certified, this 27th day of February, 2015.

\_\_\_\_\_  
Honorable Roger Bruce  
Representative, 61st District  
Georgia State House of Representatives

**CHARTER COMPARATIVE TABLE**

This table shows the location of ordinances found in the Charter.

| Legislation       | Approved  | Section | Section this Charter |
|-------------------|-----------|---------|----------------------|
| Ord. No. 2019-022 | 8-13-2019 | 1       | 2.14                 |
| H.B. 921(Act 330) | 6-29-2020 | 1       | 4.12                 |

PART 1 - CHARTER  
CHARTER COMPARATIVE TABLE

|                    |           |          |              |
|--------------------|-----------|----------|--------------|
| H.B. 1019(Act 414) | 6-30-2020 | 1        | 2.10(a), (b) |
|                    |           | 2        | 2.11(f)      |
|                    |           | 3        | 2.16         |
|                    |           | 4 Added  | 3.10A        |
|                    |           | 5        | 3.13(b)      |
|                    |           | 6        | 3.21         |
|                    |           | 7        | 3.22(a)      |
|                    |           | 8        | 3.22         |
|                    |           | 9        | 3.23         |
|                    |           | 10       | 3.24         |
|                    |           | 11       | 3.25         |
|                    |           | 12       | 3.29         |
|                    |           | 13       | 4.10(e)      |
|                    |           | 14       | 4.13, 4.14   |
|                    |           | 15       | 5.11(d)      |
|                    |           | 16       | 6.31         |
|                    |           | 17 Added | 6-A.1—6-A.17 |
|                    |           | 18Rpld   | 7.13—7.16    |
|                    |           | 19       | 7.18         |
| Ord. No. 2022-003  | 1-25-2022 | 1 Rpld   | 2.16(b)(1)   |
|                    |           | 2        | 3.23(a)      |
|                    |           | 3        | 4.12(a)      |
| 2022-018           | 5-25-2022 | 1        | 3.21         |
| 2022-028           | 9-27-2022 | 1        | 4.16         |
| 2022-031           | 9-27-2022 | 1 Added  | 4.13         |

1 **STATE OF GEORGIA**  
2 **COUNTY OF FULTON**  
3 **CITY OF SOUTH FULTON**

4  
5  
6 **RES2023-002**  
7

8 **A RESOLUTION FIXING AND PUBLISHING QUALIFYING FEES FOR OFFICES**  
9 **SUBJECT TO ELECTION IN THE YEAR 2023 AND FOR OTHER PURPOSES.**

10 **WHEREAS**, the City of South Fulton (“City”) is a municipal corporation duly  
11 organized and existing under the laws of the State of Georgia;

12  
13 **WHEREAS**, the duly elected governing authority of the City is the Mayor and  
14 Council thereof (“City Council”);

15 **WHEREAS**, O.C.G.A. § 21-2-131(a)(1) provides that the governing authority of  
16 any county or municipality, not later than February 1 of any year in which a general  
17 primary, nonpartisan, or general election is to be held, shall fix and publish a qualifying  
18 fee for each office to be filled in the upcoming primary or election;

19 **WHEREAS**, the City Council, in addition to complying with this code section,  
20 intends to adequately notify the citizens of the City in order to encourage public  
21 participation in the electoral process;

22 **WHEREAS**, the City will conduct the 2023 general election, and runoff election if  
23 needed, through the execution of an Intergovernmental Agreement (IGA) for the provision  
24 of election services with Fulton County, Georgia; and

25 **WHEREAS**, this Resolution is in the best interests of the health, safety and general  
26 welfare of the City and its residents, businesses and visitors.

27 **Section 1. ELECTION APPOINTMENT.**

28 (A) The City Clerk is hereby appointed to act as the election superintendent,  
29 qualifying officer, and local filing officer for the 2023 General Election.

30 (B) The administrative office of the City of South Fulton, Georgia is hereby  
31 declared to be the office of the Election Superintendent for the purpose of candidates  
32 qualifying for the offices open for election as provided below.

33  
34 **Section 2. ELECTION DATES AND QUALIFYING FEES.**

35 (A) The General Election will be held on Tuesday, November 7, 2023, the  
36 qualifying fee for City Councilmember seats shall be \$830.28 (3% of the  
37 \$27,676 annual salary). O.C.G.A. § 21-2-131(1)(a)  
38

39 (B) If required by law, the Runoff Election will be held on Tuesday, December  
40 5, 2023. O.C.G.A. § 21-2-501(4)

41  
42 **Section 3. COUNCILMEMBER SEATS OPEN FOR ELECTION AND THE TERMS**  
43 **THEREOF.**

44 The following City Councilmember seats are open for the 2021 General Election:

45 (A) The office of a Councilmember upon the City Council of the City of South  
46 Fulton, Georgia, being **District 1**, which will be elected for a four (4) year term beginning  
47 on January 1, 2024 and ending December 31, 2027.

48 (B) The office of a Councilmember upon the City Council of the City of South  
49 Fulton, Georgia, being **District 3**, which will be elected for a four (4) year term beginning  
50 on January 1, 2024 and ending December 31, 2027.

51 (C) The office of a Councilmember upon the City Council of the City of South  
52 Fulton, Georgia, being **District 5**, which will be elected for a four (4) year term beginning  
53 on January 1, 2024 and ending December 31, 2027.

54 (D) The office of a Councilmember upon the City Council of the City of South  
55 Fulton, Georgia, being **District 7**, which will be elected at large for a four (4) year term  
56 beginning on January 1, 2024 and ending December 31, 2027.

57  
58 **Section 4. QUALIFICATION PERIOD**

59 The days of such qualifying period shall be five (5) consecutive days, commencing  
60 at 8:30 A.M. on the third Monday, August 21, 2023, immediately preceding the general  
61 election and shall end no later than 4:30 P.M. on Friday, August 25, 2023. The place of  
62 qualifying shall be City Hall for the City of South Fulton, 5440 Fulton Industrial Blvd SW,  
63 Atlanta, GA 30336. O.C.G.A. § 21-2-132

64  
65 **Section 5. PUBLISHING QUALIFYING FEES AND QUALIFYING PERIOD**

66 The Election Superintendent shall publish in the legal organ, in substantial form,  
67 the ad attached hereto as "Exhibit A."

68  
69 **Section 6. LAST DAY FOR VOTER REGISTRATION.**  
70

71 The last day for a person to register and be eligible to vote in the 2023 November  
72 General Election and December Runoff Election shall be Monday, October 10, 2023.  
73 O.C.G.A. § 21-2-224(a)  
74  
75  
76



77 **Section 7. EARLIEST DAY FOR REGISTRARS TO MAIL AN ABSENTEE**  
78 **BALLOT/ADVANCED (ABSENTEE IN-PERSON) VOTING**  
79

80 The earliest day for a registrar to mail an absentee ballot and the earliest day of  
81 advanced (absentee in-person) voting for the 2021 November General Election shall be  
82 Tuesday, October 12, 2021. O.C.G.A. § 21-2-384(a)(2) and O.C.G.A. § 21-2-385(d)(1)  
83

84 **Section 8. LAST DAY FOR A REGISTRAR TO ISSUE ABSENTEE BALLOTS**

85 The last day for a registrar to issue absentee ballots for the 2023 November  
86 General Election and December Runoff Election shall be Friday, October 27, 2023.  
87 O.C.G.A. § 21-2-381(a)(1)(A)  
88

89 \*\*\*\*\*

90 **Section 9.** It is hereby declared to be the intention of the City Council that: (a) All  
91 sections, paragraphs, sentences, clauses and phrases of this Resolution are or were,  
92 upon their enactment, believed by the City Council to be fully valid, enforceable and  
93 constitutional.

94 (b) To the greatest extent allowed by law, each and every section, paragraph, sentence,  
95 clause or phrase of this Resolution is severable from every other section, paragraph,  
96 sentence, clause or phrase of this Resolution. No section, paragraph, sentence, clause  
97 or phrase of this Resolution is mutually dependent upon any other section, paragraph,  
98 sentence, clause or phrase of this Resolution.

99 (c) In the event that any phrase, clause, sentence, paragraph or section of this Resolution  
100 shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise  
101 unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is  
102 the express intent of the City Council that such invalidity, unconstitutionality or  
103 unenforceability shall, to the greatest extent allowed by law, not render invalid,  
104 unconstitutional or otherwise unenforceable any of the remaining phrases, clauses,  
105 sentences, paragraphs or sections of the Resolution.

106 **Section 10.** The City Attorney and City Clerk are authorized to make non-substantive  
107 editing and renumbering revisions to this Resolution for proofing, codification, and  
108 supplementation purposes. The final version of all resolutions shall be filed with the City  
109 Clerk.

110 **Section 11.** The effective date of this Resolution shall be one week from the date of  
111 adoption, unless provided otherwise by the City Charter or state and/or federal law.  
112  
113  
114  
115  
116  
117

118 The foregoing **RESOLUTION No. 2023-002**, adopted on January 24, 2023 was offered by  
119 Councilmember Gumbs, who moved its approval. The motion was seconded by  
120 Councilmember Rowell, and being put to a vote, the result was as follows:

121  
122  
123  
124  
125  
126  
127  
128  
129  
130  
131  
132  
133  
134

AYE

NAY

|                                |       |       |
|--------------------------------|-------|-------|
| khalid kamau, Mayor            | _____ | _____ |
| Carmalitha Lizandra Gumbs      | X     | _____ |
| Catherine Foster Rowell        | X     | _____ |
| Helen Zenobia Willis           | X     | _____ |
| Jacey Sebastian                | X     | _____ |
| Corey A. Reeves, Mayor Pro Tem | X     | _____ |
| Natasha Williams               | X     | _____ |
| Linda Becquer Pritchett        | X     | _____ |

135 THIS RESOLUTION adopted this 24<sup>th</sup> day of January 2023.

136  
137  
138

**CITY OF SOUTH FULTON, GEORGIA.**

139  
140  
141  
142  
143

\_\_\_\_\_  
khalid kamau, MAYOR

145  
146  
147  
148

ATTEST:

\_\_\_\_\_  
COREY E. ADAMS, SR., CITY CLERK



153  
154  
155  
156  
157

APPROVED AS TO FORM:

\_\_\_\_\_  
VINCENT D. HYMAN, CITY ATTORNEY

163



164 **EXHIBIT A**

165  
166  
167 STATE OF GEORGIA  
168 CITY OF SOUTH FULTON

169  
170  
171  
172 **Public Notice of Qualifying Fees**

173  
174 Pursuant to O.C.G.A. § 21-2-131(a)(1), the following qualifying fees were set by the City  
175 of South Fulton, Georgia in their January 24, 2023 meeting:

176

|                                    |          |
|------------------------------------|----------|
| 177 City Councilmember, District 1 | \$830.28 |
| 178 City Councilmember, District 3 | \$830.28 |
| 179 City Councilmember, District 5 | \$830.28 |
| 180 City Councilmember, District 7 | \$830.28 |

181  
182  
183

184  
185 **Public Notice of Qualifying Period**

186  
187 Qualifying for the offices listed above will begin at 8:30 A.M. on the third Monday,  
188 August 21, 2023, immediately preceding the general election and shall end no later than  
189 4:30 P.M. on Friday, August 25, 2023. The place of qualifying shall be City Hall for the  
190 City of South Fulton, 5440 Fulton Industrial Blvd. SW, Atlanta, GA 30336. O.C.G.A. § 21-  
191 2-132

192  
193  
194  
195 Corey E. Adams, Sr.  
196 Election Superintendent  
197 South Fulton, Georgia



## MAYOR'S SIGNATURE PAGE

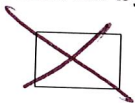
Every ordinance, resolution, or other action adopted by the city council shall be presented to the mayor for signature within two business days following the adoption of such ordinance, resolution, or other action by the city council. The mayor shall have the right to veto any ordinance, resolution, or other action adopted by the city council, in accordance with the procedures set forth in this section. The mayor, within five business days following receipt of an ordinance, resolution, or other action adopted by the city council, shall return it to the city clerk with or without the mayor's approval or with the mayor's veto. If an ordinance, resolution, or other action adopted by the city council has been approved by the mayor or if it is returned to the city clerk neither approved nor disapproved, it shall become law upon its return to the city clerk. However, if the mayor fails to return an ordinance, resolution, or other action adopted by the city council to the city clerk within five business days of receipt, it shall become law at 12:00 Midnight on the fifth business day after receipt. If an ordinance, resolution, or other action adopted by the city council is vetoed by the mayor, the mayor shall submit to city council, through the city clerk, the reason for the mayor's veto. The city clerk shall record upon the ordinance, resolution, or other action adopted by the city council the date of its delivery to and its receipt from the mayor. An ordinance, resolution, or other action adopted by the city council vetoed by the mayor shall automatically be on the agenda at the next regular meeting of the city council for reconsideration. Votes to override mayoral vetoes shall only occur at regular scheduled meetings of the city council and cannot occur at a special meeting or emergency meeting. If the minimum number of councilmembers necessary to vote to override the veto are not present, the action may be continued until the next meeting at which such minimum number of councilmembers are present. The city council may override a veto by the mayor and adopt any ordinance, resolution, or other action adopted by the city council that has been vetoed by the mayor by the affirmative votes of at least five councilmembers, not including the mayor.

The mayor acknowledges receipt of the noted Item listed below:

**Date of Adoption:** January 24, 2023    **Item Number:** RES2023-002

**Subject:** A RESOLUTION FIXING AND PUBLISHING QUALIFYING FEES FOR OFFICES SUBJECT TO ELECTION IN THE YEAR 2023 AND FOR OTHER PURPOSES.

**Date Received by Mayor:** January 26, 2023



APPROVED



DISAPPROVED

**Mayor's Signature:** \_\_\_\_\_

**Date to City Clerk' Office:** \_\_\_\_\_