

A BILL TO BE ENTITLED  
AN ACT

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

19 and responsibilities from DeKalb County to the City of North Decatur; to provide for  
20 severability; to provide for a referendum; to provide an effective date; to repeal conflicting  
21 laws; and for other purposes.

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

23 ARTICLE I  
24 CREATION, INCORPORATION, POWERS

25 SECTION 1.01.  
26 Incorporation.

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

34 SECTION 1.02.  
35 Corporate boundaries.

36 The boundaries of the City of North Decatur shall be those set forth and described in  
37 Appendix A of this charter, and said Appendix A is incorporated into and made a part of this  
38 charter. The city clerk shall maintain a current map and written legal description of the

39 corporate boundaries of the city, and such map and description shall incorporate any changes  
40 which may hereafter be made in such corporate boundaries.

41 **SECTION 1.03.**

42 Powers and construction.

43 The city shall have the following powers:

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

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

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

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

63 (5) Condemnation:

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

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

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

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

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

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

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

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

116 (11) Garbage fees. To levy, fix, assess, and collect a garbage, refuse, and trash collection  
117 and disposal and other sanitary service charge, tax, or fee for such services as may be

118 necessary in the operation of the city from all individuals, firms, and corporations  
119 residing in or doing business therein and benefiting from such services; to enforce the  
120 payment of such charges, taxes, or fees; and to provide for the manner and method of  
121 collecting such service charges, taxes, or fees;

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

126 (13) Gifts. To accept or refuse gifts, donations, bequests, or grants from any source for  
127 any purpose related to powers and duties of the city and the general welfare of its  
128 citizens, on such terms and conditions as the donor or grantor may impose;

129 (14) Health and sanitation. To prescribe standards of health and sanitation and to  
130 provide for the enforcement of such standards;

131 (15) Homestead exemption. To establish and maintain procedures for offering  
132 homestead exemptions to residents of the city and maintaining current homestead  
133 exemptions of residents of the city as authorized by Act of the General Assembly;

134 (16) Jail sentences. To provide that persons given jail sentences in the city's court may  
135 work out such sentences in any public works or on the streets, roads, drains, and other  
136 public property in the city; to provide for commitment of such persons to any jail; to  
137 provide for the use of pretrial diversion and any alternative sentencing allowed by law;  
138 or to provide for commitment of such persons to any county work camp or county jail by  
139 agreement with the appropriate county officials;

140 (17) Motor vehicles. To regulate the operation of motor vehicles and exercise control  
141 over all traffic, including parking upon or across the streets, roads, alleys, and walkways  
142 of the city;

143 (18) Municipal agencies and delegation of power. To create, alter, or abolish  
144 departments, boards, offices not specified in this charter, commissions, authorities, and

145 agencies of the city; and to confer upon such agencies the necessary and appropriate  
146 authority for carrying out all the powers conferred upon or delegated to the same;

147 (19) Municipal courts. To create a municipal court with a judge or judge and associate  
148 judges as may be necessary and to authorize the creation of a municipal court clerk's  
149 office or make said clerk's duties a part of the duties of the city clerk as designated by the  
150 city council;

151 (20) Municipal debts. To appropriate and borrow money for the payment of debts of the  
152 city and to issue bonds for the purpose of raising revenue to carry out any project,  
153 program, or venture authorized by this charter or the laws of the State of Georgia;

154 (21) Municipal property ownership. To acquire, dispose of, lease, and hold in trust or  
155 otherwise any real, personal, or mixed property, in fee simple or lesser interest, inside or  
156 outside the property limits of the city;

157 (22) Municipal property protection. To provide for the preservation and protection of  
158 property and equipment of the city and the administration and use of same by the public  
159 and to prescribe penalties and punishment for violations thereof;

160 (23) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose  
161 of public utilities, including, but not limited to, a system of waterworks, sewers and  
162 drains, sewage disposal, storm-water management, gasworks, electricity generating  
163 plants, cable television and other telecommunications, transportation facilities, public  
164 airports, and any other public utility; to fix the taxes, charges, rates, fares, fees,  
165 assessments, regulations, and penalties; and to provide for the withdrawal of service for  
166 refusal or failure to pay the same;

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

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

- 171 (26) Planning and zoning. To provide comprehensive city planning for city land use,  
172 signage and outside advertising, and development by zoning; and to provide subdivision  
173 regulation and the like as the city council deems necessary and reasonable to ensure a  
174 safe, healthy, and aesthetically pleasing community;
- 175 (27) Police and fire protection. To exercise the power of arrest through duly appointed  
176 police officers, and to establish, operate, or contract for a police and a fire-fighting  
177 agency. It is the intent of the General Assembly that the city shall utilize the DeKalb  
178 County Police Department for police services, so long as such are available, through an  
179 intergovernmental agreement, for a period of at least ten years after the creation of the  
180 city;
- 181 (28) Public hazards; removal. To provide for the destruction and removal of any  
182 building or other structure that is or may become dangerous or detrimental to the public;
- 183 (29) Public improvements. To provide for the acquisition, construction, building,  
184 operation, maintenance, or abolition of public ways, parks and playgrounds, recreational  
185 facilities, cemeteries, public buildings, libraries, public housing, parking facilities, and  
186 charitable, cultural, educational, recreational, conservation, sport, detentional, penal, and  
187 medical institutions, agencies, and facilities; to provide any other public improvements  
188 inside the corporate limits of the city and to regulate the use of public improvements; and  
189 for such purposes, property may be acquired by condemnation under Title 22 of the  
190 O.C.G.A. or such other applicable laws as are or may hereafter be enacted;
- 191 (30) Public peace. To provide for the prevention and punishment of loitering, disorderly  
192 conduct, drunkenness, riots, and public disturbances;
- 193 (31) Public transportation. To organize and operate such public transportation systems  
194 as are deemed beneficial;
- 195 (32) Public utilities and services. To grant franchises or make contracts for, or impose  
196 taxes on, public utilities and public service companies; and to prescribe the rates, fares,  
197 regulations, and standards and conditions of service applicable to the service to be

198 provided by the franchise grantee or contractor, insofar as not in conflict with valid  
199 regulations of the Public Service Commission;

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

205 (34) Retirement and employee benefits. To provide and maintain a retirement plan,  
206 insurance, and such other employee benefits for appointed officers and employees of the  
207 city as are determined by the city council;

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

215 (36) Solid waste disposal. To provide for the collection and disposal of garbage, rubbish,  
216 and refuse and to regulate the collection and disposal of garbage, rubbish, and refuse by  
217 others; and to provide for the separate collection of glass, tin, aluminum, cardboard,  
218 paper, and other recyclable materials and to provide for the sale of such items;

219 (37) Special assessments. To levy and provide for the collection of special assessments  
220 to cover the costs for any public improvements, subject to referendum;

221 (38) Taxes; ad valorem. To levy and provide for the assessment, valuation, revaluation,  
222 and collection of taxes on all property subject to taxation. For all years, the fair market  
223 value of all property subject to taxation shall be determined according to the tax digest  
224 of DeKalb County, as provided in Code Section 48-5-352 of the O.C.G.A.;

- 225 (39) Taxes: other. To levy and collect such other taxes and fees as may be allowed now  
226 or in the future by law;
- 227 (40) Taxicabs. To regulate and license vehicles operated for hire in the city; to limit the  
228 number of such vehicles; to require the operators thereof to be licensed; to require public  
229 liability insurance on such vehicles in the amounts to be prescribed by ordinance; to  
230 inspect said vehicles and mandate standards of safety and cleanliness; and to regulate the  
231 parking of such vehicles;
- 232 (41) Tourism, conventions, and trade shows. To provide for the structure, operation, and  
233 management of the North Decatur visitors bureau created pursuant to Section 1.05 of this  
234 charter and to authorize the City of North Decatur to contract with private sector  
235 nonprofit organizations or other governmental agencies to promote tourism, conventions,  
236 and trade shows;
- 237 (42) Urban redevelopment. To organize and operate an urban redevelopment program;  
238 and
- 239 (43) Other powers. To exercise and enjoy all other powers, functions, rights, privileges,  
240 and immunities necessary or desirable to promote or protect the safety, health, peace,  
241 security, good order, comfort, convenience, or general welfare of the city and its  
242 inhabitants; to exercise all implied powers necessary or desirable to carry into execution  
243 all powers granted in this charter as fully and completely as if such powers were fully  
244 stated herein; and to exercise all powers now or in the future authorized to be exercised  
245 by other municipal governments under other laws of the State of Georgia; and any listing  
246 of particular powers in this charter shall not be held to be exclusive of others or restrictive  
247 of general words and phrases granting powers, but shall be held to be in addition to such  
248 powers unless expressly prohibited to municipalities under the Constitution or applicable  
249 laws of the State of Georgia.

250  
251  
  
252  
253  
254  
255  
  
256  
257  
  
258  
259  
260  
261  
  
262  
263  
264  
  
265  
266  
  
267  
268  
269  
270

**SECTION 1.04.**

Exercise of powers.

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

**SECTION 1.05.**

Tourism, conventions, and trade shows.

The North Decatur visitors bureau is hereby authorized to be created by an ordinance of the city council. When created, the bureau shall consist of a board of seven members appointed by the city council. The bureau shall report to the city manager on a regular basis and shall send an annual report to the city council in January of each year.

**ARTICLE II**  
**GOVERNMENT STRUCTURE, ELECTIONS,**  
**AND LEGISLATIVE BRANCH**

**SECTION 2.01.**

City council creation; number; election.

(a) The legislative authority of the government of the City of North Decatur, except as otherwise specifically provided in this charter, shall be vested in a city council of which the mayor shall be a voting member to the extent provided in subsection (a) of Section 2.10 of this charter.

271 (b)(1) The city council of North Decatur, Georgia, shall consist of six members, plus the  
272 mayor.

273 (2)(A) For the purposes of electing members of the city council, the City of North  
274 Decatur shall be divided into six council districts, designated Council Districts 1  
275 through 6. Such six districts shall be and correspond to those six numbered districts  
276 described in Appendix B of this charter, which is attached to and made a part of this  
277 charter of the City of North Decatur and further identified as "TBD."

278 (B)(i) For the purposes of such plan:

279 (I) The term 'VTD' shall mean and describe the same geographical boundaries as  
280 provided in the report of the Bureau of the Census for the United States decennial  
281 census of 2020 for the State of Georgia. The separate numeric designations in a  
282 district description which are underneath a VTD heading shall mean and describe  
283 individual blocks within a VTD, as provided in the report of the Bureau of the Census  
284 for the United States decennial census of 2020 for the State of Georgia; and

285 (II) Except as otherwise provided in the description of any district, whenever the  
286 description of any district refers to a named city, it shall mean the geographical  
287 boundaries of that city as shown on the census maps for the United States decennial  
288 census of 2020 for the State of Georgia.

289 (ii) Any part of the City of North Decatur which is not included in any district  
290 described in subparagraph (A) of this paragraph shall be included within that district  
291 contiguous to such part which contains the least population according to the United  
292 States decennial census of 2020 for the State of Georgia.

293 (iii) Any part of the City of North Decatur which is described in subparagraph (A) of  
294 this paragraph as being included in a particular district shall nevertheless not be  
295 included within such district if such part is not contiguous to such district. Such  
296 noncontiguous part shall instead be included within that district contiguous to such part

297 which contains the least population according to the United States decennial census of  
298 2020 for the State of Georgia.

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

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

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

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

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

323 (d) In order to assure staggered elections of the councilmembers, in the first election of the  
324 city council, the terms for the candidates elected for Council Districts 1, 3, and 5 shall expire  
325 upon the administration of the oath of office to their successors elected in the regular election  
326 held in November, 2025, as provided in subsection (b) of Section 2.02 of this charter. The  
327 terms for the candidates first elected for Council Districts 2, 4, and 6 shall expire upon the  
328 administration of the oath of office to their successors elected in the regular election held in  
329 November, 2027, as provided in subsection (b) of Section 2.02 of this charter. Thereafter,  
330 a successor to each councilmember shall be elected at the November election immediately  
331 preceding the end of such councilmember's term of office, and the term of each  
332 councilmember shall expire upon the administration of the oath of office to his or her  
333 successor.

334 (e) With the exception of the initial term of office, the mayor of the City of North Decatur,  
335 with the powers and duties specified herein, shall be elected to a term of four years and until  
336 his or her successor is elected and qualified. The mayor shall be elected by a majority vote  
337 of the qualified electors of the city at large voting at the elections of the city. In the event  
338 that no candidate for mayor obtains a majority vote of the qualified electors of the city at  
339 large voting at the elections of the city, then a run-off election shall be held. The candidates  
340 receiving the two highest numbers of votes in the election shall be included in the run-off  
341 election, and the candidate receiving the highest number of votes of the qualified electors of  
342 the city at large who are voting at such runoff shall be elected. The term of the first elected  
343 mayor shall expire upon the administration of the oath of office to his or her successor  
344 elected in the regular election held in November, 2027, as provided in subsection (b) of  
345 Section 2.02 of this charter. Thereafter, a successor to each mayor shall be elected at the  
346 November election immediately preceding the end of such mayor's term of office, and the  
347 term of each mayor shall expire upon the administration of the oath of office to his or her  
348 successor.

**SECTION 2.02.**

Mayor and councilmembers; terms and qualifications for office.

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

(b) An election shall be held on the third Tuesday in March, 2023, to elect the first mayor and city council. At such election, the first mayor and council shall be elected to serve for the initial terms of office specified in subsections (d) and (e) of Section 2.01 of this charter. Thereafter, the time for holding regular municipal elections shall be on the Tuesday next following the first Monday in November of each odd-numbered year beginning in 2025.

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

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

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

**SECTION 2.03.**

Vacancy; filling of vacancies; suspensions.

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

(1) Violating the provisions of this charter;

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

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

(b) The office of mayor 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. A vacancy in the office of mayor shall be filled for the remainder of the unexpired term by a special election if such vacancy occurs 12 months or more prior to the expiration of the term of that office. 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. This provision shall also apply to a temporary vacancy created by the suspension from office of the mayor.

(c) The office of a 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. A vacancy in the office of a councilmember shall be filled for the remainder of the unexpired term by a special election if such vacancy occurs 12 months or more prior to the expiration of the term of that office. If such vacancy occurs within 12 months of the expiration of the term of that office, the mayor shall appoint a successor for the remainder of the term, subject to the approval of the

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

400 **SECTION 2.04.**

401 Nonpartisan elections.

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

404 **SECTION 2.05.**

405 Election votes.

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

410 **SECTION 2.06.**

411 Applicability of general laws; qualifying; other provisions.

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

419  
420  
421  
422  
423  
424  
425  
426  
427

**SECTION 2.07.**

Compensation and expenses.

The annual salary of the mayor shall be \$20,000.00, and the annual salary for each councilmember shall be \$14,000.00. Such salaries shall be paid from municipal funds in monthly installments. The mayor shall be provided an annual expense allowance of \$5,000.00, and each councilmember shall be provided an annual expense allowance of \$3,000.00, for the reimbursement of expenses actually and necessarily incurred by the mayor and councilmembers, respectively, in carrying out their duties as elected officials of the city.

428  
429

**SECTION 2.08.**

Inquiries and investigations.

430  
431  
432  
433  
434

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

435  
436

**SECTION 2.09.**

Meetings, oath of office, and mayor pro tempore.

437  
438  
439

(a) The city council shall meet on the first working day in January immediately following each regular municipal 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

440 collectively by a judicial officer authorized to administer oaths. The oath shall, to the extent  
441 that it comports with federal and state law, be as follows:

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

455 (b) Following the induction of the mayor and councilmembers, the city council, by a  
456 majority vote of the councilmembers, shall elect a councilmember to be mayor pro tempore,  
457 who shall serve for a term of two years and until a successor is elected and qualified. The  
458 number of successive terms an individual may hold a position as mayor pro tempore shall  
459 be unlimited.

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

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

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

480 **SECTION 2.10.**

481 **Quorum; voting.**

482 (a) Four councilmembers shall constitute a quorum and shall be authorized to transact  
483 business for the city council. The mayor shall be counted toward the making of a quorum.  
484 Voting on the adoption of ordinances shall be taken by voice vote and the yeas and nays shall  
485 be recorded in the minutes but, on the request of any member, there shall be a roll-call vote.  
486 In order for any ordinance, resolution, motion, or other action of the city council to be  
487 adopted, the measure must receive at least three affirmative votes and shall receive the  
488 affirmative votes of a majority of those voting. No member of the city council shall abstain  
489 from voting on any matter properly brought before the city council for official action except  
490 when such councilmember has a conflict of interest which is disclosed in writing prior to or

491 at the meeting and made a part of the minutes or when a voting member abstains by reason  
492 of protest under the councilmember's First Amendment rights and such reason is disclosed  
493 in writing prior to or at the meeting and made a part of the minutes. Other than in instances  
494 of a properly disclosed and recorded conflict of interest or abstention under this section, any  
495 member of the city council present and eligible to vote on a matter and refusing to do so for  
496 any reason shall be deemed to have acquiesced or concurred with the members of the  
497 majority who did vote on the question involved, provided that in the case of a tie vote of the  
498 voting councilmembers, each councilmember shall be required to vote unless he or she  
499 discloses a reason for not voting. The mayor shall have one vote on all matters brought  
500 before the council.

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

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

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

- 518 (1) Levy taxes;
- 519 (2) Grant, renew, or extend a franchise;
- 520 (3) Regulate a rate for a public utility; or
- 521 (4) Borrow money.

522 **SECTION 2.11.**

523 General power and authority of the city council.

524 (a) Except as otherwise provided by law or by this charter, the city council shall be vested  
525 with all the powers of government of the City of North Decatur as provided by Article I of  
526 this charter.

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

534 **SECTION 2.12.**

535 Administrative and service departments.

536 (a) Except for the office of city manager, the internal auditor, and the elected positions  
537 provided for in this charter, the city council may, by ordinance, establish, abolish, merge, or  
538 consolidate offices not specified in this charter, positions of employment, departments, and  
539 agencies of the city as it shall deem necessary for the proper administration of the affairs and  
540 government of the city. The city council shall prescribe the functions and duties of existing

541 departments, offices, and agencies or of any departments, offices, and agencies hereinafter  
 542 created or established; may provide that the same person shall fill any number of offices and  
 543 positions of employment; and may transfer or change the functions and duties of offices,  
 544 positions of employment, departments, and agencies of the city.

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

550 **SECTION 2.13.**

551 Ethics.

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

554 (1) Engage in any business or transaction or have a financial or other personal interest,  
 555 direct or indirect, which is incompatible with the proper discharge of official duties or  
 556 which would tend to impair the independence of his or her judgment or action in the  
 557 performance of official duties;

558 (2) Engage in or accept private employment or render services for private interests when  
 559 such employment or service is incompatible with the proper discharge of official duties  
 560 or would tend to impair the independence of his or her judgment or action in the  
 561 performance of official duties;

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

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

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

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

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

586 (b) Any elected official, appointed officer, or employee who has any private financial  
587 interest, directly or indirectly, in any contract or matter pending before or within any  
588 department of the city shall disclose such private interest to the city council. "Private  
589 financial interest" shall include interests of immediate family. The mayor or any  
590 councilmember who has a private interest in any matter pending before the city council shall  
591 disclose in writing such private interest; such disclosure shall be entered on the records of  
592 the city council, and he or she shall disqualify himself or herself from participating in any

593 decision or vote relating thereto. Any elected official, appointed officer, or employee of any  
594 agency or political entity to which this charter applies who shall have any private financial  
595 interest, directly or indirectly, in any contract or matter pending before or within such entity  
596 shall disclose such private interest to the governing body of such agency or entity.

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

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

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

607 (f) Consistent with this subsection of the charter, the City of North Decatur will maintain an  
608 independent administrative law judge to adjudicate all ethics complaints for the City of North  
609 Decatur. Within 30 days following the initial election of the mayor, the chief judge of the  
610 Superior Court of DeKalb County shall appoint to a two-year term an administrative law  
611 judge who shall adjudicate all ethics complaints for the City of North Decatur. The  
612 administrative law judge shall have the power to dismiss any claim that fails to state an ethics  
613 violation in accordance with this section. The administrative law judge, at his or her  
614 discretion, may hold a hearing to determine the facts and validity of any such claim. The  
615 administrative law judge shall have the power to levy fines, issue public reprimands or  
616 warnings, and to refer ethics violations to the county solicitor or DeKalb County District  
617 Attorney for further criminal investigation. The administrative law judge may also  
618 recommend that an officer be removed from office for violations of this section, including,  
619 without limitation, for action taken in contravention of conflict of interest rules. The

620 administrative law judge shall be compensated either on an hourly rate or at fixed fee per  
621 complaint, provided that such compensation shall be set by the city council in its reasonable  
622 discretion at an amount comparable to that of similar part-time judicial and administrative  
623 hearing positions, and the administrative law judge shall be reimbursed for all reasonable  
624 itemized expenses.

625 **SECTION 2.14.**

626 Boards, commissions, and authorities.

627 (a) All members of boards, commissions, and authorities of the city shall be appointed by  
628 the mayor, subject to confirmation by the city council, for such terms of office and such  
629 manner of appointment as provided by ordinance, except where other appointing authority,  
630 terms of office, or manner of appointment is prescribed by this charter or by applicable state  
631 law. If the city council does not approve of two consecutive nominations by the mayor for  
632 the same position, any councilmember may nominate another person to fill the position,  
633 subject to confirmation by the city council.

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

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

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

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

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

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

657 **SECTION 2.15.**

658 Ordinance form; procedures.

659 (a) Every proposed ordinance and resolution shall be introduced in writing, and the city  
660 council shall have the authority to approve, disapprove, or amend the same. A resolution  
661 may be passed at the time it is offered, but an ordinance shall not be adopted until the title  
662 of such ordinance shall have been read at two city council meetings, provided that the  
663 beginnings such meetings are not less than 24 hours nor more than 60 days apart. This  
664 requirement of two readings shall not apply to emergency ordinances, to ordinances passed  
665 during the first 90 days from the date on which the city begins operation, to ordinances  
666 adopted at the first business meeting of the city council in a calendar year, or to ordinances  
667 adopted at the first meeting of the initial city council elected under subsection (b) of  
668 Section 2.02 of this charter.

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

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

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

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

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

683 **SECTION 2.16.**

684 Submission of ordinances to the city clerk.

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

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

691 ARTICLE III  
692 EXECUTIVE BRANCH

693 SECTION 3.01.  
694 Powers and duties of the mayor.

- 695 (a) The mayor shall:
- 696 (1) Preside over all meetings of the city council;
  - 697 (2) Set the agenda for meetings of the city council after receiving input from members  
698 of the city council, the city manager, and the public; provided, however, that additional  
699 items shall be added to the agenda upon the written request of any member of the city  
700 council, and name of the mayor or councilmember placing an item on the agenda shall  
701 be noted on the agenda;
  - 702 (3) Serve as the ceremonial head of the city and as its official representative to federal,  
703 state, and local governmental bodies and officials;
  - 704 (4) Sign all orders, checks, and warrants for payment of money within a level of  
705 authorization as established by the city council;
  - 706 (5) Execute all contracts, deeds, and other obligations of the city within a level of  
707 authorization as established by the city council;
  - 708 (6) Vote in matters before the city council to the extent provided in subsection (a) of  
709 Section 2.10 of this charter;
  - 710 (7) Make all appointments of city officers as provided by this charter, subject to  
711 confirmation by the city council;
  - 712 (8) Serve in a part-time capacity and be compensated accordingly; and
  - 713 (9) Perform any other duties and exercise any other powers required by state or federal  
714 law or authorized by a duly adopted ordinance that is not in conflict with this charter.

- 715 (b) The mayor shall have the authority to certify that a supplemental appropriation is  
716 possible due to unexpected revenue increases, but only with approval of the city council.
- 717 (c) The mayor shall have all of the powers specifically granted to the mayor elsewhere in  
718 this charter, regardless of whether such powers are enumerated in this section.

719 **SECTION 3.02.**

720 City manager; appointment and qualification.

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

731 **SECTION 3.03.**

732 City manager; chief administrative officer.

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

**SECTION 3.04.**

City manager; powers and duties enumerated.

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

- (1) See that all laws and ordinances are enforced;
- (2) Propose a budget for city operations from a zero base, with input from the actual expenditure of the city from the prior year;
- (3) Appoint and employ all necessary employees of the city, provided that the power of this appointment shall not include officers and employees who by this charter are appointed or elected by the mayor and the city council or departments not under the jurisdiction of the city manager;
- (4) Remove employees appointed and employed under paragraph (3) of this section without the consent of the city council and without assigning any reason therefor;
- (5) Exercise supervision and control of all departments and all divisions created in this charter or that may hereafter be created by the city council, except as otherwise provided in this charter or specified by the city council;
- (6) Attend all meetings of the city council, without a right to vote, but with a right to take part in the discussions as seen fit by the chair; provided, however, that regardless of the decision of the meeting chair, the city manager may take part in any discussion and report on any matter requested and approved by the city council at such meeting. The city manager shall be entitled to receive notice of all special meetings;
- (7) Recommend to the city council, after prior review and comment by the mayor, the adoption of such measures as the city manager may deem necessary or expedient;
- (8) See that all terms and conditions imposed in favor of the city or its inhabitants in any public utility franchise are faithfully kept and performed and, upon knowledge of any violation thereof, to call the same to the attention of the city attorney, whose duty it shall be forthwith to take such steps as are necessary to protect and enforce the same;

- 763 (9) Make and execute all lawful contracts on behalf of the city as to matters within the  
764 city manager's level of authorization as established by the city council to the extent that  
765 such contracts are funded in the city's budget, except such as may be otherwise provided  
766 by law; provided, however, that no contract purchase or obligation requiring a budget  
767 amendment shall be valid and binding until after approval of the city council;
- 768 (10) Sign all orders, checks, and warrants for payment of money within the city  
769 manager's level of authorization as established by the city council to the extent that such  
770 contracts are funded in the city's budget, except such as may be otherwise provided by  
771 law; provided, however, that no such order, check, or warrant requiring a budget  
772 amendment shall be valid and binding until after approval of the city council;
- 773 (11) Act as a budget officer to prepare and submit to the city council, after review and  
774 comment by the mayor and prior to the beginning of each fiscal year, a budget of  
775 proposed expenditures for the ensuing year, showing in as much detail as practicable the  
776 amounts allotted to each department of the city government and the reasons for such  
777 estimated expenditures;
- 778 (12) Keep the city council at all times fully advised as to the financial condition and  
779 needs of the city;
- 780 (13) Make a full written report to the city council on the fifteenth of each month showing  
781 the operations and expenditures of each department of the city government for the  
782 preceding month; a synopsis of such reports shall be published by the city clerk;
- 783 (14) Fix all salaries and compensation of city employees in accordance with the city  
784 budget and the city pay and classification plan;
- 785 (15) By his or her authority, transfer appropriations within a department, fund, service,  
786 strategy, or organizational unit, but only with the approval of the city council; and
- 787 (16) Perform such other duties as may be prescribed by this charter or required by  
788 ordinance or resolution of the city council.

789  
790  
  
791  
792  
793  
794  
795  
  
796  
797  
  
798  
799  
800  
801  
802  
803  
804  
805  
806  
807  
808  
809  
810  
811

**SECTION 3.05.**

City council interference with administration.

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

**SECTION 3.06.**

City manager; removal.

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

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

(2) Within five days after a copy of the resolution is delivered to the city manager, he or she may file with the city council a written request for a public hearing. This hearing shall be held at a city council meeting not earlier than 15 days nor later than 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) The city council may adopt a final resolution of removal, which may be made effective immediately, by affirmative vote of four of its members at any time after five days from the date when a copy of preliminary resolution was delivered to the city

812 manager, if he or she has not requested a public hearing, or at any time after the public  
 813 hearing if he or she has requested one.

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

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

823 **SECTION 3.07.**

824 Acting city manager.

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

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

832  
833**SECTION 3.08.**

City attorney.

834  
835  
836  
837  
838  
839  
840  
841  
842  
843  
844  
845  
846  
847  
848  
849  
850

The mayor shall appoint the city attorney, together with such assistant city attorneys as may be deemed appropriate, subject to confirmation by the city council, and shall provide for the payment of such attorney for services rendered to the city. The rates or salary paid to any city attorney or assistant city attorney shall be approved in advance by the city council. 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 city council as directed; shall advise the city council, mayor, 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 his or her position as city attorney. Except as provided in this charter, the city attorney shall review and sign all contracts of the city but shall not have the power to bind the city. In a conflict between the mayor and the city council, the city attorney shall engage separate outside legal counsel to represent the interests of the city council and mayor, respectively. Notwithstanding any law or ordinance to the contrary, the city attorney shall not represent the interests of the city council or the mayor against the other. As permissible, where such representation best serves the interests of the city, and depending on the individual circumstance, such outside legal counsel may jointly represent the city, mayor, and councilmembers in their official capacities.

851  
852**SECTION 3.09.**

City clerk.

853  
854

The mayor may appoint a city clerk, subject to confirmation by the city council to keep a journal of the proceedings of the city council; to maintain in a safe place all records and

855 documents pertaining to the affairs of the city; and to perform such duties as may be required  
856 by law or ordinance or as the mayor or city manager may direct.

857 **SECTION 3.10.**

858 Tax collector.

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

864 **SECTION 3.11.**

865 City accountant.

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

868 **SECTION 3.12.**

869 City internal auditor.

870 The city council shall appoint an internal auditor to audit the financial records and  
871 expenditures of city funds and to report the results of such audits in writing to the city  
872 council at times and intervals set by the city council but no less than quarterly. Such audit  
873 reports shall, at a minimum, identify all city expenditures and other financial matters that the  
874 internal auditor either determines are not in compliance with or cannot conclusively be  
875 determined to be in compliance with the provisions of this charter, the applicable city budget,

876 and applicable ordinances, resolutions, or other actions duly adopted or approved under the  
877 provisions of this charter.

878 **SECTION 3.13.**

879 Consolidation of functions.

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

886 **SECTION 3.14.**

887 Position classification and pay plans; employment at will.

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

896  
897  
  
898  
899  
900  
901  
  
902  
903  
  
904  
905  
  
906  
907  
908  
909  
910  
911  
912  
913  
914  
915  
916  
917  
918

**SECTION 3.15.**

Contract for private services.

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

**ARTICLE IV**  
**MUNICIPAL COURT**

**SECTION 4.01.**

Creation.

The city council may, by ordinance, establish a court to be known as the Municipal Court of the City of North Decatur which shall have jurisdiction and authority to try offenses against the laws and ordinances of said city and to punish for a violation of such laws and ordinances. Such court shall have the power to enforce its judgments by the imposition of such penalties as may be provided by law, including ordinances of the city; to punish witnesses for nonattendance and also to punish any person who may counsel or advise, aid, encourage, or persuade another whose testimony is desired or material in any proceeding before said court to go or move beyond the reach of the process of the court; to try all offenses within the territorial limits of the city constituting traffic cases which, under the laws of Georgia, are placed within the jurisdiction of municipal courts to the extent of, and in accordance with, the provisions of such laws and all laws subsequently enacted amendatory thereof. Said court shall be presided over by the judge of such court pursuant to Chapters 32 through 45 and 60 through 76 of Title 36 of the O.C.G.A.

919  
920  
  
921  
922  
923  
924  
925  
926  
927  
928  
929  
930  
931  
932  
933  
934  
935

**SECTION 4.02.**

Judge.

- (a) There shall be at least one judge of the municipal court, and that judge shall be designated as the chief judge with the authority to direct the court calendar, recommend associate judges to the city council, sit in presiding matters, discipline the city solicitors, and enforce all the powers of a judicial officer pursuant to Chapter 1 of Title 15 of the O.C.G.A.
- (b) The judge shall meet the qualifications of Code Section 36-32-1.1 of the O.C.G.A. and shall be nominated by the mayor, subject to approval by the city council. The compensation and number of the judges shall be fixed by the city council.
- (c) Before entering on duties of his or her office, the judge and judge pro tempore shall take an oath before an officer duly authorized to administer oaths in this state, declaring that he or she will truly, honestly, and faithfully discharge the duties of his or her office to the best of his or her ability without fear, favor, or partiality. The oath shall be entered upon the minutes of the city council.
- (d) A judge shall serve in accordance with the provisions of Code Section 36-32-2 of the O.C.G.A. and shall be subject to removal in accordance with the provisions of Code Section 36-32-2.1.

936  
937

**SECTION 4.03.**

Convening.

938  
939

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

**SECTION 4.04.**

## Jurisdiction; powers.

940  
941  
942 (a) The municipal court shall try cases and punish for crimes against the City of North  
943 Decatur and for violation of its ordinances. The municipal court may fix punishment for  
944 offenses within its jurisdiction to the fullest extent allowed by state law.

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

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

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

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

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

965 (g) The municipal court is specifically vested with all of the judicial jurisdiction and judicial  
966 powers throughout the entire area of the City of North Decatur, granted by state laws  
967 generally to municipal courts and particularly by such laws as authorize the abatement of  
968 nuisances.

969 **SECTION 4.05.**

970 Certiorari.

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

975 **SECTION 4.06.**

976 Rules for court.

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

980  
981  
  
982  
983  
  
984  
985  
986  
987  
  
988  
989  
  
990  
991  
992  
  
993  
994  
  
995  
996  
997  
998  
999  
1000

ARTICLE V  
FINANCE AND FISCAL

**SECTION 5.01.**

Fiscal year.

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

**SECTION 5.02.**

Preparation of budgets.

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

**SECTION 5.03.**

Submission of operating budget to city council.

(a) On or before a date fixed by the city council, but no later than the first day of the ninth month of the fiscal year currently ending, the city manager shall, after input, review, and comment by the mayor, submit to the city council a proposed operating budget and capital budget for the ensuing fiscal year. The budget shall be accompanied by a message from the mayor and 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

1001 fiscal year, a general summary of the budget, and such other comments and information as  
1002 they may deem pertinent. The operating budget, capital budget, budget message, and all  
1003 supporting documents shall be filed in the office of the city manager and shall be open to  
1004 public inspection.

1005 (b) Prior to passage of the budget, the city council shall hold a special public hearing at  
1006 which the budget will be presented and public comment on the budget will be solicited. The  
1007 date, time, and place of the special public hearing shall be announced no less than 30 days  
1008 prior to the scheduled date for such hearing.

1009 (c) All unencumbered balances of appropriations in the current operating budget at the end  
1010 of the fiscal year shall lapse into the unappropriated surplus or reserves of the fund or funds  
1011 from which such appropriations were made. When a supplemental appropriation is certified  
1012 by the city manager to exist, the appropriation may be spent during the current fiscal year  
1013 following passage of a supplemental appropriation ordinance.

1014 **SECTION 5.04.**

1015 Action by city council on budget.

1016 (a) The city council may amend the operating budget or capital budget proposed by the city  
1017 manager in accordance with subsection (a) of Section 5.03 of this charter except that the  
1018 budget, as finally amended and adopted, shall provide for all expenditures required by law  
1019 or by other provisions of this charter and for all debt service requirements for the ensuing  
1020 fiscal year; and the total appropriations from any fund shall not exceed the estimated fund  
1021 balance, reserves, and revenues constituting the fund availability of such fund.

1022 (b) The city council shall adopt a budget on or before the first day of the eleventh month of  
1023 the fiscal year currently ending. If the city council fails to adopt the budget by the prescribed  
1024 deadline, the operating budget and capital budget proposed by the mayor and city manager  
1025 shall be adopted without further action by the city council.

1026  
1027

**SECTION 5.05.**

Procurement and property management.

1028  
1029  
1030  
1031

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

1032  
1033  
1034  
1035

- (1) 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
- (2) It is made or authorized by the city council and such approval is entered in the city council journal of proceedings.

1036  
1037

**SECTION 5.06.**

Purchasing.

1038  
1039

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

1040  
1041

**SECTION 5.07.**

Audits.

1042  
1043  
1044  
1045  
1046

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

1047 (b) As a minimum, all audits and budgets of the city shall satisfy the requirements of  
 1048 Chapter 81 of Title 36 of the O.C.G.A., relating to local government audits and budgets.

1049 ARTICLE VI  
 1050 GENERAL PROVISIONS.

1051 SECTION 6.01.

1052 DeKalb County special services tax district.

1053 For the taxable years beginning on or after January 1, 2023, the adjusted ad valorem tax  
 1054 millage rate and amount for service charges or fees for district services for the North Decatur  
 1055 special services tax district shall be zero percent. This section is enacted pursuant to the  
 1056 authority granted to the General Assembly under Section 1 of that local constitutional  
 1057 amendment providing that certain municipalities in DeKalb County shall constitute special  
 1058 services tax districts, Resolution Act. No. 168; House Resolution No. 715-1916; Ga. L. 1978,  
 1059 p. 2468, to control the subject matter of such local constitutional amendment. Municipal  
 1060 services provided by DeKalb County for the City of North Decatur will be established  
 1061 through intergovernmental agreements or established as otherwise authorized by statute.

1062 SECTION 6.02.

1063 Referendum and initial election.

1064 (a) The election superintendent of DeKalb County shall call a special election for the  
 1065 purpose of submitting this Act to the qualified voters of the proposed City of North Decatur  
 1066 for approval or rejection. The superintendent shall set the date of such election for the  
 1067 Tuesday after the first Monday in November, 2022. The superintendent shall issue the call

1068 for such election at least 90 days prior to the date thereof. The superintendent shall cause the  
1069 date and purpose of the election to be published once a week for two weeks immediately  
1070 preceding the date thereof in the official organ of DeKalb County. The ballot shall have  
1071 written or printed thereon the words:

1072 "( ) YES Shall the Act incorporating the City of North Decatur in DeKalb County,  
1073 ( ) NO according to the charter contained in the Act, be approved?"

1074 All persons desiring to vote for approval of the Act shall vote "Yes," and those persons  
1075 desiring to vote for rejection of the Act shall vote "No." If more than 53 percent of the votes  
1076 cast on such question are for approval of the Act, it shall become of full force and effect as  
1077 provided in this charter; otherwise it shall be void and of no force and effect. The initial  
1078 expense of such election shall be borne by DeKalb County. Within two years after the  
1079 elections if the incorporation is approved, the City of North Decatur shall reimburse DeKalb  
1080 County for the actual cost of printing and personnel services for such election and for the  
1081 initial election of the mayor and councilmembers pursuant to Section 2.02 of this charter.  
1082 It shall be the duty of the superintendent to hold and conduct such election. It shall be his  
1083 or her further duty to certify the result thereof to the Secretary of State.

1084 (b) For the purposes of the referendum election provided for in subsection (a) of this section  
1085 and for the purposes of the special election of the City of North Decatur to be held on the  
1086 third Tuesday in March, 2023, the qualified electors of the City of North Decatur shall be  
1087 those qualified electors of DeKalb County residing within the corporate limits of the City of  
1088 North Decatur as described by Appendix A of this charter. At subsequent municipal  
1089 elections, the qualified electors of the City of North Decatur shall be determined pursuant to  
1090 the authority of Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code."

1091 (c) Only for the purposes of holding and conducting the referendum election provided for  
1092 by subsection (a) of this section and holding and conducting the special election of the City  
1093 of North Decatur to be held on the third Tuesday in March, 2023, the election superintendent  
1094 of DeKalb County is vested with the powers and duties of the election superintendent of the

1095 City of North Decatur and the powers and duties of the governing authority of the City of  
 1096 North Decatur.

1097 **SECTION 6.03.**

1098 Effective dates and transition.

1099 (a) The initial mayor and councilmembers shall take the oath of office the next business day  
 1100 after certification of the election of such officers and, by action of any four members of the  
 1101 governing authority may, prior to the first day of the second month immediately following  
 1102 their election, meet and take actions binding on the city.

1103 (b) A period of time will be needed for an orderly transition of various governmental  
 1104 functions from DeKalb County to the City of North Decatur. Accordingly, there shall be a  
 1105 two-year transition period as allowed by law, beginning at 12:01 A.M. on the first day of the  
 1106 second month immediately following the election of the initial mayor and councilmembers.

1107 (c) During such transition period, DeKalb County shall continue to provide, within the  
 1108 territorial limits of the city, all governmental services and functions which DeKalb County  
 1109 provided prior to such date in 2020, at the same actual direct cost and level of service, except  
 1110 to the extent otherwise provided in this section; provided, however, that upon at least 30  
 1111 days' prior written notice to the governing authority of DeKalb County by the governing  
 1112 authority of City of North Decatur, responsibility for any such service or function shall be  
 1113 transferred to the City of North Decatur. The governing authority of the City of North  
 1114 Decatur shall determine the date of commencement of collection of taxes, fees, assessments,  
 1115 fines, and forfeitures, and other moneys within the territorial limits of the city and the date  
 1116 upon which the City of North Decatur is considered removed from the special tax district.

1117 (d) During the transition period, the governing authority of the City of North Decatur may  
 1118 generally exercise any power granted by this charter or general law, except to the extent that

1119 a power is specifically and integrally related to the provision of a governmental service,  
1120 function, or responsibility not yet provided or carried out by the city.

1121 (e) During the transition period, all ordinances of DeKalb County shall remain applicable  
1122 within the territorial limits of the city unless otherwise amended, repealed, or replaced by the  
1123 City of North Decatur. Any transfer of jurisdiction to the City of North Decatur during or  
1124 at the end of the transition period shall not in and of itself abate any judicial proceeding  
1125 pending in DeKalb County or the pending prosecution of any violation of any ordinance of  
1126 DeKalb County.

1127 (f) During the transition period, the governing authority of the City of North Decatur may  
1128 at any time, without the necessity of any agreement by DeKalb County, commence to  
1129 exercise its planning and zoning powers; provided, however, that the city shall give the  
1130 county notice of the date on which the city will assume the exercise of such powers. Upon  
1131 the governing authority of the City of North Decatur commencing to exercise its planning  
1132 and zoning powers, the Municipal Court of the City of North Decatur shall immediately have  
1133 jurisdiction to enforce the planning and zoning ordinances of the city. The provisions of this  
1134 subsection shall control over any conflicting provisions of any other subsection of this  
1135 section.

1136 (g) Effective upon the termination of the transition period, subsections (b) through (f) of this  
1137 section shall cease to apply except for the last sentence of subsection (e) which shall remain  
1138 effective. Effective upon the termination of the transition period, the City of North Decatur  
1139 shall be a full functioning municipal corporation and subject to all general laws of this state.

1140 (h) It is the intention of the General Assembly that the City of North Decatur remain liable  
1141 for that portion of the unfunded pension liability of DeKalb County that the area  
1142 encompassed by the city incurred prior to its assumption of providing any services formerly  
1143 provided by employees of DeKalb County who were under DeKalb County pension plans.

**SECTION 6.04.**

## Directory nature of dates.

It is the intention of the General Assembly that this Act be construed as directory rather than mandatory with respect to any date prescribed in this Act. If it is necessary to delay any action called for in this Act for providential cause or any other reason, it is the intention of the General Assembly that the action be delayed rather than abandoned. Any delay in performing any action under this Act, whether for cause or otherwise, shall not operate to frustrate the overall intent of this Act. Without limiting the generality of the foregoing, it is specifically provided that if it is not possible to hold the referendum election provided for in Section 6.02 of this Act on the date specified in that section, then such referendum shall be held as soon thereafter as is reasonably practicable. If the referendum election provided for in Section 6.02 of this Act is conducted on the Tuesday following the first Monday in November, 2022, the special election for the initial members of the governing authority shall be conducted on the date specified in Section 2.02 of this Act. If the referendum election provided for under Section 6.02 of this Act is conducted after the Tuesday following the first Monday in November, 2022, then the special election for the initial members of the governing authority shall be held as soon thereafter as is reasonably practicable, and the commencement of the initial terms of office shall be delayed accordingly. If the first election provided for in Section 2.02 of this Act occurs after the third Tuesday in March, 2023, the city council shall be authorized to delay the dates otherwise specified in Section 6.03 of this Act.

**SECTION 6.05.**

Charter commission.

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

**SECTION 6.06.**

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.

**SECTION 6.07.**

Effective date.

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



1190  
1191  
1192  
1193

APPENDIX A  
LEGAL DESCRIPTION  
CORPORATE LIMITS  
CITY OF NORTH DECATUR, DEKALB COUNTY, GEORGIA

1194  
1195  
1196  
1197  
1198  
1199  
1200  
1201  
1202  
1203

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 2020 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 2020 for the State of Georgia. All right-of-way and boundary descriptions shall be as of the date of the passage of this legislation. Any part of the City of North Decatur as described in this Appendix as being included in the City of North Decatur which, on the effective date of this Act is within the corporate boundaries of another municipality, shall not be included within such city.

1204

APPENDIX B

1205

LEGAL DESCRIPTION

1206

CITY COUNCIL DISTRICTS

1207

CITY OF NORTH DECATUR, DEKALB COUNTY, GEORGIA

1208 APPENDIX C  
1209 CERTIFICATE AS TO MINIMUM STANDARDS  
1210 FOR INCORPORATION OF A NEW MUNICIPAL CORPORATION

1211 I, Sally Harrell, Senator from the 40th District, and the author of this bill introduced at the  
1212 2022 session of the General Assembly of Georgia, which grants an original municipal charter  
1213 to the City of North Decatur, do hereby certify that this bill is in compliance with the  
1214 minimum standards required by Chapter 31 of Title 36 of the O.C.G.A. in that the area  
1215 embraced within the original incorporation in this bill is in all respects in compliance with  
1216 the minimum standards required by Chapter 31 of Title 36 of the O.C.G.A. This certificate  
1217 is executed to conform to the requirements of Code Section 36-31-5 of the O.C.G.A.

1218 So certified this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

1219 \_\_\_\_\_

1220 Honorable Sally Harrell  
1221 Senator, District 40  
1222 Georgia Senate