

House Bill 639

By: Representatives Rutledge of the 109th, Welch of the 110th, and Strickland of the 111th

A BILL TO BE ENTITLED
AN ACT

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

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

ARTICLE I**INCORPORATION AND POWERS****SECTION 1.10.**

Name.

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

SECTION 1.11.

Corporate boundaries.

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

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

SECTION 1.12.

Powers and construction.

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

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

SECTION 1.13.

Examples of powers.

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

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

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

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

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

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

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

(8) Environmental protection. To protect and preserve the natural resources, environment, and vital areas of the city, the region, and the state through the preservation and improvement of air quality, the restoration and maintenance of water resources, the control of erosion and sedimentation, the management of stormwater and establishment of a stormwater utility, the management of solid and hazardous waste, and other necessary actions for the protection of the environment;

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

(10) Garbage fees. To levy, fix, assess, and collect a garbage, refuse, and trash collection and disposal, and other sanitary service charge, tax, or fee for such services as may be necessary in the operation of the city from all individuals, firms, and corporations

residing in or doing business therein benefiting from such services; to enforce the payment of such charges, taxes, or fees; and to provide for the manner and method of collecting such service charges;

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

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

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

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

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

(16) Municipal agencies and delegation of power. To create, alter, or abolish departments, boards, offices, commissions, and agencies of the city, and to confer upon such agencies the necessary and appropriate authority for carrying out all the powers conferred upon or delegated to the same;

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

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

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

(20) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose of public utilities, including, but not limited to, a system of waterworks, sewers and drains, sewage disposal, stormwater management, gas works, electric light plants, cable

124 television and other telecommunications, transportation facilities, public airports, and any
125 other public utility; to fix the taxes, charges, rates, fares, fees, assessments, regulations,
126 and penalties relative to such utilities, and to provide for the withdrawal of service for
127 refusal or failure to pay the same;

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

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

132 (23) Planning and zoning. To provide comprehensive city planning for development by
133 zoning and to provide subdivision regulation and the like as the city council deems
134 necessary and reasonable to insure a safe, healthy, and aesthetically pleasing community;

135 (24) Police and fire protection. To exercise the power of arrest through duly appointed
136 police officers and to establish, operate, or contract for a police and a firefighting agency;

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

140 (26) Public improvements. To provide for the acquisition, construction, building,
141 operation, and maintenance of public ways, parks and playgrounds, cemeteries, markets
142 and market houses, public buildings, libraries, public housing, airports, hospitals,
143 terminals, docks, and charitable, cultural, educational, recreational, parking, conservation,
144 sport, curative, corrective, detentional, penal, and medical institutions, agencies, and
145 facilities; to provide any other public improvements, inside or outside the corporate limits
146 of the city; to regulate the use of public improvements; and for such purposes, property
147 may be acquired by condemnation under Title 22 of the O.C.G.A., or such other
148 applicable laws as are or may hereafter be enacted;

149 (27) Public peace. To provide for the prevention and punishment of loitering, disorderly
150 conduct, drunkenness, riots, and public disturbances;

151 (28) Public transportation. To organize and operate such public transportation systems
152 as are deemed beneficial;

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

158 (30) Regulation of roadside areas. To prohibit or regulate and control the erection,
159 removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any
160 and all other structures or obstructions upon or adjacent to the rights-of-way of streets and

roads or within view thereof, within or abutting the corporate limits of the city and to prescribe penalties and punishment for violation of such ordinances;

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

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

(33) Sewer fees. To levy a fee, charge, or sewer tax as necessary to assure the acquiring, constructing, equipping, operating, maintaining, and extending of a sewage disposal plant and sewerage system, and to levy on those to whom sewers and sewerage systems are made available a sewer service fee, charge, or sewer tax for the availability or use of the sewers; to provide for the manner and method of collecting such service charges and for enforcing payment of the same; and to charge, impose, and collect a sewer connection fee or fees to those connected with the system;

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

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

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

(37) Taxes: Ad valorem. To levy and provide for the assessment, valuation, revaluation, and collection of taxes on all property subject to taxation provided, however, that the millage rate imposed for ad valorem taxes on real property shall not exceed 5.00 unless a higher limit is recommended by resolution of the city council and approved by a majority vote of the qualified voters of the City of Eagle's Landing voting on the issue

in a referendum. For the purposes of this paragraph, the term "qualified voters" means those voters of the city who are qualified to vote in city elections and cast a vote for or against such measure in such referendum. The question to be presented to the voters in the referendum on increasing the millage rate shall be, "Do you approve increasing taxes on residential and nonresidential property for City of Eagle's Landing property owners by raising from [current millage rate], which was capped in the original charter for the city, to [proposed millage rate] the operating budget millage rate?" If such millage rate increase is approved by the qualified voters of the City of Eagle's Landing voting in the referendum, the new rate shall become the maximum limit until changed again by resolution of the city council and approval by a majority of the qualified voters of the City of Eagle's Landing voting in such referendum;

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

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

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

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

SECTION 1.14.**Exercise of powers.**

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

ARTICLE II**GOVERNMENT STRUCTURE****SECTION 2.10.****City council creation; number; election.**

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

SECTION 2.11.**City council terms and qualifications for office.**

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

(b) Upon serving three full, consecutive four-year terms as a member of the city council, such member shall be ineligible to seek reelection to such office. Upon serving three full, consecutive four-year terms as mayor, such individual shall be ineligible to seek reelection as mayor. At the end of three full, consecutive four-year terms of office as a member of the

city council, such member shall be eligible to seek the office of mayor and, at the end of three full, consecutive four-year terms as mayor, such individual shall be eligible to seek election as a member of the city council. Partial terms of office or terms of office of less than four years shall not be counted in determining the number of terms served.

SECTION 2.12.

Vacancy; filling of vacancies.

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

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

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

SECTION 2.13.

Compensation and expenses.

The annual salary of the mayor shall be \$12,000.00 and the annual salary of each councilmember shall be \$8,000.00. Such salaries shall be paid from municipal funds in equal monthly installments. The city council may provide for the reimbursement of expenses actually and necessarily incurred by the mayor and councilmembers in carrying out their official duties.

SECTION 2.14.

Conflicts of interest; holding other offices.

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

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

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

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

300 (3) Disclose confidential information, including information obtained at meetings which
301 are closed pursuant to Chapter 14 of Title 50 of the O.C.G.A., concerning the property,
302 government, or affairs of the governmental body by which the official is engaged without
303 proper legal authorization; or use such information to advance the financial or other
304 private interest of the official or others;

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

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

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

315 (c) Any elected official, appointed officer, or employee who shall have any financial
316 interest, directly or indirectly, in any contract or matter pending before or within any
317 department of the city shall disclose such interest to the city council. The mayor or any
318 councilmember who has a financial interest in any matter pending before the city council
319 shall disclose such interest and such disclosure shall be entered on the records of the city
320 council, and that official shall disqualify himself or herself from participating in any decision
321 or vote relating thereto. Any elected official, appointed officer, or employee of any agency
322 or political entity to which this charter applies who shall have any financial interest, directly
323 or indirectly, in any contract or matter pending before or within such entity shall disclose
324 such interest to the governing body of such agency or entity.

325 (d) No elected official, appointed officer, or employee of the city or any agency or entity to
326 which this charter applies shall use property owned by such governmental entity for personal

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

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

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

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

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

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

350 **SECTION 2.15.**

351 **Inquiries and investigations.**

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

SECTION 2.16.

General power and authority of the city council.

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

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

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

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

SECTION 2.17.

Eminent domain.

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

SECTION 2.18.

Organizational meetings.

The city council shall hold an organizational meeting on the first Tuesday in January of each year or on a date prescribed by ordinance; provided, however, that, if such date is a legal

390 holiday, the organizational meeting shall be held on the next succeeding business day. The
391 meeting shall be called to order by the city clerk and the oath of office shall be administered
392 to the newly elected members by a judicial officer authorized to administer oaths and shall,
393 to the extent that it comports with federal and state law, be as follows:

394 "I do solemnly (swear)(affirm) that I will faithfully perform the duties of
395 (mayor)(councilmember) of this city and that I will support and defend the charter thereof
396 as well as the Constitution and laws of the State of Georgia and of the United States of
397 America. I am not the holder of any unaccounted for public money due this state or any
398 political subdivision or authority thereof. I am not the holder of any office of trust under
399 the government of the United States, any other state, or any foreign state which I, by the
400 laws of the State of Georgia, am prohibited from holding. I am otherwise qualified to hold
401 said office according to the Constitution and laws of the State of Georgia. I have been a
402 resident of my district and the City of Eagle's Landing for the time required by the
403 Constitution and laws of this state and by the municipal charter. I will perform the duties
404 of my office in the best interest of the City of Eagle's Landing to the best of my ability
405 without fear, favor, affection, reward, or expectation thereof."

406 **SECTION 2.19.**

407 Regular and special meetings.

408 (a) The city council shall hold regular meetings at such times and places as shall be
409 prescribed by ordinance.

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

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

SECTION 2.20.

Rules of procedure.

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

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

SECTION 2.21.

Quorum: voting.

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

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

SECTION 2.22.

Ordinance form; procedures.

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

(b) An ordinance may be introduced by any councilmember and be read at a regular or special meeting of the city council. Ordinances shall be considered and adopted or rejected by the city council in accordance with the rules which it shall establish; provided, however,

455 an ordinance shall not be adopted the same day it is introduced, except for emergency
456 ordinances provided in Section 2.24. Upon introduction of any ordinance, the clerk shall as
457 soon as possible distribute a copy to the mayor and to each councilmember and shall file a
458 reasonable number of copies in the office of the clerk and at such other public places as the
459 city council may designate.

460 **SECTION 2.23.**

461 Action requiring an ordinance.

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

463 **SECTION 2.24.**

464 Emergencies.

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

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

SECTION 2.25.

Codes of technical regulations.

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

(1) The requirements of subsection (b) of Section 2.22 of this charter for distribution and filing of copies of the ordinance shall be construed to include copies of any code of technical regulations, as well as the adopting ordinance; and

(2) A copy of each adopted code of technical regulations, as well as the adopting ordinance, shall be authenticated and recorded by the clerk pursuant to Section 2.26 of this charter.

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

SECTION 2.26.

Signing; authenticating; recording; codification; printing.

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

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

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

519 **SECTION 2.27.**

520 City manager; appointment; qualifications; compensation.

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

524 **SECTION 2.28.**

525 Removal of city manager.

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

528 **SECTION 2.29.**

529 Acting city manager.

530 When a city manager has been appointed by the city council, and in the event of absence or
531 disability, the city manager may, by a letter filed with the city clerk, designate, subject to
532 approval of the city council, a qualified city administrative officer to exercise the powers and
533 perform the duties of city manager during the city manager's temporary absence or physical
534 or mental disability. During such absence or disability, the city council may revoke such
535 designation at any time and appoint another officer of the city to serve until the city manager
536 shall return or the city manager's absence or disability shall cease.

537 **SECTION 2.30.**

538 Powers and duties of the city manager.

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

544 (1) Appoint and, when the city manager deems it necessary for the good of the city,
545 discipline, suspend, or remove all city employees and administrative officers that the city
546 manager appoints, except as otherwise provided by law or personnel ordinances adopted
547 pursuant to this charter. The city manager may authorize any administrative officer who

is subject to the city manager's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency;

(2) Direct and supervise the administration of all departments, offices, and agencies of the city, except as otherwise provided by this charter or by law;

(3) Attend all city council meetings except for closed meetings held for the purposes of deliberating on the appointment, discipline, or removal of the city manager and have the right to take part in discussion but not vote;

(4) See that all laws, provisions of this charter, and acts of the city council, subject to enforcement by the city manager or by officers subject to the city manager's direction and supervision, are faithfully executed;

(5) Prepare and submit the annual operating budget and capital budget to the city council;

(6) Submit to the city council and make available to the public a complete report on the finances and administrative activities of the city as of the end of each fiscal year;

(7) Issue such other reports as the city council may require concerning the operations of city departments, offices, and agencies subject to the city manager's direction and supervision;

(8) Keep the city council fully advised as to the financial condition and future needs of the city, and make such recommendations to the city council concerning the affairs of the city as the city manager deems desirable; and

(9) Perform other such duties as are specified in this charter or as may be required by the city council.

SECTION 2.31.

Council interference with administration.

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

SECTION 2.32.

Election of mayor; forfeiture; compensation.

Except as otherwise provided in this charter, the mayor shall be elected and serve for a term of four years and until a successor is elected and qualified. The mayor shall be a qualified

581 elector of this city and shall have been a resident of the city for at least 12 months
582 immediately prior to his or her election. The mayor shall continue to reside in this city
583 during the period of service. The mayor shall forfeit the office on the same grounds and
584 under the same procedure as for councilmembers. The compensation of the mayor shall be
585 established in the same manner as for councilmembers.

586 **SECTION 2.33.**

587 Mayor pro tem.

588 By a majority vote at the first meeting of the city council in January of each year, the city
589 council shall elect a councilmember to serve as mayor pro tem who shall serve until the first
590 regular meeting of the city council in the immediately following year. The mayor pro tem
591 shall assume the duties and powers of the mayor during the mayor's physical or mental
592 disability, suspension from office, or absence. Any such disability or absence shall be
593 declared by a majority vote of the city council. The mayor pro tem shall sign all contracts
594 and ordinances in which the mayor has a disqualifying financial interest as provided in
595 Section 2.14 of this charter. When acting as mayor, the mayor pro tem shall continue to have
596 only one vote as a member of the council. A vacancy in the position of mayor pro tem
597 resulting from the mayor pro tem ceasing to serve as a councilmember, or from any other
598 cause, shall be filled for the remainder of the unexpired term in the same manner as the
599 original election.

600 **SECTION 2.34.**

601 Powers and duties of mayor.

602 The mayor shall:

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

614 (7) Fulfill such other executive and administrative duties as the city council shall by
615 ordinance establish.

616 **SECTION 2.35.**

617 Submission of ordinances to the mayor; veto power.

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

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

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

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

636 **ARTICLE III**

637 **ADMINISTRATIVE AFFAIRS**

638 **SECTION 3.10.**

639 Administrative and service departments.

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

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

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

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

654 (e) All appointive officers and directors under the supervision of the mayor or, in the case
655 where the city council has appointed a city manager, the city manager, shall be nominated
656 by the mayor or the city manager, as the case may be, with confirmation of appointment by
657 the other members of the city council. If the other members of the city council reject an
658 officer or director of the mayor, such other members of the city council shall then proceed
659 to fill such appointment by majority vote of the city council. All appointive officers and
660 directors shall be employees at-will and subject to removal or suspension at any time by the
661 city council or, in the case where the city council has appointed a city manager, the city
662 manager, unless otherwise provided by law or ordinance.

663 **SECTION 3.11.**

664 Boards, commissions, and authorities.

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

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

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

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

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

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

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

690 (h) Except as otherwise provided by this charter or by law, each board, commission, or
691 authority of the city shall elect one of its members as chair and one member as vice-chair,
692 and may elect as its secretary one of its own members or may appoint as secretary an
693 employee of the city. Each board, commission, or authority of the city government may
694 establish such bylaws, rules, and regulations, not inconsistent with this charter, ordinances
695 of the city, or law, as it deems appropriate and necessary for the fulfillment of its duties or
696 the conduct of its affairs. Copies of such bylaws, rules, and regulations shall be filed with
697 the clerk of the city.

698 **SECTION 3.12.**

699 City attorney.

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

711 **SECTION 3.13.**

712 City clerk.

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

717 **SECTION 3.14.**

718 Position classification and pay plans.

719 The mayor or, in the case where the city council has appointed a city manager, the city
720 manager, shall be responsible for the preparation of a position classification and pay plan
721 which shall be submitted to the city council for approval. Such plan may apply to all
722 employees of the city and any of its agencies, departments, boards, commissions, or
723 authorities. When a pay plan has been adopted, the city council shall not increase or decrease
724 the salary range applicable to any position except by amendment of such pay plan. For
725 purposes of this section, all elected and appointed city officials are not city employees.

726 **SECTION 3.15.**

727 Personnel policies.

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

730 **ARTICLE IV**

731 **JUDICIAL BRANCH**

732 **SECTION 4.10.**

733 Creation; name.

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

735 **SECTION 4.11.**

736 Chief judge; associate judge.

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

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

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

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

746 (e) Before assuming office, each judge shall take an oath, given by the mayor, that the judge
747 will honestly and faithfully discharge the duties of the office to the best of that person's
748 ability and without fear, favor or partiality. The oath shall be entered upon the minutes of
749 the city council journal required in Section 2.20 of this charter.

750 **SECTION 4.12.**

751 Convening.

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

753 **SECTION 4.13.**

754 Jurisdiction; powers.

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

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

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

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

766 (e) The municipal court shall have authority to establish bail and recognizances to ensure
767 the presence of those charged with violations before such court, and shall have discretionary
768 authority to accept cash or personal or real property as surety for the appearance of persons
769 charged with violations. Whenever any person shall give bail for that person's appearance
770 and shall fail to appear at the time fixed for trial, the bond shall be forfeited by the judge
771 presiding at such time, and an execution issued thereon by serving the defendant and the

defendant's sureties with a rule nisi, at least two days before a hearing on the rule nisi. In the event that cash or property is accepted in lieu of bond for security for the appearance of a defendant at trial, and if such defendant fails to appear at the time and place fixed for trial, the cash so deposited shall be on order of the judge declared forfeited to the city, or the property so deposited shall have a lien against it for the value forfeited which lien shall be enforceable in the same manner and to the same extent as a lien for city property taxes.

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

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

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

SECTION 4.14.

Certiorari.

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

SECTION 4.15.

Rules for court.

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

803 ARTICLE V
804 ELECTIONS AND REMOVAL
805 SECTION 5.10.
806 Applicability of general law.

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

809 SECTION 5.11.
810 Election of the city council and mayor.

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

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

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

824 (d) The first election for mayor and councilmembers shall be a special election held in
825 conjunction with the 2018 November general election. At such election, the mayor and
826 councilmembers elected from Council Districts 2 and 4 shall be elected for initial terms of
827 office beginning immediately after their election and expiring upon the election and
828 qualification of their respective successors in 2023. The councilmembers elected from
829 Council Districts 1 and 3 shall be elected for initial terms of office beginning immediately
830 after their election and expiring upon the election and qualification of their respective
831 successors in 2021. Thereafter, successors to the mayor and councilmembers shall be
832 elected at the November general election immediately preceding the end of their respective
833 terms of office and such successors shall take office on January 1 immediately following
834 such election for terms of four years and until their respective successors are elected and
835 qualified.

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

(f) Except for the initial election of the mayor and council, the terms of the mayor and councilmembers shall begin on the Monday following such person's election which is at least five days following the certification of the results of such person's election to such office unless a petition to contest the results of such person's election to such office is filed pursuant to Article 13 of Chapter 2 of Title 21 of the O.C.G.A. If a petition to contest the election results is filed, such person shall not be sworn in until a judgment has been entered pursuant to Code Section 21-2-527 of the O.C.G.A. or such petition has been withdrawn or dismissed. In such case, the person's term of office shall begin on the Monday following the entry of such judgment or the withdrawal or dismissal of such petition. Such officeholder shall be sworn in at the next meeting of the governing authority, which shall be held not later than two weeks following the beginning of such person's term of office, and shall hold office until his or her successor's term begins in accordance with this subsection.

SECTION 5.12.

Nonpartisan elections.

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

SECTION 5.13.

Election by majority.

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

SECTION 5.14.

Special elections; vacancies.

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

867 **SECTION 5.15.**

868 Other provisions.

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

872 **SECTION 5.16.**

873 Removal of officers.

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

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

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

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

890 ARTICLE VI
891 FINANCE
892 SECTION 6.10.
893 Property tax.

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

900 SECTION 6.11.
901 Millage rate; due dates; payment methods.

902 (a) Subject to the limitations contained in paragraph (37) of Section 1.13 of this charter, the
903 city council, by ordinance, shall establish a millage rate for the city property tax, a due date,
904 and the time period within which these taxes must be paid. The city council, by ordinance,
905 may provide for the payment of these taxes by two installments or in one lump sum, as well
906 as authorize the voluntary payment of taxes prior to the time when due.
907 (b) For all years, the millage rate imposed for ad valorem taxes on real property shall not
908 exceed 5.00 unless a higher millage rate is recommended by resolution of the city council
909 and subsequently approved by a majority of the qualified voters of the city voting in a
910 referendum. For the purposes of this subsection, the term 'qualified voters' means those
911 voters of the city who are qualified to vote in city elections and cast a vote for or against such
912 measure in such referendum. This millage rate limit shall apply to the millage rate actually
913 levied and shall not apply to the hypothetical millage rate computed under subsection (a) of
914 Code Section 48-8-91 of the O.C.G.A., relating to conditions on imposition of the joint
915 county and municipal sales tax.

916 SECTION 6.12.
917 Occupation and business taxes.

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

922 **SECTION 6.13.**

923 Regulatory fees; permits.

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

929 **SECTION 6.14.**

930 Franchises.

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

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

947 **SECTION 6.15.**

948 Service charges.

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

953 **SECTION 6.16.**

954 Special assessments.

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

959 **SECTION 6.17.**

960 Construction; other taxes and fees.

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

964 **SECTION 6.18.**

965 Collection of delinquent taxes and fees.

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

973 **SECTION 6.19.**

974 General obligation bonds.

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

979 **SECTION 6.20.**

980 Revenue bonds.

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

984 **SECTION 6.21.**

985 Short-term loans.

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

988 **SECTION 6.22.**

989 Lease-purchase contracts.

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

997 **SECTION 6.23.**

998 Fiscal year.

999 The city council shall set the fiscal year by ordinance. This fiscal year shall constitute the
1000 budget year and the year for financial accounting and reporting of each and every office,
1001 department, agency, and activity of the city government unless otherwise provided by state
1002 or federal law.

1003 **SECTION 6.24.**

1004 Preparation of budgets.

1005 The city council shall provide an ordinance on the procedures and requirements for the
1006 preparation and execution of an annual operating budget, a capital improvement plan, and

1007 a capital budget, including requirements as to the scope, content, and form of such budgets
1008 and plans.

1009 **SECTION 6.25.**

1010 Submission of operating budget to city council.

1011 On or before a date fixed by the city council but not later than 30 days prior to the beginning
1012 of each fiscal year, the mayor or, in the case where the city council has appointed a city
1013 manager, the city manager, shall submit to the city council a proposed operating budget for
1014 the ensuing fiscal year. The budget shall be accompanied by a message from the mayor or
1015 city manager, as the case may be, containing a statement of the general fiscal policies of the
1016 city, the important features of the budget, explanations of major changes recommended for
1017 the next fiscal year, a general summary of the budget, and such other pertinent comments and
1018 information. The operating budget and the capital budget hereinafter provided for, the
1019 budget message, and all supporting documents shall be filed in the office of the city clerk and
1020 shall be open to public inspection.

1021 **SECTION 6.26.**

1022 Action by city council on budget.

1023 (a) The city council may amend the operating budget proposed by the mayor or the city
1024 manager, as the case may be; except, that the budget as finally amended and adopted must
1025 provide for all expenditures required by state law or by other provisions of this charter and
1026 for all debt service requirements for the ensuing fiscal year, and the total appropriations from
1027 any fund shall not exceed the estimated fund balance, reserves, and revenues.

1028 (b) The city council by ordinance shall adopt the final operating budget for the ensuing fiscal
1029 year not later than 15 days prior to the beginning of such fiscal year. If the city council fails
1030 to adopt the budget by this date, the amounts appropriated for operation for the current fiscal
1031 year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all
1032 items prorated accordingly until such time as the city council adopts a budget for the ensuing
1033 fiscal year. Adoption of the budget shall take the form of an appropriations ordinance setting
1034 out the estimated revenues in detail by sources and making appropriations according to fund
1035 and by organizational unit, purpose, or activity as set out in the budget preparation ordinance
1036 adopted pursuant to Section 6.24 of this charter.

1037 (c) The amount set out in the adopted operating budget for each organizational unit shall
1038 constitute the annual appropriation for such, and no expenditure shall be made or

1039 encumbrance created in excess of the otherwise unencumbered balance of the appropriations
1040 or allotment thereof, to which it is chargeable.

1041 **SECTION 6.27.**

1042 Tax levies.

1043 The city council shall levy by ordinance such taxes as are necessary. The taxes and tax rates
1044 set by such ordinances shall be such that reasonable estimates of revenues from such levy
1045 shall at least be sufficient, together with other anticipated revenues, fund balances, and
1046 applicable reserves, to equal the total amount appropriated for each of the several funds set
1047 forth in the annual operating budget for defraying the expenses of the general government
1048 of this city.

1049 **SECTION 6.28.**

1050 Changes in appropriations.

1051 The city council by ordinance may make changes in the appropriations contained in the
1052 current operating budget, at any regular, special, or emergency meeting called for such
1053 purpose, but any additional appropriations may be made only from an existing unexpended
1054 surplus.

1055 **SECTION 6.29.**

1056 Capital budget.

1057 (a) On or before the date fixed by the city council but no later than 30 days prior to the
1058 beginning of each fiscal year, the mayor or, in the case where the city council has appointed
1059 a city manager, the city manager, shall submit to the city council a proposed capital
1060 improvements plan with a recommended capital budget containing the means of financing
1061 the improvements proposed for the ensuing fiscal year. The city council shall have power
1062 to accept, with or without amendments, or reject the proposed plan and proposed budget.
1063 The city council shall not authorize an expenditure for the construction of any building,
1064 structure, work, or improvement, unless the appropriations for such project are included in
1065 the capital budget, except to meet a public emergency as provided in Section 2.24 of this
1066 charter.

1067 (b) The city council shall adopt by ordinance the final capital budget for the ensuing fiscal
1068 year not later than 15 days prior to the beginning of such fiscal year. No appropriation
1069 provided for in a prior capital budget shall lapse until the purpose for which the appropriation

1070 was made shall have been accomplished or abandoned; provided, however, the mayor or the
1071 city manager, as the case may be, may submit amendments to the capital budget at any time
1072 during the fiscal year, accompanied by recommendations. Any such amendments to the
1073 capital budget shall become effective only upon adoption by ordinance.

1074 **SECTION 6.30.**

1075 Independent audit.

1076 There shall be an annual independent audit of all city accounts, funds, and financial
1077 transactions by a certified public accountant selected by the city council. The audit shall be
1078 conducted according to generally accepted auditing principles. Any audit of any funds by
1079 the state or federal governments may be accepted as satisfying the requirements of this
1080 charter. Copies of annual audit reports shall be available at printing costs to the public.

1081 **SECTION 6.31.**

1082 Contracting procedures.

1083 No contract with the city shall be binding on the city unless:

- 1084 (1) It is in writing;
- 1085 (2) It is drawn by or submitted to and reviewed by the city attorney, and as a matter of
1086 course, is signed by the city attorney to indicate such drafting or review; and
- 1087 (3) It is made or authorized by the city council and such approval is entered in the city
1088 council journal of proceedings pursuant to Section 2.21 of this charter.

1089 **SECTION 6.32.**

1090 Centralized purchasing.

1091 The city council shall by ordinance prescribe procedures for a system of centralized
1092 purchasing for the city.

1093 **SECTION 6.33.**

1094 Sale and lease of city property.

- 1095 (a) The city council may sell and convey, or lease any real or personal property owned or
1096 held by the city for governmental or other purposes as now or hereafter provided by law.
- 1097 (b) The city council may quitclaim any rights it may have in property not needed for public
1098 purposes upon report by the mayor or the city manager, as the case may be, and adoption of

1099 a resolution, both finding that the property is not needed for public or other purposes and that
1100 the interest of the city has no readily ascertainable monetary value.
1101 (c) Whenever in opening, extending, or widening any street, avenue, alley, or public place
1102 of the city, a small parcel or tract of land is cut off or separated by such work from a larger
1103 tract or boundary of land owned by the city, the city council may authorize the mayor or the
1104 city manager, as the case may be, to sell and convey said cut-off or separated parcel or tract
1105 of land to an abutting or adjoining property owner or owners where such sale and
1106 conveyance facilitates the enjoyment of the highest and best use of the abutting owner's
1107 property. Included in the sales contract shall be a provision for the rights-of-way of said
1108 street, avenue, alley, or public place. Each abutting property owner shall be notified of the
1109 availability of the property and given the opportunity to purchase said property under such
1110 terms and conditions as set out by ordinance. All deeds and conveyances heretofore and
1111 hereafter so executed and delivered shall convey all title and interest the city has in such
1112 property, notwithstanding the fact that no public sale after advertisement was or is hereafter
1113 made.

1114 **ARTICLE VII**

1115 **GENERAL PROVISIONS**

1116 **SECTION 7.10.**

1117 Bonds for officials.

1118 The officers and employees of this city, both elective and appointive, shall execute such
1119 surety or fidelity bonds in such amounts and upon such terms and conditions as the city
1120 council shall from time to time require by ordinance or as may be provided by law.

1121 **SECTION 7.11.**

1122 Construction.

1123 (a) Section captions in this charter are informative only and are not to be considered as a part
1124 thereof.

1125 (b) The word "shall" is mandatory and the word "may" is permissive.

1126 (c) The singular shall include the plural, the masculine shall include the feminine, and vice
1127 versa.

SECTION 7.12.

Qualified electors.

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

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

SECTION 7.13.

Referendum.

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

The ballot shall have written or printed thereon the words:

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

All persons desiring to vote for approval of the Act shall vote "Yes," and those persons desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on such question are for approval of the Act, it shall become of full force and effect; otherwise, it shall thereafter be void and of no force and effect. The expense of the special election set forth in this section shall be borne by Henry County. It shall be the duty of the

1162 superintendent to hold and conduct such election. It shall be his or her further duty to certify
1163 the result thereof to the Secretary of State.

1164 **SECTION 7.14.**

1165 Effective dates.

1166 (a) Those provisions of this charter necessary for the special election provided for in
1167 Section 7.13 of this charter shall become effective immediately upon this Act's approval by
1168 the Governor or upon its becoming law without such approval.

1169 (b) Those provisions of this Act necessary for the special election to be held in conjunction
1170 with the 2018 November general election shall be effective upon the certification of the
1171 results of the referendum election provided for by Section 7.13 of this charter, if this Act is
1172 approved at such referendum election.

1173 (c) The remaining provisions of this Act shall become of full force and effect for all
1174 purposes on January 1, 2019, except that the initial mayor and councilmembers shall take
1175 office immediately following their election and by action of a quorum may, prior to
1176 January 1, 2019, meet and take actions binding on the city.

1177 **SECTION 7.15.**

1178 Transition.

1179 (a) A period of time will be needed for an orderly transition of various government functions
1180 from Henry County to the City of Eagle's Landing. Accordingly, there shall be a transition
1181 period beginning on January 1, 2019, and ending at midnight on the last day of the
1182 twenty-fourth month following such date. During such transition period, all provisions of
1183 this charter shall be effective as law, but not all provisions of this charter shall be
1184 implemented.

1185 (b) During such transition period, Henry County shall provide within the territorial limits
1186 of the City of Eagle's Landing all government services and functions which Henry County
1187 provided in such area which is now within the corporate limits of the City of Eagle's Landing
1188 during 2018 and at the same actual cost, except to the extent otherwise provided in this
1189 section; provided, however, that upon at least 30 days' prior written notice to Henry County
1190 by the City of Eagle's Landing, responsibility for any such service or function shall be
1191 transferred to the City of Eagle's Landing. Beginning on January 1, 2019, the City of Eagle's
1192 Landing shall collect taxes, fees, assessments, fines and forfeitures, and other moneys within
1193 the territorial limits of the City of Eagle's Landing; provided, however, that upon at least 30
1194 days' prior written notice to Henry County by the City of Eagle's Landing, the authority to

1195 collect any tax, fee, assessment, fine or forfeiture, or other moneys shall remain with Henry
1196 County after January 1, 2019, until such time as Henry County receives subsequent notice
1197 from the City of Eagle's Landing that such authority shall be transferred to the City of Eagle's
1198 Landing.

1199 (c) During the transition period, the governing authority of the City of Eagle's Landing:

1200 (1) Shall hold regular meetings and may hold special meetings as provided in this
1201 charter;

1202 (2) May enact ordinances and resolutions as provided in this charter;

1203 (3) May amend this charter by home rule action as provided by general law;

1204 (4) May accept gifts and grants;

1205 (5) May borrow money and incur indebtedness to the extent authorized by this charter
1206 and general law;

1207 (6) May levy and collect an ad valorem tax for calendar years 2019 and 2020;

1208 (7) May establish a fiscal year and budget;

1209 (8) May create, alter, or abolish departments, boards, offices, commissions, and agencies
1210 of the city; appoint and remove officers and employees; and exercise all necessary or
1211 appropriate personnel and management functions; and

1212 (9) May generally exercise any power granted by this charter or general law, except to
1213 the extent that a power is specifically and integrally related to the provision of a
1214 governmental service, function, or responsibility not yet provided or carried out by the
1215 city.

1216 (d) Except as otherwise provided in this section, during the transition period, the Municipal
1217 Court of the City of Eagle's Landing shall not exercise its jurisdiction. During the transition
1218 period, all ordinances of Henry County shall be applicable within the territorial limits of the
1219 City of Eagle's Landing and the appropriate court or courts of Henry County shall retain
1220 jurisdiction to enforce such ordinances. However, by appropriate agreement (and concurrent
1221 resolutions and ordinances if needed) Henry County and the City of Eagle's Landing may
1222 during the transition period transfer all or part of such regulatory authority and the
1223 appropriate court jurisdiction to the City of Eagle's Landing. Any transfer of jurisdiction to
1224 the City of Eagle's Landing during or at the end of the transition period shall not in and of
1225 itself abate any judicial proceeding pending in Henry County or the pending prosecution of
1226 any violation of any ordinance of Henry County.

1227 (e) During the transition period, the governing authority of the City of Eagle's Landing may
1228 at any time, without the necessity of any agreement by Henry County, commence to exercise
1229 its planning and zoning powers; provided, however, that the city shall give the county notice
1230 of the date on which the city will assume the exercise of such powers. Upon the governing
1231 authority of the City of Eagle's Landing commencing to exercise its planning and zoning

1232 powers, the Municipal Court of the City of Eagle's Landing shall immediately have
1233 jurisdiction to enforce the planning and zoning ordinances of the city. The provisions of this
1234 subsection shall control over any conflicting provisions of any other subsection of this
1235 section.

1236 (f) During the transition period, all business licenses and permits which were previously
1237 issued by the City of Stockbridge or Henry County shall continue to be effective for the term
1238 for which such licenses and permits were originally issued.

1239 (g) Effective upon the termination of the transition period, subsections (b) through (f) of this
1240 section shall cease to apply except for the last sentence of subsection (d) which shall remain
1241 effective. Effective upon the termination of the transition period, the City of Eagle's Landing
1242 shall be a full-functioning municipal corporation and subject to all general laws of this state.

1243 (h) The City of Eagle's Landing shall be a successor in interest to all intergovernmental
1244 agreements which affect the territory contained within the corporate limits of the city which
1245 are in existence at the time the city is the created.

1246 **SECTION 7.16.**

1247 Directory nature of dates.

1248 It is the intention of the General Assembly that this Act be construed as directory rather than
1249 mandatory with respect to any date prescribed in this Act. If it is necessary to delay any
1250 action called for in this Act for providential cause or any other reason, it is the intention of
1251 the General Assembly that the action be delayed rather than abandoned. Any delay in
1252 performing any action under this Act, whether for cause or otherwise, shall not operate to
1253 frustrate the overall intent of this Act. Without limiting the generality of the foregoing it is
1254 specifically provided that:

1255 (1) If it is not possible to hold the referendum election provided for in Section 7.13 of
1256 this Act on the date specified in that section, then such referendum shall be held as soon
1257 thereafter as is reasonably practicable; and

1258 (2) If it is not possible to hold the first municipal election provided for in this Act on the
1259 date specified in that section, then there shall be a special election for the initial members
1260 of the governing authority to be held as soon thereafter as is reasonably practicable, and
1261 the commencement of the initial terms of office shall be delayed accordingly.

ARTICLE VIII**COMMUNITY IMPROVEMENT DISTRICTS****SECTION 8.10.****Purpose.**

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

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

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

(3) Public transportation, including, but not limited to, services intended to reduce the volume of automobile traffic, to transport two or more persons in conveyances, to improve air quality, and to provide bicycle and pedestrian facilities and the operation of a traffic management association or similar entity and services;

(4) Terminal and dock facilities and parking facilities and services; and

(5) Such other services and facilities as may be provided for by general law or as the Constitution of the State of Georgia may authorize or provide now or hereafter.

SECTION 8.11.**Definitions.**

As used in this article, the term:

(1) "Agricultural" means the growing of crops for sale or the raising of animals for sale or use, including the growing of field crops, fruit or nut trees, the raising of livestock or poultry, and the operation of dairies, horse boarding facilities, and riding stables.

(2) "Board" means the governing body created for the governance of a community improvement district herein authorized.

(3) "Caucus of electors" or "caucus" means the meeting of electors hereinafter provided for at which the elected board members of the district are elected. A quorum at such caucus shall consist of those electors present, and a majority of those present and voting is necessary to elect board members. No proxy votes shall be cast.

(4) "City council" means the city council of the City of Eagle's Landing.

(5) "City governing authority or body" means the city council and the mayor.

(6) "District" means the geographical area designated as such by the resolution of the governing body of the City of Eagle's Landing consenting to the creation of the community improvement district or districts or as thereafter modified by any subsequent resolution of the governing body or bodies within which the district is or is to be located, or a body corporate and politic being a community improvement district created and activated pursuant hereto, as the context requires or permits.

(7) "Electors" means the owners of real property within the given district which is subject to taxes, fees, and assessments levied by the board, as they appear on the most recent ad valorem real property tax return records of Henry County, or one officer or director of a corporate elector, one trustee of a trust which is an elector, one partner of a partnership elector, or one designated representative of an elector whose designation is made in writing to the respective county tax commissioner and the city clerk of the City of Eagle's Landing at least ten days prior to an election. An owner of property that is subject to taxes, fees, or assessments levied by the board shall have one vote for an election based on numerical majority. An owner of multiple parcels shall have one vote, not one vote per parcel, for an election based on numerical majority. Multiple owners of one parcel shall have one vote for an election based on numerical majority which must be cast by one of their number who is designated in writing.

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

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

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

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

(12) "Project" means the acquisition, construction, installation, modification, renovation, or rehabilitation of land, interests in land, buildings, structures, facilities, or other improvements, including operation of facilities or other improvements, located or to be located within or otherwise providing service to the district and the acquisition, installation, modification, renovation, rehabilitation, or furnishing of fixtures, machinery, equipment, furniture, or other property of any nature whatsoever used on, in, or in

connection with any such land, interest in land, building, structure, facility, or other improvements for the purposes set forth in Section 8.10 of this article.

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

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

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

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

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

SECTION 8.12.

Creation.

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

(1) The adoption of a resolution consenting to the creation of the community improvement district or districts by the governing authority for the City of Eagle's Landing and imposing such conditions on the projects and activities which may be

undertaken as will ensure their compatibility with adopted city policies and planning for the area; and

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

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

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

The written consent provided for in this paragraph shall be submitted to the Henry County tax commissioner, who shall certify whether subparagraphs (A) and (B) of this paragraph have been satisfied with respect to such proposed district. The district or districts or respective board or boards created under this article shall not transact any business or exercise any powers under this article until the foregoing conditions are met.

A copy of such resolutions shall be filed with the Secretary of State and with the city clerk of the City of Eagle's Landing, who shall each maintain a record of the district activated under this article. Nothing contained herein shall limit the ability of the governing authority of the City of Eagle's Landing to implement more than one community improvement district so long as the requirements hereof and of the Constitution of the State of Georgia are satisfied. The provisions of this article shall be construed so as to provide for the independent application and exercise of all powers for each district contained herein including the ability to levy taxes as outlined herein as separately and independently authorizing and empowering such separate community improvement districts created hereby. Nothing contained herein shall require the governing authority of the City of Eagle's Landing to create more than one community improvement district, or to require the creation of a new district if the district boundaries of an existing district are changed, added to, supplemented, or modified.

SECTION 8.13.

Administration, appointment, and election of board members.

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

(1) Two board members shall be appointed by the Mayor of the City of Eagle's Landing, and confirmed by a majority of the city council, one of whom shall be a member of the

city council, to serve in Posts 6 and 7. Two board members shall be elected by the vote of electors, and three members shall be elected by the vote of equity electors. The members representing the electors and equity electors shall be elected to serve in post positions 1 through 5, respectively. Each elected board member shall receive a majority of the votes cast for the post for which he or she is a candidate. Votes for Posts 1 and 2 shall be cast by electors, and votes for Posts 3, 4, and 5 shall be cast by the equity electors. The initial term of office for the members representing Posts 1 and 3 shall be one year. The initial term of office for the members representing Posts 2 and 5 shall be two years, and the initial term of office of the members representing Post 3 shall be three years. Thereafter, all terms of office shall be for four years, except the appointed board members who shall serve at the pleasure of the appointing body which appointed him or her. Elected board members shall be subject to recall in the same manner as elected.

(2) The initial board members to be elected as provided in paragraph (1) of this section shall be elected in a caucus of electors which shall be held within 120 days after the adoption of the resolution by the City of Eagle's Landing consenting to the creation of the district, and the obtaining of the written consents herein provided at such time and place within the district as the City of Eagle's Landing shall designate after notice thereof shall have been given to said electors by publishing same in the legal organ of Henry County as hereinafter provided. Thereafter, there shall be conducted annually, not later than 120 days following the last day for filing ad valorem real property tax returns in Henry County, a caucus of said electors at such time and place within the district as the board shall designate in such notice for the purpose of electing board members to those board member positions whose terms expire or are vacant. If a vacancy occurs in an elected position on the board, the board shall, within 60 days thereof, call a special election to fill the same to be held within 60 days of the call unless such vacancy occurs within 180 days of the next regularly scheduled election, in which case a special election may, but need not, be called. For any election held hereunder, notice thereof shall be given to said electors by publishing notice thereof in the legal organ of Henry County at least once each week for four weeks prior to such election.

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

(4) If the boundaries of a district are subsequently changed after creation of the district to include land within the unincorporated area of the county or a municipality which was not a party to the creation of the district, or if a municipality's boundaries are changed to

include land within an existing district, the governing authority of the municipality shall acquire the right to appoint a member to the board of the district upon entering into the cooperation agreement provided for in Section 8.17 of this article. If, by municipal annexation or by deannexation of land from a district, the district no longer includes land within the incorporated area of the City of Eagle's Landing or within a municipality, respectively, then the board member of the district appointed by such governing authority in which the district is no longer located shall cease to be a board member.

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

SECTION 8.14.

Taxes, fees, and assessments.

(a) The board may levy taxes, fees, and assessments within the district only on real property used nonresidentially, specifically excluding all property exempt from ad valorem taxation under the Constitution or laws of the State of Georgia; all property used for residential, agricultural, or forestry purposes; and all tangible personal property and intangible property. Any tax, fee, or assessment so levied shall not exceed 2.5 percent of the aggregate assessed value of all such real property, subject to such limitations as the governing authority for the City of Eagle's Landing may implement with the adoption of the resolution consenting to the creation of said district. The taxes, fees, and assessments levied by the board shall be equitably apportioned among the properties subject to such taxes, fees, and assessments according to the need for governmental services and facilities created by the degree of density of development of each such property. The proceeds of taxes, fees, and assessments levied by the board shall be used only for the purpose of providing those governmental services and facilities set forth in Section 8.10 of this article which are specially required by the degree of density of development within the district and not for the purpose of providing those governmental services and facilities provided to the municipality as a whole. Any tax, fee, or assessment so levied shall be collected by the City of Eagle's Landing in the same manner as taxes, fees, and assessments are levied by the City of Eagle's Landing. Delinquent taxes shall bear the same interest and penalties as City of Eagle's Landing ad valorem taxes and may be enforced and collected in the same manner. The proceeds of taxes, fees, and assessments so levied, less a fee to cover the costs of collection of 0.25 percent thereof, but

1473 not more than \$10,000.00 in any one calendar year, shall be transmitted as soon as they are
1474 acquired by the City of Eagle's Landing to the board, and shall be expended by the board
1475 only for the purposes authorized hereby.

1476 (b) The board shall levy the taxes provided for in subsection (a) of this section subsequent
1477 to the report of the assessed taxable values for the current calendar year and notify in writing
1478 the collecting governing bodies so they may include the levy on their regular ad valorem tax
1479 bills, if possible.

1480 (c) There shall be a segregation of all funds from the levy of taxes, fees, and assessments as
1481 described hereunder for the district, and neither the City of Eagle's Landing nor the
1482 respective county tax commissioner shall expend for any purpose not authorized by the board
1483 of this district any such taxes, fees, or charges assessed and collected hereunder except for
1484 such costs as may be attributed to the billing and collection of such fees, levies, and
1485 assessments.

1486 (d) If, but for this provision, a parcel of real property is removed from a district or otherwise
1487 would become nontaxable, it shall continue to bear the tax millage levied by the district then
1488 extant upon such parcel for indebtedness of the district then outstanding until said
1489 indebtedness is paid or refunded.

1490 **SECTION 8.15.**

1491 **Boundaries of the district.**

1492 (a) The boundaries of the district or districts shall be as designated as such by the City of
1493 Eagle's Landing as set forth in the resolution required in Section 8.12 of this article, or as
1494 may thereafter be added as hereinafter provided.

1495 (b) The boundaries of the district or districts may be increased after the initial creation of a
1496 district if:

1497 (1) Written consent of the owners of any real property sought to be annexed is first
1498 obtained;

1499 (2) The board of the district adopts a resolution consenting to the annexation; and

1500 (3) A resolution is adopted which grants consent to the annexation by the governing
1501 authority of such municipalities as may have area within the district before or after the
1502 annexation.

SECTION 8.16.

Debt.

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

SECTION 8.17.

Cooperation with local governments.

The services and facilities provided pursuant hereto may be provided for in a cooperation agreement executed jointly by the board, the governing body of the City of Eagle's Landing, and any municipalities and other governmental authorities or agencies within which the district is partially located. The provisions of this section shall in no way limit the authority of the City of Eagle's Landing or any such municipality or any such authority to provide services or facilities within the district; and the City of Eagle's Landing or such municipalities shall retain full and complete authority and control over any of its facilities located within its respective areas of any district. Said control shall include, but not be limited to, the modification of, access to, and degree and type of services provided through or by facilities of the municipality or county. Nothing contained in this section shall be construed to limit or preempt the application of any governmental laws, ordinances, resolutions, or regulations to the district or the services or facilities provided therein.

SECTION 8.18.

Powers.

- (a) The district and the board created pursuant hereto shall have all of the powers necessary or convenient to carry out and effectuate the purposes and provisions hereof, including, without limiting the generality of the foregoing, the power to:
- (1) Bring and defend actions;
 - (2) Adopt and amend a corporate seal;

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

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

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

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

(7) Issue notes or other obligations of the district and use the proceeds thereof for the purpose of paying all or any part of the cost of any project and otherwise to further or carry out the public purposes of the district and to pay all reasonably incurred costs of the board incidental to, or necessary and appropriate to, furthering or carrying out such purposes; provided, however, that the board and the district may not issue bonds validated under or in accordance with Article 3 of Chapter 82 of Title 36 of the O.C.G.A., known as the "Revenue Bond Law," or in accordance with such other successor provisions governing bond validation generally or as may be provided by law;

(8) Make application directly or indirectly to any private source for loans, grants, guarantees, or other financial assistance in furtherance of the district's public purposes and to accept and use the same upon such terms and conditions as are prescribed by such private source; provided, however, that the district and the board shall not have the power to apply for, receive, administer, or utilize grants from federal, state, county, or municipal governments or agencies or any other public sources;

- 1570 (9) Enter into agreements with the federal government or any agency thereof to use the
1571 facilities or services of the federal government or any agency thereof in order to further
1572 or carry out the public purposes of the district;
- 1573 (10) Contract for any period, not exceeding 50 years, with the State of Georgia, state
1574 institutions, or any municipal corporation, county, or political subdivision of this state for
1575 the use by the district of any facilities or services of the state or any such state institution,
1576 municipal corporation, county, or political subdivision of this state, or for the use by any
1577 state institution or any municipal corporation, county, or political subdivision of this state
1578 of any facilities or services of the district, provided that such contracts shall deal with
1579 such activities and transactions as the district and any such political subdivision with
1580 which the district contracts are authorized by law to undertake;
- 1581 (11) Grant, mortgage, convey, assign, or pledge its property, revenues or taxes, or fees
1582 or assessments to be received as security for its notes, or other indebtedness and
1583 obligations;
- 1584 (12) Receive and use the proceeds of any tax levied by any county or any municipal
1585 corporation to pay the costs of any project or for any other purpose for which the board
1586 may use its own funds pursuant hereto;
- 1587 (13) Receive and administer gifts, private grants, and devises of money and property of
1588 any kind and to administer trusts;
- 1589 (14) Use any real property, personal property, or fixtures or any interest therein or to rent
1590 or lease such property to or from others or make contracts with respect to the use thereof
1591 or to sell, lease, exchange, transfer, assign, pledge, or otherwise dispose of or grant
1592 options for any such property in any manner as it deems to be the best advantage of the
1593 district and the public purposes thereof;
- 1594 (15) Appoint, select, and employ engineers, surveyors, architects, urban or city planners,
1595 fiscal agents, attorneys, and others and to fix their compensation and pay their expenses;
- 1596 (16) Encourage and promote the improvement and development of the district and to
1597 make, contract for, or otherwise cause to be made long range plans or proposals for the
1598 district in cooperation with the City of Eagle's Landing and any municipal corporations
1599 in which the district is wholly or partially located;
- 1600 (17) Invest its funds, whether derived from the issuance of its bonds or otherwise, in such
1601 manner as it may deem prudent and appropriate, without further restriction;
- 1602 (18) Adopt bylaws governing the conduct of business by the board, the election and
1603 duties of officers of the board, and other matters which the board determines to deal
1604 within its bylaws;
- 1605 (19) Exercise any power granted by the laws of this state to public or private
1606 corporations which is not in conflict with the public purposes of the district; and

1607 (20) Do all things necessary or convenient to carry out the powers conferred hereby.
1608 (b) The powers enumerated in subsection (a) of this section are cumulative of and in addition
1609 to those powers enumerated herein and elsewhere in this article, and no such power limits
1610 or restricts any other power of the board except where expressly noted.

1611 **SECTION 8.19.**

1612 Construction; notice, proceeding, publication, referendum.

1613 This article shall be liberally construed to effect the purposes hereof. No notice, proceeding,
1614 or publication except those required hereby shall be necessary to the performance of any act
1615 authorized hereby, nor shall any such act be subject to referendum.

1616 **SECTION 8.20.**

1617 Applicability of Chapter 5 of Title 10 of the O.C.G.A.,
1618 the "Georgia Securities Act of 1973."

1619 The offer, sale, or issuance of notes or other obligations by the district shall not be subject
1620 to regulation under Chapter 5 of Title 10 of the O.C.G.A., the "Georgia Securities Act of
1621 1973."

1622 **SECTION 8.21.**

1623 Dissolution.

1624 (a) A district activated under the provisions of this article may be dissolved upon the
1625 occurrence of any of the following:

1626 (1) The adoption of a resolution approving of the dissolution of the community
1627 improvement district by the City of Eagle's Landing and such other municipalities, as
1628 applicable, if partially within one or more municipalities; or

1629 (2) The written consent to the dissolution of the community improvement district by:

1630 (A) A majority of the owners of real property within the district subject to taxes, fees,
1631 and assessments levied by the board of the district; or

1632 (B) The owners of real property constituting at least 75 percent by value of all real
1633 property within the district subject to taxes, fees, and assessments levied by the board.

1634 For this purpose, value shall be determined by the most recent approved county ad
1635 valorem tax digest.

1636 The written consent provided for in this paragraph shall be submitted to the Henry
1637 County tax commissioner, who shall certify whether subparagraphs (A) and (B) of this
1638 paragraph have been satisfied with respect to the proposed district dissolution.

1639 (b) In the event that successful action is taken pursuant to this section to dissolve the district,
1640 the dissolution shall become effective at such time as all debt obligations of the district have
1641 been satisfied. Following a successful dissolution action and until the dissolution becomes
1642 effective, no new projects may be undertaken, obligations or debts incurred, or property
1643 acquired.

1644 (c) Upon a successful dissolution action, all noncash assets of the district other than public
1645 facilities or land or easements to be used for such public facilities, as described in
1646 Section 8.10 of this article, shall be reduced to cash and, along with all other cash on hand,
1647 shall be applied to the repayment of any debt obligation of the district. Any cash remaining
1648 after all outstanding obligations are satisfied shall be refunded to each property owner in
1649 direct proportion to the total amount in taxes, fees, or assessments paid by the property owner
1650 relative to the total revenues paid by all properties in the district.

1651 (d) When a dissolution becomes effective, the municipal governing authority shall take title
1652 to all property previously in the ownership of the district and all taxes, fees, and assessments
1653 of the district shall cease to be levied and collected.

1654 (e) A district may be reactivated in the same manner as an original activation.

1655 ARTICLE IX

1656 HOMESTEAD EXEMPTIONS

1657 SECTION 9.10.

1658 General homestead exemption for veterans and citizens age 65 or over.

1659 (a) As used in this section, the term:

1660 (1) "Ad valorem taxes for municipal purposes" means all ad valorem taxes for municipal
1661 purposes levied by, for, or on behalf of the City of Eagle's Landing except for any ad
1662 valorem taxes to pay interest on and to retire municipal bonded indebtedness.

1663 (2) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of
1664 the O.C.G.A., as amended.

1665 (3) "Senior citizen" means a person who is 65 years of age or over on or before January 1
1666 of the year in which application for the exemption under subsection (b) of this section is
1667 made.

1668 (4) "Veteran" means an individual who served on active duty in the armed forces of the
1669 United States and was honorably discharged from such service.

1670 (b) Each resident of the City of Eagle's Landing who is a veteran or a senior citizen is
1671 granted an exemption on that person's homestead from City of Eagle's Landing ad valorem
1672 taxes for municipal purposes in the amount of \$10,000.00 of the assessed value of that
1673 homestead. The value of that property in excess of such exempted amount shall remain
1674 subject to taxation.

1675 (c) A person shall not receive the homestead exemption granted by subsection (b) of this
1676 section unless such person or person's agent files an application with the governing authority
1677 of the City of Eagle's Landing, or the designee thereof, giving such person's age and such
1678 additional information relative to receiving such exemption as will enable the governing
1679 authority of the City of Eagle's Landing, or the designee thereof, to make a determination
1680 regarding the initial and continuing eligibility of such person for such exemption. The
1681 governing authority of the City of Eagle's Landing, or the designee thereof, shall provide
1682 application forms for this purpose.

1683 (d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of
1684 the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year
1685 so long as the person occupies the residence as a homestead. After a person has filed the
1686 proper application, as provided in subsection (c) of this section, it shall not be necessary to
1687 make application thereafter for any year and the exemption shall continue to be allowed to
1688 such person. It shall be the duty of any person granted the homestead exemption under
1689 subsection (b) of this section to notify the governing authority of the City of Eagle's Landing,
1690 or the designee thereof, in the event that person for any reason becomes ineligible for that
1691 exemption.

1692 (e) The exemption granted by subsection (b) of this section shall not apply to or affect state
1693 ad valorem taxes, county ad valorem taxes for county purposes, or county or independent
1694 school district ad valorem taxes for educational purposes. The homestead exemption granted
1695 by subsection (b) of this section shall be in addition to and not in lieu of any other homestead
1696 exemption applicable to municipal ad valorem taxes for municipal purposes.

1697 (f) The exemption granted by subsection (b) of this section shall apply to all taxable years
1698 beginning on or after January 1, 2019.

1699 ARTICLE X

1700 GENERAL REPEALER

1701 SECTION 10.10.

1702 General repealer.

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

APPENDIX A

Corporate Boundaries of the City of Eagle's Landing

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

Plan: eagleslanding-city-2017

Plan Type: Local

Administrator: S017

User: Gina

District EAGLESLAND

Henry County

VTD: 15133 - SPIVEY COMMUNITY

070104:

1001 1055 1056

VTD: 15138 - HICKORY FLAT

070205:

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

3039 3040 3041 3042 3043 3044 3045 3046 3047 3051 3052

070309:

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

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

2041 2042 2043 2044 2045 2046 2047 2048 2049 2055

VTD: 15139 - STOCKBRIDGE EAST

070114:

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

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

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

1057 1058 1062 1067 2027 2028 2031 2032

070309:

1000

VTD: 15140 - STOCKBRIDGE WEST

070114:

1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1023 1051

1063

1737 VTD: 15142 - COTTON INDIAN

1738 070205:

1739 3012

1740 VTD: 15150 - PATES CREEK

1741 070104:

1742 1037 1038 1039 1040 1041 1042 1043 1046 1047 1048 1049 1050

1743 1051 1052 1053 1054 1058 1059 1060 1061 1062 1063 1064 1065

1744 1066 1067 1068 1069 1070 1071 1072 1073 1074 1075 2000 2001

1745 2002 2003 2004 2005 2006 2007 2008 2009 2010

1746 070305:

1747 3000 3001 3002 3003 3004 3005 3006

1748 VTD: 15153 - FLIPPEN

1749 VTD: 15157 - DUTCHTOWN

1750 070305:

1751 3007 3008 3009 3010 3011 3012 3015 3019 3020

1752 VTD: 15160 - LAKE HAVEN

1753 070309:

1754 1029

1755 070310:

1756 2001

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

1763

1764

APPENDIX B
City Council Districts

1765

Plan: eagleslanding-dist-2017

1766

Plan Type: Local

1767

Administrator: S017

1768

User: Gina

1769

District 001

1770

Henry County

1771

VTD: 15133 - SPIVEY COMMUNITY

1772

070104:

1773

1001

1774

VTD: 15150 - PATES CREEK

1775

070104:

1776

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

1777

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

1778

2001 2002 2003 2004 2005 2006 2007 2008 2009 2010

1779

070305:

1780

3000 3001 3002 3003 3004 3005 3006

1781

VTD: 15153 - FLIPPEN

1782

070114:

1783

1045 1046 1047 1059 1060 1061 1064 1065 1066

1784

070309:

1785

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

1786

2023 2024 2026 2050 2053 2054

1787

VTD: 15157 - DUTCHTOWN

1788

070305:

1789

3007 3008 3009 3010 3011 3012 3015 3019 3020

1790

District 002

1791

Henry County

1792

VTD: 15133 - SPIVEY COMMUNITY

1793

070104:

1794

1055 1056

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

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

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

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

- 1849 (1) The term "VTD" shall mean and describe the same geographical boundaries as
 1850 provided in the report of the Bureau of the Census for the United States decennial census
 1851 of 2010 for the State of Georgia. The separate numeric designations in a district
 1852 description which are underneath a VTD heading shall mean and describe individual
 1853 blocks within a VTD as provided in the report of the Bureau of the Census for the United
 1854 States decennial census of 2010 for the State of Georgia;
 1855 (2) Except as otherwise provided in the description of any district, whenever the
 1856 description of any district refers to a named city, it shall mean the geographical
 1857 boundaries of that city as shown on the census maps for the United States decennial
 1858 census of 2010 for the State of Georgia;
 1859 (3) Any part of the City of Eagle's Landing which is not included in any district
 1860 described in this plan (eagleslanding-dist-2017) shall be included within that district
 1861 contiguous to such part which contains the least population according to the United States
 1862 decennial census of 2010 for the State of Georgia; and
 1863 (4) Any part of the City of Eagle's Landing which is described in this plan
 1864 (eagleslanding-dist-2017) as being included in a particular district shall nevertheless not
 1865 be included within such district if such part is not contiguous to such district. Such

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

1869 APPENDIX C
1870 CERTIFICATE AS TO MINIMUM STANDARDS
1871 FOR INCORPORATION OF A NEW MUNICIPAL CORPORATION

1872 I, Dale Rutledge, Georgia State Representative from the 109th District and the author of this
1873 bill introduced at the 2017 session of the General Assembly of Georgia, which grants an
1874 original municipal charter to the City of Eagle's Landing, do hereby certify that this bill is
1875 in compliance with the minimum standards required by Chapter 31 of Title 36 of the
1876 O.C.G.A. in that the area embraced within the original incorporation in this bill is in all
1877 respects in compliance with the minimum standards required by Chapter 31 of Title 36 of the
1878 O.C.G.A. This certificate is executed to conform to the requirements of Code
1879 Section 36-31-5 of the O.C.G.A.

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

1881 _____
1882 Honorable Dale Rutledge
1883 Representative, 109th District
1884 Georgia State House of Representatives