

House Bill 520

By: Representatives Taylor of the 79th, Holcomb of the 81st, Fleming of the 121st, and Rynders of the 152nd

A BILL TO BE ENTITLED
AN ACT

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

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

22 ARTICLE I

23 CREATION, INCORPORATION, POWERS

24 SECTION 1.01.

25 Incorporation.

26 This Act shall constitute the charter of the City of LaVista Hills, Georgia. The City of
 27 LaVista Hills, Georgia, in the County of DeKalb, and the inhabitants thereof, are constituted
 28 and declared a body politic and corporate under the same name and style of the "City of
 29 LaVista Hills" and by that name shall have perpetual succession, may sue and be sued, plead
 30 and be impleaded, in all courts of law and equity, and in all actions whatsoever, and may
 31 have and use a common seal.

32 SECTION 1.02.

33 Corporate boundaries.

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

39 SECTION 1.03.

40 Powers and construction.

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

45 (b) The powers of this city shall be construed liberally in favor of the city. The specific
 46 mention or failure to mention particular powers shall not be construed as limiting in any way
 47 the powers of this city. These powers shall include, but not be limited to, the following:

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

- 53 (2) Appropriations and expenditures. To make appropriations for the support of the
54 government of the city; to authorize the expenditure of money for any purposes
55 authorized by this charter and for any purpose for which a municipality is authorized by
56 the laws of the State of Georgia; and to provide for the payment of expenses of the city;
- 57 (3) Building regulation. To regulate and to license the erection and construction of
58 buildings and all other structures; to adopt building, housing, plumbing, electrical, gas,
59 and heating and air conditioning codes; and to regulate all housing and building trades
60 to the extent permitted by general law;
- 61 (4) Business regulation and taxation. To levy and to provide for the collection of
62 regulatory fees and taxes on privileges, occupations, trades, and professions as authorized
63 by Title 48 of the O.C.G.A. or such other applicable laws as are or may hereafter be
64 enacted; to permit and regulate the same; to provide for the manner and method of
65 payment of such regulatory fees and taxes; and to revoke such permits after due process
66 for failure to pay any city taxes or fees;
- 67 (5)(A) Condemnation. To condemn property inside the corporate limits of the city for
68 present or future use and for any public purpose deemed necessary by the city council
69 utilizing procedures enumerated in Title 22 of the O.C.G.A. or such other applicable
70 laws as are or may hereafter be enacted; and
- 71 (B) The city shall have the right to condemn and cause to be remediated or removed
72 any building, structure, or existing condition within its corporate limits that is
73 dangerous to life, limb, or property by reasons of decay, dilapidation, or unsanitary
74 condition. Nothing in this subparagraph shall be construed to relieve the city of any
75 duty to give owners or interested persons reasonable notice and opportunity to remedy
76 the situation. Nothing in this subparagraph shall be construed as relieving the city of
77 liability to any interested person for damages to person or property taken or destroyed
78 in furtherance of this subparagraph. This subparagraph shall not be construed as
79 authorizing the doing of any act or thing contrary to the Constitution of this state and
80 the policy of the general laws of this state. The city shall have authority to adopt
81 reasonable ordinances and resolutions for the purpose of carrying out this subparagraph;
- 82 (6) Contracts. To enter into contracts and agreements with other governmental entities
83 and with private persons, firms, and corporations;
- 84 (7) Emergencies. To establish procedures for determining and proclaiming that an
85 emergency situation exists within or without the city; and to make and carry out all
86 reasonable provisions deemed necessary to deal with or meet such an emergency for the
87 protection, safety, health, or well-being of the citizens of the city;

88 (8) Employee benefits. To provide and maintain a retirement plan, insurance, and such
89 other employee benefits for appointed officers and employees of the city as are
90 determined by the city council;

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

113 (10) Ethics. To adopt ethics ordinances and regulations governing such things as, but
114 not limited to, the conduct of city elected officials, appointed officials, contractors,
115 vendors, and employees, establishing procedures for ethics complaints, and setting forth
116 penalties for violations of such rules and procedures;

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

121 (12) Garbage fees. To levy, fix, assess, and collect garbage, refuse, and trash collection
122 and disposal and other sanitary service charges, taxes, or fees for such services as may
123 be necessary in the operation of the city from all individuals, firms, and corporations
124 residing in or doing business therein that benefit from such services; to enforce the

125 payment of such charges, taxes, or fees; and to provide for the manner and method of
126 collecting such service charges, taxes, or fees;

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

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

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

136 (16) Homestead exemption. To establish and maintain procedures for offering
137 homestead exemptions to residents of the city and to maintain current homestead
138 exemptions of residents of the city as authorized by Acts of the General Assembly;

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

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

148 (19) Municipal agencies and delegation of power. To create, alter, or abolish
149 departments, boards, and offices not specified in this charter and commissions,
150 authorities, and agencies of the city; and to confer upon such agencies the necessary and
151 appropriate authority for carrying out all the powers conferred upon or delegated to the
152 same;

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

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

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

- 162 (23) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose
163 of public utilities including, but not limited to, a system of waterworks, sewers and
164 drains, sewage disposal, storm-water management, gasworks, electricity-generating
165 plants, cable television and other telecommunications, transportation facilities, public
166 airports, and any other public utility; to fix the taxes, charges, rates, fares, fees,
167 assessments, regulations, and penalties; and to provide for the withdrawal of service for
168 refusal or failure to pay the same;
- 169 (24) Nuisance. To define a nuisance and provide for its abatement whether on public or
170 private property;
- 171 (25) Penalties. To provide penalties for violation of any ordinances adopted pursuant to
172 the authority of this charter and the laws of the State of Georgia;
- 173 (26) Planning and zoning. To provide comprehensive city planning for city land use,
174 signage and outside advertising, and development by zoning; and to provide subdivision
175 regulation and the like as the city council deems necessary and reasonable to ensure a
176 safe, healthy, and aesthetically pleasing community;
- 177 (27) Police and fire protection. To exercise the power of arrest through duly appointed
178 police officers; and to establish, operate, or contract for police and fire-fighting agencies;
- 179 (28) Public hazards; removal. To provide for the destruction and removal of any
180 building or other structure that is or may become dangerous or detrimental to the public;
- 181 (29) Public improvements. To provide for the acquisition, construction, building,
182 operation, maintenance, or abolition of public ways, parks and playgrounds, recreational
183 facilities, cemeteries, public buildings, libraries, public housing, parking facilities, and
184 charitable, cultural, educational, recreational, conservation, sport, detentional, penal, and
185 medical institutions, agencies, and facilities; to provide any other public improvements
186 inside the corporate limits of the city and to regulate the use of public improvements; and
187 for such purposes, property may be acquired by condemnation under Title 22 of the
188 O.C.G.A. or such other applicable laws as are or may hereafter be enacted;
- 189 (30) Public peace. To provide for the prevention and punishment of loitering, disorderly
190 conduct, drunkenness, riots, and public disturbances;
- 191 (31) Public transportation. To organize and operate such public transportation systems
192 as are deemed beneficial;
- 193 (32) Public utilities and services. To grant franchises or make contracts for, or impose
194 taxes on, public utilities and public service companies; and to prescribe the rates, fares,
195 regulations, and standards and conditions of service applicable to the service to be
196 provided by the franchise grantee or contractor, insofar as these are not in conflict with
197 valid regulations of the Public Service Commission;

- 198 (33) Regulation of roadside areas. To prohibit or regulate and control the erection,
 199 removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any
 200 and all other structures or obstructions upon or adjacent to the rights of way of streets and
 201 roads or within view thereof, within or abutting the corporate limits of the city; and to
 202 prescribe penalties and punishments for violations of such ordinances;
- 203 (34) Roadways. To lay out, open, extend, widen, narrow, establish, change the grade of,
 204 abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise
 205 improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and
 206 walkways within the corporate limits of the city; to grant franchises and rights of way
 207 throughout the streets and roads and over the bridges and viaducts for the use of public
 208 utilities; and to require real estate owners to repair and maintain in a safe condition the
 209 sidewalks adjoining their lots or lands and to impose penalties for failure to do so;
- 210 (35) Solid waste disposal. To provide for the collection and disposal of garbage, rubbish,
 211 and refuse and to regulate the collection and disposal of garbage, rubbish, and refuse by
 212 others; and to provide for the separate collection of glass, tin, aluminum, cardboard,
 213 paper, and other recyclable materials and to provide for the sale of such items;
- 214 (36) Special assessments. To levy and provide for the collection of special assessments
 215 to cover the costs for any public improvements, subject to referendum;
- 216 (37) Taxes; ad valorem. To levy and provide for the assessment, valuation, revaluation,
 217 and collection of taxes on all property subject to taxation; provided, however, that:
- 218 (A) The millage rate imposed for ad valorem taxes on real property shall not exceed
 219 5.00 unless a higher limit is recommended by resolution of the city council and
 220 approved by a majority vote of the qualified voters of the City of LaVista Hills voting
 221 on the issue in a referendum; provided that the amount of millage associated with the
 222 creation of special tax districts pursuant to Article IX, Section II, Paragraph VI of the
 223 Constitution of the State of Georgia shall not count as part of the 5.00 millage rate limit
 224 in this subsection since such millage is already subject to approval by the electors of the
 225 city in a separate referendum;
- 226 (B) For all years, the fair market value of all property subject to taxation shall be
 227 determined according to the tax digest of DeKalb County, as provided in Code
 228 Section 48-5-352 of the O.C.G.A.; and
- 229 (C) Notwithstanding the provisions of subparagraph (A) above, the mayor and city
 230 council shall be authorized to create a Special Service District fund for the provision
 231 of fire and rescue services, to create a Special Service District fund for the provision of
 232 solid waste disposal services, and to levy ad valorem taxes on real property not to
 233 exceed the average of said taxes levied by DeKalb County for the provision of the same
 234 services for the previous five years prior to the cutover of the services;

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

237 (39) Taxicabs. To regulate and license vehicles operated for hire in the city; to limit the
 238 number of such vehicles; to require the operators thereof to be licensed; to require public
 239 liability insurance on such vehicles in the amounts to be prescribed by ordinance; to
 240 inspect such vehicles and mandate standards of safety and cleanliness; and to regulate the
 241 parking of such vehicles;

242 (40) Tourism, conventions, and trade shows. To provide for the structure, operation, or
 243 management of the LaVista Hills Convention and Visitors Bureau created pursuant to
 244 Section 1.05 of this charter and to authorize the City of LaVista Hills to contract with
 245 private sector nonprofit organizations or other governmental agencies to promote tourism,
 246 conventions, and trade shows;

247 (41) Urban redevelopment. To organize and operate an urban redevelopment program;
 248 and

249 (42) Other powers. To exercise and enjoy all other powers, functions, rights, privileges,
 250 and immunities necessary or desirable to promote or protect the safety, health, peace,
 251 security, good order, comfort, convenience, or general welfare of the city and its
 252 inhabitants; to exercise all implied powers necessary or desirable to carry into execution
 253 all powers granted in this charter as fully and completely as if such powers were fully
 254 stated herein; and to exercise all powers now or in the future authorized to be exercised
 255 by other municipal governments under other laws of the State of Georgia; and any listing
 256 of particular powers in this charter shall not be held to be exclusive of others or restrictive
 257 of general words and phrases granting powers but shall be held to be in addition to such
 258 powers unless expressly prohibited to municipalities under the Constitution or applicable
 259 laws of the State of Georgia.

260 **SECTION 1.04.**

261 Exercise of powers.

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

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SECTION 1.05.

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Tourism; conventions; trade shows.

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The LaVista Hills Convention and Visitors Bureau is hereby created.

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SECTION 1.06.

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Reserved.

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ARTICLE II

272

GOVERNMENT STRUCTURE, ELECTIONS, LEGISLATIVE BRANCH

273

SECTION 2.01.

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City council creation; number; election.

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

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(b)(1) The city council of LaVista Hills, Georgia, shall consist of six members plus the mayor.

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(2) There shall be six council districts, designated Council Districts 1 through 6, as described in Appendix B of this Act, which is attached to and made a part of this charter.

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(3) One councilmember shall be elected from each of the six Council Districts 1, 2, 3, 4, 5, and 6, respectively. Each person desiring to offer as a candidate for councilmember for such posts shall designate the council district for which he or she is offering. Councilmembers for such posts shall be elected by a majority vote of the qualified electors of the respective council districts voting at the elections of the city. In the event that no candidate for a council district obtains a majority vote of the qualified electors of the council district voting in the election, a run-off election shall be held. The candidates receiving the two highest numbers of votes in the election for such council district shall be included in the run-off election. The candidate receiving the highest number of votes of the qualified electors of the council district voting at such run-off election shall be elected. Each candidate for election to the city council shall reside in the district which he or she seeks to represent.

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

299 (d) In order to assure staggered elections of the councilmembers, in the first election of the
300 city council, the terms for the candidates elected for Council Districts 1, 3, and 5 shall expire
301 upon the administration of the oath of office to their successors elected in the regular election
302 to be held in November, 2016, as provided in subsection (b) of Section 2.02 of this charter.
303 The terms for the candidates elected for Council Districts 2, 4, and 6 shall expire upon the
304 administration of the oath of office to their successors elected in the regular election to be
305 held in November, 2019. Thereafter, a successor to each councilmember shall be elected at
306 the November election immediately preceding the end of such councilmember's term of
307 office, and the term of each councilmember shall expire upon the administration of the oath
308 of office to his or her successor.

309 (e) With the exception of the initial term of office, the mayor of the City of LaVista Hills,
310 with the powers and duties specified herein, shall be elected to a term of four years and until
311 his or her successor is elected and qualified. The mayor shall be elected by a majority vote
312 of the qualified electors of the city at large voting at the elections of the city. In the event
313 that no candidate for mayor obtains a majority vote of the qualified electors of the city at
314 large voting at the elections of the city, then a run-off election shall be held. The candidates
315 receiving the two highest numbers of votes in the election shall be included in the run-off
316 election and the candidate receiving the highest number of votes in the runoff of the qualified
317 electors of the city at large voting at such runoff shall be elected. The term of the first
318 elected mayor shall expire upon the administration of the oath of office to his or her
319 successor elected in the regular election to be held in November, 2019, as provided in
320 subsection (b) of Section 2.02. Thereafter, the successor to each mayor shall be elected at
321 the November election immediately preceding the end of such mayor's term of office, and
322 the term of each mayor shall expire upon the administration of the oath of office to his or her
323 successor.

324 **SECTION 2.02.**

325 Mayor and councilmembers; terms; qualifications for office.

326 (a) For all elections subsequent to the first election, the mayor and councilmembers shall
327 serve for terms of four years and until their terms shall expire upon the administration of the
328 oath of office to their successors. No person shall be eligible to serve as mayor or
329 councilmember unless that person shall have been a resident of the City of LaVista Hills for
330 a continuous period of at least 12 months immediately prior to the date of the election for
331 mayor or councilmember, shall continue to reside therein during that person's period of
332 service, and shall continue to be registered and qualified to vote in municipal elections of the
333 City of LaVista Hills. In addition to the above requirements, no person shall be eligible to

334 serve as a councilmember representing a council district unless that person has been a
 335 resident of the district such person seeks to represent for a continuous period of at least six
 336 months immediately prior to the date of the election for councilmember and continues to
 337 reside in such district during that person's period of service.

338 (b) An election shall be held on the date of the 2016 presidential preference primary to elect
 339 the first mayor and city council. At such election, the first mayor and city council shall be
 340 elected to serve for the initial terms of office specified in subsections (d) and (e) of Section
 341 2.01 of this charter. Thereafter, the time for holding regular municipal elections shall be on
 342 the Tuesday next following the first Monday in November of each odd-numbered year
 343 beginning in 2017.

344 (c) The number of successive terms an individual may hold the position of mayor and may
 345 hold a position as a councilmember of any council district shall be limited to two terms. An
 346 individual who serves as mayor or serves as a councilmember of any council district for
 347 either one term or two consecutive terms may stand for subsequent election of any office
 348 other than his or her current elected office.

349 **SECTION 2.03.**

350 Vacancy; filling of vacancies; suspensions.

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

355 (1) Violating the provisions of this charter;

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

358 (3) Failing to attend one-third of the regular meetings of the city council in a three-month
 359 period without being excused by the council.

360 (b) The office of mayor shall become vacant upon the incumbent's death, resignation,
 361 forfeiture of office, or removal from office in any manner authorized by this charter or the
 362 general laws of the State of Georgia. A vacancy in the office of mayor shall be filled for the
 363 remainder of the unexpired term by a special election if such vacancy occurs 12 months or
 364 more prior to the expiration of the term of that office. If such vacancy occurs within
 365 12 months of the expiration of the term of that office, the city council or those
 366 councilmembers remaining shall appoint a successor for the remainder of the term. This
 367 provision shall also apply to a temporary vacancy created by the suspension from office of
 368 the mayor.

369 (c) The office of a councilmember shall become vacant upon the incumbent's death,
370 resignation, forfeiture of office, or removal from office in any manner authorized by this
371 charter or the general laws of the State of Georgia. A vacancy in the office of a
372 councilmember shall be filled for the remainder of the unexpired term by a special election
373 if such vacancy occurs 12 months or more prior to the expiration of the term of that office.
374 If such vacancy occurs within 12 months of the expiration of the term of that office, the
375 mayor shall appoint a successor for the remainder of the term, subject to the approval of the
376 city council or those councilmembers remaining. This provision shall also apply to a
377 temporary vacancy created by the suspension from office of a councilmember.

378 **SECTION 2.04.**

379 Nonpartisan elections.

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

382 **SECTION 2.05.**

383 Election votes.

384 The candidates for mayor and city council who receive a majority vote of the qualified
385 electors of the city voting at the elections of the city shall be elected to a term of office.

386 **SECTION 2.06.**

387 Applicability of general laws; qualifying; other provisions.

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

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SECTION 2.07.

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Compensation and expenses.

397 The annual salary of the mayor shall be \$16,000.00 and the annual salary for each
 398 councilmember shall be \$12,000.00. Such salaries shall be paid from municipal funds in
 399 monthly installments. To the extent not available for provision by the city through the
 400 purchasing department, the mayor and each councilmember shall be reimbursed for the
 401 reasonable amount of their expenses actually and necessarily incurred by them in carrying
 402 out their duties as elected officials of the city.

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SECTION 2.08.

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Inquiries and investigations.

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

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SECTION 2.09.

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Meetings; oath of office; mayor pro tempore.

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

417 "I do solemnly swear or affirm that I will faithfully execute the office of [councilmember
 418 or mayor, as the case may be] of the City of LaVista Hills and will, to the best of my
 419 ability, support and defend the Constitution of the United States, the Constitution of
 420 Georgia, and the charter, ordinances, and regulations of the City of LaVista Hills. I am not
 421 the holder of any unaccounted for public money due this state or any political subdivision
 422 or authority thereof. I am not the holder of any office of trust under the government of the
 423 United States, any other state, or any foreign state which I, by the laws of the State of
 424 Georgia, am prohibited from holding. I am otherwise qualified to hold said office
 425 according to the Constitution and laws of Georgia. I have been a resident of my district
 426 and the City of LaVista Hills for the time required by the Constitution and laws of this state

427 and by the municipal charter. I will perform the duties of my office in the best interests of
428 the City of LaVista Hills to the best of my ability without fear, favor, affection, reward, or
429 expectation thereof."

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

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

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

445 (e) Special meetings of the city council may be held on the call of either the mayor or two
446 councilmembers. Notice of such special meetings shall be delivered to all councilmembers,
447 the mayor, and the city manager personally, by registered mail, or by electronic means at
448 least 24 hours in advance of the meeting. Such notice shall not be required if the mayor, all
449 councilmembers, and city manager are present when the special meeting is called. Such
450 notice of any special meeting may be waived by the mayor, a councilmember, or the city
451 manager in writing before or after such a meeting and attendance at the meeting shall also
452 constitute a waiver of notice. The notice of such special meeting shall state what business
453 is to be transacted at the special meeting. Only the business stated in the notice of the call
454 shall be transacted at the special meeting.

455 **SECTION 2.10.**

456 **Quorum; voting.**

457 (a) Four members of the city council shall constitute a quorum and shall be authorized to
458 transact business for the city council. The mayor shall be counted toward the making of a
459 quorum. Voting on the adoption of ordinances shall be taken by voice vote and the yeas and
460 nays shall be recorded in the minutes, but on the request of any member there shall be a
461 roll-call vote. In order for any ordinance, resolution, motion, or other action of the city

462 council to be adopted, the measure must receive at least four affirmative votes. No member
 463 of the city council shall abstain from voting on any matter properly brought before the city
 464 council for official action, except when such councilmember has a reason which is disclosed
 465 in writing prior to or at the meeting and made a part of the minutes. If any member of the
 466 city council is present and eligible to vote on a matter and refuses to do so for a reason he or
 467 she will not disclose, he or she shall be deemed to have voted with the majority of the votes
 468 of the other councilmembers on the issue involved. The mayor shall vote only in the event
 469 of a tie or in the case where his or her vote will provide the number of votes necessary for
 470 approval of a matter.

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

472 (1) Adopt or amend an administrative code or establish, alter, or abolish a department,
 473 agency, or office not specified in this charter;

474 (2) Provide for fines or other penalties;

475 (3) Levy taxes;

476 (4) Grant, renew, or extend a franchise;

477 (5) Regulate a rate for a public utility;

478 (6) Authorize the borrowing of money;

479 (7) Convey, lease, or encumber city land;

480 (8) Regulate land use and development; and

481 (9) Amend or repeal an ordinance already adopted.

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

486 (1) Levy taxes;

487 (2) Grant, renew, or extend a franchise;

488 (3) Regulate a rate for a public utility; or

489 (4) Borrow money.

490 **SECTION 2.11.**

491 General power and authority of the city council.

492 (a) Except as otherwise provided by law or this charter, the city council shall be vested with
 493 all the powers of government of the City of LaVista Hills as provided by Article I of this
 494 charter.

495 (b) In addition to all other powers conferred upon it by law, the city council shall have the
 496 authority to adopt and provide for the execution of such ordinances, resolutions, rules, and

497 regulations, not inconsistent with this charter and the Constitution and the laws of the State
 498 of Georgia, which it shall deem necessary, expedient, or helpful for the peace, good order,
 499 protection of life and property, health, welfare, sanitation, comfort, convenience, prosperity,
 500 or well-being of the inhabitants of the City of LaVista Hills and may enforce such ordinances
 501 by imposing penalties for violations thereof.

502 **SECTION 2.12.**

503 Administrative and service departments.

504 (a) Except for the office of city manager and the elected positions provided for in this
 505 charter, the city council, by ordinance, may establish, abolish, merge, or consolidate offices
 506 not specified in this charter, positions of employment, departments, and agencies of the city
 507 as it shall deem necessary for the proper administration of the affairs and government of the
 508 city. The city council shall prescribe the functions and duties of existing departments,
 509 offices, and agencies or of any departments, offices, and agencies hereinafter created or
 510 established; may provide that the same person shall fill any number of offices and positions
 511 of employment; and may transfer or change the functions and duties of offices, positions of
 512 employment, departments, and agencies of the city.

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

518 **SECTION 2.13.**

519 Prohibitions.

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

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

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

530 (3) Disclose confidential information concerning the property, government, or affairs of
531 the governmental body without proper legal authorization or use such information to
532 advance the financial or other private interest of himself or herself or others, except as
533 required by law;

534 (4) Accept any valuable gift, whether in the form of service, loan, object, or promise,
535 from any person, firm, or corporation which to his or her knowledge is interested, directly
536 or indirectly, in any manner whatsoever in business dealings with the governmental body
537 by which he or she is engaged; "valuable" shall be an amount determined by the city
538 council; provided, however, that the amount shall not exceed \$100.00;

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

541 (6) Vote or otherwise participate in the negotiation or in the making of any contract with
542 any business or entity in which he or she, or members of his or her family, has a financial
543 interest.

544 (b) Any elected official, appointed officer, or employee who has any private financial
545 interest, directly or indirectly, in any permissible contract or matter pending before or within
546 any department of the city shall disclose such private interest to the city council. "Private
547 financial interest" shall include interests of family. The mayor or any councilmember who
548 has a private interest in any matter pending before the city council shall disclose in writing
549 such private interest and such disclosure shall be entered on the records of the city council,
550 and he or she shall disqualify himself or herself from participating in any decision or vote
551 relating thereto. Any elected official, appointed officer, or employee of any agency or
552 political entity to which this charter applies who shall have any private financial interest,
553 directly or indirectly, in any contract or matter pending before or within such entity shall
554 disclose such private interest to the governing body of such agency or entity.

555 (c) No elected official, appointed officer, or employee of the city or any agency or entity to
556 which this charter applies or any member of his or her family shall use property owned by
557 such governmental entity for personal benefit, convenience, or profit.

558 (d) Any violation of this section which occurs with the knowledge, express or implied, of
559 a party to a contract or sale shall render such contract or sale voidable at the option of the city
560 council.

561 (e) Except as authorized by law, no member of the city council shall hold any other elective
562 city office or be employed by any city or county government during the term for which he
563 or she is elected.

564 (f) No elected official, appointed officer, or employee of the city or any agency, board,
565 authority, bureau, or any other political entity to which this charter applies nor any member
566 of such person's family, nor any person who has an employment or other personal

567 relationship with such person, may contract with the city, either directly or indirectly or
568 through any entity in which such person has a financial or employment interest, for the
569 provision of goods, professional services, other services, construction or rehabilitation of
570 improvements, or any other procurement request by the city.

571 (g) "Family" shall, for purposes of this section, include the parents, aunts, uncles, nieces,
572 nephews, siblings, spouse, and children of such person and shall also include the parents,
573 siblings, spouses, and children of any of the foregoing family members.

574 **SECTION 2.14.**

575 **Boards, commissions, or authorities.**

576 (a) All members of boards, commissions, or authorities of the city shall be appointed by the
577 mayor subject to confirmation by the city council for such term of office and such manner
578 of appointment as provided by ordinance, except where other appointing authority, term of
579 office, or manner of appointment is prescribed by this charter or by applicable state law.

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

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

586 (d) No member of any board, commission, or authority shall assume office until he or she
587 shall have executed and filed with the designated officer of the city an oath obligating
588 himself or herself to faithfully and impartially perform the duties of his or her office, such
589 oath to be prescribed by ordinance of the city council.

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

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

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

602

SECTION 2.15.

603

Ordinance form; procedures.

604 (a) Every proposed ordinance and resolution shall be introduced in writing and the city
605 council shall have the authority to approve, disapprove, or amend the same. A resolution
606 may be passed at the time it is offered, but an ordinance shall not be adopted until the title
607 of such ordinance shall have been read at two city council meetings, provided that the
608 beginnings of such meetings are neither less than 24 hours nor more than 60 days apart. This
609 requirement of two readings shall not apply to emergency ordinances, to ordinances passed
610 during the first 90 days from the date on which the city begins operation, to ordinances
611 adopted at the first business meeting of the city council in a calendar year, or to ordinances
612 adopted at the first meeting of the initial city council as elected under subsection (b) of
613 Section 2.02 of this charter. The catchlines of sections of this charter or any ordinance
614 printed in boldface type or italics, or otherwise, are intended as mere catchwords to indicate
615 the contents of the section and:

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

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

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

623 (b) The city council may, by ordinance or resolution, adopt rules and bylaws to govern the
624 conduct of its business, including procedures and penalties for compelling the attendance of
625 absent councilmembers. Such rules may include punishment for contemptuous behavior
626 conducted in the presence of the city council.

627

SECTION 2.16.

628

Submission of ordinances to the city clerk.

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

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

668 beliefs and solely on the basis of his or her education and experience in the accepted
669 competencies and practices of local government management.

670 **SECTION 3.03.**

671 City manager; chief administrative officer.

672 The city manager shall be the chief administrative officer of the government of the city. The
673 city manager shall devote all of his or her working time and attention to the affairs of the city
674 and shall be responsible to the mayor and city council for the proper and efficient
675 administration of the affairs of the city over which such officer has jurisdiction.

676 **SECTION 3.04.**

677 City manager; powers and duties enumerated.

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

- 679 (1) See that all laws and ordinances are enforced;
- 680 (2) Appoint and employ all necessary employees of the city, provided that this power of
681 appointment shall not include officers and employees who by this charter are appointed
682 or elected by the mayor and the city council or departments not under the jurisdiction of
683 the city manager;
- 684 (3) Remove employees appointed and employed under paragraph (2) of this section
685 without the consent of the city council and without assigning any reason therefor;
- 686 (4) Exercise supervision and control of all departments, offices, and agencies and all
687 divisions or bureaus created in this charter or that may hereafter be created by the city
688 council, except as otherwise provided in this charter;
- 689 (5) Attend all meetings of the city council, without a right to vote, but with a right to take
690 part in the discussions as seen fit by the chairperson; provided, however, that, regardless
691 of the decision of the chairperson, the city manager may take part in any discussion and
692 report on any matter requested and approved by the city council at such meeting. The
693 city manager shall be entitled to notice of all special meetings;
- 694 (6) Recommend to the city council, after prior review and comment by the mayor, for
695 adoption such measures as the city manager may deem necessary or expedient;
- 696 (7) See that all terms and conditions imposed in favor of the city or its inhabitants in any
697 public utility franchise are faithfully kept and performed and, upon knowledge of any
698 violation thereof, call the same to the attention of the city attorney, whose duty it shall be
699 forthwith to take such steps as are necessary to protect and enforce the same;

- 700 (8) Make and execute all lawful contracts on behalf of the city as to matters within the
 701 city manager's level of authorization as established by the city council to the extent that
 702 such contracts are funded in the city's budget, except such as may be otherwise provided
 703 by law; provided, however, that no contract purchase or obligation requiring a budget
 704 amendment shall be valid and binding until after approval of the city council;
- 705 (9) Sign all orders, checks, and warrants for payment of money within the city manager's
 706 level of authorization as established by the city council to the extent that such contracts
 707 are funded in the city's budget, except such as may be otherwise provided by law;
 708 provided, however, that no such order, check, or warrant requiring a budget amendment
 709 shall be valid and binding until after approval of the city council;
- 710 (10) Act as budget officer to prepare and submit to the city council, after review and
 711 comment by the mayor, prior to the beginning of each fiscal year, a budget of proposed
 712 expenditures for the ensuing year, showing in as much detail as practicable the amounts
 713 allotted to each department of the city government and the reasons for such estimated
 714 expenditures;
- 715 (11) Keep the city council at all times fully advised as to the financial condition and
 716 needs of the city;
- 717 (12) Make a full written report to the city council on the fifteenth day of each month
 718 showing the operations and expenditures of each department of the city government for
 719 the preceding month, and a synopsis of such reports shall be published by the city clerk;
- 720 (13) Fix all salaries and compensation of city employees in accordance with the city
 721 budget and the city pay and classification plan; and
- 722 (14) Perform such other duties as may be prescribed by this charter or required by
 723 ordinance or resolution of the city council.

724

SECTION 3.05.

725

City council interference with administration.

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

731 **SECTION 3.06.**

732 City manager; removal.

733 (a) The mayor and city council may remove the city manager from office in accordance with
734 the following procedures:735 (1) The city council shall adopt, by affirmative vote of a majority of all its members, a
736 preliminary resolution removing the city manager and may suspend the city manager
737 from duty for a period not to exceed 45 days. A copy of the resolution shall be delivered
738 promptly to the city manager;739 (2) Within five days after a copy of the resolution is delivered to the city manager, he or
740 she may file with the city council a written request for a public hearing. This hearing
741 shall be held at a city council meeting not earlier than 15 days nor later than 30 days after
742 the request is filed. The city manager may file with the city council a written reply not
743 later than five days before the hearing; and744 (3) The city council may adopt a final resolution of removal, which may be made
745 effective immediately, by affirmative vote of four of its members at any time after five
746 days from the date when a copy of the preliminary resolution was delivered to the city
747 manager if he or she has not requested a public hearing, or at any time after the public
748 hearing if he or she has requested one.749 (b) The city manager shall continue to receive his or her salary until the effective date of a
750 final resolution of his or her removal. The action of the city council in suspending or
751 removing the city manager shall not be subject to review by any court or agency.752 (c) If the city manager is suspended in accordance with subsection (a) of this section or
753 becomes disabled and is unable to carry out the duties of the office or if the city manager
754 dies, the acting city manager shall perform the duties of the city manager until the city
755 manager's disability is removed or until the city manager is replaced. Removal of the city
756 manager because of disability shall be carried out in accordance with the provisions of
757 subsection (a) of this section.758 **SECTION 3.07.**

759 Acting city manager.

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

764 (b) In the event of a vacancy in the office of city manager, the mayor may designate, with
765 the approval of the city council, a person as acting city manager, who shall exercise all
766 powers, duties, and functions of the city manager until a city manager is appointed.

767 **SECTION 3.08.**

768 City attorney.

769 The mayor shall appoint the city attorney or city attorneys, together with such assistant city
770 attorneys as may be deemed appropriate, subject to confirmation by the city council, and
771 shall provide for the payment of such attorneys for services rendered to the city. The rates
772 or salary paid to any city attorney or assistant city attorney shall be approved in advance by
773 the city council. The city attorney shall be responsible for representing and defending the
774 city in all litigation in which the city is a party; may be the prosecuting officer in the
775 municipal court; shall attend meetings of the city council as directed; shall advise the city
776 council, mayor, other officers, and employees of the city concerning legal aspects of the
777 city's affairs; and shall perform such other duties as may be required by virtue of his or her
778 position as city attorney. The city attorney shall review all contracts of the city but shall not
779 have the power to bind the city.

780 **SECTION 3.09.**

781 City clerk.

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

786 **SECTION 3.10.**

787 City tax collector.

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

793 **SECTION 3.11.**

794 City accountant.

795 The mayor may appoint a city accountant, subject to confirmation by the city council, to
 796 perform the duties of an accountant.

797 **SECTION 3.12.**

798 City internal auditor.

799 The city council shall appoint an internal auditor to audit the financial records and
 800 expenditures of city funds and to report the results of such audits in writing to the city
 801 council at times and intervals set by the city council but not less than quarterly. Such audit
 802 reports shall, at a minimum, identify all city expenditures and other financial matters that the
 803 internal auditor either determines are not in compliance with or cannot conclusively be
 804 determined to be in compliance with:

805 (1) The provisions of this charter;

806 (2) The applicable city budget; and

807 (3) Applicable ordinances, resolutions, or other actions duly adopted or approved under
808 the provisions of this charter.

809 The compensation and expenses payable to the mayor and the councilmembers pursuant to
 810 Section 2.07 of this charter shall not commence until an internal auditor is appointed by the
 811 city council.

812 **SECTION 3.13.**

813 Consolidation of functions.

814 The city manager, with the approval of the city council, may consolidate any two or more of
 815 the positions of city clerk, city tax collector, and city accountant, or any other positions or
 816 may assign the functions of any one or more of such positions to the holder or holders of any
 817 other positions. The city manager may also, with the approval of the city council, perform
 818 all or any part of the functions of any of the positions or offices in lieu of the appointment
 819 of other persons to perform the same.

820 **SECTION 3.14.**

821 Position classification and pay plans; employment at will.

822 The city manager shall be responsible for the preparation of a position classification and a
 823 pay plan which shall be submitted to the city council for approval. Such plan may apply to
 824 all employees of the City of LaVista Hills and any of its agencies and offices. When a pay
 825 plan has been adopted by the city council, neither the city council nor the city manager shall
 826 increase or decrease the salaries of individual employees except in conformity with such pay
 827 plan or pursuant to an amendment of such pay plan duly adopted by the city council. Except
 828 as otherwise provided in this charter, all employees of the city shall be subject to removal or
 829 discharge, with or without cause, at any time.

830 **ARTICLE IV**831 **MUNICIPAL COURT**832 **SECTION 4.01.**

833 Creation.

834 There is established a court to be known as the Municipal Court of the City of LaVista Hills
 835 which shall have jurisdiction and authority to try offenses against the laws and ordinances
 836 of such city and to punish for violations of the same. Such court shall have the power to
 837 enforce its judgments by the imposition of such penalties as may be provided by law,
 838 including ordinances of the city; to punish witnesses for nonattendance and to punish also
 839 any person who may counsel or advise, aid, encourage, or persuade another whose testimony
 840 is desired or material in any proceeding before such court to go or move beyond the reach
 841 of the process of the court; to try all offenses within the territorial limits of the city
 842 constituting traffic cases which, under the laws of Georgia, are placed within the jurisdiction
 843 of municipal courts to the extent of, and in accordance with, the provisions of such laws and
 844 all laws subsequently enacted amendatory thereof. Such court shall be presided over by the
 845 judge of such court. In the absence or disqualification of the judge, the judge pro tempore
 846 shall preside and shall exercise the same powers and duties as the judge when so acting.

847 **SECTION 4.02.**

848 Judges.

849 (a) No person shall be qualified or eligible to serve as judge unless he or she shall have
 850 attained the age of 28 years and shall have been a member of the State Bar of Georgia for a
 851 minimum of three years. The judges shall be nominated by the mayor subject to approval

852 by the city council. The compensation and number of the judges shall be fixed by the city
853 council.

854 (b) The judge pro tempore shall serve as requested by the judge, shall have the same
855 qualifications as the judge, shall be nominated by the mayor subject to approval by the city
856 council, and shall take the same oath as the judge.

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

862 (d) The judge or judge pro tempore shall serve for a term of four years but may be removed
863 from the position by a two-thirds vote of the entire membership of the city council or shall
864 be removed upon action taken by the state Judicial Qualifications Commission for:

- 865 (1) Willful misconduct in office;
- 866 (2) Willful and persistent failure to perform duties;
- 867 (3) Habitual intemperance;
- 868 (4) Conduct prejudicial to the administration of justice which brings the judicial office
869 into disrepute; or
- 870 (5) Disability seriously interfering with the performance of duties, which is or is likely
871 to become of a permanent character.

872 **SECTION 4.03.**

873 Convening.

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

876 **SECTION 4.04.**

877 Jurisdiction; powers.

878 (a) The municipal court shall try and punish for crimes against the City of LaVista Hills and
879 for violations of its ordinances. The municipal court may fix punishment for offenses within
880 its jurisdiction to the fullest extent allowed by state law.

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

883 (c) The municipal court shall have authority to establish bail and recognizances to ensure
884 the presence of those charged with violations before such court and shall have discretionary

885 authority to accept cash or personal or real property as security for appearances of persons
886 charged with violations. Whenever any person shall give bail for his or her appearance and
887 shall fail to appear at the time fixed for trial, the bond shall be forfeited to the judge presiding
888 at such time and an execution issued thereon by serving the defendant and his or her sureties
889 with a rule nisi at least two days before a hearing on the rule nisi. In the event that cash or
890 property is accepted in lieu of bond for security for the appearance of a defendant at trial, and
891 if such defendant fails to appear at the time and place fixed for trial, the cash so deposited
892 shall be on order of the judge declared forfeited to the City of LaVista Hills, or the property
893 so deposited shall have a lien against it for the value forfeited.

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

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

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

901 (g) The municipal court is specifically vested with all of the judicial jurisdiction and judicial
902 powers throughout the entire area of the City of LaVista Hills granted by state laws generally
903 to municipal courts and particularly by such laws as authorize the abatement of nuisances.

904 **SECTION 4.05.**

905 Certiorari.

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

910 **SECTION 4.06.**

911 Rules for court.

912 With the approval of the city council, the judges shall have full power and authority to make
913 reasonable rules and regulations that are necessary and proper to secure the efficient and
914 successful administration of the municipal court.

947 (d) All unencumbered balances of appropriations in the current operating budget at the end
 948 of the fiscal year shall lapse into the unappropriated surplus or reserves of the fund or funds
 949 from which such appropriations were made. When a supplemental appropriation is certified
 950 by the city manager to exist, these appropriations may be spent during the current fiscal year
 951 following passage of a supplemental appropriation ordinance.

952 **SECTION 5.04.**

953 Action by city council on budget.

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

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

964 **SECTION 5.05.**

965 Procurement and property management.

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

- 970 (1) It is drawn or submitted and reviewed by the city attorney and, as a matter of course,
 971 is signed by the city attorney to indicate such drafting or review; and
 972 (2) It is made or authorized by the city council and such approval is entered in the city
 973 council journal of proceedings.

974 **SECTION 5.06.**

975 Purchasing.

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

978 **SECTION 5.07.**

979 Audits.

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

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

987 **SECTION 5.08.**

988 Homestead exemption; freeze.

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

990 (1) "Ad valorem taxes for municipal purposes" means all ad valorem taxes for municipal
 991 purposes levied by, for, or on behalf of the City of LaVista Hills, including, but not
 992 limited to, any ad valorem taxes to pay interest on and to retire municipal bonded
 993 indebtedness.

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

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

1000 (b) Each resident of the City of LaVista Hills is granted an exemption on such person's
 1001 homestead from City of LaVista Hills ad valorem taxes for municipal purposes in an amount
 1002 equal to the amount by which the current year assessed value of such homestead exceeds the
 1003 base year assessed value of such homestead. This exemption shall not apply to taxes
 1004 assessed on improvements to the homestead or additional land that is added to the homestead
 1005 after January 1 of the base year. If any real property is added to or removed from the
 1006 homestead, the base year assessed value shall be adjusted to reflect such addition or removal,
 1007 and the exemption shall be recalculated accordingly. The value of such property in excess
 1008 of such exempted amount shall remain subject to taxation.

1009 (c) A person shall not receive the homestead exemption granted by subsection (b) of this
 1010 section unless the person or person's agent files an application with the governing authority
 1011 of the City of LaVista Hills, or the designee thereof, giving such information relative to

1012 receiving such exemption as will enable the governing authority of the City of LaVista Hills,
 1013 or the designee thereof, to make a determination regarding the initial and continuing
 1014 eligibility of such owner for such exemption. The governing authority of the City of LaVista
 1015 Hills, or the designee thereof, shall provide application forms for this purpose.

1016 (d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of
 1017 the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year
 1018 so long as the owner occupies the residence as a homestead. After a person has filed the
 1019 proper application as provided in subsection (c) of this section, it shall not be necessary to
 1020 make application thereafter for any year, and the exemption shall continue to be allowed to
 1021 such person. It shall be the duty of any person granted the homestead exemption under
 1022 subsection (b) of this section to notify the governing authority of the City of LaVista Hills,
 1023 or the designee thereof, in the event such person for any reason becomes ineligible for such
 1024 exemption.

1025 (e) The exemption granted by subsection (b) of this section shall not apply to or affect state
 1026 ad valorem taxes, county ad valorem taxes for county purposes, or county or independent
 1027 school district ad valorem taxes for educational purposes. The homestead exemption granted
 1028 by subsection (b) of this section shall be in addition to and not in lieu of any other homestead
 1029 exemption applicable to municipal ad valorem taxes for municipal purposes.

1030 (f) The exemption granted by subsection (b) of this section shall apply only to taxable years
 1031 2017 through 2019. Unless renewed or extended by subsequent Act of the General
 1032 Assembly, the exemption granted by subsection (b) of this section shall not apply to taxable
 1033 year 2020 or any subsequent taxable year.

1034 **SECTION 5.09.**

1035 Homestead exemption; senior citizens; disabled.

1036 (a) As used in this section, the term:

1037 (1) "Ad valorem taxes for municipal purposes" means all ad valorem taxes for municipal
 1038 purposes levied by, for, or on behalf of the City of LaVista Hills, including, but not
 1039 limited to, any ad valorem taxes to pay interest on and to retire municipal bonded
 1040 indebtedness.

1041 (2) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of
 1042 the O.C.G.A., as amended.

1043 (3) "Income" means Georgia taxable net income determined pursuant to Chapter 7 of
 1044 Title 48 of the O.C.G.A., as amended, for state income tax purposes, except income shall
 1045 not include income received as retirement, survivor, or disability benefits under the
 1046 federal Social Security Act or under any other public or private retirement, disability, or

1047 pension system, except such income which is in excess of the maximum amount
1048 authorized to be paid to an individual and such individual's spouse under the federal
1049 Social Security Act. Income from such sources in excess of such maximum amount shall
1050 be included as income for the purposes of this charter.

1051 (4) "Senior citizen" means a person who is 65 years of age or over on or before January 1
1052 of the year in which application for the exemption under subsection (b) of this section is
1053 made.

1054 (b) Each resident of the City of LaVista Hills who is disabled or is a senior citizen is granted
1055 an exemption on such person's homestead from City of LaVista Hills ad valorem taxes for
1056 municipal purposes in the amount of \$14,000.00 of the assessed value of such homestead.
1057 The exemption granted by this subsection shall only be granted if such person's income,
1058 together with the income of the spouse who also occupies and resides at such homestead,
1059 does not exceed \$15,000.00 for the immediately preceding year. The value of such property
1060 in excess of such exempted amount shall remain subject to taxation.

1061 (c)(1) In order to qualify for the exemption provided for in subsection (b) of this section
1062 due to being disabled, the person claiming such exemption shall be required to obtain a
1063 certificate from not more than three physicians licensed to practice medicine under
1064 Chapter 34 of Title 43 of the O.C.G.A., as amended, certifying that, in the opinion of
1065 such physician or physicians, such person is mentally or physically incapacitated to the
1066 extent that such person is unable to be gainfully employed and that such incapacity is
1067 likely to be permanent. Such certificate or certificates shall constitute part of and be
1068 submitted with the application provided for in paragraph (2) of this subsection.

1069 (2) A person shall not receive the homestead exemption granted by subsection (b) of this
1070 section unless the person or person's agent files an application with the governing
1071 authority of the City of LaVista Hills, or the designee thereof, giving the person's age,
1072 income, and such additional information relative to receiving such exemption as will
1073 enable the governing authority of the City of LaVista Hills, or the designee thereof, to
1074 make a determination regarding the initial and continuing eligibility of such owner for
1075 such exemption. The governing authority of the City of LaVista Hills, or the designee
1076 thereof, shall provide application forms for this purpose.

1077 (d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of
1078 the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year
1079 so long as the owner occupies the residence as a homestead. After a person has filed the
1080 proper application as provided in subsection (c) of this section, it shall not be necessary to
1081 make application thereafter for any year, and the exemption shall continue to be allowed to
1082 such person. It shall be the duty of any person granted the homestead exemption under
1083 subsection (b) of this section to notify the governing authority of the City of LaVista Hills,

1084 or the designee thereof, in the event such person for any reason becomes ineligible for such
1085 exemption.

1086 (e) The exemption granted by subsection (b) of this section shall not apply to or affect state
1087 ad valorem taxes, county ad valorem taxes for county purposes, or county or independent
1088 school district ad valorem taxes for educational purposes. The homestead exemption granted
1089 by subsection (b) of this section shall be in addition to and not in lieu of any other homestead
1090 exemption applicable to municipal ad valorem taxes for municipal purposes.

1091 (f) The exemption granted by subsection (b) of this section shall apply to all taxable years
1092 beginning on or after January 1, 2017.

1093 **SECTION 5.10.**

1094 Homestead exemption; general.

1095 (a) As used in this section, the term:

1096 (1) "Ad valorem taxes for municipal purposes" means all ad valorem taxes for municipal
1097 purposes levied by, for, or on behalf of the City of LaVista Hills, including, but not
1098 limited to, any ad valorem taxes to pay interest on and to retire municipal bonded
1099 indebtedness.

1100 (2) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of
1101 the O.C.G.A., as amended.

1102 (b) Each resident of the City of LaVista Hills is granted an exemption on such person's
1103 homestead from City of LaVista Hills ad valorem taxes for municipal purposes in the amount
1104 of \$10,000.00 of the assessed value of such homestead. The value of such property in excess
1105 of such exempted amount shall remain subject to taxation.

1106 (c) A person shall not receive the homestead exemption granted by subsection (b) of this
1107 section unless the person or person's agent files an application with the governing authority
1108 of the City of LaVista Hills, or the designee thereof, giving such information relative to
1109 receiving such exemption as will enable the governing authority of the City of LaVista Hills,
1110 or the designee thereof, to make a determination regarding the initial and continuing
1111 eligibility of such owner for such exemption. The governing authority of the City of LaVista
1112 Hills, or the designee thereof, shall provide application forms for this purpose.

1113 (d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of
1114 the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year
1115 so long as the owner occupies the residence as a homestead. After a person has filed the
1116 proper application as provided in subsection (c) of this section, it shall not be necessary to
1117 make application thereafter for any year, and the exemption shall continue to be allowed to
1118 such person. It shall be the duty of any person granted the homestead exemption under

1119 subsection (b) of this section to notify the governing authority of the City of LaVista Hills,
 1120 or the designee thereof, in the event such person for any reason becomes ineligible for such
 1121 exemption.

1122 (e) The exemption granted by subsection (b) of this section shall not apply to or affect state
 1123 ad valorem taxes, county ad valorem taxes for county purposes, or county or independent
 1124 school district ad valorem taxes for educational purposes. The homestead exemption granted
 1125 by subsection (b) of this section shall be in addition to and not in lieu of any other homestead
 1126 exemption applicable to municipal ad valorem taxes for municipal purposes.

1127 (f) The exemption granted by subsection (b) of this section shall apply to all taxable years
 1128 beginning on or after January 1, 2017.

1129 **SECTION 5.11.**

1130 Homestead exemption; surviving spouses.

1131 (a) As used in this section, the term:

1132 (1) "Ad valorem taxes for municipal purposes" means all ad valorem taxes for municipal
 1133 purposes levied by, for, or on behalf of the City of LaVista Hills, including, but not
 1134 limited to, any ad valorem taxes to pay interest on and to retire municipal bonded
 1135 indebtedness.

1136 (2) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of
 1137 the O.C.G.A., as amended.

1138 (3) "Unremarried surviving spouse" means the unmarried widow or widower of a
 1139 member of the armed forces who is receiving spousal benefits from the United States
 1140 Department of Veterans Affairs.

1141 (b) Any person who is a resident of the City of LaVista Hills and who is an unremarried
 1142 surviving spouse of a member of the armed forces of the United States, which member has
 1143 been killed in or has died as a result of any war or armed conflict in which the armed forces
 1144 of the United States engaged, whether under United States command or otherwise, shall be
 1145 granted a homestead exemption from all City of LaVista Hills ad valorem taxation for
 1146 municipal purposes in the amount of the greater of \$32,500.00 or the maximum amount
 1147 which may be granted to a disabled veteran under Section 2102 of Title 38 of the United
 1148 States Code, as amended. As of January 1, 2013, the maximum amount which may be
 1149 granted to a disabled veteran under Section 2102 of Title 38 of the United States Code, as
 1150 amended, is \$50,000.00. The exemption shall be on the homestead which the unremarried
 1151 surviving spouse owns and actually occupies as a residence and homestead. In the event
 1152 such surviving spouse remarries, such person shall cease to be qualified to receive the
 1153 exemption under this charter effective December 31 of the taxable year in which such person

1154 remarries. The value of all property in excess of such exemption granted to such unremarried
1155 surviving spouse shall remain subject to taxation.

1156 (c) In order to qualify for the exemption provided for in this charter, the unremarried
1157 surviving spouse shall furnish to the governing authority of the City of LaVista Hills, or the
1158 designee thereof, documents from the Secretary of Defense evidencing that such unremarried
1159 surviving spouse receives spousal benefits as a result of the death of such person's spouse
1160 who, as a member of the armed forces of the United States, was killed or died as a result of
1161 any war or armed conflict while on active duty or while performing authorized travel to or
1162 from active duty during such war or armed conflict in which the armed forces of the United
1163 States engaged, whether under United States command or otherwise, pursuant to the Survivor
1164 Benefit Plan under Subchapter II of Chapter 73 of Title 10 of the United States Code or
1165 pursuant to any preceding or subsequent federal law which provides survivor benefits for
1166 spouses of members of the armed forces who were killed or died as a result of any war or
1167 armed conflict.

1168 (d) An unremarried surviving spouse filing for the exemption under this section shall be
1169 required to file with the governing authority of the City of LaVista Hills, or the designee
1170 thereof, information relative to marital status and such other information which the governing
1171 authority of the City of LaVista Hills, or the designee thereof, deems necessary to determine
1172 eligibility for the exemption. An unremarried surviving spouse shall file for the exemption
1173 only once with the governing authority of the City of LaVista Hills or the designee thereof.
1174 Once filed, the exemption shall automatically be renewed from year to year, except that the
1175 governing authority of the City of LaVista Hills, or the designee thereof, may require
1176 annually that the holder of an exemption substantiate his or her continuing eligibility for the
1177 exemption. It shall be the duty of any person granted the homestead exemption under this
1178 section to notify the governing authority of the City of LaVista Hills, or the designee thereof,
1179 in the event such person for any reason becomes ineligible for such exemption.

1180 (e) The exemption granted by this section shall be in lieu of and not in addition to any other
1181 exemption from ad valorem taxation for municipal purposes which is equal to or lower in
1182 amount than such exemption granted by this section. If the amount of any other exemption
1183 from ad valorem taxation for municipal purposes applicable to any resident qualifying under
1184 this section is greater than or is increased to an amount greater than the amount of the
1185 applicable exemption granted by this section, such other exemption shall apply and shall be
1186 in lieu of and not in addition to the exemption granted by this section.

1187 (f) The exemptions granted by this section shall apply to all taxable years beginning on or
1188 after January 1, 2017.

SECTION 5.12.

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Homestead exemption; one mill equivalent.

1191 (a) As used in this section, the term:

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

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

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(b) Each resident of the City of LaVista Hills is granted an exemption on such person's homestead from City of LaVista Hills ad valorem taxes for municipal purposes in an amount that provides the dollar equivalent of a one mill reduction of the millage rate applicable to the homestead property with respect to ad valorem taxes for municipal purposes for the taxable year. The value of such property in excess of such exempted amount shall remain subject to taxation.

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

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

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

1225 (f) The exemption granted by subsection (b) of this section shall apply to all taxable years
 1226 beginning on or after January 1, 2017.

1227 **SECTION 5.13.**

1228 Homestead exemption; Fire Services Tax District HOST Equivalent.

1229 (a) As used in this section, the term:

1230 (1) "Ad valorem taxes for fire services" means all ad valorem taxes for the purpose of
 1231 providing fire services levied by, for, or on behalf of the City of LaVista Hills, including,
 1232 but not limited to, any ad valorem taxes to pay interest on and to retire municipal bonded
 1233 indebtedness.

1234 (2) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of
 1235 the O.C.G.A., as amended.

1236 (b) In the event that the City of LaVista Hills assumes responsibility for the transfer of fire
 1237 services from DeKalb County, each resident of the City of LaVista Hills is granted an annual
 1238 exemption on such person's homestead from City of LaVista Hills ad valorem taxes in a fixed
 1239 amount equal to the HOST tax credit provided to DeKalb County residences who participate
 1240 in the Fire Services Special Tax District at a level equal to the average percentage credit for
 1241 the five years immediately preceding the cutover of fire services. The value of such property
 1242 in excess of such exempted amount shall remain subject to taxation.

1243 (c) A person shall receive the homestead exemption granted by subsection (b) of this section
 1244 provided that the person or person's agent has filed or files an application with the governing
 1245 authority of the City of LaVista Hills in accordance with subsection (c) of Section 5.10 or
 1246 subsection (c) of Section 5.12 of this charter giving such information relative to receiving
 1247 such exemption as will enable the governing authority of the City of LaVista Hills, or the
 1248 designee thereof, to make a determination regarding the initial and continuing eligibility of
 1249 such owner for such exemption. No additional homestead exemption form or application is
 1250 required to grant the homestead exemption under this section.

1251 (d) The exemption shall be automatically renewed from year to year so long as the owner
 1252 occupies the residence as a homestead. After a person has filed the proper application, it
 1253 shall not be necessary to make application thereafter for any year, and the exemption shall
 1254 continue to be allowed to such person. It shall be the duty of any person granted the
 1255 homestead exemption under subsection (b) of this section to notify the governing authority
 1256 of the City of LaVista Hills, or the designee thereof, in the event such person for any reason
 1257 becomes ineligible for such exemption.

1258 (e) The exemption granted by subsection (b) of this section shall not apply to or affect state
 1259 ad valorem taxes, county ad valorem taxes for county purposes, or county or independent

1260 school district ad valorem taxes for educational purposes. The homestead exemption granted
 1261 by subsection (b) of this section shall be in addition to and not in lieu of any other homestead
 1262 exemption applicable to municipal ad valorem taxes for municipal purposes.

1263 (f) The exemption granted by subsection (b) of this section shall apply to all taxable years
 1264 beginning in the year in which the City of LaVista Hills assumes responsibility for the
 1265 transfer of fire services from DeKalb County. In the event that the transfer of fire services
 1266 does not coincide with a taxable year end, the homestead exemption shall be prorated in the
 1267 first year in an amount equal to the percent of the first year in which LaVista Hills provides
 1268 fire services.

1269 ARTICLE VI

1270 GENERAL PROVISIONS

1271 SECTION 6.01.

1272 DeKalb County special services tax district.

1273 For the taxable years beginning on or after January 1, 2017, the adjusted ad valorem tax
 1274 millage rate and amount for service charges or fees for district services assessed by DeKalb
 1275 County, Georgia, for the LaVista Hills special services tax district shall be 0 percent. This
 1276 section is enacted pursuant to the authority granted to the General Assembly under Section 1
 1277 of that local constitutional amendment providing that certain municipalities in DeKalb
 1278 County shall constitute special services tax districts, Resolution Act. No. 168, House
 1279 Resolution No. 715-1916, Ga. L. 1978, p. 2468, to control the subject matter of such local
 1280 constitutional amendment. Municipal services provided by DeKalb County for the City of
 1281 LaVista Hills will be established through intergovernmental agreements or established as
 1282 otherwise authorized by statute.

1283 SECTION 6.02.

1284 Referendum and initial election.

1285 (a) The election superintendent of DeKalb County shall call a special election for the
 1286 purpose of submitting this Act to the qualified voters of the proposed City of LaVista Hills
 1287 for approval or rejection. The superintendent shall set November 3, 2015, as the date of such
 1288 election. The superintendent shall issue the call for such election at least 30 days prior to the
 1289 date thereof. The superintendent shall cause the date and purpose of the election to be
 1290 published once a week for two weeks immediately preceding the date thereof in the official
 1291 organ of DeKalb County. The ballot shall have written or printed thereon the words:

1292 "() YES Shall the Act incorporating the City of LaVista Hills in DeKalb County
 1293 according to the charter contained in the Act and the homestead exemptions
 1294 () NO described in the Act be approved?"

1295 All persons desiring to vote for approval of the Act shall vote "Yes," and all persons desiring
 1296 to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on
 1297 such question are for approval of the Act, it shall become of full force and effect as provided
 1298 in this charter, otherwise it shall be void and of no force and effect. The initial expense of
 1299 such election shall be borne by DeKalb County. Within two years after the elections if the
 1300 incorporation is approved, the City of LaVista Hills shall reimburse DeKalb County for the
 1301 actual cost of printing and personnel services for such election and for the initial election of
 1302 the mayor and councilmembers pursuant to Section 2.02 of this charter. It shall be the duty
 1303 of the superintendent to hold and conduct such election. It shall be his or her further duty to
 1304 certify the result thereof to the Secretary of State.

1305 (b) For the purposes of the referendum election provided for in subsection (a) of this section
 1306 and for the purposes of the special election of the City of LaVista Hills to be held in
 1307 conjunction with and on the date of the 2016 presidential preference primary, the qualified
 1308 electors of the City of LaVista Hills shall be those qualified electors of DeKalb County
 1309 residing within the corporate limits of the City of LaVista Hills as described by Appendix
 1310 A of this charter. At subsequent municipal elections, the qualified electors of the City of
 1311 LaVista Hills shall be determined pursuant to the authority of Chapter 2 of Title 21 of the
 1312 O.C.G.A., the "Georgia Election Code."

1313 (c) Only for the purposes of holding and conducting the referendum election provided for
 1314 by subsection (a) of this section and holding and conducting the special election of the City
 1315 of LaVista Hills to be held on the date of the 2016 presidential preference primary, the
 1316 election superintendent of DeKalb County is vested with the powers and duties of the
 1317 election superintendent of the City of LaVista Hills and the powers and duties of the
 1318 governing authority of the City of LaVista Hills.

1319 **SECTION 6.03.**

1320 **Effective dates and transition.**

1321 (a) The initial mayor and councilmembers shall take the oath of office the next business day
 1322 after certification of the election of such officers and, by action of any four members of the
 1323 governing authority, may meet and take actions binding on the city.

1324 (b) A period of time will be needed for an orderly transition of various government functions
 1325 from DeKalb County to the City of LaVista Hills. Accordingly, there shall be a two-year
 1326 transition period as allowed by law beginning at 12:01 A.M. on July 1, 2016.

1327 (c) During such transition period, DeKalb County shall continue to provide within the
1328 territorial limits of the city all government services and functions which DeKalb County
1329 provided in 2016 and at the same actual direct cost and level of service, except to the extent
1330 otherwise provided in this section; provided, however, that upon at least 30 days' prior
1331 written notice to the governing authority of DeKalb County by the governing authority of the
1332 City of LaVista Hills, responsibility for any such service or function shall be transferred to
1333 the City of LaVista Hills. The governing authority of the City of LaVista Hills shall
1334 determine the date of commencement of collection of taxes, fees, assessments, fines and
1335 forfeitures, and other moneys within the territorial limits of the city and the date upon which
1336 the City of LaVista Hills is considered removed from the DeKalb County special services tax
1337 district.

1338 (d) During the transition period, the governing authority of the City of LaVista Hills may
1339 generally exercise any power granted by this charter or general law, except to the extent that
1340 a power is specifically and integrally related to the provision of a governmental service,
1341 function, or responsibility not yet provided or carried out by the city.

1342 (e) During the transition period, all ordinances of DeKalb County shall remain applicable
1343 within the territorial limits of the city unless otherwise amended, repealed, or replaced by the
1344 City of LaVista Hills. Any transfer of jurisdiction to the City of LaVista Hills during or at
1345 the end of the transition period shall not in and of itself abate any judicial proceeding pending
1346 in DeKalb County or the pending prosecution of any violation of any ordinance of DeKalb
1347 County.

1348 (f) During the transition period, the governing authority of the City of LaVista Hills may at
1349 any time, without the necessity of any agreement by DeKalb County, commence to exercise
1350 its planning and zoning powers; provided, however, that the city shall give the county notice
1351 of the date on which the city will assume the exercise of such powers. Upon the governing
1352 authority of the City of LaVista Hills commencing to exercise its planning and zoning
1353 powers, the Municipal Court of the City of LaVista Hills shall immediately have jurisdiction
1354 to enforce the planning and zoning ordinances of the city. The provisions of this subsection
1355 shall have control over any conflicting provisions of any other subsection of this section.

1356 (g) Effective upon the termination of the transition period, subsections (b) through (f) of this
1357 section shall cease to apply except for the last sentence of subsection (e) which shall remain
1358 effective. Effective upon the termination of the transition period, the City of LaVista Hills
1359 shall be a fully functioning municipal corporation and subject to all general laws of this state.

1360 **SECTION 6.04.**

1361 Directory nature of dates.

1362 It is the intention of the General Assembly that this Act be construed as directory rather than
 1363 mandatory with respect to any date prescribed in this Act. If it is necessary to delay any
 1364 action called for in this Act for providential cause or any other reason, it is the intention of
 1365 the General Assembly that the action be delayed rather than abandoned. Any delay in
 1366 performing any action under this Act, whether for cause or otherwise, shall not operate to
 1367 frustrate the overall intent of this Act. Without limiting the generality of the foregoing, it is
 1368 specifically provided that if it is not possible to hold the referendum election provided for in
 1369 Section 6.02 of this Act on the date specified in that section, then such referendum shall be
 1370 held as soon thereafter as is reasonably practicable. If the referendum election provided for
 1371 in Section 6.02 of this Act is conducted on or before November 3, 2015, the special election
 1372 for the initial members of the governing authority shall be conducted on the date specified
 1373 in Section 2.02 of this Act. If the referendum election provided for under Section 6.02 of this
 1374 Act is conducted after November 3, 2015, then the special election for the initial members
 1375 of the governing authority shall be held as soon thereafter as is reasonably practicable, and
 1376 the commencement of the initial terms of office shall be delayed accordingly. If the first
 1377 election provided for in Section 2.02 of this Act occurs after the date of the 2016 presidential
 1378 preference primary, the city council shall be authorized to delay the dates otherwise specified
 1379 in Section 6.03 of this charter.

1380 **SECTION 6.05.**

1381 Charter commission.

1382 Not later than five years after the inception of the City of LaVista Hills, the mayor and the
 1383 city council shall call for a charter commission to review the city's experience and
 1384 recommend to the General Assembly any changes to the charter. Members of the charter
 1385 commission shall be appointed as follows: one by the mayor, one by each member of the city
 1386 council, and one member appointed by a vote of the members of the Georgia House of
 1387 Representatives and Georgia Senate whose districts lie wholly or partially within the
 1388 corporate boundaries of the City of LaVista Hills. All members of the charter commission
 1389 shall reside in the City of LaVista Hills. The charter commission shall complete the
 1390 recommendations within the time frame required by the city council.

1391 **SECTION 6.06.**

1392 Severability.

1393 In the event any section, subsection, sentence, clause, or phrase of this Act shall be declared
 1394 or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other
 1395 sections, subsections, sentences, clauses, or phrases of this Act, which shall remain of full
 1396 force and effect, as if the section, subsection, sentence, clause, or phrase so declared or
 1397 adjudged invalid or unconstitutional were not originally a part hereof. The General
 1398 Assembly hereby declares that it would have passed the remaining parts of this Act if it had
 1399 known that such part or parts hereof would be declared or adjudged invalid or
 1400 unconstitutional.

1401 **SECTION 6.07.**

1402 Effective date.

1403 This Act shall become effective upon its approval by the Governor or upon its becoming law
 1404 without such approval.

1405 **SECTION 6.08.**

1406 Repealer.

1407 All laws and parts of laws in conflict with this Act are repealed.

1408 **APPENDIX A**

1409 **LEGAL DESCRIPTION CORPORATE LIMITS**

1410 **CITY OF LAVISTA HILLS, DEKALB COUNTY, GEORGIA**

1411 All that tract or parcel of land lying and being in Land Lots 098, 099, 100, 101, 102, 103,
 1412 104, 105, 106, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 145, 146, 147, 148, 149,
 1413 150, 151, 152, 153, 154, 157, 158, 159, 160, 161, 162, 163, 164, 190, 191, 192, 193, 194,
 1414 195, 196, 197, 204, 205, 206, 207, 208, 209, 210, 229, 230, 231, 232, 233, 234, 245, 246,
 1415 247, 248, 249, 250, 251, 262, 263, 264, 265, 266, 267, 268, 282, 283, 284, 285, 286, 287,
 1416 288, 290, 291, 292, 293, 294, 295, 313, 314, 315, 316, and 317 in the 18th Land District of
 1417 DeKalb County, Georgia, and more particularly described as follows:

1418 Begin at a point where the southern margin of the Interstate Highway 85 right-of-way
1419 intersects with the eastern boundary of the City of Atlanta city limits marking the POINT OF
1420 BEGINNING; thence southerly along the eastern boundary of the City of Atlanta city limits
1421 to the northern margin of the LaVista Road right-of-way; then easterly along the northern
1422 margin of the LaVista Road right-of-way to the eastern margin of the Briarcliff Road
1423 right-of-way; thence southerly along the eastern margin of the Briarcliff Road right-of-way
1424 to a point lying on the eastern margin of the Briarcliff Road right-of-way intersecting with
1425 the rear property line of the parcel fronting the southern margin of the Stephens Drive
1426 right-of-way; thence easterly along the rear property lines of all parcels fronting the southern
1427 margin of the Stephens Drive right-of-way to a point intersecting with and lying on the
1428 western margin of the Biltmore Drive right-of-way; thence due east to a point being the
1429 southeast corner of the parcel bordering the south eastern margin of the Rogeretta Drive
1430 right-of-way and having an address of 1147 Rogeretta Drive, NE; thence in a northerly
1431 direction to a point being the southeast corner of a parcel bordering the southern margin of
1432 the Adelia Place right-of-way and having an address of 1591 Adelia Place, NE; thence in an
1433 easterly direction along the rear property lines of the parcels bordering the south margin of
1434 the Adelia Place right-of-way to a point being the northwest corner of the parcel bordering
1435 the western terminus of Hillshire Place and having an address of 1664 Hillshire Place; thence
1436 in a southerly direction to the southwest corner of a parcel bordering the terminus and
1437 southern margin of the Hillshire Place right-of-way and having an address of 1665 Hillshire
1438 Place; thence easterly to a point where the southeast corner of the parcel having an address
1439 of 1673 Hillshire Place intersects the western margin of the Houston Mill Road right-of-way;
1440 thence northerly along the western margin of the Houston Mill Road right-of-way to point
1441 lying on the southern boundary of Land Lot 110 of the 18th Land District, thence easterly
1442 along the southern boundary of Land Lot 110 of the 18th Land District to the southwestern
1443 corner of Land Lot 111 of the 18th Land District; thence continuing easterly along the
1444 southern boundary of Land Lot 111 of the 18th Land District to the northwestern corner of
1445 Land Lot 103 of the 18th Land District; thence southerly along the western boundary of Land
1446 Lot 103 of 18th Land District to the northern boundary of the McConnell Drive right-of-way;
1447 thence southeasterly along the northern boundary of the McConnell Drive right-of-way to
1448 the intersection of the northern boundary of the McConnell Drive right-of-way and the
1449 western boundary of the parcel known as the Toco Hills-Avis G. Williams Library; thence
1450 in a northerly and then an easterly direction along the northern boundary of said Toco
1451 Hills-Avis G. Williams Library, continuing along the northern boundary of Mason Mill Park
1452 and along the rear lot lines of the parcels bordering the south margin of the N. Jamestown
1453 Road right-of-way to the intersection of the N. Jamestown Road right-of-way and the
1454 Blackshear Drive right-of-way; thence south along the rear lot lines of the parcels bordering

1455 the western margin of the Blackshear Drive right-of-way to the center line of Burnt Fork
1456 Creek; thence in a southerly direction and then an easterly direction along the center line of
1457 Burnt Fork Creek to the eastern boundary of Land Lot 103 of the 18th Land District and the
1458 western boundary of the Mason Mill Park/Tennis Center; thence north along said eastern
1459 boundary of Land Lot 103 of the 18th Land District and the western boundary of the Mason
1460 Mill Park/Tennis Center to the southeast margin of the Kingstown Court right-of-way; thence
1461 northeasterly along the on the eastern margin of the Kingstown Court right-of-way to the
1462 intersection of the Kingstown Court right-of-way and the Moorestown Circle right-of-way;
1463 thence northerly along the most easterly margin of the Moorestown Circle right-of-way and
1464 then along the western boundary of the Mason Mill Park/Tennis Center to the southern
1465 margin of the North Druid Hills right-of-way; thence easterly along the southern margin of
1466 the North Druid Hills right-of-way to the intersection of said right-of-way and the eastern
1467 boundary of Mason Mill Park/Tennis Center which eastern boundary is the centerline of
1468 Burnt Fork Creek; thence in a southwesterly direction along the centerline of Burnt Fork
1469 Creek and the eastern margin of said Mason Mill Park/Tennis Center to a point where the run
1470 of said creek bends to the west; thence in a westerly direction along the centerline of Burnt
1471 Fork Creek and the southern margin of said Mason Mill Park/Tennis Center to a point where
1472 the run of said creek bends to the south; thence from said point at the center of the bend due
1473 south along a line to where said line intersects with the rear property line of such parcel
1474 bordering the northern margin of the Willivee Place right-of-way; thence run due east along
1475 the joint boundaries of the rear property lines of the parcels bordering the northern
1476 right-of-way of Willivee Place and the northern right-of-way of Willivee Drive with the rear
1477 property lines of the parcels boarding the southern right-of-way of North Druid Hills Drive
1478 and the southern right-of-way of North Crossing Point to a point lying on the western
1479 boundary of Land Lot 102 of the 18th Land District; thence north along the said western
1480 boundary of Land Lot 102 of the 18th Land District to a point intersecting with the southern
1481 margin of the North Druid Hills Road right-of-way; thence in an easterly direction along the
1482 southern margin of the North Druid Hills Road right-of-way to a point lying on the southern
1483 margin of the North Druid Hills right-of-way which is the northeast corner of the parcel
1484 bordering the western margin of the North Hills Drive right-of-way and the southern margin
1485 of the North Druid Hills Road right-of-way; thence leaving said right-of-way in a southerly
1486 direction along joint rear property lines of the parcels boarding the eastern margin of the
1487 North Hills Drive right-of-way and the western margin of the Homewood Court right-of-way
1488 to the centerline of South Fork Peachtree Creek; thence in an easterly direction along the
1489 centerline of South Fork Peachtree Creek to the eastern margin of the U.S. Highway 29
1490 right-of-way; thence in a northeasterly direction along the U.S. Highway 29 right-of-way to
1491 the intersection of said right-of-way and the southern margin of the Stone Mountain Freeway

1492 (Georgia Hwy. 410); thence run in an easterly direction along the southern margin of the
1493 Stone Mountain Freeway (Georgia Hwy. 410) to the intersection of said right-of-way and
1494 western margin of the Interstate Hwy. 285 right-of-way; thence run northerly along the
1495 western margin of the Interstate Hwy. 285 right-of-way to the intersection of said
1496 right-of-way and the center line of the U.S. Highway 29 right-of-way; thence in a
1497 southwestern direction along the centerline of the U.S. Highway 29 right-of-way to a point
1498 with the centerline of said right-of-way intersects with the centerline of the Montreal Road
1499 right-of-way; then in a northerly direction along the centerline of the Montreal right-of-way
1500 to a point lying on the center line of Burnt Fork Creek; thence in a westerly direction along
1501 the centerline of said Burnt Fork Creek to a point on the center line of said creek being due
1502 south of the southern terminus of that portion of Hudson Road running southerly from
1503 LaVista Road (Georgia Hwy. 236); thence northerly from said point lying in the center line
1504 of Burnt Fork Creek along a course running to and along the center line of Hudson Road to
1505 the centerline of the LaVista Road (Georgia Hwy. 236) right-of-way; thence in a
1506 northeasterly direction along the centerline of the LaVista Road (Georgia Hwy. 236)
1507 right-of-way to the western margin of the Interstate Hwy. 285 right-of-way; thence in
1508 northerly direction along the western margin of the Interstate Hwy. 285 right-of-way to the
1509 centerline of the branch of Peachtree Branch lying north of Henderson Road; thence in an
1510 easterly direction turning to a northerly direction along the center line of the branch of
1511 Peachtree Branch lying north of Henderson Road to a point lying on the northern boundary
1512 of Land Lot 262 in the 18th Land District; thence in an westerly direction along the northern
1513 boundary of Land Lot 262 in the 18th Land District to the center line of the Evans Road
1514 right-of-way; thence northerly along the center line of the Evans Road right-of-way to the
1515 center line of Chamblee-Tucker Road; thence running easterly along the center line of
1516 Chamblee-Tucker Road to the eastern boundary of Land Lot 287 in the 18th Land District;
1517 thence northerly along the eastern boundary of Land Lot 287 in the 18th Land District to the
1518 center line of Pleasantdale Road; thence southeasterly along the center line of Pleasantdale
1519 Road to the center line of Tucker-Norcross Road; thence northeasterly along the centerline
1520 of the Tucker-Norcross Road to a point lying on the northwestern boundary of Gwinnett
1521 County; then northwesterly along the western boundary of Gwinnett County to a point lying
1522 on the eastern margin of the Interstate Hwy. 85 right-of-way; thence in a southerly direction
1523 along the eastern margin of the Interstate Hwy. 85 right-of-way to a point where such
1524 right-of-way intersects with the limits of the City of Brookhaven; thence in a southerly
1525 direction along the limits of the City of Brookhaven to where said limits intersect with the
1526 center line of Briarcliff Road; thence westerly along the center line of Briarcliff Road and
1527 the limits of the southern boundary of the City Brookhaven to a point lying on said center
1528 line of Briarcliff Road near of the intersection of the southern margin of the Briarcliff Road

1529 right-of-way and the northern terminus of Druid Valley Drive; thence in a westerly direction
 1530 along the southern boundary of the limits of the City of Brookhaven to a point lying on the
 1531 eastern margin of the Interstate Hwy. 85 right-of way; thence southerly along the eastern
 1532 margin of the Interstate Hwy. 85 right-of way to western boundary of the limits of the City
 1533 of Atlanta and the POINT OF BEGINNING.

1534 The above-described Corporate Limits for the proposed City of LaVista Hills is more
 1535 particularly depicted in that Map of LaVista Hills updated on December 19, 2014 by the
 1536 Governmental Affairs Subcommittee of the Governmental Affairs Committee of the Georgia
 1537 House of Representatives, which subcommittee was constituted for the purpose of drawing
 1538 the corporate limits of the proposed City of LaVista Hills and the proposed City of Tucker
 1539 which map is incorporated herein by reference for the purpose of aiding in the description
 1540 of the Corporate Limits of the proposed City of LaVista Hills. To the extent that the
 1541 above-described Corporate Limits conflicts with the corporate limits described in the
 1542 December 19, 2014 map drawn by the said Governmental Affairs Subcommittee, said map
 1543 so drawn by the Governmental Affairs Subcommittee shall control.

1544 APPENDIX B - PART 1

1545 LEGAL DESCRIPTION

1546 COUNCIL DISTRICT 1

1547 CITY OF LAVISTA HILLS, DEKALB COUNTY, GEORGIA

1548 All that tract or parcel of land lying and being in Land Lots 251, 264, 263, 262, 285, 286,
 1549 287, 288, 290, 291, 292, 314, 315, 316, and 317 of the 18th Land District and more
 1550 particularly described as follows:

1551 Begin at a point where the western margin of the Interstate Hwy. 285 right-of-way intersects
 1552 with the centerline of the branch of Peachtree Branch lying north of Henderson Road
 1553 marking the POINT OF BEGINNING; thence in an easterly direction turning to a northerly
 1554 direction along the center line of the branch of Peachtree Branch lying north of Henderson
 1555 Road to a point lying on the northern boundary of Land Lot 262 in the 18th Land District;
 1556 thence in an westerly direction along the northern boundary of Land Lot 262 in the 18th Land
 1557 District to the center line of the Evans Road right-of-way; thence northerly along the center
 1558 line of the Evans Road right-of-way to the center line of Chamblee-Tucker Road; thence in
 1559 an easterly direction along the center line of Chamblee-Tucker Road to the eastern boundary
 1560 of Land Lot 287 in the 18th Land District; thence northerly along the eastern boundary of

1561 Land Lot 287 in the 18th Land District to the center line of Pleasantdale Road; thence
 1562 southeasterly along the center line of Pleasantdale Road to the center line of Tucker-Norcross
 1563 Road; thence northeasterly along the centerline of the Tucker-Norcross Road to a point lying
 1564 on the northwestern boundary of Gwinnett County; then northwesterly along the western
 1565 boundary of Gwinnett County to a point lying on the eastern margin of the Interstate Hwy. 85
 1566 right-of-way; thence south along the eastern margin of the Interstate Hwy. 85 right-of-way
 1567 to the western margin of the Pleasantdale Road right-of-way; thence southeast along the
 1568 western margin of the Pleasantdale Road right-of-way to the western margin of the
 1569 Valleybluff Way right-of-way; thence south along the western margin of the Valleybluff
 1570 Way right-of-way and the eastern boundary of Pleasantdale Park to the northern margin of
 1571 the Valleybluff Drive right-of-way; thence west along the northern margin of the Valleybluff
 1572 Drive right-of-way and the south boundary of Pleasantdale Park to a point lying north of the
 1573 northern terminus of Northbrook Drive; thence south to the eastern boundary of the northern
 1574 terminus of Northbrook Drive; thence south along the eastern boundary of Northbrook Drive
 1575 right-of-way to the northern boundary of Chamblee Tucker Road; thence west along the
 1576 northern boundary of Chamblee Tucker Road to the intersection of Chamblee Dunwoody
 1577 Road and the north terminus of Nottaway Circle; thence south along the western margin of
 1578 the Nottaway Circle right-of-way to the center line of a creek that feeds in to Lake Louise,
 1579 then winding easterly and southerly along the center line of said creek to the southern
 1580 boundary of Land Lot 285 of the 18th Land District to a point where the run of said creek
 1581 bends to the west; thence south from such point where the run of said creek bends to the west
 1582 to the northern margin of the Evans Road right-of-way; thence west along the northern
 1583 margin of the Evans Road right-of-way to the western margin of the Interstate Hwy. 285
 1584 right-of-way; thence south along the western margin of the Interstate Hwy. 285 right-of-way
 1585 to the centerline of the branch of Peachtree Branch lying north of Henderson Road and the
 1586 POINT OF BEGINNING.

1587 APPENDIX B - PART 2

1588 LEGAL DESCRIPTION

1589 COUNCIL DISTRICT 2

1590 CITY OF LAVISTA HILLS, DEKALB COUNTY, GEORGIA

1591 All that tract or parcel of land lying and being in Land Lots 208, 230, 231, 247, 248, 249,
 1592 250, 264, 265, 266, 267, 282, 283, 284, 285, 286, 292, 293, 294, 295, 313, 314, and 315 of
 1593 the 18th Land District and being more particularly described as follows:

1594 Begin at a point where eastern margin of the Interstate Hwy. 85 right-of-way intersects with
1595 the western margin of the Pleasantdale Road right-of-way marking the POINT OF
1596 BEGINNING; thence southeast along the western margin of the Pleasantdale Road
1597 right-of-way to the western margin of the Valleybluff Way right-of-way; thence south along
1598 the western margin of the Valleybluff Way right-of-way and the eastern boundary of
1599 Pleasantdale Park to the northern margin of the Valleybluff Drive right-of-way; thence west
1600 along the northern margin of the Valleybluff Drive right-of-way and the south boundary of
1601 Pleasantdale Park to a point lying north of the northern terminus of Northbrook Drive; thence
1602 south to the eastern boundary of the northern terminus of Northbrook Drive; thence south
1603 along the eastern boundary of the Northbrook Drive right-of-way to the northern boundary
1604 of Chamblee Tucker Road; thence west along the northern boundary of Chamblee Tucker
1605 Road to the intersection of Chamblee Dunwoody Road and the north terminus of Nottaway
1606 Circle; thence south along the western margin of the Nottaway Circle right-of-way to the
1607 center line of a creek that feeds in to Lake Louise, then winding easterly and southerly along
1608 the center line of said creek to the southern boundary of Land Lot 285 of the 18th Land
1609 District to a point where the run of said creek bends to the west; thence south from such point
1610 where the run of said creek bends to the west to the northern margin of the Evans Road
1611 right-of-way; thence west along the northern margin of the Evans Road right-of-way to the
1612 western margin of the Interstate Hwy. 285 right-of-way; thence south along the western
1613 margin of the Interstate Hwy. 285 right-of-way to the centerline of the branch of Peachtree
1614 Branch lying north of Henderson Road; thence south along the western margin of the
1615 Interstate Hwy. 285 right-of-way to the southern margin of the Henderson Road
1616 right-of-way; thence west to the eastern margin of the Henderson Mill Road right-of-way;
1617 thence in a southwesterly direction along the eastern margin the Henderson Mill Road
1618 right-of-way to the northern margin of the Briarcliff Road right-of-way; thence in a
1619 northwesterly direction along the northern margin of the Briarcliff Road right-of-way to a
1620 point where the rear lot line of the parcel lying at the intersection of the northern margin of
1621 the Briarcliff Road right-of-way and the western margin of the Cravey Drive right-of-way;
1622 thence in a northerly direction from such point along the rear lot lines of parcels fronting the
1623 western margin of the Cravey Drive right-of-way to the intersection of the center line of
1624 Henderson Mill Creek; thence in a northeasterly direction along the center line of Henderson
1625 Mill Creek to a point where said creek forks into two creeks, one running to the northeast and
1626 the other running to the southeast; thence in a northwesterly direction along a line separating
1627 this Council District 2 and Council District 3, the proposed city of LaVista Hills to the
1628 eastern margin of the Interstate Hwy. 85 right-of-way; thence north along the eastern margin
1629 of the Interstate Hwy. 85 right-of-way to the western margin of the Pleasantdale Road
1630 right-of-way and the POINT OF BEGINNING.

1631

APPENDIX B - PART 3

1632

LEGAL DESCRIPTION

1633

COUNCIL DISTRICT 3

1634

CITY OF LAVISTA HILLS, DEKALB COUNTY, GEORGIA

1635 All that tract or parcel of land lying and being in Land Lots 162, 163, 190, 191, 192, 204,
 1636 205, 206, 207, 208, 209, 210, 229, 230, 231, 232, 233, 234, 246, 247, 248, 249, 250, 267, and
 1637 268 in the 18th Land District and being more particularly described as follows:

1638 Begin at a point where the western margin of the Interstate Hwy. 285 right-of-way intersects
 1639 with the southern margin of the Henderson Road right-of-way marking the POINT OF
 1640 BEGINNING; thence west to the eastern margin of the Henderson Mill Road right-of-way;
 1641 thence in a southwesterly direction along the eastern margin the Henderson Mill Road
 1642 right-of-way to the northern margin of the Briarcliff Road right-of-way; thence in a
 1643 northwesterly direction along the northern margin of the Briarcliff Road right-of-way to a
 1644 point where the rear lot line of the parcel lying at the intersection of the northern margin of
 1645 the Briarcliff Road right-of-way and the western margin of the Cravey Drive right-of-way;
 1646 thence in a northerly direction from such point along the rear lot lines of parcels fronting the
 1647 western margin of the Cravey Drive right-of-way to the intersection of the center line of
 1648 Henderson Mill Creek; thence in a northeasterly direction along the center line of Henderson
 1649 Mill Creek to a point where said creek forks into two creeks, one running to the northeast and
 1650 the other running to the southeast; thence in a northwesterly direction along a line separating
 1651 this Council District 2 and Council District 3, the proposed city of LaVista Hills to the
 1652 eastern margin of the Interstate Hwy. 85 right-of-way; then south along the eastern margin
 1653 of the Interstate Hwy. 85 right-of-way to a point where said right-of-way intersects with the
 1654 center line of North Fork Peachtree Creek; thence in a northeasterly direction along the
 1655 centerline of North Fork Peachtree Creek to a point where said creek intersects with the
 1656 northern terminus of a creek running to the east to Echo Lake; thence east along the
 1657 centerline of said creek to the centerline of Echo Lake and continuing east along the
 1658 centerline of said lake to the intersection of Briarcliff Road and Briarlake Road; thence in a
 1659 southeasterly direction along the southern margin of the Briarlake Road right-of-way to the
 1660 southern boundary of the LaVista Road right-of-way; thence in a southwestern direction
 1661 along the southern margin of the LaVista Road right-of-way to the northern terminus of
 1662 Frazier Road, thence south, along the western boundary of Frazier Road to the centerline of
 1663 Burnt Ford Creek, thence northeasterly along the centerline of Burnt Ford Creek to a point
 1664 on the center line of said creek being due south of the southern terminus of that portion of

1665 Hudson Road running southerly from LaVista Road (Georgia Hwy. 236); thence northerly
 1666 from said point lying in the center line of Burnt Fork Creek along a course running to and
 1667 along the center line of Hudson Road to the centerline of the LaVista Road (Georgia
 1668 Hwy. 236) right-of-way; thence in a northeasterly direction along the centerline of the
 1669 LaVista Road (Georgia Hwy. 236) right-of-way to the western margin of the Interstate
 1670 Hwy. 285 right-of-way; thence north along the western margin of the Interstate Hwy. 285
 1671 right-of-way to the southern margin of the Henderson Road right-of-way and the POINT OF
 1672 BEGINNING.

1673 APPENDIX B - PART 4

1674 LEGAL DESCRIPTION

1675 COUNCIL DISTRICT 4

1676 CITY OF LAVISTA HILLS, DEKALB COUNTY, GEORGIA

1677 All that tract or parcel of land lying and being in Land Lots 111, 112, 146, 147, 148, 149, 150
 1678 151, 158, 159, 160, 161, 162, 163, 191, 192, 193, 194, 195, 196, 204, 205, 206, and 207 of
 1679 the 18th Land District and being more particularly described as follows:

1680 Begin at a point where the eastern margin of the Interstate Hwy. 85 right-of-way intersects
 1681 with the center line of North Fork Peachtree Creek marking the POINT OF BEGINNING;
 1682 thence in a northeasterly direction along the centerline of North Fork Peachtree Creek to a
 1683 point where said creek intersects with the northern terminus of a creek running to the east to
 1684 Echo Lake; thence east along the centerline of said creek to the centerline of Echo Lake and
 1685 continuing east along the centerline of said lake to the intersection of Briarcliff Road and
 1686 Briarlake Road; thence in a southeasterly direction along the southern margin of the
 1687 Briarlake Road right-of-way to the southern boundary of the LaVista Road right-of-way;
 1688 thence in a southwestern direction along the southern margin of the LaVista Road
 1689 right-of-way to the northern terminus of Frazier Road, thence south, along the western
 1690 boundary of Frazier Road to a point where the centerline of Burnt Ford Creek intersects with
 1691 the eastern margin of the railroad right-of-way; thence in a southwesterly direction along the
 1692 eastern margin of said railroad right-of-way to a point where said railroad right-of-way
 1693 intersects with the southern margin of the Pangborn Road right-of-way; thence west and then
 1694 north along the southern margin of the Pangborn Road right-of-way to the southern margin
 1695 of the LaVista Road right-of-way; then in a southwesterly direction along the southern
 1696 margin of the LaVista Road right-of-way to the western margin of the North Druid Hills
 1697 Road right-of-way; thence north along the western margin of the North Druid Hills Road

1698 right-of-way to the intersection of the North Druid Hills Road right-of-way and the southern
 1699 terminus of Berkeley Lane; thence north along the western margin of the Berkeley Lane
 1700 right-of-way to a point lying on the western margin of the eastern terminus of Georgiana
 1701 Drive; thence west along western margin of Georgiana Drive to the northern terminus of
 1702 Georgiana Drive and the southern terminus of Beacon Hill Boulevard; thence northwesterly
 1703 along the western margin of the Beacon Hill Boulevard right-of-way to the southern margin
 1704 of the Briarcliff Road right-of-way; thence in a northeasterly direction along the southern
 1705 margin of the Briarcliff Road right-of-way to the western margin of the Clairmont Road
 1706 right-of-way; thence north along the western margin of the Clairmont Road right-of-way to
 1707 the eastern margin of the Interstate Hwy. 85 right-of-way; thence north along the eastern
 1708 margin of the Interstate Hwy. 85 right-of-way to a point where the eastern margin of the
 1709 Interstate Hwy. 85 right-of-way intersects with the center line of North Fork Peachtree
 1710 Creek and the POINT OF BEGINNING.

1711 APPENDIX B - PART 5

1712 LEGAL DESCRIPTION

1713 COUNCIL DISTRICT 5

1714 CITY OF LAVISTA HILLS, DEKALB COUNTY, GEORGIA

1715 All that tract or parcel of land lying and being in Land Lots 98, 99, 100, 101, 102, 103, 111,
 1716 112, 113, 114, 115, 116, 117, 145, 146, 147, 148, 149, 150, 163, and 164 of the 18th Land
 1717 District and being more particularly described as follows:

1718 Begin at a point on the center line of Burnt Ford Creek said point in the creek being due
 1719 south of the southern terminus of that portion of Hudson Road running southerly from
 1720 LaVista Road (Georgia Hwy. 236) marking the POINT OF BEGINNING; thence
 1721 southwesterly along the centerline of Burnt Ford Creek to a point where the centerline of
 1722 Burnt Ford Creek intersects with the eastern margin of the railroad right-of-way; thence in
 1723 a southwesterly direction along the eastern margin of said railroad right-of-way to a point
 1724 where said railroad right-of-way intersects with the southern margin of the Pangborn Road
 1725 right-of-way; thence west and then north along the southern margin of the Pangborn Road
 1726 right-of-way to the southern margin of the LaVista Road right-of-way; then in a
 1727 southwesterly direction along the southern margin of the LaVista Road right-of-way to the
 1728 western margin of the Houston Mill Road; thence south along the western margin of the
 1729 Houston Mill Road right-of-way to lying on the southern boundary of Land Lot 110 of the
 1730 18th Land District, thence easterly along the southern boundary of Land Lot 110 of the 18th

1731 Land District to the southwestern corner of Land Lot 111 of the 18th Land District; thence
 1732 continuing easterly along the southern boundary of Land Lot 111 of the 18th Land District
 1733 to the northwestern corner of Land Lot 103 of the 18th Land District; thence southerly along
 1734 the western boundary of Land Lot 103 of 18th Land District to the northern boundary of the
 1735 McConnell Drive right-of-way; thence southeasterly along the northern boundary of the
 1736 McConnell Drive right-of-way to the intersection of the northern boundary of the McConnell
 1737 Drive right-of-way and the western boundary of the parcel known as the Toco Hills-Avis G.
 1738 Williams Library; thence in a northerly and then an easterly direction along the northern
 1739 boundary of said Toco Hills-Avis G. Williams Library, continuing along the northern
 1740 boundary of Mason Mill Park and along the rear lot lines of the parcels bordering the south
 1741 margin of the N. Jamestown Road right-of-way to the intersection of the N. Jamestown Road
 1742 right-of-way and the Blackshear Drive right-of-way; thence south along the rear lot lines of
 1743 the parcels bordering the western margin of the Blackshear Drive right-of-way to the center
 1744 line of Burnt Fork Creek; thence in a southerly direction and then an easterly direction along
 1745 the center line of Burnt Fork Creek to the eastern boundary of Land Lot 103 of the 18th
 1746 Land District and the western boundary of the Mason Mill Park/Tennis Center; thence north
 1747 along said eastern boundary of Land Lot 103 of the 18th Land District and the western
 1748 boundary of the Mason Mill Park/Tennis Center to the southeast margin of the Kingstown
 1749 Court right-of-way; thence northeasterly along the eastern margin of the Kingstown Court
 1750 right-of-way to the intersection of the Kingstown Court right-of-way and the Moorestown
 1751 Circle right-of-way; thence northerly along the most easterly margin of the Moorestown
 1752 Circle right-of-way and then along the western boundary of the Mason Mill Park/Tennis
 1753 Center to the southern margin of the North Druid Hills right-of-way; thence easterly along
 1754 the southern margin of the North Druid Hills right-of-way to the intersection of said
 1755 right-of-way and the eastern boundary of Mason Mill Park/Tennis Center which eastern
 1756 boundary is the centerline of Burnt Fork Creek; thence in a southwesterly direction along the
 1757 centerline of Burnt Fork Creek and the eastern margin of said Mason Mill Park/Tennis
 1758 Center to a point where the run of said creek bends to the west; thence in a westerly direction
 1759 along the centerline of Burnt Fork Creek and the southern margin of said Mason Mill
 1760 Park/Tennis Center to a point where the run of said creek bends to the south; thence from
 1761 said point at the center of the bend due south along a line to where said line intersects with
 1762 the rear property line of such parcel bordering the northern margin of the Willivee Place
 1763 right-of-way; thence run due east along the joint boundaries of the rear property lines of the
 1764 parcels bordering the northern right of way of Willivee Place and the northern right of way
 1765 of Willivee Drive with the rear property lines of the parcels boarding the southern right of
 1766 way of North Druid Hills Drive and the southern right of way of North Crossing Point to a
 1767 point lying on the western boundary of Land Lot 102 of the 18th Land District; thence north

1768 along the said western boundary of Land Lot 102 of the 18th Land District to a point
 1769 intersecting with the southern margin of the North Druid Hills Road right-of-way; thence in
 1770 an easterly direction along the southern margin of the North Druid Hills Road right-of-way
 1771 to a point lying on the southern margin of the North Druid Hills right-of-way which is the
 1772 northeast corner of the parcel bordering the western margin of the North Hills Drive
 1773 right-of-way and the southern margin of the North Druid Hills Road right-of-way; thence
 1774 leaving said right-of-way in a southerly direction along joint rear property lines of the parcels
 1775 boarding the eastern margin of the North Hills Drive right-of-way and the western margin
 1776 of the Homewood Court right-of-way to the centerline of South Fork Peachtree Creek; thence
 1777 in an easterly direction along the centerline of South Fork Peachtree Creek to the eastern
 1778 margin of the U.S. Highway 29 right-of-way; thence in a northeasterly direction along the
 1779 U.S. Highway 29 right-of-way to the intersection of said right-of-way and the southern
 1780 margin of the Stone Mountain Freeway (Georgia Hwy. 410); thence run in an easterly
 1781 direction along the southern margin of the Stone Mountain Freeway (Georgia Hwy. 410) to
 1782 the intersection of said right-of-way and western margin of the Interstate Hwy. 285
 1783 right-of-way; thence run northerly along the western margin of the Interstate Hwy. 285
 1784 right-of-way to the intersection of said right-of-way and the center line of the U.S.
 1785 Highway 29 right-of-way; thence in a southwestern direction along the centerline of the U.S.
 1786 Highway 29 right-of-way to a point with the centerline of said right-of-way intersects with
 1787 the centerline of the Montreal Road right-of-way; then in a northerly direction along the
 1788 centerline of the Montreal right-of-way to a point lying on the center line of Burnt Fork
 1789 Creek; thence in a westerly direction along the centerline of said Burnt Fork Creek to a point
 1790 on the center line of said creek being due south of the southern terminus of that portion of
 1791 Hudson Road running southerly from LaVista Road (Georgia Hwy. 236) and the POINT OF
 1792 BEGINNING.

1793 APPENDIX B - PART 6

1794 LEGAL DESCRIPTION

1795 COUNCIL DISTRICT 6

1796 CITY OF LAVISTA HILLS, DEKALB COUNTY, GEORGIA

1797 All that tract or parcel of land lying and being in Land Lots 105, 106, 108, 109, 110, 111, 151,
 1798 152, 153, 154, 156, 157, 158, 196, and 197 of the 18th Land District and being more
 1799 particularly described as follows:

1800 Begin at a point where the southern margin of the Interstate Highway 85 right-of-way
1801 intersects with the eastern boundary of the City of Atlanta city limits marking the POINT OF
1802 BEGINNING; thence southerly along the eastern boundary of the City of Atlanta city limits
1803 to the northern margin of the LaVista Road right-of-way; then easterly along the northern
1804 margin of the LaVista Road right-of-way to the eastern margin of the Briarcliff Road
1805 right-of-way; thence southerly along the eastern margin of the Briarcliff Road right-of-way
1806 to a point lying on the eastern margin of the Briarcliff Road right-of-way intersecting with
1807 the rear property line of the parcel fronting the southern margin of the Stephens Drive
1808 right-of-way; thence easterly along the rear property lines of all parcels fronting the southern
1809 margin of the Stephens Drive right-of-way to a point intersecting with and lying on the
1810 western margin of the Biltmore Drive right-of-way; thence due east to a point being the
1811 southeast corner of the parcel bordering the south eastern margin of the Rogeretta Drive
1812 right-of-way and having an address of 1147 Rogeretta Drive, NE; thence in a northerly
1813 direction to a point being the southeast corner of a parcel bordering the southern margin of
1814 the Adelia Place right-of-way and having an address of 1591 Adelia Place, NE; thence is an
1815 easterly direction along the rear property lines of the parcels bordering the south margin of
1816 the Adelia Place right-of-way to a point being the northwest corner of the parcel bordering
1817 the western terminus of Hillshire Place and having an address of 1664 Hillshire Place; thence
1818 in a southerly direction to the southwest corner of a parcel bordering the terminus and
1819 southern margin of the Hillshire Place right-of-way and having an address of 1665 Hillshire
1820 Place; thence easterly to a point where the southeast corner of the parcel having an address
1821 of 1673 Hillshire Place intersects the western margin of the Houston Mill Road right-of-way;
1822 thence northerly along the western margin of the Houston Mill Road right-of-way to the
1823 southern margin of the LaVista Road right-of-way; thence in a northeasterly direction along
1824 the southern margin of the LaVista Road right-of-way to the western margin of the North
1825 Druid Hills Road right-of-way; thence north along the western margin of the North Druid
1826 Hills Road right-of-way to the intersection of the North Druid Hills Road right-of-way and
1827 the southern terminus of Berkeley Lane; thence north along the western margin of the
1828 Berkeley Lane right-of-way to a point lying on the western margin of the eastern terminus
1829 of Georgiana Drive; thence west along western margin of Georgiana Drive to the northern
1830 terminus of Georgiana Drive and the southern terminus of Beacon Hill Boulevard; thence
1831 northwesterly along the western margin of the Beacon Hill Boulevard right-of-way to the
1832 southern margin of the Briarcliff Road right-of-way; thence in a northeasterly direction along
1833 the southern margin of the Briarcliff Road right-of-way to the western margin of the
1834 Clairmont Road right-of-way; thence north along the western margin of the Clairmont Road
1835 right-of-way to the eastern margin of the Interstate Hwy. 85 right-of-way; thence south along
1836 the eastern margin of the Interstate Hwy. 85 right-of-way to way to a point where such

1837 right-of-way intersects with the limits of the City of Brookhaven; thence in a southerly
 1838 direction along the limits of the City of Brookhaven to where said limits intersect with the
 1839 center line of Briarcliff Road; thence westerly along the center line of Briarcliff Road and
 1840 the limits of the southern boundary of the City Brookhaven to a point lying on said center
 1841 line of Briarcliff Road near of the intersection of the southern margin of the Briarcliff Road
 1842 right-of-way and the northern terminus of Druid Valley Drive; thence in a westerly direction
 1843 along the southern boundary of the limits of the City of Brookhaven to a point lying on the
 1844 eastern margin of the Interstate Hwy. 85 right-of way; thence southerly along the eastern
 1845 margin of the Interstate Hwy. 85 right-of way to western boundary of the limits of the City
 1846 of Atlanta and the POINT OF BEGINNING.

1847 APPENDIX C

1848 CERTIFICATE AS TO MINIMUM STANDARDS
 1849 FOR INCORPORATION OF A NEW MUNICIPAL CORPORATION

1850 I, Representative Tom Taylor, Georgia State House Representative from the 79th District and
 1851 the author of this bill introduced at the 2015 session of the General Assembly of Georgia,
 1852 which grants an original municipal charter to the City of LaVista Hills, do hereby certify that
 1853 this bill is in compliance with the minimum standards required by Chapter 31 of Title 36 of
 1854 the O.C.G.A. in that the area embraced within the original incorporation in this bill is in all
 1855 respects in compliance with the minimum standards required by Chapter 31 of Title 36 of the
 1856 O.C.G.A. This certificate is executed to conform to the requirements of Code
 1857 Section 36-31-5 of the O.C.G.A.

1858 So certified, this _____ day of February, 2015.

1859 _____
 1860 Honorable Tom Taylor
 1861 Representative, 79th District
 1862 Georgia State House of Representatives