



AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF STONECREST, GEORGIA, FOR THE PURPOSE OF ELIMINATING THE RESTRICTION OF EMPLOYMENT BY ANY MEMBER OF THE CITY COUNCIL BY ANY CITY OR COUNTY GOVERNMENT IN SECTION 2.13(e) OF THE CITY CHARTER

5 **WHEREAS**, Section 2.13(e) of the Charter of the City of Stonecrest, Georgia (the “City
6 Charter”) prohibits any member of the City Council to be employed by any city or
7 county government during the term for which elected; and
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9 **WHEREAS**, the Mayor and City Council of the City of Stonecrest desire that this restriction on
10 employment be removed unless prohibit by law; and
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12 **WHEREAS**, the Mayor and City Council of the City of Stonecrest have determined that the
13 City Charter should be amended by Home Rule to make the necessary change;
14 and
15

16 **WHEREAS**, Article IX, Section II, Paragraph II of the Constitution of the State of Georgia,
17 which is titled Home Rule for Municipalities, allows the General Assembly of the
18 State of Georgia to provide by law for the self-government of municipalities,
19 which the General Assembly has done with the Municipal Home Rule Act of
20 1965, provided in O.C.G.A. 36-35-1 *et seq.*;

21
22 **WHEREAS**, O.C.G.A. 36-35-3(b)(1) allows municipal charters to be amended by ordinances
23 duly adopted at two (2) regular consecutive meetings of the municipal governing
24 authority, not less than seven (7) nor more than sixty (60) days apart; and
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26 **WHEREAS**, O.C.G.A. 36-35-3(b)(1) requires a notice containing a synopsis of the proposed
27 amendment to be published in a newspaper of general circulation in the municipal
28 corporation once a week for three (3) weeks within a period of sixty (60) days
29 immediately preceding its final adoption; and
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31 **WHEREAS**, O.C.G.A. 36-35-3(b)(1) further requires that the notice shall state that a copy of
32 the proposed amendment is on file in the office of the clerk of the municipal
33 governing authority and in the office of the clerk of the superior court of the
34 county of the legal situs of the municipal corporation for the purpose of
35 examination and inspection by the public; and
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37 **WHEREAS**, pursuant to O.C.G.A. 36-35-3(b)(1), the required notice has been published in a
38 newspaper of general circulation in the municipal corporation once a week for
39 three (3) weeks prior to its final adoption, and a copy of the proposed amendment
40 has been placed on file in the Office of the Clerk of the City of Stonecrest and in

41 the Office of the Clerk of Superior Court of DeKalb County, Georgia, as required
42 by Georgia law; and
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44 **WHEREAS**, the required notice will have been published within the statutory period of sixty
45 (60) days immediately preceding the final adoption of this Ordinance amending
46 the City Charter; and
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48 **WHEREAS**, the title of this Ordinance shall have been read and this Ordinance duly adopted at
49 two consecutive City Council meetings not less than seven (7) nor more than sixty
50 (60) days apart as required by Georgia law.
51

52 **THEREFORE**, the Mayor and City Council of the City of Stonecrest, Georgia, hereby ordain as
53 follows:

54 **Section 1:** That the Charter of the City of Stonecrest, Georgia, is hereby amended as follows:
55

56 Section 2.13(e) of Article II of the City Charter is hereby amended as follows:

57 **“SECTION 2.13**
58 **Prohibitions.**

59
60 (e) Except as authorized by law, no member of the city council shall hold any other elective
61 office or be employed by the City of Stonecrest during the term for which elected.”
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63 **Section 2:**

64 1. It is hereby declared to be the intention of the Mayor and City Council that all sections,
65 paragraphs, sentences, clauses and phrases of this Ordinance are and were, upon their
66 enactment, believed by the Mayor and City Council to be fully valid, enforceable and
67 constitutional.

68
69 2. It is hereby declared to be the intention of the Mayor and City Council that, to the
70 greatest extent allowed by law, each and every section, paragraph, sentence, clause or
71 phrase of this Ordinance is severable from every other section, paragraph, sentence,
72 clause or phrase of this Ordinance. It is hereby further declared to be the intention of the
73 Mayor and City Council that, to the greatest extent allowed by law, no section, paragraph,
74 sentence, clause or phrase of this Ordinance is mutually dependent upon any other
75 section, paragraph, sentence, clause or phrase of this Ordinance.

76
77 3. In the event that any phrase, clause, sentence, paragraph or section of this Ordinance
78 shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise

79 unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is
80 the express intent of the Mayor and City Council that such invalidity, unconstitutionality,
81 or unenforceability shall, to the greatest extent allowed by law, not render invalid,
82 unconstitutional or otherwise unenforceable any of the remaining phrases, clauses,
83 sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed
84 by law, all remaining phrases, clauses, sentences, paragraphs and sections of the
85 Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.
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- 87 4. All ordinances or resolutions and parts of ordinances or resolutions in conflict herewith
88 are hereby expressly repealed.
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- 90 5. The within ordinance shall become effective upon its adoption.
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- 92 6. The provisions of this Ordinance shall become and be made part of the City Charter and
93 shall be codified in accordance with state law.
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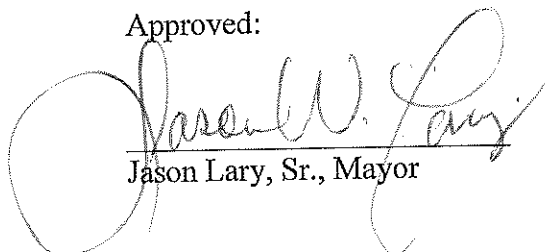
STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF STONECREST

ORDINANCE 2018-11-03

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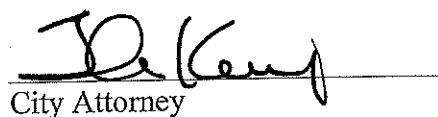
SO ORDAINED AND EFFECTIVE this the 7th day of November, 2018.

Approved:



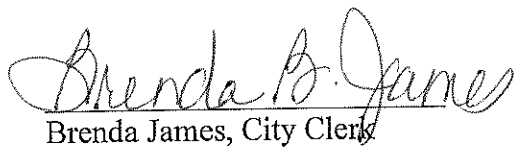
Jason Lary, Sr., Mayor

As to form:



City Attorney

Attest:



Brenda James, City Clerk