



1 **AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF STONECREST,**
2 **GEORGIA, FOR THE PURPOSE OF AMENDING THE MILLAGE RATE CAP**
3 **IMPOSED BY SECTION 1.03(b)(37)(A) OF ARTICLE I OF THE CITY CHARTER**

4 **WHEREAS,** Section 1.03(b)(37)(A) of 2.07 of Article I of the Charter of the City of
5 Stonecrest, Georgia (the "City Charter") provides that the millage rate imposed
6 for ad valorem taxes on real property shall not exceed 3.35; and
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8 **WHEREAS,** the Mayor and City Council of the City of Stonecrest desire that the 3.35 millage
9 rate limitation for ad valorem taxes on real property be modified to provide that
10 the limitation shall be increased from 3.35 by the amount of any roll back or
11 reduction of the millage rate for ad valorem taxes imposed by DeKalb County,
12 Georgia for governmental services formerly provided by it to the residents and
13 property owners of the City of Stonecrest which governmental serves are to be or
14 will be provided by the city; and
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16 **WHEREAS,** the Mayor and City Council of the City of Stonecrest have determined that the
17 City Charter should be amended by Home Rule to make the necessary change;
18 and
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20 **WHEREAS,** Article IX, Section II, Paragraph II of the Constitution of the State of Georgia,
21 which is titled Home Rule for Municipalities, allows the General Assembly of the
22 State of Georgia to provide by law for the self-government of municipalities,
23 which the General Assembly has done with the Municipal Home Rule Act of
24 1965, provided in O.C.G.A. 36-35-1 *et seq.*;

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

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48 **WHEREAS**, the required notice will have been published within the statutory period of sixty
49 (60) days immediately preceding the final adoption of this Ordinance amending
50 the City Charter; and

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52 **WHEREAS**, the title of this Ordinance shall have been read and this Ordinance duly adopted at
53 two consecutive City Council meetings not less than seven (7) nor more than sixty
54 (60) days apart as required by Georgia law.
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56 **THEREFORE**, the Mayor and City Council of the City of Stonecrest, Georgia, hereby ordain as
57 follows:

58 **Section 1:** That the Charter of the City of Stonecrest, Georgia, is hereby amended as follows:
59 Section 1.03(b)(37)(A) of Article I of the City Charter is restated and amended to read as
60 follows:

61 (37) Taxes; ad valorem. To levy and provide for the assessment, valuation, revaluation, and
62 collection of taxes on all property subject to taxation; provided, however, that:

63 (A) The millage rate imposed for ad valorem taxes on real property shall not exceed 3.35
64 plus the amount of any roll back or reduction by DeKalb County of its millage rate
65 imposed for ad valorem taxes on real property within corporate limits of the city for
66 services assumed by the city from DeKalb County unless either (i) the millage rate is
67 increased above such amount by a higher limit is recommended by resolution of the city
68 council without voter approval through the exercise of home rule powers, or (ii) approved
69 by a majority of the qualified electors of the City of Stonecrest voting on the issue,
70 provided that the amount of millage associated with general obligation bonds or the
71 creation of special tax districts pursuant to Article IX, Section II, Paragraph VI of the
72 Constitution of the State of Georgia shall not count as part of the 3.35 limit since such
73 millage is already subject to approval by the electors of the city in a separate referendum;”

74 **Section 2:**

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

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

3. In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and City Council that such invalidity, unconstitutionality, or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

4. All ordinances or resolutions and parts of ordinances or resolutions in conflict herewith are hereby expressly repealed.

5. The within ordinance shall become effective upon its adoption.

6. The provisions of this Ordinance shall become and be made part of the City Charter and shall be codified in accordance with state law.

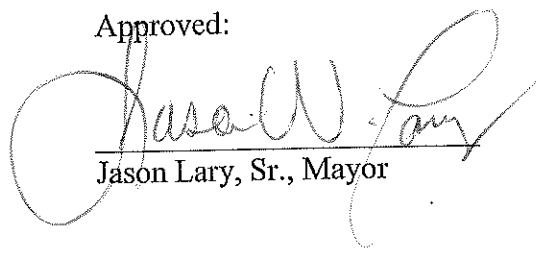
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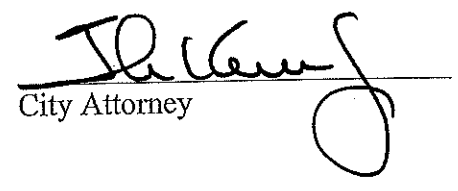
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SO ORDAINED AND EFFECTIVE this the 7th day of November, 2018.

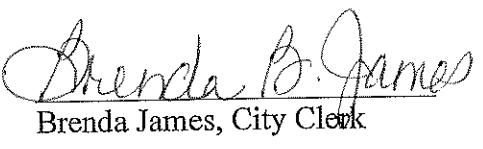
Approved:


Jason Lary, Sr., Mayor

As to form:


City Attorney

Attest:


Brenda James, City Clerk