



AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF STONECREST, GEORGIA, FOR THE PURPOSE OF CHANGING THE NAME OF THE CITY ACCOUNTANT TO THE CITY FINANCE DIRECTOR; TO PROVIDE THAT THE CITY COUNCIL HAS THE AUTHORITY TO MAKE THE APPOINTMENT; TO DEFINE THE DUTIES OF THE CITY FINANCE DIRECTOR BY AMENDING SECTION 3.11 OF ARTICLE III OF THE CITY CHARTER

7 **WHEREAS**, Section 3.11 of the Charter of the City of Stonecrest, Georgia (the “City Charter”) provides that the mayor may appoint a city account subject to the confirmation by the city council to perform the duties of an accountant; and

11 **WHEREAS**, the Mayor and City Council of the City of Stonecrest desire that the name of the City Accountant be changed to the City Finance Director, that the City Council appoint the City Finance Director and to further define the duties of the City Finance Director; and

15 **WHEREAS**, the Mayor and City Council of the City of Stonecrest have determined that the City Charter should be amended by Home Rule to make the necessary change; and

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

23 **WHEREAS**, O.C.G.A. 36-35-3(b)(1) allows municipal charters to be amended by ordinances duly adopted at two (2) regular consecutive meetings of the municipal governing authority, not less than seven (7) nor more than sixty (60) days apart; and

27 **WHEREAS**, O.C.G.A. 36-35-3(b)(1) requires a notice containing a synopsis of the proposed amendment to be published in a newspaper of general circulation in the municipal corporation once a week for three (3) weeks within a period of sixty (60) days immediately preceding its final adoption; and

31 **WHEREAS**, O.C.G.A. 36-35-3(b)(1) further requires that the notice shall state that a copy of the proposed amendment is on file in the office of the clerk of the municipal governing authority and in the office of the clerk of the superior court of the county of the legal situs of the municipal corporation for the purpose of examination and inspection by the public; and

35 **WHEREAS**, pursuant to O.C.G.A. 36-35-3(b)(1), the required notice has been published in a 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:

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60 Section 3.11 of Article III of the City Charter is hereby amended and restated in its entirety as
61 follows:

62 **“SECTION 3.11**
63 **City Finance Director**

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65 The city council shall appoint a City Finance Director to supervise and perform the financial
66 accounting and treasury functions of the City of Stonecrest.”

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69 **Section 2:**

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

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

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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.

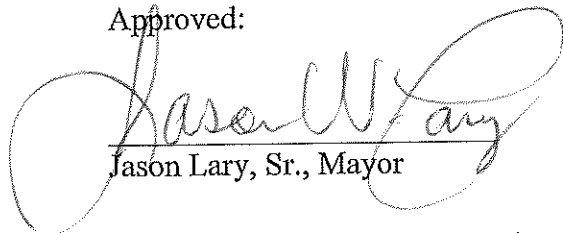
STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF STONECREST

ORDINANCE 2018-11-02

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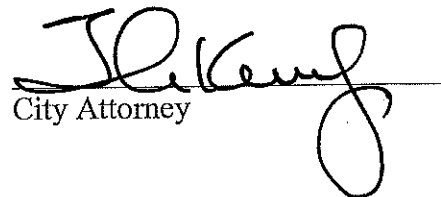
SO ORDAINED AND EFFECTIVE this the 7th day of November, 2018.

Approved:



Jason Lary, Sr., Mayor

As to form:



City Attorney

Attest:



Brenda James, City Clerk