

CITY OF STONECREST, GEORGIA

Honorable Mayor Jason Lary, Sr.

Council Member Jimmy Clanton, Jr. – District 1

Council Member Rob Turner- District 2

Council Member Jazzmin Cobble – District 3

Council Member George Turner- District 4

Council Member Diane Adoma – District 5

SPECIAL CALLED MEETING

Wednesday

August 15, 2018

6:00p.m.

Stonecrest City Hall

3120 Stonecrest Blvd.

Stonecrest, Georgia

I. CALL TO ORDER: Mayor Jason Lary

II. ROLL CALL: Brenda James, Interim City Clerk

III. AGENDA ITEMS:

1. An Ordinance to Amend the Charter, Article IV to Amend the Titles of persons serving as any Municipal Court Judge
2. An Ordinance to Amend the Charter Section 1.03 (b) (37) (A) to Amend the Millage Rate Cap
3. An Ordinance to Amend the Charter Section 2.07 – Amending the Salary of the Mayor and Expense Allowance for Mayor and Council Members
4. An Ordinance to Amend the Charter Section 2.13 (e) to Eliminate the Restriction on Employment for Mayor and City Council Members
5. An Ordinance to Amend the Charter Section 3.11 of Article III, to change the name of the City Accountant to the City Finance Director
6. Resolution Authorizing the City Clerk to publish notices and file copies with the Office of the Clerk of the Superior Court

IV. EXECUTIVE SESSION:

V. ADJOURNMENT:

WHEN AN EXECUTIVE SESSION IS REQUIRED, ONE WILL BE CALLED FOR THE FOLLOWING ISSUES: 1) PERSONNEL, 2) LITIGATION, 3) REAL ESTATE

1 **AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF STONECREST,**
2 **GEORGIA, FOR THE PURPOSE OF AMENDING THE TITLES OF PERSONS**
3 **SERVING AS ANY MUNICIPAL COURT JUDGE PURSUANT TO ARTICLE IV OF**
4 **THE CITY CHARTER**

5 **WHEREAS**, Article IV of the Charter of the City of Stonecrest, Georgia (the “City Charter”) provides for the qualifications and duties of judges serving as any municipal court judge of the City of Stonecrest; and

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9 **WHEREAS**, the Mayor and City Council of the City of Stonecrest desire rename the title of the judges of serving as municipal court judges of the City of Stonecrest; and

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12 **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

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16 **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.*;

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22 **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

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26 **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

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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 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

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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 newspaper of general circulation in the municipal corporation once a week for three (3) weeks prior to its final adoption, and a copy of the proposed amendment 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

43
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 Section 4.02, Section 4.03 and Section 4.06 of Article IV of the City Charter is amended and
56 restated in its entirety to read as follows:

57 **SECTION 4.02**

58 Judges.

59 “(a) No person shall be qualified or eligible to serve as a judge unless he or she shall
60 have attained the age of 28 years and shall have been a member of the State Bar of
61 Georgia for a minimum of three years. The judges, including a judge to be designated the
62 chief judge, shall be nominated by the mayor subject to approval by the city council. The
63 compensation and number of the judges shall be fixed by the city council.

64 ~~(b) The judge pro tempore shall serve as requested by the judge, shall have the same~~
65 ~~qualifications as the judge, shall be nominated by the mayor subject to approval of the~~
66 ~~city council, and shall take the same oath as the judge.~~

67 (e) Before entering on the duties of his or her office, the chief judge and each other judge
68 ~~pro tempore~~ shall take an oath before an officer duly authorized to administer oaths in
69 this state declaring that he or she will truly, honestly, and faithfully discharge the duties
70 of his or her office to the best of his or her ability without fear, favor, or partiality. The
71 oath shall be entered upon the minutes of the city council.

72 (d) ~~Each~~The judge, including the chief judge or judge pro tempore, shall serve for a term
73 of four years but may be removed from the position by a two-thirds' vote of the entire
74 membership of the city council or shall be removed upon action taken by the state
75 Judicial Qualifications Commission for:

- 76 (1) Willful misconduct in office;
77 (2) Willful and persistent failure to perform duties;
78 (3) Habitual intemperance;

79 (4) Conduct prejudicial to the administration of justice which brings the judicial office
80 into disrepute; or

81 (5) Disability seriously interfering with the performance of duties, which is or is likely
82 become of a permanent character.”

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SECTION 4.03.

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Convening.

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87 The municipal court shall be convened at such times as designated by ordinance or at
88 such times as deemed necessary by the chief judge, or any other judge in the absence of
89 the chief judge due to his or her illness or disability, to keep current the dockets thereof.

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SECTION 4.06.

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Rules for court.

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94 With the approval of the city council, the chief judges shall have full power and authority
95 to make reasonable rules and regulations necessary and proper to secure the efficient and
96 successful administration of the municipal court.

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Section 2:

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

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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

119 by law, all remaining phrases, clauses, sentences, paragraphs and sections of the
120 Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.
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122 4. All ordinances or resolutions and parts of ordinances or resolutions in conflict herewith
123 are hereby expressly repealed.
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125 5. The within ordinance shall become effective upon its adoption.
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127 6. The provisions of this Ordinance shall become and be made part of the City Charter and
128 shall be codified in accordance with state law.

129 **SO ORDAINED AND EFFECTIVE** this the ____ day of _____, 201__.

130 Approved:
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133 _____
134 Jason Lary, Sr., Mayor
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136 As to form:
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140 _____
141 City Attorney

142 Attest:
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146 Brenda James, City Clerk

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.*;
25

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
34

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
40

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
47

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.

STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF STONECREST

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106 **SO ORDAINED AND EFFECTIVE** this the _____ day of _____, 201__.

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Approved:

Jason Lary, Sr., Mayor

As to form:

City Attorney

Attest:

Brenda James, City Clerk

1 **AN ORDINANCE TO AMEND SECTION 2.07 OF ARTICLE II OF THE CHARTER OF**
2 **THE CITY OF STONECREST, GEORGIA, FOR THE PURPOSE OF AMENDING THE**
3 **ANNUAL SALARY AMOUNT OF THE MAYOR; TO PROVIDE FOR A MONTHLY**
4 **ALLOWANCE OF EXPENSES ACTUALLY AND NECESSARILY INCURRED BY**
5 **THE MAYOR AND COUNCILMEMBERS IN CARRYING OUT THEIR DUTIES AS**
6 **ELECTED OFFICIALS OF THE CITY IN LIEU OF AN ANNUAL REIMBURSEMENT**
7 **LIMITATION; TO PROVIDE FOR THE COMMENCEMENT DATE OF THE SALARY**
8 **INCREASE OF THE MAYOR AND EXPENSE ALLOWANCE INCREASE FOR EACH**
9 **COUNCILMEMBER TO THE DATE AFTER THE TAKING OF OFFICE OF THOSE**
10 **ELECTED AT THE NEXT MUNICIPAL ELECTION OF THE CITY OF STONECREST**
11 **ON NOVEMBER 5, 2019**

12 **WHEREAS,** Section 2.07 of Article II of the Charter of the City of Stonecrest, Georgia (the
13 “City Charter”) provides for an annual salary of the mayor of \$20,000 and an
14 annual expense reimbursement of the mayor of \$5,000 and an annual expense
15 reimbursement of each councilmember of \$3,000; and

16
17 **WHEREAS,** the Mayor and City Council of the City of Stonecrest desire that the salary of the
18 mayor be adjusted, subject to the provisions of O.C.G.A. 36-35-4, to account for
19 the time necessary for the mayor to responsibly carry out the duties of the Mayor
20 in managing and overseeing the business of the city; and

21
22 **WHEREAS,** the Mayor and City Council of the City of Stonecrest desire to simplify the
23 accounting, recording and oversight of the expense reimbursement amounts for
24 the mayor and each councilmember by paying each an allowance for their
25 expenses actually and necessarily incurred in carrying out their duties and to
26 adjust the amount of the annual expense allowance for the Mayor to \$8,000.00
27 and the expense allowance for each council member to \$5,000.00; and

28
29 **WHEREAS,** the Mayor and City Council of the City of Stonecrest have determined that the
30 City Charter should be amended by Home Rule to make the necessary changes;
31 and

32
33 **WHEREAS,** Article IX, Section II, Paragraph II of the Constitution of the State of Georgia,
34 which is titled Home Rule for Municipalities, allows the General Assembly of the
35 State of Georgia to provide by law for the self-government of municipalities,
36 which the General Assembly has done with the Municipal Home Rule Act of
37 1965, provided in O.C.G.A. 36-35-1 *et seq.*;

38
39 **WHEREAS,** O.C.G.A. 36-35-3(b)(1) allows municipal charters to be amended by ordinances
40 duly adopted at two (2) regular consecutive meetings of the municipal governing
41 authority, not less than seven (7) nor more than sixty (60) days apart; and

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

47
48 **WHEREAS,** O.C.G.A. 36-35-3(b)(1) further requires that the notice shall state that a copy of
49 the proposed amendment is on file in the office of the clerk of the municipal
50 governing authority and in the office of the clerk of the superior court of the
51 county of the legal situs of the municipal corporation for the purpose of
52 examination and inspection by the public; and

53
54 **WHEREAS,** pursuant to O.C.G.A. 36-35-3(b)(1), the required notice has been published in a
55 newspaper of general circulation in the municipal corporation once a week for
56 three (3) weeks prior to its final adoption, and a copy of the proposed amendment
57 has been placed on file in the Office of the Clerk of the City of Stonecrest and in
58 the Office of the Clerk of Superior Court of DeKalb County, Georgia, as required
59 by Georgia law; and

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

64
65 **WHEREAS,** the title of this Ordinance shall have been read and this Ordinance duly adopted at
66 two consecutive City Council meetings not less than seven (7) nor more than sixty
67 (60) days apart as required by Georgia law.

68
69 **THEREFORE,** the Mayor and City Council of the City of Stonecrest, Georgia, hereby ordain as
70 follows:

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

72 Section 2.07 of Article II of the City Charter is restated and amended to read as follows:

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“SECTION 2.07

Compensation and Expense Allowances

The annual salary of the mayor shall be ~~\$75,000.00~~^{20,000.00} and the annual salary for each councilmember shall be \$15,000.00. ~~Such salaries shall be paid from municipal funds in monthly installments.~~ The mayor shall be provided an annual expense allowance of ~~\$8,000.00~~^{5,000.00} and each councilmember shall be provided an annual expense allowance of ~~\$5,000.00~~^{3,000.00} for the reimbursement of reasonable expenses actually and necessarily incurred by the mayor and councilmembers in carrying out their duties as elected officials of the city. Such salaries and expense allowances shall be paid from municipal funds in monthly installments.”

Section 2:

1. It is hereby declared to be the intention of the Mayor and City Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are and were, upon their enactment, believed by the Mayor and City Council to be fully valid, enforceable and constitutional.
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; provided, that, the increase in compensation payable to the mayor and the increase the annual expense

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114 allowance payable to the mayor and each councilmember shall take place at such time
115 provided in O.C.G.A. 36-35-4(a)(1).

116

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

119

1 **AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF STONECREST,**
2 **GEORGIA, FOR THE PURPOSE OF ELIMINATING THE RESTRICTION OF**
3 **EMPLOYMENT BY ANY MEMBER OF THE CITY COUNCIL BY ANY CITY OR**
4 **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
8

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
11

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
25

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
30

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
36

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
43

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
47

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 any city or county government~~ during the term for which elected.”
62

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.

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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.
86

87 4. All ordinances or resolutions and parts of ordinances or resolutions in conflict herewith
88 are hereby expressly repealed.
89

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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SO ORDAINED AND EFFECTIVE this the ____ day of _____, 201__.

Approved:

Jason Lary, Sr., Mayor

As to form:

City Attorney

Attest:

Brenda James, City Clerk

1 **AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF STONECREST,**
2 **GEORGIA, FOR THE PURPOSE OF CHANGING THE NAME OF THE CITY**
3 **ACCOUNTANT TO THE CITY FINANCE DIRECTOR; TO PROVIDE THAT THE**
4 **CITY COUNCIL HAS THE AUTHORITY TO MAKE THE APPOINTMENT; TO**
5 **DEFINE THE DUTIES OF THE CITY FINANCE DIRECTOR BY AMENDING**
6 **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”)
8 provides that the mayor may appoint a city account subject to the confirmation by
9 the city council to perform the duties of an accountant; and

10
11 **WHEREAS,** the Mayor and City Council of the City of Stonecrest desire that the name of the
12 City Accountant be changed to the City Finance Director, that the City Council
13 appoint the City Finance Director and to further define the duties of the City
14 Finance Director; and

15
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

19
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.*;

25
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

29
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

34
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

40
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

47
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

51
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.

55
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

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**

64
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.”

67

68

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.

74

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.

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SO ORDAINED AND EFFECTIVE this the ____ day of _____, 201__.

Approved:

Jason Lary, Sr., Mayor

As to form:

City Attorney

Attest:

Brenda James, City Clerk

RESOLUTION AUTHORIZING THE CITY CLERK OF THE CITY OF STONECREST TO PUBLISH NOTICES AND FILE COPIES OF THE NOTICES WITH THE OFFICE OF THE SAID CITY CLERK OF THE CITY OF STONECREST AND THE OFFICE OF THE CLERK, SUPERIOR COURT OF DEKALB COUNTY, GEORGIA

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.*;

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

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

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

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 three (3) weeks prior to its final adoption, and a copy of the proposed amendment has been placed on file in the Office of the Clerk of the City of Stonecrest and in the Office of the Clerk of Superior Court of DeKalb County, Georgia, as required by Georgia law; and

WHEREAS, the required notice shall be published within the statutory period of sixty (60) days immediately preceding the final adoption of this Ordinance amending the City Charter; and

WHEREAS, the title of this Ordinance shall have been read and this Ordinance duly adopted at two consecutive City Council meetings not less than seven (7) nor more than sixty (60) days apart as required by Georgia law.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Stonecrest that the City Clerk is authorized and directed to publish each of the following notices and record said notices in the office of the City Clerk and the office of the Clerk, DeKalb County Superior Court pursuant and in compliance with O.C.G.A. 36-35-3(b)(1):

NOTICE

The Charter of the City of Stonecrest, Georgia is hereby amended, in accordance with O.C.G.A. Section 36-35-3, so that upon proper passage, Section 4.02, Section 4.03 and Section 4.06 of Article IV of the City Charter is amended and restated in its entirety to read as follows:

“SECTION 4.02

Judges.

(a) No person shall be qualified or eligible to serve as a judge unless he or she shall have attained the age of 28 years and shall have been a member of the State Bar of Georgia for a minimum of three years. The judges, including a judge to be designated the chief judge, shall be nominated by the mayor subject to approval by the city council. The compensation and number of the judges shall be fixed by the city council.

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

(c) Each judge, including the chief judge, shall serve for a term of four years but may be removed from the position by a two-thirds' vote of the entire membership of the city council or shall be removed upon action taken by the state Judicial Qualifications Commission for:

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

SECTION 4.03.

Convening.

The municipal court shall be convened at such times as designated by ordinance or at such times as deemed necessary by the chief judge, or any other judge in the absence of the chief judge due to his or her illness or disability, to keep current the dockets thereof.

SECTION 4.06.

Rules for court.

With the approval of the city council, the chief judge shall have full power and authority to make reasonable rules and regulations necessary and proper to secure the efficient and successful administration of the municipal court.

A copy of this proposed amendment is on file in the office of the City Clerk of the City of Stonecrest and in the Office of the Clerk of Superior Court of DeKalb County for examination and inspection by the public.

Brenda B. James
Interim City Clerk

NOTICE

The Charter of the City of Stonecrest, Georgia is hereby amended, in accordance with O.C.G.A. Section 36-35-3, so that upon proper passage, Section 2.13(e) of Article II of the City Charter is amended and restated in its entirety to read as follows:

“SECTION 2.13

Prohibitions.

(e) Except as authorized by law, no member of the city council shall hold any other elective office during the term for which elected.”

A copy of this proposed amendment is on file in the office of the City Clerk of the City of Stonecrest and in the Office of the Clerk of Superior Court of DeKalb County for examination and inspection by the public.

Brenda B. James
Interim City Clerk

NOTICE

The Charter of the City of Stonecrest, Georgia is hereby amended, in accordance with O.C.G.A. Section 36-35-3, so that upon proper passage, Section 1.03(b)(37)(A) of Article I of the City Charter is restated and amended to read as follows:

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

(A) The millage rate imposed for ad valorem taxes on real property shall not exceed 3.35 plus the amount of any roll back or reduction by DeKalb County of its millage rate imposed for ad valorem taxes on real property within corporate limits of the city for services assumed

by the city from DeKalb County unless either (i) the millage rate is increased above such amount by a higher limit is recommended by resolution of the city council without voter approval through the exercise of home rule powers, or (ii) approved by a majority of the qualified electors of the City of Stonecrest voting on the issue, provided that the amount of millage associated with general obligation bonds or the creation of special tax districts pursuant to Article IX, Section II, Paragraph VI of the Constitution of the State of Georgia shall not count as part of the 3.35 limit since such millage is already subject to approval by the electors of the city in a separate referendum;”

A copy of this proposed amendment is on file in the office of the City Clerk of the City of Stonecrest and in the Office of the Clerk of Superior Court of DeKalb County for examination and inspection by the public.

Brenda B. James
Interim City Clerk

NOTICE

The Charter of the City of Stonecrest, Georgia is hereby amended, in accordance with O.C.G.A. Section 36-35-3, so that upon proper passage, Section 2.07 of Article II of the City Charter is restated and amended to read as follows:

“SECTION 2.07 Compensation and Expense Allowance

The annual salary of the mayor shall be \$75,000.00 and the annual salary for each councilmember shall be \$15,000.00. The mayor shall be provided an annual expense allowance of \$8,000.00 and each councilmember shall be provided an annual expense allowance of \$5,000.00 for reasonable expenses actually and necessarily incurred by the mayor and councilmembers in carrying out their duties as elected officials of the city. Such salaries and expense allowances shall be paid from municipal funds in monthly installments.”

A copy of this proposed amendment is on file in the office of the City Clerk of the City of Stonecrest and in the Office of the Clerk of Superior Court of DeKalb County for examination and inspection by the public.

Brenda B. James
Interim City Clerk

NOTICE

The Charter of the City of Stonecrest, Georgia is hereby amended, in accordance with O.C.G.A. Section 36-35-3, so that upon proper passage, Section 3.11 of Article III of the City Charter is amended and restated in its entirety to read as follows:

“SECTION 3.11
City Finance Director

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

A copy of this proposed amendment is on file in the office of the City Clerk of the City of Stonecrest and in the Office of the Clerk of Superior Court of DeKalb County for examination and inspection by the public.

Brenda B. James
Interim City Clerk

This Resolution shall be effective immediately upon its adoption.

SO RESOLVED this the _____ day of _____, 2018.

Approved:

Jason Lary, Sr., Mayor

Attest:

Brenda James, City Clerk