

CITY OF JOHNS CREEK  
CITY CHARTER REVISION:  
RECOMMENDATIONS  
June 6, 2012



Approved by City Charter Commission  
On June 6, 2012

John Bucket  
Bob Frame  
Cleve Gaddis  
Susan Grissom  
Robert Horne  
David Kornbluh  
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Tim Jennette [via conference call]  
David Meskell [via conference call]

**City of Johns Creek Charter Commission: Guiding Principles**

- Long-Term Document
- Simple, Understandable, Workable
- Financially Responsible
- Citizen Engagement
- Transparent and Open

FINAL DRAFT

**COLOR CODES**

Black: Existing Charter

Blue: Approved by Charter Commission

Purple: [Reference to Old Charter Section]

Red: ~~Deletions~~

## Subpart A - CHARTER <sup>[1]</sup>

<sup>(1)</sup> **Editor's note**— Printed in part I, subpart A, is the City Charter, being 2006 Ga. Laws (Act No. 437), page 3503. Amendments are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original. Obvious misspellings have been corrected without notation. For stylistic purposes, headings and catch lines have been made uniform, as appearing in the Code of Ordinances. Additions for clarity are indicated by brackets.

### A BILL TO BE ENTITLED

### AN ACT

To incorporate the City of Johns Creek in Fulton County, Georgia; to provide a Charter for the City of Johns Creek; to provide for incorporation, boundaries, and powers of the City; to provide for a governing authority of such City and the powers, duties, authority, election, terms, method of filling vacancies, compensation, qualifications, prohibitions, and removal from office relative to members of such governing authority; to provide for inquiries and investigations; to provide for organization and procedures; to provide for ordinances and codes; to provide for the offices of Mayor and City Manager and certain duties and powers relative to those offices; to provide for administrative responsibilities; to provide for boards, commissions, and authorities; to provide for a City Attorney, a City Clerk, a City tax collector, a City accountant, and other personnel; to provide for rules and regulations; to provide for a Municipal Court and the judge or judges thereof; to provide for practices and procedures; to provide for taxation and fees; to provide for franchises, service charges, and assessments; to provide for bonded and other indebtedness; to provide for accounting and budgeting; to provide for purchases; to provide for the sale of property; to provide for bonds for officials; to provide for eminent domain; to provide for penalties; to provide for definitions and construction; to provide for other matters relative to the foregoing; to provide for a referendum; to provide effective dates; to provide for transition of powers and duties; to provide for directory nature of dates; to provide for a Charter commission; to provide for severability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

ARTICLE I. - INCORPORATION AND POWERS

ARTICLE II. - GOVERNMENT STRUCTURE, ELECTIONS, AND REMOVAL

ARTICLE III. - ORGANIZATION OF GOVERNANCE, GENERAL AUTHORITY AND RESPONSIBILITIES  
~~ORGANIZATION OF GOVERNMENT, GENERAL AUTHORITY AND ORDINANCES~~

ARTICLE IV. - OPERATIONS AND ORDINANCES  
~~ADMINISTRATIVE AFFAIRS~~

ARTICLE V. - JUDICIAL BRANCH

ARTICLE VI. - FINANCE

ARTICLE VII. - GENERAL PROVISIONS

APPENDIX A

APPENDIX B

APPENDIX C

#### ARTICLE I. - INCORPORATION AND POWERS

Sec. 1.10. - Incorporation.

Sec. 1.11. - Corporate Boundaries.

Sec. 1.12. - Municipal Powers.

Sec. 1.13. - Exercise of Powers.

**Sec. 1.10. - Incorporation. [1.10]**

The City of Johns Creek in Fulton County is incorporated by the enactment of this Charter and is constituted and declared a body politic and corporate under the name of the "City of Johns Creek." References in this Charter to "the City" or "this City" refer to the City of Johns Creek. The City shall have perpetual existence.

**Sec. 1.11. - Corporate Boundaries. [1.11]**

(a) The incorporated area of this City shall include all of that portion of Fulton County as set forth and described in Appendix A of this Charter, which appendix is incorporated herein by reference, subject to ratification by the voters at a referendum as provided in Section 7.14 of this Act. [1.11(a)]

(b) The incorporated area of this City may also include all of that portion of Fulton County as set forth and described in Appendix B of this Charter, which appendix is incorporated herein by reference, subject to ratification by the voters at a referendum as provided in Section 7.14 of this Act. [1.11(b)]

(c) After the original incorporation of this City, the boundaries of this City shall be subject to such alterations as may be made thereafter from time to time by local law or in the manner provided by general state law. As used in this Charter, the term "territory" means the area of the City as described in this section. The boundaries of this City at all times shall be shown on a map, a written description, or any combination thereof, to be retained permanently in the office of the City Clerk of the City and to be designated, as the case may be: "Official Map or Description of the Corporate Limits of the City of Johns Creek, Georgia." Photographic, typed, or other copies of such map or description certified by the Mayor shall be admitted as evidence in all courts and shall have the same force and effect as the original map or description. [1.11(c)]

**Sec. 1.12. - Municipal Powers. [1.12]**

(a) This City shall have all powers possible for a City to have under the present or future Constitution and laws of this state as fully and completely as though they were specifically enumerated in this Charter. This City shall have all the powers of self-government not otherwise prohibited by this Charter or by general law. [1.12(a)]

(b) The powers of this City shall be construed liberally in favor of the City. The specific mention or failure to mention particular powers shall not be construed as limiting in any way the powers of this City. ~~Said powers shall include, but are not limited to, the following:~~[1.12(b)]

(c) **General municipal powers shall include, but are not limited to the following:**

(1) *Appropriations and Expenditures.* To make appropriations for the support of the government of the City; to authorize the expenditure of money for any purposes authorized by this Charter and for any purpose for which a municipality is authorized by the laws of the State of Georgia; and to provide for the payment of expenses of this City; [1.12(b)(3)]

(2) *Business regulation and taxation.* To levy and to provide for the collection of license fees and taxes on privileges, occupations, trades, and professions; to license and regulate the same; to provide for the manner and method of payment of such licenses and taxes; and to revoke such licenses after due process for the failure to pay any City taxes or fees; [1.12(b)(5)]

(3) *Condemnation.* To condemn property, inside or outside the corporate limits of the City, for present or future use and for any corporate purpose deemed necessary by the governing authority, utilizing procedures enumerated in Title 22 of the O.C.G.A. [O.C.G.A. § 22-1-1 et seq.] or such other laws as are or may hereafter be enacted; [1.12(b)(6)]

(4) *Contracts.* To enter into contracts and agreements with other governments and entities and with private persons, firms, and corporations; [1.12(b)(7)]

(5) *Emergencies*. To establish procedures for determining and proclaiming that an emergency situation exists inside or outside the City and to make and carry out all reasonable provisions deemed necessary to deal with or meet such an emergency for the protection, safety, health, or well-being of the citizens of the City; [1.12(b)(8)]

(6) *Ethics*. To adopt ethics ordinances and regulations governing the conduct of municipal elected officials, appointed officials, and employees, establishing procedures for handling ethics complaints, and setting forth penalties for violations of such rules and procedures; [1.12(b)(10)]

(7) *Gifts*. To accept or refuse gifts, donations, bequests, or grants from any source for any purpose related to the powers and duties of the City and the general welfare of its citizens on such terms and conditions as the donor or grantor may impose; [1.12(b)(14)]

(8) *Homestead Exemption*. To establish and maintain procedures for offering homestead exemptions to residents of the City as authorized by Act of the General Assembly; [1.12(b)(16)]

(9) *Municipal Agencies and Delegation of Power*. To create, alter, or abolish departments, boards, offices, commissions, and agencies of the City and to confer upon such agencies the necessary and appropriate authority for carrying out all the powers conferred upon or delegated to the same; [1.12(b)(19)]

(10) *Municipal Debts*. To appropriate and borrow money for the payment of debts of the City and to issue bonds for the purpose of raising revenue to carry out any project, program, or venture authorized by this Charter or the laws of the State of Georgia; [1.12(b)(20)]

(11) *Municipal Property Ownership*. To acquire, dispose of, and hold in trust or otherwise any real, personal, or mixed property, in fee simple or lesser interest, inside or outside the property limits of the City; [1.12(b)(21)]

(12) *Municipal Property Protection*. To provide for the preservation and protection of property and equipment of the City and the administration and use of same by the public; and to prescribe penalties and punishment for violations thereof; [1.12(b)(22)]

(13) *Penalties*. To provide penalties for violation of any ordinances adopted pursuant to the authority of this Charter and the laws of the State of Georgia; [1.12(b)(25)]

(14) *Retirement*. To provide and maintain a retirement plan for officers and employees of the City; [1.12(b)(34)]

(15) *Special Assessments*. To levy and provide for the collection of special assessments to cover the costs of any public improvement; [1.12(b)(38)]

(16) *Taxes (Ad Valorem)*. To levy and provide for the assessment, valuation, revaluation, and collection of taxes on all property subject to taxation provided for in Section 6.10; ~~provided, however, that:~~ [1.12(b)(39)]

~~(A) — For all years, the millage rate imposed for ad valorem taxes on real property shall not exceed 4.731 unless a higher limit is recommended by resolution of the City Council and approved by a majority of voters voting on the millage rate referendum qualified voters of the City; provided, however, that for the purposes of compliance with Code Section 48-8-91 of the O.C.G.A. [O.C.G.A. § 48-8-91(a)], the millage rate may be adjusted upward for the sole purpose of complying with the millage rate rollback provisions set forth therein;~~

~~(B) — For all years, the fair market value of all property subject to taxation shall be determined according to the tax digest of Fulton County, as provided in Code Section 48-5-352 of the O.C.G.A. [O.C.G.A. § 48-5-352]; and~~

~~(C) — For all years, the billing date or dates and due date or dates for municipal ad valorem taxes shall be the same as for Fulton County ad valorem taxes.~~

(17) *Taxes (other)*. To levy and collect such other taxes as may be allowed now or in the future by law; and [1.12(b)(40)]

(18) *Other Powers*. To exercise and enjoy all other powers, functions, rights, privileges, and immunities necessary or desirable to promote or protect the safety, health, peace, security, good order, comfort, convenience, or general welfare of the City and its inhabitants; to exercise all implied powers necessary to carry into execution all powers granted in this Charter as fully and completely as if such powers were fully stated in this Charter; and to exercise all powers now or in the future authorized to be exercised by other municipal governments under other laws of the State of Georgia; and no listing of particular powers in this Charter shall be held to be exclusive of others, nor restrictive of general words and phrases granting powers, but shall be held to be in addition to such powers unless expressly prohibited to municipalities under the Constitution or applicable laws of the State of Georgia. [1.12(b)(43)]

(d) **Functional municipal powers shall include, but are not limited to the following:**

(1) *Air and Water Pollution*. To regulate the emission of smoke or other exhaust which pollutes the air and to prevent the pollution of natural streams which flow within the corporate limits of the City; [1.12(b)(1)]

(2) *Animal Regulations*. To regulate and license or to prohibit the keeping or running at large of animals and fowl and to provide for the impoundment of same if in violation of any ordinance or lawful order; to provide for the disposition by sale, gift, or humane destruction of animals and fowl when not redeemed as provided by ordinance; and to provide punishment for violation of ordinances enacted under this paragraph; [1.12(b)(2)]

(3) *Building Regulations*. To regulate and to license the erection and construction of buildings and all other structures not inconsistent with general law; to adopt building, housing, plumbing, electrical, gas, and heating and air-conditioning codes; and to regulate all housing and building trades, except as otherwise prohibited by general law; [1.12(b)(4)]

(4) *Environmental Protection*. To protect and preserve the natural resources, environment, and vital areas of the City, the region, and the state through the preservation and improvement of air quality, the restoration and maintenance of water resources, the control of erosion and sedimentation, the management of storm-water and establishment of a storm-water utility, the management of solid and hazardous waste, and other necessary actions for the protection of the environment; [1.12(b)(9)]

(5) *Fire Regulations*. To fix and establish fire limits and from time to time extend, enlarge, or restrict the same; to prescribe fire safety regulations, not inconsistent with general law relating to both fire prevention and detection and to fire-fighting; and to prescribe penalties and punishment for violations thereof; [1.12(b)(11)]

(6) *Garbage Fees*. To levy, fix, assess, and collect a garbage, refuse, and trash collection and disposal and other sanitary service charge, tax, or fee for such services as may be necessary in the operation of the City from all individuals, firms, and corporations residing in or doing business within the City and benefiting from such services; to enforce the payment of such charges, taxes, or fees; and to provide for the manner and method of collecting such service charges; [1.12(b)(12)]

(7) *General Health, Safety, and Welfare*. To define, regulate, and prohibit any act, practice, conduct, or use of property which is detrimental to the health, sanitation, cleanliness, welfare, and safety of the inhabitants of the City and to provide for the enforcement of such standards; [1.12(b)(13)]

(8) *Health and Sanitation*. To prescribe standards of health and sanitation within the City and to provide for the enforcement of such standards; [1.12(b)(15)]

(9) *Jail Sentences*. To provide that persons given jail sentences in the Municipal Court may work out such sentences in any public works or on the streets, roads, drains, and squares in the City; to provide for the commitment of such

persons to any jail; or to provide for the commitment of such persons to any county work camp or county jail by agreement with the appropriate county officials; [1.12(b)(17)]

(10) *Motor Vehicles*. To regulate the operation of motor vehicles and exercise control over all traffic, including parking, upon or across the streets, roads, alleys, and walkways of the City; [1.12(b)(18)]

(11) *Municipal Utilities*. To acquire, lease, construct, operate, maintain, sell, and dispose of public utilities, including, but not limited to, a system of waterworks, sewers, and drains, sewage disposal, gas works, electric plants, transportation facilities, public airports, and any other public utility; and to fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties therefore; and to provide for the withdrawal of service for refusal or failure to pay the same; and to authorize the extension of water, sewerage, and electrical distribution systems, and all necessary appurtenances by which said utilities are distributed, inside and outside the corporate limits of the City; and to provide utility services to persons, firms, and corporations inside and outside the corporate limits of the City as provided by ordinance; [1.12(b)(23)]

(12) *Nuisances*. To define a nuisance and provide for its abatement whether on public or private property; [1.12(b)(24)]

(13) *Planning and Zoning*. To provide comprehensive City planning for development by zoning and to provide subdivision regulation and the like as the City Council deems necessary and reasonable to ensure a safe, healthy, and esthetically pleasing community; [1.12(b)(26)]

(14) *Police and Fire Protection*. To exercise the power of arrest through duly appointed police officers and to establish, operate, or contract for a police and a fire-fighting agency; [1.12(b)(27)]

(15) *Public Hazards; Removal*. To provide for the destruction and removal of any building or other structure which is or may become dangerous or detrimental to the public; [1.12(b)(28)]

(16) *Public Improvements*. To provide for the acquisition, construction, building, operation, and maintenance of public ways, parks, playgrounds, recreational facilities, cemeteries, markets and market houses, public buildings, libraries, public housing, airports, hospitals, terminals, docks, parking facilities, or charitable, cultural, educational, recreational, conservation, sport, curative, corrective, detentive, penal, and medical institutions, agencies, and facilities; to provide any other public improvements inside or outside the corporate limits of the City; to regulate the use of public improvements; and, for such purposes, property may be acquired by condemnation under Title 22 of the O.C.G.A. [O.C.G.A. § 22-1-1 et seq.] or such other applicable laws as are or may hereafter be enacted; [1.12(b)(29)]

(17) *Public Peace*. To provide for the prevention and punishment of drunkenness, riots, and public disturbances; [1.12(b)(30)]

(18) *Public Transportation*. To organize and operate or contract for such public transportation systems as are deemed beneficial; [1.12(b)(31)]

(19) *Public Utilities and Services*. To grant franchises or make contracts for public utilities and public services and to prescribe the rates, fares, regulations, and the standards and conditions of service applicable to the service to be provided by the franchise grantee or contractor, insofar as not in conflict with valid regulations of the Public Service Commission; [1.12(b)(32)]

(20) *Regulation of Roadside Areas*. To prohibit or regulate and control the erection, removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any and all other structures or obstructions upon or adjacent to the rights of way of streets and roads or within view thereof, inside or abutting the corporate limits of the City and to prescribe penalties and punishment for violation of such ordinances; [1.12(b)(33)]

(21) *Roadways*. To lay out, open, extend, widen, narrow, establish or change the grade of, abandon or close,

construct, pave, curb, gutter, adorn with shade trees, or otherwise improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and walkways within the corporate limits of the City; and to negotiate and execute leases over, through, under, or across any City property or the right of way of any street, road, alley, and walkway or portion thereof within the corporate limits of the City for bridges, passageways, or any other purpose or use between buildings on opposite sides of the street and for other bridges, overpasses, and underpasses for private use at such location and to charge a rental therefore in such manner as may be provided by ordinance; and to authorize and control the construction of bridges, overpasses, and underpasses within the corporate limits of the City; and to grant franchises and rights of way throughout the streets and roads and over the bridges and viaducts for the use of public utilities and for private use; [1.12(b)(35)]

(22) *Solid Waste Disposal.* To provide for the collection and disposal of garbage, rubbish, and refuse and to regulate the collection and disposal of garbage, rubbish, and refuse by others; and to provide for the separate collection of glass, tin, aluminum, cardboard, paper, and other recyclable materials and provide for the sale of such items; [1.12(b)(36)]

(23) *Special Areas of Public Regulation.* To regulate or prohibit junk dealers, pawn shops, the manufacture, sale, or transportation of intoxicating liquors, and the use of firearms; to regulate the transportation, storage, and use of combustible, explosive, and inflammable materials, the use of lighting and heating equipment, and any other business or situation which may be dangerous to persons or property; to regulate and control the conduct of peddlers and itinerant traders, theatrical performances, exhibitions, and shows of any kind, by taxing or otherwise; and to license, tax, regulate, or prohibit professional fortunetelling, palmistry, adult bookstores, adult entertainment, and massage parlors; [1.12(b)(37)]

(24) *Taxicabs.* To regulate and license vehicles operated for hire in the City; to limit the number of such vehicles; to require the operators thereof to be licensed; to require public liability insurance on such vehicles in the amounts to be prescribed by ordinance; and to regulate the parking of such vehicles; and [1.12(b)(41)]

(25) *Urban Redevelopment.* To organize and operate an urban redevelopment program. [1.12(b)(42)]

### **Sec. 1.13. - Exercise of Powers. [1.13]**

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

## **ARTICLE II. - GOVERNMENT STRUCTURE, ELECTIONS, AND REMOVAL**

Sec. 2.10. - City Council Creation; Composition; Number. ~~election~~

Sec. 2.11. - Elections.

Sec. 2.12. - Vacancies in Office.

Sec. 2.13. - Election by Majority Vote.

Sec. 2.14. - Compensation and Expenses.

Sec. 2.15. - Prohibitions.

Sec. 2.16. - Removal of Officers.

### **Sec. 2.10. - City Council Creation; Composition; Number. ~~Election~~ [2.10]**

(a) The legislative authority of the government of this City, except as otherwise specifically provided in this Charter, shall be vested in a City Council. ~~The City Council shall be composed of a Mayor and six Councilmembers. who shall be elected to~~



~~(Council) Posts 1 through 6. Each person desiring to offer as a candidate for Councilmember shall designate the Council post for which he or she is offering.~~ There shall be three (3) geographic Council Districts which shall be known as District 1, District 2 and District 3, with each Council District having a Post A and Post B. Two (2) Councilmembers shall reside in each District as further defined in Section 2.10(b). [2.10(a)]

(b) The Mayor and Councilmembers shall serve for terms of four (4) years and until their respective successors are qualified and elected, except as otherwise provided in subsection (d) of Section 2.11 of this Charter. No person shall be qualified and eligible to serve as Mayor ~~or Councilmembers~~ unless that person is at least 21 years of age and shall have been a resident of the City for 12 months immediately preceding his or her election; and ~~each such person~~ shall continue to reside within the ~~City territory~~ during said period of service and shall be registered and qualified to vote in municipal elections of this City. ~~No person shall be qualified and eligible to serve as a Councilmember unless that person is at least 21 years of age and shall have been a resident of the District for 12 months immediately preceding his or her election; and each such person shall continue to reside within the District during said period of service and shall be registered and qualified to vote in municipal elections of this City.~~ No person's name shall be listed as a candidate on the ballot for election for either Mayor or Councilmember unless such person shall file a written notice with the clerk of said City that such person desires his or her name to be placed on said ballot as a candidate either for Mayor or Councilmember and in the case of a candidate for Councilmember designates the ~~District and Post~~ for which he or she is a candidate. No person shall be eligible for the office of Mayor or Councilmember unless such person shall file said notice within the time provided for in Chapter 2 of Title 21 of the O.C.G.A. [O.C.G.A. § 21-2-1 et seq.], the "Georgia Election Code." [2.10(b)]

#### **Sec. 2.11. - Elections.** [2.11]

(a) At any election, all persons who are qualified under the Constitution and laws of Georgia to vote for members of the General Assembly of Georgia and who are bona fide residents of the ~~territory for or said~~ City shall be eligible to qualify as voters in the election. [2.11(a)]

(b) ~~All primaries and~~ Elections, including without limitation the special election of 2006 to elect the first Mayor and City Council, shall be held and conducted in accordance with Chapter 2 of Title 21 of the O.C.G.A. [O.C.G.A. § 21-2-1 et seq.], the "Georgia Election Code." Except as otherwise provided by this Charter, the City Council shall, by ordinance, prescribe such rules and regulations it deems appropriate to fulfill any options and duties under the "Georgia Election Code." [2.11(b)]

(c) All elections for the Mayor and all Councilmembers shall be at-large by the voters of the entire City. [2.11(c)]

(d) The first election for Mayor and Councilmembers shall be a special election held in 2006 on the date specified in subsection (e) of this section. At said election, the Mayor and Councilmembers elected to Council Posts 1, 3, and 5 shall be elected for initial terms of office beginning immediately after their election and expiring on December 31, 2009. The Councilmembers elected to Council Posts 2, 4, and 6 shall be elected for initial terms of office beginning immediately after their election and expiring on December 31, 2007. Thereafter, at the elections provided for by subsection (e) of this section, their successors shall be elected for terms of four (4) years. All members shall serve until their successors are elected and qualified. [2.11(d)]

On the Tuesday next following the first Monday in November of 2015, and every four years thereafter, the three Councilmembers or their successors who then hold Posts 2, 4 and 6 and qualify, and all others who qualify in said election, shall run for election for a four year term in Post A in each of the three Council Districts created by this Charter. On the Tuesday next following the first Monday in November of 2017, and every four years thereafter, the three Councilmembers or their successors who then hold Posts 1, 3 and 5 and qualify, and all others who qualify in said election, shall run for a four year term in Post B in each of the three Council Districts. All members shall serve until their successors are qualified and elected.

(e) A special election shall be held on the Tuesday after the first Monday in November, 2006, to elect the first Mayor and Council as provided in subsection (d) of this section. At such election, the first Mayor and Council shall be elected to serve for

the initial terms of office specified in said subsection (d) of this section. Thereafter, the time for holding regular municipal elections shall be on the Tuesday next following the first Monday in November of each odd-numbered year beginning in 2007. The successors to the first Mayor and Councilmembers and future successors shall be elected at the municipal election immediately preceding the expiration of the respective terms of office and shall take office on the first day of January immediately following their election for terms of four (4) years and until their successors are elected and qualified. [2.11(e)]

(f) All municipal elections shall be nonpartisan and without primaries. [2.11(f)]

**Sec. 2.12. - Vacancies in Office.** [2.12]

(a) (1) The office of Mayor or Councilmember shall become vacant upon the incumbent's death, resignation, forfeiture of office, or removal from office in any manner authorized by this Charter or the general laws of the State of Georgia. [2.12(a)(1)]

(2) Upon the suspension from office of Mayor or Councilmember in any manner authorized by the general laws of the State of Georgia, the City Council or those remaining shall appoint a successor for the duration of the suspension. If the suspension becomes permanent, then the office shall become vacant and shall be filled as provided in subsection (b) of this section. [2.12(a)(2)]

(b) In the event that the office of Mayor or Councilmember shall become vacant, the City Council or those remaining shall order a special election to fill the balance of the unexpired term of such official; provided, however, if such vacancy occurs within six months of the expiration of the term of that office, the City Council or those members remaining shall appoint a successor for the remainder of the term. In all other respects, the special election shall be held and conducted in accordance with Chapter 2 of Title 21 of the O.C.G.A. [O.C.G.A. § 21-2-1 et seq.], the "Georgia Election Code," as now or hereafter amended. [2.12(b)]

**Sec. 2.13. - Election by Majority Vote.** [2.13]

The candidate receiving a majority of the votes cast for any City office shall be elected.

**Sec. 2.14. - Compensation and Expenses.** [2.14]

The annual salary of the Mayor shall be \$25,000.00 and the annual salary for each Councilmember shall be \$15,000.00. Such salary shall be paid from municipal funds in monthly installments. The City Council may provide by ordinance for the provision of insurance, retirement, workers compensation, and other employee benefits to the Mayor and members of the City Council. ~~and~~ The City Council may provide by ordinance for the reimbursement of expenses actually and necessarily incurred by the Mayor and members of the City Council in carrying out their official duties.

**Sec. 2.15. - Prohibitions.** [2.15]

(a) No elected official, appointed officer, or employee of the City or any agency or political entity to which this Charter applies shall knowingly: [2.15(a)]

(1) Engage in a ~~any~~ business or transaction or have a financial or other personal interest, as further defined by City Ordinance, direct or indirect, which is incompatible with the proper discharge of official duties or which would tend to impair the independence of his or her judgment or action in the performance of official duties; [2.15(a)(1)]

(2) Engage in or accept private employment or render services for private interests, as further defined by City Ordinance, when such employment or service is incompatible with the proper discharge of official duties or would tend to impair the independence of his or her judgment or action in the performance of official duties; [2.15(a)(2)]

(3) Disclose confidential information concerning the property, government, or affairs of the governmental body by

which engaged without proper legal authorization or use such information to advance the financial or other private interest of himself or herself or others; [2.15(a)(3)]

(4) Accept a **any** valuable gift, **as further defined by City Ordinance**, whether in the form of service, loan, object, or promise, from any person, firm, or corporation which to his or her knowledge is interested, directly or indirectly, in any manner whatsoever in business dealings with the governmental body by which he or she is engaged; provided, however, that an elected official who is a candidate for public office may accept campaign contributions and services in connection with any such campaign; [2.15(a)(4)]

(5) Represent other private interests, **as further defined by City Ordinance**, in an **any** action or proceeding against this City or any portion of its government; or [2.15(a)(5)]

(6) Vote or otherwise participate in the negotiation or in the making of a **any** contract with any business or entity in which he or she has a financial interest, **as further defined by City Ordinance**. [2.15(a)(6)]

(b) Any elected official, appointed officer, or employee who has a **any** private financial interest, **as further defined by City Ordinance**, directly or indirectly, in a **any** contract or matter pending before or within any department of the City shall disclose such private interest to the City Council. The Mayor or any Councilmember who has a private interest in a **any** matter pending before the City Council shall disclose such private interest and such disclosure shall be entered on the records of the City Council, and he or she shall disqualify himself or herself from participating in any decision or vote relating thereto. Any elected official, appointed officer, or employee of any agency or political entity to which this Charter applies who shall have a **any** private financial interest, directly or indirectly, in a **any** contract or matter pending before or within such entity shall disclose such private interest to the governing body of such agency or entity. [2.15(b)]

(c) No elected official, appointed officer, or employee of the City or any agency or entity to which this Charter applies shall use property owned by such governmental entity for personal benefit, convenience, or profit, except in accordance with policies promulgated by the City Council or the governing body of such agency or entity. [2.15(c)]

(d) Any violation of this section which occurs with the knowledge, express or implied, of a party to a contract or sale shall render said contract or sale voidable at the option of the City Council. [2.15(d)]

(e) Except as authorized by law, no member of the City Council shall hold any other elective City office or other City employment during the term for which elected. The provisions of this subsection shall not apply to any person holding employment on the effective date of this Act. [2.15(e)]

**Sec. 2.16. - Removal of Officers.** [2.16]

(a) The Mayor, a Councilmember, or other appointed officers provided for in this Charter shall be removed from office for any one or more of the following causes: [2.16(a)]

(1) Incompetence, misfeasance, or malfeasance in office; [2.16(a)(1)]

(2) Conviction of a crime involving moral turpitude; [2.16(a)(2)]

(3) Failure at any time to possess any qualifications of office as provided by this Charter or by law; [2.16(a)(3)]

(4) Knowingly violating Section 2.15 or any other express prohibition of this Charter; [2.16(a)(4)]

(5) Abandonment of office or neglect to perform the duties thereof; or [2.16(a)(5)]

(6) Failure for any other cause to perform the duties of office as required by this Charter or by state law. [2.16(a)(6)]

(b) Removal of any officer pursuant to subsection (a) of this section shall be accomplished by one of the following methods: [2.16(b)]

(1) By an affirmative vote of five (5) Councilmembers members of City Council after an investigative hearing. In the event an elected officer is sought to be removed by the action of the City Council, such officer shall be entitled to a written notice specifying the ground or grounds for removal and to a public hearing which shall be held not less than ten days after the service of such written notice. Any elected officer sought to be removed from office as provided in this section shall have the right of appeal from the decision of the City Council to the Superior Court of Fulton County. Such appeal shall be governed by the same rules as govern appeals to the superior court from the probate court; or [2.16(b)(1)]

(2) By an order of the Superior Court of Fulton County following a hearing on a complaint seeking such removal brought by any resident of the City of Johns Creek. [2.16(b)(2)]

**ARTICLE III. – ORGANIZATION OF GOVERNANCE, GENERAL AUTHORITY, AND RESPONSIBILITIES**  
~~ORGANIZATION OF GOVERNMENT, GENERAL AUTHORITY AND ORDINANCES~~

Sec. 3.10. – General Power and Authority.

Sec. 3.11. – City Council.

Sec. 3.12. – Mayor.

Sec. 3.13. – Mayor Pro Tempore.

Sec. 3.14. – City Manager.

Sec. 3.15. – City Attorney.

Sec. 3.16. – City Clerk.

Sec. 3.17. – Chief Financial Officer.

Sec. 3.18. – City Tax Collector.

Sec. 3.19. – Department Heads.

Sec. 3.20. – Boards, Commissions and Authorities.

**Sec. 3.10. - General Power and Authority. [3.10]**

Except as otherwise provided by this Charter, the City Council shall be vested with all the powers of government of this City as provided by Article I of this Charter.

**Sec. 3.11. - City Council.**

- (a) City Council shall be the Board of Directors for the City corporation.
- (b) The City Council shall have the power and/or it shall be their duties to:
  - (1) Set policy;
  - (2) Adopt ordinances, resolutions and the budget; [3.16]
  - (3) Elect a Councilmember to serve as Mayor Pro Tempore; [3.11(b)]
  - (4) Approve the appointment of the City Manager; [3.23(a)]

- (5) Remove the City Manager; [3.23(b)]
- (6) Approve the appointment of the City Attorney [4.12], City Clerk [4.13], Chief Financial Officer, and City Tax Collector; [4.14]
- (7) Remove the City Attorney [4.12], City Clerk [4.13], and Chief Financial Officer;
- (8) Override a Mayoral veto per Sec. 4.18; [3.21(c)]
- (9) Create a total compensation policy to include retirement, disability and other benefits; [4.16]
- (10) Set strategic plan, goals and vision for the City;
- (11) Set the direction and guidelines for the budget;
- (12) Authorize short term loans; [3.22(b)(6)]
- (13) Authorize contracts;
- (14) Adopt legal documents;
- (15) Appoint boards, commissions and authorities; [4.11(b)]
- (16) Adopt a code of ethics;
- (17) Contract with private or governmental parties, based on the City Manager's recommendation, for the performance of functions of any office, department or agency;
- (18) Act as the fiduciaries of the City;
- (19) Adopt a City Employee Personnel Policies and Procedures Manual; [4.16]
- (20) Establish District boundaries consistent with Section 2.10(a); and
- (21) Exercise other powers as described in the Charter Articles including, but not limited to, Articles V and VI.

(c) City Council Organization. [3.11]

(1) The City Council shall hold an organizational meeting at the first regular meeting in January following an election. The meeting shall be called to order by the City Clerk or the Mayor-elect if the Office of City Clerk is vacant. The City Clerk or any judge shall administer the oaths required by Chapter 3 of Title 45 of the O.C.G.A. [O.C.G.A. § 45-3-1 et seq.] and the following oath:

"I do solemnly (swear) (affirm) that I will faithfully perform the duties of (Mayor) (Councilmember) of this City and that I will support and defend the Charter thereof as well as the Constitution and laws of the State of Georgia and of the United States of America." [3.11(a)]

(2) The City Council may create City Council Committees to do investigations, inquiries or address specific

topics.

(d) **Inquiries and Investigation.** [3.12]

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

(e) **City Council Interference with Administration.** [3.26]

Except for the purpose of inquiries and investigations under Section ~~2.08~~ 3.11(d) ~~{3.12}~~ of this Charter, the City Council or its members shall deal with City officers and employees who are subject to the direction or supervision of the City Manager, solely through the City Manager, and neither the City Council nor its members shall give orders to any such officer or employee, either publicly or privately.

(f) **Property Tax/Revenue.** [6.10]

The City Council may assess, levy, and collect an ad valorem tax on all real and personal property within the corporate limits of the City that is subject to such taxation by the state and county. This tax is for the purpose of raising revenues to defray the costs of operating the City government, of providing governmental services, for the repayment of principal and interest on general obligations, and for any other public purpose as determined by the City Council in its discretion.

(g) **Community Input.**

Each City Councilmember shall annually conduct a minimum of two (2) community meetings, beyond regular City Council meetings, for the purpose of gathering input from residents and businesses.

**Sec. 3.12. – Mayor.** [3.22]

(a) Mayor shall be Chair of City Council (Chair of the Board of Directors for the City corporation), a member of and the presiding officer of the City Council and provide daily supervision of the City Manager, reflecting the will and direction of the City Council. [3.22(a)]

(b) The Mayor shall have the power, and/or it shall be his or her duty to:

(1) Preside at all meetings of the City Council; [3.22(b)(1)]

(2) Be head of the City for the purpose of process and for ceremonial purposes and be the official spokesperson for the City and the advocate of policy; [3.22(b)(2)]

(3) Sign as a matter of course on behalf of the City all written and approved contracts, ordinances, resolutions and other instruments executed by the City which by law are required to be in writing; [3.22(b)(3)]

(4) See that all laws and ordinances of the City are faithfully executed; [3.22(b)(4)]

(5) Vote on any motion, resolution, ordinance or other question before the City Council except in veto overrides and vote on any matter before a committee on which he or she serves; [3.22(b)(5)]

- (6) Obtain short-term loans in the name of the City when authorized by the City Council to do so; [3.22(b)(6)]
- (7) Appoint the City Manager subject to ratification of the City Council; [3.23(a)]
- (8) Provide daily supervision of the City Manager, meeting with him or her at a time and place designated for consultation and advice upon the affairs of the City and convey the will and direction of the City Council; [3.22(b)(8)]
- (9) Appoint the City Attorney and City Clerk subject to ratification by the City Council; [3.22(b)(10)]
- (10) Prepare or have prepared an agenda for each meeting of the City Council which shall include all business submitted by the Mayor, any Councilmember, the City Manager and City Attorney; [3.22(b)(11)]
- (11) Fulfill and perform such duties as are imposed by this Charter and duly adopted ordinances; [3.22(b)(12)]
- (12) Represent the City in interactions with other governments under guidance and direction of the City Council; and
- (13) Organize ad hoc citizen committees, including defining purpose, charge and duration with City Council approval.

(c) The Mayor, at his or her discretion, may create an “Office of the Mayor” which may include Mayoral staff. The Mayor may organize a Mayoral staff within the Office, and present a budget for this office within the City budget. The staff of the Office shall report directly to the Mayor. The Mayor’s staff shall have the authority, upon specific request of the Mayor, to act on behalf of the Mayor in the Mayor’s ceremonial or administrative capacity. The Mayor’s office shall have no authority to act on behalf of the Mayor in a legislative or executive capacity. [3.22(c)]

~~The mayor shall in his or her sole discretion appoint an executive aide to the mayor. The executive aide shall serve at the pleasure of the mayor. The executive aide shall receive a salary comparable to that of city department heads, which salary shall be fixed by the mayor. The executive aide shall report directly to the mayor. The duties and responsibilities of the executive aide shall at all times be as set forth by the mayor. The executive aide shall have the authority, upon the specific request of the mayor, to act on behalf of the mayor in the mayor’s ceremonial or administrative capacity. The executive aide shall have no authority to act on behalf of the mayor in a legislative or executive capacity.~~

(d) The Mayor shall annually conduct a minimum of two (2) community meetings, beyond regular City Council meetings, for the purpose of gathering input from residents and businesses.

**Sec. 3.13. - Mayor Pro Tempore. [3.28]**

(a) *Selection.* By a majority vote, the City Council shall elect a Councilmember to serve as Mayor Pro Tempore. The Mayor Pro Tempore shall serve for a term expiring December 31 after a regular City Council election and shall serve a term of two (2) years. The Mayor Pro Tempore shall continue to vote and otherwise participate as a Councilmember. A vacancy in the position of Mayor Pro Tempore resulting from the Mayor Pro Tempore ceasing to serve as a Councilmember or from any other cause shall be filled for the remainder of the unexpired term in the same manner as the original election. [3.11(b)][3.27]

(b) *Duties.* The Mayor Pro Tempore shall assume the duties and powers of the Mayor during any disability or absence of the Mayor. Any such disability or absence shall be declared by a majority vote of all Councilmembers of the City Council. The Mayor Pro Tempore shall be clothed with all the rights and privileges of the Mayor and shall perform the duties of the office of the Mayor so long as such absence or disability shall continue. A Councilmember acting as Mayor shall have only one vote. A Councilmember acting as Mayor shall have veto power in the case of disability of the Mayor but not in the case of absence of the Mayor. ~~Any such absence or disability shall be declared by majority vote of all Councilmembers.~~ The Mayor Pro Tempore or selected Councilmember shall sign all contracts and ordinances in which the Mayor has a disqualifying financial interest. [3.28]

**Sec. 3.14. - City Manager.** [3.24][3.25]

(a) The Mayor shall appoint for an indefinite term an officer, subject to ratification by the City Council, whose title shall be the "City Manager." The City Manager shall be appointed without regard to political beliefs and solely on the basis of his or her executive and administrative qualifications with special reference to his or her educational background and actual experience in, and knowledge of, the duties of office as hereinafter prescribed. [3.23(a)]

(b) **The City Manager shall be the Chief Executive Officer of the City government.** The City Manager must devote all of his or her working time and attention to the affairs of the City and shall be responsible to the Mayor and City Council for the proper and efficient administration of the affairs of the City over which said officer has jurisdiction. [3.24]

(c) **The City Manager shall have the power and/or it shall be his or her duty to:**

(1) Be responsible for the enforcement of laws, rules, regulations, ordinances and franchises in the City; [3.25(1)]

(2) Appoint and employ all necessary employees of the City, provided that except from the power of this appointment are those officers and employees who by this Act are appointed or elected by the Mayor or City Council or departments not under the jurisdiction of the City Manager; [3.25(2)]

(3) Remove employees employed by said officer, including directors of departments, without the consent of the City Council and without assigning any reason, **provided that removal is in accordance with the City's Employee Personnel Policy and Procedures Manual;** [3.25(3)]

(4) **Manage the City Organization,** exercise supervision and control of all departments and all divisions created except as otherwise provided in this Act, **including Chief Financial Officer, City Clerk and City Tax Collector;** [3.25(4)]

(5) Attend all meetings of the City Council with a right to take part in the discussions, but having no vote. The City Manager shall be entitled to notice of all special meetings; [3.25(5)]

(6) Recommend to the City Council, after prior review **and approval** of the Mayor, for consideration any such measures as the City Manager may deem necessary or expedient; [3.25(6)]

(7) See that all terms and conditions imposed in favor of the City or its inhabitants in any public utility franchise are faithfully kept and performed and upon knowledge of any violation thereof to call the same to the attention of the City Attorney, whose duty it shall be forthwith to take such steps as are necessary to protect and enforce the same; [3.25(7)]

(8) Make and execute lawful contracts on behalf of the City as to matters within said officer's jurisdiction to the extent that such contracts are funded in the City's budget, except such as may be otherwise provided by law; provided, however, that no contract purchase or obligation requiring a budget amendment shall be valid and binding until after approval of the City Council; [3.25(8)]

(9) ~~Act as budget officer to~~ **Prepare and submit to the City Council a budget based upon City Council policy, framework and guidelines, after review and approval** by the Mayor; [3.25(9)]

(10) Keep the City Council at all times fully advised as to the financial condition and needs of the City; [3.25(10)]

(11) Make a full written report to the City Council on the first of each month showing the operations and expenditures of each department of the City government for the preceding month, and a synopsis of such reports shall be published by the **City Clerk;** [3.25(11)]



(12) Fix all salaries and total compensation of City employees in accordance with the compensation policy, City budget and the City pay and classification plan; [3.25(12)]

(13) Perform such other duties as may be prescribed by this Act or required by ordinance or resolution of the City Council; [3.25(13)]

(14) Execute the will and direction of the City Council as conveyed by the Mayor;

(15) Establish, abolish, merge, or consolidate non-elective offices, positions of employment, departments, and agencies of the City as he or she shall deem necessary for the proper administration of the affairs and government of the City. The City Manager shall prescribe the functions and duties of existing departments, offices, and agencies or of any departments, offices, and agencies hereinafter created or established; may provide that the same person shall fill any number of offices and positions of employment; and may transfer or change the functions and duties of offices, positions of employment, departments, and agencies of the City. The City Manager may also contract with private or governmental parties for the performance of the functions of any such offices, departments, or agencies; [4.10(a)]

(16) Look to the future, anticipate issues and opportunities, and provide advice to the City Council, after review by the Mayor;

(17) Ensure the City is managed in a fiscally responsible manner; and

(18) Recommend to City Council for adoption the City's Employee Personnel Policy and Procedures Manual. [4.16]

(d) The Mayor or a Councilmember may recommend the removal of the City Manager from office in accordance with the following procedures:

(1) In response to such recommendation, the City Council shall adopt by affirmative vote of a majority of all its members a preliminary resolution which must state the reasons for removal and may suspend the City Manager from duty for a period not to exceed 45 days. A copy of the resolution shall be delivered promptly to the City Manager;

(2) Within ten (10) days after a copy of the resolution is delivered to the City Manager, that person may file with the City Council a written request for a public hearing. This hearing shall be held within thirty (30) days after the request is filed. The City Manager may file with the City Council a written reply not later than five (5) days before the hearing; and

(3) If the City Manager has not requested a public hearing within the time specified in paragraph (2) of this subsection, the City Council may adopt a final resolution for removal, which may be made effective immediately, by an affirmative vote of a majority of all its members. If the City Manager has requested a public hearing, the City Council may adopt a final resolution for removal, which may be made effective immediately, by an affirmative vote of a majority of all its members at any time after the public hearing. [3.23(b)]

(e) The City Manager shall continue to receive the City Manager's salary until the effective date of a final resolution of removal. [3.23(c)]

(Ord. No. 2011-04-08, 4-25-2011)

(f) The City Manager shall appoint in writing an Acting City Manager for short term absences including vacation, sick leave, training and personal leave. Acting City Manager will have all the powers and responsibilities to act as the City Manager.

(g) For a long-term disability or leave, Mayor shall appoint, with City Council approval, an Acting City Manager. Acting City Manager will have all the powers and responsibilities to act as the City Manager.

**Sec. 3.15. - City Attorney.** [4.12]

The Mayor shall ~~appoint-nominate~~ a City Attorney subject to ratification by the City Council who shall be a member of the State Bar of Georgia and shall have actively practiced law for at least one year. The City Attorney shall serve at the pleasure of the City Council. The City Attorney shall be responsible for representing and defending the City in all litigation in which the City is a party, may be the prosecuting officer in the Municipal Court, shall attend the meetings of the Council as directed, shall advise the City Council, Mayor, and other officers and employees of the City concerning legal aspects of the City's affairs, and shall perform such other duties as may be required by virtue of the position of City Attorney. The City Council shall provide for the compensation of the City Attorney.

(Ord. No. 2011-04-09, 4-25-2011)

**Sec. 3.16. - City Clerk.** [4.13]

The Mayor shall ~~appoint-nominate~~ a City Clerk who shall not be a Councilmember. ~~The appointment is~~ subject to ratification by the City Council. The City Clerk shall serve at the pleasure of the ~~City Council Mayor~~ and report to the City Manager. The City Clerk shall be custodian of the official City seal, maintain City Council records required by this Charter, and perform such other duties as may be required by the City Council. The City Council shall provide for the compensation of the City Clerk.

**Sec. 3.17. - Chief Financial Officer.**

- (a) The City Manager shall ~~appoint~~, and shall recommend removal, of the Chief Financial Officer, both subject to City Council ratification.
- (b) The Chief Financial Officer shall report to the City Manager.
- (c) The duties of the Chief Financial Officer shall be defined by the City Manager.

**Sec. 3.18. - City Tax Collector.** [4.14]

The City Manager may ~~appoint-nominate~~ a City Tax Collector, subject to ratification by the City Council. The City Tax Collector shall serve at the pleasure of the City Manager. The City Tax Collector shall collect all taxes, licenses, fees, and other moneys belonging to the City subject to the provisions of this Charter and the ordinances of the City and to enforce all laws of Georgia relating to the collection of delinquent taxes and sale or foreclosure for nonpayment of taxes to the City.

**Sec. 3.19. - Department Heads.** [4.10]

- (a) Except as otherwise provided by this Charter or by law, the directors of departments and other officers of the City shall be appointed solely on the basis of their respective administrative and professional qualifications. [4.10(b)]
- (b) All appointed officers and directors of departments shall receive such compensation as defined by the City Compensation policy adopted by the City Council. [4.10(c)]
- (c) There shall be a director of each department or agency who shall be its principal officer. Each director shall, subject to the direction and supervision of the City Manager, be responsible for the administration and direction of the affairs and operations of the director's department or agency. [4.10(d)]

**Sec. 3.20. - Boards, Commissions, Authorities.** [4.11]

- (a) The City Council shall create by ordinance such boards, commissions, and authorities to fulfill any investigative, quasi-

judicial, or quasi-legislative function the City Council deems necessary and shall by ordinance establish the composition, period of existence, duties, and powers thereof.

(b) All members of boards, commissions, and authorities of the City shall be appointed by the ~~City Council appointed by the Mayor subject to approval by the City Council~~ for such terms of office and in such manner as shall be provided by ordinance, except where other appointing authority, terms of office, or manner of appointment is prescribed by this Charter or by law.

(c) The City Council, by ordinance, may provide for the compensation and reimbursement for actual and necessary expenses of the members of any board, commission, or authority.

(d) Except as otherwise provided by Charter or by law, no member of any board, commission, or authority shall hold any elective office in the City.

(e) Any vacancy on a board, commission, or authority of the City shall be filled for the unexpired term in the manner prescribed for the original appointment, except as otherwise provided by this Charter or by law.

(f) No member of a board, commission, or authority shall assume office until he or she has executed and filed with the City Clerk an oath obligating himself or herself to perform faithfully and impartially the duties of the office, such oath to be prescribed by ordinance and administered by the Mayor or City Clerk.

(g) Any member of a board, commission, or authority may be removed from office by a majority vote of the City Council.

(h) Except as otherwise provided by this Charter or by law, each board, commission, or authority of the City shall elect one of its members as chairperson and one member as vice-chairperson, and may elect as its secretary one of its members or may appoint as secretary an employee of the City. Each board, commission, or authority of the City government may establish such bylaws, rules, and regulations, not inconsistent with this Charter, an ordinance of the City, or law, as it deems appropriate and necessary for the fulfillment of its duties or the conduct of its affairs. Copies of such bylaws, rules, and regulations shall be filed with the City Clerk.

(Act No. 277, § 5, 5-11-2009)

## ARTICLE IV. - OPERATIONS AND ORDINANCES

### ADMINISTRATIVE AFFAIRS

[Sec. 4.10 – Meetings.](#)

[Sec. 4.11 – Procedures.](#)

[Sec. 4.12 – Voting.](#)

[Sec. 4.13 – Ordinances.](#)

[Sec. 4.14 – Effect of Ordinances.](#)

[Sec. 4.15 – Emergencies.](#)

[Sec. 4.16 – Codes.](#)

[Sec. 4.17 – Codification of Ordinances.](#)

[Sec. 4.18 – Submission of Ordinances to the Mayor.](#)

#### **Sec. 4.10. - Meetings. [3.13]**

(a) The City Council shall hold regular meetings at such times and places as prescribed by ordinance and shall hold at least one regular meeting each month.

(b) Special meetings of the City Council may be held on call of the Mayor or four (4) members of the City Council. Notice of

such special meeting shall be served on all other members personally, or by telephone personally, at least 48 hours in advance of the meeting. Such notice to Councilmembers shall not be required if the Mayor and all Councilmembers are present when the special meeting is called. Such notice of any special meeting may be waived by a Councilmember in writing before or after such a meeting and attendance at the meeting shall also constitute a waiver of notice on any business transacted in such Councilmembers' presence. Only the business stated in the call may be transacted at the special meeting.

(c) All meetings of the City Council shall be public to the extent required by law and notice to the public of special meetings shall be given as required by law.

#### **Sec. 4.11. - Procedures. [3.14(a)]**

The City Council shall adopt its rules of procedure and order of business consistent with the provisions of this Charter and shall provide for keeping a journal of its proceedings which shall be a public record.

#### **Sec. 4.12. - Voting. [3.15]**

(a) Except as otherwise provided in subsection (c) of this section, four (4) ~~members of City Council Councilmembers~~ shall constitute a quorum and shall be authorized to transact the business of the City Council. ~~For voting and quorum purposes, the Mayor shall be counted as one of the Councilmembers.~~ Voting on the adoption of ordinances shall be by voice vote and the vote shall be recorded in the journal, but any member of the City Council shall have the right to request a roll-call vote and such vote shall be recorded in the journal. No ~~member of City Council Councilmember~~ shall abstain from voting except in the case of a conflict of interest or if absent when a motion being voted upon is made. The ~~member(s) of City Council Councilmember(s)~~ shall provide a specific explanation of the conflict, and the explanation shall be recorded in the journal.

(b) Except as otherwise provided in this Charter, the affirmative vote of a majority of the ~~City Council Councilmembers~~ present shall be required for the adoption of any ordinance, resolution, or motion.

(c) In the event vacancies in office result in less than a quorum of ~~City Council Councilmembers~~ holding office, then the remaining ~~City Council Councilmembers~~ in office shall constitute a quorum and shall be authorized to transact business of the City Council. A vote of a majority of the remaining ~~City Council Councilmembers~~ shall be required for the adoption of any ordinance, resolution, or motion.

#### **Sec. 4.13. - Ordinances. [3.16]**

(a) Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain a subject which is not expressed in its title. The enacting clause shall be "The Council of the City of Johns Creek hereby ordains" and every ordinance shall so begin.

(b) An ordinance may be introduced by the Mayor or any Councilmember and be read at a regular or special meeting of the City Council. Ordinances shall be considered and adopted or rejected by the City Council in accordance with the rules which it shall establish. Except as otherwise provided by law, an ordinance may be adopted the same day it is introduced. Upon introduction of any ordinance, the clerk shall, as soon as possible, distribute a copy to the Mayor and to each Councilmember and shall file a reasonable number of copies in the office of the clerk and at such other public places as the City Council may designate.

(Act No. 277, § 1, 5-11-2009)

#### **Sec. 4.14. - Effect of Ordinances. [3.17]**

Acts of the City Council which have the force and effect of law shall be enacted by ordinance.

#### **Sec. 4.15. – Emergencies. [3.18]**

To meet a public emergency affecting life, health, property, or public peace, the City Council may convene on call of the Mayor or four (4) Councilmembers and may promptly adopt an emergency ordinance, but such ordinance shall not levy taxes; grant, renew, or extend a franchise; regulate the rate charged by any public utility for its services; or authorize the borrowing of money except for loans to be repaid within thirty (30) days. An emergency ordinance shall be introduced in the form prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing the emergency in clear and specific terms. An emergency ordinance may be adopted, with or without amendment, or rejected at the meeting at which it is introduced, but the affirmative vote of a majority of the **City Council Councilmembers** present shall be required for adoption. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance shall automatically stand repealed thirty (30) days following the date upon which it was adopted, but this shall not prevent reenactment of the ordinance in the manner specified in this section if the emergency continues to exist. An emergency ordinance shall also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

#### **Sec. 4.16. – Codes. [3.19]**

(a) The City Council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such adopting ordinance shall be as prescribed for ordinances generally except that: (1) the requirements of subsection (b) of Section 4.13 of this Charter for distribution and filing of copies of the ordinance shall be construed to include copies of any code of technical regulations, as well as the adopting ordinance; and (2) a copy of each adopted code of technical regulations, as well as the adopting ordinance, shall be authenticated and recorded by the clerk pursuant to Section 4.17 of this Charter.

(b) Copies of any adopted code of technical regulations shall be made available by the clerk for distribution or for purchase at a reasonable price.

#### **Sec. 4.17. - Codification of Ordinances. [3.20]**

(a) The clerk shall authenticate by the clerk's signature and record in full in a properly indexed book kept for that purpose all ordinances adopted by the City Council.

(b) The City shall provide for the preparation of a general codification of all the ordinances of the City having the force and effect of law. The general codification shall be adopted by the City Council by ordinance and shall be published promptly together with all amendments thereto and shall contain such codes of technical regulations and other rules and regulations as the City Council may specify. This compilation shall be known and cited officially as "The Code of the City of Johns Creek, Georgia." Copies of the code shall be furnished to all officers, departments, and agencies of the City and shall be made available for purchase by the public at a reasonable price as fixed by the City Council.

(c) The City Council shall cause each ordinance and each amendment to this Charter to be printed promptly following its adoption, and the printed ordinances and Charter amendments shall be made available for purchase by the public at reasonable prices to be fixed by the City Council. Following publication of the first code under this Charter and at all times thereafter, the ordinances and Charter amendments shall be printed in substantially the same style as the code then in effect and shall be suitable in form for incorporation within the code. The City Council shall make such further arrangements as deemed desirable with reproduction and distribution of any changes in or additions to codes of technical regulations and other rules and regulations included in the code.

#### **Sec. 4.18. - Submission of Ordinances to the Mayor.**

(a) Every ordinance, resolution, and other action adopted by the City Council shall be presented promptly to the Mayor for

signature. Except for City Council approval of appointments to committees, boards, and commissions, the employment of any appointed officer, internal affairs, or matters which must be approved by the voters, the Mayor may veto any action adopted by the City Council. [3.21(a)]

(b) The veto must be exercised no later than the next regular City Council meeting following the meeting at which the action was taken. The Mayor shall submit to the City Council a written statement of the reasons for the Mayor's veto. [3.21(b)]

(c) An action vetoed by the Mayor shall automatically be on the agenda at the next regular meeting of the City Council for reconsideration. If the minimum number of four (4) Councilmembers is not present, the action shall be continued until the next meeting at which the minimum number of Councilmembers is present. Such action shall not become effective unless it is readopted by the affirmative votes of at least four (4) Councilmembers within sixty (60) days of the veto and for this purpose the Mayor shall not vote as a member of City Council Councilmember. [3.21(c)]

~~d) — The mayor may disapprove or reduce any item or items of appropriation in any ordinance or resolution. The approved part or parts of any ordinance or resolution making appropriations shall become law, and the part or parts disapproved or reduced shall not become law unless subsequently passed by the city council over the mayor's veto as provided in this Charter.~~

~~(d)~~(e) If an ordinance or resolution has been signed by the Mayor, it shall become effective. If an ordinance or resolution is neither approved nor disapproved by the next regular meeting of the City Council, it shall become effective. [3.21(e)]

(Act No. 277, § 2, 5-11-2009)

## ARTICLE V. - JUDICIAL BRANCH

Sec. 5.10. - Municipal Court.

Sec. 5.11. - Judges.

Sec. 5.12. - Convening of Court.

Sec. 5.13. - Powers.

Sec. 5.14. - Certiorari.

Sec. 5.15. - Rules.

### Sec. 5.10. - Municipal Court. [5.10]

There shall be a court to be known as the Municipal Court of the City of Johns Creek.

### Sec. 5.11. - Judges. [5.11]

(a) The Municipal Court shall be presided over by a Chief Judge and such part-time, full-time, or standby judges as shall be provided by ordinance. The Chief Judge shall be appointed by resolution of the City Council and the method of selection and terms of any other judges shall be provided by ordinance.

(b) No person shall be qualified or eligible to serve as a judge on the Municipal Court unless that person shall have attained the age of twenty-one (21) years and shall have been a member of the State Bar of Georgia for a minimum of three (3) years.

(c) Compensation of the Chief Judge and other judges shall be fixed by the City Council. The position of Chief Judge shall not be a full-time position, and the person serving as Chief Judge may engage in the private practice of law.

(d) The Chief Judge shall serve a term of four (4) years, ~~coincident with the term of the Mayor~~, but may be removed for cause by an affirmative vote of five (5) members of the City Council or upon action taken by the Judicial Qualification

Commission.

(e) Before assuming office, each judge shall take an oath, given by the Mayor, that the judge will honestly and faithfully discharge the duties of the office to the best of his or her ability and without fear, favor, or partiality. The oath shall be entered upon the minutes of the City Council journal required in Section 3.14 of this Charter.

**Sec. 5.12. - Convening of Court. [5.12]**

The Municipal Court shall be convened at regular intervals as provided by ordinance.

**Sec. 5.13. - Powers. [5.13]**

(a) The Municipal Court shall try and punish violations of this Charter, all City ordinances, and such other violations as provided by law.

(b) The Municipal Court shall have the authority to punish those in its presence for contempt, provided that such punishment shall not exceed the statutory limits for fines and imprisonment for such Municipal Court.

(c) The Municipal Court may fix punishment for offenses within its jurisdiction, including both fines and imprisonment or alternative sentencing, provided that such fines or imprisonment does not exceed the statutory limits as now exist or hereafter provided by law.

(d) The Municipal Court shall have the authority to establish a schedule of fees to defray the cost of operation and shall be entitled to reimbursement of the actual cost of meals, transportation, and caretaking of prisoners bound over to superior courts for violation of state law.

(e) The Municipal Court shall have authority to establish bail and recognizances to ensure the presence of those charged with violations before said court and shall have discretionary authority to accept cash or personal or real property as surety bond for the appearance of persons charged with violations. Whenever any person shall give bail for appearance and shall fail to appear at the time fixed for trial, the bond shall be forfeited by the judge presiding at such time and an execution shall be issued thereon by serving the defendant and his or her sureties with a rule nisi at least two (2) days before a hearing on the rule nisi.

(f) The Municipal Court shall have the same authority as superior courts to compel the production of evidence in the possession of any party; to enforce obedience to its orders, judgments, and sentences; and to administer such oaths as are necessary.

(g) The Municipal Court shall have the authority to bind prisoners over to the appropriate court when it appears by probable cause that state law has been violated.

(h) Each judge of the Municipal Court may compel the presence of all parties necessary to a proper disposal of each case by the issuance of summonses, subpoenas, and warrants which may be served as executed by any officer as authorized by this Charter or by law.

(i) Each judge of the Municipal Court shall be authorized to issue warrants for the arrest of persons charged with offenses against any ordinance of the City, and each judge of the Municipal Court shall have the same authority as a magistrate of the state to issue warrants for offenses against state laws committed within the City.

(j) The Municipal Court is specifically vested with all the jurisdiction and powers throughout the geographic area of this City granted by law to Municipal Courts and particularly by such laws as authorize the abatement of nuisances and prosecution of traffic violations.

**Sec. 5.14. - Certiorari. [5.14]**

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

**Sec. 5.15. - Rules. [5.15]**

With the approval of the City Council, the 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; provided, however, that the City Council may adopt in part or in total the rules and regulations applicable to superior courts. The rules and regulations made or adopted shall be filed with the City Clerk, shall be available for public inspection, and, upon request, shall be furnished to all defendants in Municipal Court proceedings at least 48 hours prior to said proceedings.

**ARTICLE VI. - FINANCE**

[Sec. 6.10. - Millage.](#)

[Sec. 6.11. - Occupation Taxes and Business License Fees.](#)

[Sec. 6.12. - Licenses.](#)

[Sec. 6.13. - Franchises.](#)

[Sec. 6.14. - Utilities/Infrastructure Fees.](#)

[Sec. 6.15. - Roads.](#)

[Sec. 6.16. - Other Taxes.](#)

[Sec. 6.17. - Collection of Delinquent Taxes.](#)

[Sec. 6.18. - Borrowing.](#)

[Sec. 6.19. - Revenue Bonds.](#)

[Sec. 6.20. - Loans.](#)

[Sec. 6.21. - Accounting and Budgeting.](#)

[Sec. 6.22. - Annual Operating Budget.](#)

[Sec. 6.23. - Levy of Taxes.](#)

[Sec. 6.24. - Capital Improvements.](#)

[Sec. 6.25. - Retirement and Other Obligations.](#)

[Sec. 6.26. - Audits.](#)

[Sec. 6.27. - Procurement and Property Management.](#)

[Sec. 6.28. - Purchasing.](#)

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[Sec. 6.30. - General Homestead Exemption.](#)

[Sec. 6.31. - General Homestead Exemption for Citizens Age 65 \[years\] or Over.](#)

[Sec. 6.32. - Homestead Exemption for Citizens Age 65 \[years\] or Over Meeting Certain Income Requirements.](#)

[Sec. 6.33. - Homestead Exemption for Citizens Age 70 \[years\] or Over and Disabled Persons Meeting Certain Income Requirements.](#)

**Sec. 6.10. – Millage. [6.11]**

(a) The City Council by ordinance shall establish a millage rate for the City property tax, a due date, and the time period within which these taxes must be paid. The City Council by ordinance may provide for the payment of these taxes by installments or in one lump sum, as well as authorize the voluntary payment of taxes prior to the time when due. [6.11(a)]



(b) For all years, the millage rate imposed for ad valorem taxes on real property shall not exceed 4.731, unless a higher millage rate is recommended by resolution of the City Council and subsequently approved by a majority of ~~the eligible~~ voters ~~voting on the millage rate referendum. in the City by referendum.~~ This millage rate limit shall apply to the millage rate actually levied and shall not apply to the hypothetical millage rate computed under subsection (a) of Code Section 48-8-91 of the O.C.G.A. [O.C.G.A. § 48-8-91(a)], relating to conditions on imposition of the joint county and municipal sales tax. [6.11(b)]

(c) If recommended by resolution of the City Council, and approved by a majority of voters voting on the referendum, ad valorem taxes on real property may be levied for the purpose of paying principal and interest on bonded indebtedness over a defined timeframe. The ballot measure shall define the cumulative millage rate. These ad valorem taxes shall not be considered subject to the millage rate cap in subsection (b) above.

(d) For all years, the fair market value of all property subject to taxation shall be determined according to the tax digest of Fulton County, as provided in Code Section 48-5-352 of the O.C.G.A. [O.C.G.A. § 48-5-352]; and [1.12(b)(39)(B)]

(e) For all years, the billing date or dates and due date or dates for municipal ad valorem taxes shall be the same as for Fulton County ad valorem taxes. [1.12(b)(39)(C)]

#### **Sec. 6.11. - Occupation Taxes and Business License Fees. [6.12]**

The City Council by ordinance shall have the power to levy such occupation or business taxes as are not ~~denied~~ prohibited by law. Such taxes may be levied on both individuals and corporations who transact business in this City or who practice or offer to practice any profession or calling within the City to the extent such persons have a constitutionally sufficient nexus to this City to be so taxed. The City Council may classify businesses, occupations, professions, or callings for the purpose of such taxation in any way which may be lawful and may compel the payment of such taxes as provided in Section 6.17 of this Charter.

#### **Sec. 6.12. – Licenses. [6.13]**

The City Council by ordinance shall have the power to require any individual or corporation who transacts business in this City or who practices or offers to practice any profession or calling within the City to obtain a license or permit for such activity from the City and pay a reasonable fee for such license or permit where such activities are not now regulated by general law in such a way as to preclude City regulations. Such fees may reflect the total cost to the City of regulating the activity and, if unpaid, shall be collected as provided in Section 6.17 of this Charter. The City Council by ordinance may establish reasonable requirements for obtaining or keeping such licenses as the public health, safety, and welfare necessitate.

#### **Sec. 6.13. - Franchises. [6.14]**

The City Council shall have the power to grant franchises for the use of this City's streets and alleys for the purposes of railroads, street railways, telephone companies, electric companies, cable television companies, gas companies, transportation companies, and other similar organizations. The City Council shall determine the duration, terms, whether the same shall be exclusive or nonexclusive, and the consideration for such franchises; provided, however, that no franchise shall be granted for a period in excess of 35 years and no franchise shall be granted unless the City receives just and adequate compensation ~~therefor~~ consistent with federal and state regulations. The City Council shall provide for the registration of all franchises with the City Clerk in a registration book kept by the clerk. The City Council may provide by ordinance for the registration within a reasonable time of all franchises previously granted.

#### **Sec. 6.14. - Utilities/Infrastructure Fees. [6.15]**

The City Council by ordinance shall have the power to assess and collect fees, charges, and tolls for sewers, sanitary and health services, or any other services provided or made available inside or outside the corporate limits of the City for the total cost to the City of providing or making available such services. If unpaid, such charges shall be collected as provided in

Section 6.17 of this Charter.

**Sec. 6.15. - Roads.** [6.16]

The City Council by ordinance shall have the power to assess, charge, and collect the costs of constructing, reconstructing, widening, or improving any public way, street, sidewalk, curbing, gutters, sewers, or other utility mains and appurtenances from the abutting property owners under such terms and conditions as are reasonable. If unpaid, such charges shall be collected as provided in Section 6.17 of this Charter.

**Sec. 6.16. - Other Taxes.** [6.17]

This City shall be empowered to levy any other tax allowed now or hereafter by law, and the specific mention of any right, power, or authority in this article shall not be construed as limiting in any way the general powers of this City to govern its local affairs.

**Sec. 6.17. - Collection of Delinquent Taxes.** [6.18]

The City Council by ordinance may provide generally for the collection of delinquent taxes, fees, or other revenue due the City under Sections 6.10 through 6.16 of this Charter by whatever reasonable means as are not precluded by law. This shall include providing for the dates when the taxes or fees are due, late penalties or interest, issuance and execution of fi. fas., creation and priority of liens, making delinquent taxes and fees personal debts of the persons required to pay the taxes or fees imposed, revoking City licenses for failure to pay any City taxes or fees, and providing for the assignment or transfer of tax executions.

**Sec. 6.18. – Borrowing.** [6.19]

The City Council shall have the power to issue bonds, limited to the stated ability by the City to repay said debt, for the purpose of raising revenue to carry out any project, program, or venture authorized under this Charter or the laws of the state. Such bonding authority shall be exercised in accordance with the laws governing bond issuance by municipalities in effect at the time said issue is undertaken.

**Sec. 6.19. - Revenue Bonds.** [6.20]

Revenue bonds may be issued by the City Council, limited to the stated ability by the City to repay said debt, as state law now or hereafter provides. Such bonds are to be paid out of any revenue produced by the project, program, or venture for which they were issued.

**Sec. 6.20. - Loans.** [6.21]

The City may obtain short-term loans and must repay such loans not later than December 31 of each year, unless otherwise provided by law.

**Sec. 6.21. - Accounting and Budgeting.** [6.22]

The City Council shall set the fiscal year by ordinance. This fiscal year shall constitute the budget year and the year for financial accounting and reporting of each and every office, department, agency, and activity of the City government.

**Sec. 6.22. - Annual Operating Budget.**

(a) The City Council shall provide an ordinance on the procedures and requirements for the preparation and execution of an annual operating budget, a capital improvement program, and a capital budget, including requirements as to the scope,

content, and form of such budgets and programs. The City Council shall comply with the provisions of Chapter 81 of Title 36 of the O.C.G.A. [O.C.G.A. § 36-81-1 et seq.]. [6.23]

(b) On or before a date fixed by the City Council ~~but not later than 15 days prior to the beginning of each fiscal year~~, the City Manager shall submit to the City Council a proposed operating budget for the ensuing fiscal year. The budget shall be accompanied by a message from the City Manager containing a statement of the general fiscal policies of the City, the important features of the budget, explanations of major changes recommended for the next fiscal year, a general summary of the budget, and such other comments and information as the City Manager may deem pertinent. The operating budget, the capital improvements budget, the budget message, and all supporting documents shall be filed in the office of the City Clerk and shall be open to public inspection. [6.24]

(Ord. No. 2011-04-10, 4-25-2011)

(c) The City Council may amend the operating budget proposed by the City Manager, except that the budget as finally amended and adopted must provide for all expenditures required by state law or by other provisions of this Charter and for all debt service requirements for the ensuing fiscal year. The total appropriations from any fund shall not exceed the estimated fund balance, reserves, and revenues. [6.25(a)]

(d) After the conducting **two (2) public** budget hearings at **regularly scheduled Council meetings**, the City Council shall adopt the final operating budget for the ensuing fiscal year on or before a date fixed by ordinance of the City Council. If the City Council fails to adopt the budget by said date, the amounts appropriated for operation for the then current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items prorated accordingly, until such time as the City Council adopts a budget for the ensuing fiscal year. Adoption of the budget shall take the form of an appropriations ordinance setting out the estimated revenues in detail by sources and making appropriations according to fund and by organizational unit, purpose, or activity as set out in the budget preparation ordinance adopted pursuant to Section 6.21 of this Charter. [6.25(b)]

(e) The amount set out in the adopted operating budget for each organizational unit shall constitute the annual appropriation for such, and no expenditure shall be made or encumbrance created in excess of the otherwise unencumbered balance of the appropriations or allotments thereof to which it is chargeable. [6.25(c)]

(f) The City Council by majority vote may make changes in the appropriations contained in the current operating budget at any regular meeting or special or emergency meeting called for such purposes. [6.27]

#### **Sec. 6.23. - Levy of Taxes. [6.26]**

Following adoption of the operating budget, the City Council shall levy by ordinance such taxes as are necessary. The taxes and tax rates set by such ordinance shall be such that reasonable estimates of revenues from such levy shall at least be sufficient, together with other anticipated revenues, fund balances, and applicable reserves, to equal the total amount appropriated for each of the several funds set forth in the annual operating budget for defraying the expense of the general government of this City.

#### **Sec. 6.24. - Capital Improvements. [6.28]**

(a) On or before the date fixed by the City Council, but not later than 60 days prior to the beginning of each fiscal year, the City Manager shall submit to the City Council a proposed capital improvements budget with any recommendations as to the means of financing the improvements proposed for the ensuing year. The City Council shall have the power to accept, with or without amendments, or reject the proposed program and proposed means of financing. The City Council shall not authorize an expenditure for the construction of any building, structure, work, or improvement, unless the appropriations for such project are included in the capital improvements budget, except to meet a public emergency as provided in Section 4.15 of this Charter.

(b) After conducting two (2) capital improvement public hearings at regularly scheduled City Council meetings, the City Council shall adopt by ordinance the final capital improvements budget for the ensuing fiscal year on or before a date fixed by ordinance of the City Council. No appropriations provided for in a prior capital improvements budget shall lapse until the purpose for which the appropriations were made shall have been accomplished or abandoned; provided, however, the City Manager ~~Mayor~~ may submit amendments to the capital improvements budget at any time during the fiscal year, accompanied by any recommendations. Any such amendments to the capital improvements budget shall become effective only upon adoption by majority vote of the City Council.

#### **Sec. 6.25. - Retirement and Other Obligations.**

To the extent that the City is obligated to fund retirement, disability, or other related obligation, the City shall fund these obligations in the current year and in a separate account(s).

#### **Sec. 6.26. - Audits. [6.29]**

There shall be an annual independent audit of all City accounts, funds, and financial transactions by a certified public accountant selected by the City Council. The audit shall be conducted according to generally accepted accounting principles. Any audit of any funds by the state or federal government may be accepted as satisfying the requirements of this Charter. Copies of all audit reports shall be available at printing costs to the public.

#### **Sec. 6.27. - Procurement and Property Management. [6.30]**

No contract with the City shall be binding on the City unless:

- (1) It is in writing;
- (2) It is drawn or submitted and reviewed by the City Attorney and, as a matter of course, is signed by the City Attorney to indicate such drafting or review; and
- (3) It is made or authorized by the City Council and such approval is entered in the City Council journal of proceedings pursuant to Section 4.11 of this Charter.

#### **Sec. 6.28. - Purchasing. [6.31]**

The City Council shall by ordinance prescribe procedures for a system of centralized purchasing for the City.

#### **Sec. 6.29. - Sale of Property. [6.32]**

(a) The City Council may sell and convey any real or personal property owned or held by the City for governmental or other purposes as now or hereafter provided by law, as well as any abandoned or surplus property.

(b) The City Council may quitclaim any rights it may have in property not needed for public purposes upon request by the Mayor and adoption of a resolution, both finding that the property is not needed for public or other purposes and that the interest of the City has no readily ascertainable monetary value.

(c) Whenever in opening, extending, or widening any street, avenue, alley, or public place of the City a small parcel or tract of land is cut off or separated by such work from a larger tract or boundary of land owned by the City, the City Council may authorize the Mayor to execute and deliver in the name of the City a deed conveying said cut-off or separated parcel or tract of land to an abutting or adjoining property owner or owners in exchange for rights of way of said street, avenue, alley, or public place when such exchange is deemed to be in the best interest of the City. All deeds and conveyances heretofore and hereafter so executed and delivered shall convey all title and interest the City has in such property, notwithstanding the fact that no public sale after advertisement was or is hereafter made.

**Sec. 6.30. - General Homestead Exemption. [6.33]**

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

(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 Johns Creek, except for any ad valorem taxes to pay interest on and to retire municipal bonded indebtedness.

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

(b) Each resident of the City of Johns Creek is granted an exemption on that person's homestead from City of Johns Creek ad valorem taxes for municipal purposes in the amount of \$15,000.00 of the assessed value of that homestead. The value of that property in excess of such exempted amount shall remain subject to taxation.

(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 Johns Creek, or the designee thereof, giving such information relative to receiving such exemption as will enable the governing authority of the City of Johns Creek, 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 Johns Creek, or the designee thereof, shall provide application forms for this purpose.

(d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of the O.C.G.A. [O.C.G.A. § 48-5-50.1], 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 Johns Creek, or the designee thereof, in the event that person for any reason becomes ineligible for that exemption.

(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.

(f) The exemption granted by subsection (b) of this section shall apply to all taxable years beginning on or after January 1, 2007.

**Sec. 6.31. - General Homestead Exemption for Citizens Age 65 [years] or Over. [6.34]**

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

(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 Johns Creek, except for any ad valorem taxes to pay interest on and to retire municipal bonded indebtedness.

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

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

(b) Each resident of the City of Johns Creek who is a senior citizen is granted an exemption on that person's homestead

from City of Johns Creek ad valorem taxes for municipal purposes in the amount of \$15,000.00 of the assessed value of that homestead. The value of that property in excess of such exempted amount shall remain subject to taxation.

(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 Johns Creek, or the designee thereof, giving the person's age and such additional information relative to receiving such exemption as will enable the governing authority of the City of Johns Creek, 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 Johns Creek, or the designee thereof, shall provide application forms for this purpose.

(d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of the O.C.G.A. [O.C.G.A. § 48-5-50.1], 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 Johns Creek, or the designee thereof, in the event that person for any reason becomes ineligible for that exemption.

(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.

(f) The exemption granted by subsection (b) of this section shall apply to all taxable years beginning on or after January 1, 2007.

**Sec. 6.32. - Homestead Exemption for Citizens Age 65 [years] or Over Meeting Certain Income Requirements. [6.35]**

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

(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 Johns Creek, including, but not limited to, any ad valorem taxes to pay interest on and to retire municipal bonded indebtedness.

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

(3) "Income" means adjusted gross income as such term is defined in the Internal Revenue Code of 1986, as such code is defined in Code Section 48-1-2 of the O.C.G.A. [O.C.G.A. § 48-1-2], except that for purposes of this section the term shall include only that portion of income or benefits received as retirement, survivor, or disability benefits under the federal Social Security Act or under any other public or private retirement, disability, or pension system which exceeds the maximum amount which may be received by an individual and an individual's spouse under the federal Social Security Act.

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

(b) Each resident of the City of Johns Creek who is a senior citizen is granted an exemption on that person's homestead from City of Johns Creek ad valorem taxes for municipal purposes in the amount of \$10,000.00 of the assessed value of that homestead. The exemption granted by this subsection shall only be granted if that person's income, together with the income of the spouse who also occupies and resides at such homestead does not exceed the maximum amount which may be

received by an individual and an individual's spouse under the federal Social Security Act for the immediately preceding year. The value of that property in excess of such exempted amount shall remain subject to taxation.

(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 Johns Creek, or the designee thereof, giving the person's age, income, and such additional information relative to receiving such exemption as will enable the governing authority of the City of Johns Creek, 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 Johns Creek, or the designee thereof, shall provide application forms for this purpose.

(d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of the O.C.G.A. [O.C.G.A. § 48-5-50.1], 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 Johns Creek, or the designee thereof, in the event that person for any reason becomes ineligible for that exemption.

(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.

(f) The exemption granted by subsection (b) of this section shall apply to all taxable years beginning on or after January 1, 2007.

**Sec. 6.33. - Homestead Exemption for Citizens Either Age 70 [years] or Over, or ~~and~~ Disabled Persons, Meeting Certain Income Requirements. [6.36]**

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

(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 Johns Creek, including, but not limited to, any ad valorem taxes to pay interest on and to retire municipal bonded indebtedness.

(2) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of the O.C.G.A. [O.C.G.A. § 48-8-5], as amended.

(3) "Income" means adjusted gross income determined pursuant to the Internal Revenue Code of 1986, as amended, for federal income tax purposes, except that for the purposes of this section the term shall include only that portion of income or benefits received as retirement, survivor, or disability benefits under the federal Social Security Act or under any other public or private retirement, disability, or pension system which exceeds the maximum amount which may be received by an individual and an individual's spouse under the federal Social Security Act.

(4) "Senior citizen" means a person who is 70 years of age or over on or before January 1 of the year in which application for the exemption under subsection (b) of this section is made.

(b) Each resident of the City of Johns Creek who is a senior citizen or who is disabled is granted an exemption on that person's homestead from City of Johns Creek ad valorem taxes for municipal purposes for the full value of that homestead. The exemption granted by this subsection shall only be granted if that person's income, together with the income of the spouse who also occupies and resides at such homestead does not exceed the maximum amount which may be received by

an individual and an individual's spouse under the federal Social Security Act for the immediately preceding year.

(c) (1) In order to qualify for the exemption provided for in subsection (b) of this section as being disabled, the person claiming such exemption shall be required to obtain a certificate from not more than three (3) physicians licensed to practice medicine under Chapter 34 of Title 43 of the O.C.G.A. [O.C.G.A. § 43-34-1 et seq.], as amended, certifying that in the opinion of such physician or physicians such person is mentally or physically incapacitated to the extent that such person is unable to be gainfully employed and that such incapacity is likely to be permanent. Such certificate or certificates shall constitute part of and be submitted with the application provided for in paragraph (2) of this subsection.

(2) 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 Johns Creek, or the designee thereof, giving the person's age, income, and such additional information relative to receiving such exemption as will enable the governing authority of the City of Johns Creek, 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 Johns Creek, or the designee thereof, shall provide application forms for this purpose.

(d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of the O.C.G.A. [O.C.G.A. § 48-8-50.1], 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 Johns Creek, or the designee thereof, in the event that person for any reason becomes ineligible for that exemption.

(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.

(f) The exemption granted by subsection (b) of this section shall apply to all taxable years beginning on or after January 1, 2007.

## ARTICLE VII. - GENERAL PROVISIONS

Sec. 7.10. - Bonds for Officials.

Sec. 7.11. - Charter Language on Other General Matters.

Sec. 7.12. - Definitions and Construction.

Sec. 7.13. - Qualified Electors.

Sec. 7.14. - Referendum.

Sec. 7.15. - Effective Dates.

Sec. 7.16. - Transition.

Sec. 7.17. - Directory Nature of Dates.

Sec. 7.18. - Charter Commission.

Sec. 7.19. - Public Hearings on Charter.

Sec. 7.20. - Severability.

Sec. 7.21. - General Repealer.



**Sec. 7.10. - Bonds for Officials. [7.10]**

The officers and employees of this City, both elected and appointed, shall execute such surety or fidelity bonds in such amounts and upon such terms and conditions as the City Council shall from time to time require by ordinance or as may be provided by law.

**Sec. 7.11. - Charter Language on Other General Matters. [7.11]**

Except as specifically provided otherwise by this Charter, all rights, claims, actions, orders, contracts, and legal or administrative proceedings shall continue and any such ongoing work or cases shall be completed by such City agencies, personnel, or offices as may be provided by the City Council.

**Sec. 7.12. - Definitions and Construction. [7.12]**

- (a) Section captions in this Charter are informative only and shall not be considered as a part thereof.
- (b) The word "shall" is mandatory and the word "may" is permissive.
- (c) The singular shall include the plural, the masculine shall include the feminine, and vice versa.

**Sec. 7.13. - Qualified Electors. [7.13]**

- (a) For the purposes of the referendum elections provided for in Section 7.14 of this Act the qualified electors shall be those qualified electors of Fulton County residing within the areas described in Appendixes A and B of this Charter.
- (b) For the purposes of the special election to be held on the Tuesday after the first Monday in November, 2006, the qualified electors shall be those qualified electors of Fulton County residing within the City of Johns Creek, as determined according to the results of the election provided for in Section 7.14 of this Act.
- (c) At subsequent municipal elections, the qualified electors of the City of Johns Creek shall be determined pursuant to the authority of Chapter 2 of Title 21 of the O.C.G.A. [O.C.G.A. § 21-2-1 et seq.], the "Georgia Election Code."
- (d) Only for the purpose of holding and conducting the referendum election provided for by Section 7.14 of this Act and only for the purpose of holding and conducting the special election of the City of Johns Creek to be held on the Tuesday after the first Monday in November, 2006, the election superintendent of Fulton County is vested with the powers and duties of the election superintendent of the City of Johns Creek and the powers and duties of the governing authority of the City of Johns Creek.

**Sec. 7.14. - Referendum. [7.14]**

(a) Unless prohibited by the federal Voting Rights Act of 1965, as amended, the election superintendent of Fulton County shall call two (2) special elections for the purpose of submitting this Act to the qualified voters, as provided in subsection (a) of Section 7.13 of this Charter, for approval or rejection. The superintendent shall set the date of such elections for the date of the general primary in 2006. The superintendent shall issue the call for such elections at least 30 days prior to the date thereof. The superintendent shall cause the date and purpose of the elections to be published once a week for two (2) weeks immediately preceding the date thereof in the official organ of Fulton County. The ballot shall have written or printed thereon the words:

"( ) YES ( ) NO

Do you approve the creation of the City of Johns Creek and the property tax rate cap and the granting of the homestead exemptions described in the Act creating the City of Johns Creek?"

All persons desiring to vote for approval of the Act shall vote "Yes," and those persons desiring to vote for rejection of the Act shall vote "No." The expense of the special elections set forth in this section shall be borne by Fulton County. It shall be the duty of the superintendent to hold and conduct such elections. It shall be his or her further duty to certify the results thereof to the Secretary of State.

(b) One special election provided for in subsection (a) of this section shall be held and conducted in the area described in Appendix A of this Charter and one such special election shall be held in the area described in Appendix B of this Charter. The votes of each special election shall be counted separately, and the results shall be as follows:

(1) If more than one-half of the votes cast on such question in the special election in the area described in Appendix A of this Charter are for approval of the Act, it shall become of full force and effect and the territorial limits of the City shall include the area described in Appendix A of this Charter. Otherwise, if one-half or less of the votes cast on such question in the special election in the area described in Appendix A of this Charter are for approval of the Act it shall thereafter be void and of no force or effect, regardless of the outcome of the special election in the area described in Appendix B of this Charter; and

(2) If more than one-half of the votes cast on such question in the special election in the area described in Appendix A of this Charter are for approval of the Act and more than one-half of the votes cast on such question in the special election in the area described in Appendix B of this Charter are for approval of the Act, the territorial limits of the City shall include the area described in Appendix B of this Charter as well as the area described in Appendix A of this Charter. If more than one-half of the votes cast on such question in the special election in the area described in Appendix A of this Charter are for approval of the Act and one-half or less of the votes cast on such question in the special election in the area described in Appendix B of this Charter are for approval of the Act, the territorial limits of the City shall include the area described in Appendix A but shall not thereafter include the area described in Appendix B of this Charter.

**Sec. 7.15. - Effective Dates. [7.15]**

(a) Sections 1.10 and 1.11 of this Act and those provisions of the Act necessary for the special election provided for in Section 7.14 of this Charter shall become effective immediately upon this Act's approval by the Governor or upon its becoming law without such approval.

(b) Those provisions of this Act necessary for the special election to be held on the Tuesday after the first Monday in November, 2006, as provided by Article II of this Charter shall be effective upon the certification of the results of the referendum election provided for by Section 7.14 of this Charter, if this Act is approved at such referendum election.

(c) The remaining provisions of this Act shall become of full force and effect for all purposes on December 1, 2006, except that the initial Mayor and Councilmembers shall take office immediately following their election and by action of a quorum may prior to December 1, 2006, meet and take actions binding on the City.

**Sec. 7.16. - Transition. [7.16]**

(a) A period of time will be needed for an orderly transition of various government functions from Fulton County to the City of Johns Creek. Accordingly there shall be a transition period beginning on December 1, 2006, and ending at midnight on November 30, 2008. During such transition period, all provisions of this Charter shall be effective as law, but not all provisions of this Charter shall be implemented.

(b) During such transition period, Fulton County shall continue to provide within the territorial limits of Johns Creek all government services and functions which Fulton County provided in that area at the time of enactment of this Charter and at actual cost as provided pursuant to Code Section 36-31-8 of the O.C.G.A. [O.C.G.A. § 36-31-8], except to the extent otherwise provided in this section; provided, however, that upon at least 30 days written notice to Fulton County by the City of

Johns Creek, responsibility for any such service or function shall be transferred to the City of Johns Creek. Effective December 1, 2006, the City of Johns Creek shall collect taxes, fees, assessments, fines and forfeitures, and other moneys within the territorial limits of Johns Creek. Where a particular tax, fee, assessment, fine, forfeiture, or other amount collected is specifically related to the provision of a particular government service or function by Fulton County, the service or function shall continue to be provided by the county contingent upon payment by the City of the actual cost of providing such service or function unless otherwise provided in a written agreement between the City and the county. Any existing contract for the performance of a governmental service with a private person residing or doing business within the City limits shall not be altered or adversely affected by the establishment by this Act of the City of Johns Creek.

(c) During the transition period, the governing authority of the City of Johns Creek:

- (1) Shall hold regular meetings and may hold special meetings as provided in this Charter;
- (2) May enact ordinances and resolutions as provided in this Charter;
- (3) May amend this Charter by home rule action as provided by general law;
- (4) May accept gifts and grants;
- (5) May borrow money and incur indebtedness to the extent authorized by this Charter and general law;
- (6) May levy and collect an ad valorem tax for calendar years 2007 and 2008;
- (7) May establish a fiscal year and budget;
- (8) May create, alter, or abolish departments, boards, offices, commissions, and agencies of the City; appoint and remove officers and employees; and exercise all necessary or appropriate personnel and management functions; and
- (9) May generally exercise any power granted by this Charter or general law, except to the extent that a power is specifically and integrally related to the provision of a governmental service, function, or responsibility not yet provided or carried out by the City.

(d) Except as otherwise provided in this section, during the transition period the Municipal Court of the City of Johns Creek shall not exercise its jurisdiction. During the transition period, all ordinances of Fulton County shall remain applicable within the territorial limits of Johns Creek and the appropriate court or courts of Fulton County shall retain jurisdiction to enforce such ordinances. Upon notice by the City of Johns Creek, Fulton County shall transfer all or part of such regulatory authority and the appropriate court jurisdiction to the City of Johns Creek as contained in such notice. Any transfer of jurisdiction to the City of Johns Creek during or at the end of the transition period shall not in and of itself abate any judicial proceeding pending in Fulton County or the pending prosecution of any violation of any ordinance of Fulton County.

(e) During the transition period, the governing authority of Johns Creek may at any time, without the necessity of any agreement by Fulton County, commence to exercise its planning and zoning powers; provided, however, that the City shall give the county notice of the date on which the City will assume the exercise of such powers. Upon the governing authority of Johns Creek commencing to exercise its planning and zoning powers, the Municipal Court of the City of Johns Creek shall immediately have jurisdiction to enforce the planning and zoning ordinances of the City. The provisions of this subsection shall control over any conflicting provisions of any other subsection of this section.

(f) Effective upon the termination of the transition period, subsections (b) through (e) of this section shall cease to apply except for the last sentence of subsection (d) which shall remain effective. Effective upon the termination of the transition period, the City of Johns Creek shall be a full functioning municipal corporation and subject to all general laws of this state.

**Sec. 7.17. - Directory Nature of Dates. [7.17]**

It is the intention of the General Assembly that this Act be construed as directory rather than mandatory with respect to any date prescribed in this Act. If it is necessary to delay any action called for in this Act for providential cause, delay in securing approval under the federal Voting Rights Act, or any other reason, it is the intention of the General Assembly that the action be delayed rather than abandoned. Any delay in performing any action under this Act, whether for cause or otherwise, shall not operate to frustrate the overall intent of this Act. Without limiting the generality of the foregoing it is specifically provided that:

- (1) If it is not possible to hold the referendum election provided for in Section 7.14 of this Act on the date specified in that section, then such referendum shall be held as soon thereafter as is reasonably practicable; and
- (2) If it is not possible to hold the first municipal election provided for in Section 2.11 of this Act on the date specified in that section, then there shall be a special election for the initial members of the governing authority to be held as soon thereafter as is reasonably practicable, and the commencement of the initial terms of office shall be delayed accordingly.

**Sec. 7.18. - Charter Commission. [7.18]**

- (a) The City Council shall create a Charter Commission prior to April 30, 2017 for the purpose of reviewing the City Charter and recommending to the General Assembly any changes to the City Charter. The recommendation shall be completed by October 31, 2017. The review process shall be repeated at least every five (5) years, if not sooner.
- (b) The Charter Commission shall be composed of nine (9) members. The City Council shall appoint seven (7) of those members by majority vote. The remaining two (2) members shall be appointed by the Georgia House and Senate Legislative bodies.
- (c) The City Council may establish operating guidelines and may choose to hire a facilitator. The City Council shall provide a budget and staff as necessary.
- (d) The Charter Commission will set its own rules and establish all internal operating policies and processes.

~~At the first regularly scheduled City Council meeting, five years after the inception of the City of Johns Creek, the Mayor and City Council shall create a Charter commission to review the City's experience and recommend to the General Assembly any changes to the City Charter. All members of the Charter commission must reside in the City of Johns Creek. The commission must complete the recommendations within six months of its creation.~~

**Sec. 7.19. – Public Hearings on Charter Modifications.**

The Charter Commission or City Council shall have no less than two (2) public hearings on any proposed changes to the Charter.

**Sec. 7.20. - Severability. [7.19]**

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

**Sec. 7.21. - General Repealer. [7.20]**

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

FINAL DRAFT