

Senate Bill 114

By: Senators Robertson of the 29th, Beach of the 21st, Dolezal of the 27th, Brass of the 28th, Anderson of the 24th and others

A BILL TO BE ENTITLED  
AN ACT

1 To incorporate the City of Buckhead City; to provide a charter; to provide for boundaries and  
2 powers of the city; to provide for a governing authority of such city and the powers, duties,  
3 authority, election, terms, vacancies, compensation, expenses, qualifications, prohibitions,  
4 conflicts of interest, and suspension and removal from office relative to members of such  
5 governing authority; to provide for inquiries and investigations; to provide for oaths,  
6 organization, meetings, quorum, voting, rules, and procedures; to provide for ordinances and  
7 codes; to provide for a mayor, mayor pro tempore, and city manager and certain duties,  
8 powers, and other matters relative thereto; to provide for administrative affairs and  
9 responsibilities; to provide for boards, commissions, and authorities; to provide for a city  
10 attorney, a city clerk, and other personnel and matters relating thereto; to provide for rules  
11 and regulations; to provide for a municipal court and the judge or judges thereof and other  
12 matters relative to those judges; to provide for the court's jurisdiction, powers, practices, and  
13 procedures; to provide for the right of certiorari; to provide for elections; to provide for  
14 taxation, licenses, and fees; to provide for a millage rate cap; to provide for taxation on  
15 behalf of the Atlanta Independent School System; to provide for franchises, service charges,  
16 and assessments; to provide for bonded and other indebtedness; to provide for auditing,  
17 accounting, budgeting, and appropriations; to provide for city contracts and purchasing; to  
18 provide for the conveyance of property and interests therein; to provide for bonds for

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19 officials; to provide for prior ordinances and rules, pending matters, and existing personnel;  
20 to provide for penalties; to provide for definitions and construction; to provide for other  
21 matters relative to the foregoing; to provide for a referendum; to provide contingent effective  
22 dates, automatic repeal, and transitional provisions governing the transfer of various  
23 functions and responsibilities from the City of Atlanta to the City of Buckhead City; to  
24 provide for the transfer and assumption of bonded obligations; to provide for the continuation  
25 of lease purchase and intergovernmental agreements; to provide for severability; to provide  
26 for effective dates; to repeal conflicting laws; and for other purposes.

27 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

28 ARTICLE I.  
29 INCORPORATION AND POWERS

30 SECTION 1.10.  
31 Name.

32 This Act shall constitute the charter of the City of Buckhead City. The city and the  
33 inhabitants thereof are constituted and declared a body politic and corporate under the name  
34 and style "City of Buckhead City, Georgia," and by that name shall have perpetual  
35 succession.

36 SECTION 1.11.  
37 Corporate boundaries.

38 (a) The boundaries of this city shall be those set forth and described in Appendix A of this  
39 charter, and said Appendix A is incorporated into and made a part of this charter. The

40 boundaries of this city at all times shall be shown on a map, a written description, or any  
41 combination thereof, to be retained permanently in the office of the city clerk and to be  
42 designated, as the case may be: "Official Map (or Description) of the corporate limits of  
43 the City of Buckhead City, Georgia." Photographic, typed, or other copies of such map or  
44 description certified by the city clerk shall be admitted as evidence in all courts and shall  
45 have the same force and effect as with the original map or description.

46 (b) The city council may provide for the redrawing of any such map by ordinance to reflect  
47 lawful changes in the corporate boundaries. A redrawn map shall supersede for all  
48 purposes the entire map or maps which it is designated to replace.

49 SECTION 1.12.

50 Powers and construction.

51 (a) Except as provided in subsection (b) of this section, this city shall have the following  
52 powers:

53 (1) Animal regulations. To regulate and license or to prohibit the keeping or running at  
54 large of animals and fowl and to provide for the impoundment of same if in violation of  
55 any ordinance or lawful order; to provide for the disposition by sale, gift, or humane  
56 destruction of animals and fowl when not redeemed as provided by ordinance; and to  
57 provide punishment for violation of ordinances enacted under this charter;

58 (2) Appropriations and expenditures. To make appropriations for the support of the  
59 government of the city; to authorize the expenditure of money for any purposes  
60 authorized by this charter and for any purpose for which a municipality is authorized by  
61 the laws of the State of Georgia; and to provide for the payment of expenses of the city;

62 (3) Building regulation. To regulate and to license the erection and construction of  
63 buildings and all other structures; to adopt building, housing, plumbing, electrical, gas,  
64 and heating and air-conditioning codes; and to regulate all housing and building trades;

- 65 (4) Contracts. To enter into contracts and agreements with other governmental entities  
66 and with private persons, firms, and corporations;
- 67 (5) Emergencies. To establish procedures for determining and proclaiming that an  
68 emergency situation exists within or outside the city and to make and carry out all  
69 reasonable provisions deemed necessary to deal with or meet such an emergency for the  
70 protection, safety, health, or well-being of the citizens of the city;
- 71 (6) Environmental protection. To protect and preserve the natural resources,  
72 environment, and vital areas of the state through the preservation and improvement of air  
73 quality, the restoration and maintenance of water resources, the control of erosion and  
74 sedimentation, the management of solid and hazardous waste, and other necessary actions  
75 for the protection of the environment;
- 76 (7) Fire regulations. To fix and establish fire limits and from time to time to extend,  
77 enlarge, or restrict the same; to prescribe fire safety regulations not inconsistent with  
78 general law, relating to both fire prevention and detection and to fire fighting; and to  
79 prescribe penalties and punishment for violations thereof;
- 80 (8) General health, safety, and welfare. To define, regulate, and prohibit any act,  
81 practice, conduct, or use of property which is detrimental to health, sanitation,  
82 cleanliness, welfare, and safety of the inhabitants of the city and to provide for the  
83 enforcement of such standards;
- 84 (9) Gifts. To accept or refuse gifts, donations, bequests, or grants from any source for  
85 any purpose related to powers and duties of the city and the general welfare of its  
86 citizens, on such terms and conditions as the donor or grantor may impose;
- 87 (10) Health and sanitation. To prescribe standards of health and sanitation and to  
88 provide for the enforcement of such standards;
- 89 (11) Jail sentences. To provide that persons given jail sentences in the municipal court  
90 may work out such sentences in any public works or on the streets, roads, drains, and  
91 other public property in the city; to provide for commitment of such persons to any jail;

- 92 or to provide for commitment of such persons to any county work camp or county jail by  
93 agreement with the appropriate county officials;
- 94 (12) Municipal agencies and delegation of power. To create, alter, or abolish  
95 departments, boards, offices, commissions, and agencies of the city and to confer upon  
96 such agencies the necessary and appropriate authority for carrying out all the powers  
97 conferred upon or delegated to the same;
- 98 (13) Municipal debts. To appropriate and borrow money for the payment of debts of the  
99 city and to issue bonds for the purpose of raising revenue to carry out any project,  
100 program, or venture authorized by this charter or the laws of the State of Georgia;
- 101 (14) Municipal property ownership. To acquire, dispose of, lease, and hold in trust or  
102 otherwise any real, personal, or mixed property, in fee simple or lesser interest, inside or  
103 outside the property limits of the city;
- 104 (15) Municipal property protection. To provide for the preservation and protection of  
105 property and equipment of the city and the administration and use of same by the public;  
106 and to prescribe penalties and punishment for violations thereof;
- 107 (16) Nuisance. To define a nuisance and provide for its abatement whether on public or  
108 private property;
- 109 (17) Penalties. To provide penalties for violation of any ordinances adopted pursuant to  
110 the authority of this charter and the laws of the State of Georgia;
- 111 (18) Planning and zoning. To provide comprehensive city planning for development by  
112 zoning; and to provide subdivision regulation and the like as the city council deems  
113 necessary and reasonable to ensure a safe, healthy, and esthetically pleasing community;
- 114 (19) Public hazards; removal. To provide for the destruction and removal of any  
115 building or other structure which is or may become dangerous or detrimental to the  
116 public;
- 117 (20) Public improvements. To provide for the acquisition, construction, building,  
118 operation, and maintenance of parks and playgrounds, public grounds, recreational

119 facilities, public buildings, and charitable, cultural, educational, recreational,  
120 conservation, and sport institutions, agencies, and facilities; and to regulate the use of  
121 public improvements;

122 (21) Public utilities and services. To grant franchises or make contracts for or impose  
123 taxes on public utilities and public service companies and to prescribe the rates, fares,  
124 regulations, and standards and conditions of service applicable to the service to be  
125 provided by the franchise grantee or contractor, insofar as not in conflict with valid  
126 regulations of the Georgia Public Service Commission;

127 (22) Regulation of roadside areas. To prohibit or regulate and control the erection,  
128 removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any  
129 and all other structures or obstructions upon or adjacent to the rights of way of streets and  
130 roads or within view thereof, within or abutting the corporate limits of the city; and to  
131 prescribe penalties and punishment for violation of such ordinances;

132 (23) Retirement. To provide and maintain a retirement plan for officers and employees  
133 of the city;

134 (24) Roadways. To grant franchises and rights of way throughout the streets and roads  
135 and over the bridges and viaducts for the use of public utilities; and to require real estate  
136 owners to repair and maintain in a safe condition the sidewalks adjoining their lots or  
137 lands and to impose penalties for failure to do so;

138 (25) Special areas of public regulation. To regulate or prohibit junk dealers, pawn shops,  
139 the manufacture, sale, or transportation of any intoxicating liquors, alcoholic beverages,  
140 and the use of firearms; to regulate the transportation, storage, and use of combustible,  
141 explosive, and inflammable materials, the use of lighting and heating equipment, and any  
142 other business or situation which may be dangerous to persons or property; to regulate  
143 and control the conduct of peddlers and itinerant traders, theatrical performances,  
144 exhibitions, and shows of any kind, by taxation or otherwise; and to license, tax, regulate,  
145 or prohibit professional fortunetelling, palmistry, adult bookstores, and massage parlors;

- 146 (26) Special assessments. To levy and provide for the collection of special assessments  
147 to cover the costs for any public improvements;
- 148 (27) Taxes: ad valorem. To levy and provide for the assessment, valuation, revaluation,  
149 and collection of taxes on all property subject to taxation;
- 150 (28) Taxes: other. To levy and collect such other taxes as may be allowed now or in the  
151 future by law;
- 152 (29) Taxicabs. To regulate and license vehicles operated for hire in the city; to limit the  
153 number of such vehicles; to require the operators thereof to be licensed; to require public  
154 liability insurance on such vehicles in the amounts to be prescribed by ordinance; and to  
155 regulate the parking of such vehicles; and
- 156 (30) Other powers. To exercise and enjoy all other powers, functions, rights, privileges,  
157 and immunities necessary or desirable to promote or protect the safety, health, peace,  
158 security, good order, comfort, convenience, or general welfare of the city and its  
159 inhabitants; to exercise all implied powers necessary or desirable to carry into execution  
160 all powers granted in this charter as fully and completely as if such powers were fully  
161 stated herein; and to exercise all powers now or in the future authorized to be exercised  
162 by other municipal governments under other laws of the State of Georgia; and any listing  
163 of particular powers in this charter shall not be held to be exclusive of others or restrictive  
164 of general words and phrases granting powers, but shall be held to be in addition to such  
165 powers unless expressly prohibited to municipalities under the Constitution or applicable  
166 laws of the State of Georgia.
- 167 (b) All powers, functions, rights, privileges, and immunities of the city, its officers,  
168 agencies, or employees shall be carried into execution as provided by this charter. If this  
169 charter makes no provision, such shall be carried into execution as provided by ordinance  
170 or as provided by pertinent laws of the State of Georgia.

171 ARTICLE II.  
 172 GOVERNMENT STRUCTURE

173 SECTION 2.10.

174 City council creation; number; election.

175 (a) The legislative authority of the government of this city, except as otherwise specifically  
 176 provided in this charter, shall be vested in a city council of which the mayor shall be a  
 177 voting member.

178 (b)(1) The city council of the City of Buckhead City shall consist of six members, plus  
 179 the mayor.

180 (2) For the purposes of electing members of the city council, the City of Buckhead City  
 181 shall be divided into six council districts, designated Council Districts 1 through 6.  
 182 Council Districts 1, 2, 3, 4, 5, and 6 shall be and correspond to those six numbered  
 183 districts described in Appendix B attached to and made a part of this Act and further  
 184 identified as "User: SD053 Plan Name: BuckheadCity-Districts-2022 Plan Type: Local".

185 (3)(A) For the purposes of such plan:

186 (i) The term "VTD" shall mean and describe the same geographical boundaries as  
 187 provided in the report of the Bureau of the Census for the United States decennial  
 188 census of 2020 for the State of Georgia. The separate numeric designations in a  
 189 district description which are underneath a VTD heading shall mean and describe  
 190 individual Blocks within a VTD as provided in the report of the Bureau of the Census  
 191 for the United States decennial census of 2020 for the State of Georgia; and

192 (ii) Except as otherwise provided in the description of any district, whenever the  
 193 description of any district refers to a named city, it shall mean the geographical  
 194 boundaries of that city as shown on the census maps for the United States decennial  
 195 census of 2020 for the State of Georgia.



196 (B) Any part of the City of Buckhead City which is not included in any district  
197 described in paragraph (2) of this subsection shall be included within that district  
198 contiguous to such part which contains the least population according to the United  
199 States decennial census of 2020 for the State of Georgia.

200 (C) Any part of City of Buckhead City which is described in paragraph (2) of this  
201 subsection as being included in a particular district shall nevertheless not be included  
202 within such district if such part is not contiguous to such district. Such noncontiguous  
203 part shall instead be included within that district contiguous to such part which contains  
204 the least population according to the United States decennial census of 2020 for the  
205 State of Georgia.

206 (D) Any part of the City of Buckhead City which is described in paragraph (2) of this  
207 subsection as being included in a particular district which, on the effective date of this  
208 Act, is within the corporate boundaries of another municipality shall not be included  
209 within such district.

210 (E) Any part of the City of Buckhead City which is described in paragraph (2) of this  
211 subsection as being included in a particular district which is not within the corporate  
212 boundaries of the City of Buckhead City shall not be included within such district.

213 (4) Following each decennial census, the city council shall revise such districts pursuant  
214 to Code Section 36-35-4.1 of the O.C.G.A. to maintain a proper population balance  
215 among such districts.

216 (5) One councilmember shall be elected from each of the six council districts. Each  
217 person desiring to offer as a candidate for councilmember shall designate the council  
218 district for which he or she is offering. Councilmembers shall be elected by a majority  
219 vote of the qualified electors of the respective council districts voting at the elections of  
220 the city. In the event that no candidate for a council district obtains a majority vote of the  
221 qualified electors of the council district voting in the election, a run-off election shall be  
222 held. The candidates receiving the two highest numbers of votes in the election for such

223 council district shall be included in the run-off election. The person receiving the highest  
224 number of votes of the qualified electors of the council district voting at such run-off  
225 election shall be elected. Each candidate for election to the city council shall reside in  
226 the district he or she seeks to represent.

227 (c) With the exception of the initial terms set forth in subsection (d) of this section,  
228 councilmembers shall be elected to terms of four years and until their successors are  
229 elected and qualified on a staggered basis in alternate election cycles such that every two  
230 years two councilmembers are up for election.

231 (d)(1) In order to ensure staggered elections of the councilmembers, in the first election  
232 of the city council the terms for the candidates elected for Council Districts 2, 4, and 6  
233 shall expire upon the administration of the oath of office to their successors elected in the  
234 regular election held in November, 2025.

235 (2) The terms for the candidates elected for Council Districts 1, 3, and 5 shall expire  
236 upon the administration of the oath of office to their successors elected in the regular  
237 election held in November, 2027.

238 (3) Thereafter, a successor to each councilmember shall be elected at the November  
239 election immediately preceding the end of such councilmember's term of office, and the  
240 term of each councilmember shall expire upon the administration of the oath of office to  
241 his or her successor.

242 (e)(1) With the exception of the initial term of office, the mayor of the City of Buckhead  
243 City, with the powers and duties specified herein, shall be elected to a term of four years  
244 and until his or her successor is elected and qualified. The mayor shall be elected by a  
245 majority vote of the qualified electors of the city at large voting at the elections of the  
246 city. In the event that no candidate for mayor obtains a majority vote of the qualified  
247 electors of the city at large voting at the elections of the city, a run-off election shall be  
248 held. The candidates receiving the two highest numbers of votes in the election shall be  
249 included in the run-off election, and the candidate receiving the highest number of votes

250 in the run-off election of the qualified electors of the city at large voting at such run-off  
251 election shall be elected.

252 (2) The term of the first elected mayor shall expire upon the administration of the oath  
253 of office to his or her successor elected in the regular election held in November, 2027.  
254 Thereafter, a successor to each mayor shall be elected at the November election  
255 immediately preceding the end of such mayor's term of office, and the term of each  
256 mayor shall expire upon the administration of the oath of office to his or her successor.

257 SECTION 2.11.

258 Mayor and councilmembers; terms and qualifications for office.

259 (a) For all elections subsequent to the first election, the mayor and councilmembers shall  
260 serve for terms of four years and until their terms expire upon the administration of the oath  
261 of office to their successors. No person shall be eligible to serve as mayor or  
262 councilmember unless that person shall have been a resident of the City of Buckhead City  
263 for a continuous period of at least 12 months immediately prior to the date of the election  
264 for mayor or councilmember, shall continue to reside therein during that person's period  
265 of service, and shall continue to be registered and qualified to vote in municipal elections  
266 of the City of Buckhead City. In addition to the above requirements, no person shall be  
267 eligible to serve as a councilmember representing a council district unless that person has  
268 been a resident of the district such person seeks to represent for a continuous period of at  
269 least six months immediately prior to the date of the election for councilmember and  
270 continues to reside in such district during that person's period of service.

271 (b) An election shall be held on the third Tuesday in March, 2025, to elect the first mayor  
272 and city council. At such election, the first mayor and council shall be elected to serve for  
273 the initial terms of office specified in subsection (e) of Section 2.01 of this charter.

274 Thereafter, the time for holding regular municipal elections shall be on the Tuesday next  
275 following the first Monday in November of each odd-numbered year beginning in 2027.

276 (c) For the initial terms of the councilmembers of Districts 2, 4, and 6, the councilmembers  
277 serving from such districts shall serve full time. Thereafter, Districts 2, 4, and 6 will be  
278 part-time positions. For the first two years of the initial terms of the councilmembers of  
279 Districts 1, 3, and 5, the councilmembers serving from such districts shall serve full time,  
280 and thereafter Districts 1, 3, and 5 will be part-time positions.

281 (d) The number of consecutive terms an individual may hold a position as a  
282 councilmember shall be unlimited.

283 (e) The number of consecutive terms an individual may hold the position of mayor shall  
284 be limited to two four-year terms and shall not include any partial term of office served as  
285 mayor.

286 (f) No person who has been convicted of a felony or a crime of moral turpitude shall be  
287 eligible for election or to serve as mayor or councilmember.

288 (g) No person who was a holder of elected public office at the time of the enactment of this  
289 charter shall be eligible for election or to serve as mayor or councilmember during the first  
290 four years of the city's existence.

291 SECTION 2.12.

292 Vacancy; filling of vacancies; suspensions.

293 (a) Vacancies. The office of mayor or councilmember shall become vacant upon such  
294 person's failing or ceasing to reside in the city or upon the occurrence of any event  
295 specified by the Constitution, Title 45 of the O.C.G.A., or such other applicable laws as are  
296 or may hereafter be enacted, or upon qualifying for any municipal office other than  
297 reelection to the present office held. Notwithstanding any other provisions within this

298 charter, the mayor, or such other presiding officer of the council upon disqualification of  
299 the mayor, shall appoint the successor to serve the balance of the vacated term.

300 (b) Filling of vacancies. A vacancy in the office of mayor or councilmember shall be  
301 filled for the remainder of the unexpired term, if any, by appointment if less than 12  
302 months remain in the unexpired term, otherwise by an election as provided for in Section  
303 5.14 of this charter and Titles 21 and 45 of the O.C.G.A. or such other laws as are or may  
304 hereafter be enacted.

305 (c) Suspension. Upon the suspension from office of mayor or councilmember in any  
306 manner authorized by the general laws of the State of Georgia, the city council or those  
307 remaining shall appoint a successor for the duration of the suspension. If the suspension  
308 becomes permanent, then the office shall become vacant and shall be filled for the  
309 remainder of the unexpired term, if any, as provided for in this charter.

310 SECTION 2.13.

311 Compensation and expenses.

312 (a)(1) The mayor shall receive an initial salary of \$225,000.00 per year for the first four  
313 years, paid in equal monthly installments from the funds of the city, and \$179,000.00 for  
314 any year following.

315 (2) Each councilmember shall receive a salary of \$72,000.00 per year for the part-time  
316 positions, paid in equal monthly installments from the funds of the city.

317 (b) The mayor and councilmember salaries are subject to cost of living increases as  
318 ascertained by the city council.

319 (c) The mayor and councilmembers may alter their compensation, as provided by law;  
320 provided, however, that five affirmative votes shall be required to raise the salary pursuant  
321 to this provision and a unanimous vote shall be required to lower the salary pursuant to this  
322 provision.

## SECTION 2.14.

323

324

Conflicts of interest; holding other offices.

325 (a) Elected and appointed officers of the city are trustees and servants of the residents of  
326 the city and shall act in a fiduciary capacity for the benefit of such residents.

327 (b) Conflict of interest. No elected official, appointed officer, or employee of the city or  
328 any agency or political entity to which this charter applies shall knowingly:

329 (1) Engage in any business or transaction or have a financial or other personal interest,  
330 direct or indirect, which is incompatible with the proper discharge of that person's official  
331 duties or which would tend to impair the independence of that person's judgment or  
332 action in the performance of that person's official duties;

333 (2) Engage in or accept private employment or render services for private interests when  
334 such employment or service is incompatible with the proper discharge of that person's  
335 official duties or would tend to impair the independence of that person's judgment or  
336 action in the performance of that person's official duties;

337 (3) Disclose confidential information, including information obtained at meetings which  
338 are closed pursuant to Chapter 14 of Title 50 of the O.C.G.A., concerning the property,  
339 government, or affairs of the governmental body by which that person is engaged without  
340 proper legal authorization or use such information to advance the financial or other  
341 private interest of that person or others;

342 (4) Accept any valuable gift, whether in the form of service, loan, thing, or promise,  
343 from any person, firm, or corporation which to that person's knowledge is interested,  
344 directly or indirectly, in any manner whatsoever, in business dealings with the  
345 governmental body by which that person is engaged; provided, however, that an elected  
346 official who is a candidate for public office may accept campaign contributions and  
347 services in connection with any such campaign;

- 348 (5) Represent other private interests in any action or proceeding against this city or any  
349 portion of its government; or
- 350 (6) Vote or otherwise participate in the negotiation or in the making of any contract with  
351 any business or entity in which that person has a financial interest.
- 352 (c) Disclosure. Any elected official, appointed officer, or employee who shall have any  
353 financial interest, directly or indirectly, in any contract or matter pending before or within  
354 any department of the city shall disclose such interest to the city council. The mayor or any  
355 councilmember who has a financial interest in any matter pending before the city council  
356 shall disclose such interest and such disclosure shall be entered on the records of the city  
357 council, and that person shall disqualify himself or herself from participating in any  
358 decision or vote relating thereto. Any elected official, appointed officer, or employee of  
359 any agency or political entity to which this charter applies who shall have any financial  
360 interest, directly or indirectly, in any contract or matter pending before or within such  
361 entity shall disclose such interest to the governing body of such agency or entity.
- 362 (d) Use of public property. No elected official, appointed officer, or employee of the city  
363 or any agency or entity to which this charter applies shall use property owned by such  
364 governmental entity for personal benefit, convenience, or profit except in accordance with  
365 policies promulgated by the city council or the governing body of such agency or entity.
- 366 (e) Contracts voidable and rescindable. Any violation of this section which occurs with  
367 the knowledge, express or implied, of a party to a contract or sale shall render such contract  
368 or sale voidable at the option of the city council.
- 369 (f) Ineligibility of elected official. Except where authorized by law, neither the mayor nor  
370 any councilmember shall hold any other elective or compensated appointive office in the  
371 city or otherwise be employed by said government or any agency thereof during the term  
372 for which that person was elected. No former councilmember and no former mayor shall  
373 hold any compensated appointive office in the city until one year after the expiration of the  
374 term for which that person was elected.

375 (g) Political activities of certain officers and employees. No appointed officer and no  
376 employee of the city shall continue in such employment upon qualifying as a candidate for  
377 nomination or election to any public office. No employee of the city shall continue in such  
378 employment upon election to any public office in this city or any other public office which  
379 is inconsistent, incompatible, or in conflict with the duties of the city employee. Such  
380 determination shall be made by the mayor and city council either immediately upon  
381 election or at any time such conflict may arise.

382 (h) Penalties for violation.

383 (1) Any city officer or employee who knowingly conceals such financial interest or  
384 knowingly violates any of the requirements of this section shall be guilty of malfeasance  
385 in office or position and shall be deemed to have forfeited that person's office or position.

386 (2) Any officer or employee of the city who shall forfeit that person's office or position  
387 as described in paragraph (1) of this subsection shall be ineligible for appointment or  
388 election to or employment in a position in the city government for a period of three years  
389 thereafter.

390 SECTION 2.15.

391 Inquiries and investigations.

392 Following the adoption of an authorizing resolution, the city council may make inquiries and  
393 investigations into the affairs of the city and conduct of any department, office, or agency  
394 thereof and for this purpose may subpoena witnesses, administer oaths, take testimony, and  
395 require the production of evidence. Any person who fails or refuses to obey a lawful order  
396 issued in the exercise of these powers by the city council shall be punished as may be  
397 provided by ordinance.



398 SECTION 2.16.

399 General power and authority of the city council.

400 Except as otherwise provided by law or this charter, the city council shall be vested with all  
401 the powers of government of this city.

402 SECTION 2.17.

403 Organizational meetings.

404 Unless otherwise provided by ordinance, the city council shall hold an organizational  
405 meeting on the first Tuesday in January of each even-numbered year. The meeting shall be  
406 called to order by the city clerk and the oath of office shall be administered to the newly  
407 elected members as follows:

408 "I do solemnly (swear) (affirm) that I will faithfully perform the duties of (mayor)  
409 (councilmember) of this city and that I will support and defend the charter thereof as well  
410 as the Constitution and laws of the State of Georgia and the United States of America."

411 SECTION 2.18.

412 Meetings.

413 (a) The city council shall hold regular meetings at such times and places as shall be  
414 prescribed by ordinance.

415 (b) Special meetings of the city council may be held on call of the mayor or three members  
416 of the city council. Notice of such special meeting shall be served on all other members  
417 personally, or by telephone personally, at least 48 hours in advance of the meeting. Such  
418 notice to councilmembers shall not be required if the mayor and all councilmembers are  
419 present when the special meeting is called. Such notice of any special meeting may be

420 waived by a councilmember in writing before or after such a meeting and attendance at the  
421 meeting shall also constitute a waiver of notice on any business transacted in such  
422 councilmember's presence. Only the business stated in the call may be transacted at the  
423 special meeting.

424 (c) All meetings of the city council shall be public to the extent required by law, and notice  
425 to the public of special meetings shall be made as fully as is reasonably possible as  
426 provided by Code Section 50-14-1 of the O.C.G.A. or other such applicable laws as are or  
427 may hereafter be enacted.

428 SECTION 2.19.

429 Rules of procedure.

430 (a) The city council shall adopt its rules of procedure and order of business consistent with  
431 the provisions of this charter and shall provide for keeping of a journal of its proceedings,  
432 which shall be a public record.

433 (b) All committees and committee chairpersons and officers of the city council shall be  
434 appointed by the mayor and shall serve at the pleasure of the mayor. The mayor shall have  
435 the power to appoint new members to any committee at any time.

436 SECTION 2.20.

437 Quorum; voting.

438 The mayor and three councilmembers, or four councilmembers without the mayor, shall  
439 constitute a quorum and shall be authorized to transact business of the city council. Voting  
440 on the adoption of ordinances shall be by voice vote and the vote shall be recorded in the  
441 journal, but any councilmember shall have the right to request a roll-call vote and such vote  
442 shall be recorded in the journal. Except as otherwise provided in this charter, the affirmative

443 vote of four councilmembers shall be required for the adoption of any ordinance, resolution,  
444 or motion. An abstention shall be counted as an affirmative vote.

445 SECTION 2.21.

446 Ordinance form; procedures.

447 (a) Every proposed ordinance should be introduced in writing and in the form required for  
448 final adoption. No ordinance shall contain a subject which is not expressed in its title. The  
449 enacting clause shall be "It is hereby ordained by the governing authority of the City of  
450 Buckhead City..." and every ordinance shall so begin.

451 (b) An ordinance may be introduced by any councilmember and be read at a regular or  
452 special meeting of the city council. Ordinances shall be considered and adopted or rejected  
453 by the city council in accordance with the rules which it shall establish; provided, however,  
454 that an ordinance shall not be adopted the same day it is introduced, except for emergency  
455 ordinances provided for in Section 2.23 of this charter. Upon introduction of any  
456 ordinance, the clerk shall as soon as possible distribute a copy to the mayor and to each  
457 councilmember and shall file a reasonable number of copies in the office of the clerk and  
458 at such other public places as the city council may designate.

459 SECTION 2.22.

460 Action requiring an ordinance.

461 Acts of the city council which have the force and effect of law shall be enacted by ordinance.

462 SECTION 2.23.  
463 Emergencies.

464 (a) To meet a public emergency affecting life, health, property, or public peace, the city  
465 council may convene on call of the mayor or three councilmembers and may promptly  
466 adopt an emergency ordinance, but such ordinance may not levy taxes; grant, renew, or  
467 extend a franchise; regulate the rate charged by any public utility for its services; or  
468 authorize the borrowing of money except for loans to be repaid within 30 days. An  
469 emergency ordinance shall be introduced in the form prescribed for ordinances generally,  
470 except that it shall be plainly designated as an emergency ordinance and shall contain, after  
471 the enacting clause, a declaration stating that an emergency exists and describing the  
472 emergency in clear and specific terms. An emergency ordinance may be adopted, with or  
473 without amendment, or rejected at the meeting at which it is introduced, but the affirmative  
474 vote of at least four councilmembers shall be required for adoption. It shall become  
475 effective upon adoption or at such later time as it may specify. Every emergency ordinance  
476 shall automatically stand repealed 30 days following the date upon which it was adopted,  
477 but this shall not prevent reenactment of the ordinance in the manner specified in this  
478 section if the emergency still exists. An emergency ordinance may also be repealed by  
479 adoption of a repealing ordinance in the same manner specified in this section for adoption  
480 of emergency ordinances.

481 (b) Such meetings shall be open to the public to the extent required by law and notice to  
482 the public of emergency meetings shall be made as fully as is reasonably possible in  
483 accordance with Code Section 50-14-1 of the O.C.G.A. or such other applicable laws as  
484 are or may hereafter be enacted.

485 SECTION 2.24.  
486 Codes of technical regulations.

- 487 (a) The city council may adopt any standard code of technical regulations by reference  
488 thereto in an adopting ordinance. The procedure and requirements governing such  
489 adopting ordinance shall be as prescribed for ordinances generally except that: (1) the  
490 requirements of subsection (b) of Section 2.21 of this charter for distribution and filing of  
491 copies of the ordinance shall be construed to include copies of any code of technical  
492 regulations, as well as the adopting ordinance; and (2) a copy of each adopted code of  
493 technical regulations, as well as the adopting ordinance, shall be authenticated and recorded  
494 by the clerk pursuant to Section 2.25 of this charter.
- 495 (b) Copies of any adopted code of technical regulations shall be made available by the  
496 clerk for inspection by the public.

497 SECTION 2.25.  
498 Signing; authenticating;  
499 recording; codification; printing.

- 500 (a) The clerk shall authenticate by the clerk's signature and record in full in a properly  
501 indexed book kept for that purpose all ordinances adopted by the city council.
- 502 (b) The city council shall provide for the preparation of a general codification of all the  
503 ordinances of the city having the force and effect of law. The general codification shall be  
504 adopted by the city council by ordinance and shall be published promptly, together with  
505 all amendments thereto and such codes of technical regulations and other rules and  
506 regulations as the city council may specify. This compilation shall be known and cited  
507 officially as "The Code of the City of Buckhead City, Georgia." Copies of the code shall

508 be furnished to all officers, departments, and agencies of the city and made available for  
509 purchase by the public at a reasonable price as fixed by the city council.

510 (c) The city council shall cause each ordinance and each amendment to this charter to be  
511 printed promptly following its adoption, and the printed ordinances and charter  
512 amendments shall be made available for purchase by the public at reasonable prices to be  
513 fixed by the city council. Following publication of the first code under this charter and at  
514 all times thereafter, the ordinances and charter amendments shall be printed in substantially  
515 the same style as the code currently in effect and shall be suitable in form for incorporation  
516 therein. The city council shall make such further arrangements as deemed desirable with  
517 reproduction and distribution of any current changes in or additions to codes of technical  
518 regulations and other rules and regulations included in the code.

519 SECTION 2.26.

520 City manager; appointment; qualifications; compensation.

521 The mayor shall appoint a city manager, also known as "the manager," for an indefinite term.  
522 The city council shall fix the manager's compensation. The city manager shall be appointed  
523 solely on the basis of that person's executive and administrative qualifications, and shall  
524 report to and be supervised by the mayor.

525 SECTION 2.27.

526 Removal of city manager.

527 (a) The city council may remove the manager from office in accordance with the following  
528 procedures:

529 (1) The city council shall adopt by affirmative vote of a majority of all its members a  
530 preliminary resolution which must state the reasons for removal and may suspend the

531 manager from duty for a period not to exceed 45 days. A copy of the resolution shall be  
532 delivered promptly to the manager;

533 (2) Within five days after a copy of the resolution is delivered to the manager, the  
534 manager may file with the city council a written request for a public hearing. This  
535 hearing shall be held within 30 days after the request is filed. The manager may file with  
536 the council a written reply not later than five days before the hearing; and

537 (3) If the manager has not requested a public hearing within the time specified in  
538 paragraph (2) of this subsection, the city council may adopt a final resolution for removal,  
539 which may be made effective immediately, by an affirmative vote of a majority of all its  
540 members. If the manager has requested a public hearing, the city council may adopt a  
541 final resolution for removal, which may be made effective immediately, by an affirmative  
542 vote of a majority of all its members at any time after the public hearing.

543 (b) The manager may continue to receive a salary until the effective date of a final  
544 resolution of removal.

545 SECTION 2.28.

546 Acting city manager.

547 By letter filed with the city clerk, the city manager shall designate, subject to approval of the  
548 city council, a qualified city administrative officer to exercise the powers and perform the  
549 duties of city manager during the city manager's temporary absence or physical or mental  
550 disability. During such absence or disability, the city council may revoke such designation  
551 at any time and appoint another officer of the city to serve until the city manager shall return  
552 or the city manager's disability shall cease.

## SECTION 2.29.

## Powers and duties of the city manager.

The city manager shall be the chief administrative officer of the city. The city manager shall be responsible to the city council for the administration of all city affairs placed in the city manager's charge by or under this charter. As the chief administrative officer, the city manager shall:

- (1) Appoint and, when the city manager deems it necessary for the good of the city, suspend or remove all city employees and administrative officers the city manager appoints, except as otherwise provided by law or personnel ordinances adopted pursuant to this charter. The city manager may authorize any department director or administrative officer who is subject to the city manager's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office, or agency;
- (2) Direct and supervise the administration of all departments, offices, and agencies of the city, except as otherwise provided by this charter or by law;
- (3) Attend all city council meetings except for closed meetings held for the purposes of deliberating on the appointment, discipline, or removal of the city manager and have the right to take part in discussion but the city manager may not vote;
- (4) See that all laws, provisions of this charter, and acts of the city council, subject to enforcement by the city manager or by officers subject to the city manager's direction and supervision, are faithfully executed;
- (5) At the direction of the mayor, prepare and submit the annual operating budget and capital budget to the city council;
- (6) Submit to the city council and make available to the public a complete report on the finances and administrative activities of the city as of the end of each fiscal year;



577 (7) Make such other reports as the city council may require concerning the operations  
578 of city departments, offices, and agencies subject to the city manager's direction and  
579 supervision;

580 (8) Keep the city council fully advised as to the financial condition and future needs of  
581 the city, and make such recommendations to the city council concerning the affairs of the  
582 city as the city manager deems desirable; and

583 (9) Perform other such duties as are specified in this charter or as may be required by the  
584 mayor.

585 SECTION 2.30.

586 Council interference with administration.

587 Except for the purpose of inquiries and investigations under Section 2.15 of this charter, the  
588 city council or its members shall deal with city officers and employees who are subject to the  
589 direction and supervision of the city manager solely through the city manager, and neither  
590 the city council nor its members shall give orders to any such officer or employee, either  
591 publicly or privately. The city council shall act in all matters as a body and no member shall  
592 seek individually to influence the official acts of the city manager or any other officer or  
593 employee of the city, or direct or request the appointment of any person to, or his or her  
594 removal from, any office or position of employment, or to interfere in any way with the  
595 performance of the duties by the city manager or other officers or employees.

596 SECTION 2.31.  
597 Election of mayor; forfeiture.

598 The mayor shall be elected at large by the voters of the city and serve for a term of four years  
599 and until a successor is elected and qualified. The mayor shall be a qualified elector of this  
600 city and shall have been a resident of the city for 12 months prior to the date of election. The  
601 mayor shall continue to reside in this city during the period of service. The mayor shall  
602 forfeit the office on the same grounds and under the same procedure as for councilmembers.

603 SECTION 2.32.  
604 Mayor pro tem.

605 The city council at the first regular meeting after the newly elected councilmembers have  
606 taken office following each election shall elect a councilmember to serve as mayor pro tem.  
607 The mayor pro tem shall be elected by a majority vote of the city council. The mayor pro  
608 tem shall serve for a term of two years. The mayor pro tem shall assume the duties and  
609 powers of the mayor during the mayor's physical or mental disability, suspension from office,  
610 or absence. Any such disability of the mayor shall be declared by a majority vote of the city  
611 council. The mayor pro tem shall sign all contracts and ordinances in which the mayor has  
612 a disqualifying financial interest as provided in Section 2.14 of this charter. When acting as  
613 mayor, the mayor pro tem shall be entitled to vote as a member of the council.

614 SECTION 2.33.  
615 Powers and duties of mayor.

616 The mayor shall:

617 (1) Devote a full-time work schedule to the office elected hereto;

- 618 (2) Direct and supervise the city manager;
- 619 (3) Preside at all meetings of the city council;
- 620 (4) Be the head of the city for the purpose of service of process and for ceremonial  
621 purposes, and be the official spokesperson for the city and the chief advocate of policy;
- 622 (5) Have the power to administer oaths and to take affidavits;
- 623 (6) Sign as a matter of course on behalf of the city all written and approved contracts,  
624 ordinances, resolutions, and other instruments executed by the city which by law are  
625 required to be in writing; and
- 626 (7) Perform such other duties as may be required by law, this charter, or by ordinance.

627 ARTICLE III.

628 ADMINISTRATIVE AFFAIRS

629 SECTION 3.10.

630 Administrative and service departments.

- 631 (a) Except as otherwise provided in this charter, the city council by ordinance shall  
632 prescribe the functions or duties and establish, abolish, alter, consolidate, or leave vacant  
633 all nonelective offices, positions of employment, departments, and agencies of the city as  
634 necessary for the proper administration of the affairs and government of this city.
- 635 (b) Except as otherwise provided by this charter or by law, the directors of departments  
636 and other appointed officers of the city shall be appointed solely on the basis of their  
637 respective administrative and professional qualifications.
- 638 (c) All appointed officers and directors of departments shall receive such compensation  
639 as prescribed by ordinance.
- 640 (d) There shall be a director of each department or agency who shall be its principal  
641 officer. Each director shall, subject to the direction and supervision of the city manager,

642 be responsible for the administration and direction of the affairs and operations of that  
643 director's department or agency.

644 (e) All appointed officers and directors under the supervision of the city manager shall be  
645 nominated by the city manager with confirmation of appointment by the city council. All  
646 appointed officers and directors shall be employees at will and subject to removal or  
647 suspension at any time by the city manager unless otherwise provided by law or ordinance.

648 SECTION 3.11.

649 Boards, commissions, and authorities.

650 (a) The city council shall create by ordinance such boards, commissions, and authorities  
651 to fulfill any investigative, quasi-judicial, or quasi-legislative function the city council  
652 deems necessary and shall by ordinance establish the composition, period of existence,  
653 duties, and powers thereof.

654 (b) All members of boards, commissions, and authorities of the city shall be appointed by  
655 the mayor and council for such terms of office and in such manner as shall be provided by  
656 ordinance, except where other appointing authority, terms of office, or manner of  
657 appointment is prescribed by this charter or by law.

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

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

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

665 (f) No member of a board, commission, or authority shall assume office until that person  
666 has executed and filed with the clerk of the city an oath obligating that person to perform

667 faithfully and impartially the duties of that person's office; such oath shall be prescribed  
668 by ordinance and administered by the mayor.

669 (g) All members of boards, commissions, or authorities of the city serve at will and may  
670 be removed at any time by the mayor and council unless otherwise provided by law.

671 (h) Except as otherwise provided by this charter or by law, each board, commission, or  
672 authority of the city shall elect one of its members as chairperson and one member as vice  
673 chairperson and may elect as its secretary one of its own members or may appoint as  
674 secretary an employee of the city. Each board, commission, or authority of the city  
675 government may establish such bylaws, rules, and regulations, not inconsistent with this  
676 charter, ordinances of the city, or law, as it deems appropriate and necessary for the  
677 fulfillment of its duties or the conduct of its affairs. Copies of such bylaws, rules, and  
678 regulations shall be filed with the clerk of the city.

679 SECTION 3.12.

680 City attorney.

681 The mayor and council shall appoint a city attorney, together with such assistant city  
682 attorneys as may be authorized, and shall provide for the payment of such attorney or  
683 attorneys for services rendered to the city. The city attorney shall be responsible for  
684 providing for the representation and defense of the city in all litigation in which the city is  
685 a party; may be the prosecuting officer in the municipal court; shall attend the meetings of  
686 the city council as directed; shall advise the mayor and council and other officers and  
687 employees of the city concerning legal aspects of the city's affairs; and shall perform such  
688 other duties as may be required by virtue of such person's position as city attorney.

689 SECTION 3.13.

690 City clerk.

691 The mayor and council shall appoint a city clerk who shall not be a councilmember. The city  
692 clerk shall be custodian of the official city seal and city records; maintain city council records  
693 required by this charter; and perform such other duties as may be required by the city  
694 council.

695 SECTION 3.14.

696 Position classification and pay plans.

697 The city manager shall be responsible for the preparation of a position classification and pay  
698 plan which shall be submitted to the city council for approval. Such plan may apply to all  
699 employees of the city and any of its agencies, departments, boards, commissions, or  
700 authorities. When a pay plan has been adopted, the city council shall not increase or decrease  
701 the salary range applicable to any position except by amendment of such pay plan. For  
702 purposes of this section, all elected and appointed city officials are not city employees.

703 SECTION 3.15.

704 Personnel policies.

705 All employees serve at will and may be removed from office at any time unless otherwise  
706 provided by ordinance.

707 ARTICLE IV.  
708 JUDICIAL BRANCH

709 SECTION 4.10.  
710 Creation; name.

711 There shall be a court to be known as the Municipal Court of the City of Buckhead City.

712 SECTION 4.11.  
713 Chief judge; associate judge.

714 (a)(1) The municipal court shall be presided over by a chief judge and such part-time,  
715 full-time, or standby judges as shall be provided by ordinance.

716 (2) The chief judge shall serve full time.

717 (3) The mayor shall appoint all judges.

718 (4) The terms of appointment for judges shall be the minimum terms required by law.

719 (b) No person shall be qualified or eligible to serve as a judge on the municipal court  
720 unless that person shall have attained the age of 21 years and shall be a member of the State  
721 Bar of Georgia and shall possess all qualifications required by law. All judges shall be  
722 appointed by the city council and shall serve a term as provided by law and until a  
723 successor is appointed and qualified.

724 (c) Compensation of the judges shall be fixed by ordinance.

725 (d) Judges may be removed from office as provided by law.

726 (e) Before assuming office, each judge shall take an oath, given by the mayor, that such  
727 judge will honestly and faithfully discharge the duties of the judge's office to the best of  
728 the judge's ability and without fear, favor, or partiality. The oath shall be entered upon the  
729 minutes of the city council journal required in Section 2.19 of this charter.

730 SECTION 4.12.

731 Convening.

732 The municipal court shall be convened at regular intervals as provided by ordinance.

733 SECTION 4.13.

734 Jurisdiction; powers.

735 (a) The municipal court shall try and punish violations of this charter, all city ordinances,  
736 and such other violations as provided by law.

737 (b) The municipal court shall have authority to punish those in its presence for contempt,  
738 provided that such punishment shall not exceed \$200.00 or ten days in jail.

739 (c) The municipal court may fix punishment for offenses within its jurisdiction not  
740 exceeding a fine of \$1,000.00 or imprisonment for six months or both such fine and  
741 imprisonment or may fix punishment by fine, imprisonment, or alternative sentencing, as  
742 now or hereafter provided by law.

743 (d) The municipal court shall have authority to establish a schedule of fees to defray the  
744 cost of operation and shall be entitled to reimbursement of the cost of meals, transportation,  
745 and caretaking of prisoners bound over to superior courts for violations of state law.

746 (e) The municipal court shall have authority to establish bail and recognizances to ensure  
747 the presence of those charged with violations before such court and shall have discretionary  
748 authority to accept cash or personal or real property as surety for the appearance of persons  
749 charged with violations. Whenever any person shall give bail for that person's appearance  
750 and shall fail to appear at the time fixed for trial, that person's bond shall be forfeited by  
751 the judge presiding at such time and an execution issued thereon by serving the defendant  
752 and the defendant's sureties with a rule nisi at least two days before a hearing on the rule  
753 nisi. In the event that cash or property is accepted in lieu of bond for security for the



754 appearance of a defendant at trial, and if such defendant fails to appear at the time and  
755 place fixed for trial, the cash so deposited shall be on order of the judge declared forfeited  
756 to the city, or the property so deposited shall have a lien against it for the value forfeited  
757 which lien shall be enforceable in the same manner and to the same extent as a lien for city  
758 property taxes.

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

762 (g) The municipal court may compel the presence of all parties necessary to a proper  
763 disposal of each case by the issuance of summonses, subpoenas, and warrants which may  
764 be served as executed by any officer as authorized by this charter or by law.

765 (h) Each judge of the municipal court shall be authorized to issue warrants for the arrest  
766 of persons charged with offenses against any ordinance of the city, and each judge of the  
767 municipal court shall have the same authority as a magistrate of the state to issue warrants  
768 for offenses against state laws committed within the city.

769 SECTION 4.14.

770 Certiorari.

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

775 SECTION 4.15.

776 Rules for court.

777 With the approval of the city council, the judge shall have full power and authority to make  
778 reasonable rules and regulations necessary and proper to secure the efficient and successful  
779 administration of the municipal court; provided, however, that the city council may adopt in  
780 part or in toto the rules and regulations applicable to municipal courts. The rules and  
781 regulations made or adopted shall be filed with the city clerk, shall be available for public  
782 inspection, and, upon request, a copy shall be furnished to all defendants in municipal court  
783 proceedings at least 48 hours prior to such proceedings.

784 ARTICLE V.

785 ELECTIONS AND REMOVAL

786 SECTION 5.10.

787 Applicability of general law.

788 All primaries and elections shall be held and conducted in accordance with Chapter 2 of  
789 Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended.

790 SECTION 5.11.

791 Regular elections; time for holding.

792 Except as otherwise provided in Article VIII of this charter for the initial elections, there  
793 shall be a municipal general election biennially in odd-numbered years on the Tuesday next  
794 following the first Monday in November. There shall be elected the mayor and three  
795 councilmembers at one election and at every other election thereafter. The remaining three

796 councilmember seats shall be filled at the election alternating with the first election so that  
797 a continuing body is created.

798 SECTION 5.12.  
799 Nonpartisan elections.

800 Political parties shall not conduct primaries for city offices and all names of candidates for  
801 city offices shall be listed without party labels.

802 SECTION 5.13.  
803 Election by majority.

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

805 SECTION 5.14.  
806 Special elections; vacancies.

807 In the event that the office of mayor or councilmember shall become vacant as provided in  
808 Section 2.12 of this charter, the city council or those remaining shall order a special election  
809 to fill the balance of the unexpired term of such official; provided, however, that, if such  
810 vacancy occurs within 12 months of the expiration of the term of that office, the mayor shall  
811 appoint a successor for the remainder of the term. In all other respects, the special election  
812 shall be held and conducted in accordance with Chapter 2 of Title 21 of the O.C.G.A., the  
813 "Georgia Election Code," as now or hereafter amended.

814 SECTION 5.15.  
815 Other provisions.

816 Except as otherwise provided by this charter, the city council shall, by ordinance, prescribe  
817 such rules and regulations as it deems appropriate to fulfill any options and duties under  
818 Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code."

819 SECTION 5.16.  
820 Removal of officers.

821 (a) A councilmember, the mayor, or other appointed officers provided for in this charter  
822 shall be removed from office for any one or more of the causes provided in Title 45 of the  
823 O.C.G.A. or such other applicable laws as are or may hereafter be enacted.

824 (b) Removal of an officer pursuant to subsection (a) of this section shall be accomplished  
825 by one of the following methods:

826 (1) Following a hearing at which an impartial panel shall render a decision. In the event  
827 an elected officer is sought to be removed by the action of the city council, such officer  
828 shall be entitled to a written notice specifying the ground or grounds for removal and to  
829 a public hearing which shall be held not less than ten days after the service of such  
830 written notice. The city council shall provide by ordinance for the manner in which such  
831 hearings shall be held. Any elected officer sought to be removed from office as provided  
832 in this section shall have the right of appeal from the decision of the city council to the  
833 Superior Court of Fulton County. Such appeal shall be governed by the same rules as  
834 govern appeals to the superior court from the probate court; or

835 (2) By an order of the Superior Court of Fulton County following a hearing on a  
836 complaint seeking such removal brought by any resident of the City of Buckhead City.

837 ARTICLE VI.

838 FINANCE

839 SECTION 6.10.

840 Property tax.

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

847 (b) There shall be assessed, levied, and collected an annual ad valorem tax for the support  
848 of public schools and for educational purposes, at the millage rate determined by the board  
849 of education of the Atlanta Independent School System, to be billed and collected as other  
850 ad valorem taxes are billed and collected in accordance with this charter, the basis for the  
851 billing and collection of such tax to be the millage as set forth in an annual written request  
852 signed by the president of said board of education together with a certified copy of said  
853 board's budget and filed with the governing authority, the format and time of annual filing  
854 of such request to be the only action by the governing authority of the city necessary to  
855 levy such tax annually. All revenue derived from such school and educational ad valorem  
856 tax shall be paid into the treasury of the city and shall be remitted monthly to said board  
857 of education free from any charge except the direct cost of collecting such tax.

858 SECTION 6.11.

859 Millage rate; due dates; payment methods.

860 The city council by ordinance shall establish a millage rate for the city property tax for  
861 municipal purposes, a due date, and the time period within which these taxes must be paid,  
862 provided that such millage rate shall not exceed 7.85 mills. The city council by ordinance  
863 may provide for the payment of these taxes by installments or in one lump sum, as well as  
864 authorize the voluntary payment of taxes prior to the time when due. The millage rate cap  
865 provided by this section shall not apply to:

866 (1) Any ad valorem taxes levied by the city to repay any bonds issued pursuant to this  
867 charter or state law;

868 (2) Any ad valorem taxes levied by the city to repay any obligations of the city of Atlanta  
869 that the city assumes pursuant to this charter or by operation of state law; or

870 (3) Any ad valorem taxes for educational purposes levied by the city on behalf the  
871 Atlanta Independent School System.

872 SECTION 6.12.

873 Occupation and business taxes.

874 The city council by ordinance shall have the power to levy such occupation or business taxes  
875 as are not denied by law. The city council may classify businesses, occupations, or  
876 professions for the purpose of such taxation in any way which may be lawful and may  
877 compel the payment of such taxes as provided in Section 6.18 of this charter.

878 SECTION 6.13.

879 Licenses; permits; fees.

880 The city council by ordinance shall have the power to require businesses or practitioners  
881 doing business in this city to obtain a permit for such activity from the city and pay a  
882 regulatory fee for such permit as provided by general law. Such fees shall reflect the total  
883 cost to the city of regulating the activity and, if unpaid, shall be collected as provided in  
884 Section 6.18 of this charter.

885 SECTION 6.14.

886 Franchises.

887 (a) The city council shall have the power to grant franchises for the use of this city's streets  
888 and alleys for the purposes of railroads, street railways, telephone companies, electric  
889 companies, electric membership corporations, cable television and other  
890 telecommunications companies, gas companies, transportation companies, and other  
891 similar organizations. The city council shall determine the duration, terms, whether the  
892 same shall be exclusive or nonexclusive, and the consideration for such franchises;  
893 provided, however, that no franchise shall be granted for a period in excess of 35 years and  
894 no franchise shall be granted unless the city receives just and adequate compensation  
895 therefor. The city council shall provide for the registration of all franchises with the city  
896 clerk in a registration book kept by the city clerk. The city council may provide by  
897 ordinance for the registration within a reasonable time of all franchises previously granted.  
898 (b) If no franchise agreement is in effect, the city council has the authority to impose a tax  
899 on gross receipts for the use of this city's streets and alleys for the purposes of railroads,  
900 street railways, telephone companies, electric companies, electric membership

901 corporations, cable television and other telecommunications companies, gas companies,  
902 transportation companies, and other similar organizations.

903 SECTION 6.15.

904 Service charges.

905 The city council by ordinance shall have the power to assess and collect fees, charges, and  
906 tolls for services provided or made available within and outside the corporate limits of the  
907 city for the total cost to the city of providing or making available such services. If unpaid,  
908 such charges shall be collected as provided in Section 6.18 of this charter.

909 SECTION 6.16.

910 Special assessments.

911 The city council by ordinance shall have the power to assess and collect the cost of  
912 constructing, reconstructing, widening, or improving any public way, street, sidewalk,  
913 curbing, gutters, sewers, or other utility mains and appurtenances from the abutting property  
914 owners. If unpaid, such charges shall be collected as provided in Section 6.18 of this charter.

915 SECTION 6.17.

916 Construction; other taxes.

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



## 920 SECTION 6.18.

## 921 Collection of delinquent taxes and fees.

922 The city council by ordinance may provide generally for the collection of delinquent taxes,  
923 fees, or other revenue due the city under Sections 6.10 through 6.17 of this charter by  
924 whatever reasonable means as are not precluded by law. This shall include providing for the  
925 dates when the taxes or fees are due; late penalties or interest; issuance and execution of  
926 fi. fas.; creation and priority of liens; making delinquent taxes and fees personal debts of the  
927 persons required to pay the taxes or fees imposed; revoking city permits for failure to pay any  
928 city taxes or fees; and providing for the assignment or transfer of tax executions.

## 929 SECTION 6.19.

## 930 General obligation bonds.

931 The city council shall have the power to issue bonds for the purpose of raising revenue to  
932 carry out any project, program, or venture authorized under this charter or the laws of the  
933 state. Such bonding authority shall be exercised in accordance with the laws governing bond  
934 issuance by municipalities in effect at the time said issue is undertaken.

## 935 SECTION 6.20.

## 936 Revenue bonds.

937 Revenue bonds may be issued by the city council as state law now or hereafter provides.  
938 Such bonds are to be paid out of any revenue produced by the project, program, or venture  
939 for which they were issued.

940 SECTION 6.21.

941 Short-term loans.

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

944 SECTION 6.22.

945 Lease-purchase contracts.

946 The city may enter into multiyear lease, purchase, or lease-purchase contracts for the  
947 acquisition of goods, materials, real and personal property, services, and supplies, provided  
948 the contract terminates without further obligation on the part of the municipality at the close  
949 of the calendar year in which it was executed and at the close of each succeeding calendar  
950 year for which it may be renewed. Contracts must be executed in accordance with the  
951 requirements of Code Section 36-60-13 of the O.C.G.A., or other such applicable laws as are  
952 or may hereafter be enacted.

953 SECTION 6.23.

954 Fiscal year.

955 The city council shall set the fiscal year by ordinance. This fiscal year shall constitute the  
956 budget year and the year for financial accounting and reporting of each and every office,  
957 department, agency, and activity of the city government.

958 SECTION 6.24.

959 Budget ordinance.

960 The city council shall provide an ordinance on the procedures and requirements for the  
961 preparation and execution of an annual operating budget, a capital improvement plan, and  
962 a capital budget, including requirements as to the scope, content, and form of such budgets  
963 and plans. The city council shall also comply with the budgeting and auditing provisions of  
964 Chapter 81 of Title 36 of the O.C.G.A.

965 SECTION 6.25.

966 Operating budget.

967 On or before a date fixed by the city council but not later than 60 days prior to the beginning  
968 of each fiscal year, the city manager shall submit to the city council a proposed operating  
969 budget for the ensuing fiscal year. The budget shall be accompanied by a message from the  
970 city manager containing a statement of the general fiscal policies of the city, the important  
971 features of the budget, explanations of major changes recommended for the next fiscal year,  
972 a general summary of the budget, and other pertinent comments and information. The  
973 operating budget and the capital budget provided for in Section 6.29 of this charter, the  
974 budget message, and all supporting documents shall be filed in the office of the city clerk and  
975 shall be open to public inspection.

976 SECTION 6.26.

977 Action by city council on budget.

978 (a) The councilmembers may amend the operating budget proposed by the mayor, except  
979 that the budget as finally amended and adopted must provide for all expenditures required

980 by state law or by other provisions of this charter and for all debt service requirements for  
981 the ensuing fiscal year. The total appropriations from any fund shall not exceed the  
982 estimated fund balance, reserves, and revenues.

983 (b) The city council by ordinance shall adopt the final operating budget for the ensuing  
984 fiscal year not later than December 15 of each year. If the city council fails to adopt the  
985 budget by said date, the amounts appropriated for operation for the then current fiscal year  
986 shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all  
987 items prorated accordingly, until such time as the city council adopts a budget for the  
988 ensuing fiscal year. Adoption of the budget shall take the form of an appropriations  
989 ordinance setting out the estimated revenues in detail by sources and making appropriations  
990 according to fund and by organizational unit, purpose, or activity as set out in the budget  
991 preparation ordinance adopted pursuant to Section 6.24 of this charter.

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

996 SECTION 6.27.

997 Levy of taxes.

998 The city council shall levy by ordinance such taxes as are necessary. The taxes and tax rates  
999 set by such ordinance shall be such that reasonable estimates of revenues from such levy  
1000 shall at least be sufficient, together with other anticipated revenues, fund balances, and  
1001 applicable reserves, to equal the total amount appropriated for each of the several funds set  
1002 forth in the annual operating budget for defraying the expenses of the general government  
1003 of this city.

1004 SECTION 6.28.  
1005 Changes in appropriations.

1006 The city council by ordinance may make changes in the appropriations contained in the  
1007 current operating budget at any regular meeting or special or emergency meeting called for  
1008 such purpose, but any additional appropriations may be made only from an existing  
1009 unexpended surplus.

1010 SECTION 6.29.  
1011 Capital improvements.

1012 (a) On or before the date fixed by the city council, but not later than 60 days prior to the  
1013 beginning of each fiscal year, the mayor shall submit to the city council a proposed capital  
1014 improvements plan with a recommended capital budget containing the means of financing  
1015 the improvements proposed for the ensuing fiscal year. The city council shall have power  
1016 to accept, with or without amendments, or reject the proposed plan and budget. The city  
1017 council shall not authorize an expenditure for the construction of any building, structure,  
1018 work, or improvement unless the appropriations for such project are included in the capital  
1019 budget, except to meet a public emergency as provided in Section 2.23 of this charter.

1020 (b) The city council shall adopt by ordinance the final capital budget for the ensuing fiscal  
1021 year not later than December 15 of each year. No appropriation provided for in a prior  
1022 capital budget shall lapse until the purpose for which the appropriation was made shall  
1023 have been accomplished or abandoned; provided, however, that the mayor may submit  
1024 amendments to the capital budget at any time during the fiscal year, accompanied by  
1025 recommendations. Any such amendments to the capital budget shall become effective only  
1026 upon adoption by ordinance.

1027 SECTION 6.30.

1028 Audits.

1029 There shall be an annual independent audit of all city accounts, funds, and financial  
1030 transactions by a certified public accountant selected by the city council. The audit shall be  
1031 conducted according to generally accepted auditing principles. Any audit of any funds by  
1032 the state or federal governments may be accepted as satisfying the requirements of this  
1033 charter. Copies of annual audit reports shall be available at printing costs to the public.

1034 SECTION 6.31.

1035 Procurement and property management.

1036 No contract with the city shall be binding on the city unless:

1037 (1) It is in writing;

1038 (2) It is drawn by or submitted and reviewed by the city attorney and, as a matter of  
1039 course, is signed by the city attorney to indicate such drafting or review; and

1040 (3) It is made or authorized by the city council and such approval is entered in the city  
1041 council journal of proceedings pursuant to Section 2.19 of this charter.

1042 SECTION 6.32.

1043 Purchasing.

1044 The city council shall by ordinance prescribe procedures for a system of centralized  
1045 purchasing for the city.

1046 SECTION 6.33.

1047 Sale and lease of property.

1048 (a) The city council may sell and convey or lease any real or personal property owned or  
1049 held by the city for governmental or other purposes as now or hereafter provided by law.

1050 (b) The city council may quitclaim any rights it may have in property not needed for public  
1051 purposes upon report by the mayor and adoption of a resolution, both finding that the  
1052 property is not needed for public or other purposes and that the interest of the city has no  
1053 readily ascertainable monetary value.

1054 (c) Whenever in opening, extending, or widening any street, avenue, alley, or public place  
1055 of the city a small parcel or tract of land is cut off or separated by such work from a larger  
1056 tract or boundary of land owned by the city, the city council may authorize the mayor to  
1057 sell and convey said cut-off or separated parcel or tract of land to an abutting or adjoining  
1058 property owner or owners where such sale and conveyance facilitates the highest and best  
1059 use of the abutting owner's property. Included in the sales contract shall be a provision for  
1060 the rights of way of said street, avenue, alley, or public place. Each abutting property  
1061 owner shall be notified of the availability of the property and given the opportunity to  
1062 purchase said property under such terms and conditions as set out by ordinance. All deeds  
1063 and conveyances heretofore and hereafter so executed and delivered shall convey all title  
1064 and interest the city has in such property, notwithstanding the fact that no public sale after  
1065 advertisement was or is hereafter made.

1066 SECTION 6.34.

1067 Apportionment of revenue.

1068 Except as otherwise agreed pursuant to Chapter 70 of Title 36 of the O.C.G.A.:

1069 (a) For the year 2025, the City of Atlanta's collection of ad valorem taxes shall constitute  
1070 payment in full for services other than water and sewer services delivered to customers  
1071 sited within the City of Buckhead City; and

1072 (b) The City of Atlanta may retain those fees, assessments, fines, and forfeitures associated  
1073 with those actual services it provided during the transition period and prior to the takeover  
1074 of services by the City of Buckhead City; and

1075 (c) Through the end of the transition period and thereafter, the City of Buckhead City shall  
1076 pay only for the actual cost of services provided by the City of Atlanta. Such services  
1077 provided after December 30, 2024, shall be subject to an independent audit before  
1078 payment.

1079 **ARTICLE VII.**  
1080 **GENERAL PROVISIONS**

1081 **SECTION 7.10.**  
1082 **Bonds for officials.**

1083 The officers and employees of this city, both elected and appointed, shall execute such surety  
1084 or fidelity bonds in such amounts and upon such terms and conditions as the city council  
1085 shall from time to time require by ordinance or as may be provided by law.

1086 **SECTION 7.11.**  
1087 **Construction and definitions.**

1088 (a) Section captions in this charter are informative only and are not to be considered as a  
1089 part thereof.

1090 (b) The word "shall" is mandatory and the word "may" is permissive.



1091 (c) The singular shall include the plural, the masculine shall include the feminine, and vice  
 1092 versa.

1093 ARTICLE VIII.  
 1094 REFERENDUM AND INITIAL ELECTIONS

1095 SECTION 8.10.  
 1096 Referendum and initial election.

1097 (a) The election superintendent of Fulton County shall call a special election for the  
 1098 purpose of submitting this Act to the qualified voters of the proposed City of Buckhead  
 1099 City for approval or rejection. The superintendent shall set the date of such election for the  
 1100 Tuesday after the first Monday in November, 2024. The superintendent shall issue the call  
 1101 for such election at least 30 days prior to the date thereof. The superintendent shall cause  
 1102 the date and purpose of the election to be published once a week for two weeks  
 1103 immediately preceding the date thereof in the official organ of Fulton County. The ballot  
 1104 shall have written or printed thereon the words:

1105 "( ) YES Shall the Act incorporating the City of Buckhead City in Fulton County  
 1106 ( ) NO according to the charter contained in the Act be approved?"

1107 All persons desiring to vote for approval of the Act shall vote "Yes," and those persons  
 1108 desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes  
 1109 cast on such question are for approval of the Act, it shall become of full force and effect  
 1110 as provided in Section 8.11 of this charter, otherwise it shall be void and of no force and  
 1111 effect. The initial expense of such election shall be borne by Fulton County. Within two  
 1112 years after the elections if the incorporation is approved, the City of Buckhead City shall  
 1113 reimburse Fulton County for the actual cost of printing and personnel services for such  
 1114 election and for the initial election of the mayor and councilmembers pursuant to this

1115 charter. It shall be the duty of the superintendent to hold and conduct such election. It  
1116 shall be his or her further duty to certify the result thereof to the Secretary of State.

1117 (b) For the purposes of the referendum election provided for in subsection (a) of this  
1118 section and for the purposes of the special election of the City of Buckhead City to be held  
1119 on the third Tuesday of March, 2025, the qualified electors of the City of Buckhead City  
1120 shall be those qualified electors of Fulton County residing within the corporate limits of the  
1121 City of Buckhead City as described by Appendix A of this charter. At subsequent  
1122 municipal elections, the qualified electors of the City of Buckhead City shall be determined  
1123 pursuant to the authority of Chapter 2 of Title 21 of the O.C.G.A. known as the "Georgia  
1124 Election Code."

1125 (c) Only for the purposes of holding and conducting the referendum election provided for  
1126 in subsection (a) of this section and holding the special election of the City of Buckhead  
1127 City to be held on the third Tuesday of March, 2025, the election superintendent of Fulton  
1128 County is vested with the powers and duties of the election superintendent of the City of  
1129 Buckhead City and the powers and duties of the governing authority of the City of  
1130 Buckhead City.

1131 SECTION 8.11.

1132 Effective dates and transition.

1133 (a) The provisions of this Act necessary for the referendum election provided for in  
1134 Section 8.10 of this charter shall become effective immediately upon this Act's approval  
1135 by the Governor or upon its becoming law without such approval, provided that an Act  
1136 amending an Act to provide a new charter for the City of Atlanta, approved April 15, 1996  
1137 (Ga. L. 1996, p. 4469), as amended, is enacted in the 2024 regular session of the General  
1138 Assembly providing for the deannexation of the territory provided for in Appendix A of

1139 this Act from the City of Atlanta; if such deannexation Act is not so approved, this Act  
1140 shall not become effective and shall be automatically repealed on January 1, 2025.

1141 (b) Those provisions of this Act necessary for the special primary and special election  
1142 provided for in Section 8.13 of this charter shall be effective upon the certification of the  
1143 results of the referendum election provided for by Section 8.10 of this charter if this Act  
1144 is approved at such referendum election.

1145 (c) Except as provided in Section 8.10 of this charter, the remaining provisions of this Act  
1146 shall become of full force and effect for all purposes at 12:00 Midnight on June 30, 2025,  
1147 except that the initial mayor and councilmembers shall take office immediately following  
1148 their election and by action of a quorum may prior to 12:00 Midnight on June 30, 2025,  
1149 meet and take actions binding on the city.

1150 (d) A period of time will be needed for an orderly transition of various government  
1151 functions from the City of Atlanta to the City of Buckhead City. Accordingly there shall  
1152 be a transition period beginning on the date the initial mayor and councilmembers take  
1153 office under this charter, and ending at 12:00 Midnight on December 31, 2025. During  
1154 such transition period, all provisions of this charter shall be effective as law, but not all  
1155 provisions of this charter shall be implemented.

1156 (e) During such transition period, the City of Atlanta shall continue to provide within the  
1157 territorial limits of the City of Buckhead City all government services and functions which  
1158 the City of Atlanta provided in that area during the years 2023 and 2024 and at the same  
1159 actual cost, except to the extent otherwise provided in this section; provided, however, that  
1160 upon at least 60 days' prior written notice to the City of Atlanta by the City of Buckhead  
1161 City, responsibility for any such service or function shall be transferred to the City of  
1162 Buckhead City. For the year 2025, the City of Atlanta's collection of ad valorem taxes  
1163 shall constitute payment in full for services other than water and sewer services delivered  
1164 to customers sited within the City of Buckhead City, and the City of Atlanta may retain  
1165 those fees, assessments, fines, and forfeitures associated with those actual services it

1166 provided during the transition period and prior to the takeover of services by the City of  
1167 Buckhead City. Through the end of the transition period and thereafter, the City of  
1168 Buckhead City shall pay only for the actual cost of services provided by the City of  
1169 Atlanta. Such services provided after December 30, 2024, shall be subject to an  
1170 independent audit before payment. The City of Buckhead City shall collect taxes, fees,  
1171 assessments, fines and forfeitures, and other moneys within the territorial limits of the city  
1172 in the same manner as authorized immediately prior to the effective date of this section.

1173 (f) During the transition period, the governing authority of the City of Buckhead City:

1174 (1) Shall hold regular meetings and may hold special meetings as provided in this  
1175 charter;

1176 (2) May enact ordinances and resolutions as provided in this charter;

1177 (3) May amend this charter by home rule action as provided by general law;

1178 (4) May accept gifts and grants;

1179 (5) May borrow money and incur indebtedness to the extent authorized by this charter  
1180 and general law;

1181 (6) May levy and collect an ad valorem tax for calendar years 2025 and 2026;

1182 (7) May establish a fiscal year and budget;

1183 (8) May create, alter, or abolish departments, boards, offices, commissions, and agencies  
1184 of the city; appoint and remove officers and employees; and exercise all necessary or  
1185 appropriate personnel and management functions; and

1186 (9) May generally exercise any power granted by this charter or general law, except to  
1187 the extent that a power is specifically and integrally related to the provision of a  
1188 governmental service, function, or responsibility not yet provided or carried out by the  
1189 city.

1190 (g) Except as otherwise provided in this section, during the transition period, the  
1191 Municipal Court of the City of Buckhead City may exercise its jurisdiction. During the  
1192 transition period, all ordinances of the City of Atlanta on non-transferred services shall be

1193 applicable within the territorial limits of the City of Buckhead City and the appropriate  
1194 court or courts of the City of Atlanta shall retain jurisdiction to enforce such ordinances.  
1195 However, by mutual agreement and concurrent resolutions and ordinances if needed the  
1196 City of Atlanta and the City of Buckhead City may during the transition period transfer all  
1197 or part of such regulatory authority and the appropriate court jurisdiction to the City of  
1198 Buckhead City. Any transfer of jurisdiction to the City of Buckhead City during or at the  
1199 end of the transition period shall not in and of itself abate any judicial proceeding pending  
1200 in the City of Atlanta or the pending prosecution of any violation of any ordinance of the  
1201 City of Atlanta.

1202 (h) During the transition period, the governing authority of the City of Buckhead City may  
1203 at any time, without the necessity of any agreement by the City of Atlanta, commence to  
1204 exercise its planning and zoning powers; provided, however, that the City of Buckhead  
1205 City shall give the City of Atlanta notice of the date on which the City of Buckhead City  
1206 will assume the exercise of such powers. Upon the governing authority of the City of  
1207 Buckhead City commencing to exercise its planning and zoning powers, the Municipal  
1208 Court of the City of Buckhead City shall immediately have jurisdiction to enforce the  
1209 planning and zoning ordinances of the City of Buckhead City. The provisions of this  
1210 subsection shall control over any conflicting provisions of any other subsection of this  
1211 section.

1212 (i)(1) To the extent that the City of Atlanta has obligations outstanding under general  
1213 obligation bonds, lease purchase agreements, and intergovernmental contracts executed  
1214 in connection with the issuance of revenue bonds on the effective date of this charter, the  
1215 City of Buckhead City by operation of this charter, to the maximum extent permitted by  
1216 the Georgia Constitution and general law, shall assume a pro rata share of such  
1217 outstanding obligations.

1218 (2) The City of Buckhead City by operation of this charter, to the maximum extent  
1219 permitted by the Georgia Constitution and general law, shall also assume a pro rata share

1220 of any lease purchase obligations and intergovernmental contract obligations outstanding  
1221 on the effective date of this charter if the creation of the City of Buckhead City causes  
1222 the City of Atlanta to lose revenues that had historically been used to pay such  
1223 obligations.

1224 (3) The City of Buckhead City by operation of this charter, to the maximum extent  
1225 permitted by the Georgia Constitution and general law, shall also remain contingently  
1226 obligated on its pro rata share of unassumed lease purchase obligations and  
1227 intergovernmental contract obligations in the event that the revenues used to pay such  
1228 obligations are insufficient to pay the same.

1229 (4) For the purpose of calculating the City of Buckhead City's pro rata share of any bond  
1230 obligations provided for in this subsection, such share shall be equal to the value of the  
1231 City of Buckhead City's ad valorem property tax digest for tax year 2026 divided by the  
1232 value of the City of Atlanta's ad valorem property tax digest for tax year 2025.

1233 (5) There is hereby created a special taxing district that shall be coterminous with the city  
1234 limits of the City of Buckhead City, as provided for in Appendix A of this charter. Such  
1235 special district shall be known as the "Buckhead Taxing District." The City of Buckhead  
1236 City shall levy and collect a special tax in the Buckhead Taxing District sufficient to pay  
1237 its share of the obligations provided for in this subsection.

1238 (j) Effective upon the termination of the transition period, subsections (b) through (h) of  
1239 this section shall cease to apply except for the last sentence of subsection (g) which shall  
1240 remain effective. Effective upon the termination of the transition period, the City of  
1241 Buckhead City shall be a full functioning municipal corporation and subject to all general  
1242 laws of this state.

1243 SECTION 8.12.  
1244 Directory nature of dates.

1245 It is the intention of the General Assembly that this Act be construed as directory rather than  
1246 mandatory with respect to any date prescribed in this Act. If it is necessary to delay any  
1247 action called for in this Act for providential cause or any other reason, it is the intention of  
1248 the General Assembly that the action be delayed rather than abandoned. Any delay in  
1249 performing any action under this Act, whether for cause or otherwise, shall not operate to  
1250 frustrate the overall intent of this Act. Without limiting the generality of the foregoing it is  
1251 specifically provided that:

1252 (1) If it is not possible to hold the referendum election provided for in Section 8.10 of  
1253 this charter on the date specified in that section, then such referendum shall be held as  
1254 soon thereafter as is reasonably practicable; and

1255 (2) If it is not possible to hold the first election provided for in Section 8.13 of this  
1256 charter on the date specified in that section, then there shall be a special primary and a  
1257 special election for the initial members of the governing authority to be held as soon  
1258 thereafter as is reasonably practicable, and the commencement of the initial terms of  
1259 office shall be delayed accordingly.

1260 SECTION 8.13.  
1261 Special election.

1262 (a) The first election for mayor and councilmembers shall be a special election held on the  
1263 third Tuesday of March, 2025. At such election, the first mayor and councilmembers shall  
1264 be elected to serve for the initial terms of office specified in subsections (b) and (c) of this  
1265 section. Thereafter, the time for holding regular municipal elections shall be on the  
1266 Tuesday next following the first Monday in November of each odd-numbered year

1267 beginning in 2025. The successors to the first mayor and initial councilmembers and future  
1268 successors shall take office at the first organizational meeting in January immediately  
1269 following their election and shall serve for terms of four years and until their respective  
1270 successors are elected and qualified.

1271 (b) Three initial councilmembers shall serve a term of office of two years and until their  
1272 respective successors are elected and qualified. The other three initial councilmembers  
1273 shall serve a term of office of four years and until their respective successors are elected  
1274 and qualified. Thereafter, successors to such initial members shall serve four-year terms  
1275 of office and until their respective successors are elected and qualified.

1276 (c) The mayor of the City of Buckhead City shall be elected by a majority vote of the  
1277 qualified electors of the city at large. The mayor shall serve a term of four years and until  
1278 his or her successor is elected and qualified and successors to the mayor shall serve  
1279 four-year terms of office and until their successors are elected and qualified.

1280

## ARTICLE IX.

1281

## GENERAL REPEALER

1282

## SECTION 9.10.

1283

## General repealer.

1284 All laws and parts of laws in conflict with this Act are repealed.



1285

## APPENDIX A

1286

## LEGAL DESCRIPTION

1287

## CITY OF BUCKHEAD CITY, GEORGIA

1288 User: SD053

1289 Plan Name: BuckheadCity-Corp-2022

1290 Plan Type: Local

1291 District BUCKHEADCITY

1292 County Fulton GA

1293 VTD 06I

1294 VTD 06N

1295 VTD 06Q

1296 VTD 07A

1297 VTD 07B

1298 VTD 07C

1299 VTD 07D

1300 VTD 07E

1301 VTD 07F

1302 VTD 07H

1303 VTD 07J

1304 VTD 07M

1305 VTD 07N

1306 VTD 08A

1307 VTD 08B

1308 VTD 08C  
1309 VTD 08D  
1310 VTD 08E  
1311 VTD 08F1  
1312 VTD 08F2  
1313 VTD 08G  
1314 VTD 08H  
1315 VTD 08J  
1316 VTD 08K  
1317 VTD 08L  
1318 VTD 08M  
1319 VTD 08N1  
1320 VTD 08N2  
1321 VTD 09A  
1322 Block 008906:  
1323 2004 2007 2009  
1324 VTD 09F

1325 For the purposes of such plan, BuckheadCity-Corp-2022:

1326 (1) The term "VTD" shall mean and describe the same geographical boundaries as  
1327 provided in the report of the Bureau of the Census for the United States decennial census  
1328 of 2020 for the State of Georgia. The separate numeric designations in a district  
1329 description which are underneath a "VTD" heading shall mean and describe individual  
1330 blocks within a VTD as provided in the report of the Bureau of the Census for the United  
1331 States decennial census of 2020 for the State of Georgia; and  
1332 (2) Except as otherwise provided in the description of any district, whenever the  
1333 description of any district refers to a named city, it shall mean the geographical

- 1334 boundaries of that city as shown on the census maps for the United States decennial  
1335 census of 2020 for the State of Georgia.

1336  
1337 User: SD053  
1338 Plan Name: BuckheadCity-Districts-2022  
1339 Plan Type: Local  
  
1340 District 001  
1341 County Fulton GA  
1342 VTD 07D  
1343 Block 009601:  
1344 2000 2001 2002 2003 2004 2005 2006  
1345 VTD 08A  
1346 VTD 08B  
1347 VTD 08C  
1348 VTD 08D  
1349 VTD 08F1  
1350 Block 009803:  
1351 1010  
1352 Block 009900:  
1353 2007 2009 2010 2011 2012  
1354 VTD 08M  
1355 Block 009504:  
1356 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011  
1357 1012 1013 1014 1015 1016  
1358 VTD 08N1  
  
1359 District 002  
1360 County Fulton GA

1361 VTD 07A  
1362 VTD 07B  
1363 VTD 07C  
1364 Block 009410:  
1365 2000  
1366 Block 009607:  
1367 1000 1001 1002 3000 3003 3004 3005  
1368 Block 010007:  
1369 1003 1004 1005 1008 1009 1010 1011 1012 1013 2000 2001 2006  
1370 2007  
  
1371 District 003  
1372 County Fulton GA  
1373 VTD 06I  
1374 VTD 06Q  
1375 VTD 07E  
1376 VTD 07F  
1377 Block 009409:  
1378 2004 2008  
1379 Block 009606:  
1380 1007 1008 1009 1010 1011 1014 1018 1022  
1381 VTD 07M  
1382 VTD 07N  
  
1383 District 004  
1384 County Fulton GA  
1385 VTD 07C

1386 Block 009410:  
1387 1003  
1388 Block 009606:  
1389 1000 1001 1005 1006  
1390 Block 009607:  
1391 2000 2001 2002 2003 3001 3002 3006 3007  
1392 VTD 07D  
1393 Block 009409:  
1394 2000 2001  
1395 Block 009601:  
1396 1000 1001 1002 1003 1004 1005  
1397 Block 009605:  
1398 1000 1001 1002 1003 1004 1005 1006 2000 2001 2002 2003 3000  
1399 3001 3002 3003 3004  
1400 Block 009606:  
1401 1002 1003 1004 1012 1013 1015 1016 1017 1019 1020 1021  
1402 VTD 07F  
1403 Block 009302:  
1404 1000  
1405 Block 009604:  
1406 1000 1001 1002 2000 2001 2002 3000 3001 3002 3003 3004 3005  
1407 3006 3007 3008 3009 3010 4000 4001 4002 4003 4004 4005  
1408 VTD 07H  
1409 Block 009301:  
1410 2000 2009 2010 2011 2012 2013 2014  
1411 Block 009302:  
1412 1001 1002 1003 1004 1005 1006 1007

1413 VTD 08G  
1414 VTD 08M  
1415 Block 009501:  
1416 2000 2001 2002 2003 2004 2007 2011 2012 2013 2014  
1417 Block 009504:  
1418 2000

1419 District 005  
1420 County Fulton GA  
1421 VTD 06N  
1422 VTD 07H  
1423 Block 009301:  
1424 1002 2001 2002 2003 2004 2005 2006 2007 2008  
1425 VTD 07J  
1426 VTD 08H  
1427 VTD 08K  
1428 VTD 08L

1429 District 006  
1430 County Fulton GA  
1431 VTD 08E  
1432 VTD 08F1  
1433 Block 009804:  
1434 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011  
1435 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 2000  
1436 2001 2002 2003 2004  
1437 VTD 08F2

1438 VTD 08J

1439 VTD 08N2

1440 VTD 09A

1441 Block 008906:

1442 2004 2007 2009

1443 VTD 09F



1444

APPENDIX C

1445

CERTIFICATE AS TO MINIMUM STANDARDS

1446

FOR INCORPORATION OF A NEW MUNICIPAL CORPORATION

1447 I, Senator Randy Robertson, Georgia State Senate from the 29th District and the author of  
 1448 this bill introduced at the 2023 session of the General Assembly of Georgia, which grants an  
 1449 original municipal charter to the City of Buckhead City, do hereby certify that this bill is in  
 1450 compliance with the minimum standards required by Chapter 31 of Title 36 of the O.C.G.A.  
 1451 in that the area embraced within the original incorporation in this bill is in all respects in  
 1452 compliance with the minimum standards required by Chapter 31 of Title 36 of the O.C.G.A.  
 1453 This certificate is executed to conform to the requirements of Code Section 36-31-5 of the  
 1454 O.C.G.A.

1455 So certified this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

1456

\_\_\_\_\_

1457

1458

Honorable Randy Robertson

1459

Senator, 29th District

1460

Georgia State Senate