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Subpart A CHARTER

Subpart A CHARTER ⁽¹⁾

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Editor's note— Printed in subpart A is the Atlanta City Charter, as adopted by 1996 Ga. Laws, page 4469. Amendments to the Charter are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original Charter. The location in session laws, when known, of ordinance amendments to the Charter is indicated in tables following amended provisions. Obvious misspellings have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines and citations to state statutes and session laws has been used. Additions made for clarity are indicated by brackets. ([Back](#))

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BILL OF RIGHTS

BILL OF RIGHTS

The council, mayor and all departments of government of the City of Atlanta shall be guided by the provisions of this Bill of Rights:

1. *Religion and Conscience.* The City of Atlanta shall not interfere with the freedom of each person in the city to follow the dictates of his or her own conscience concerning religious worship, nor shall the city support any religion.
2. *Speech, Assembly and Press.* The City of Atlanta shall not interfere with the rights of freedom of speech, of freedom of the press, to petition the government, or of peaceable assembly.
3. *Unreasonable Searches and Seizures.* The City of Atlanta shall not authorize any unreasonable search or seizure.
4. *Nondiscrimination.* The City of Atlanta shall not, directly or indirectly, discriminate among persons because of race, color, creed, religion, sex, domestic relationship status, parental status, familial status, sexual orientation, national origin, political affiliation, gender identity or racial profiling. Nothing herein shall prevent the City of Atlanta from remedying present discrimination or the present effects of past discrimination by a race-conscious affirmative action program which is in compliance with the Constitution and laws of the United States of America and the State of Georgia.
5. *Environmental Protection.* The City of Atlanta shall promote the right of the people to clean air, pure water, freedom from excessive and unnecessary noise, and the natural, scenic, historic and aesthetic qualities of the environment.

(1996 Ga. L. (Act No. 1019), p. 4469; Ord. No. 2001-13, § 1, 2-13-01)

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ARTICLE 1. NAME, POWERS, AND BOUNDARIES

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Section 1-101. Name.

The name of the city shall be the "City of Atlanta" which shall be a municipal corporation of the State of Georgia with perpetual duration.

(1996 Ga. L. (Act No. 1019), p. 4469)

Section 1-102. Powers.

- (a) The City of Atlanta (hereinafter at times referred to as "city") shall be the legal continuation of and successor to said city as heretofore incorporated; and may contract and be contracted with; may sue and be sued, and plead and be impleaded in all courts of law and equity and in all action whatsoever, and do all other acts relating to its corporate capacity; may purchase, lease or otherwise acquire such property, real and personal, as may be devised, bequeathed, sold or in any manner conveyed or dedicated to or otherwise acquired by it, and from time to time may hold or invest, lease, sell or dispose of any such property; and shall have and use an official seal.
- (b) The city shall have all powers necessary and proper to promote the safety, health, peace, and general welfare of the city and its inhabitants.
- (c) The city shall have all powers now vested in the city and now or hereafter granted to municipal corporations by the laws of Georgia and shall have the power to do the following:
 - (1) To levy and to provide for the assessment, valuation, revaluation, and collection of taxes on all property subject to taxation;
 - (2) To levy and provide for the collection of license fees and taxes on privileges, occupations, trades, and professions, not in conflict with the general law of this state, and to license and regulate such privileges, occupations, trades, and professions and to provide for the manner and method of payment of such licenses and taxes;
 - (3) To assess, charge, and collect rentals, interests, fees, penalties, fines, and costs; to assess and collect fees, charges, and tolls for sewer and water services under such rules and regulations prescribed by ordinance; to levy and collect garbage, trash, refuse, and rubbish collection service charges and sanitary taxes under such rules and regulations as prescribed by ordinance; to collect income on investments and to accept funds, services, or property from other political subdivisions and public agencies, either local, state, or national, and from private persons, firms, or corporations;
 - (4) To make appropriations for the support of the government of the city, to authorize the expenditure of money for any purposes authorized by this Charter and for any purpose for

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which a municipality is authorized by the laws of the State of Georgia, and to provide for the payment of expenses of the city;

- (5) To appropriate and borrow money to provide for payment of the debts of the city and to issue bonds for the purpose of raising revenue to carry out any project, program, or venture authorized under this Charter or the general laws of the state; provided, however, such bonding authority shall be exercised in accordance with the laws governing the issuance of bonds by municipalities;
- (6) To acquire, dispose of, and hold in trust or otherwise any real, personal, or mixed property, or any interest therein, inside or outside the corporate boundaries of the city and to dispose of said property or any interest therein by sale, lease, or easement;
- (7) To accept or refuse gifts, donations, bequests, or grants from any source for any purpose related to the powers and duties of the city and the general welfare of its citizens, on such terms and conditions as the donor or grantor may impose;
- (8) To condemn property, inside or outside the corporate boundaries of the city, for present or future use, and for any corporate purpose deemed necessary by the council, under Title 22 of the O.C.G.A., as now or hereafter amended, including but not limited to an Act approved Feb. 20, 1945 (Ga. L. 1945, p. 690), granting to the city a fee simple title to property condemned upon payment of the condemnation of money, or under other applicable state Acts, including but not limited to an Act of the General Assembly of Georgia, approved March 2, 1953 (Ga. L. 1953, Jan.-Feb. Sess., p. 360), as now or hereafter amended, and Section 6 of an Act of the General Assembly of Georgia, approved March 7, 1955 (Ga. L. 1955, p. 3025, Sec. 6). The city may also condemn any real property or interest therein necessary for the collection, conveyance, treatment and disposal of sewage, and other sanitary purposes both inside and outside the city, including but not limited to the waters known as Tanyard Branch and adjacent land. In addition, the city shall be authorized to construct water and sewer utility lines through private property by condemnation or agreement; provided, however, that the condemnation of an existing public use shall be denied unless it can be shown that the specific property to be condemned is absolutely essential to the condemning authority and the use to be condemned does not materially impair the existing public use;
- (9) To acquire, lease, construct, operate, maintain, regulate, control, sell, and dispose of public utilities, including but not limited to a system of waterworks, sewers and drains, sewage disposal, natural gas systems, electrical power systems, transportation facilities, airports, and any other public utility inside and outside the corporate limits; to fix the taxes, charges, rates, fares, fees, assessments, regulations, and liens, penalties, and withdrawal of service for refusal or failure to pay same and the manner in which such remedies shall be enforced, provided liens shall be enforced in the same manner and with the same remedies as a lien for city property taxes; to assess the cost or a portion of the cost of such facilities and services against abutting property under such rules, procedures, terms, and conditions of payment and enforcement thereof as provided by ordinance.
- (10) To grant franchises or make contracts for public utilities and public services as provided by law. The council may prescribe the rates, fares, regulations, and standards and conditions of service applicable to the service to be provided by the franchise grantee or contractor, insofar as not in conflict with such regulations by the Public Service Commission, and may grant franchises and rights-of-way throughout the streets and roads, and over the bridges and viaducts, for the use of public utilities; the council may extend, renew, or amend a franchise at any time by mutual agreement of the parties and by adoption thereof by the council at two consecutive meetings. In all other cases, the council shall have no authority or power to grant, consent to, or permit the extension, removal, or change of the term for which franchises have been or may be granted or in any way to extend or renew the time for which permission has been or may be given to

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occupy the streets and public places, except and only during the 12 months immediately preceding the expiration of the term of such franchises and permit; and all extensions and renewals made in violation of this section shall be void;

- (11) To lay out, open, extend, widen, narrow, establish or change the grade of, vacate, abandon, or close, construct, pave, repave, curb, gutter, adorn with shade trees, otherwise improve, maintain, repair, clean, prevent erosion of, and light streets, alleys, sidewalks, and walkways within the corporate limits of the city; to acquire land for such improvements and to assess the cost or a portion of the cost of payment and enforcement thereof against abutting property under such rules, procedures, terms, and conditions as provided by ordinance;
- (12) To undertake and expend tax or nontax funds to foster mutual understanding, tolerance, respect, and improvement of human relations among all citizens of the city;
- (13) To establish and fix a system of grading and draining of the streets of the city; and to cause the owners of lots or cellars to drain or fill the same to the level of the streets or alleys upon which said lots or cellars are located. After reasonable notice, the city shall be authorized to have said lots or cellars so drained or filled and the amount so expended collected by executions against the owner or occupant thereof;
- (14) To acquire, lease, construct, operate, maintain, regulate, control, sell, and dispose of public ways, parks, public grounds, cemeteries, markets, and market houses, public buildings, libraries, airports, auditoriums, and charitable, educational, recreational, conservation, sport, curative, corrective, detentional, penal, and medical institutions, agencies, and facilities; and any other public improvements, inside or outside the corporate limits of the city; and to regulate the use thereof, and for such purposes, property may be acquired by condemnation under Title 22 of the O.C.G.A., as now or hereafter amended, or other applicable public Acts, or under any power or procedure of eminent domain now or hereafter provided by the General Assembly of Georgia;
- (15) To require estate owners to repair and maintain in a safe condition the sidewalks adjoining their lots or lands; and to enact ordinances establishing the term and conditions under which such repairs and maintenance shall be effected, including the penalties to be imposed for failure to do so;
- (16) To regulate the erection and construction of buildings and all other structures; to adopt building, housing, plumbing, electrical, gas, and heating and air conditioning codes and to regulate all housing, building, and building trades; to license all building trades; and to license the construction and erection of buildings and all other structures;
- (17) To regulate or prohibit junk dealers; to regulate and control billiard rooms; to regulate and control pawnshops; to regulate the manufacture, sale, or transportation of intoxicating liquors; to regulate the use and sale of firearms; and to regulate the transportation, storage, and use of combustible, explosive, and inflammable materials, the use of lighting and heating equipment, and any other business or situation which may be dangerous to persons or property;
- (18) To regulate and control the conduct of peddlers, and itinerant trades, theatrical performances, exhibitions, or shows of any kind whatever, by taxation or otherwise;
- (19) To license, tax, regulate, or prohibit professional fortunetelling or palmistry;
- (20) To prohibit or regulate and control the erection, removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any and all other structures or obstructions upon or adjacent to the rights-of-way of streets and roads or within view thereof, within or abutting the corporate limits of the city, and to prescribe penalties and punishment for violation of such ordinances;

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- (21) To prescribe standards of safety and sanitation and to provide for the enforcement of such standards;
- (22) To regulate emission of smoke or other exhaust which pollutes the air and to prevent the pollution of natural streams which flow within the corporate limits of the city;
- (23) To fix and establish fire limits and from time to time extend, enlarge, or restrict same; to prescribe fire safety regulations not inconsistent with general law, relating to both fire prevention and detection and to fire fighting, and to prescribe penalties and punishment for violation thereof;
- (24) To provide for the destruction and removal of any building or other structure which may or might become dangerous or detrimental to the public;
- (25) To provide for the collection and disposal of garbage, rubbish, and refuse and to regulate the collection and disposal of garbage, rubbish, and refuse by others; and to provide for the separate collection of glass, tin, aluminum, cardboard, paper, and other recyclable materials and to provide for the sale of such items; and to establish and operate incinerators for the purpose of disposal of garbage and other refuse of the city;
- (26) To levy, fix, assess, and collect a garbage, refuse, and trash collection and disposal and other sanitary service charge, tax, or fee for such services as may be necessary in the operation of the city from all individuals, firms, and corporations residing in or doing business therein benefiting from such services; to enforce the payment of such charges, taxes, or fees and to provide for the manner and method of collecting such service charges, provided that any such charges, taxes, or fees, if unpaid, shall constitute a debt which shall be subject to a lien against any property of persons served, which lien shall be enforceable in the same manner, and under the same remedies, as a lien for city property taxes;
- (27) To levy a fee, charge, or sewer tax as necessary to assure the acquiring, constructing, equipping, operating, maintaining, and extending of a sewage disposal plant and sewage system and to levy on the users of sewers and the sewerage system a sewer service charge, fee, or sewer tax for the use of the sewers; and to provide for the manner and method of collecting such service charges and for enforcing payment of same;
- (28) To charge, impose, and collect a sewer connection fee or fees and to change the same from time to time; such fees to be levied on the users connecting with the sewerage system;
- (29) To define, regulate, and prohibit any act, practice, conduct, or use of property which is detrimental, or likely to be detrimental, to the health, sanitation, cleanliness, welfare, and safety of the inhabitants of the city and to provide for the enforcement of such standards;
- (30) To define a nuisance in the city and to provide for its abatement; to cause nuisances which are likely to endanger the health of the city or any neighborhood therein to be abated in an summary manner at the expense of the party whose act or negligence caused such nuisance, or of the owner of the property upon which the same may be located, as the council shall elect. The council may provide by ordinance for any building, structure, or condition maintained in violation of any valid law of this state or any valid ordinance of the city to be adjudged a nuisance and for its abatement at the owner's expense upon failure or refusal to abate the same within ten days after written notice and hearing from the city to do so, said expense to be a lien upon the property for which execution may issue as for property taxes;
- (31) To provide for the preservation and protection of property and equipment of the city and the administration and use of same by the public and to prescribe penalties and punishment for violations thereof;
- (32) To establish minimum standards for, and to regulate building construction and repair, electrical wiring and equipment, gas installation and equipment, plumbing, and housing for the health,

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sanitation, cleanliness, welfare, and safety of inhabitants of the city and to provide for the enforcement of such standards; to require adequate fire escapes on buildings; and to regulate or restrict smoking in public places, dangerous substances, and weapons;

- (33) To provide that persons given jail sentences in the municipal court shall work out such sentences in any public works or on the public streets of the city as provided by ordinance; or the council may provide for the commitment of city prisoners to any county or other correctional institution, to jail, or to any other government agency, by agreement with the appropriate county officers or any other government agencies; or the council may provide programs of conditional leave or furlough persons given sentences by any court prior to completion of such sentences;
- (34) To adopt ordinances and regulations for the prevention and punishment of disorderly conduct, public drunkenness, and disturbing the peace in the corporate limits of the city and to prohibit the playing of lotteries, except as otherwise authorized under the Constitution and general laws of this state, and to prohibit and regulate by ordinance such other conduct and activities within said city which, while not constituting an offense against the laws of this state, is deemed by the council to be detrimental and offensive to the peace and good order of the city or to the welfare of the citizens thereof;
- (35) To regulate and license, or prohibit, the keeping or running at large of animals and fowl and to provide for the impoundment of same in violation of any ordinance or lawful orders; also to provide for their disposition, by sale, gift, or humane destruction, when not redeemed as provided by ordinance; to provide for the location, use, and cleanliness of private stables; to forbid the erection of such stables when they are likely to be injurious to the health of citizens; and to provide punishment for violation of ordinances enacted hereunder;
- (36) To regulate and license vehicles operated for hire in the city; to limit the number of such vehicles; to require the operators thereof to be licensed; to require public liability insurance on such vehicles in amounts prescribed by ordinance; to regulate and rent parking spaces in public ways for the use of such vehicles; to regulate transportation lines and terminals, pedestrian and vehicle traffic, parking, and common carriers;
- (37) To regulate the operation of motor vehicles and exercise control over all traffic, including parking, upon or across the streets, roads, alleys, and walkways of the city;
- (38) To provide that upon the conviction of the violation of any ordinance, rule, regulation, or order such person shall be punished as provided by ordinance but not exceeding any limitations now or hereafter prescribed by the Charter;
- (39) To develop for park or recreational purposes land adjacent to the banks of rivers, creeks, and other streams in counties of which the city is a part, which is now owned by the city or which may be dedicated or otherwise acquired by it for such purposes; and to solicit and accept grants of land adjacent to said banks and use the same for such purpose; and to abate in any manner provided by law any pollution of said rivers, creeks, or other streams caused by deleterious substances such as sewage of any kind, brush, logs, or other deleterious matter or things; and any of such pollution shall constitute a nuisance;
- (40) To levy taxes and to make appropriations for the purpose of advertising the city, its advantages, and resources, so as to bring new capital, commercial, manufacturing, and other enterprises into the city, and also to levy taxes and to make payment from the general revenues and funds of the city for the support of libraries;
- (41) To regulate and control streets, public alleys, and ways and the uses thereof; and to negotiate and execute leases over, through, under, or across any city property or the right-of-way of any public street, public alley, or way or portion thereof for bridges, passageways, or any other purpose or use between buildings on opposite sides of the street and other bridges,

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overpasses, and underpasses for private use at such locations; and to charge a rental therefor in such manner as may be provided by ordinance;

- (42) To regulate land use by the adoption of zoning ordinances, planning ordinances, and other regulatory ordinances. This power to regulate land use shall include authority to identify, nominate, designate, and regulate historic zones or areas, whether such zones or areas are individual buildings, structures, or sites, or are combinations of buildings, structures, or sites, so as to promote the public health, safety, and morality, and the educational, aesthetic, cultural, economic, and general welfare of the city, by preserving and protecting historic buildings, structures, and sites and combinations thereof. It shall also include authority to empower the Atlanta Urban Design Commission to: prepare inventories and conduct studies and surveys; prepare and promulgate administrative design criteria for historic zones or areas; apply for and use public or private funds; hold public hearings; review urban design aspects, including works of art, of public projects and private projects impacting public property; identify, nominate, and make recommendations regarding historic zones or areas; prohibit or authorize, conditionally or otherwise, construction, demolition or alteration within or of designated historic zones or areas and issue permits relative thereto; and in connection therewith, may form a three-person panel of real estate and economic experts to render decisions and advice regarding economic hardships affecting historic properties; administer Atlanta's historic preservation regulations; promulgate administrative rules governing the commission's operating procedures; and perform other similar historic preservation and urban design functions. It shall also include authority to provide for appeals of final decisions of the urban design commission to the Superior Court of Fulton County;
- (43) To engage the necessary personnel to administer and enforce ordinances, rules, and regulations adopted by the council;
- (44) To inspect, weigh, measure, and otherwise regulate any products grown, mined, manufactured, or otherwise produced or acquired;
- (45) To regulate by licenses, bonds, permits, or otherwise, or restrict, the manufacture, sale, lease, rental, use, or solicitation of any real or personal property and the presentation of any services or spectator activities;
- (46) To regulate or restrict through permits, fees, codes, review boards, or otherwise the construction, use, and maintenance of real or personal property and the emission and disposal thereon or therefrom of any substance that tends to pollute land, water, or air;
- (47) To enforce city ordinances outside the city limits along and for 50 feet on all sides of transportation lines in unincorporated Fulton County and to the end of transportation lines, except as to railroads, along and for 300 feet on all sides of city water mains and along and for ten feet on all sides of the city sewer lines and sewage treatment property;
- (48) To make contracts for and to accept grants-in-aid and loans from the federal, state, city, and county governments and their authorities and other agencies for constructing, expanding, examining, and operating any project or facility or performing any function, which the city may be authorized by law to provide or perform;
- (49) To provide for post entry training, blanket surety bonds, federal social security, and other employee services;
- (50) To establish a civil defense plan for the continuity of city government in the event of any enemy attack or other emergency;
- (51) To grant to city police officers the same power in the unincorporated areas of Fulton County to make arrests, to execute and return all criminal warrants and processes, and exercise other powers as peace officers as sheriffs have;

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- (52) To build, repair, or put in a safe condition a bridge or the approaches thereto across tracks and roadbeds at the expense, with interest and cost, of a railroad or railroad company in the case of the latter's failure after reasonable notice to do so when the council shall have declared the same necessary for the protection of human life. Execution may issue therefor, as other executions are issued by the city, and be levied on any property of such railroad or railroad company; and such execution shall bear interest at the rate of 7 percent per annum; provided, however, that nothing in this paragraph shall require railroads or railroad companies to build bridges otherwise than is required by the general laws of this state, or the Charter of such railroad companies, respectively, except in all cases in which a public street was in existence before the tracks of any such railroad or railroad companies were laid or placed across any such public streets;
- (53) Group life insurance for all officers and employees of the City of Atlanta and the Atlanta Board of Education shall be managed by a board of trustees consisting of 18 trustees, whose initial terms of office shall commence on the third Thursday in March, 1978. Twelve trustees shall be elected for staggered terms of four years as follows: Two by employees of the City of Atlanta's Department of Public Works, two by employees of the City of Atlanta's Department of Public Safety, six by officers and employees of the Atlanta Board of Education and two by officers and employees of the City of Atlanta outside the departments, bureaus, and offices set forth above. In February, 1980, and February of each even-numbered year thereafter, an election shall be held to fill the vacancies of those trustees whose terms expire on the third Thursday of March of each such year. For the initial election of said trustees, that trustee of the two trustees elected by employees of the department of public works who receives the larger number of votes from said employees shall serve for a term of four years, with the trustee who receives the fewer number of votes from said employees serving for a term of two years. That trustee of the two trustees elected by employees of the department of public safety who receives the larger number of votes from said employees shall serve for a term of four years, with the trustee who receives the fewer number of votes from said employees serving for a term of two years. Those three trustees of the six trustees elected by officers and employees of the Atlanta Board of Education who receive the largest number of votes from said officers and employees shall serve for terms of four years, with those three trustees who receive the fewest votes from said officers and employees serving for terms of two years. That trustee of the two trustees elected by officers and employees of other departments, bureaus, and offices who receives the larger number of votes from said officers and employees shall serve for a term of four years, with the trustee who receives the fewer number of votes from said officers and employees serving for a term of two years. One trustee shall be elected as chairperson of the board, and one trustee shall be elected as vice-chairperson of the board for terms of two years by the 12 elected members of the board of trustees from among their number, provided that said chairpersonship and vice-chairpersonship shall be held by a representative of City of Atlanta officers and employees and a representative of the Atlanta Board of Education officers and employees on an alternating basis. If said chairperson or vice-chairperson is a licensed insurance agent or counselor, he or she shall not be affiliated with any insurance company with which the board of trustees shall maintain insurance coverage for its officers and employees. The remaining six trustee positions shall be ex officio, nonvoting positions and shall be filled by the city's chief financial officer, who also shall serve as secretary-treasurer of said board, director of purchasing and real estate, and commissioner of the department of personnel and human resources, and the Atlanta Board of Education's comptroller, purchasing agent, and director of the department of personnel and human resources. Said board shall be required to meet at least twice each year. A majority of the voting members shall constitute a quorum for meeting purposes. Said board shall have the power to adopt bylaws putting into effect these provisions and other provisions relating to meetings of the board, the filling of vacancies occurring on said board, and such other matters pertaining to the management of group insurance as may properly come under its supervision. Said board, exclusive of those trustees representing

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officers and employees of the Atlanta Board of Education, shall also manage the hospitalization and major medical insurance for the officers and employees of the City of Atlanta, including the power to adopt bylaws relating to meetings, election of officers, and such other matters relating to the management of group hospitalization and major medical insurance as may properly come under its supervision;

- (54) To make, ordain, and establish such bylaws, ordinances, rules, and regulations as shall appear necessary for the security, welfare, convenience, and interest of the city and the inhabitants thereof and for preserving the health, peace, order, and good government of the city;
- (55) To establish procedures for determining and proclaiming that an emergency situation exists inside or outside the city, and to make and carry out all reasonable provisions deemed necessary to deal with or meet such an emergency for the protection, safety, health, or well-being of the citizens of the city;
- (56) To exercise and enjoy all other powers, functions, rights, privileges, and immunities necessary or desirable to promote or protect the safety, health, peace, security, good order, comfort, convenience, morals, and general welfare of the city and its inhabitants; to exercise all implied powers necessary to carry into execution all powers granted in this Charter, as fully and completely as if such powers were fully enumerated herein; to exercise all powers now or in the future authorized to be exercised by other municipal government under the Constitution and general laws of the State of Georgia, and to do, perform, and render (or refrain therefrom) all things necessary or convenient to the carrying out of the objects of the powers, duties, and requirements set forth anywhere in this Charter. No enumeration of particular powers in this Charter shall be held to be exclusive of others, nor restrictive of general words and phrases granting powers, but shall be held to be in addition to such powers unless expressly prohibited to cities under the Constitution or applicable public laws;
- (57) To appropriate moneys from the general fund for the purchase of evidence and the purchase of information by law enforcement officers of the city in the performance of their official duties;
- (58) To exercise the power and to provide services in the area of public housing; to make appropriations and to authorize the expenditure of funds for such purposes; and to provide a definition of public housing;
- (59) To cooperate or join, by contract or otherwise, with other cities, with the state or nation, or other governmental bodies, singly or jointly, or in districts or associations, for promoting or carrying out any of the powers of the city for the sharing of tax base or revenue with other governments, for agreements concerning allocation of taxes among other governments to the extent such allocation is or becomes authorized under the Constitution of Georgia, or for the acquisition, construction, or operation of any works, plants, or structures convenient or necessary for carrying out any of the purposes or objects authorized by this Charter;
- (60) To transfer or consolidate functions of the city government to or with appropriate functions of the state, county, or other municipal government, or to make use of such functions of the state, county, or other municipal government and, in the case of any such transfer or consolidation, the provisions of this Charter and code of ordinances providing for the function of the city government so transferred or consolidated shall be deemed suspended during the continuation of such transfer or consolidation to the extent that such suspension is made necessary or convenient by said transfer or consolidation and is set forth in the contract or other document establishing such transfer or consolidation.
- (61) To establish one or more special districts within which commercial property owners may voluntarily consent to the installation of energy and water conservation improvements and to the imposition of a fee, tax or assessment which may be assigned through contract with the city's development authority or downtown development authority in order to provide financing for the

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installation or modification of improvements that reduce energy or water consumption or provide improvements that produce energy from renewable resources; to provide for the imposition of liens and penalties for failure to pay the fee, tax or assessment, provided that such liens shall be enforced in the same manner and with the same remedies as a lien for city property taxes and shall be co-equal and on a parity basis with other municipal taxes. Any fee, tax or assessment shall be collected by Fulton County in the same manner, and on the same dates as other taxes, fees and assessments levied by the City of Atlanta.

(1996 Ga. L. (Act No. 1019), p. 4469; Ord. No. 1996-54, § 1, 7-8-96; Ord. No. 2012-52(12-O-1615), § 1, 12-12-12)

Section 1-103. Legislative powers.

- (a) All legislative powers of the city are hereby vested in the council (hereinafter at times referred to as the "governing body"), except those powers specifically reserved in this Charter to the electors of the city. The power to levy, assess, and provide for the collection of all taxes and fees authorized to be levied, assessed, and collected by the city by general law and this Charter shall be vested in the council.
- (b) The council shall adopt and provide for the execution of such ordinances, resolutions and rules, not inconsistent with this Charter as shall be necessary or proper for the purpose of carrying into effect the powers and duties conferred by this Charter and may enforce all ordinances by imposing penalties and fines for the violation thereof not to exceed a \$1000 fine or six months' imprisonment, or both.

(1996 Ga. L. (Act No. 1019), p. 4469)

Section 1-104. Executive powers.

All executive and administrative powers of the city are hereby vested in the mayor and such other administrative officers, departments and agencies created or continued by this Charter or now or hereafter established by ordinance.

(1996 Ga. L. (Act No. 1019), p. 4469)

Section 1-105. Boundaries.

The corporate boundaries of the city shall be the same as those of the City of Atlanta as provided by law and existing on the effective date of this Charter, or as hereafter lawfully changed. The municipal clerk shall maintain a current map and written legal description indicating the boundaries and council districts of the city.

(1996 Ga. L. (Act No. 1019), p. 4469)

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CHAPTER 1. THE COUNCIL

CHAPTER 1. THE COUNCIL

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Section 2-101. Composition; term of office.

Effective with the regular municipal elections of November, 1997, the qualified electors of the city shall elect 15 representatives, in accordance with the provisions of this Charter, to serve as a city council. Twelve representatives shall be elected from 12 individual council districts apportioned in accordance with the provisions of this Charter. Three representatives shall be elected at-large and shall represent residency posts as follows: Post 1 which shall consist of contiguous Council Districts 1 through 4; Post 2 which shall consist of contiguous Council Districts 5 through 8; and Post 3 which shall consist of contiguous Council Districts 9 through 12. At-large representatives must be residents of the residency posts from which they are elected.

(1996 Ga. L. (Act No. 1019), p. 4469)

Section 2-102. Qualifications.

(a) To qualify for election as a councilmember, a person:

- (1) Must be at least 18 years of age;
- (2) Must be a resident of the city and of the council district from which he or she seeks to qualify for at least one year immediately preceding the date of his or her filing of notice of candidacy to seek office;
- (3) Must be a qualified elector of the city; and
- (4) Must not be an employee of the city.

(b) To hold office as a councilmember, a person:

- (1) Must continue to possess the qualifications prescribed in subsection (a) of this section;
- (2) Must, if elected from one council district or residency post, continue to reside in the same council district or post from which elected; and
- (3) Must not hold any other elective public office.

(c) The one-year residency requirement as provided in subparagraph (a)(2) herein shall not be applicable to persons seeking election to the council if this Charter is amended by the General Assembly reapportioning council districts of the city. Under such circumstances, persons seeking election to the council must have been a resident of the city and the council district from which he or she seeks to qualify for at least six months.

(d) The council shall be the judge of the qualifications of its members.

(e) Whenever the terms "reside", "residence", or "residency" appear in this section, the same shall be interpreted to mean his or her domicile.

(1996 Ga. L. (Act No. 1019), p. 4469; Ord. No. 2000-14, § 1, 3-15-00)

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Section 2-201. Election; term.

The president of the council shall be elected from the city at-large for a term of four years commencing on the first Monday in January after each regular municipal election as provided in this Charter and shall serve until his or her successor has taken office.

(1996 Ga. L. (Act No. 1019), p. 4469)

Section 2-202. Qualifications.

(a) To qualify for election as president of the council, a person:

- (1) Must be at least 18 years of age;
- (2) Must be a resident of the city for at least one year immediately preceding the date of his or her filing of notice of candidacy to seek office;
- (3) Must be a qualified elector of the city; and
- (4) Must not be an employee of the city.

(b) To hold office as president of the council, a person:

- (1) Must continue to possess the qualifications prescribed in [section 2-202\(a\)](#); and
- (2) Must not hold any elective public office.

(1996 Ga. L. (Act No. 1019), p. 4469)

Section 2-203. Powers and duties; limitations.

(a) The president of the council:

- (1) Shall preside at meetings of the council but shall not be a member of that body;
- (2) Shall vote only in the case of a tie vote of the council;
- (3) Shall appoint the members and chairpersons of such committees as may be established by the council pursuant to its rules, and fill vacancies therein, provided any such appointments shall be subject to rejection by a majority vote of the total membership of the council; and the president of the council shall not be a member of any said committees;
- (4) Shall exercise all powers and discharge all duties of the mayor in the case of a vacancy in the office of mayor or during the disability of the mayor;

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- (5) Shall be authorized to compel the attendance of councilmembers by subpoena, subject to the rules of council;
 - (6) Shall have such further powers and perform such other duties consistent with law as may be provided by ordinance or resolution of council; and
 - (7) May speak to any pending matter before the council but shall not introduce ordinances or resolutions.
- (b) If the president speaks to a matter pending before the council, the president shall temporarily relinquish his or her role as presiding officer to the president pro tempore while speaking to such matter.
- (c) If the president of the council exercises the powers and discharges the duties of the mayor as provided in subsection (a) herein, he or she shall not exercise any of the powers and duties enumerated herein.

(1996 Ga. L. (Act No. 1019), p. 4469)

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CHAPTER 3. ORGANIZATION, RULES, OFFICERS AND EMPLOYEES

[Section 2-301. Organizational meeting; oath of office; mandatory training.](#)

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[Section 2-308. Staff of council and president of the council.](#)

Section 2-301. Organizational meeting; oath of office; mandatory training.

- (a) *Organizational meeting.* The council shall meet for organization in the council chamber, or any other designated public place, on the first Monday in January following each regular election, or, if such Monday is a legal holiday, then on the next following day not a legal holiday.
- (b) *Oath of office.* At such organizational meeting, the mayor, president of the council, and councilmembers shall take and subscribe before a judge of the superior court, or any official authorized to administer oaths, the following oath of office: "I do solemnly swear (or affirm) that I will faithfully discharge the duties of the [mayor, president of the council, councilmember] City Council of the City of Atlanta, Georgia. I will not knowingly permit my vote to be influenced by fear, favor, affection, or reward, and in all things pertaining to my office. I will be governed by the public good and the interests of the City. I will observe the provisions of the Charter, ordinances, and regulations of the City of Atlanta, and I will support and defend the Constitutions of the State of Georgia and the United States of America. I am not the holder of any office of trust under the government of the United States, any other state, or any foreign state which I am prohibited from holding by the laws of the State of Georgia; I am not the holder of any unaccounted-for public money due this state or any political subdivision or authority thereof; I have been a resident of the City of Atlanta [and Council District] and am otherwise qualified to hold this office by the Constitution and laws of this State and the Charter and ordinances of the City of Atlanta, so help me God."
- (c) *Mandatory training.* The mayor, president of the council, and councilmembers shall, following each regular Municipal General Election or such election held in place thereof, attend a mandatory training session that shall include, but not be limited to, matters of campaign and financial disclosure requirements, standards of conduct, ethics code and the legislative process.
 - (1) The Municipal Clerk, shall hold, or cause to be held, a training session for all current and newly elected city of Atlanta officials that shall include, but not be limited to, matters of campaign and financial disclosure requirements, standards of conduct, ethics code, and the legislative process. Said training session shall be offered on two separate dates, but no later than July 1 of the year following each municipal general election or no later than 60 days following any election held in lieu thereof, and no later than 60 days following a Special Election held to fill a vacancy in office. Persons required to attend shall be present at the entirety of a session, or at a combination of the offered sessions whereby all training modules designated for the particular

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office held are covered. Attendance as noted shall be mandatory. Each official shall be required to sign an affidavit stating that he/she has completed training, with said affidavit to be certified by the Clerk or the Clerk's designee.

- (2) Any official required to attend who has not completed the mandatory training by the end of the second available training session, shall be deemed non-compliant and shall be immediately fined \$50.00. An additional \$100.00 fine shall continuously be assessed each non-compliant official, every 30 days after the date of non-compliance in which an official has not paid the assessed fine or received a waiver and completed a makeup training session as outlined in subsections (c)(5) and (6) of this section.
- (3) All payments of fines shall be paid to the City of Atlanta and shall be submitted to the Municipal Clerk, or designee who shall then record that the fine has been received and forward each payment to the Chief Financial Officer.
- (4) Immediately following the second offered training session, and if necessary upon the assessment of further fines, the Municipal Clerk shall notify, by certified mail, each official who has not completed mandatory training that he or she is in non-compliance of the law and of the penalty thereby imposed. The Clerk shall simultaneously notify the Chief Financial Officer of the City, the President of Council and the Chairperson of the Committee on Council of any official's non-compliance. However, failure of receipt of such notification does not relieve the official of the obligation to attend the mandatory training and to pay the assessed fine.
- (5) Any non-compliant official may submit, through the Chair of the Committee on Council, a written appeal to the Council requesting a waiver of the assessed fine. Supporting evidence of the reason(s) of his/her non-compliance must be presented in the appeal. If due cause is shown, the Council may adopt a resolution, by majority vote, to waive the fine.
- (6) In all such cases, whether the assessed fine is paid or waived, any non-compliant official shall be required to attend a make-up training session scheduled by appointment with the Municipal Clerk. Such session may be provided through a videotaped session, but shall cover in its entirety all required training modules. The non-compliant official's signed affidavit of completion of training and the Clerk's or the Clerk's designee's certification of same, shall be required to avoid further assessments of fines. There shall be no waiver of training attendance granted under any circumstances.
- (7) The Municipal Clerk shall develop, or cause to be developed, a manual detailing all of the above.

(1996 Ga. L. (Act No. 1019), p. 4469; Ord. No. 2002-55, §§ 1, 2, 6-20-02; Ord. No. 2005-86, § 1, 11-30-05; Ord. No. 2010-08(10-O-0313), §§ 1, 2, 3-9-10)

Section 2-302. Rules; quorum; voting.

- (a) The council shall by ordinance adopt and publish rules to govern its proceedings and transaction of business consistent with the provisions of this Charter.
- (b) A majority of the councilmembers, excluding the president, shall constitute a quorum, but a smaller number may adjourn from time to time and may compel the attendance of absent members. The council may by ordinance provide methods to compel the attendance of its members and to punish for the violation thereof.
- (c) The affirmative vote of a majority of the councilmembers shall be required for the transaction of business and the passage of ordinances and resolutions, except as otherwise provided by law. Where no quorum can be assembled except by the filling of vacancies, a smaller number of

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members may transact business by a majority vote of members present to the extent necessary to fill such vacancies in the membership of the council as provided in this Charter and by law. Should the number of vacancies in the membership of the council be one-half or greater than its total membership, the remaining members of the council shall cause to be called a special election to fill such vacancies.

- (d) No member of the council, or the president of the council, shall vote on matters involving the consideration of his or her own conduct, which would inure to his or her financial or personal interests, or which would be a conflict of interest as provided in Chapter 4 of [Article 5](#) herein or by ordinance. Prior to the vote being taken, such member of council shall publicly state the nature of his or her interest in the matter from which he or she is abstaining from voting. Additionally, such member of the council shall disclose such interest in writing, via the submission of an electronic form prescribed by the board of ethics upon his or her recognition of said conflicts.
- (e) No councilmember present at a meeting of a quorum of the city council shall abstain from voting for any reason other than those provided herein; this requirement shall not apply to meetings of council committees.

(1996 Ga. L. (Act No. 1019), p. 4469; Ord. No. 1999-37, § 1, 3-9-99; Ord. No. 2006-60, § 1, 9-13-06)

Section 2-303. Meetings.

- (a) The rules of the council shall provide for the time and place of holding regular meetings, which shall be held at least twice each month on the first and third Monday with the exception of April, August and December. If such Monday is a legal holiday, then the meeting shall be held on the next day not a legal holiday. For good cause shown, the council may reschedule a regular Monday council meeting to another day, provided that notice pursuant to O.C.G.A. § 50-14-1 is given. The council shall be in recess during the first cycle of committee and council meetings in April and August and the second cycle of committee and council meetings in December of each year.
- (b) Special meetings of the council may be called by the president of the council or mayor and shall be called by the president upon the written demand of at least seven members of the council. Notice of any special meeting shall be made as provided by Code Section 50-14-1 of the O.C.G.A., as now or hereafter amended. No business may be transacted at such special meeting other than that specified in the call and notice of such meeting.
- (c) All meetings of the council and of the committees and of every agency, board, commission and authority, or similar body of the city, shall be public in the same manner and to the same extent as required by the Chapter 14 of Title 50 of the O.C.G.A., relating to open and public meetings, as now or hereafter amended. Any person shall have access to the minutes and records thereof at reasonable times in the same manner and to the same extent as required by Article 4 of Chapter 18 of Title 50 of the O.C.G.A., relating to inspection of public records, as now or hereafter amended.
- (d) The council and its committees shall provide a reasonable opportunity for the public to be heard during its meetings. The council shall prescribe rules and regulations for the receipt of such comments from the public.
- (e) The council shall hold one public hearing in conjunction with an annual budget hearing to receive comments from citizens concerning city services, notice of which shall be published in a newspaper of general circulation in the city at least seven days prior to the date set therefor.

(1996 Ga. L. (Act No. 1019), p. 4469; Ord. No. 1999-66, § 1, 9-30-99; Ord. No. 2001-38, § 1, 5-25-01; Ord. No. 2002-59, § 1, 7-9-02; Ord. No. 2006-18, § 1, 5-18-06)

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Section 2-304. Election of president pro tempore.

At its first regular meeting in January of each year, the council shall elect one of its members as president pro tempore who shall act as the presiding officer in the absence of the president of the council and, in case of disability of the president of the council or of vacancy in the office of the president of the council, shall exercise the powers and duties which remain in the president of the council under the provisions of this article. The president pro tempore shall not lose his or her rights as a member of the council during any temporary absence or disability of the president of the council. When the president pro tempore is serving during the temporary absence or disability of the president, he or she cannot also vote as the president of the council.

(1996 Ga. L. (Act No. 1019), p. 4469)

Section 2-305. Succession to offices of mayor and president of council.

The council shall by ordinance establish a line of succession to the offices of mayor and president of council beyond that specified in this Charter.

(1996 Ga. L. (Act No. 1019), p. 4469)

Section 2-306. Compensation and expenses of elected officials.

- (a) The council may by ordinance change the annual salary of the mayor, the president of the council, or councilmembers, subject to the following conditions and requirements:
- (1) Such action shall take into consideration any recommendation made by the Elected Officials Compensation Commission as provided in Chapter 7 of this article;
 - (2) No action to increase such salaries shall be taken until notice of intent to take the action has been published in a newspaper of general circulation designated as the legal organ in the county and in the city at least once a week for three consecutive weeks immediately preceding the week during which the action is taken;
 - (3) Any action to change such salaries shall not become effective until the date of commencement of the terms of the mayor, president of the council, and councilmembers elected at the next regular municipal election following such action;
 - (4) Such action shall not be taken during the period between the date when the candidates for election to the positions of mayor, president of the council, and councilmembers may first qualify as candidates and the date when the mayor, president of the council, and councilmembers take office following their election; and
 - (5) The amount established for each councilmember shall be the same.
- (b) As used in this section, the words "salary or compensation" shall include any expense allowance or any form of payment or reimbursement of expenses, except reimbursement of expenses actually and necessarily incurred by the mayor, president of the council, or councilmember in carrying out his or her official duties. The council is authorized to provide by ordinance for the reimbursement of such actual and necessary expenses.

(1996 Ga. L. (Act No. 1019), p. 4469)

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Section 2-307. Municipal clerk.

- (a) There shall be a municipal clerk, who shall be appointed by the council and who shall not be a member thereof. To be eligible to occupy this position, the municipal clerk must be designated a certified municipal clerk by the Georgia Municipal Clerks and Finance Officers Association, or by an equivalent certifying agency from another state, or must receive such certification within one year following his or her appointment. The municipal clerk shall be appointed and removed at the pleasure of the council upon a majority vote of its membership. The municipal clerk need not be a resident of the city at the time of his or her appointment but shall establish residence in the city at the time of appointment and continue to reside in the city throughout such appointment.
- (b) The municipal clerk shall be the custodian of the official seal and of all records and documents of the city which are not assigned to the custody of some other officer. The clerk, or his or her designee, shall keep the rules of the council and the minutes of the proceedings of the council, maintain a current and comprehensive index of all ordinances and resolutions, publish notice of ordinances proposed for adoption under rules prescribed by council or required by this Charter or law, and perform such other duties as may be assigned by this Charter or by ordinance.
- (c) The municipal clerk shall be responsible to the council and shall perform the duties of his or her office under the direction and supervision of the president of the council and the committee designated by the council, acting through its chairperson.

(1996 Ga. L. (Act No. 1019), p. 4469; Ord. No. 2006-19, § 1, 5-18-06)

Section 2-308. Staff of council and president of the council.

- (a) *Staff of council.* The council shall be authorized to employ such employees as may be necessary for the proper discharge of its functions. Adequate facilities and office space for such staff shall be provided for by the council.
- (b) *Staff of president of the council.* The president of the council shall be authorized to employ such employees as may be necessary for the proper discharge of the functions of the office of president of the council. Adequate facilities and office space for such staff shall be provided.
- (i) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

City council assistant means any employee of the President other than a special or senior city council assistant and who is thereby not entitled to participate in the city's health and life insurance program, pension benefits or any other benefits. City council assistants shall be required to execute a release to the city acknowledging that any such employee is ineligible to participate in the life and health insurance program.

Senior city council assistant means an employee whose position has been created in section 114-476 and who thereby receives the same benefits afforded to regular city employees.

Special city council assistant means an employee designated as such by the President and who is thereby entitled to participate in the city's health and life insurance program on the same terms and conditions as other city employees.

- (ii) *Number of assistants; salaries.* The President shall be entitled to employ up to three (3) senior city council assistants or up to three (3) special city council assistants and such other city council assistants as deemed necessary. Each such employee shall be paid on an hourly or

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salary basis, as determined by the President, provided the aggregate compensation on behalf all such employees, including the cost of any benefits provided by the city, shall not exceed the total of the amount appropriated for such purpose plus any amount carried over from previous years in accordance with subsection (e). No more than three (3) employees of whatever category of each shall be entitled to benefits.

- (iii) *Responsibilities of the president.* The president shall be responsible to certify that funds expended for employee service in accordance with this section are expended for public purposes, such public purposes not to include any campaign-connected costs, and shall be responsible for establishing the professional standards, work program, wage rate, supervision, hiring and firing and work location of any employee.
 - (iv) *Nepotism.* No person shall be employed in such position where such person directly supervises or is directly supervised by a member of such person's immediate family. The term "immediate family" includes the spouse, domestic partner registered under [section 94-133](#), mother, father, sister, brother, and natural or adopted children of an official or employee.
 - (v) *Annual appropriation for salaries.* The amount of \$102,000.00 shall be appropriated annually for the salaries of the assistants authorized in this section, and the cost of insurance or other benefits provided to such employees shall not be charged to such amount. The amount of annual appropriation shall be increased by the appropriate pro rata amount necessary to equal the average amount of any salary increases given to city employees in any given year.
- (c) *Director of council staff.*
- (1) The council shall appoint a director of council staff who shall not be a member thereof. The director of council staff shall be appointed and removed at the pleasure of the council upon a majority vote of its membership. The director of council staff need not be a resident of the city at the time of his or her appointment but shall establish residence in the city at the time of appointment and continue to reside in the city throughout such appointment.
 - (2) The director of council staff shall supervise all research undertaken on behalf of the council and shall further supervise the provision of administrative support to hearings and meetings of committees and subcommittees of the council and shall perform such other duties as may be assigned by this Charter or by ordinance.
 - (3) The director of council staff shall be responsible to the council, and shall perform the duties of his or her office under the direction and supervision of the president of the council and the committee designated by the council, acting through its chairperson.

(1996 Ga. L. (Act No. 1019), p. 4469; Ord. No. 2002-47, § 1, 6-12-02; Ord. No. 2004-40, §§ 1, 2, 6-30-04; Ord. No. 2006-20, § 1, 5-18-06; Ord. No. 2006-54, § 1, 8-29-06)

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Section 2-401. Form of legislation.

Every official act of the council having the force and effect of law shall be by ordinance and shall begin with the words: "The City Council of the City of Atlanta, Georgia, hereby ordains..." All other actions shall be by resolution or shall take such other form as prescribed by rules of the council.

(1996 Ga. L. (Act No. 1019), p. 4469)

Section 2-402. Introduction, consideration, passage, and publication of legislation.

- (a) Every proposed ordinance and every amendment shall embrace one subject which shall be clearly expressed in its title.
- (b) No ordinance shall be passed and adopted until it has been read by title at two regular meetings not less than one week apart, except for emergency ordinances as provided in subsection (c) herein.
- (c) To meet a public emergency threatening life, health, property, or public safety, the requirement herein for ordinances may be dispensed with, and the emergency ordinance may be passed and adopted on the same day of its introduction. The emergency ordinance shall be in the form prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and contain a declaration stating that an emergency exists and describing the emergency in clear and specific terms. An emergency ordinance may be adopted with or without amendment, or it may be rejected at the meeting at which it is introduced, but the affirmative vote of two-thirds of the members of the city council shall be required for adoption. Any emergency ordinance shall become effective upon adoption or at such later time as specified within the ordinance. Every emergency ordinance shall be automatically repealed on the sixteenth day following the date on which it was adopted; however, should the emergency still persist, this shall not prevent reenactment of the ordinance in the manner specified in this section. An emergency ordinance also may be repealed by adoption of a repealing ordinance in the same manner specified in this section for the adoption of emergency ordinances.
- (d) The passage of all ordinances shall be contingent upon the recording in the minutes of council proceedings of the "ayes" and "nays" of each councilmember and the names of the members voting for and against each proposed ordinance or amendment, those abstaining, and those absent.

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- (e) Pursuant to Section 2-101 of this Charter, the membership of the Atlanta City Council shall consist of fifteen (15) representatives. The affirmative vote of a quorum of the City Council's total membership, which is eight (8) votes, shall be required for the passage of any ordinance, resolution, communication, or other city council legislation, or for action on any matter of parliamentary procedure, with the following exceptions: (i) where this Charter or Code of Ordinances requires a two-thirds (2/3) vote of the City Council, ten (10) votes shall be required to effectuate any such action; and (ii) in the event the total number of Councilmembers is reduced to less than eight (8) members, a quorum of the number of members remaining shall be required for the passage of the above-referenced legislative actions until such time as the total membership of the City Council is restored.
- (f) Within seven days after any ordinance has been introduced, excluding emergency ordinances, the caption or title of every such ordinance, showing its general contents, shall be published and disseminated at least once in the following places and forums:
- (1) At least one printed legible copy of such caption or title shall be made available for inspection by the public in the office of the municipal clerk;
 - (2) At least one electronic legible copy of such caption or title shall be published in readable form on the official city of Atlanta web site.

Copies of all ordinances shall be available for inspection and/or purchase by members of the public in the office of the municipal clerk in accordance with the provisions of the Georgia Open Records Act, as amended.

(1996 Ga. L. (Act No. 1019), p. 4469; Ord. No. 1996-45, § 1, 7-8-96; Ord. No. 2006-21, § 1, 5-18-06; Ord. No. 2009-02(08-O-2158), § 1, 1-13-09)

Section 2-403. Submission to mayor; mayor's veto.

Every ordinance or resolution adopted by the council shall be signed by the president of the council, certified by the municipal clerk, and presented to the mayor's office within two calendar days following its adoption. The mayor shall approve or veto the ordinance or resolution within eight calendar days after adoption, and no ordinance or resolution shall become effective without the mayor's approval except as herein provided. If the mayor vetoes an ordinance or resolution, he or she shall within two business days of such veto return it to the council via the municipal clerk, accompanied by a written statement of the reasons for the veto. If the council shall pass the ordinance or resolution by a vote of two-thirds of its total membership at the regular meeting next held after the ordinance or resolution has been returned with the mayor's veto, it shall become law without his or her approval; provided however, that if the mayor vetoes any ordinance or resolution adopted at the last council meeting in December of a year in which the City of Atlanta general election is held, the council shall call a special meeting to be held prior to December 31 of that year, to consider any such vetoed legislation. In the event the mayor does not approve or veto the ordinance or resolution within the time required, it shall become law without such approval. The mayor may veto any item or items of any ordinance or resolution making appropriations; the part or parts of any ordinance or resolution making an appropriation which is not vetoed shall become law, and the part or parts vetoed shall not become law unless passed by the council over the mayor's veto as provided herein with respect to the passage of a vetoed ordinance or resolution.

(1996 Ga. L. (Act No. 1019), p. 4469; Ord. No. 2006-22, § 1, 5-18-06; Ord. No. 2009-72(09-O-1920), § 1, 12-15-09)

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CHAPTER 4. PROCEDURES OF COUNCIL

Section 2-404. Codes of technical regulations.

The council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. A copy of each adopted code of technical regulations shall be made available by the municipal clerk for public inspection at any reasonable time or for purchase at a reasonable price.

(1996 Ga. L. (Act No. 1019), p. 4469)

Section 2-405. Codification and printing.

The council shall provide for the continuous updating, revision, codification, and printing of all ordinances of general application, copies of which shall be made available to the public at reasonable cost. The municipal clerk shall file any ordinances amending or revising the Charter as required by Code Section 36-35-3 of the O.C.G.A., as now or hereafter amended.

(1996 Ga. L. (Act No. 1019), p. 4469)

Section 2-406. Hearings and investigations.

- (a) The council, or any committee composed entirely of councilmembers to which such power is specifically granted by the council, shall be authorized to conduct hearings and investigations of the operations and affairs of the city or of any office, department, or agency thereof, and for such purpose the council or said designated committee thereof shall have power to compel the attendance of witnesses by subpoena, administer oaths, take testimony, and require the production of documents and other evidence at any meeting thereof. The conduct of such proceedings shall be subject to such rules and regulations as the council may prescribe.
- (b) If any person duly subpoenaed as a witness shall fail to appear or appearing refuse to testify or produce such books and papers, the council shall report such failure to any court of record or judge thereof, who may make such order as shall be proper as to the future appearance of the witness for the purpose of giving testimony and for the production of any such books and papers and who may, after due notice and opportunity to be heard, punish him or her for failure to comply therewith.

(1996 Ga. L. (Act No. 1019), p. 4469)

Section 2-407. Quadrennial relegation of pending legislation.

Following the general election, and on a quadrennial basis, all pending legislation held in committee will be automatically terminated at the end of the last city council meeting in December of that year, without any action by the city council and that the Municipal Clerk shall be authorized to file any legislation subject to this provision. Any action required by legislation accomplished prior to December 31 of the quadrennial year shall be preserved, including but not limited to the completion of required city applications, surveys, or recorded appearances before City boards, commissions, or other committees; and that the same actions shall be accepted in satisfaction of applicable law, when any similar legislation is considered in subsequent years and where the legislation shall incorporate by reference those actions taken in accordance with this provision.

(1996 Ga. L. (Act No. 1019), p. 4469; Ord. No. 2005-87, § 1, 11-30-05)

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CHAPTER 5. INITIATIVE AND REFERENDUM

CHAPTER 5. INITIATIVE AND REFERENDUM

[Section 2-501. Initiative and referendum.](#)

Section 2-501. Initiative and referendum.

- (a) The council shall by ordinance prescribe procedures to govern the initiation, adoption, and repeal of ordinances by the electorate, and the council shall authorize an initiative or referendum election on petition of at least 15 percent of the registered voters qualified to vote in the preceding general municipal election.
- (b) The council shall be authorized to submit to the qualified voters of the city at any election not called only for the purpose of putting said ordinance or resolution before the voters any ordinance or resolution which it may deem proper; and in the event a majority of voters shall vote for this ordinance or resolution, it shall be adopted. If a majority of the votes so cast are against the resolution or ordinance, it shall be defeated and shall not thereafter be adopted by the council until resubmitted to and adopted by the qualified voters of the city. If it receives a majority vote of the people and becomes effective, then it can only be repealed by a majority vote of the qualified voters voting at an election for such purpose.

(1996 Ga. L. (Act No. 1019), p. 4469)

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CHAPTER 6. CITY INTERNAL AUDITOR

CHAPTER 6. CITY INTERNAL AUDITOR

[Section 2-601. Selection; removal.](#)

[Section 2-602. Appointment of assistance and employees.](#)

[Section 2-603. Powers and duties.](#)

[Section 2-604. Audit committee; established; powers and duties generally; compensation.](#)

[Section 2-605. Access to records and property.](#)

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[Section 2-607. Funding of auditor's office.](#)

[Section 2-608. Special audits.](#)

Section 2-601. Selection; removal.

- (a) There is hereby created the office of city internal auditor. The city internal auditor must be a certified internal auditor or a certified public accountant, demonstrating at least ten (10) years' experience in public financial and fiscal practices, performance and financial auditing, and municipal accounting. The city internal auditor shall be appointed by a majority of the members of the audit committee for a period of five (5) years, subject to confirmation by a majority of the council. Removal of the city internal auditor from office before the expiration of the designated term shall be for cause by a vote of two-thirds (2/3) of the members of city council.
- (b) The city internal auditor need not be a resident of the city at the time of his or her appointment, but he or she shall reside in the city within six months of such appointment and continue to reside therein throughout such appointment.
- (c) The city internal auditor shall not be involved in partisan political activities or the political affairs of the city.

(1996 Ga. L. (Act No. 1019), p. 4469; Ord. No. 2011-53(11-O-1494), § 1, 11-30-11)

Section 2-602. Appointment of assistance and employees.

- (a) Within the budget approval process and established personnel policies for all departments, the city internal auditor shall have the power to appoint, employ, and remove such assistants, employees, and personnel as he or she may deem necessary for the efficient and effective administration of the office. The present employees in the division of internal auditing of the finance department are hereby transferred to the city internal auditor's office and shall serve such assistants and employees to the city internal auditor as provided herein.
- (b) Professional employees employed in this office shall serve in unclassified positions. The city internal auditor shall appoint such other employees subject to the civil service rules, and such employees shall be within the civil service system of the city.
- (c) Neither the members of the council, the president of the council, nor the mayor shall in any manner dictate the appointment or removal of any such officer or employee whom the auditor is empowered to appoint.

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CHAPTER 6. CITY INTERNAL AUDITOR

(1996 Ga. L. (Act No. 1019), p. 4469)

Section 2-603. Powers and duties.

The city internal auditor and city internal auditor's office shall be charged with the following duties and responsibilities:

- (1) The conduct performance and financial audits of all departments, offices, boards, activities, and agencies of the city in order to independently determine whether:
 - a. Activities and programs being implemented have been authorized by the council, state law, or applicable federal law or regulations and are being conducted and funds expended in compliance with applicable laws;
 - b. The department, office, or agency is acquiring, managing, protecting, and using its resources, including public funds, personnel, property, equipment, and space, economically, efficiently, and effectively and in a manner consistent with the objectives intended by the authorizing entity or enabling legislation;
 - c. The organization, programs, activities, functions, or policies are effective, including the identification of any causes of inefficiencies or uneconomical practices, such as inadequacies in management information systems, internal and administrative procedures, organization structure, use of resources, allocation of personnel, purchasing policies, and equipment;
 - d. The desired result or benefits are being achieved;
 - e. Financial and other reports are being provided that disclose fairly, accurately, and fully all information that is required by law, that is necessary to ascertain the nature and scope of programs and activities, and that is necessary to establish a proper basis for evaluating the results of programs and activities including the collection of, accounting for, and depositing of revenues and other resources;
 - f. Management has established adequate operating and administrative procedures and practices, systems, or accounting internal control systems and internal management controls; and
 - g. Indications of fraud, or abuse or illegal acts are present.
- (2) To submit at the beginning of each fiscal year an audit schedule to the audit committee for review and comment. The schedule shall include the departments, offices, boards, activities, subcontractors, and agencies subject to audit for the period. This schedule may be amended during the period after review by the audit committee. Additionally, the city auditor may initiate and conduct any other audits deemed necessary;
- (3) To submit an annual report to the council and mayor indicating audits completed, major findings, corrective actions taken by administrative managers, and significant findings which have not been fully addressed by management;
- (4) To perform such other duties and responsibilities as provided for by this Charter or ordinance.

(1996 Ga. L. (Act No. 1019), p. 4469)

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CHAPTER 6. CITY INTERNAL AUDITOR

Section 2-604. Audit committee; established; powers and duties generally; compensation.

- (a) To ensure independence of the audit function, an audit committee is hereby established. The audit committee is a management committee and not a public board, commission, or committee as specified in [article 3](#) herein. The audit committee shall be comprised of five voting members who shall include the mayor or mayor's appointee, the president of the council or the president's appointee, and three at-large members appointed by the entire city council. The three at-large members shall be residents of the city with expertise in auditing, preferably internal or management auditing, and shall be either a certified public accountant, certified internal auditor, or certified management auditor. Of the three at-large members initially appointed, one member shall be appointed for a term expiring on January 31, 1998; one member shall be appointed for a term expiring on January 31, 1999; and one member shall be appointed for a term expiring on January 31, 2000. Thereafter, members shall be appointed for three-year terms. Members of the committee shall select a chairperson from among its members yearly.
- (b) The audit committee shall consult with the city internal auditor regarding technical issues and work to assure maximum coordination between the work of the city auditor's office and the needs of the council, the mayor, and departments and the coordination of external audit efforts.
- (c) The audit committee shall meet as needed to perform its duties but shall not meet less than once quarterly and shall be responsible for:
 - (1) Providing general direction to the internal audit function by reviewing the internal auditor's annual audit plan and any proposed amendments thereto and submitting the plan and the committee's recommendations to the council;
 - (2) Reviewing and approving internal audit reports before the final audit report is issued;
 - (3) Sending copies of draft and final internal audit reports to the mayor, president of the council, and members of the council;
 - (4) Performing an evaluation of the city internal auditor annually and reporting the results of the evaluation and effectiveness of the audit function annually to the council;
 - (5) Providing oversight of the external audit efforts and coverage; and
 - (6) Performing such other duties as provided for by an ordinance of the council.
- (d) Each member of the audit committee as established by [section 2-604](#) of the Charter of the City of Atlanta who is not an elected official or employee of the City of Atlanta shall be paid \$50.00 as compensation for each meeting of the board the member attends, but in no event shall the total amount paid to any member exceed the sum of \$500.00 in any one calendar year.

(1996 Ga. L. (Act No. 1019), p. 4469; Ord. No. 1999-40, § 1, 4-19-99)

Section 2-605. Access to records and property.

- (a) All city officers and employees shall allow the city internal auditor immediate access to any and all books, records, documents, personnel, processes (including meetings) and other requested information, including automated data, pertaining to the business of the city and within their custody regarding powers, duties, activities, organization, property, financial transactions, contracts, and methods of business required to conduct an audit or other official duties. In addition, such officers and employees shall provide access for the auditor to inspect all property, equipment, and facilities within their custody. Further, all contracts with outside contractors and subcontractors shall provide

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for the city auditor's access to all financial and performance-related records, property, and equipment purchased in whole or in part with city funds and facilities. The City Internal Auditor shall not participate in any activity, decision or meeting that would impair independence of such auditor or violate applicable government auditing standards.

- (b) The City Internal Auditor shall not publicly disclose any information received during an audit that is considered confidential by nature by any local, state, or federal law or regulation.
- (c) Any reports issued by the City Internal Auditor shall be made available for public inspection or copying at a reasonable cost.
- (d) In the event any city officer or employee shall fail to allow access to any requested information as required in this section, the City Council shall have the power to compel the production of said information by subpoena. If any person duly subpoenaed shall fail to allow access to said information, the City Council shall report such failure to any court of record or judge thereof, who may make such order as shall be proper as to the future production of any such information and who may, after due notice and opportunity to be heard, punish him or her for failure to comply therewith.

(1996 Ga. L. (Act No. 1019), p. 4469; Ord. No. 2007-27(07-O-0680), § 1, 6-4-07)

Section 2-606. Quality assurance reviews.

- (a) The audit activities of the city internal auditor's office shall be subject to a quality review at least every three years by a professional, nonpartisan objective group utilizing guidelines endorsed by the National Association of Local Government Auditors or the State Auditors' Association of the United States General Accounting Office. A copy of the written report of the independent review shall be furnished to the council, president of the council, mayor, and members of the audit committee and made available to the public.
- (b) The quality review shall determine compliance with generally accepted governmental auditing standards and the quality of audit effort and reporting, including but not limited to staff qualifications, due professional care, and quality assurance; fieldwork standards such as planning, supervision, and audit evidence; and reporting standards such as report content, presentation, and timeliness.
- (c) The city shall reimburse travel and living expenses for the quality review team from funds budgeted in the city internal auditor's budget or other in-kind support.

(1996 Ga. L. (Act No. 1019), p. 4469)

Section 2-607. Funding of auditor's office.

The council shall provide funds necessary for the facilities, equipment, and staffing of the city internal auditor's office to carry out the responsibilities specified herein and by ordinance.

(1996 Ga. L. (Act No. 1019), p. 4469)

Section 2-608. Special audits.

The president of the council or members of council may request the city auditor to perform special audits or assignments of a limited scope intended to determine the accuracy of information provided to council, costs and consequences of recommendations made to the council, and other information concerning the performance of departments, offices, or agencies of the city. After consultation with the

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audit committee, a special audit requested by the president of the council or members of the council may become an amendment to the annual audit schedule.

(1996 Ga. L. (Act No. 1019), p. 4469)

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CHAPTER 7. ELECTED OFFICIALS COMPENSATION COMMISSION

CHAPTER 7. ELECTED OFFICIALS COMPENSATION COMMISSION

[Section 2-701. Created.](#)

[Section 2-702. Composition; appointment; term of office; vacancies.](#)

[Section 2-703. Powers and duties.](#)

[Section 2-704. Meetings; quorum; election of chairperson; compensation of members.](#)

[Section 2-705. Assistance to commission.](#)

Section 2-701. Created.

There is hereby created an elected officials compensation commission which shall make recommendations regarding the salaries of the mayor, president of the council, councilmembers, and members of the Atlanta Board of Education.

(1996 Ga. L. (Act No. 1019), p. 4469)

Section 2-702. Composition; appointment; term of office; vacancies.

- (a) *Composition; appointment.* The elected officials compensation commission shall consist of seven members with one member appointed by the mayor, one member appointed by the president of the council, two members appointed by the council, two members appointed by the board of education, and one member appointed by the Atlanta Planning and Advisory Board. Each member must be a qualified elector of the city at the time of his or her appointment and all times during the term of office. No member or employee of the executive, legislative, or judicial branch of the city or family members of any member or employee shall be eligible to be a member of the commission.
- (b) *Term of office.* Except as provided herein, the term of office of each member shall be four years. The initial members shall be appointed within 30 days after the effective date of this Charter and shall serve until the regular municipal elections of November, 1997. Thereafter, each member shall be appointed to serve with a term of office expiring with the regular municipal elections.
- (c) *Vacancies.* If a vacancy occurs before the expiration of a member's term, the vacancy shall be filled in the same manner as prescribed for the original appointment.

(1996 Ga. L. (Act No. 1019), p. 4469)

Section 2-703. Powers and duties.

At least one year prior to a regular municipal election, the commission shall recommend to the council and board of education the amount of compensation which it deems appropriate for the mayor, president of council, members of council, and members of the board of education. The amount recommended for each member of council or the board of education shall be the same; however, the amount recommended for the president of the council or the president of the board of education may exceed that of the members of the council or board of education. Any amount recommended shall be an amount which takes into account the nature of the office and which is commensurate with salaries then being paid for other public positions having similar duties, responsibilities, or obligations. No

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recommendations shall be made except upon the affirmative vote of four members of the commission. Recommendations, with supporting rationale, shall be made in writing. Prior to the submission of any recommendation to the council or board of education, the commission shall conduct at least one public hearing on the matter.

(1996 Ga. L. (Act No. 1019), p. 4469)

Section 2-704. Meetings; quorum; election of chairperson; compensation of members.

The elected officials compensation commission shall meet as needed every four years. A majority of the members of the commission shall constitute a quorum for conducting the business of the commission. The commission shall elect a chairperson from among its members. The members of the commission shall receive no compensation but shall be entitled to their actual and necessary expenses incurred in the performance of their duties.

(1996 Ga. L. (Act No. 1019), p. 4469)

Section 2-705. Assistance to commission.

The council shall provide such assistance as the commission shall reasonably require.

(1996 Ga. L. (Act No. 1019), p. 4469)

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ARTICLE 3. EXECUTIVE

[CHAPTER 1. - THE MAYOR](#)

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CHAPTER 1. THE MAYOR

CHAPTER 1. THE MAYOR

[Section 3-101. Election; term; limitation of term.](#)

[Section 3-102. Qualifications.](#)

[Section 3-103. Oath of office.](#)

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[Section 3-106. Mayor's staff.](#)

[Section 3-107. Investigations of departments.](#)

Section 3-101. Election; term; limitation of term.

The mayor shall be elected from the city at-large for a term of four years commencing on the first Monday in January after each regular municipal election, and he or she shall serve until his or her successor has taken office. Any mayor who has been elected for two consecutive four-year terms under the provisions of this Charter shall not be eligible to be elected for the succeeding term.

(1996 Ga. L. (Act No. 1019), p. 4469)

Section 3-102. Qualifications.

(a) To qualify for election as mayor, a person:

- (1) Must be at least 18 years of age;
- (2) Must be a resident of the city for at least one year immediately preceding the date of his or her filing of notice of candidacy to seek office;
- (3) Must be a qualified elector of the city; and
- (4) Must not be an employee of the city.

(b) To hold office as mayor, a person:

- (1) Must continue to possess the qualifications prescribed in [section 3-102\(a\)](#); and
- (2) Must not hold any other elective public office or hold any position of employment with the State of Georgia, any county thereof, or with the city.

(1996 Ga. L. (Act No. 1019), p. 4469)

Section 3-103. Oath of office.

Before entering upon the duties of his or her office, the mayor shall take and subscribe to the oath as provided in section 2-301 of this Charter.

(1996 Ga. L. (Act No. 1019), p. 4469)

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CHAPTER 1. THE MAYOR

Section 3-104. Powers and duties.

The mayor shall be the chief executive officer of the city and he or she shall have the power and it shall be his or her duty to:

- (1) Execute and enforce the provisions of this Charter, the ordinances of this city, and all other laws;
- (2) Exercise supervision over all the administration of all departments of the city and delegate all or part of such supervision to the chief operating officer;
- (3) Prepare periodically, but not less than annually, and submit to the council for approval a comprehensive development policy which shall consider the city's physical, economic and social aspects and state the goals and objectives of Atlanta and its citizens and the necessary recommendations, policies, plans, programs, and priorities for attaining them;
- (4) Submit to council the recommended annual budget prepared by the appropriations committee as provided in [section 6-302](#) in this Charter;
- (5) Approve or veto proposed ordinances and resolutions as provided in this Charter;
- (6) Convene special meetings of the council at his or her discretion;
- (7) At his or her discretion, conduct studies and make investigations and reports to the council concerning the operations of departments, offices, and agencies of the city and require any department, board, commission, or agency under his or her jurisdiction to submit written reports and information;
- (8) Prescribe, require, publish, and implement standards of administrative, management, and operating practices and procedures to be followed and adhered to by all offices, departments, boards, commissions, authorities, and other agencies of the city subject to his or her supervision and jurisdiction or delegate all or part of such responsibilities to the chief operating officer;
- (9) Advise the council as to the financial condition, future needs, and general welfare of the city and make such recommendations to the council concerning the affairs of the city as he or she deems desirable;
- (10) When authorized by the council, negotiate deeds, bonds, contracts, and other instruments and documents on behalf of the city and execute same after final approval by the council;
- (11) Represent the city in affairs of intergovernmental relations, promote and improve the government of the city, encourage the growth of the city, and promote and develop the prosperity and social well-being of its people;
- (12) At his or her discretion, initiate such administrative reorganization within city government as he or she may deem desirable and as provided in [section 3-302\(b\)](#);
- (13) Perform such duties as may be required by law, and in his or her discretion perform such other duties as may be authorized by law;
- (14) Purchase supplies, material, equipment and personal property of every type and description, and services for the rental, repair, or maintenance of equipment, machinery, and other city-owned property; provided, however, the purchase amount does not exceed \$100,000.00, such purchases conform with the provisions within Chapter 4 of [Article 6](#) herein and any purchasing and procurement ordinances of the city, and a duly enacted appropriation by the council authorizes expenditures for such purposes. Any award of contract not competitively procured in

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accordance with the Charter or ordinances of the city, or not awarded to the lowest bidder or offeror, shall be approved by the city council prior to an award;

- (15) Prepare annually a plan for increasing the efficiency of city services based upon the findings and recommendations of the citizen's service planning review commission as provided in Chapter 7 of this article.

(1996 Ga. L. (Act No. 1019), p. 4469; Ord. No. 2007-01, § 1, 1-9-07; Ord. No. 2008-36(08-O-0818), § 1, 6-2-08)

Charter reference— Purchasing procedures, § 6-402(e).

Cross reference— Signing contracts on behalf of the mayor, § 2-1140.

Section 3-105. Delegation of powers and duties; prohibition.

In no event shall the mayor delegate to the chief operating officer or any other appointed officer or employee the power to approve or veto ordinances or resolutions, convene meetings of the council, serve as acting mayor, remove the city attorney, chief financial officer, or chief operating officer, or amend budgets.

(1996 Ga. L. (Act No. 1019), p. 4469)

Section 3-106. Mayor's staff.

- (a) The mayor may appoint such staff to aid in the discharge of the mayor's duties, including a chief of staff, as authorized by the council. The chief of staff shall have such duties as assigned by the mayor but shall not be assigned any supervisory or management duties outside of the mayor's office or duties which are inconsistent with the provisions of this Charter. Such persons shall serve at the pleasure of the mayor.
- (b) Any person appointed chief of staff need not be a resident of the city at the time of his or her appointment but shall be a city resident during his or her appointment.

(1996 Ga. L. (Act No. 1019), p. 4469)

Section 3-107. Investigations of departments.

The mayor may conduct an investigation of any city department or office within the executive branch, hear and determine all charges affecting the work of the department under investigation or any of its employees, and administer oaths and affirmations at such hearings. For furtherance of such investigations, the mayor may issue subpoenas to compel the attendance of witnesses and the production of books, papers, vouchers, and other written instruments. If any person duly subpoenaed as a witness shall fail to appear or appearing refuse to testify or to produce such books and papers, the mayor shall report the failure of the witness to appear or refusal to testify or to produce books and papers to any court of record or judge thereof, who may make such order as shall be proper as to the future appearance of the witness for the purpose of giving testimony and for the production of any such books and papers and who may, after due notice and opportunity to be heard, punish him or her for failure to comply therewith.

(1996 Ga. L. (Act No. 1019), p. 4469)

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CHAPTER 2. CHIEF OPERATING OFFICER

CHAPTER 2. CHIEF OPERATING OFFICER

[Section 3-201. Appointment; qualifications; residency; compensation; removal.](#)

[Section 3-202. Powers and duties.](#)

Section 3-201. Appointment; qualifications; residency; compensation; removal.

- (a) *Appointment.* The mayor shall appoint, subject to the confirmation by a majority vote of the entire council, an officer whose title shall be "chief operating officer."
- (b) *Qualifications.* The chief operating officer shall have a graduate or professional degree plus a minimum of ten years, or an undergraduate degree plus a minimum of 15 years, of progressively responsible administrative experience in the public or private section which has included responsibility for supervising a large scale service delivery program with a substantial budget. The qualifications herein may be waived by the city council upon a three-fourths' vote of its membership.
- (c) *Residency.* The chief operating officer need not be a resident of the city or of the State of Georgia at the time of his or her appointment but shall reside in the city throughout his or her appointment.
- (d) *Compensation.* The chief operating officer shall receive such compensation as fixed by the council.
- (e) *Removal.* The chief operating office [officer] shall hold office at the pleasure of the mayor and may be dismissed by the mayor without the approval of the council.

(1996 Ga. L. (Act No. 1019), p. 4469)

Section 3-202. Powers and duties.

The chief operating officer shall have the following powers and duties:

- (1) To the extent delegated by the mayor, to exercise supervision over all activities of city departments and the boards and commissions connected with such departments and be the contact officer between the mayor and such departments, boards, and commissions;
- (2) To make periodic reports with such recommendations to the mayor regarding the activities of the various departments, bureaus, boards, commissions, authorities, and other agencies of the city under his or her jurisdiction and make or cause to be made investigations and studies of the organization and procedures thereof and to require such reports therefrom as deemed necessary;
- (3) To provide liaison, coordination, and communications between and among city departments and agencies and the various agencies of the federal, state, and local governments and other public and private agencies concerning the affairs of the city;
- (4) To provide direction on participation in federal and state grant-in-aid programs, monitoring and evaluation of grant contract programs, and communication of program policies and priorities;
- (5) To conduct research and make information available to the mayor, council, and the various departments, offices, and agencies of the city;
- (6) To attend meetings of the council and its committees and to make available such information as may be requested; and

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- (7) To perform all other duties as required by this Charter or lawfully delegated to him or her by the mayor.

(1996 Ga. L. (Act No. 1019), p. 4469)

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CHAPTER 3. CITY DEPARTMENTS

CHAPTER 3. CITY DEPARTMENTS

[Section 3-301. General.](#)

[Section 3-302. Administrative reorganization.](#)

[Section 3-303. City attorney.](#)

[Section 3-304. Chief financial officer.](#)

[Section 3-305. Commissioners of departments—Appointment; removal; residency; appointment of other city employees.](#)

Section 3-301. General.

- (a) Except where another meaning is clearly intended, the word "department" in this Charter shall mean any agency in the executive and administrative branch of the city government. The departments of the city shall be created and established by ordinance, and the departments shall be responsible for the performance of the functions and services enumerated therein.
- (b) The operations and responsibilities of such departments shall be distributed accordingly: that the first degree of organization shall be department; that the second degree of organization shall be office; that the third degree of organization shall be division, that the fourth degree of organization shall be bureau. The assignment of organizational structure shall be accomplished by the administrative branch of government and shall be published to the governing body through a communication that shall set forth the organizational structure of each department. The departments shall consist of such officers, employees, and positions as may be authorized by ordinance.
- (c) There shall be a commissioner of each department who shall be the principal officer thereof. Each commissioner shall be responsible for the administration and direction of the affairs and operations of his or her department and shall exercise general management and control thereof.
- (d) Vacancies occurring in an appointive office shall be filled in the same manner as prescribed by this Charter for original appointments.
- (e) The commissioners of departments and other appointed officers shall be appointed solely on the basis of their respective executive, administrative, and professional qualifications which shall be prescribed by ordinance.
- (f) The compensation of appointed officers and directors of departments shall be fixed by the council.
- (g) The mayor may initiate or create additional departments, or propose the abolishment of departments, subject to the provisions of this Charter and approval by the council.

(1996 Ga. L. (Act No. 1019), p. 4469; Ord. No. 1998-6, § 1, 2-23-98; Ord. No. 2005-83, § 1, 11-22-05)

Section 3-302. Administrative reorganization.

- (a) The mayor, as chief executive of the city, is hereby empowered, subject to any limitations of this Charter, to initiate, direct, and implement the reorganization of any department.

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- (b) The mayor shall prepare and sign a plan of reorganization of any department or departments and shall submit such plan to the council. Any plan presented shall be in the form of a proposed ordinance and the council shall by majority vote approve, modify, or reject any such plan within 60 days of its submission to the council. No reorganization shall become effective until the council has acted or 60 days have elapsed from the date of submission, whichever first occurs.

(1996 Ga. L. (Act No. 1019), p. 4469)

Section 3-303. City attorney.

- (a) *Appointment; removal.* There shall be a city attorney who shall be appointed by the mayor subject to confirmation by a majority vote of the city council. The city attorney may be removed at the pleasure of the mayor or the city council by a three-fourths' vote of its membership.
- (b) *Qualifications.* The city attorney shall be an active member of the State Bar of Georgia in good standing and shall have at least ten years' experience in the active practice of law immediately preceding his or her appointment. The number of years' experience herein may be waived by the city council upon a three-fourths' vote of its membership.
- (c) *Residency.* During his or her appointment, the city attorney shall be a resident of the City of Atlanta.
- (d) *Duties.* The city attorney shall serve as the chief legal advisor of the city and shall be the director of the department of law. He or she shall perform such duties as prescribed by this Charter, ordinance, or law.
- (e) *Prohibited activities.* The city attorney and all full-time assistants shall not engage in the private practice of law.
- (f) The city attorney shall be responsible to the mayor and to the city council.

(1996 Ga. L. (Act No. 1019), p. 4469; Ord. No. 1996-53, § 1, 7-10-96)

Section 3-304. Chief financial officer.

- (a) *Appointment; removal.* There shall be a chief financial officer who shall be appointed by the mayor, subject to the confirmation by a majority vote of the city council. The chief financial officer may be removed at the pleasure of the mayor or by the city council upon a three-fourths' vote of its membership.
- (b) *Qualifications.* The chief financial officer shall have at least ten years' experience in the management of fiscal operations or public finance and proven administrative ability or have served at least ten years as a comptroller or financial head of a business with a substantial budget. The number of years' experience herein may be waived by the city council upon a three-fourths' vote of its membership.
- (c) *Residency.* During his or her appointment, the chief financial officer shall be a resident of the city.
- (d) *Duties.* The chief financial officer shall be the director of the department of finance and shall perform such duties as shall be provided by this Charter or by ordinance or resolution or required by law.
- (e) The chief financial officer shall be responsible to the mayor and to the city council.
- (f) *Quarterly report.* The chief financial officer shall prepare a quarterly report on the budget status and economic trends in conjunction with the budget office. In addition, the third quarter report shall include revenue and expenditure projections through the end of the fiscal year so that projected overruns and underruns can be considered for use in the subsequent budget year.

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(1996 Ga. L. (Act No. 1019), p. 4469; Ord. No. 1996-53, §2, 7-10-96; Ord. No. 2009-43(09-O-1105), § 1, 7-29-09)

Section 3-305. Commissioners of departments—Appointment; removal; residency; appointment of other city employees.

- (a) *Appointment; removal.* The mayor shall appoint all commissioners of departments, subject to confirmation by a majority of the city council. As used in this section, "commissioner" means the administrative head of each department regardless of the title of a particular department head. Commissioners may be removed at the pleasure of the mayor.
- (b) *Residency.* A commissioner, deputy commissioner, or bureau administrator of a department need not be a resident of the city at the time of his or her appointment but shall reside in the city throughout such appointment.
- (c) *Appointment and removal of other employees.* Commissioners of departments shall have the power and duty to appoint and remove deputy commissioners and bureau administrators. A deputy commissioner or bureau administrator may be removed by a commissioner.

(1996 Ga. L. (Act No. 1019), p. 4469; Ord. No. 1998-6, § 1, 2-23-98)

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Section 3-401. General.

- (a) As related to corporate, municipal, governmental, or public purposes and for the security of the peace, health, and good government of the city, the council shall have the authority to create commissions, councils, boards, authorities or other similar bodies which shall perform duties prescribed by the council, including, but not limited to, making studies, conducting research and investigations, holding hearings, and preparing recommendations as to needed ordinances and resolutions. All members of such boards, commissions, councils, authorities or other similar bodies shall be legal residents of the city. The chair of each board, commission, council, authority or other similar body shall provide to the municipal clerk the names and addresses of its members.
- (b) The council shall have the authority to provide for the composition of such commissions, councils, boards, authorities or other similar bodies their periods of existence, and for the compensation of their members and employees, in whole or in part. The council may provide by ordinance for reimbursement of the actual and necessary expenses incurred by the members thereof in the performance of their official duties. The council shall have the authority to annually appropriate and donate money, derived from taxation, contributions, or otherwise, for and to such commissions, councils, boards, authorities and other similar bodies to provide for their operation, either in whole or in part.
- (c) All regular, full-time employees of commissions, councils, boards, authorities or other similar bodies which have been previously created or hereafter created by the council shall be considered to be employees of the city. Such employees shall be entitled to all of the benefits and privileges as are other employees of the city and shall be subject to all laws, ordinances and resolutions governing employees of the city except as otherwise specifically prescribed in the Code of Ordinances. Such employees shall be within the unclassified service of the civil service unless the council shall provide by ordinance for other terms and conditions of employment and personnel matters relating to such employees. No member of a board, commission, council, authority or similar body shall be deemed an employee of the city under the provisions of this subsection.
- (d) Any vacancy in office of any member of a board, commission, council, authority or similar body shall be filled for the unexpired term in the manner prescribed for the original appointment. The chair shall provide to the municipal clerk the name and address of its new members.
- (e) No member of any board, commission, council, authority or similar body shall assume office until he or she has executed and filed with the municipal clerk an oath or affirmation obligating himself or herself to faithfully and impartially perform the duties of his or her office, such oath or affirmation to be prescribed by ordinance and administered by the mayor or the municipal clerk.
- (f) Any member of a board, commission, council, authority or similar body created by the council may be removed from office for cause by a majority vote of the councilmembers present.
- (g) Each board, commission, council, authority and similar body may establish such bylaws, rules, and regulations, not inconsistent with this Charter, ordinances of the council, or applicable state law, as it

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deems appropriate and necessary for the conduct of its affairs, copies of which shall be filed with the municipal clerk.

- (h) All boards, commissions, councils, authorities and other similar bodies and their employees shall comply with the budgetary procedures of the city as provided in this Charter.
- (i) The functions of boards, commissions, councils, authorities and other similar bodies of the city, whether established by Acts of the General Assembly or the city council, shall be provided for by ordinances or resolutions of the city council. However, any boards, commissions, councils, authorities and other similar bodies which derive their powers from general law shall continue to exercise such powers.
- (j) The mayor may initiate the creation of additional boards, commissions, councils, authorities and other similar bodies subject to the approval of the council.
- (k) All boards, commissions, councils, authorities and other similar bodies shall keep an attendance record of every meeting for each member.
- (l) The appointing authority shall attach a summary of attendance for the period of time served to the appointment communication when re-appointing any individual to the board, commission, council, authority or similar body.
- (m) The chairs of city boards, commissions, councils, authorities and other similar bodies or their designees shall promptly notify the mayor and council of any membership vacancies, resignations, excessive absences, no-shows, tardiness, or failure to perform.
- (n) Any member of a board, commission, council, authority or similar body, serving an expired term, can continue to serve until he or she is re-appointed or a successor is appointed.
- (o) New members shall be contacted and invited to the first meeting by the chair or his/her designee and be provided with copies of bylaws, rules and regulations.
- (p) The chair of each board, commission, council, authority and similar body or his/her designee shall prepare and submit an annual report outlining activities and accomplishments to the mayor and council.

(1996 Ga. L. (Act No. 1019), p. 4469; Ord. No. 2001-51, § 1, 7-11-01; Ord. No. 2002-46, § 1, 6-10-02)

Section 3-402. Charter review commission authorized.

The council shall by ordinance establish a charter review commission so that a review of the city Charter may be accomplished every 20 years, to make recommendations, and to hold hearings with respect to amendments to the Charter.

(1996 Ga. L. (Act No. 1019), p. 4469)

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Section 3-501. Civil service.

- (a) The council shall establish by ordinance a system of civil service of the city, which shall be divided into a classified and an unclassified service. The classified and unclassified service shall cover the positions presently in the classified or unclassified service respectively on the effective date of this Charter, unless otherwise provided by ordinance. The civil service system of the city shall not include employees of the Atlanta school system.
- (b) The council shall adopt by ordinance civil service rules and regulations to govern the classification of positions, the manner and method of publicizing vacancies, employing and appointing, and dismissing personnel, the qualifications of employees, the terms, conditions, and benefits of employment, retirement policy, grievance procedures, and any other measures that promote the hiring and retaining of capable, diligent, honest career employees.

(1996 Ga. L. (Act No. 1019), p. 4469)

Section 3-502. Discrimination prohibited.

It shall be the policy of the city, its departments, and boards that all personnel matters shall be determined solely on the basis of merit and qualification, without respect to race, color, creed, religion, sex, domestic relationship status, parental status, familial status, sexual orientation, national origin, political affiliation, gender identity or racial profiling.

(1996 Ga. L. (Act No. 1019), p. 4469; Ord. No. 2001-14, § 1, 2-13-01)

Section 3-503. Residency of employees.

Except as otherwise provided in this Charter, the council may by ordinance provide from time to time for employees to reside within the city during their continuance in such office or employment with the city.

(1996 Ga. L. (Act No. 1019), p. 4469)

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Section 3-504. Credit preference.

The council may provide by ordinance for a credit preference to be given to residents of the city on their employment examination scores.

(1996 Ga. L. (Act No. 1019), p. 4469)

Section 3-505. Temporary engagement by contract, reemployment or election of persons retired under municipal laws.

- (a) The mayor and council may authorize the engagement of any person who has retired under any of the pension laws, notwithstanding the age of such person, to render any special or particular service as an independent contractor, provided that such contract shall be for a period not exceeding 520 business days, whether continuously or in several separate engagements. Such employees shall be entitled to receive their regular pension payments but shall acquire no further pension or civil service rights by virtue of such temporary contractual arrangement. No contractual engagement shall commence pursuant to this subsection until such time as the department head or chief judge of the court, as applicable, and chief financial officer shall confer with the mayor to confirm the exigency of retaining such particularized expertise within city government.
- (b) The mayor and council may authorize the engagement of sworn public safety personnel retired under any of the pension laws, notwithstanding the age of such person, to render public safety services as an independent contractor. Such contracts shall not be subject to the aforementioned 520 business day limitation. Such sworn employees shall be entitled to receive their regular pension payments but shall acquire no further pension or civil service rights by virtue of such temporary contractual arrangement. No contractual engagement shall commence pursuant to this subsection until such time as the department head or chief judge of the court, as applicable, and chief financial officer shall confer with the mayor to confirm the exigency of retaining such particularized expertise within city government.
- (c) In the event the particularized services required by the city are not amenable to an independent contractor agreement with a retiree, the City of Atlanta may reemploy a retiree for the purpose of availing the city of some particularized skill possessed by said retiree under the following circumstances.
 - (1) The reemployment for any single period of time, or any several periods of time, shall not exceed 520 business days, whether continuously or in separate days of employment.
 - (2) With the reemployment request, the reemploying department provides a plan, including a timetable for the permanent provision of the services which are temporarily being provided by the reemployed retiree.
 - (3) Single or concurrent multiple reemployment periods shall not exceed 120 business days without reauthorization by city council.
- (d) Nothing herein contained shall prevent any retiree from holding any office which is filled by an election by the people. No additional pension or civil service rights or privileges shall accrue to such officer or employee during such period and said retiree shall be entitled to continue to receive his or her regular pension payments.

(1996 Ga. L. (Act No. 1019), p. 4469; Ord. No. 1998-37, § 1, 5-27-98; Ord. No. 2002-68, § 1, 9-11-02; Ord. No. 2002-82, § 1, 11-8-02; Ord. No. 2003-02, § 1, 1-13-03; Ord. No. 2008-28(08-O-0820), § 1, 5-13-08; Ord. No. 2009-64(09-O-1714), § 1, 10-27-09)

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Section 3-506. Compulsory retirement; waiver of penalties.

- (a) No employee of the city shall be required to retire from employment with the city based upon the age of any such employee.
- (b) Any employee of the city who has completed at least five years of service with the city and who retires under any pension plan covering city employees shall be entitled to retire upon attaining 65 years of age without the application of any vesting penalties which may be set forth under any such pension plan.

(1996 Ga. L. (Act No. 1019), p. 4469)

Section 3-507. Modification of pension plans.

As authorized by the provisions of the Constitution of the State of Georgia of 1983, Article IX, Section II, Paragraph III(a)(14), the Acts, approved February 15, 1933, August 13, 1927, and August 20, 1974 (found respectively at Ga. L. 1933, p. 213, et seq.; Ga. L. 1927, p. 265, et seq.; Ga. L. 1924, p. 167, et seq., all as amended), providing for pensions for officials and employees of cities having a population of 300,000 or more according to the United States Census of 1920 or any subsequent census thereof, shall be modified, insofar as they appertain to employees and officials of the City of Atlanta and its board of education in accordance with the following rules and procedures:

- (1) Any other provisions in the Charter notwithstanding, any pension law modification shall be effected only by ordinance adopted by at least two-thirds of the total membership of the council and duly approved by the mayor;
- (2) Any such ordinance shall be considered for final action by the council only after receipt of:
 - a. An investigation by an independent actuary of any such proposed modification, evidenced by a written report from such actuary which shall include, but not be limited to, such actuary's analysis of the funding requirements relating to any such modification and the opinion of such actuary as to the propriety of any such modification. Any such opinion must state that such modification is in conformity with applicable state laws governing the funding requirements for modifications to such pension plans. Such opinion shall be accompanied by the written recommendations of the city attorney and chief financial officer;
 - b. A written communication to the board of trustees of each of the respective pension funds affected by such modification to provide notice of the proposed modification of a provision of the pension plan and to request their non-binding recommendation in favor or against the proposed modification within 45 days from the date of introduction of the legislation, unless extended by Ordinance;
 - c. Any such ordinance modifying the Act approved August 13, 1927 (Ga. L. 1927, p. 265 et seq., as amended) and affecting employees of the Atlanta Board of Education shall become effective as to such employees only after such modification is adopted by a majority of the total membership of the Atlanta Board of Education.
- (3) No substitute or amendment to any ordinances presented to the council hereunder shall be considered without a subsequent investigation of such proposed substitute or amendment by an independent actuary and recommendations of the city attorney and chief financial officer as provided in (2)(a), hereinabove, and the communication providing notice and requesting a recommendation from the boards of trustees of the respective pension fund affected by such modification as set forth in (2)(b), hereinabove;

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- (4) No ordinance which modifies any of the aforesaid pension laws and has a fiscal impact on the pension systems established by such laws shall be adopted by the council or approved by the mayor until adequate provision for funding such modification has been made to defray the fiscal impact of such modification.

(1996 Ga. L. (Act No. 1019), p. 4469; Ord. No. 2010-73(10-O-1892), § 1, 12-15-10; Ord. No. 2011-33(11-O-0673), § 1, 7-27-11)

Section 3-508. Regulation of complaints, fraud, waste, and abuse; definitions.

- (a) As used in this section, the term:
- (1) *"Municipal employee"* means classified and unclassified employees of the City of Atlanta, and individuals who perform services for the City of Atlanta on a contract or fee basis, but does not include elected officials.
 - (2) *"Municipal employer"* means any department, board, bureau, commission, authority, or other agency of the city which employs or appoints any municipal employee, except the mayor and members of the city council.
- (b) A municipal employer may receive and investigate complaints or information from any municipal employee concerning the possible existence of any activity constituting fraud, waste, and abuse in or relating to any municipal programs and operations under the jurisdiction of such municipal employer.
- (c) Notwithstanding any other local law or ordinance to the contrary, such municipal employer shall not, after receipt of a complaint or information from a municipal employee, disclose the identity of the municipal employee without the written consent of such municipal employee, unless the municipal employer determines such disclosure is necessary and unavoidable during the course of the investigation. In such event, the municipal employee shall be notified in writing at least seven days prior to such disclosure.
- (d) No action against any municipal employee shall be taken or threatened by any municipal employer who has authority to take, direct others to take, recommend, or approve any personnel action as a reprisal for making a complaint or disclosing information to the municipal employer unless the complaint was made or the information was disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.
- (e) Any action taken in violation of subsection (d) of this section shall give the municipal employee a right to have such action set aside by the personnel board after a hearing.

(1996 Ga. L. (Act No. 1019), p. 4469; S.B. 498/2004, § 1, 5-17-04)

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Section 3-601. Comprehensive development plan.

The mayor shall have a comprehensive development plan of the City of Atlanta prepared and maintained to be used as a guide for the growth and development of the city and which will identify its present and planned physical, social, and economic development. This plan shall: (1) set forth the comprehensive development goals, policies, and objectives for both the entire city and for individual geographic areas and communities within the city and (2) in conformance with such development goals, objectives, and policies, identify the general location, character, and extent of streets and thoroughfares, parks, recreation facilities, sites for public buildings and structures, city and privately owned utilities, transportation systems and facilities, housing, community facilities, future land use for all classifications, and such other elements, features, and policies as will provide for the improvement of the city over the next 15 years.

(1996 Ga. L. (Act No. 1019), p. 4469)

Section 3-602. Five-year development plans.

The mayor shall have a comprehensive five and 15-year development plan prepared which shall: (1) present a recommended generalized land use development pattern to guide the growth of the city over a succeeding five-year period and (2) include the city's specific development goals and objectives based upon existing and projected demographic and socioeconomic factors and public and private community facilities for the entire city and individual geographic areas and communities within the city, as related to the comprehensive development plan and to regional plans.

(1996 Ga. L. (Act No. 1019), p. 4469; Ord. No. 2004-08, § 1, 2-10-04)

Section 3-603. Implementation; updating and revision.

- (a) Prior to the preparation of each comprehensive development plan, the mayor shall have hearings held in such manner, as the council shall prescribe by ordinance. The mayor shall submit to the council such plans that will include a 15-year and five-year comprehensive development plan, along with a comprehensive land use plan for all property within the city limits. These plans, updated each five years, shall be submitted to the council not later than its first regular meeting in May of the year in which the plan is updated. Beginning with the transmittal date of said plans to council, the general public shall be afforded a period of 45 consecutive days in which to review said plans. Subsequent to the expiration of the aforementioned 45-day period, the council shall conduct public hearings concerning such plans. Thereafter, the council shall adopt the comprehensive development plans, after making any amendments or revisions thereto that the council considers appropriate, but not

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later than the last regular council meeting in July of the year in which the plan is updated. Such plans shall become effective immediately upon adoption and approval of the authorizing legislation.

- (b) The approved comprehensive development plans shall be used as a guide for the preparation of the city's capital improvement program and capital budget.
- (c) The mayor shall maintain an up-to-date zoning map for all properties within the city limits.
- (d) Following the updating and adoption of the city's development plans, the council shall amend the city's zoning ordinance to conform with the updated development plans in accordance with procedures prescribed by general law.
- (e) Approved comprehensive development plans distributed to the public shall include a brochure or similar document containing the names, addresses, telephones numbers and facsimile numbers of appropriate city and county officers, as an appendix to the document, and such comprehensive development plans and appendices shall be provided to all neighborhood planning units of the city within 30 days of the adoption of such comprehensive development plans.

(1996 Ga. L. (Act No. 1019), p. 4469; Ord. No. 2004-08, § 2, 2-10-04)

Section 3-604. Program for human and economic development.

Within one year after the effective date of this Charter, the mayor and city council shall provide an administrative mechanism with appropriate status and adequate budget to develop and implement a comprehensive program of human and economic development. The program shall be responsible for identifying and securing resources needed to address these problems and needs effectively. The program shall encourage efforts to enable, empower, and involve the disadvantaged; address the causes of crime; work to enhance the quality of life of all citizens; and help to ensure that the city government will be responsive to the needs of all citizens.

(1996 Ga. L. (Act No. 1019), p. 4469)

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CHAPTER 7. CITIZEN'S SERVICE PLANNING REVIEW COMMISSION

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Section 3-701. Creation; composition.

There is hereby created and established the citizen's service planning review commission which shall consist of nine members.

(1996 Ga. L. (Act No. 1019), p. 4469)

Section 3-702. Appointments; terms; vacancies.

- (a) Members shall be appointed by the mayor subject to confirmation by a majority vote of the council. The mayor shall appoint six members, one each from the six neighborhood planning unit study areas, based on recommendations from the city's 24 neighborhood planning units. Any person so appointed shall be a resident of the city at the time of appointment and during the term of office. Of the initial members appointed to the commission, three of the members shall be appointed for a term expiring on December 31, 1998; three members shall be appointed for a term expiring on December 31, 1999; and three members shall be appointed for a term expiring on December 31, 2000. Thereafter, all members shall be appointed for three-year terms. Members of the commission shall select one of its members as chairperson.
- (b) If said appointments are not made by the first council meeting in July, the appointments shall be made by the Atlanta City Council, and the person filling the vacancy shall have all the qualifications prescribed for membership.
- (c) Any vacancy on the commission, however created, shall be filled for the unexpired term in the same manner as the position was originally filled, and the person filling the vacancy shall have and retain all the qualifications prescribed for membership.

(1996 Ga. L. (Act No. 1019), p. 4469; Ord. No. 1996-52, § 1, 7-10-96; Ord. No. 2000-39, §§ 1, 2, 6-28-00)

Section 3-703. Powers and duties.

Each year the commission shall study such city services as agreed upon by a majority of its members and prepare a report to be presented to the mayor and chief operating officer by September 1 of each year. The report shall contain the findings of the commission and present actions that the city may implement to increase the efficiency and reduce the cost of service provision. For each service area reviewed and investigated by the commission, the report shall include but not be limited to:

- (1) The level of expenditures for each service;

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- (2) The quality of the service provided;
- (3) The cost of providing the service;
- (4) Available competitive contracting for such service;
- (5) Consolidation of service delivery with other jurisdictions; and
- (6) Ways to improve the efficiency of service provision.

The commission shall also conduct an evaluation of any previously determined service delivery plans and actions taken by the administration in order to improve delivery of the service.

(1996 Ga. L. (Act No. 1019), p. 4469)

Section 3-704. Mayor's action.

The mayor shall hold at least one public hearing on the report. After the public hearing and prior to the submission of the budget each year, the mayor shall present an annual plan and actions the city may implement to the president of the council and members of the council.

(1996 Ga. L. (Act No. 1019), p. 4469)

Section 3-705. Assistance to the commission.

The mayor's office shall provide the necessary staff and assistance to the commission as required for the completion of its tasks.

(1996 Ga. L. (Act No. 1019), p. 4469)

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ARTICLE 4. COURTS

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Section 4-101. Establishment; designation.

Pursuant to the provisions of Article VI, Section I, of the Constitution of Georgia, and Title 36 of the O.C.G.A., as amended, there shall be in the city a court to be known as the Municipal Court of Atlanta, which shall have a minute book and a seal of appropriate design prescribed by council.

(1996 Ga. L. (Act No. 1019), p. 4469)

Section 4-102. Jurisdiction, authority, and powers generally.

The municipal court and each judge thereof shall have jurisdiction and power coextensive with the territorial limits of the City of Atlanta, Georgia, to:

- (1) Try and punish violations of this charter, all city ordinances, and such other violations as provided by law;

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- (2) Try, hear, and abate nuisances as provided by the laws of this state;
- (3) Hear, try, and determine as a committing court all warrants for the violation of any state law and, while acting under the authority of the laws of the State of Georgia, to bind over such persons to an appropriate higher court for the eventual trial of said case;
- (4) Punish those in its presence for contempt, provided that such punishment shall not exceed \$200.00 or ten days in jail or both;
- (5) Punish for violations within its jurisdiction not exceeding a fine of \$1,000.00 or imprisonment for six months or both such fine and imprisonment or may fix punishment by fine, imprisonment, or alternative sentencing as now or hereafter provided by law;
- (6) Establish bail and recognizance to ensure the presence of those charged with violations before said court;
- (7) Probate, revoke, amend, remit, modify, alter, or suspend sentences imposed, provided that the mayor may grant reprieves and pardons, commute penalties, and remit any part of a sentence following defendant's request therefor to the court;
- (8) Compel the production of books, papers, and other evidence in the possession of any party with the same authority as magistrates of the state;
- (9) Compel the presence of witnesses or all parties necessary to a proper disposal of each case by issuance of summonses, subpoenas, warrants, orders, and all other process in cases within its jurisdiction arising under the laws of the State of Georgia or this Charter or ordinances of the city with full power to enforce the same;
- (10) Enforce obedience to its orders, judgments, and sentences with the same authority as magistrates of the state;
- (11) Administer all oaths as are necessary with the same authority as magistrates of the state and take affidavits and attest other papers;
- (12) Issue warrants for the arrest of persons charged with offenses against any ordinance of the city, and each judge of the municipal court shall have the authority as magistrate of the state to issue warrants for offenses against state laws committed within the city; and
- (13) Such other powers and duties as shall be provided by law or ordinance.

(1996 Ga. L. (Act No. 1019), p. 4469; S.B. 498/2004, § 2, 5-17-04)

Section 4-102A. Reserved.

Editor's note—

Section 3 of Senate Bill 498/2004, adopted May 17, 2004, repealed [§ 4-102A](#) in its entirety.
Formerly, said section pertained to the Victims and witnesses assistance programs.

Section 4-103. Appellate review.

The orders, verdicts, judgments, and sentences of the court shall be subject to appellate review by writ of certiorari in the appropriate superior court or as otherwise provided by general law.

(1996 Ga. L. (Act No. 1019), p. 4469)

PART I - CHARTER AND RELATED LAWS

Subpart A - CHARTER

ARTICLE 4. COURTS

Section 4-104. Judges; qualifications; term of office; appointment; oath; vacancies; compensation.

- (a) *Number of judges.* The municipal court shall be presided over by such number of municipal court judges as shall be authorized by the city council.
- (b) *Qualifications.* To qualify for appointment as a judge of the municipal court, a person shall be at least 25 years of age, a resident of the city for at least one year, a member of the State Bar of Georgia, and a practicing attorney with a minimum of five years' experience. To hold office as a judge after such appointment, a person shall continue to possess said qualifications and shall not hold or qualify for any other public office.
- (c) *Appointment.* The mayor shall appoint a person to the position of municipal court judge in accordance with the provisions of this article.
- (d) *Term of office.* A judge of the municipal court shall be appointed for a term of four years and, upon completion of such term, such judge shall continue to serve until not retained by a vote of city electors as provided herein.
- (e) *Oath.* Before assuming office, each judge shall take and subscribe an oath or affirmation, before some officer authorized to administer oaths, faithfully to discharge the duties of the office. The oath shall be filed with the municipal clerk.
- (f) *Vacancies.* In the event of any vacancy in the office of a municipal court judge for any cause, whether by death, resignation, lack of retention, or removal, the mayor shall appoint some qualified person to fill such vacancy in accordance with the provisions of this article. Any judge appointed to fill a vacancy shall not be required to run against his or her record until he or she has held office at least 12 months, and in such event his or her term shall be extended until the end of the calendar year of the second general municipal election following the date of his or her appointment.
- (g) *Compensation.* The municipal court judges shall be paid an annual salary no less than 90 percent of the total annual compensation of the judges of the Superior Court within the territorial jurisdiction of said court.

(1996 Ga. L. (Act No. 1019), p. 4469; Ord. No. 2007-33(07-O-0695), § 1, 6-12-07)

Section 4-105. Chief judge.

- (a) *Selection.* The municipal court judges shall by a majority vote select a chief judge to serve at their pleasure.
- (b) *Duties.* The chief judge shall be responsible for the general supervision of the municipal court and shall promulgate all rules necessary for the supervision, conduct, and administration of the court, including but not limited to the number of divisions into which the court is divided and the assignment of judges to duty therein; the hours of operation of the court; the preparation of calendars deemed necessary and proper; and a system for keeping court records and shall require such reports from the judges, solicitor, public defender, clerk/administrator, and other court personnel as deemed necessary and proper. Such rules so promulgated shall be reduced to writing. The chief judge shall be responsible also for the preparation and submittal of budgets of said court to the mayor and city council and appropriate departments, committees, and agencies. He or she shall further perform other duties as the council may provide by ordinance or as required by law.
- (c) *Vacancy, incapacity, or inability.* In the event of a vacancy, incapacity, or inability of the chief judge to perform his or her duties, the remaining judges of the court, by a majority vote, shall select another chief judge in accordance with this section.

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ARTICLE 4. COURTS

(1996 Ga. L. (Act No. 1019), p. 4469)

Section 4-106. Judicial commission.

- (a) *Creation.* There is hereby created an Atlanta Judicial Commission, established for the purpose of nominating to the mayor persons for appointment to the positions of judges, solicitors and public defenders of city and municipal courts, and any judge pro hac vice of municipal court.
- (b) *Composition; appointments.* The Atlanta Judicial Commission shall be composed of eight voting members, consisting of three members appointed by the Atlanta Bar Association who are actively engaged in the practice of law, three members appointed by the Gate City Bar Association who are actively engaged in the practice of law, and two members appointed by the mayor who are residents and qualified electors of the city but not attorneys. All persons appointed to the judicial commission shall have resided in the city for at least 12 months and continue to reside in the city during their terms of office. Of the members first appointed after the effective date of this Charter, one member of the Atlanta Bar Association and Gate City Bar Association shall be appointed for two years, one member of the Atlanta Bar Association and Gate City Bar Association shall be appointed for three years, one member of the Atlanta Bar Association and Gate City Bar Association shall be appointed for four years, and the two members appointed by the mayor shall be appointed for four years. Thereafter, all members shall be appointed to four-year terms. A chairperson and secretary shall be elected by the members; however, the chairperson shall be a member of the State Bar of Georgia.
- (c) *Functions; duties.* Whenever a vacancy occurs in the positions of judges, solicitors and public defenders of city and municipal courts, or a judge pro hac vice of municipal court for any cause, the mayor shall provide written notification to the chairperson within 30 days of the act creating the vacancy or any new position. The judicial commission shall certify to the mayor a list of three nominees who are members of the State Bar of Georgia in good standing. Such list shall be submitted by the judicial commission no later than 90 days after receiving the above written notification from the mayor. The nominations and appointments to fill vacancies shall be based solely upon merit, legal experience, ability, and integrity. Any member shall be disqualified from consideration of an applicant who is related by blood or marriage.
- (d) *Confidentiality of deliberations.* The deliberations of the judicial commission shall be confidential and privileged. The identity of the applicants and nominees certified to the mayor shall be public information.
- (e) *Failure to submit nominations.* If the judicial commission has not presented its nominations as required by subsection (c) herein to the mayor within 120 days after being informed by the mayor of a vacancy or pending vacancy, the mayor may thereafter fill such vacancy on his or her own motion, applying the standards herein. However, any such appointment made by the mayor shall be confirmed by a majority vote of the members of council.
- (f) *Appointments by mayor as a result of court consolidation.* Notwithstanding subsections (a) through (e) of this section, the mayor, at the mayors sole discretion, shall have the temporary authority for a period of one year from the effective date of this subsection to appoint any City of Atlanta judge who resigns or retires in good standing to the municipal court without first observing the Atlanta Judicial Commission process provided in subsections (a) through (e) of this section. This subsection shall not longer be applicable and shall be repealed one year following the effective date of this subsection.

(1996 Ga. L. (Act No. 1019), p. 4469; S.B. 498/2004, § 4, 5-17-04)

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ARTICLE 4. COURTS

Section 4-107. Retention of judges.

- (a) *Filing of declaration.* A judge of the municipal court who desires to retain judicial office for a succeeding term shall file with the municipal clerk, not more than 90 days nor less than 60 days prior to each regular general municipal election prior to the expiration of the judge's term of office, a declaration of intent to run for another term.
- (b) *Ballot question.* Upon the filing of the above declaration, a question shall be placed upon the appropriate ballot of such municipal election as follows:

"Shall Judge (name of judge) of the Atlanta Municipal Court be retained in office?

Yes, to retain.

No, against retention."

If a majority of those voting on such question vote to retain a judge, the judge is thereupon retained for a four-year term commencing on the first Monday in January following each municipal election. If a majority of those voting on such question vote not to retain a judge, a vacancy shall exist upon the expiration of the term being served by the judge. Such vacancy shall be filled in accordance with the provisions within this article.

- (c) *Prohibition against appointment.* Any judge failing to be retained by city electors shall be ineligible for appointment to the municipal court for a period of four years.

(1996 Ga. L. (Act No. 1019), p. 4469)

Section 4-108. Removal of judges.

- (a) A judge of the municipal court may be removed from office in accordance with the provisions of the Code of Judicial Conduct effective on January 1, 1994, as now or hereafter amended, as adopted by the Supreme Court of Georgia.
- (b) Whenever a judge of the municipal court shall be indicted for a crime involving moral turpitude, a felony, or other crime involving malfeasance or misfeasance while in office, he or she shall be automatically suspended from office without pay until final conviction, acquittal, or other disposition of the charges against him or her. Immediately thereafter, unless he or she has been convicted or pleaded guilty, he or she shall be reinstated in office and shall receive all compensation withheld during his or her suspension; otherwise his or her office shall be vacant.

(1996 Ga. L. (Act No. 1019), p. 4469)

Section 4-109. Judges pro hac vice.

- (a) The council shall determine the initial number of judges pro hac vice. The mayor shall appoint judges pro hac vice from panels of three nominees submitted by the Atlanta Judicial Commission. The qualifications for said appointees shall be the same as for judges and a judge pro hac vice shall act in the event of an emergency, conflict of interest, or other necessity.
- (b) At such time a judge pro hac vice is needed by the municipal court for more than three-fourths of the working days of this court in any six-month period, an additional position of associate judge shall be established, subject to approval by majority vote of the council.
- (c) All judges pro hac vice for the municipal court shall serve four-year terms, commencing on July 1, 2004, or commencing on the effective date of their respective appointments, whichever date is

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earlier. Judges pro hac vice may be reappointed to that position, subject to the requirements of subsection (a) of this section.

- (d) Notwithstanding subsections (a) through (c) of this section, the mayor shall, at the mayors sole option, have the temporary authority for a period of one year from the effective date of this subsection to appoint any former City of Atlanta full-time or pro hac vice judge who resigns or retires in good standing to the Municipal Court without first observing the Atlanta Judicial Commission process provided in subsections (a) through (e) of [Section 4-106](#) of this charter. In no event shall any full-time judge of the City Court who, although his or her position has been abolished by court consolidation and who is still entitled to his or her regular salary through the end of his or her term, serve on the municipal court pro hac vice for additional compensation. This prohibition shall not affect the right of any retired employee to collect pension or other retirement benefits. This subsection shall not longer be applicable and shall be repealed one year following the effective date of this subsection.

(1996 Ga. L. (Act No. 1019), p. 4469; S.B. 498/2004, § 5, 5-17-04)

Section 4-110. Solicitor; qualifications; selection; term; assistants; duties; oath; prohibited activities; compensation; vacancies; removal.

- (a) *Qualifications.* There shall be a solicitor of the municipal court. The solicitor shall be at least 25 years of age, a resident of the city for at least one year, a member of the State Bar of Georgia, and a practicing attorney with a minimum of five years' experience. During his or her term of office, the solicitor shall continue to reside within the city.
- (b) *Selection; term.* Upon the submission of three nominees by the Atlanta Judicial Commission, the mayor shall appoint one of the three nominees as the solicitor of municipal court for a four-year term. The solicitor shall discharge the duties of the office until a successor is qualified and appointed. A solicitor may be appointed to subsequent terms.
- (c) *Assistants.* The solicitor shall appoint such deputy or assistant solicitors as may be authorized by the city council. Any deputy or assistant solicitor shall be and remain a member in good standing with the State Bar of Georgia and shall serve at the pleasure of the solicitor.
- (d) *Duties.* The solicitor shall be the prosecuting officer of the municipal court. The solicitor and assistant solicitors shall perform such duties as prescribed by ordinance and required by law.
- (e) *Oath.* Before entering the duties of their offices, the solicitor and assistants shall take and subscribe an oath or affirmation before some officer authorized to administer oaths, to faithfully discharge the duties of the office.
- (f) *Prohibited activities.* The solicitor and deputy or assistant solicitors, excluding solicitor pro hac vice, shall devote full-time to the discharge of their duties and shall not engage in the private practice of law.
- (g) *Compensation.* The annual salaries of the solicitor and assistants shall be fixed by the council.
- (h) *Vacancies.* In the event of a vacancy in the position of the solicitor or any assistant for any cause, whether by death, resignation, or removal, such vacancy shall be filled in accordance with the provisions in this article.
- (i) *Removal.* The solicitor shall be subject to removal from office by the mayor during the term of office to which such solicitor was appointed for any of the grounds enumerated in paragraphs (1) through (6) of subsection (a) of [section 5-304](#)

(1996 Ga. L. (Act No. 1019), p. 4469)

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Section 4-111. Public defender; qualifications; selection; term; assistants; duties; oath; prohibited activities; compensation; vacancies; removal.

- (a) *Qualifications.* There shall be a public defender of the municipal court. The public defender shall be at least 25 years of age, a resident of the city for at least one year, a member of the State Bar of Georgia, and a practicing attorney with a minimum of five years' experience. During his or her term of office, the public defender shall continue to reside in the city.
- (b) The provisions of [section 4-110](#) relating to the appointment, term, assistants, duties, oath, vacancies, removal, prohibited activities, and compensation shall apply also to the public defender and any assistant public defenders. The public defender and assistants shall perform such duties as shall be prescribed by ordinance and required by law.

(1996 Ga. L. (Act No. 1019), p. 4469)

Section 4-112. Solicitors and public defenders pro hac vice.

- (a) The solicitor shall appoint solicitors pro hac vice as needed by the municipal court to act in the event of emergency or necessity, except as provided herein.
- (b) The chief judge of the municipal court shall appoint solicitors pro hac vice when there is a conflict of interest associated with the office of the solicitor. Under these circumstances, the solicitor shall make a written request setting out the nature of the conflict of interest to the chief judge.
- (c) Any municipal court judge shall have authority to appoint public defenders pro hac vice to act in the event of emergency, conflict of interest, or necessity related to the office of the public defender.

(1996 Ga. L. (Act No. 1019), p. 4469)

Section 4-113. Clerk/administrator and other court personnel.

- (a) *Clerk/administrator.* The office of the clerk/administrator is hereby created. The clerk/administrator shall be appointed by a majority vote of the total number of judges thereof to serve at their pleasure and shall not be subject to civil service rules of the city. Any person appointed clerk/administrator shall be a resident of the city during his or her appointment. The clerk/administrator duties shall consist of submitting to the chief judge recommendations for improving the efficiency and operation of the court; being the official custodian of records of the court; assisting the chief judge in the preparation of the budgeting and fiscal reports and documents as may be necessary and proper for the operation and maintenance of the court; collecting and compiling data, including cases filed and disposed of, and information on the expenditures and receipts of the court; keeping and maintaining the docketing of cases in such form and manner as required by law or the chief judge; and other such duties as provided by ordinance.
- (b) *Other court personnel.* The judges in conference shall employ, subject to the city's civil service laws, regulations, and rules, such employees and staff of the court as shall be authorized by the council. Such employees and staff shall be within the civil service system of the city.
- (c) *Prohibition.* Unless provided otherwise in this Charter, personnel of the municipal court shall not be employed by, members of, or under the jurisdiction of the police department or be actively engaged in the practice of law before the court except in the actual discharge of their official duties.

(1996 Ga. L. (Act No. 1019), p. 4469)

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Section 4-114. Court procedures; service of processes and orders.

- (a) Criminal prosecutions in the court may be instituted by summons, written information, or accusation specifically setting forth the offense charged. Such information, accusation, and summons may be signed by the solicitor or assistant solicitor, any sworn member of the police department, or such officers as may be specifically authorized by ordinance. The judges of such court may issue warrants either on their own knowledge or on information given under oath. Except in capital cases, they shall have the same power to fix bonds as judges of the superior courts.
- (b) All copies of documents and records of the court certified by the clerk/administrator, or such deputy clerk/administrator, under the seal of the court shall be admissible in all proceedings in the same manner and to the same extent as documents bearing the certificate of the clerks of the superior courts of the state and the seals of such courts.
- (c) The chief of police and sworn members of the police department of the city and employees of the court designated by the judges, and such other officials or persons authorized by law, shall have the authority to serve all processes and orders of the municipal court in the absence of sufficient designated employees of the court, and members of the police department shall have the authority to serve as bailiffs or constables at the discretion of the chief judge.

(1996 Ga. L. (Act No. 1019), p. 4469)

Section 4-115. Codes of ethics.

- (a) The Code of Judicial Conduct, as adopted by the Supreme Court of Georgia, as now or hereafter amended, shall govern the conduct of the judges of the municipal court.
- (b) The Code of Professional Responsibility, as adopted by the Supreme Court of Georgia, as now or hereafter amended, shall govern the conduct of the solicitor, public defender, and their assistants of the municipal court.
- (c) Said codes are hereby incorporated herein by reference as if set out at length in this section, and copies thereof are on file in the office of the municipal clerk.

(1996 Ga. L. (Act No. 1019), p. 4469)

Section 4-116. Victims and witnesses assistance program.

- (a) In every case in the Municipal Court of Atlanta in which the court imposes a fine for a violation of a state law or a city ordinance, there shall be imposed as an additional penalty a sum not to exceed \$3.00.
- (b) At the time of posting bail or bond in any case before the Municipal Court of Atlanta, an additional sum not to exceed \$3.00 shall be posted, and in every case in which the court orders the forfeiture of bail or bond, the additional sum posted shall be distributed as provided in subsection (c) of this section.
- (c) The additional penalty in cases in which fines are imposed and the additional sum for forfeiture of bails and bonds provided for in subsections (a) and (b) of this section shall be collected by the court officer charged with the duty of collecting fines and forfeited bails or bonds. The funds collected under this section shall be distributed by the City of Atlanta Finance Department to the Victims and Witnesses Assistance Program operated by the City of Atlanta in the Municipal Court of Atlanta. The budget for the Victims and Witnesses Assistance Program named in this section shall be submitted to the governing authority as a resolution of the Finance Committee of the Atlanta City Council for review and approval of the distribution of the funds. An annual report to the governing authority of

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the City of Atlanta of the moneys received by the recipient of these funds shall be made by the chief judge.

(S.B. 498/2004, § 6, 5-17-04)

Section 4-117. Additional penalty for municipal detention and prison facilities.

- (a) (1) In every case in which the municipal court shall impose a fine, which shall be construed to include costs, for any offense against a criminal or traffic law of this state or any ordinance of the City of Atlanta, there shall be imposed as an additional penalty a sum equal to 15 percent of the original fine. Such additional penalties shall be paid over as provided in subsection (c) of this section. The penalty provided in this paragraph shall be in addition to any penalty or additional penalty provided for in any other provision of this charter.
- (2) At the time of posting bail or bond in any case involving a violation of a criminal or traffic law of this state or ordinance of the City of Atlanta, an additional sum equal to 15 percent of the original amount of bail or bond shall be posted. In every case in which such court shall order the forfeiture of bail or bond, the additional sum equal to 15 percent of the original bail or bond shall be paid over as provided in subsection (c) of this section. The additional sums provided for in this paragraph shall be in addition to any other sums provided by law.
- (b) Such sums required by subsection (a) of this section and [Section 4-116](#) of this charter shall be in addition to that amount required by Code Section 47-17-60 of the O.C.G.A. to be paid into the Peace Officers' Annuity and Benefit Fund or by Code Section 47-11-51 of the O.C.G.A. to be paid into the Judges of the Probate Courts Retirement Fund of Georgia.
- (c) The sums provided for in subsection (a) of this section shall be assessed and collected by the clerk or court officer charged with the duty of collecting moneys arising from fines and forfeited bonds and shall be paid over to the governing authority of the city by the tenth day of the month following the month in which such sums are collected. Such sums paid over to the governing authority shall be deposited by the governing authority into a special account to be known as the "city jail fund".

(S.B. 498/2004, § 7, 5-17-04)

Section 4-118. Senior judge.

- (a) *Creation.* Any municipal court judge who retires in good standing after July 1, 2009, shall be a Senior Judge of the Atlanta Municipal Court
- (b) *Duties.* The senior judge who retires shall continue to be in good standing with the State Bar of Georgia and shall be authorized to sit and function as a municipal court judge in the event of emergency or necessity of the court at the request of the municipal court's chief judge.
- (c) *Compensation.* Any compensation provided for this service shall be approved by the Atlanta City Council.

(Ord. No. 2009-57(09-O-0996), § 1, 9-30-09)

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ARTICLE 5. ELECTIONS, REMOVAL AND CONFLICTS OF INTEREST

ARTICLE 5. ELECTIONS, REMOVAL AND CONFLICTS OF INTEREST

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[CHAPTER 1. CONDUCT OF ELECTIONS]

[CHAPTER 1. CONDUCT OF ELECTIONS]

[Section 5-101. Applicability of general laws.](#)

[Section 5-102. Regular elections; time for holding; voting.](#)

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[Section 5-104. Use of public buildings.](#)

[Section 5-105. No partisan primaries; candidates listed without party label.](#)

[Section 5-106. Other provisions.](#)

Section 5-101. Applicability of general laws.

Regular and special elections shall be conducted in accordance with the provisions of Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended.

(1996 Ga. L. (Act No. 1019), p. 4469; Ord. No. 2009-71(09-O-1887), § 1, 11-25-09)

Section 5-102. Regular elections; time for holding; voting.

- (a) The regular general election for electing the mayor, president of the council, and all councilmembers of the City of Atlanta shall be held on the first Tuesday after the first Monday in November, 1997, and quadrennially thereafter.
- (b) The entire electorate of the city shall be entitled to vote in elections for mayor, president of council, and at-large councilmembers. The entire electorate of each council district shall be entitled to vote for the election of a councilmember elected solely from that district. The person receiving the majority of the votes cast for each position shall be elected.
- (c) The mayor, president of the council, and those members of the council who are serving as such on December 31, 1996, and any person selected to fill a vacancy in any such offices shall continue to serve as such for terms of office which expire December 31, 1997, and shall continue to represent the area or district from which elected.
- (d) The first mayor, president of the council, and members of the council under this Act shall be elected at the time of the general municipal election in 1997. The mayor, president of the council, and members of the council elected thereto in 1997 shall take office the first Monday of January immediately following that election and shall serve for initial terms of office which expire December 31, 2001, and upon the election and qualification of their respective successors. Those and all future successors to the mayor, president of the council, and members of the council whose terms of office are to expire shall be elected at the general municipal election immediately preceding the expiration of such terms, shall take office the first day of January immediately following that election, and shall serve for terms of office of four years each. The mayor, president of the council, and members of the council shall serve for the terms of office specified therefor in this subsection and until their respective successors are elected and qualified.

(1996 Ga. L. (Act No. 1019), p. 4469)

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[CHAPTER 1. CONDUCT OF ELECTIONS]

Section 5-103. Special elections; filling of vacancies.

- (a) In the event the office of mayor, president of the council, or councilmember shall become vacant by reason of death, resignation, or any other cause, the council shall, within 15 days after the occurrence of such vacancy, call a special election to fill the balance of the unexpired term of such office by giving notice thereof in one or more newspapers of general circulation within the city, except:
- (1) If a regular election for the office of mayor is to be held within one year after the date that a vacancy in the office of mayor occurs, the president of the council shall assume and discharge the powers and duties of the office of mayor for the duration of the mayor's unexpired term, and the president pro tempore shall perform the duties of the president of the council during such period;
 - (2) If a regular election for the office of the president of the council is to be held within one year after the date that a vacancy occurs in the office president of the council, the president pro tempore shall assume and discharge the powers and duties of the office of the president of the council during such period;
 - (3) If a regular election for the office of councilmember is to be held within one year after the date that a vacancy occurs in the office of councilmember, the remaining members of the council shall by majority vote appoint a qualified person to fill the vacancy. The members of the council shall appoint such person within 30 days of the date the vacancy occurs.
- (b) If any elected officer of the city qualifies for another municipal, county, state, or federal elective office, his or her resignation shall be governed solely by Article II, Section II, Paragraph V, of the Constitution of the State of Georgia.
- (c) Every special election shall be held and conducted in accordance with the Georgia election code and rules of the State of Georgia and Fulton and DeKalb County Election Boards.

(1996 Ga. L. (Act No. 1019), p. 4469; Ord. No. 2008-82(08-O-1903), § 1, 11-6-08)

Section 5-104. Use of public buildings.

It shall be the duty of the council to make available for voting purposes all public buildings of the city which may be needed or required for such purpose on all election days.

(1996 Ga. L. (Act No. 1019), p. 4469)

Section 5-105. No partisan primaries; candidates listed without party label.

No political party shall conduct primaries for the purpose of nominating candidates for municipal elections. In all municipal elections conducted by or for the City of Atlanta, the names of all candidates shall be listed upon the ballot without party label.

(1996 Ga. L. (Act No. 1019), p. 4469)

Section 5-106. Other provisions.

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

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[CHAPTER 1. CONDUCT OF ELECTIONS]

(1996 Ga. L. (Act No. 1019), p. 4469; Ord. No. 2009-71(09-O-1887), § 2, 11-25-09)

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CHAPTER 2. COUNCIL DISTRICTS; REAPPORTIONMENT

CHAPTER 2. COUNCIL DISTRICTS; REAPPORTIONMENT

[Section 5-201. Council districts.](#)

[Section 5-202. Reapportionment of council districts.](#)

Section 5-201. Council districts.

Beginning with the general municipal election of 1997 the territory of the council shall consist of 12 council districts to be designated as Districts No. 1 through 12, and three residency posts for the three at-large members. The boundaries of the districts are specifically described and set forth in Appendix I herein. Said appendix is incorporated herein as if fully set forth in this section.

(1996 Ga. L. (Act No. 1019), p. 4469)

Section 5-202. Reapportionment of council districts.

- (a) Subject to the limitations of state and federal law, the council shall reapportion the council districts from which members of the council are elected following publication of the 2000 United States decennial census or any future such census. Such reapportionment of districts shall be effective for the election of members to the council at the next regular general municipal election following the publication of the decennial census.
- (b) The council shall reapportion the council districts in accordance with the following specifications:
 - (1) Each reapportioned district shall be formed of contiguous territory, and the boundary lines of said district shall be the center lines of streets or other well-defined boundaries;
 - (2) Variation in population between such districts shall comply with the one-person-one-vote requirements of the United States Constitution; and
 - (3) The reapportionment shall be limited to adjusting the boundary lines of the existing districts only to the extent reasonably necessary to comply with the requirements of paragraph (2) above; and the number of members of the council and the manner of electing such members, except for the adjustment of district boundary lines, shall not be changed by the council.
- (c) In addition to the reapportionment following publication of the decennial census, the council shall reapportion districts pursuant to this section if the annexation of additional territory to the corporate boundaries of the City of Atlanta has the effect of denying electors residing within the newly annexed territory the right to vote for the election of members of the council on substantially the same basis that the other electors of the City of Atlanta vote for members of the council. The reapportionment provided for herein shall meet the criteria specified in subsection (b) of this section and shall be further limited to making only those adjustments in district boundary lines as may be reasonably necessary to include the newly annexed territory within such districts. Reapportionment under this subsection shall be effective for the next regular general municipal election following annexation.

(1996 Ga. L. (Act No. 1019), p. 4469)

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CHAPTER 3. REMOVAL OF ELECTED OFFICIALS

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[Section 5-301. Recall elections.](#)

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Section 5-301. Recall elections.

Any person holding an elective office of the city shall be subject to removal from office at a recall election in the manner provided by Chapter 4 of Title 21 of the O.C.G.A., the "Recall Act of 1989," as now or hereafter amended.

(1996 Ga. L. (Act No. 1019), p. 4469)

Section 5-302. Offices to be vacated immediately upon the occurrence of certain events.

Upon final conviction of or the entering of a plea of guilty for a crime involving moral turpitude, a felony, or other crime involving malfeasance or misfeasance while in office, the office of the mayor, president of the council, or any councilmember shall be vacated immediately without further action. The unexpired term of office shall be filled as provided in this Charter.

(1996 Ga. L. (Act No. 1019), p. 4469)

Section 5-303. Removal of mayor for temporary inability to serve.

During the temporary inability of the mayor to perform the duties of his or her office, the president of the council shall serve as and shall have all the powers and duties of the mayor, provided the council shall, by three-fourths' vote of the entire membership serving thereon, certify such inability by resolution, which resolution shall become immediately effective without action by the mayor. The council shall determine by majority vote of its members when the mayor is again able to perform the duties of his or her office.

(1996 Ga. L. (Act No. 1019), p. 4469)

Section 5-304. Removal of elected officials.

- (a) *Grounds for removal.* The mayor, the president of the council, or any councilmember shall be subject to removal from office for any of the following causes:
- (1) Malpractice, misfeasance, or malfeasance in office;
 - (2) Failure at any time to possess any of the qualifications of office as provided by this Charter or by law;
 - (3) Failure to maintain continuously the residency within the district or districts from which elected.

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- (4) Violation of the conflicts of interest and standards of conduct provided in this Charter or the code of ordinances;
 - (5) Violation of the oath of office as provided in this Charter;
 - (6) Abandonment of office or ceasing to perform the duties thereof; or
 - (7) Failure for any cause to perform the duties of office as required by the provisions herein or by law.
- (b) *Procedures for removal.* Removal of the mayor, the president of the council, or any councilmember pursuant to subsection (a) of this section shall be accomplished by the following method. In the event the mayor, the president of the council, or any councilmember is sought to be removed by action of the council, an impartial panel shall conduct a hearing and render a decision on the matter. Such elected official sought to be removed shall be entitled to a written notice specifying the ground(s) for removal and to a public hearing which shall be held not less than ten days after the service of such written notice. The council shall provide by ordinance or resolution for the appointment of an impartial panel and the manner in which such hearings shall be held to render a decision. Any elected official sought to be removed from office as herein provided shall have the right of appeal from the decision of the council to the Superior Court of Fulton County. Such appeals shall be governed by the same rules as govern appeals to the superior court from the probate court.

(1996 Ga. L. (Act No. 1019), p. 4469; Ord. No. 2000-12, §§ 1, 2, 3-15-00)

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CHAPTER 4. CONFLICTS OF INTEREST

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Section 5-401. Conflicts of interest provisions applicable to city officials and employees.

- (a) Except as otherwise provided by general law, no elected official, appointed officer, or employee of the city or any office, department, or agency thereof, shall knowingly:
 - (1) Engage in any business or transaction with, or have a financial or personal interest, direct or indirect, in the affairs of, the city, except through a procedure employing sealed bids;
 - (2) Engage in or accept private employment or render services for private interests when such employment or service is in conflict or incompatible with the proper discharge of his or her official duties or would tend to impair his or her independence of judgment or action in the performance of official duties;
 - (3) Disclose confidential information or use information, including information obtained at meetings which are closed pursuant to Title 50, Chapter 14, of the O.C.G.A., as now or hereafter amended, concerning the property, government or affairs of the city or any office, department, or agency thereof, not available to members of the public and gained by reason of his or her official position for his or her personal gain or benefit, to advance his or her financial or other private interest, or to advance the financial or private interest of any other person or business entity;
 - (4) Represent other private interests in any action or proceeding against the city or any office, department, or agency thereof;
 - (5) Vote or otherwise participate in the negotiation or the making of any contract with any business entity in which he or she has a financial interest.
- (b) No elected official, officer, or employee shall use property of the city for his or her personal benefit or profit except in accordance with policies and procedures of the city.
- (c) All elected officials, appointed officers or employees of the city or any office, department, or agency thereof, shall abide by any further standards of conduct adopted or as may be adopted by an ordinance of the council.
- (d) As used in this chapter, the word "relative" shall mean an individual who is related to the elected official, appointed officer, or employee as father, mother, son, daughter, brother, sister, husband, wife, domestic partner registered under [section 94-133](#), grandfather, grandmother, grandchild, mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, any other relative living in the household of the elected official, appointed officer, or employee or who otherwise holds himself or herself out as or is generally known as the person whom the elected official, appointed officer, or employee intends to marry or with whom the elected official, appointed officer,

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or employee intends to form a household, or any other natural person having the same legal residence as the elected official, appointed officer, or employee.

(1996 Ga. L. (Act No. 1019), p. 4469; Ord. No. 2006-55, § 1, 8-29-06)

Section 5-402. Disclosures.

- (a) Any elected official, appointed officer, or employee who has any financial interest, directly or indirectly, in any contract or matter pending before or within any office, department, or agency of the city shall disclose such interest in writing to the council by filing a written memorandum with the municipal clerk. Any elected official who has a financial interest in any contract or matter before the council shall disclose such interest as provided in [Article 2](#) within this Charter.
- (b) Any elected official shall disclose publicly the identity of any relative, as defined in the Code of Ordinances, employed by the city on or before February 15th of each year, by the submission of an electronic form prescribed by the board of ethics.

(1996 Ga. L. (Act No. 1019), p. 4469; Ord. No. 2006-23, § 1, 5-18-06; Ord. No. 2006-59, § 1, 9-13-06)

Section 5-403. Contracts voidable and rescindable.

Any contract between the city and another party shall be voidable or rescindable at the discretion of the council at any time if any elected official, officer, or employee has any interest in such contract and does not disclose such interest in accordance with the provisions within this chapter.

(1996 Ga. L. (Act No. 1019), p. 4469)

Section 5-404. Ineligibility of elected officials.

No elected official shall hold any compensated appointive office or employment with the city until one year after the expiration of the term for which that official was elected to office, unless this provision is waived by a three-fourths vote of the council.

(1996 Ga. L. (Act No. 1019), p. 4469)

Section 5-405. Hearings and determinations.

Any hearings and determinations regarding any violations of the provisions herein shall be in accordance with the provisions of this Charter or any ordinance regulating standards of conduct as adopted by the council.

(1996 Ga. L. (Act No. 1019), p. 4469)

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ARTICLE 6. REVENUE AND FUND ADMINISTRATION

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Section 6-101. General power of taxation.

- (a) For the purpose of raising revenue for the support and maintenance of city government and for other corporate purposes, the governing body shall have full power and authority to provide by ordinance for the assessment, levy, and collection of an ad valorem tax on all real and personal property, which, under the laws of this state, is subject to taxation within the corporate limits of the city. For the purpose of raising revenue for the payment of interest and principal on the bonded indebtedness of the city, the governing body shall have full power and authority to provide by ordinance for the assessment, levy, and collection of an annual ad valorem tax on all real and personal property, which, under the laws of this state, is subject to taxation within the corporate limits of the city, and to provide such an amount in millage as may be necessary to meet and pay all such obligations.
- (b) For the purpose of raising revenue for permanent improvements in the parks of the city, and for facility maintenance, repair, replenishment, enhancement, and the purchase of equipment for such parks, the governing body shall have full power and authority to provide by ordinance for the assessment, levy, and collection of an ad valorem tax on all real and personal property, which, under the laws of this state, is subject to taxation within the corporate limits of the city, in the amount of one-half mill on each dollar of assessed valuation thereon; such tax, when collected shall be used as follows: 90 percent exclusively for permanent improvements to the zoo, golf courses, recreational, and other park facilities of the city, and ten percent for park facility maintenance, repair, replenishment, enhancement, and the purchase of equipment. In the event that any part of the tax so collected cannot be used in any one year, it may be invested in short-term securities until such time as the use of said funds becomes necessary or possible. The tax provided for herein shall be in addition to all other taxes authorized by this Charter.
- (c) The tax authorized by subsection (b) shall be used only as provided herein. Any sums not used in any one year for such purposes shall be converted into a trust fund to be held and expended for such purposes in future years. Half of the half-mill tax may, at the discretion of the council, be used for the purpose of constructing a stadium and related facilities in the city or for the purpose of paying in whole or in part the obligation assumed by the city by contract now or hereafter entered into with any authority now in existence or hereafter created which has agreed to construct a stadium and related facilities in the city.
- (d) No enumeration of any right, power, or authority provided in this Charter shall be construed as limiting or abolishing any right, power, or privilege herein set forth.

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- (e) There shall be assessed, levied, and collected an annual ad valorem tax for the support of public schools and for educational purposes, at the millage rate determined by the Atlanta Board of Education, to be billed and collected as other ad valorem taxes are billed and collected in accordance with this Charter, the basis for the billing and collection of such tax to be the millage as set forth in an annual written request signed by the president of said board of education together with a certified copy of said board's budget and filed with the governing authority, the format and time of annual filing of such request to be the only action by the governing authority of the city necessary to levy such tax annually. All revenue derived from such school and educational ad valorem tax shall be paid into the treasury of the city and shall be remitted monthly to said board of education free from any charge except the direct cost of collecting such tax.
- (f) The governing body shall be authorized to assess, levy, and impose taxes on lots and lot owners for sanitary purposes in such amount, rates, or methods of assessment and taxation; provided, further, the governing body shall be authorized and empowered to collect such taxes by execution against the lot so assessed and the owner thereof and provide for the use of such proceeds. The amount so assessed shall be a lien on the lot from the date of the assessment. The governing body shall be authorized to prescribe what should constitute a lot for sanitary purposes and assessment; provided, however, that assessment shall be made on vacant lots as follows: A front footage fee may be assessed in accordance with the zoned property category, residential, apartment, or commercial and no unit fee shall be assessed. Resident lots shall not be subdivided or assessed separately except where they have two or more houses used or intended for use as separate tenements built upon them, in which case a sanitary assessment maybe levied against the lot for each house situated thereon.
- (g) The governing body of the city, in addition to being authorized to assess, levy, and impose taxes for sanitary purposes, as set forth hereinabove in subsection (f), shall be authorized to charge fees for the collection, removal or disposal, or both, of all solid waste except body wastes, ashes, street cleanings, dead animals, abandoned automobiles, and market and industrial wastes, such fees to be charged against the owners or, when not owner-occupied, against the occupants, tenants, or lessees of the premises from which the fee is collected, and from which such waste is removed or disposed of, or both, from which collection and removal services are made available. The amount of such fees may depend upon the amount, weight, or volume of collections and whether collected from residential, commercial, industrial, or other property.
- (h) All public property exempt from taxation by the city by law shall likewise be exempt from all assessments, levies, and taxes specified under subsection (f) above. All fees for services charged against any such property as specified in subsection (g) above shall be due and payable when billed in due course by the city.

(1996 Ga. L. (Act No. 1019), p. 4469; Ord. No. 2006-56, § 1, 8-29-06)

Section 6-102. Excise taxes.

- (a) Except as otherwise provided by general law, the governing body shall be authorized and empowered to classify businesses and arrange the various businesses, trades, and professions carried on in the city into such classes of subjects for taxation as may be just and proper.
- (b) Except as otherwise provided by general law, the governing body shall have full power and authority to require any person, firm, corporation, or company engaged in, prosecuting, or carrying on, or that may engage in, prosecute, and carry on any trade, business, calling, or profession, to register their names and business, calling, or profession annually and to require such person, company, or association to pay for such registration or license, or both, to engage in, prosecute, or carry on such business, calling, or profession such fee, charge, or tax as the governing body may deem expedient

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for the safety, benefit, convenience, and advantage of the city. Such tax, registration fee, or license shall be imposed at the discretion of the governing body. The governing body shall also have power and authority to prescribe and collect fees for the issuance of business licenses or executions and for the collection of executions.

- (c) The governing body shall be authorized to impose and collect license fees and taxes on life insurance companies as authorized by an Act of the General Assembly of Georgia approved February 20, 1964 (Ga. L. 1964, p. [122](#)), as now or hereafter amended, and on fire and casualty insurance companies as authorized by an Act of the General Assembly approved April 12, 1968 (Ga. L. 1968, p. 3706), as now or hereafter amended.
- (d) The governing body shall have full and complete power and authority to require every person, firm, or corporation engaged in the business of selling spirituous, vinous, or malt liquors at wholesale to pay excise taxes based on the quantity or value of the commodity sold. Such taxes shall be in addition to any and all other taxes and license fees authorized by law.
- (e) If the corporate limits of the city are extended so as to include therein businesses, professions, and trades located therein which were previously licensed through an examination or otherwise by the governing authority of the annexed area, such licenses shall have the same dignity and standing as if they were in the first place issued by the governing authority of the city; provided, however, that any businesses not located therein must secure a new license from the city; provided, further, that city license renewal fees shall be payable thereby following the calendar year of said extension of the corporate limits. No such license shall have such dignity and standing unless the licensee applies to the city for a certificate of proficiency within six months after approval of the annexation affecting such licensee.

(1996 Ga. L. (Act No. 1019), p. 4469)

Section 6-103. Assessment, return, and collection of city taxes.

- (a) Except as otherwise provided by general law, this Charter, or ordinance, all taxes on property subject to taxation other than assessments made by the revenue commissioner of Georgia shall be assessed by the Fulton County or DeKalb County board of tax assessors and collected by the Fulton County or DeKalb County Tax Commissioner in accordance with applicable laws as now or hereafter amended governing the return, assessment, and collection of taxes with the City of Atlanta. The tax commissioners shall receive all tax returns for the city of all taxable property located in the city within Fulton County and DeKalb County except business property situated in such counties, the return of which shall be made to the board of tax assessors of Fulton or DeKalb Counties as provided by Georgia law. For the City of Atlanta in Fulton County and for that portion of the City of Atlanta located in DeKalb County, the tax commissioners shall prepare consolidated tax return forms for state, county, and city taxes and shall cause their use for the return of such property. The tax commissioners shall bill for all taxes due to the city on property in such counties and shall receive all payments of such taxes, including interest and fi. fa. costs thereon. He or she may be authorized by the governing body to collect delinquent taxes due to the city on property in such counties with the same powers and authorities held by the chief financial officer of the city. Sales made by the tax commissioner shall carry the title to the property as if made by the city's chief financial officer.
- (b) Any tax commissioner shall give bond payable to the City of Atlanta, in an amount to be determined by ordinance, conditioned upon payment to the city of all sums collected by him or her for and on behalf of the city. The premium on such bond shall be paid by the city.
- (c) The time or times for the payment of taxes assessed against real estate and personal property in the city shall be fixed by ordinance of the governing body; provided, however, that said ordinance shall

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not be changed during any current year but shall apply to the years succeeding the date of the passage of such ordinance. The ordinance may provide for payment of taxes monthly, quarterly, or otherwise; and on failure to pay the taxes or installment on taxes, such taxes shall bear interest at such rate as may be fixed by the governing body, to be charged on any installment not paid at the time ordained. If all the tax assessed for the current year is paid during the first tax period fixed, as provided by ordinance, a discount for such payment, not exceeding three percent, may be provided for by ordinance, on the total amount of such annual taxes. If the total taxes are not paid during the first period, but are paid during some of the other periods fixed in the ordinance, a discount may be allowed thereon not exceeding the stated sum of three percent; provided, however, that there shall be deducted from the discount a proportionate sum corresponding to the period of the year during which such taxes remain unpaid. The interest shall be computed from the date the taxes are made payable. The times of payment shall be provided by ordinance, with one or more times of payment during the current year. If any ad valorem tax or portion of ad valorem tax is not paid at the time prescribed by ordinance, execution shall be issued for the entire tax or the unpaid balance of the entire tax on December 20 and shall bear interest from August 15; provided, however, if December 20 of any year shall fall on Sunday, then the fi. fa. shall be dated December 21. Notwithstanding the foregoing, for the year 1999 only, unpaid ad valorem taxes for property owners within the City of Atlanta in DeKalb County shall bear interest from September 15.

- (d) The governing body may provide by ordinance for penalty for late payment of business licenses, taxes, and sanitary services in such amounts as deemed necessary.
- (e) The chief financial officer shall be ex officio marshal and shall collect all delinquent taxes and shall be authorized to collect or levy fi. fas. for taxes, assessments, and fines; make sales of property to satisfy executions under the laws applicable to sheriff's sales; issue, sign, and record executions; and issue tax executions instanter against the owner of personal property, subject to a lien for unpaid taxes, which is being removed or is about to be removed beyond the limits of the city. He or she shall pay into the city treasury all fees paid into his or her office. He or she shall transfer and assign all fi. fas. issued for assessments, as provided by law for tax fi. fas. A deputy of the chief financial officer, or any other city officer as provided by ordinance, may issue and sign executions and levy fi. fas. A proportionate amount of taxes due under a fi. fa. may be paid, as to a particular lot or tract of land, to withdraw said land from the lien thereof. Deeds made under this section shall be admissible in evidence on the same terms as deeds made for state and county taxes. The proceedings preliminary to the execution of such deeds shall also be admissible. The governing body may sell and transfer executions at a discount or discounts and preserve liens as provided in Ga. L. 1937, p. 795, as amended. Personal property levied on in the city may be sold at any place within the corporate limits thereof as provided by ordinance. The chief officer shall deduct from any payment due by the city to pay any person, firm, or corporation the amount of any delinquent bill or amount due the city prior to the payment of any such bill or account.
- (f) It shall be the duty of the tax commissioners to furnish with all tax bills a detailed statement which includes (1) purposes for which the taxes have been assessed and levied and (2) the number of mills assessed; for general operations and debt service, schools, parks, and any other purpose for which taxes have been assessed and levied; the dollar amount of taxes levied by purpose; and any other relevant information necessary to advise the taxpayers, either on the statement or on a paper to be enclosed with the statement, concerning the taxes imposed on them.
- (g) The chief financial officer shall be ex officio treasurer of the city and shall assume all the duties as may be required of that office.

(1996 Ga. L. (Act No. 1019), p. 4469; Ord. No. 1999-65, § 1, 9-16-99)

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Section 6-104. Collection of public utility taxes.

The chief financial officer, ex officio marshal, shall collect all taxes, including sanitary service charges, assessments and fees, and delinquent taxes, due to the city by public utilities. Utility ad valorem taxes shall be paid within the period fixed for payment of ad valorem taxes generally or within 20 days following certification by the state revenue commissioner, whichever is later. The chief financial officer is further empowered to collect, levy, issue, transfer and assign all fi. fas. for taxes and fines, to sell property so levied on under rules governing the sheriff and his or her deputies, to issue and assign executions and instanter executions for taxes and assessments, and to perform such other services as the governing body shall prescribe by ordinance; provided, however, property so levied upon may be redeemed by proportionate payment of taxes, as provided for by law. Provided, however, that nothing contained in this section shall abrogate the central assessment and return provisions of general law as applied to public utilities.

(1996 Ga. L. (Act No. 1019), p. 4469; Ord. No. 1996-46, § 1, 7-8-96)

Section 6-105. Fulton and Dekalb County territory.

- (a) The governing body shall be authorized to contract with Fulton and Dekalb County tax receivers and commissioners for that portion of the city lying within such counties for consolidated tax return forms, tax digests of property returned, billing for taxes, receipt of payment for such taxes, and payment to the city of such sums as provided in this chapter. Compensation for rendering such services shall be an amount equal to the cost of rendering the services but not to exceed one percent of all sums collected for the city.
- (b) The records of the tax receivers or commissioners of any counties in which portions of the city lie shall be available at all business hours to duly authorized representatives of the city and any members of the public.
- (c) The contents and delivery of tax bills, information to be furnished by the city, payment of taxes in installments, apportionment of taxes, partial payments, kinds of taxes collected, tax executions, and bonds of tax collectors of tax commissioners shall be provided for by ordinance in accordance with an Act of the General Assembly approved February 21, 1951 (Ga. L. 1951, p. 3087), and an Act of the General Assembly approved March 2, 1953 (Ga. L. 1953, p. 2809), as amended, and as otherwise required by law.

(1996 Ga. L. (Act No. 1019), p. 4469)

Section 6-106. Homestead exemptions.

- (a) The maximum homestead exemption as authorized by law is applicable to all property qualifying for such exemption which is subject to ad valorem taxes in the city.
- (b) The procedures and requirements for determination of eligibility, application for exemption, time for filing, and absence due to duty in armed forces shall be provided for by ordinance.

(1996 Ga. L. (Act No. 1019), p. 4469)

Section 6-107. No new grant of taxing power.

Any other provisions of this Charter to the contrary notwithstanding, nothing contained within this Charter shall be deemed nor construed to confer upon the City of Atlanta any power to levy and assess

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taxes and fees which the city did not possess on January 1, 1973. Provided, however, nothing contained within this section shall preclude said city from exercising additional powers to levy and assess taxes and fees which are conferred by general or local law, other than this Charter, which are enacted subsequent to January 1, 1973.

(1996 Ga. L. (Act No. 1019), p. 4469)

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Section 6-201. Bonds to be issued and sold under general state laws.

The city shall issue and sell bonds under the provisions of the general laws of the state; and where an issue of bonds is desired and the purposes thereof are legal and the amount proposed is not in excess of the constitutional limit, the governing body shall call an election when required therefor by ordinance, observing any and all formalities of notice, time, place and manner of election, voting, and declaring the result as provided by the general laws.

(1996 Ga. L. (Act No. 1019), p. 4469)

Section 6-202. Issuance of general obligation bonds.

- (a) The city shall be authorized to issue and sell general obligation bonds under the provisions of the Constitution and of the laws, both general and special, of the state as now or hereafter permitted for any public purpose.
- (b) The city shall have the authority to levy and collect ad valorem taxes without limit as to rate or amount on all taxable property within the territorial limits of the city, as the same may now exist and may be hereafter changed, to pay the principal of, redemption premium, if any, and interest on general obligation bonds issued by the city.

(1996 Ga. L. (Act No. 1019), p. 4469)

Section 6-203. Limitations upon general obligation bonds.

- (a) The city shall be authorized to incur general bond indebtedness to the extent authorized by the Constitution of Georgia of 1983, as now or hereafter amended, and the general laws of this state.
- (b) The proceeds from said general obligation bonds shall be utilized only for the purposes authorized by the bond issue; provided, however, the proceeds of such bonds shall not be utilized for payment of other than capital expenditures or expenses incidental thereto.

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(1996 Ga. L. (Act No. 1019), p. 4469)

Section 6-204. Issuance of general obligation bonds.

The city shall be authorized to issue general obligation bonds as provided by the Constitution and laws of Georgia.

(1996 Ga. L. (Act No. 1019), p. 4469)

Section 6-205. Revenue bonds.

The city is empowered and authorized to issue revenue bonds in the manner authorized by the Constitution and laws of Georgia.

(1996 Ga. L. (Act No. 1019), p. 4469)

Section 6-206. Other revenue bonds.

The city shall be authorized to issue revenue bonds for the waterworks system, for sanitary services, and for grandstands and stadiums as provided by the Constitution of Georgia of 1983, as now or hereafter amended.

(1996 Ga. L. (Act No. 1019), p. 4469)

Section 6-207. Special assessment bonds.

The city shall be authorized to issue special assessment bonds as provided by the Constitution and laws of Georgia.

(1996 Ga. L. (Act No. 1019), p. 4469)

Section 6-208. Investment of surplus funds.

The chief financial officer shall be authorized by ordinance to invest or reinvest all surplus funds of any type not immediately needed.

(1996 Ga. L. (Act No. 1019), p. 4469)

Section 6-209. Registration, transfer, and negotiation of bonds.

The city is hereby authorized and empowered to provide for and regulate the registration of bonds of the city and to prescribe the manner in which such bonds have been registered and may be transferred or negotiated.

(1996 Ga. L. (Act No. 1019), p. 4469)

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Section 6-210. Issuance of registered bonds in lieu of coupon bonds.

The city may provide for the issuance of registered bonds of the city in lieu of any coupon bonds issued by the city.

(1996 Ga. L. (Act No. 1019), p. 4469)

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Section 6-301. Budget commission.

- (a) There is hereby created a budget commission consisting of the mayor, chief financial officer, chairperson of the finance committee or equivalent committee of the governing body, and two governing body members nominated and confirmed by the governing body at large for one-year terms.
- (b) The budget commission:
 - (1) Shall annually prepare and file with the governing body for submission to the mayor the budget revenue anticipations for the city, provided that such anticipations shall not exceed 99 percent of the normal revenue collected during the previous year, with the following exceptions: (A) the normal revenue which the city may be expected to collect from the taxable property in newly annexed territory may be anticipated; (B) collections from tax executions on real estate and on personal property and choses in actions owned by the city may be anticipated, provided that revenues from such anticipations shall not exceed 85 percent of tax executions on real estate and 50 percent of tax executions on personal property not more than three years old and choses in actions certified solvent and collectable by the tax assessor. When such revenue anticipations have been filed, they shall be binding upon the governing body without any action of approval or disapproval;
 - (2) Shall allocate a sum sufficient to provide for debt service, including sinking fund and interest on bonded indebtedness; a general fund budget reserve equal to the amount, if any, specified under Section 6-315, Fund Balance Policy;

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- (3) In the event the income of the city should be decreased by law, either by act of the General Assembly or by the governing body, it shall be the duty of the budget commission to immediately adjust the budget revenue anticipations to comply with such decreased revenue. In the event of an increase in the tax rate, or if the schedule of charges for city service, such as water service, sanitary service, or any other similar assessments or charges should be changed by law, the budget commission may revise the budget revenue anticipations and considering assessments, sanitary service charges, or any other similar assessments or charges of the previous year apply new rates thereto and adjust the budget revenue anticipations accordingly;
- (4) In the event the city receives any money, income, or revenue from any extraordinary source, either by sale of its property, gift, grant, or otherwise, which has not been considered in the preparation of the budget revenue anticipations or other normal revenue in excess of appropriations, the budget commission shall have the right to allocate immediately such increased revenue for lawful purposes. However, in the preparation of the budget for the next year no such extraordinary revenue shall be considered as a part of the normal revenue of the city;
- (5) If at any time during any year, the expenditures exceed the revenues collected and a deficit is created, it shall be the duty of the budget commission before appropriating any other sum for any purpose other than the interest and sinking fund on the bonded indebtedness to appropriate a sufficient sum to immediately discharge any deficit which has accrued during the preceding year.
- (6) The members of the budget commission shall be personally liable for the over-anticipation of receipts.

(1996 Ga. L. (Act No. 1019), p. 4469; Ord. No. 2002-17, § 1, 3-12-02; Ord. No. 2002-18, § 1, 3-12-02; Ord. No. 2008-39(08-O-1019), § 1, 6-11-08; Ord. No. 2012-26(12-O-0501), § 1, 6-13-12)

Section 6-302. Adoption of budget.

- (a) At the first Council meeting in March of each year, beginning in 2007, each council member may submit his/her budget priorities for the coming year. Such priorities shall be referred to the Finance/Executive Committee, which shall submit these priorities in the form of a resolution to be adopted by the council no later than the second council meeting in March. The Mayor, in conjunction with the Chief Financial Officer, may take these priorities into consideration in the preparation of the tentative budget.
- (b) The mayor shall prepare and submit the proposed annual budget ordinance to the governing body no later than the first regular meeting of the governing body in May, preceding the commencement of the fiscal year.
- (c) The governing body shall hold one or more public hearings on the proposed budget as required by the laws of Georgia, notice of which shall be published in a newspaper of general circulation in the city at least seven days prior to the date set therefore.
- (d) The governing body may amend the proposed annual budget, except that the budget as finally amended must provide for all expenditures required by law or by this Charter, including but not limited to debt service, sinking fund, interest on bonded indebtedness and a general fund budget reserve equal to the amount, if any, specified under Section 6, Fund Balance Policy. The General Fund budget reserve as identified in this subsection cannot be expended without prior approval of the governing body.

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- (e) The governing body shall by ordinance adopt the annual budget for the ensuing fiscal year not later than June, preceding the commencement of the fiscal year.

(1996 Ga. L. (Act No. 1019), p. 4469; Ord. No. 1998-58, § 1, 9-17-98; Ord. No. 2002-17, § 2, 3-12-02; Ord. No. 2005-09, § 1, 2-16-05; Ord. No. 2005-84, § 1, 11-22-05; Ord. No. 2008-21(08-O-0351), § 1, 3-25-08; Ord. No. 2008-34(08-O-0826), § 1, 5-27-08; Ord. No. 2008-38(08-O-1018), § 1, 6-10-08; Ord. No. 2009-06(09-O-0200), § 1, 2-11-09; Ord. No. 2012-26(12-O-0501), § 2, 6-13-12)

Section 6-303. Expenditures of excess in receipts over appropriations.

The governing body is hereby authorized to expend and use any excess in the receipts of the city of any year over the amount appropriated for such year, provided such expenditure shall in no case exceed the actual receipts for such year.

(1996 Ga. L. (Act No. 1019), p. 4469)

Section 6-304. Budget amendments.

- (a) With the exception of budgeted contracts pertaining to the agencies under the jurisdiction of the other standing committees, the finance committee or equivalent committee of the governing body shall approve or disapprove all measures to expend money prior to their consideration by the governing body, provided that upon the committee's failure to report thereon by the second regular meeting of the governing body following a reference to the committee, the governing body may act on such measures without such report.
- (b) (1) The finance committee or equivalent committee of the governing body shall approve or disapprove measures pertaining to the intradepartmental transfer of appropriations from one line item account to another line item account in the operating funds of the city prior to their consideration by the governing body, provided, however, the governing body shall not transfer to any other department funds that have been set aside for debt service, including sinking fund and interest on bonded indebtedness, general fund restricted reserves, and any other appropriations required by law or for the deficit of the prior year.
- (b) (2) Notwithstanding anything to the contrary contained in this Charter, upon consideration by the finance committee or equivalent committee, the governing body may approve or disapprove any request to make a transfer of funds from the general fund restricted reserve to a general fund unrestricted reserve or a line item account in the operating funds of the city by the majority vote of the council members then constituting the membership of the Atlanta City Council.
- (c) Intradepartmental transfers of appropriations from one line item account to another line item account in the operating funds, the working capital fund, and the grant funds of the city may be made upon unanimous approval of the chairperson of the finance committee or equivalent committee of the governing body, the head or director of the department affected, the chief financial officer, and the chief operating officer. When the decision to transfer intradepartmental funds is not unanimous, such transfers shall be submitted to the governing body by the chairperson of the finance or equivalent committee of the governing body for approval or disapproval. The chairperson of the finance or equivalent committee of the governing body and the chief financial officer are jointly authorized to transfer appropriation surpluses, as the same may occur, from line accounts in the various departments of the operating funds, the working capital fund, and the grant funds of the city. Copies of any transfers shall be filed with the municipal clerk at the next regular meeting of the governing authority after said transfer of appropriations or appropriation surplus is made. The clerk shall enter such transfers in the minutes of such meeting and announce to the members of the governing body

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that such transfers have been made. The provisions of this subsection shall apply to the transfer of surplus funds from salary accounts.

- (d) (1) The finance committee or equivalent committee of the governing body shall approve or disapprove any additional one-time and/or recurring expenses, programs or expenditures proposed after the adoption of the annual budget and not funded during adoption of the annual budget if accompanied by the identification of corresponding new revenue source(s) or expenditure reduction(s) and as necessary, program/expenditure reductions.
- (d) (2) The finance committee or equivalent committee of the governing body shall approve or disapprove any additional one-time and/or recurring expenses, programs or expenditures approved after the adoption of the annual budget and not funded during adoption of the annual budget if accompanied by the identification and concomitant approval of corresponding new revenue source(s) or expenditure reduction(s) and as necessary, program/expenditure reductions.
- (d) (3) All reductions or proposals for reductions in one-time or recurring revenue must be accomplished in conjunction with the identification of new alternative one-time or recurring revenue source(s) or expenditure reductions.

(1996 Ga. L. (Act No. 1019), p. 4469; Ord. No. 2002-17, § 3, 3-12-02; Ord. No. 2006-24, § 1, 5-18-06; Ord. No. 2008-21(08-O-0351), § 2, 3-25-08; Ord. No. 2009-05(09-O-0099), § 1, 2-10-09; Ord. No. 2009-75(09-O-1922), § 1, 12-15-09)

Section 6-305. Unlawful obligations void.

- (a) The city shall incur no obligation, except bonds lawfully issued, in excess of the annual budget and such other special appropriations as may be lawfully made and shall incur no liability except as authorized by such budget or appropriation. Any such liabilities attempted to be incurred shall be void in law and equity.
- (b) All contracts entered into by the governing body, contrary to the provisions of this Charter, for the purpose of raising money, or otherwise engaging the credit of the city, shall be null and void as to the city, but the mayor, if he or she approves, and all members of the governing body, present and voting, who fail to record their votes against such measure or contract, shall be jointly and severally liable thereon, as upon their own contracts, which liability may be enforced against such mayor and members of the governing body in any court of this state having jurisdiction thereof.
- (c) It is contemplated that contracts and obligations undertaken pursuant to a consent decree which implements a corrective remedial plan by the city to resolve Clean Water Act and Georgia Water Quality Control Act violations at the city's combined sewer overflow (CSO) facilities are lawfully made.

(1996 Ga. L. (Act No. 1019), p. 4469; Ord. No. 1998-51, § 1, 7-13-98)

Section 6-306. Appropriations for charitable purposes.

The governing body of the City of Atlanta shall have the authority to annually appropriate and donate money, derived from taxation, contributions, or otherwise, for and to any corporation, company, association, or institution for purely charitable purposes. The governing body shall also have the authority to enter into contracts and agreements with any school of higher learning located in the city for services to be rendered the city and payment for such services may be made from funds derived from taxation. The

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governing body is authorized, in its discretion, to select the recipients of such appropriations and donations and as to determine the amounts of same.

(1996 Ga. L. (Act No. 1019), p. 4469)

Section 6-307. Authority of city to contract with commissions, councils, boards, etc.

With respect to services and properties of any kind or character related to corporate, municipal, governmental, or public purposes, the City of Atlanta shall have the authority to contract with any commission, council, or board, created by the governing body of the city or otherwise, or with any other corporation, company, association, institution, or individual.

(1996 Ga. L. (Act No. 1019), p. 4469)

Section 6-308. Audit.

- (a) The governing body, defined as the City Council through the Finance/Executive Committee, shall provide annually for an independent audit of the accounts and other evidences of financial transactions of the city and departments, boards, and commissions thereof. The audit shall be made by a certified public accountant or a certified public accounting firm, the members of which are independent as defined by professional rules of conduct prescribed by the national association governing the practices of certified public accountants.
- (b) The final report of the annual audit shall be completed as soon as practicable after the close of the year and in no event later than six months thereafter. Said report and the opinion and recommendations of those making the same shall be:
 - (1) Made available online on the City of Atlanta Department of Finance website;
 - (2) Made available thereto for inspection at no charge; and
 - (3) Sent to the Atlanta-Fulton Public Library and to the state auditor.
- (c) A report shall be presented to the governing body through the Finance/Executive Committee by the certified public accountant or certified public accounting firm that will include all communications required by Statements on Auditing Standards, as promulgated by the American Institute of Certified Public Accountants.

(1996 Ga. L. (Act No. 1019), p. 4469; Ord. No. 2008-37(08-O-1017), § 1, 6-11-08)

Section 6-309. Accounting systems.

The chief financial officer shall be responsible for the administration of the accounting systems of the city, for proper recording of receipts and disbursements of each department, fund, or other breakdown, and shall provide a financial statement not less than quarterly for the first, second and third fiscal quarter to the mayor, governing body, and other agencies as may be required. The Comprehensive Annual Financial Report (CAFR) shall serve as the fourth quarter's report.

(1996 Ga. L. (Act No. 1019), p. 4469; Ord. No. 2006-25, § 1, 5-18-06)

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Section 6-310. Increase in salaries.

The governing body shall not increase the salaries or other remuneration in any form of any officer or employee of the city during the fiscal year except by ordinance as finally adopted and approved on or before the last day of the sixth month of any fiscal year; however, normal salary increments as authorized by the city's pay plan and reclassifications may be provided for, salaries for new offices or positions may be fixed, salaries may be reduced because of economic conditions, or positions may be abolished. Notwithstanding the above, between May 1 and December 31, 1999, the council may by ordinance make a one-time, two-installment payment of a bonus to members of the fire department.

(1996 Ga. L. (Act No. 1019), p. 4469; Ord. No. 1999-61, § 1, 8-10-99; Ord. No. 2006-26, § 1, 5-18-06)

Section 6-311. Evidence of justice of claims.

Whenever a warrant or claim shall be presented to the chief financial officer, he or she shall have the power to require evidence that the amount claimed is justly due and for that purpose may summon before him or her any officer, agent, or employee of any department or other person and examine him or her upon oath or affirmation, relative to such warrant or claim, and may require the production of books and papers to be used as evidence before him or her.

(1996 Ga. L. (Act No. 1019), p. 4469)

Section 6-312. Financial stabilization plan.

- (a) The Mayor shall present to the governing body by February 15 of each year a five-year financial stabilization plan consisting of the following elements:
- (1) A five-year projection of general fund revenues broken down by major category. The projection shall identify the economic trends and assumptions upon which such projection is based.
 - (2) A five-year projection of total general fund expenses on a departmental level. Such expense projection shall assume the continuation of department operations as they exist in the current general fund budget and shall take into account the following:
 - i. The effect of inflation on general fund budgeted costs;
 - ii. A projection of pension costs as provided by the city's actuaries; and
 - iii. Costs occurring in future years that the city is legally obligated to pay.
 - (3) A calculation of the surplus or deficit produced by the projected revenues and expenditures described in (1) and (2) above.
 - (4) A cost estimate of long-term initiatives of the city. Such initiatives shall include, but are not limited to, long-term operating infrastructure and capital infrastructure needs and the elimination of deficit positions in funds that are subsidized or have historically been subsidized by the general fund. At any time the governing body of the city may, by resolution, request specific long-term initiatives to be included in the five-year financial stabilization plan.
 - (5) A comprehensive list of revenue initiatives the city may pursue during the five years covered by the financial stabilization plan, including an estimate of the revenues to be produced by such initiatives.

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- (6) A comprehensive list of cost saving initiatives the city may pursue during the five years covered by the financial stabilization plan, including an estimate of costs saved by such initiatives.
- (b) The governing body shall adopt the financial stabilization plan by April 30 of each year. In no event shall the governing body adopt the budget for the upcoming fiscal year prior to consideration of the financial stabilization plan.

(Ord. No. 2009-56(09-O-1406), § 1, 9-25-09; Ord. No. 2011-52(11-O-1415), § 1, 11-16-11)

Section 6-313. Pension Actuarial Audit.

That every five years or at such regular intervals as determined by City Council, an independent licensed actuary be engaged by the City of Atlanta Audit Committee to conduct an actuarial audit of the City's General Employee Pension Fund, Firefighter Pension Fund, and Police Pension Fund with the costs of such audits to be paid by the corresponding pension fund. Upon completion of each such audit, the findings are to be presented to the Finance/Executive Committee of City Council for review.

(Ord. No. 2011-34(11-O-0944), § 1, 7-27-11)

Section 6-314. Pension Experience Study.

That every five years or at such regular intervals as determined by City Council, a licensed actuary be engaged by the City of Atlanta Audit Committee to conduct an actuarial experience review of the City's General Employee Pension Fund, Firefighter Pension Fund, and Police Pension Fund with the costs of such study to be paid by the corresponding pension fund. Upon completion of each such study, the findings are to be presented to the Finance/Executive Committee of City Council for review. Immediately after the presentation of findings, the Finance/Executive Committee of City Council shall perform an analysis of the goals and structure of the City's entire retirement plan.

(Ord. No. 2011-34(11-O-0944), § 2, 7-27-11)

Section 6-315. Fund balance policy.

The City will report fund balance amounts consistent with the appropriate Governmental Accounting Standards Board ("GASB") guidance. This policy and the procedures promulgated under it supersede all previous regulations regarding the City's fund balance and reserve policies.

- (a) *Fund balance terms.* The following fund balance definitions will be recognized:

Fund equity. A fund's equity is generally the difference between its assets and its liabilities. For governmental funds, fund equity is also known as fund balance.

Fund balance. An accounting distinction is made between the portions of fund equity that are spendable and nonspendable. These are broken up into five categories:

- (1) *Nonspendable fund balance* includes amounts that are not in a spendable form or are required to be maintained intact. Examples are inventory or long term advances to or from other funds.
- (2) *Restricted fund balance* includes amounts that can be spent only for the specific purposes stipulated by external resource providers either constitutionally or through enabling legislation. Examples include grants and bond covenants.

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- (3) *Committed fund balance* includes amounts that can be used only for the specific purposes determined by a formal action of the government's highest level of decision-making authority. Commitments may be changed or lifted only by the government taking the same formal action that imposed the constraint originally.
- (4) *Assigned fund balance* comprises amounts intended to be used by the government for specific purposes. Intent can be expressed by the governing body or by an official or body to which the governing body delegates the authority. In governmental funds other than the general fund, assigned fund balance represents the amount that is not restricted or committed. This indicates that resources in other governmental funds are, at a minimum, intended to be used for the purpose of that fund. Example includes fund balance used to balance the budget.
- (5) *Unassigned fund balance* is the residual classification of the general fund and includes all amounts not contained in other classifications. Unassigned amounts are technically available for any purpose. The general fund is the only fund that may have a positive balance in this category.

Unrestricted fund balance. The total of committed fund balance, assigned fund balance, and unassigned fund balance, which includes only resources without a constraint on spending or for which the constraint on spending is imposed by the government itself.

(b) *Prioritization of fund balance use.*

- (1) When an expenditure is incurred for purposes for which both restricted and unrestricted (committed, assigned, or unassigned) amounts are available, the City shall consider restricted amounts to have been reduced first.
- (2) When an expenditure is incurred for purposes for which amounts in any of the unrestricted fund balance classifications could be used, the City shall first reduce committed amounts, followed by assigned amounts and then unassigned amounts.

(c) *Authority to commit or assign.* Commitments or assignments will only be used for specific purposes. Committed balances or assigned balances will only be established pursuant to a formal action by the City Council, upon recommendation from the Chief Financial Officer. Such commitments or assignments cannot exceed the available fund balance in any particular fund.

(d) *Minimum unrestricted fund balance in the General Fund.*

- (1) The City will maintain a minimum unrestricted fund balance ranging from no less than 15 percent to 20 percent of the subsequent year's budgeted expenditures and outgoing transfers.
- (2) At any time that the City's unrestricted fund balance is within the range of 15 percent to 20 percent of the subsequent year's budgeted expenditures and outgoing transfers, upon recommendation by the Chief Financial Officer, Council may authorize additional transfers to fund balance or any deficit fund at its discretion, up to a maximum of five percent per year of the subsequent year's budgeted revenues, in preparation for adoption of the upcoming years' budget.

(e) *Replenishing deficiencies in the General Fund.* When the unrestricted fund balance falls below the minimum 15 percent of the subsequent year's budgeted expenditures and outgoing transfers, the City will replenish shortages/deficiencies within the following time periods and, upon recommendation by the Chief Financial Officer, Council may authorize additional transfers to the fund balance at its discretion, up to a maximum of five percent per year of the subsequent

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year's budgeted revenues, in preparation for adoption of the upcoming years' budget. Sufficient transfers shall be budgeted to restore/replenish deficits within the timelines outlined below:

- (i) Deficiency resulting in a minimum unrestricted fund balance between 12.5 percent and 15 percent shall be replenished over a period not to exceed one year;
 - (ii) Deficiency resulting in a minimum unrestricted fund balance between ten percent and 12.5 percent shall be replenished over a period not to exceed three years;
 - (iii) Deficiency resulting in a minimum unrestricted fund balance of less than ten percent shall be replenished over a period not to exceed five years.
- (f) *Surplus fund balance.* Should the unrestricted fund balance of the General Fund exceed the maximum of 20 percent, upon recommendation by the Chief Financial Officer, Council may consider such surplus fund balance as available to reduce deficit balances in other funds and for one-time expenditures that are nonrecurring in nature. At least 50 percent of surplus fund balance must be used to reduce any deficit fund balance prior to allocation for any one-time expenditures. All such expenditures are subject to approval via regular council action.
- (g) *Financial reporting.* An annual reporting of fund balances as classified in accordance with GASB 54 shall be as reported in the annual Audited Financial Statements of the City of Atlanta.

(Ord. No. 2012-26(12-O-0501), § 3, 6-13-12)

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CHAPTER 4. PROCUREMENT AND DISPOSITION OF PROPERTY

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[Section 6-402. Purchasing procedures.](#)

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Section 6-401. Contracting procedures.

- (a) The governing body shall prescribe by ordinance or resolution the procedures to be followed in the making of contracts which shall bind the city. The governing body is authorized to remedy discrimination or the present effects of past discrimination by an affirmative action program which is in compliance with the Constitution and laws of the United States of America and the State of Georgia. All contracts shall be approved as to form by the city attorney. The mayor shall sign all contracts; however, the governing body may authorize the mayor by ordinance to designate another appropriate official to sign any type contract. The municipal clerk shall authenticate all contracts. The original of all contracts shall be maintained on file in the office of the chief financial officer.
- (b) Notwithstanding the foregoing, all contracts which bind the city and Fulton County jointly in accordance with the terms and conditions of a joint venture agreement for the construction and operation of a water treatment plant and appurtenances may be signed and approved by duly authorized officers of said joint venture, provided that sufficient funds for each such contract have been appropriated by the city and Fulton County.

(1996 Ga. L. (Act No. 1019), p. 4469)

Section 6-402. Purchasing procedures.

- (a) The governing body shall prescribe by ordinance or resolution the procedures for all purchases of real and personal property by the city. The following alternative methods of securing contracts are hereby authorized, as set forth in and defined by ordinances currently effective or hereafter adopted or amended by the city council: competitive sealed bidding; competitive sealed proposals; small purchases not exceeding \$20,000.00; sole-source procurement; emergency procurement; and competitive selection procedures for professional and consultant services. Awards of contracts shall be made to the most responsible and responsive firms, said responsibility and responsiveness to be determined by factors including those set forth in subsection (b) below, including but not limited to compliance with the requirements of any existing minority and female business opportunity development plans and any local preference program as established by City ordinance. The terms "competitive bidding" and "most responsible and responsive firm" shall be defined to include compliance with the requirements of any minority and female business participation plan which has been implemented by city ordinance pursuant to:
 - (1) A finding by the city that such a plan is necessary to remedy the effects of prior private and public discrimination in the procurement and contracting practices of the city;
 - (2) A requirement by federal law that the city maintain such a plan for purposes of receiving any federal grants or loans;

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- (3) A finding by a judicial tribunal that such a plan is necessary to remedy past or present private and public discrimination in the procurement and contracting procedures of the city.
- (b) In determining the most responsible and responsive firm, the purchasing and contracting authority shall consider the following factors:
 - (1) The ability, capacity, and skill of the firm to perform the contract or to provide the services required;
 - (2) The capability of the firm to perform the contract or provide the service promptly, or within the time specified, without delay or interference;
 - (3) The character, integrity, reputation, judgment, experience, and efficiency of the firm;
 - (4) The quality of performance of previous contracts or services;
 - (5) The previous and existing compliance by the firm with laws and ordinances relating to the contract or services;
 - (6) The sufficiency of the financial resources and ability of the firm to perform the contract or provide the service;
 - (7) The compliance of the firm with the requirements of an equal employment opportunity in contracting program as may be prescribed by ordinance;
 - (8) The compliance of the firm with the requirements of a minority and female business enterprise participation program as may be prescribed by ordinance;
 - (9) The quality, availability, and adaptability of the supplies or services to the particular use required;
 - (10) The number and scope of conditions attached to the bid by the firm, if any;
 - (11) Price; and
 - (12) The compliance of the bidder or firm with the requirements of a local preference program as may be prescribed by ordinance.
- (c) Any and all bids or proposals may be rejected when it is in the best interest of the city to do so; in addition to the foregoing, the governing body shall prescribe by ordinance the procedure for amending, modifying, or otherwise changing contracts and for authorizations for the purchase of goods, materials, supplies, equipment, and services. Prior to the making of purchases and contracts, or amendments, modifications, or changes thereto, the availability of adequate funds shall be certified by the chief financial officer as provided by ordinance.
- (d) Any and all competitive bids or proposals shall be sealed and shall be opened at the same time in a public place as directed by the council and remain open for public inspection.
- (e) Contractual work related to any competitive sealed bid or proposal shall not be broken into components or parts so as to avoid the council's approval of awards of greater than \$100,000.00.
- (f) In exercising the power of purchasing and procurement provided for in [section 3-104](#) of this Charter, the mayor shall adhere to the provisions within this Charter and any ordinance governing purchasing and procurement; provided, however, when the mayor proposes to let a contract to one other than the lowest bidder or offeror or award a contract which has not been competitively procured, the contract shall be approved by the council prior to an award of contract. Any contracts awarded by the mayor pursuant to the powers provided in [section 3-104](#) of this Charter and the provisions herein shall be reported monthly by the chief procurement officer to the president of the council and councilmembers.

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ARTICLE 6. - REVENUE AND FUND ADMINISTRATION

CHAPTER 4. PROCUREMENT AND DISPOSITION OF PROPERTY

- (g) The governing body may prescribe different procedures for sales and other disposition of real and personal property acquired by the city pursuant to any approved application or amended application under Title I of the Housing and Community Development Act of 1974, as amended.
- (h) The governing body may authorize different procedures for all purchases of real and personal property in connection with its joint venture with Fulton County for the construction and operation of a water treatment plant and appurtenances, provided that funds for each such purchase have been appropriated by the city and Fulton County.
- (i) As used in this Charter section, the word "firm" shall mean and include any individual, partnership, corporation, association, joint venture, or other legal entity authorized to do business in Georgia which desires to contract with the City of Atlanta.

(1996 Ga. L. (Act No. 1019), p. 4469; Ord. No. 2001-12, §§ 1(A), 1(B), 2-13-01; Ord. No. 2002-74, § 2, 10-15-02; Ord. No. 2007-01, §§ 2, 3, 1-9-07; Ord. No. 2008-36(08-O-0818), §§ 2, 3, 6-2-08)

Charter reference— Powers and duties, § 3-104(14).

Cross reference— Signing contracts on behalf of mayor, § 2-1140.

Section 6-403. Sale and disposition of property.

The governing body shall prescribe by ordinance or resolution the procedures for all sales and other disposition of real and personal property by the city.

(1996 Ga. L. (Act No. 1019), p. 4469)

PART I - CHARTER AND RELATED LAWS

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ARTICLE 7. INTERIM AND GENERAL PROVISIONS

ARTICLE 7. INTERIM AND GENERAL PROVISIONS

[Section 7-101. Officials; officers and employees.](#)

[Section 7-102. Existing ordinances and resolutions continued in effect.](#)

[Section 7-103. Contracts and obligations.](#)

[Section 7-104. Transfer of certain provisions to the code.](#)

[Section 7-105. Existing rights and interests.](#)

[Section 7-106. Section captions.](#)

[Section 7-107. Effect of repeals.](#)

[Section 7-108. Severability of sections.](#)

[Section 7-109. Effective date.](#)

[Section 7-110. Specific repeal of prior laws.](#)

[Section 7-111. Repealer.](#)

Section 7-101. Officials; officers and employees.

- (a) The current terms of office of all elected and appointed officials and officers of the city and its agencies, serving on the effective date of this Charter, shall not be diminished and shall continue in full force and effect.
- (b) The provisions of this Charter establishing a residency requirement for appointed officials and employees shall not apply to those holding such appointed offices and positions prior to the effective date of this Charter.

(1996 Ga. L. (Act No. 1019), p. 4469)

Section 7-102. Existing ordinances and resolutions continued in effect.

Existing ordinances and resolutions of the City of Atlanta and existing rules and regulations of departments and agencies thereof not inconsistent with the provisions of this Charter shall be effective as ordinances and resolutions of the council and rules and regulations of the appropriate department or agency thereof until they have been repealed, modified, or amended.

(1996 Ga. L. (Act No. 1019), p. 4469)

Section 7-103. Contracts and obligations.

All contracts, orders, leases, bonds, and other obligations or instruments entered into by the City of Atlanta or for its benefit prior to the effective date of this Charter shall continue in effect according to the terms thereof as obligations and rights of the city.

(1996 Ga. L. (Act No. 1019), p. 4469)

PART I - CHARTER AND RELATED LAWS

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ARTICLE 7. INTERIM AND GENERAL PROVISIONS

Section 7-104. Transfer of certain provisions to the code.

- (a) The provisions of Division 2 (Housing Commission), Chapter 4 (Boards and Commissions) of [Article 3](#) being deleted by this Charter are hereby transferred to Part 8 of the code of ordinances.
- (b) The provisions of [section 3-503](#) (Civil service board) being deleted by this Charter are hereby transferred to Part 5, Chapter 2 of the code of ordinances.
- (c) The provisions of Article VIII (Administrative Organization Ordinance) being deleted by this Charter are hereby transferred to Part 2, Chapter 4 of the Code of ordinance.

(1996 Ga. L. (Act No. 1019), p. 4469)

Section 7-105. Existing rights and interests.

- (a) Any rights or interest, public or private, vested in whole or in part on the effective date of this Charter, whose validity might be sustained or preserved by reference to any provisions of law repealed by this Charter, shall not be affected by this Charter. This section shall not apply to any right or interest in any elective public office not conferred by this Charter.
- (b) Any rights or interests, public or private, derived from or which might be sustained or preserved in reliance upon action taken (including the adoption of ordinances or resolutions) pursuant to or within the scope of any provisions of law repealed by this Charter, shall not be affected by this Charter.
- (c) Repealed.
- (d) The provisions of Ga. L. 1951, pp. 529 et seq., 531 et seq., 537 et seq., 549 et seq., 3014 et seq., 3018 et seq., 3048 et seq. and 3057 et seq., protecting the pension rights in connection with the plan of improvement recommended by the local government commission (Ga. L. 1949, p. 921), shall continue to apply to employees of counties, boards of education, and any other agencies designated in said Acts in the event of any future annexations of territory to the city.
- (e) There shall be on the Dekalb County Board of Health to represent the city two members, who shall be residents of that part of the city situated in Dekalb County, which members shall be appointed by the council. The term of office of such members shall be four years and until their successors have taken office. The municipal clerk shall certify the names of the members thus appointed to the chairperson of the Dekalb County Board of Health. Vacancies for any cause shall be filled by appointment for the unexpired term by the council.
- (f) No other municipality or town shall have any authority, although the land may be located within its limits, to charge or exact any license fees or occupation taxes for the operation by the City of Atlanta of a landing field therein or for the operation or conduct of any business or occupation thereon. Nor shall such other municipality or town have any authority to assess or collect any ad valorem tax against said land as against the City of Atlanta or otherwise where said city might be required to pay same, if held under lease; nor shall such other municipality or town have any authority to lay any improvements in, through, or along said property such as street paving, sidewalks, curbing, sewers, or otherwise and assess and collect the cost thereof against said land if owned by the City of Atlanta or under lease contract by the City of Atlanta or otherwise where said city might be called upon to pay or discharge the same.
- (g) The mayor, president of the council, and members of council shall receive as their annual salaries such amounts being received as of the effective date of this Charter until such amounts are changed by the council in accordance with the provisions of this Charter.

(1996 Ga. L. (Act No. 1019), p. 4469; Ord. No. 1996-54, § 2, 7-8-96)

PART I - CHARTER AND RELATED LAWS

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ARTICLE 7. INTERIM AND GENERAL PROVISIONS

Section 7-106. Section captions.

The captions to the several sections of this Charter are informative only and are not to be construed as a part thereof.

(1996 Ga. L. (Act No. 1019), p. 4469)

Section 7-107. Effect of repeals.

No law heretofore repealed, expressly or by implication, shall be revived by the repeal herein of the repealing act or by any provisions of this Charter that disclaim an intention to repeal or affect enumerated laws.

(1996 Ga. L. (Act No. 1019), p. 4469)

Section 7-108. Severability of sections.

If any section, subsection, paragraph, sentence, clause, phrase, word, or provision of this Charter, or the application thereof to any person or circumstance, should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions or other applications of this Charter, which shall remain in full force and effect; and to this end the provisions of this Charter and the applications thereof are hereby declared to be severable. In the event any provision of this Charter is declared invalid for any reason, then the provision pertaining to the same subject matter that existed in the prior Charter of the City of Atlanta shall be in force and effect and applicable until repealed.

(1996 Ga. L. (Act No. 1019), p. 4469)

Section 7-109. Effective date.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

(1996 Ga. L. (Act No. 1019), p. 4469)

Section 7-110. Specific repeal of prior laws.

All laws and parts of laws in conflict with this Charter are hereby repealed. The Charter of 1973 (Ga. L. 1973, p. 2188) and all Acts amendatory thereof are hereby specifically repealed in their entirety except for those provisions of said Charter and amendatory Acts thereof defining the boundaries of the City of Atlanta on the first Monday in January of 1974; and except for any other provisions of such charter specifically incorporated herein by reference and which are not in conflict herewith.

(1996 Ga. L. (Act No. 1019), p. 4469)

Section 7-111. Repealer.

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

(1996 Ga. L. (Act No. 1019), p. 4469)

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APPENDIX I. COUNCIL DISTRICTS

APPENDIX I. COUNCIL DISTRICTS

Atlanta City Council District Boundary Descriptions

District 1

All of that portion of Fulton County bounded and described as follows: Beginning at the point of intersection of Edgewood Avenue NE and Park Place S SE, and proceeding easterly along Edgewood Avenue NE to Peachtree Center Avenue NE, and proceeding southerly along Peachtree Center Avenue NE to Gilmer Street SE, and proceeding easterly along Gilmer Street SE to Jesse Hill Jr. Drive SE, and proceeding southerly along Jesse Hill Jr. Drive SE to CSX Railroad, and proceeding easterly along CSX Railroad to the northbound I-75 On-Ramp, and proceeding southerly along the On-Ramp to Martin Street SE, and proceeding southerly along Martin Street SE to Memorial Drive SE, and proceeding easterly along Memorial Drive SE to Boulevard SE, and proceeding southerly along Boulevard SE to I-20, and proceeding easterly along I-20 to Bill Kennedy Way SE, and proceeding southerly along Bill Kennedy Way SE to Glenwood Avenue SE, and proceeding easterly along Glenwood Avenue SE to the DeKalb/Fulton county line, and proceeding southerly along the DeKalb/Fulton county line to South River, and proceeding westerly along South River to Macon Drive SW, and proceeding northerly along Macon Drive SW to Lakewood Avenue SE, and proceeding easterly along Lakewood Avenue SE to Shadydale Avenue SE, and proceeding northerly along Shadydale Avenue SE to Claire Drive SE, and proceeding westerly along Claire Drive SE to Claire Drive SW, and proceeding westerly along Claire Drive SW to Pryor Cir SW, and proceeding northerly along Pryor Cir SW to Pryor Rd, and proceeding northerly along Pryor Road to CSX Railroad (A&WP Beltline), and proceeding easterly along CSX Railroad to Capitol Avenue SW, and proceeding northerly along Capitol Avenue SW to Norfolk Southern Railway, and proceeding westerly along Norfolk Southern Railway to Fortress Avenue SW, and proceeding northerly along Fortress Avenue SW to Adamson Street SW, and proceeding northerly along Adamson Street SW to Doane Street SW, and proceeding westerly along Doane Street SW to Windsor Street SW, and proceeding northerly along Windsor Street SW to Hendrix Avenue SW, and proceeding easterly along Hendrix Avenue SW to Cooper Street SW, and proceeding northerly along Cooper Street SW to Dodd Avenue SW, and proceeding easterly along Dodd Avenue SW to Central Avenue SW, and proceeding northerly along Central Avenue SW to Bass Street SW, and proceeding easterly along Bass Street SW to I-75, and proceeding northerly along I-75 to Fulton Street SW, and proceeding easterly along Fulton Street SW to Capitol Avenue SE, and proceeding northerly along Capitol Avenue SE to Martin Luther King Jr. Drive SE, and proceeding westerly along Martin Luther King Jr. Drive SE to Washington Street SW, and proceeding northerly along Washington Street SW to CSX Railroad, and proceeding westerly along CSX Railroad to Pryor Street SE, and proceeding northerly along Pryor Street SE to Park Place S SE, and proceeding northerly along Park Place S SE to the point of beginning.

District 2

All of that portion of DeKalb County bounded and described as follows: Beginning at the point of intersection of the Fulton/DeKalb county line with the property line separating 633 Moreland Avenue NE and 1181 Fairview Road NE, and proceeding easterly along the property lines to Clifton Terrace NE, and proceeding easterly along Clifton Terrace NE to Clifton Road NE, and proceeding southerly along Clifton Road NE to DeKalb Avenue NE, and proceeding easterly along DeKalb Avenue NE to Arizona Avenue NE, and proceeding southerly along Arizona Avenue NE to CSX Railroad, and proceeding westerly along CSX Railroad to the Fulton/DeKalb county line, and proceeding northerly along the Fulton/DeKalb county line to the point of beginning. All of that portion of Fulton County bounded and described as follows: Beginning at the point of intersection of 17th Street and I-75, and proceeding easterly along 17th Street to W Peachtree Street NW, and proceeding southerly along W Peachtree Street NW to 14th Street NE, and proceeding easterly along 14th Street NE to Piedmont Road NE, and proceeding southerly along Piedmont Road NE to 10th Street NE, and proceeding easterly along 10th Street NE to a driveway into the Henry W Grady High School campus approximately 480 feet east of Charles Allen Drive NE, and proceeding southerly through the campus to the intersection of Vedado Way NE and 8th Street NE, and proceeding easterly along 8th Street NE to Monroe Drive NE, and proceeding southerly along Monroe

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Drive NE to Ponce de Leon Avenue NE, and proceeding easterly along Ponce de Leon Avenue NE to the DeKalb/Fulton county line, and proceeding southerly along the DeKalb/Fulton county line to CSX Railroad, and proceeding westerly along CSX Railroad to Boulevard SE, and proceeding northerly along Boulevard SE to Edgewood Avenue NE, and proceeding westerly along Edgewood Avenue NE to Jackson Street NE, and proceeding northerly along Jackson Street NE to Auburn Avenue NE, and proceeding westerly along Auburn Avenue NE to Fort Street NE, and proceeding northerly along Fort Street NE to Irwin Street NE, and proceeding easterly along Irwin Street NE to Jackson Street NE, and proceeding northerly along Jackson Street NE to Freedom Parkway NE, and proceeding easterly along Freedom Parkway NE to Boulevard NE, and proceeding northerly along Boulevard NE to Ralph McGill Blvd, and proceeding westerly along Ralph McGill Boulevard to Peachtree St, and proceeding southerly along Peachtree Street to Peachtree Center Avenue NE, and proceeding southerly along Peachtree Center Avenue NE to Edgewood Avenue NE, and proceeding westerly along Edgewood Avenue NE to Park Place S SE, and proceeding southerly along Park Place S SE to Pryor Rd, and proceeding southerly along Pryor Road to CSX Railroad, and proceeding westerly along CSX Railroad to Andrew Young International Boulevard, and proceeding easterly along Andrew Young International Boulevard to Williams Street NW, and proceeding northerly along Williams Street NW to I-75, and proceeding northerly along I-75 to the point of beginning.

District 3

All of that portion of Fulton County bounded and described as follows: Beginning at the point of intersection of Peachtree Road and Norfolk Southern Railway, and proceeding southerly along Peachtree Road to W Peachtree Street NW, and proceeding southerly along W Peachtree Street NW to 17th St, and proceeding westerly along 17th Street to I-75, and proceeding southerly along I-75 to North Avenue NW, and proceeding westerly along North Avenue NW to Norfolk Southern Railway, and proceeding southerly along Norfolk Southern Railway to Centennial Olympic Park Drive NW, and proceeding westerly along Centennial Olympic Park Drive NW to Mitchell Street SW, and proceeding easterly along Mitchell Street SW to Elliott Street SW, and proceeding southerly along Elliott Street SW to Nelson Street SW, and proceeding southerly along Nelson Street SW to Walker Street SW, and proceeding southerly along Walker Street SW to Fair Street SW, and Proceeding westerly along Fair Street SW to Atlanta Student Movement Boulevard NW, and proceeding westerly along Atlanta Student Movement Boulevard NW to Walnut Street SW, and proceeding northerly along Walnut Street SW to Martin Luther King Jr. Drive SW, and proceeding westerly along Martin Luther King Jr. Drive SW to Chappell Road NW, and proceeding northerly along Chappell Road NW to CSX Railroad, and proceeding westerly along CSX Railroad to Hamilton E. Holmes Drive NW, and proceeding northerly along Hamilton E Holmes Drive NW to Baker Road NW, and proceeding easterly along Baker Road NW to North Avenue NW, and proceeding easterly along North Avenue NW to CSX Railroad, and proceeding northerly along CSX Railroad to Norfolk Southern Railway, and proceeding westerly along Norfolk Southern Railway to the point of beginning.

District 4

All of that portion of Fulton County bounded and described as follows: Beginning at the point of intersection of North Avenue NW and Norfolk Southern Railway, and proceeding easterly along North Avenue NW to I-75, and proceeding southerly along I-75 to Williams Street NW, and proceeding southerly along Williams Street NW to Andrew Young International Blvd, and proceeding westerly along Andrew Young International Boulevard to CSX Railroad, and proceeding easterly along CSX Railroad to Courtland Street SW, and proceeding southerly along Courtland Street SW to Martin Luther King Jr. Drive SE, and proceeding easterly along Martin Luther King Jr., Drive SE to Capitol Are SE, and proceeding southerly along Capitol Avenue SE to Fulton Street SW, and proceeding westerly along Fulton Street SW to I-75, and proceeding southerly along I-75 to Bass Street SW, and proceeding westerly along Bass Street SW to Central Avenue SW, and proceeding southerly along Central Avenue SW to Dodd Avenue SW, and proceeding westerly along Dodd Avenue SW to Cooper Street SW, and proceeding southerly along Cooper Street SW to Hendrix Avenue SW, and proceeding westerly along Hendrix Avenue SW to Windsor Street SW, and proceeding southerly along Windsor Street SW to Doane Street SW, and

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proceeding easterly along Doane Street SW to Adamson Street SW, and proceeding southerly along Adamson Street SW to Fortress Avenue SW, and proceeding southerly along Fortress Avenue SW to Norfolk Southern Railway, and proceeding westerly along Norfolk Southern Railway to the shared railroad right-of-way of Norfolk Southern Railway and CSX Railroad, and proceeding southerly along the shared railroad right-of-way of Norfolk Southern Railway and CSX Railroad to the north property line of Fort McPherson, and proceeding westerly along said property line to Ingram Street SW, and proceeding westerly along Ingram Street SW to property line, and proceeding westerly along property line to Venetian Drive SW, and proceeding westerly along Venetian Drive SW to Centra Villa Drive SW, and proceeding northerly along Centra Villa Drive SW to Cascade Rd, and proceeding easterly along Cascade Road to Cascade Cir SW, and proceeding northerly along Cascade Cir SW to Cascade Rd. and proceeding easterly along Cascade Road to Ralph David Abernathy Blvd, and proceeding northerly along Ralph David Abernathy Boulevard to Anderson Avenue SW, and proceeding northerly along Anderson Avenue SW to CSX Railroad, and proceeding easterly along CSX Railroad to Chappell Road NW, and Proceeding southerly along Chappell Road NW to Martin Luther King Jr., Drive SW, and proceeding easterly along Martin Luther King Jr. Drive SW to Walnut Street SW, and proceeding southerly along Walnut Street SW to Atlanta Student Movement Boulevard SW, and proceeding easterly along Atlanta Student Movement Boulevard SW to Fair Street SW, and proceeding easterly along Fair Street SW to Walker Street SW, and proceeding northerly along Walker Street SW to Nelson Street SW, and proceeding easterly along Nelson Street SW to Elliott Street SW, and proceeding northerly along Elliott Street SW to Mitchell Street SW, and proceeding westerly along Mitchell Street SW to Centennial Olympic Park Drive SW, and proceeding northerly along Centennial Olympic Park Drive SW to Norfolk Southern Railway, and proceeding northerly along Norfolk Southern Railway to the point of beginning.

District 5

All of that portion of DeKalb County bounded and described as follows: Beginning at the point of intersection of S Ponce de Leon Avenue NE and Clifton Road NE, and proceeding easterly along S Ponce de Leon Avenue NE to the Atlanta city line, and proceeding southerly (keeping the Atlanta City Limits on the right) along the Atlanta city line to the Fulton/DeKalb county line, and proceeding northerly along the Fulton/DeKalb county line to CSX Railroad, and proceeding easterly along CSX Railroad to Arizona Avenue NE, and proceeding northerly along Arizona Avenue NE to DeKalb Avenue NE, and proceeding westerly along DeKalb Avenue NE to Clifton Road NE, and proceeding northerly along Clifton Road NE to the point of beginning. All of that portion of Fulton County bounded and described as follows: Beginning at the point of intersection of Ralph McGill Boulevard NE and Peachtree St, and proceeding easterly along Ralph McGill Boulevard NE to Boulevard NE, and proceeding southerly along Boulevard NE to Freedom Pkwy NE, and proceeding westerly along Freedom Pkwy NE to Jackson Street NE, and proceeding southerly along Jackson Street NE to Irwin Street NE, and proceeding westerly along Irwin Street NE to Fort Street NE, and proceeding southerly along Fort Street NE to Auburn Avenue NE, and proceeding easterly along Auburn Avenue NE to Jackson Street NE, and proceeding southerly along Jackson Street NE to Edgewood Avenue NE, and proceeding easterly along Edgewood Avenue NE to Boulevard SE, and proceeding southerly along Boulevard SE to CSX Railroad, and proceeding easterly along CSX Railroad to the DeKalb/Fulton county line, and proceeding southerly along the DeKalb /Fulton county line to Glenwood Avenue SE, and proceeding westerly along Glenwood Avenue SE to Bill Kennedy Way SE, and proceeding northerly along Bill Kennedy Way SE to I-20, and proceeding westerly along I-20 to Boulevard SE, and proceeding northerly along Boulevard SE to Memorial Drive SE, and proceeding westerly along Memorial Drive SE to Martin Street SE, and proceeding northerly along Martin Street SE to I-75 On-Ramp, and proceeding northerly along I-75 On-Ramp to CSX Railroad, and proceeding westerly along CSX Railroad to Jesse Hill Jr. Drive SE, and proceeding northerly along Jesse Hill Jr. Drive SE to Gilmer Street SE, and proceeding westerly along Gilmer Street SE to Peachtree Center Avenue NE, and proceeding northerly along Peachtree Center Avenue NE to Peachtree St, and proceeding northerly along Peachtree Street to the point of beginning.

District 6

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All of that portion of DeKalb County bounded and described as follows:

1. Beginning at the point of intersection of the Druid Hills/Atlanta census designated place/city line and the Fulton/DeKalb county line (the northwest corner of 1036 Rosedale Road NE), and proceeding easterly along the Druid Hills/Atlanta census designated place/city line S Ponce de Leon Avenue NE, and proceeding westerly along S Ponce de Leon Avenue NE to Clifton Road NE, and proceeding southerly along Clifton Road NE to Clifton Terrace NE, and proceeding westerly along Clifton Terrace NE to the northern property line of Candler Park, and proceeding westerly along said property line and other rear property lines to the Fulton/DeKalb county line, and proceeding northerly along the Fulton/DeKalb county line to the point of beginning.
2. As well as beginning at the point of intersection of the North Druid Hills/Atlanta census designated place/city line and the Fulton/DeKalb county line (northwest corner of 1824 Homestead Avenue NE), and proceeding easterly along the North Druid Hills/Atlanta census designated place/city line to the Druid Hills/Atlanta census designated place/city line, and proceeding southerly along the Druid Hills/Atlanta census designated place/city line to the Fulton/DeKalb county line, and proceeding northerly along the Fulton/DeKalb county line to the point of beginning.
3. As well as beginning at the point of intersection of the North Druid Hills/Atlanta census designated place/city line and the Fulton/DeKalb county line (northwest corner of 1842 Homestead Avenue NE), and proceeding easterly along the North Druid Hills/Atlanta census designated place/city line to the Fulton/DeKalb county line, and proceeding northerly along the Fulton/DeKalb county line to the point of beginning. All of that portion of Fulton County bounded and described as follows: Beginning at the point of intersection of Piedmont Road NE and Norfolk Southern Railway/Amtrak RR, and proceeding southerly along Piedmont Road NE to Sidney Marcus Boulevard NE, and proceeding easterly along Sidney Marcus Boulevard NE to Buford Hwy NE, and proceeding easterly along Buford Hwy NE to the DeKalb/Fulton county line, and proceeding southerly along the DeKalb/Fulton county line to Ponce de Leon Avenue NE, and proceeding westerly along Ponce de Leon Avenue NE to Monroe Drive NE, and proceeding northerly along Monroe Drive NE to 8th Street NE, and proceeding westerly along 8th Street NE to the intersection of 8th Street NE and Vedado Way NE, and proceeding northerly across the Henry W Grady High School campus to the driveway entrance into the campus at 10th Street NE, and proceeding westerly along 10th Street NE to Piedmont Road NE, and proceeding northerly along Piedmont Road NE to 14th Street NE, and proceeding westerly along 14th Street NE to W Peachtree Street NW, and proceeding northerly along W Peachtree Street NW to Peachtree Rd, and proceeding northerly along Peachtree Road to the Railroad Right-of-Way lying to the north of Peachtree Valley Road NE, and proceeding easterly along the Railroad Right-of-Way to Norfolk Southern Railway/Amtrak RR, and proceeding northerly along Norfolk Southern Railway/Amtrak RR to the point of beginning.

District 7

All of that portion of DeKalb County bounded and described as follows: Beginning at the point of intersection of the North Atlanta/Atlanta census designated place/city line and the Fulton/DeKalb county line (on the northern property line 4118 E Brookhaven Drive NE), and proceeding easterly along the North Atlanta/Atlanta census designated place/city line to the Fulton/DeKalb county line, and proceeding northerly along the Fulton/DeKalb county line to the point of beginning. All of that portion of Fulton County bounded and described as follows: Beginning at the point of intersection of the Sandy Springs/Atlanta city line and Roswell Rd, and proceeding easterly along the Sandy Springs/Atlanta city line to the DeKalb/Fulton county line, and proceeding southerly along the DeKalb/Fulton county line to Buford Hwy NE, and proceeding southerly along Buford Hwy NE to Sidney Marcus Boulevard NE, and proceeding westerly along Sidney Marcus Boulevard NE to Piedmont Road NE, and proceeding northerly along

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Piedmont Road NE to Norfolk Southern Railway/Amtrak RR, and proceeding southerly along Norfolk Southern Railway/Amtrak RR to the Railroad Right-of-Way lying to the south of Peachtree Creek, and proceeding westerly along the Railroad Right-of-Way to Peachtree Rd, and proceeding northerly along Peachtree Road to Roswell Rd, and proceeding northerly along Roswell Road to the point of beginning.

District 8

All of that portion of Fulton County bounded and described as follows: Beginning at the point of intersection of the Sandy Springs/Atlanta city line and the Cobb/Fulton county line, and proceeding easterly along the Sandy Springs/Atlanta city line to Roswell Rd, and proceeding southerly along Roswell Road to Peachtree Rd, and proceeding southerly along Peachtree Road to Norfolk Southern Railway/Amtrak RR, and proceeding westerly along Norfolk Southern Railway/Amtrak RR to Northside Drive NW, and proceeding northerly along Northside Drive NW to I-75, and proceeding westerly along I-75 to Peachtree Creek, and proceeding westerly along Peachtree Creek to Bohler Road NW, and proceeding northerly along Bohler Road NW to Battleview Drive NW, and proceeding westerly along Battleview Drive NW to the property line between 1380 and 1383 Battleview Drive NW, and proceeding westerly along the property line to Peachtree Creek, and proceeding westerly along Peachtree Creek to Ridgewood Road NW, and proceeding southerly along Ridgewood Road NW to Coronet Way NW, and proceeding westerly along Coronet Way NW to CSX Railroad, and proceeding westerly along CSX Railroad to the Cobb/Fulton county line, and proceeding northerly along the Cobb/Fulton county line to the point of beginning.

District 9

All of that portion of Fulton County bounded and described as follows: Beginning at the point of intersection of Peachtree Creek and Ridgewood Road NW, and proceeding easterly along Peachtree Creek to the property line between 1380 and 1383 Battleview Drive NW, and proceeding easterly along the property line to Battleview Drive NW, and proceeding easterly along Battleview Drive NW to Bohler Road NW, and proceeding southerly along Bohler Road NW to Peachtree Creek, and proceeding easterly along Peachtree Creek to I-75, and proceeding southerly along I-75 to Northside Drive NW, and proceeding southerly along Northside Drive NW to Norfolk Southern Railway/Amtrak RR, and proceeding westerly along Norfolk Southern Railway/Amtrak RR to CSX Railroad, and proceeding southerly along CSX Railroad to North Avenue NW, and proceeding westerly along North Avenue NW to Baker Road NW, and proceeding westerly along Baker Road NW to Hamilton E Holmes Drive NW, and proceeding northerly along Hamilton E Holmes Drive NW to Baker Ridge Drive NW, and proceeding westerly along Baker Ridge Drive NW to Waterford Road NW, and proceeding northerly along Waterford Road NW to Sandy Creek, and proceeding westerly along Sandy Creek to the Atlanta city line, and proceeding northerly along the Atlanta city line to the Cobb/Fulton county line, and proceeding northerly along the Cobb/Fulton county line to CSX Railroad, and proceeding easterly along CSX Railroad to Coronet Way NW, and proceeding easterly along Coronet Way NW to Ridgewood Road NW, and proceeding northerly along Ridgewood Road NW to the point of beginning.

District 10

All of that portion of Fulton County bounded and described as follows: Beginning at the point of intersection of Sandy Creek and the Atlanta city line, and proceeding easterly along Sandy Creek to Waterford Road NW, and proceeding southerly along Waterford Road NW to Baker Ridge Drive NW, and proceeding easterly along Baker Ridge Drive NW to Hamilton E Holmes Drive NW, and proceeding southerly along Hamilton E Holmes Drive NW to CSX Railroad, and proceeding easterly along CSX Railroad to Anderson Avenue SW, and proceeding southerly along Anderson Avenue SW to Ralph David Abernathy Blvd, and proceeding easterly along Ralph David Abernathy Boulevard to Cascade Rd, and proceeding westerly along Cascade Road to Cascade Terrace SW, and proceeding westerly along Cascade Terrace SW to Clearvue Terrace SW, and proceeding northerly along Clearvue Terrace SW to Rosemary Avenue SW, and proceeding northerly along Rosemary Avenue SW to Beecher Street SW, and proceeding westerly along Beecher Street SW to Beecher Road SW, and proceeding westerly along

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Beecher Road SW to Cascade Rd, and proceeding westerly along Cascade Road to the Atlanta city line, and proceeding northerly along the Atlanta city line to the point of beginning.

District 11

All of that portion of Fulton County bounded and described as follows: Beginning at the point of intersection of the East Point/Atlanta city line and Fort Valley Drive SW, and proceeding southerly along the Atlanta city line to Cascade Road, and proceeding easterly along Cascade Road to Beecher Road SW, and proceeding northerly along Beecher Road SW to Beecher Street SW, and proceeding easterly along Beecher Street SW to Rosemary Avenue SW, and proceeding southerly along Rosemary Avenue SW to Clearvue Terrace SW, and proceeding southerly along Clearvue Terrace SW to Cascade Terrace SW, and proceeding easterly along Cascade Terrace SW to Cascade Rd, and proceeding westerly along Cascade Road to Cascade Cir SW, and proceeding westerly along Cascade Cir SW to Cascade Rd, and proceeding westerly along Cascade Road to Centra Villa Drive SW, and proceeding southerly along Centra Villa Drive SW to Venetian Drive SW, and proceeding easterly along Venetian Drive SW to Pinehurst Drive SW, and proceeding southerly along Pinehurst Drive SW to Fort Valley Drive SW, and proceeding southerly along Fort Valley Drive SW to the point of beginning.

District 12

All of that portion of Fulton County bounded and described as follows:

1. Beginning at the point of intersection of Norfolk Southern Railway H-Line and CSX Railroad near the intersection of Peters Street SW and McDaniel Street SW, and proceeding southerly along Norfolk Southern Railway H-Line to Capitol Avenue SW, and proceeding southerly along Capitol Avenue SW to CSX Railroad (A&WP Beltline), and proceeding westerly along CSX Railroad to Pryor Rd, and proceeding southerly along Pryor Road to Pryor Cir SW, and proceeding southerly along Pryor Cir SW to Claire Drive SW, and proceeding easterly along Claire Drive SW to Claire Drive SE, and proceeding easterly along Claire Drive SE to Shadydale Avenue SE, and proceeding southerly along Shadydale Avenue SE to Lakewood Avenue SE, and proceeding westerly along Lakewood Avenue SE to Macon Drive SW, and proceeding easterly along Macon Drive SW to South River, and proceeding easterly along South River to the DeKalb/Fulton county line, and proceeding southerly along the DeKalb/Fulton county line to the Clayton/Fulton county line, and proceeding westerly along the Clayton/Fulton county line to the Hapeville/Atlanta city line, and proceeding northerly along the Hapeville/Atlanta city line to the East Point/Atlanta city line, and proceeding northerly along the East Point/Atlanta city line to Fort Valley Drive SW, and proceeding westerly along Fort Valley Drive SW to Pinehurst Drive SW, and proceeding northerly along Pinehurst Drive SW to Venetian Drive SW, and proceeding easterly along Venetian Drive SW to the northern property line of Fort McPherson, and proceeding easterly along the property line to Ingram Street SW, and proceeding easterly along Ingram Street SW to the property line, and proceeding easterly along the property line to CSX Railroad, and proceeding northerly along CSX Railroad to the point of beginning.
2. As well as beginning at the point of intersection of the Hapeville/Atlanta city line and the East Point/Atlanta city line at N Inner Loop Rd, and proceeding easterly along the Hapeville/Atlanta city line to the Clayton/Fulton county line, and proceeding westerly along the Clayton/Fulton county line to the College Park/Atlanta city line, and proceeding northerly along the College Park/Atlanta city line to the East Point/Atlanta city line, and proceeding northerly along the East Point/Atlanta city line to the point of beginning.

(1996 Ga. L. (Act No. 1019), p. 4469; Ord. No. 2002-33, § 2, 5-25-02; Ord. No. 2009-21(09-O-0655), § 1, 5-26-09; Ord. No. 2012-04(11-O-1827), § 2(Exh. B), 2-15-12)

APPENDIX II. HOUSING COMMISSION

APPENDIX II. HOUSING COMMISSION [\[2\]](#)

[Section 1. Creation.](#)

[Section 2. Purpose.](#)

[Section 3. Composition.](#)

[Section 4. Method of appointment.](#)

[Section 5. Staffing.](#)

[Section 6. Meetings, reports and recommendations.](#)

[Section 7. Terms of office.](#)

[Section 8. Compensation; appointment.](#)

Section 1. Creation.

A standing housing commission is hereby created.

(Ord. No. 1993-70, § 1, 4-12-93)

Section 2. Purpose.

The purpose of the housing commission shall be:

- (1) To review the housing policies of the city with an emphasis on affordable housing.
- (2) To review the city's permitting procedures related to the construction and rehabilitation of housing.
- (3) To explore creative methods of financing affordable housing.
- (4) To review housing policies, practices and procedures of other jurisdictions.

(Ord. No. 1993-70, § 2, 4-12-93)

Section 3. Composition.

The housing commission shall be comprised of 15 members; with five (5) to be named by designated organizations (from their membership) and the remaining 10 to be appointed by the mayor, president of council and councilmembers.

The designated organizations to be represented on the commission shall be:

- (1) The urban residential finance authority.
- (2) The Atlanta Neighborhood Development Partnership.
- (3) The Atlanta Task Force on the Homeless.
- (4) The Georgia Housing and Finance Authority.
- (5) The Atlanta Mortgage Consortium.

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APPENDIX II. HOUSING COMMISSION

The remaining 10 members shall be:

- (1) Representatives from two (2) community development corporations.
- (2) Four (4) developer representatives: (two) nonprofits (1 multi-family and 1 single family); (two) for-profits (1 multi-family and 1 single family).
- (3) Two (2) mortgage lenders.
- (4) Two (2) laypersons.

Confirmation by council shall not be required.

(Ord. No. 1993-70, § 3, 4-12-93)

Section 4. Method of appointment.

The method of appointment shall be as follows:

- (1) One (1) mortgage lender and one (1) lay person shall be appointed by the mayor.
- (2) One (1) mortgage lender and one (1) lay person shall be appointed by the president of council.
- (3) One (1) nonprofit multi-family developer shall be appointed by councilmembers from districts three (3) and four (4) and the at-large councilperson.
- (4) One (1) for-profit multi-family developer shall be appointed by councilmembers from districts five (5) and six (6) and the at-large councilperson.
- (5) One (1) nonprofit single-family developer shall be appointed by councilmembers from districts one (1) and two (2) and the at-large councilperson.
- (6) One (1) for-profit single-family developer shall be appointed by councilmembers from districts seven (7) and eight (8) and the at-large councilperson.
- (7) One (1) community development corporation representative shall be appointed by the councilmembers from districts nine (9) and 10 and the at-large councilperson.
- (8) One (1) community development corporation representative shall be appointed by the councilmembers from districts 11 and 12 and the at-large councilperson.

(Ord. No. 1993-70, § 4, 4-12-93)

Section 5. Staffing.

The housing commission shall receive primary staff support and assistance from the city's department of housing. Other city departments and bureaus shall provide support and assistance as specifically requested by the commission.

(Ord. No. 1993-70, § 5, 4-12-93)

Section 6. Meetings, reports and recommendations.

The housing commission shall meet at least once per quarter and shall produce a report on its work and shall make recommendations to the mayor and city council at least once annually.

(Ord. No. 1993-70, § 6, 4-12-93)

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Section 7. Terms of office.

The terms of office shall be for a two-year period, with the exception of the mayoral and presidential appointees, which terms shall be for a three-year period.

(Ord. No. 1993-70, § 7, 4-12-93)

Section 8. Compensation; appointment.

Members of the housing commission shall serve voluntarily and without compensation. Appointees shall be submitted to the community development committee. The chair of the community development committee shall convene the first meeting of the commission. The members shall elect their own chairperson and other officers they deem appropriate.

(Ord. No. 1993-70, § 8, 4-12-93)

Editor's note—

The catchline for this section was added by the editor to maintain consistency in the Charter.

FOOTNOTE(S):

--- (2) ---

Editor's note— This appendix has been created by the editor and consists of provisions formerly found in Article 3, Chapter 4, Division 2, §§ 3-411—3-418 of the city charter of 1973 (1973 Ga. L. p. 2188), as amended. Such provisions were transferred by § 7-104(a) of the new city charter (1996 Ga. L. p. 4469) to Part 8 of the city's 1973 code, which code had been replaced by the current city code when the new charter was adopted. The provisions of this appendix will be retained in this appendix until transferred to the new city code. ([Back](#))

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APPENDIX III. CIVIL SERVICE BOARD

APPENDIX III. CIVIL SERVICE BOARD [\[3\]](#)

[Section 1. Civil service board.](#)

Section 1. Civil service board.

(a) There shall be a civil service board, which shall be the official protector of the civil service system.

There shall be a civil service board consisting of five (5) members, appointed by the mayor with the consent of the council to three-year staggered terms of office as specified by ordinance of the council. (This shall in no way affect the terms of the present members.)

(b) The board shall:

- (1) Hold its meetings in the city hall;
- (2) Hold regular meetings at least once monthly;
- (3) Review, and in its discretion recommend amendments to, rules and regulations submitted thereto by the official responsible for personnel administration;
- (4) Hold hearings when requested by an employee on proposed demotions, suspensions, dismissals, or other such actions and shall have such powers to dispose of such cases as shall be provided by ordinance;
- (5) Make investigations requested by the mayor or the council or on its own motion;
- (6) Keep minutes of its meetings and such other records as it may deem necessary;
- (7) Establish guidelines for hearing any matters referred thereto by the official responsible for personnel administration, employees and employee organizations; and
- (8) Recommend improvements in the civil service system to the council.

(1976 Ga. Laws, page 4532, § 1; Ord. No. 1981-87, § 1, 12-15-81)

Editor's note—

The ordinances listed in the left-hand column below are found in the state session laws at the location listed opposite them in the right-hand column below:

	Georgia Laws	
Ord. No.	Year	Page
1981-87	1982	5262

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APPENDIX III. CIVIL SERVICE BOARD

FOOTNOTE(S):

--- (3) ---

Editor's note— This appendix has been created by the editor and consists of provisions formerly found in Article 3, Chapter 6, § 3-503 of the city charter of 1973 (1973 Ga. L. p. 2188), as amended. Such provisions were transferred by § 7-104(b) of the new city charter (1996 Ga. L. p. 4469) to Part 5, Chapter 2 of the city's 1973 code, which code had been replaced by the current city code when the new charter was adopted. The provisions of this appendix will be retained in this appendix until transferred to the new city code. ([Back](#))

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APPENDIX IV. RESERVED

APPENDIX IV. RESERVED [\[4\]](#)

FOOTNOTE(S):

--- (4) ---

Editor's note— Ord. No. 2002-74, § 1, approved Oct. 15, 2002, repealed char. app. IV in its entirety. Formerly, said appendix pertained to administrative organization as found in Article 8, §§ 8-101—8-170 of the city charter of 1973 (1973 Ga. L. p. 2188), as amended. Substantive provisions of former char. app. IV are now located in the City Code of Ordinances, ch. 2. [\(Back\)](#)