

1 **A RESOLUTION OF THE CITY OF STONECREST, GEORGIA, AUTHORIZING THE**  
2 **SUBMITTAL OF CERTAIN CHARTER AMENDMENTS TO THE LOCAL**  
3 **DELEGATION OF DEKALB COUNTY**

4 **WHEREAS**, the City of Stonecrest was created by Senate Bill 208, passed in the Georgia  
5 General Assembly during the 2016 Session and subsequently confirmed by  
6 referendum;

7  
8 **WHEREAS**, Senate Bill 208 provided a charter for the City of Stonecrest (the “City Charter”);  
9

10 **WHEREAS**, the mayor and councilmembers desire that various provisions of the City Charter  
11 be amended;

12  
13 **WHEREAS**, Article IX, Section II, Paragraph II of the Constitution of the State of Georgia,  
14 which is titled Home Rule for Municipalities, allows the General Assembly of the  
15 State of Georgia to provide by law for the self-government of municipalities,  
16 which the General Assembly has done with the Municipal Home Rule Act of  
17 1965, provided in O.C.G.A. 36-35-1 *et seq.*;

18  
19 **WHEREAS**, O.C.G.A. 36-35-6 provides that the power granted to municipal corporations in  
20 subsections (a) and (b) of O.C.G.A. 36-35-3 shall not be construed to extend to  
21 action affecting the composition and form of the municipal governing authority,  
22 the procedure for election or appointment of the members thereof, and the  
23 continuance in office and limitation thereon for such members, among other  
24 things, or to any other matters which the General Assembly by general law has  
25 preempted or may hereafter preempt, but such matters shall be the subject of  
26 general law or the subject of local Acts of the General Assembly to the extent that  
27 the enactment of such local Acts is otherwise permitted under the Constitution of  
28 the State of Georgia;

29  
30 **WHEREAS**, Section 2.10(a) of Article II and Section 3.01(a)(6) of Article III of the City  
31 Charter provides that the mayor has one vote on matters brought before the city  
32 council for official action; and

33  
34 **WHEREAS**, the mayor and the councilmembers of the City of Stonecrest desire that the above  
35 provisions be amended to provide that the mayor relinquish the privilege of voting  
36 on matters brought before the city council for official action, except to break a tie  
37 of the councilmembers; and

38  
39 **WHEREAS**, the mayor and councilmembers of the City of Stonecrest desire that in connection  
40 with the mayor relinquishing the privilege of voting that the Article II of the

41 Charter be further amended to add new Section 2.34 to provide for the veto power  
42 of ordinances; and

43  
44 **WHEREAS**, Section 2.02 of Article II of the Charter discusses the eligibility requirements for  
45 service of the mayor and each councilmember; and

46  
47 **WHEREAS**, the mayor and councilmembers of the City of Stonecrest desire that the eligibility  
48 requirements for service of any elected official be amended to add the attainment  
49 of the age of 21 as an additional requirement for eligibility of service; and

50  
51 **WHEREAS**, the mayor and councilmembers of the City of Stonecrest desire that Article III of  
52 the Charter be amended to provide that Section 3.13 be designated for the  
53 establishment of the office of chief operating officer to be appointed by the mayor  
54 subject to the confirmation of a majority of the councilmembers; and, in  
55 furtherance thereof, Section 3.01(a)(8), Section 3.04(a)(14), and Section 3.05 of  
56 Article III of the Charter be designated to provide the mayor will provide  
57 supervision and guidance to the chief operating officer, the city manager will  
58 perform the duties of the chief operating officer if such office is vacant and  
59 neither the city council nor its members shall interfere with the performance of  
60 services by the chief operating officer; and

61  
62 **WHEREAS**, Section 3.01(a)(10) of Article III of the Charter provides that the mayor serve in  
63 the position of mayor and be compensated accordingly; and

64  
65 **WHEREAS**, the mayor and councilmembers of the City of Stonecrest desire that Section  
66 3.01(a)(10) of the Charter be amended to reflect that the service of the mayor is  
67 fulltime and further, that Section 2.07 of Article II of the Charter be amended to  
68 increase the annual salary of the mayor to \$85,000; and

69  
70 **WHEREAS**, the mayor and councilmembers of the City of Stonecrest have determined that the  
71 City Charter amendments provided herein should be amended by local act of  
72 General Assembly; and

73  
74 **WHEREAS**, the mayor and councilmembers of the City of Stonecrest hereby request that the  
75 DeKalb County local delegation submit such proposed amendments to the City  
76 Charter to the General Assembly.

77  
78 **THEREFORE**, the mayor and councilmembers of the City of Stonecrest, Georgia, hereby  
79 resolve as follows:

STATE OF GEORGIA  
COUNTY OF DEKALB  
CITY OF STONECREST

RESOLUTION 2017-\_\_\_\_\_

80 **Section 1:** That proposed amendments attached hereto and incorporated herein by reference  
81 to the Charter of the City of Stonecrest, Georgia, be submitted to the local delegation of DeKalb  
82 County for presentation to the General Assembly during the 2018 session.

83  
84 This Resolution shall be effective immediately upon its adoption.

85 **SO RESOLVED** this the \_\_\_\_\_ day of November, 2017.

86 Approved:

87  
88  
89 \_\_\_\_\_  
90 Jason Lary, Sr., Mayor

91  
92 \_\_\_\_\_  
93 Diane Adoma, Councilmember

94  
95 \_\_\_\_\_  
96 Jazzmin Cobble, Councilmember

97  
98 \_\_\_\_\_  
99 Jimmy Clanton, Councilmember

100  
101 \_\_\_\_\_  
102 George Turner, Councilmember

103  
104 \_\_\_\_\_  
105 Rob Turner, Councilmember

106  
107  
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112  
113  
114  
115  
116  
117  
118 Attest:

119 \_\_\_\_\_  
120  
121  
122 Brenda James, City Clerk

123 EXHIBIT TO RESOLUTION  
124 CITY OF STONECREST  
125 2018 CHARTER AMENDMENTS  
126

127 **Amendment 1: Amend the voting power of the mayor from voting to non-voting**  
128 **except in the event of a tie.**

129 “Section 2.10(a) of Article II of the Charter is amended as follows: (a) Four  
130 councilmembers shall constitute a quorum and shall be authorized to transact business for  
131 the city council. The mayor shall be counted toward the making of a quorum. Voting on  
132 the adoption of ordinances shall be taken by voice vote and the yeas and nays shall be  
133 recorded in the minutes, but on the request of any member there shall be a roll-call vote.  
134 In order for any ordinance, resolution, motion, or other action of the city council to be  
135 adopted, the measure must receive at least three affirmative votes and must receive the  
136 affirmative votes of a majority of those voting. ~~No~~~~Neither any~~ councilmember ~~nor the~~  
137 ~~mayor~~ shall abstain from voting on any matter properly brought before the city council  
138 for official action except when such councilmember has a reason which is disclosed in  
139 writing prior to or at the meeting and made a part of the minutes. ~~The mayor and e~~Each  
140 councilmember when present at a meeting shall have one vote on all matters brought  
141 before the council. ~~In the event of a tie in the vote on any matter, the mayor, if present,~~  
142 ~~shall vote to break the tie.~~

143 In furtherance thereof, Section 3.01 (a)(6) of Article III of the Charter is amended as  
144 follows: (a) The mayor shall:... (6) ~~Not vote~~ ~~Vote~~ in ~~any~~~~all~~ matters before the city  
145 council ~~except~~ as provided in Section 2.10(a) of this charter;”

146

147 **Amendment 2: Grant the mayor the power to veto certain ordinances.**

148 Article II of the Charter is amended to add new Section 2.17 as follows:

149 **“SECTION 2.34.**

150 **Veto power of mayor of ordinances.**

151 (a) The mayor, within ten calendar days of the adoption of an ordinance by  
152 councilmembers pursuant to Section 2.10(a), shall return it to the clerk with the mayor's  
153 written approval or disapproval. If the ordinance has been approved by the mayor, it shall  
154 become law upon its return to the clerk; if the ordinance is neither approved nor  
155 disapproved, it shall become law at 12:00 Noon on the tenth calendar day after its  
156 adoption; if the ordinance is disapproved, the mayor shall submit to the councilmembers  
157 through the clerk a written statement of reasons for the veto. The clerk shall record upon  
158 the ordinance the date of its delivery to and receipt from the mayor.

159 (b) Any ordinance vetoed by the mayor shall be presented by the clerk to the city council  
160 at its next meeting. If the city council at its next meeting adopts the ordinance by an  
161 affirmative vote of four councilmembers, it shall become law.

162 (c) The mayor may disapprove or reduce any item or items of appropriation in any  
163 ordinance. The approved part or parts of any ordinance making appropriations shall  
164 become law, and the part or parts disapproved shall not become law unless subsequently  
165 passed by the city council over the mayor's veto as provided herein. The reduced part or  
166 parts shall be presented to city council as though disapproved and shall not become law  
167 unless overridden by the council as provided in subsection (b) of this section.

168 (d) The mayor shall have no power to veto any ordinance in which he or she voted to  
169 break a tie in the manner provided in Section 2.10(a).”

170

171 **Amendment 3: Amend the eligibility requirements for service as mayor or**  
172 **councilmember.**

173 “Section 2.02(a) of Article II of the Charter is amended as follows:

174 (a) For all elections subsequent to the first election, the mayor and councilmembers shall  
175 serve for terms of four years and until their terms shall expire upon the administration of  
176 the oath of office to their successors. No person shall be eligible to serve as mayor or  
177 councilmember unless that person has attained the age of 21, shall have been a resident of  
178 the City of Stonecrest for a continuous period of at least 12 months immediately prior to  
179 the date of the election for mayor or councilmember, shall continue to reside therein  
180 during that person's period of service, and shall continue to be registered and qualified to  
181 vote in municipal elections of the City of Stonecrest. In addition to the above  
182 requirements, no person shall be eligible to serve as a councilmember representing a  
183 council district unless that person has been a resident of the district such person seeks to  
184 represent for a continuous period of at least six months immediately prior to the date of  
185 the election for councilmember and continues to reside in such district during that  
186 person's period of service.”

187

188 **Amendment 4: Establish the office of chief operating officer.**

189 “Article III of the Charter is amended to renumber Section 3.13 to Section 3.14, to  
190 renumber Section 3.14 to 3.15, to renumber Section 3.15 to Section 3.16 and to further  
191 add the following language to Section 3.13 as follows:

192 **SECTION 3.13.**

193 Chief Operating Officer

194 (a)The mayor may appoint, an officer whose title shall be the "chief operating officer",  
195 subject to the confirmation thereof by a majority of the councilmembers. The chief  
196 operating officer shall be appointed without regard to political beliefs and solely on the  
197 basis of his or her education and experience. The chief operating officer need not be a  
198 resident of the City of Stonecrest. The chief operating officer shall be supervised and  
199 directed by the mayor and shall have the power, and it shall be his or her duty to:

200 (1) Appoint and employ all necessary employees of the department of public works  
201 and the department of public safety;

202 (2) Remove employees appointed and employed under paragraph (1) of this section,  
203 without the consent of the city council or city manager and without assigning any  
204 reason therefor;

205 (3) Exercise supervision and control of the department of public works and the  
206 department of public safety and all divisions of either created or that may hereafter be  
207 created by the councilmembers;

208 (4) Recommend to the city council, after prior review and comment by the mayor, for  
209 adoption of such measures as the chief operating officer may deem necessary or  
210 expedient with respect to the department of public works and the department of public  
211 safety;

212 (5) Operate his or her office and the department of public works and the department  
213 of public safety for the amounts appropriated therefor by the city council in the annual  
214 budget;

215 (6) Have no authority to perform any function reserved to the city manager under this  
216 charter or by ordinance of the councilmembers; and

217 (7) Perform such other duties as required by ordinance or resolution of the  
218 councilmembers.

219 (b) In the event of a vacancy in the office of chief operating officer, the city manager  
220 shall exercise all powers, duties, and functions of the chief operating officer until a chief  
221 operating officer is appointed.

222 In furtherance thereof, Section 3.01 (a)(8) of Article III of the Charter is amended as  
223 follows: (a) The mayor shall:... (8) Provide supervision and guidance to the City  
224 Manager and the Chief Operating Officer;

225 In furtherance thereof, Section 3.04 (a)(14) of Article III of the Charter is renumbered to  
226 be Section 3.04(a)(15) and the following language is added to Section 3.04(a)(14) as  
227 follows: (a) The city manager shall:... (14) Perform the duties of the office of the chief  
228 operating officer (i) until such time the initial chief operating officer takes office and (ii)  
229 in the event of a vacancy in such office thereafter;

230 In furtherance thereof, Section 3.05 of Article III of the Charter is amended as follows:

231 **SECTION 3.05.**

232 City council interference with administration.

233 Except for the purpose of inquiries and investigations under Section 2.08 of this charter  
234 or as provided in Section 3.01, ~~and~~ Section 3.03 and Section 3.13 of this charter neither  
235 the city council nor its members shall interfere with the performance of services by or  
236 give orders to any such officer or employee, either publicly or privately.”



237 **Amendment 5: Increase the annual salary of the mayor to \$85,000 from \$20,000.**

238 “The first sentence of Section 2.07 of Article II of the Charter “Compensation and  
239 expenses” is amended as follows: ~~Commencing January 1, 2018, the~~The annual salary of  
240 the mayor shall be ~~\$85,000.00~~~~\$20,000.00~~ and the annual salary for each councilmember  
241 shall be \$15,000.00.

242 In furtherance thereof, Section 3.01 (a)(10) of Article III of the Charter is amended as  
243 follows: (a) The mayor shall:…Serve ~~full~~