

House Bill 1109 (COMMITTEE SUBSTITUTE)

By: Representatives Taylor of the 79th and Jacobs of the 80th

YOU decide if Tom & Mike were PROTECTING Taxpayers with this proposed DECEPTION?

Transfer of funds would BYPASS any actions or understandings of the City Council or Residents (Voters-Taxpayers) of Dunwoody.

Special District could collect Taxes etc without the approval or even knowledge of the Taxpayers.

A BILL TO BE ENTITLED

AN ACT

1 To amend an Act incorporating the City of Dunwoody, approved March 25, 2008 (Ga. L.
2 2008, p. 3536), as amended, so as to provide for a special service district; to provide for the
3 provision of services; to prohibit the mayor or members of the city council to serve on a
4 board or commission; to prohibit the circumvention of certain ordinance requirements; to
5 permit transfer of appropriations between departments; to authorize the city manager to
6 transfer funds; to permit the mayor to appoint a clerk; to change certain provisions relative
7 to the municipal court; to provide for a homestead exemption from ad valorem taxes; to
8 provide for a charter commission; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 An Act incorporating the City of Dunwoody, approved March 25, 2008 (Ga. L. 2008, p.
12 3536), as amended, is amended by deleting the word "and" at the end of paragraph (41) of
13 Section 1.03, by deleting the period at the end of paragraph (42) and replacing the same with
14 "; and", and by adding a new paragraph at the end of such section to read as follows:

15 "(43) Special districts. To exercise all authority provided by Article IX, Section II,
16 Paragraph VI of the Constitution of Georgia to create special districts for the provision
17 of local government services within such districts and to collect fees, assessments, and
18 taxes within such districts to pay, wholly or partially, the cost of providing such services
19 therein. It is the intent of the General Assembly that any fee imposed pursuant to this
20 paragraph for the provision of fire and rescue services not exceed the average of ad
21 valorem taxes levied by DeKalb County for the provision of the same services for the
22 previous five years prior to the date the city begins providing such services;"

23 **SECTION 2.**

24 Said Act is further amended by revising subsection (b) of Section 2.14 as follows:

25 "(b) No member of any board, commission, or authority of the city shall hold any elective
26 office in the city."

27 **SECTION 3.**

28 Said Act is further amended by revising Section 2.15 as follows:

29 "SECTION 2.15.

30 Ordinance form; procedures.

They can declare anything an 'emergency' and avoid prior notice.

31 (a) Every proposed ordinance and resolution shall be introduced in writing, and the city
32 council shall have the authority to approve, disapprove, or amend the same. A resolution
33 may be passed at the time it is offered, but an ordinance shall not be adopted until the title
34 of said ordinance has been read at two city council meetings, provided that the beginning
35 of said meetings shall not be less than 24 hours nor more than 60 days apart. **This**
36 **requirement of two readings shall not apply to emergency ordinances.** The catchlines of
37 sections of this charter or any ordinance printed in boldface type, italics, or otherwise are
38 intended as mere catchwords to indicate the contents of the section and:

39 (1) Shall not be deemed or taken to be titles of such sections or as any part of the section;
40 and

41 (2) Shall not be so deemed when any of such sections, including the catchlines, are
42 amended or reenacted unless expressly provided to the contrary.

43 Furthermore, the article and section headings contained in this Act shall not be deemed to
44 govern, limit, or modify or in any manner affect the scope, meaning, or intent of the
45 provisions of any article or section hereof.

46 (b) The city council may, by ordinance or resolution, adopt rules and bylaws to govern the
47 conduct of its business, **including procedures and penalties for compelling the attendance**
48 **of absent councilmembers.** Such rules **may include punishment for contemptuous behavior**
49 **conducted in the presence of the city council."**

Bypass 'trial by jury' or existing law or codes. Arbitrary punishment possible for ANYONE, including City Council Members, for saying anything 'objectionable' or disagreed with.

50 **SECTION 4.**

51 Said Act is further amended by revising subsection (b) of Section 3.01 as follows:

52 "(b) **The mayor shall have the authority to transfer appropriations between departments,**
53 **funds, services, and strategy or organizational units but only with the approval of the city**
54 **council."** *Allows Mayor to shift funds without Taxpayers' Knowledge if he can get a majority of City Council to agree.*

55 **SECTION 5.**

56 Said Act is further amended in Section 3.04 by redesignating paragraph (14) as paragraph
 57 (15), by deleting the word "and" at the end of paragraph (13), and by adding a new paragraph
 58 (14) to read as follows:

59 "(14) To transfer appropriations within a department; and"

60 **SECTION 6.**

61 Said Act is further amended by revising Section 3.09 as follows:

62 "SECTION 3.09.

63 City clerk.

64 The mayor shall appoint a city clerk subject to confirmation by the city council to keep a
 65 journal of the proceedings of the city council; to maintain in a safe place all records and
 66 documents pertaining to the affairs of the city; and to perform such duties as may be
 67 required by law or ordinance or as the mayor or city manager may direct."

68 **SECTION 7.**

69 Said Act is further amended by revising Section 4.02 as follows:

70 "SECTION 4.02.

71 Judges.

Oath conveniently OMITTS any reference to respecting or Obeying Laws or the Constitution.

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

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

81 (c) The judge shall serve for a term of four years but may be removed from the position
 82 by a two-thirds vote of the entire membership of the city council or shall be removed upon
 83 action taken by the State Judicial Qualifications Commission for:

- 84 (1) Willful misconduct in office;
 85 (2) Willful and persistent failure to perform duties;

- 86 (3) **Habitual intemperance;** Who will define 'intemperance' and what is 'habitual'?
- 87 (4) Conduct prejudicial to the administration of justice which brings the judicial office
- 88 into disrepute; or
- 89 (5) Disability seriously interfering with the performance of duties, which is, or is likely
- 90 to become, of a permanent character."

SECTION 8.

91 Said Act is further amended by revising Section 6.05 as follows:

92 "SECTION 6.05.

93 Charter commission.

94 *This may allow Electeds enough members to overpower the Charter Commission*

95 No later than July 1, 2020, the mayor and the city council shall call for a charter
 96 commission to review the city's experience and recommend to the General Assembly any
 97 changes to the charter. Members of the charter commission shall be appointed as follows:
 98 one by the mayor, one by the city council, and one by each member of the Georgia House
 99 of Representatives or Senate whose district lies wholly or partially within the corporate
 100 boundaries of the city. All members of the charter commission shall reside in the City of
 101 Dunwoody. The commission shall complete the recommendations within the time frame
 102 required by the city council."

SECTION 9.

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