

CITY OF STONECREST, GEORGIA

Honorable Mayor Jason Lary, Sr.

Council Member Jimmy Clanton, Jr. – District 1

Council Member Rob Turner- District 2

Council Member Jazzmin Cobble – District 3

Council Member George Turner- District 4

Council Member Diane Adoma – District 5

CITY COUNCIL WORK SESSION

July 3, 2018

Immediately following Council Meeting.

3120 Stonecrest Blvd, Suite 190

Stonecrest, Georgia

I. CALL TO ORDER: Mayor Jason Lary

II. AGENDA ITEMS:

1. Discussion on the Audit and CAFR
2. Ordinance Adopting the City of Stonecrest Travel Policy and Procedures
3. Ordinances Amending the City Charter by Home Rule:
 - a. Section 1.02(b)(37)(A)—Ad valorem Taxes
 - b. Section 2.07—Annual Salary of the Mayor
 - c. Section 2.07—Annual expense allowance of the Mayor and Councilmembers.
 - d. Section 2.15—Ordinance Procedures
 - e. Section 5.03—Submission Date of Operating Budget
4. Grice Consulting Agreement Status

III. ADJOURNMENT:



CITY COUNCIL AGENDA ITEM

SUBJECT: Discussion on the Annual Audit and CAFR

☐ **ORDINANCE** ☐ **POLICY** ☐ **STATUS REPORT**
☐ **DISCUSSION ONLY** ☐ **RESOLUTION** ☒ **OTHER**

Date Submitted: 06/28/2018

Council Meeting: 07/03/2018

SUBMITTED BY: City Manager

PURPOSE: The Auditing Firm of Mauldin and Jenkins performed an independent audit on the City of Stonecrest for six months ending in December 31, 2017. The City Manager and Audrey Mays of the Finance Department completed our first CAFR Comprehensive Annual Financial Report through December 31, 2017. Mauldin and Jenkins Firm will have a representative at the July 16, 2018 meeting to give the final report.

HISTORY:

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION:



CITY COUNCIL AGENDA ITEM

SUBJECT: Ordinance Adopting the City of Stonecrest Travel Policy and Procedures

☒ **ORDINANCE** ☐ **POLICY** ☐ **STATUS REPORT**
☐ **DISCUSSION ONLY** ☐ **RESOLUTION** ☐ **OTHER**

Date Submitted: 05/16/2018 **Work Session** 07/03/2018

SUBMITTED BY: City clerk/City Attorney

PURPOSE: This item is to set the policy and procedures for travel and training in the City of Stonecrest. This item came before Council on June 18, 2018 and was sent back to another Work Session for discussion.

HISTORY:

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION:

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EXHIBIT A

CITY OF STONECREST TRAVEL POLICY AND PROCEDURES

CITY TRAVEL REGULATIONS

INTRODUCTION:

PURPOSE

The purpose of this Policy is to provide guidelines for payment of travel expenses in an efficient, cost effective manner, and to enable travelers to successfully execute their travel requirements at the lowest reasonable costs, resulting in the best value for the City. Teleconferencing instead of travel should be considered when possible. Each department is charged with the responsibility for determining the necessity, available resources and justification for the need and the method of travel.

It is important for Elected Officials and employees to understand the intent of the Policy and work with their management on managing work related travel, accordingly.

AUTHORITY

The Mayor and Council are authorized to adopt rules and regulations governing in- state and out-of-state travel and travel reimbursement that promote economy and efficiency in city government and which treat elected officials and employees fairly and equitably. Appeals from a decision under this travel policy shall be taken to the Mayor and City Council. In the event that an Elected Official appeals a decision, the Elected Official shall be recused from voting on the appeal.

COMPLIANCE AND ACCOUNTABILITY

Throughout this document words like “must” and “should” are used. When the term “must” is used, no department or individual has the authority to deviate from the specific policy/procedure. The term “should” is used to convey that departments and individuals are expected to follow the policy/procedure as written and are required to justify any departures from such policy/procedure when the specifics of the situation indicate an alternate procedure is a reasonable departure from the recommended policy/procedure.

All departments and governing body are required to follow the guidelines outlined in the City of Stonecrest Travel Regulations. For disabilities, the City has authority to provide reasonable accommodations during travel on official city business.

All requests for reimbursements under this policy must be made within thirty (30) days of incurring the expense. The City will not reimburse travelers for expense requests made more than thirty (30) days after incurring the expense.

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GENERAL PROVISIONS

The City of Stonecrest reimburses travelers for reasonable and necessary expenses actually incurred in connection with approved travel on its behalf pursuant to the traveler's official duties. All reimbursements for Elected Officials must be in accordance with the City's Charter and Georgia law. The City encourages travelers to take advantage of arranged travel discounts whenever possible.

A necessary expense is one for which there exists a clear business purpose and is within the City's expense policy limitations. A clear business purpose contains all information appropriate to and the purpose for attending and how the expenditure benefited the City.

Establishing policies and procedures for travel expenses enable the City to effectively comply with federal and state regulations.

These policies are intended to be guidelines for the planning and reimbursement of all City approved travel expenses. There are several key points to remember when incurring expenses on behalf of the City:

- Under no circumstances should an individual approve his/her own expense report. In most cases he/she should not approve the expense report of a person to whom he/she functionally or administratively reports.
- All expense reports must be submitted by the individual who incurred the expense.
- A large number of exceptions or Policy violations will increase the likelihood of expense report audits.
- The City will not reimburse employees or Elected Officials for personal expenses.
- The Elected Official is required to return any unused portion of a reimbursement.
- All travelers must return any amounts paid in excess of expenses within a reasonable time.
- All expense reports and receipts are subject to the Open Records Act.
- When submitting an expense report, the traveler is subject to O.C.G.A. § 16-10-20, which lists the punishment for making false statements and writings, concealing facts, and presenting fraudulent documents in matters within the jurisdiction of state or political subdivisions.

AUTHORIZATION FOR TRAVEL:

Elected Officials and employees may be reimbursed for reasonable travel-related expenses incurred while on official business for the City. Subject to the provisions outlined in these travel regulations, reimbursements are authorized for the following expenses:

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- Meals associated with overnight travel and in certain circumstances where there is no overnight lodging;
- Lodging expenses;
- Mileage for use of a personal motor vehicle;
- Transportation expenses; and
- Certain miscellaneous expenses associated with travel, such as parking and toll fees.

AUTHORIZATION FOR EMPLOYEE TRAVEL

Elected Officials and employees who are required to travel for their job and are eligible for travel reimbursement should receive authorization from their department head or other designated official prior to performing the travel. For Elected Officials, the designated official is the City Manager. Except in the case of emergencies, requests for travel authorization should be made at least seven (7) days prior to date of travel.

Departments must utilize the travel request form for in-state and out-of-state travel. However, department heads or their designees should specifically authorize out-of-state travel prior for each trip. Signature of the approving official on the travel expense form constitutes authorization of employee travel. Each department should provide the City Manager with a list of all persons/positions authorized to approve travel expense statements.

TRAVEL TO CONFERENCES FOR CERTIFICATION PURPOSES

Department heads, Elected Officials and employees traveling to or for certification purposes should limit their travel to these conferences and prohibit "discretionary" travel. If travel for certification is necessary, then efforts should be made to seek a location within the State of Georgia or closer to Georgia.

REIMBURSEMENT PROCEDURES

Elected Officials and employees requesting reimbursement for travel expenses are required to submit their claim to authorized personnel on the employee travel expense statement.

Requests for reimbursement should include the following information:

- Itemized expenses for authorized lodging, mileage, transportation, and miscellaneous expenses. The types of expenses which are authorized and the allowable limits are discussed in subsequent sections;

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- Explanation of any expenses which exceed the established limits and of any unusual expenses;
- Explanation of the purpose for the trip; and
- Description of the type(s) of transportation used.

Elected Officials and employees are required to sign their travel expense statement, attesting that the information presented on the form is accurate.

Elected Officials and employees are required to submit receipts for expenses, including:

- Meals purchased,
- Lodging,
- Airline or Railroad fares,
- Rental of motor vehicles,
- Registration Fees,
- Gasoline purchased for rental vehicles,
- Parking,
- Tollway,
- Mass transit,
- Taxi, and
- Airport vans.

If a receipt is not available, Elected Officials and employees are required to include an explanation of the expense on the travel expense statement. Credit card receipts are valid provided they contain complete details of the purchase.

BAGGAGE AND LUGGAGE FEES – Baggage and luggage fees are a reimbursable expense. All travelers should consider the extra fees charged by the airlines prior to making their travel arrangements and plan accordingly. When combining personal travel and City business travel, baggage and luggage fees should be allocated accordingly and reasonable under the circumstances.

MEALS AND INCIDENTAL TRAVEL EXPENSES:

Generally, meals are reimbursable on an actual expense basis, subject to the maximum amount below. These maximum rates for meal expense reimbursement are:

<u>Eligible Meals</u>	<u>In State</u>	<u>Per Diem</u>	<u>High Cost Cities</u>	<u>Per Diem</u>
Breakfast		\$6.00	Breakfast	\$7.00
Lunch		\$7.00	Lunch	\$9.00
Dinner		\$15.00	Dinner	\$20.00

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In the event the IRS has established a per diem rate for the particular location of travel, the IRS per diem rate shall be the maximum rate. However, the traveler may only receive reimbursement for the actual expense of the meal.

It should be noted that the City of Stonecrest Travel Regulations **does not** authorize Elected Officials and employees to receive a reimbursement for a “lunch meeting” in which the meal and meeting are the same, or when meals are otherwise provided at the meeting.

Reimbursement for meals shall be based on the actual time of departure on the departure date and the actual time of return arrival for out-of-town travel.

LODGING EXPENSES:

Elected Officials and employees who travel more than 50 miles from their office and/or residence, may be reimbursed for lodging expenses associated with approved overnight travel.

Elected Officials and employees will be reimbursed for the actual lodging expenses, providing the expenses are reasonable in accordance with the IRS’s governmental per diem rates for lodging.

Elected Officials and employees traveling overnight are responsible for ensuring the most reasonable lodging rates are obtained. To accomplish this, the employee should:

- Provide human resources with information about hotel accommodations,
- Utilize minimum rate accommodations,
- Avoid the “deluxe” hotels and motels, and
- Obtain city/government rates, whenever possible.

Elected Officials and employees who stay at a hotel/motel that is holding a scheduled meeting or seminar may incur lodging expenses that exceed the IRS governmental per diem rates, or if when no alternative hotels or lodging are available. The higher cost may be justified in order to avoid excessive transportation costs between a lower cost hotel/motel and the location of the meeting.

Elected Officials and employees should review hotel/motel receipts to ensure that taxes have not been applied to their lodging expenses in accordance with the state tax laws and regulations.

Elected Officials and employees should attempt to resolve any problems with the billing prior to checkout.

- ❖ Lodging paid directly by employee (personal credit card, personal check, or cash).
- ❖ Lodging paid directly by the City (direct bill, city credit card, or government check):
The hotel/motel should not collect any taxes associated with the lodging expenses.

Local government officials and Elected Officials and employees traveling within the state for official business are exempt from paying the *county or municipal excise tax* on lodging (“hotel/motel” or “occupancy” tax). [OCGA 48- 13-51 (H) (3)], regardless of the payment method being used. Elected Officials and employees are required to submit a copy of the hotel/motel tax-exemption form when they register at a hotel/motel. This exemption does not apply to Elected Officials and employees staying at an out of state hotel/motel. Elected Officials

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and employees should be able to provide proper identification to document their employment as a City/local government employee or official.

A traveler may use a privately-owned vehicle when it is in the best interest of the City. The approving official shall be responsible for substantiating that use of a privately owned vehicle is in the City's best interest. Mileage rates are based on the federal per diem rate in effect and the most advantageous form of travel. The traveler shall receive a mileage reimbursement equal to the established rates. If the use of a personal vehicle is the most advantageous, the following conditions have to be met:

- No suitable City vehicle is available.
- Traveling outside the city, but within 300-mile radius of the city.
- In Georgia, state statute specifies that Automobile Insurance follows the vehicle. If a personal auto is being used, the personal auto policy covering that vehicle would be responsible for any loss.

PROHIBITED MILEAGE REIMBURSEMENT – Elected Officials and employees are not entitled to mileage reimbursement for travel between their place of residence and their official headquarters, or personal mileage incurred while on travel status.

PARKING FEES AND TOLLS – the City may reimburse elected officials and employees who incur parking and toll expenses while on official business for the City. Elected Officials and employees that attend offsite meetings or training sessions may also be reimbursed for parking expenses. These expenses are reimbursable for travel in both city-owned and personal vehicles. Elected Officials and employees are expected to obtain receipts for these expenses. If it is not possible to obtain a receipt, then a written explanation should be included on the expense statement.

TRAVEL EXPENSES & REQUIRED RECEIPTS/DOCUMENTATION – All requests for reimbursement of mileage, parking, and toll charges must be documented on the travel expense statement and a receipt must accompany the documentation. Employee should claim mileage based on the most direct route from the point of departure to the destination.

TRAVEL BY COMMERCIAL or PUBLIC TRANSPORTATION

When commercial transportation is necessary, elected officials and employees may be reimbursed for the expenses incurred. Elected Officials and employees will be reimbursed for actual expenses incurred, provided the appropriate steps were taken to obtain the lowest possible fare or cost.

Authorized department personnel must approve travel by commercial or public transportation prior to the date of travel. When considering such a request, designated personnel should consider the distance to be traveled, the travel time and the cost.

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COMMERCIAL AIR TRANSPORTATION

Elected Officials and employees should utilize commercial air transportation when it is more cost effective and efficient to travel by air than by vehicle. Elected Officials and employees who choose to travel by personal vehicle when air travel is more cost effective should only be reimbursed for the cost of the lowest available airfare to the specified destination. In some instances, a higher airfare may be appropriate to reduce or eliminate for multiple stops and extended travel time.

Under such circumstances, the City of Stonecrest may reimburse elected officials and employees for expenses incurred for air travel, provided these expenses were approved prior to the date of travel. Additionally, the City may reimburse elected officials and employees for reasonable expenses associated with selecting seats or checking bags. These expenses should be included in the total cost of the airline ticket.

Elected Officials and employees who require air travel should obtain the lowest available airfare to the specified destination by comparing rates as follows:

- Utilize the Internet (i.e. Priceline.com, Expedia.com, Travelocity.com)
- Contact carriers directly

Tickets may be purchased using a city issued city charge card, personal credit card (on an as-needed basis with prior approval of the City Manager).

In general, it will be the City's policy that the Mayor and Council Members or Elected Officials and employees traveling by commercial air carrier travel in the most cost-effective manner and utilize the lowest possible coach fares. City Officials or Elected Officials and employees traveling by commercial air carrier will not be reimbursed for the portion of non-coach (first class, business class, etc.) airfare that exceeds the cost of the lowest, available fare on the same flight.

TRAVEL BY MASS TRANSPORTATION, TAXI OR AIRPORT VANS

Elected Officials and employees officially on travel status may be reimbursed for necessary costs of transportation by bus, taxi, or airport vans for the following situations:

- Between the individual's departure point and the common carrier's departure point;
- Between the common carrier's arrival point and the individual's lodging or meeting place; and
- Between the lodging and meeting places if at different locations.
- Elected Officials and employees will be reimbursed for economy parking only.

It is expected that airport vans will be utilized when available and practical, and when they are the lowest cost alternative.

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UNALLOWABLE EXPENSES

The following expenses are not reimbursable unless specific legal authority has been established:

- Laundry (allowable when overnight travel exceeds seven (7) consecutive days)

✂ Valet services for parking, when self-parking options are available

- Tipping for maid services
- Theatre
- Entertainment
- Alcoholic beverages
- Bank charges for ATM withdrawals
- Clothing or toiletry items
- Commuting between Residence and Primary Work Station
- Country Club dues
- Expenses related to vacation or personal days taken before, during or after a business trip
- Haircuts and personal grooming
- Laundry, cleaning, pressing costs for trips of less than seven days
- Loss or theft of cash advance, money or airline tickets
- Loss or theft of personal funds or property
- Lost baggage
- Luggage or briefcases
- Medical expenses while traveling (*Exceptions may be made to accommodate ADA compliance*)
- Mini-bar charges
- Movies
- No-show/Cancellation fees or fees related to hotel late check-out (unless business or weather related)
- Personal reading materials (magazines, newspapers, etc.)
- Personal vehicle maintenance
- Personal entertainment
- Personal Pet care
- Recreational expenses
- Saunas, massages
- Shoe Shines
- Souvenirs or personal gifts
- Traffic citations (moving violations), parking tickets, court fees and other fines
- Travel accident insurance premiums
- ✂ • Valet services for parking, when self-parking options are available, unless there are valid security reasons

CITY CHARGE CARDS

The City Manager or his/her designee may issue city charge cards to eligible Elected Officials and employees upon approval. City charge cards are beneficial because they:

- Reduce the employee's and the city's cash flow by minimizing the need for cash advances;
- Reduce the frequency of reimbursements for travel expenses;
- Require no annual membership fee or finance charges if paid within the terms of the agreement;
- Provide emergency cash to the employee;
- Eliminate the need for the City to directly pay airline tickets and car rental agencies;
- Provide guarantee for hotel rooms and other services requiring a deposit; and
- Provide the city with various financial reports regarding employee travel expenses.

Elected Officials and employees who are issued city charge cards are authorized to use the charge cards for business purposes only.



CITY COUNCIL AGENDA ITEM

SUBJECT: Discussion on Ordinance Amending the City Charter by Home Rule

☒ **ORDINANCE** ☐ **POLICY** ☐ **STATUS REPORT**
☐ **DISCUSSION ONLY** ☐ **RESOLUTION** ☐ **OTHER**

Date Submitted: 06/28/2018

Work Session 07/03/2018

SUBMITTED BY: City Attorney

PURPOSE: This item is to have a discussion on Sections 1.02 (6) (37)(A) Ad- valorem Taxes, Section 2.07 – Annual Salary of the Mayor, Section 2.07 – Annual expense allowance of the Mayor and Councilmembers, Section 2.15 – Ordinance procedures and Section 5.03 Submission Date of Operating Budget.

HISTORY:

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION:

**AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF STONECREST,
GEORGIA, FOR THE PURPOSE OF AMENDING THE MILLAGE RATE CAP
IMPOSED BY SECTION 1.03(b)(37)(A) OF ARTICLE I OF THE CITY CHARTER**

WHEREAS, Section 1.03(b)(37)(A) of 2.07 of Article I of the Charter of the City of Stonecrest, Georgia (the "City Charter") provides that the millage rate imposed for ad valorem taxes on real property shall not exceed 3.35; and

WHEREAS, the Mayor and City Council of the City of Stonecrest desire that the 3.35 millage rate limitation for ad valorem taxes on real property be modified to provide that the limitation shall be increased from 3.35 by the amount of any roll back or reduction of the millage rate for ad valorem taxes imposed by DeKalb County, Georgia for governmental services formerly provided by it to the residents and property owners of the City of Stonecrest which governmental services are to be or will be provided by the city; and

WHEREAS, the Mayor and City Council of the City of Stonecrest have determined that the City Charter should be amended by Home Rule to make the necessary change; and

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

WHEREAS, O.C.G.A. 36-35-3(b)(1) allows municipal charters to be amended by ordinances duly adopted at two (2) regular consecutive meetings of the municipal governing authority, not less than seven (7) nor more than sixty (60) days apart; and

WHEREAS, O.C.G.A. 36-35-3(b)(1) requires a notice containing a synopsis of the proposed amendment to be published in a newspaper of general circulation in the municipal corporation once a week for three (3) weeks within a period of sixty (60) days immediately preceding its final adoption; and

WHEREAS, O.C.G.A. 36-35-3(b)(1) further requires that the notice shall state that a copy of the proposed amendment is on file in the office of the clerk of the municipal governing authority and in the office of the clerk of the superior court of the county of the legal situs of the municipal corporation for the purpose of examination and inspection by the public; and

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WHEREAS, pursuant to O.C.G.A. 36-35-3(b)(1), the required notice has been published in a newspaper of general circulation in the municipal corporation once a week for three (3) weeks prior to its final adoption, and a copy of the proposed amendment has been placed on file in the Office of the Clerk of the City of Stonecrest and in the Office of the Clerk of Superior Court of DeKalb County, Georgia, as required by Georgia law; and

WHEREAS, the required notice will have been published within the statutory period of sixty (60) days immediately preceding the final adoption of this Ordinance amending the City Charter; and

WHEREAS, the title of this Ordinance shall have been read and this Ordinance duly adopted at two consecutive City Council meetings not less than seven (7) nor more than sixty (60) days apart as required by Georgia law.

THEREFORE, the Mayor and City Council of the City of Stonecrest, Georgia, hereby ordain as follows:

Section 1: That the Charter of the City of Stonecrest, Georgia, is hereby amended as follows:

The third sentence in Section 1.03(b)(37)(A) of Article I of the City Charter is restated and amended to read as follows:

(37) Taxes; ad valorem. To levy and provide for the assessment, valuation, revaluation, and collection of taxes on all property subject to taxation; provided, however, that:

(A) The millage rate imposed for ad valorem taxes on real property shall not exceed 3.35 plus the amount of any roll back or reduction by DeKalb County of its millage rate imposed for ad valorem taxes on real property within corporate limits of the city for services assumed by the city from DeKalb County unless either (i) the millage rate is increased above such amount by a higher limit is recommended by resolution of the city council without voter approval through the exercise of home rule powers, or (ii) approved by a majority of the qualified electors of the City of Stonecrest voting on the issue, provided that the amount of millage associated with general obligation bonds or the creation of special tax districts pursuant to Article IX, Section II, Paragraph VI of the Constitution of the State of Georgia shall

not count as part of the 3.35 limit since such millage is already subject to approval by the electors of the city in a separate referendum;"

Section 2:

1. It is hereby declared to be the intention of the Mayor and City Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are and were, upon their enactment, believed by the Mayor and City Council to be fully valid, enforceable and constitutional.
2. It is hereby declared to be the intention of the Mayor and City Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and City Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.
3. In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and City Council that such invalidity, unconstitutionality, or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.
4. All ordinances or resolutions and parts of ordinances or resolutions in conflict herewith are hereby expressly repealed.
5. The within ordinance shall become effective upon its adoption.
6. The provisions of this Ordinance shall become and be made part of the City Charter and shall be codified in accordance with state law.

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Approved:

As to form:

Attest:

Brenda James, City Clerk

**AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF STONECREST,
GEORGIA, FOR THE PURPOSE OF AMENDING THE SALARY PROVISION FOR
THE MAYOR AND AMENDING THE EXPENSE REIMBURSEMENT PROVISIONS
FOR THE MAYOR AND EACH COUNCILMEMBER AS CONTAINED IN SECTION
2.07 OF ARTICLE II OF THE CITY CHARTER**

WHEREAS, Section 2.07 of Article II of the Charter of the City of Stonecrest, Georgia (the “City Charter”) provides for an annual salary of the mayor of \$20,000 and an annual expense allowance of the mayor of \$5,000 and an annual expense allowance of each councilmember of \$3,000; and

WHEREAS, the Mayor and City Council of the City of Stonecrest desire that the salary of the mayor be adjusted, subject to the provisions of O.C.G.A. 36-35-4, to account for the time necessary for the mayor to responsibly carry out the duties of the Mayor in managing and overseeing the business of the city; and

WHEREAS, the Mayor and City Council of the City of Stonecrest desire that the reimbursement of expenses incurred by the mayor and each councilmember in carrying out duties as an elected official of the city be approved as a part of the annual budget of the city without limitation; and

WHEREAS, the Mayor and City Council of the City of Stonecrest have determined that the City Charter should be amended by Home Rule to make the necessary changes; and

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

WHEREAS, O.C.G.A. 36-35-3(b)(1) allows municipal charters to be amended by ordinances duly adopted at two (2) regular consecutive meetings of the municipal governing authority, not less than seven (7) nor more than sixty (60) days apart; and

WHEREAS, O.C.G.A. 36-35-3(b)(1) requires a notice containing a synopsis of the proposed amendment to be published in a newspaper of general circulation in the municipal corporation once a week for three (3) weeks within a period of sixty (60) days immediately preceding its final adoption; and

WHEREAS, O.C.G.A. 36-35-3(b)(1) further requires that the notice shall state that a copy of the proposed amendment is on file in the office of the clerk of the municipal

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governing authority and in the office of the clerk of the superior court of the county of the legal situs of the municipal corporation for the purpose of examination and inspection by the public; and

WHEREAS, pursuant to O.C.G.A. 36-35-3(b)(1), the required notice has been published in a newspaper of general circulation in the municipal corporation once a week for three (3) weeks prior to its final adoption, and a copy of the proposed amendment has been placed on file in the Office of the Clerk of the City of Stonecrest and in the Office of the Clerk of Superior Court of DeKalb County, Georgia, as required by Georgia law; and

WHEREAS, the required notice will have been published within the statutory period of sixty (60) days immediately preceding the final adoption of this Ordinance amending the City Charter; and

WHEREAS, the title of this Ordinance shall have been read and this Ordinance duly adopted at two consecutive City Council meetings not less than seven (7) nor more than sixty (60) days apart as required by Georgia law.

THEREFORE, the Mayor and City Council of the City of Stonecrest, Georgia, hereby ordain as follows:

Section 1: That the Charter of the City of Stonecrest, Georgia, is hereby amended as follows:

Section 2.07 of Article II of the City Charter is restated and amended to read as follows:

“The annual salary of the mayor shall be \$75,000.00~~20,000.00~~ and the annual salary for each councilmember shall be \$15,000.00. Such salaries shall be paid from municipal funds in monthly installments. The mayor shall be provided an annual expense allowance of \$5,000.00 and each councilmember shall be reimbursed provided an annual expense allowance of \$3,000.00 for the reimbursement of reasonable expenses actually and necessarily incurred by the mayor and councilmembers in carrying out their duties as elected officials of the city but only to the extent of the amount provided in the annual budget of the city.”

Section 2:

1. It is hereby declared to be the intention of the Mayor and City Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are and were, upon their enactment, believed by the Mayor and City Council to be fully valid, enforceable and constitutional.

2. It is hereby declared to be the intention of the Mayor and City Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and City Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

3. In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and City Council that such invalidity, unconstitutionality, or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

4. All ordinances or resolutions and parts of ordinances or resolutions in conflict herewith are hereby expressly repealed.

5. The within ordinance shall become effective upon its adoption; provided, that, the increase in compensation payable to the mayor shall take place at such time provided in O.C.G.A. 36-35-4.

6. The provisions of this Ordinance shall become and be made part of the City Charter and shall be codified in accordance with state law.

SO ORDAINED AND EFFECTIVE this the ____ day of _____, 201__.

Approved:

Jason Lary, Sr., Mayor

As to form:

City Attorney

STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF STONECREST

ORDINANCE 2018-_____

121 Attest:

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125 Brenda James, City Clerk

AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF STONECREST, GEORGIA FOR THE PURPOSE OF AMENDING ORDINANCE PROCEDURES FOR THE ADOPTION OF ORDINANCES TO REQUIRE ONE READ OF ITS TITLE AT ANY CITY COUNCIL MEETING INSTEAD OF TWO READS AT TWO CITY COUNCIL MEETINGS AS CONTAINED IN SECTION 2.15 OF ARTICLE II OF THE CITY CHARTER

WHEREAS, Section 2.15 of Article II of the Charter of the City of Stonecrest, Georgia (the "City Charter") provides that no ordinance of the city shall be adopted until the title of such ordinance shall have been read at two city council meetings; and

WHEREAS, each ordinance is discussed at a public meeting prior to any reading of the title thereof at a city council meeting; and

WHEREAS, the Mayor and City Council of the City of Stonecrest desire that the adoption of any the ordinance take place after the title of such ordinance has been read once at a city council meeting; and

WHEREAS, the Mayor and City Council of the City of Stonecrest have determined that the City Charter should be amended by Home Rule to make the necessary change; and

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

WHEREAS, O.C.G.A. 36-35-3(b)(1) allows municipal charters to be amended by ordinances duly adopted at two (2) regular consecutive meetings of the municipal governing authority, not less than seven (7) nor more than sixty (60) days apart; and

WHEREAS, O.C.G.A. 36-35-3(b)(1) requires a notice containing a synopsis of the proposed amendment to be published in a newspaper of general circulation in the municipal corporation once a week for three (3) weeks within a period of sixty (60) days immediately preceding its final adoption; and

WHEREAS, O.C.G.A. 36-35-3(b)(1) further requires that the notice shall state that a copy of the proposed amendment is on file in the office of the clerk of the municipal governing authority and in the office of the clerk of the superior court of the county of the legal situs of the municipal corporation for the purpose of examination and inspection by the public; and

WHEREAS, pursuant to O.C.G.A. 36-35-3(b)(1), the required notice has been published in a newspaper of general circulation in the municipal corporation once a week for three (3) weeks prior to its final adoption; and a copy of the proposed amendment has been placed on file in the Office of the Clerk of the City of Stonecrest and in the Office of the Clerk of Superior Court of DeKalb County, Georgia, as required by Georgia law; and

WHEREAS, the required notice will have been published within the statutory period of sixty (60) days immediately preceding the final adoption of this Ordinance amending the City Charter; and

WHEREAS, the title of this Ordinance shall have been read and this Ordinance duly adopted at two consecutive City Council meetings not less than seven (7) nor more than sixty (60) days apart as required by Georgia law.

THEREFORE, the Mayor and City Council of the City of Stonecrest, Georgia, hereby ordain as follows:

Section 1: That the Charter of the City of Stonecrest, Georgia, is hereby amended as follows:

Section 2.15(a) of Article II of the City Charter is restated and amended to read as follows:

“(a) Every proposed ordinance and resolution shall be introduced in writing and the city council shall have the authority to approve, disapprove, or amend the same. A resolution may be passed at the time it is offered, but an ordinance shall not be adopted until the title of such ordinance shall have been read at any city council meeting, provided, that, the subject matter of the ordinance had been reviewed previously at any public meeting where a quorum of the city council was present. This requirement of prior review by the city council shall not apply to emergency ordinances, to ordinances passed during the first 90 days from the date on which the city begins operation, to ordinances adopted at the first business meeting of the city council in a calendar year, or to ordinances adopted pursuant The Zoning Procedures Laws, provided in O.C.G.A. 36-66-1 *et seq.*”

Section 2:

1. It is hereby declared to be the intention of the Mayor and City Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are and were, upon their enactment, believed by the Mayor and City Council to be fully valid, enforceable and constitutional.

2. It is hereby declared to be the intention of the Mayor and City Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or

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phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and City Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

3. In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and City Council that such invalidity, unconstitutionality, or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.
4. All ordinances or resolutions and parts of ordinances or resolutions in conflict herewith are hereby expressly repealed.
5. The within ordinance shall become effective upon its adoption.
6. The provisions of this Ordinance shall become and be made part of the City Charter and shall be codified in accordance with state law.

SO ORDAINED AND EFFECTIVE this the ____ day of _____, 201__.

Approved:

Jason Lary, Sr., Mayor

As to form:

City Attorney

Attest:

Brenda James, City Clerk

**AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF STONECREST,
GEORGIA FOR THE PURPOSE OF AMENDING LATEST DATE FOR THE
SUBMISSION OF THE PROPOSED OPERATING BUDGET AND CAPITAL BUDGET
FOR THE ENSUING FISCAL YEAR FROM THE FIRST DAY OF THE TENTH
MONTH OF THE FISCAL YEAR TO THE FIRST DAY OF THE ELEVENTH MONTH
OF THE FISCAL YEAR AS CONTAINED IN SECTION 5.03(a) OF ARTICLE V OF
THE CITY CHARTER**

WHEREAS, Section 5.03 of Article V of the Charter of the City of Stonecrest, Georgia (the “City Charter”) provides that the city council fix the date for the city manager’s submission to it of a proposed operating budget and capital budget for an ensuing fiscal year, but no later the first day of the tenth month of the current fiscal year; and

WHEREAS, the Mayor and City Council of the City of Stonecrest desire that the latest date for fixing the submission date of said proposed budgets to it by the city manager be the first day of the eleventh month of the current fiscal year; and

WHEREAS, the Mayor and City Council of the City of Stonecrest have determined that the City Charter should be amended by Home Rule to make the necessary change; and

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

WHEREAS, O.C.G.A. 36-35-3(b)(1) allows municipal charters to be amended by ordinances duly adopted at two (2) regular consecutive meetings of the municipal governing authority, not less than seven (7) nor more than sixty (60) days apart; and

WHEREAS, O.C.G.A. 36-35-3(b)(1) requires a notice containing a synopsis of the proposed amendment to be published in a newspaper of general circulation in the municipal corporation once a week for three (3) weeks within a period of sixty (60) days immediately preceding its final adoption; and

WHEREAS, O.C.G.A. 36-35-3(b)(1) further requires that the notice shall state that a copy of the proposed amendment is on file in the office of the clerk of the municipal governing authority and in the office of the clerk of the superior court of the county of the legal situs of the municipal corporation for the purpose of examination and inspection by the public; and

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WHEREAS, pursuant to O.C.G.A. 36-35-3(b)(1), the required notice has been published in a newspaper of general circulation in the municipal corporation once a week for three (3) weeks prior to its final adoption, and a copy of the proposed amendment has been placed on file in the Office of the Clerk of the City of Stonecrest and in the Office of the Clerk of Superior Court of DeKalb County, Georgia, as required by Georgia law; and

WHEREAS, the required notice will have been published within the statutory period of sixty (60) days immediately preceding the final adoption of this Ordinance amending the City Charter; and

WHEREAS, the title of this Ordinance shall have been read and this Ordinance duly adopted at two consecutive City Council meetings not less than seven (7) nor more than sixty (60) days apart as required by Georgia law.

THEREFORE, the Mayor and City Council of the City of Stonecrest, Georgia, hereby ordain as follows:

Section 1: That the Charter of the City of Stonecrest, Georgia, is hereby amended as follows:

Section 5.03(a) of Article V of the City Charter is amended to substitute the words "eleventh month" for the words "tenth month" in the first sentence thereof.

Section 2:

1. It is hereby declared to be the intention of the Mayor and City Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are and were, upon their enactment, believed by the Mayor and City Council to be fully valid, enforceable and constitutional.
2. It is hereby declared to be the intention of the Mayor and City Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and City Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.
3. In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and City Council that such invalidity, unconstitutionality,

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or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

4. All ordinances or resolutions and parts of ordinances or resolutions in conflict herewith are hereby expressly repealed.

5. The within ordinance shall become effective upon its adoption.

6. The provisions of this Ordinance shall become and be made part of the City Charter and shall be codified in accordance with state law.

SO ORDAINED AND EFFECTIVE this the ____ day of _____, 201__.

Approved:

Jason Lary, Sr., Mayor

As to form:

City Attorney

Attest:

Brenda James, City Clerk



CITY COUNCIL AGENDA ITEM

SUBJECT: Discussion on Grice Consulting Agreement Status

☐ **ORDINANCE** ☐ **POLICY** ☐ **STATUS REPORT**
☐ **DISCUSSION ONLY** ☐ **RESOLUTION** ☒ **OTHER**

Date Submitted: 06/28/2018

Council Meeting: 07/03/2018

SUBMITTED BY: City Attorney

PURPOSE:

HISTORY:

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION: