

safety, health, peace, security, good order, comfort, convenience, or general welfare of the city and its inhabitants; to exercise all implied powers necessary or desirable to carry into execution all powers granted in this Charter as fully and completely as if such powers were fully stated herein; and to exercise all powers now or in the future authorized to be exercised by other municipal governments under other laws of the State of Georgia; and any listing of particular powers in this Charter shall not be held to be exclusive of others or restrictive of general words and phrases granting powers, but shall be held to be in addition to such powers unless expressly prohibited to municipalities under the Constitution or applicable laws of the State of Georgia.

(Ord. No. 2008-04-18, 4-15-2008)

**Sec. 1.04. Exercise of powers.**

All powers, functions, rights, privileges, and immunities of the city, its officers, agencies, or employees shall be carried into execution as provided by this Act. If this Charter makes no provision, such shall be carried into execution as provided by ordinance or as provided by pertinent laws of the State of Georgia.

**ARTICLE II. GOVERNMENT  
STRUCTURE, ELECTIONS AND  
LEGISLATIVE BRANCH**

**Sec. 2.01. City council creation; number; election.**

(a) The legislative authority of the government of Sandy Springs, except as otherwise specifically provided in this Act, shall be vested in a city council to be composed of a mayor and six councilmembers.

(b) The mayor shall be elected by a majority vote of the qualified electors of the city at large voting at the elections of the city.

(c) Each councilmember shall be elected by a majority vote of the qualified electors of his or her respective council district voting at the elections of the city. For the purpose of electing the six councilmembers, there shall be six council districts, designated Council Districts 1 through 6, as described in appendix B of this Act and the accompanying Redistricting Plan Components Report, which are attached to and made a part of the Charter of the City of Sandy Springs. Each person desiring to offer as a candidate for councilmember shall designate the council district for which he or she is offering.

**Sec. 2.02. Mayor and city councilmembers; election, terms, and qualifications for office.**

(a) Except as otherwise provided in subsection (c) of this section, the mayor and members of the city council shall serve for terms of four years and until their respective successors are elected and qualified. No person shall be eligible to serve as mayor or councilmember unless that person shall have been a resident of the area comprising the corporate limits of the City of Sandy Springs for a continuous period of at least 12 months immediately prior to the date of the election for mayor or councilmember, shall continue to reside therein during that person's period of service, and shall continue to be registered and qualified to vote in municipal elections of the City of Sandy Springs. In addition to the above requirements, no person shall be eligible to serve as a councilmember representing a council district unless that person has been a resident of the district such person seeks to represent for a continuous period of at least six months immediately prior to the date of

the election for councilmember and continues to reside in such district during that person's period of service.

(b) General municipal elections shall be held on the Tuesday next following the first Monday in November of 2005 and quadrennially thereafter.

(c) The first mayor and the initial councilmembers shall take office on December 1, 2005, and shall serve for terms which expire when their successors take office in January of 2010. Thereafter the mayor and councilmembers shall take office as provided in Code section 21-2-541.1 of the O.C.G.A. [O.C.G.A. § 21-2-541.1] and serve for terms of four years. The initial members and future members of the governing authority shall serve until their successors are elected and qualified.

**Sec. 2.03. Vacancy; filling of vacancies; suspensions.**

The office of mayor or councilmember shall become vacant upon the incumbent's death, resignation, forfeiture of office, or removal from office in any manner authorized by this Act or the general laws of the State of Georgia. A vacancy in the office of mayor or councilmember shall be filled for the remainder of the unexpired term by a special election if such vacancy occurs 12 months or more prior to the expiration of the term of that office. If such vacancy occurs within 12 months of the expiration of the term of that office, the city council or those members remaining shall appoint a successor for the remainder of the term. This provision shall also apply to a temporary vacancy created by the suspension from office of the mayor or any councilmember.

**Sec. 2.04. Nonpartisan elections.**

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

**Sec. 2.05. Election by majority vote.**

The candidates for mayor and councilmen who receive a majority of the votes cast in the applicable election shall be elected to a term of office. In the event no candidate receives a majority of the votes cast in said election, a run-off election shall be held between the two candidates receiving the highest number of votes. Such run-off shall be held at the time specified by state election law, unless such run-off date is postponed by court order.

**Sec. 2.06. Applicability of general laws; qualifying; other provisions.**

All primaries and elections shall be held and conducted in accordance with Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code", as now or hereafter amended [O.C.G.A. § 21-2-1 et seq.]. Except as otherwise provided by this Act, the city council shall, by ordinance or resolution, prescribe such rules and regulations as it deems appropriate, including but not limited to the establishment of qualifying fees, 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 [O.C.G.A. § 21-2-1 et seq.].

**Sec. 2.07. Compensation and expenses.**

The annual salary of the mayor shall be \$25,000.00 and the annual salary for each councilmember shall be \$12,000.00. Such salary shall be paid from municipal funds in monthly installments. The city council may provide by ordinance for the provision of insurance, retirement, workers compensation, and other employee benefits to the mayor and members of the city council and may provide by ordinance for the reimbursement of expenses actually and necessarily incurred by the mayor and members of the city council in carrying out their official duties.

**Sec. 2.08. Inquiries and investigations.**

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

**Sec. 2.09. Meetings and mayor pro tempore.**

(a) The city council shall meet on the first working day in January immediately following each regular municipal election. The meeting shall be called to order by the mayor-elect and the oath of office shall be administered to the newly elected mayor and councilmembers by a judicial officer authorized to administer oaths. The oath shall, to the extent that it comports with federal and state law, be as follows:

"I do solemnly swear or affirm that I will faithfully execute the office of [councilmember or mayor as the case may be] of the City of Sandy Springs, and will to the best of my ability support and defend the Constitution of the United States, the Constitution of Georgia, and the Charter, ordinances, and regulations of the City of Sandy Springs. I am not the holder of any unaccounted for public money due this state or any political subdivision or authority thereof. 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, by the laws of the State of Georgia, am prohibited from holding. I am otherwise qualified to hold said office according to the Constitution and laws of Georgia. I have been a resident of my district and the City of Sandy Springs for the time required by the Constitution and

laws of this state and by the municipal Charter. I will perform the duties of my office in the best interest of the City of Sandy Springs to the best of my ability without fear, favor, affection, reward, or expectation thereof."

(b) Following the induction of the mayor and councilmembers, the city council, by a majority vote of the councilmembers, shall elect a councilmember to be mayor pro tempore, who shall serve for a term of four years and until a successor is elected and qualified. The mayor pro tempore shall assume the duties and powers of the mayor during the mayor's disability or absence, except that the mayor pro tempore shall continue to vote as a councilmember and may not exercise the mayor's prerogative to vote in the case of a tie. During the mayor's disability or absence, the mayor pro tempore may veto any action of council. If the mayor pro tempore is absent because of sickness or disqualification, any one of the remaining councilmembers, chosen by the members present, shall be clothed with all the rights and privileges of the mayor and shall perform the mayor's duties in the same manner as the mayor pro tempore.

(c) The city council shall, at least once a month, hold regular meetings at such times and places as prescribed by ordinance. The council may recess any regular meeting and continue such meeting on any weekday or hour it may fix and may transact any business at such continued meeting as may be transacted at any regular meeting.

(d) Special meetings of the council may be held on the call of the mayor or three members of the council. Notice of such special meetings shall be delivered to all members of the council and the mayor personally, by registered mail, or by electronic means, at least 24 hours in advance of the meeting. Such notice to councilmembers shall not be required if the mayor and all councilmembers

are present when the special meeting is called. Such notice of any special meeting may be waived by the mayor or a councilmember in writing before or after such a meeting and attendance at the meeting shall also constitute a waiver of notice. The notice of such special meeting shall state what business is to be transacted at the special meeting. Only the business stated in the call may be transacted at the special meeting.

**Sec. 2.10. Quorum; voting.**

Four councilmembers shall constitute a quorum and shall be authorized to transact business for the council. Voting on the adoption of ordinances shall be taken by voice vote and the yeas and nays shall be recorded in the minutes, but on the request of any member there shall be a roll-call vote. In order for any ordinance, resolution, motion, or other action of the council to be adopted, the measure must receive at least three affirmative votes and must receive the affirmative votes of a majority of those voting. No member of the city council shall abstain from voting on any matter properly brought before the council for official action except when such member of council has a conflict of interest which is disclosed in writing prior to or at the meeting and made a part of the minutes. Any member of the city council present and eligible to vote on a matter and refusing to do so for any reason other than a properly disclosed and recorded conflict of interest shall be deemed to have acquiesced or concurred with the members of the majority who did vote on the question involved. The mayor shall vote only in the case of a tie or in the case where his or her vote will provide the third affirmative vote required for approval of a matter.

**Sec. 2.11. General power and authority of the council.**

(a) Except as otherwise provided by law or by this Charter, the council shall be vested with all the powers of government of the City of Sandy Springs as provided by Article I of this Charter.

(b) In addition to all other powers conferred upon it by law, the council shall have the authority to adopt and provide for the execution of such ordinances, resolutions, rules, and regulations, not inconsistent with this Charter and the Constitution and the laws of the State of Georgia, which it shall deem necessary, expedient, or helpful for the peace, good order, protection of life and property, health, welfare, sanitation, comfort, convenience, prosperity, or well-being of the inhabitants of the City of Sandy Springs and may enforce such ordinances by imposing penalties for violation thereof.

**Sec. 2.12. Administrative and service departments.**

(a) Except for the office of city manager, the council, by ordinance, may establish, abolish, merge, or consolidate offices, positions of employment, departments, and agencies of the city as they shall deem necessary for the proper administration of the affairs and government of the city. The council shall prescribe the functions and duties of existing departments, offices, and agencies or of any departments, offices, and agencies hereinafter created or established; may provide that the same person shall fill any number of offices and positions of employment; and may transfer or change the functions and duties of offices, positions of employment, departments, and agencies of the city.

(b) The operations and responsibilities of each department now or hereafter established in the city shall be distributed among such divisions or bureaus as may be provided by ordinance of the council. Each department shall consist of such officers, employees, and positions as may be provided by this Charter or by ordinance and shall be subject to the general supervision and guidance of the mayor and council.