

**AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF BROOKHAVEN TO CORRECT A CONFLICT IN THE POWERS OF THE CITY GOVERNMENT TO REFLECT THE ORIGINAL INTENT OF THE CHARTER, TO ESTABLISH AN EFFECTIVE DATE, TO PROVIDE FOR CORRECTION OF SCRIVENERS' ERRORS, AND FOR OTHER PURPOSES**

**WHEREAS**, O.C.G.A. § 36-35-3 authorizes the City Council to make certain changes to the Charter of the City, and

**WHEREAS**, the Notices required by O.C.G.A. § 36-35-3(b) have been published in the County Legal Organ for the 3 weeks immediately prior to the consideration of this Ordinance, and

**WHEREAS**, copies of this Ordinance have been available in the Office of the Clerk of the DeKalb Superior Court and the Office of the Municipal Clerk for the City of Brookhaven, and

**WHEREAS**, the changes contained within this Ordinance reflect a clarification and resolution of conflicting language and do not affect the power to tax or any other power restricted solely to the authority of the General Assembly,

NOW THEREFORE, be it enacted and ordained by the Mayor and City Council of the City of Brookhaven after and following 2 readings and votes of the City Council at consecutive meetings of the City Council as follows:

**Section 1.**

Brookhaven Charter Section 1.03(37) shall be amended 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 **to fund General Operations and Maintenance of the City** shall not exceed 3.35 unless a higher limit is recommended by resolution of the city council and approved by a majority of the qualified electors of the City of Brookhaven voting on the issue, provided that the amount of millage associated with general obligation bonds 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, **nor shall ad valorem taxes collected in Special Tax Districts or Special Service Districts count as part of the 3.35 limit**; and
- (B) For all years, the fair market value of all property subject to taxation shall be determined according to the tax digest of DeKalb County, as provided in Code section 48-5-352 of the O.C.G.A.

STATE OF GEORGIA  
COUNTY OF DEKALB  
CITY OF BROOKHAVEN

ORDINANCE 2022-06-01  
First Read 6/14/2022

**Section 2.**

Brookhaven Charter Section 1.03(38) shall be amended as follows:

*Taxes: other.* To levy and collect such other taxes and fees **including but not limited to within Special Tax Districts and Special Service Districts** as may be allowed now or in the future by law;

**Section 3.**

This change shall take effect immediately upon passage at a second reading of the proposed Ordinance by the City Council.

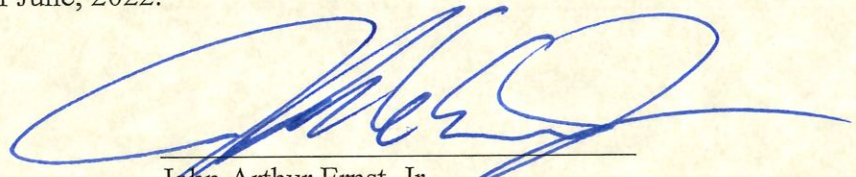
**Section 4.**

In the event there are Scrivener's Errors discovered in this Ordinance, the City Clerk, in consultation with the City Attorney, shall be empowered to correct such errors to give full force and effect to the intent of the City Council.

**Section 5.**

In the event any portion of this Ordinance shall be deemed illegal or unconstitutional, such other unaffected provisions of this Ordinance shall remain in full force and effect.

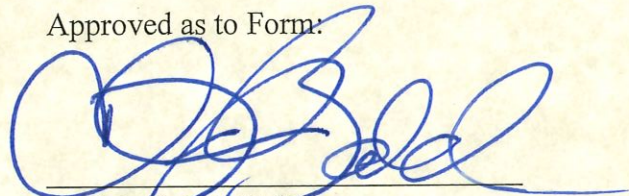
SO ORDAINED, this 28<sup>th</sup> day of June, 2022.

  
\_\_\_\_\_  
John Arthur Ernst, Jr.  
Mayor

Attest:

Approved as to Form:

  
\_\_\_\_\_  
Susan Hiott  
City Clerk

  
\_\_\_\_\_  
Christopher D. Balch  
City Attorney

