

# Decatur Charter Review Commission List of Change Recommendations

## Overall:

- Numbering change throughout the charter – starting with 1.01 instead of 1.1.

## **Article I – Incorporation; Boundaries**

### **1. Article I, Sec. 1.01 – Preamble (Added)**

#### **Original:**

Did not exist

#### **Added:**

We, the people of the City of Decatur do hereby establish this Charter to secure the benefits and model the responsibilities of local self-government, including providing for honest, accountable and responsive governance, nurturing a healthy, sustainable environment and providing a welcoming community in which everyone can thrive. By this action and in acknowledgement of our historical failings to secure those benefits and model the responsibilities<sup>1</sup>, we affirm our commitment to justice, equity, inclusiveness, effectiveness, public engagement and the ongoing well-being of our diverse community.

### **2. Article 1, Sec. 1.02 – Incorporation**

#### **Revised to:**

The City of Decatur, in DeKalb County, Georgia, originally incorporated as the “Town of Decatur” on December 10, 1823 is reincorporated by the enactment of this Charter and is constituted and declared a body politic and corporate under the name of the “City of Decatur.” References in this Charter to “the city” or “this city” refer to the City of Decatur, Georgia. The city shall have perpetual existence.

#### **Changes:**

Added a statement that “the city” and “this city” used in the charter refers to the City of Decatur.

### **3. Article I, Sec. 1.03 — Corporate Boundaries (MODIFIED)**

#### **Original:**

“...to be retained permanently **in the office of the city clerk...**”

“...copies... **certified by the mayor**, shall be admitted as evidence...”

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<sup>1</sup> The Charter Review Commission was split 11-11 on whether to include this phrase in the preamble.

**Revised to:**

“...to be retained permanently **by the city clerk**...”

“...copies... **certified by the city clerk**, shall be admitted as evidence...”

**Changes:**

“in the office of the city clerk” to “by the city clerk”

“certified by the mayor” to “certified by the city clerk”

**4. Article I, Sec. 1.04 — Implementation (ADDED)**

**Original:**

Section did not exist in current charter.

**Added:**

“The city shall carry out its duties, obligations and authorities under this Charter in conformity with the collective values set forth in the Preamble.”

**Changes:**

Entire section added.

**5. Article I, Sec. 1.05 — Construction (ADDED)**

**Original:**

Section did not exist in current charter.

**Added:**

“The powers of the city under this charter shall be construed liberally in favor of the city...”

**Changes:**

Entire section added.

**ARTICLE II — MUNICIPAL POWERS**

**6. Article II, Sec. 2.01(a)(1) — Powers List (MODIFIED)**

**Original:**

“...titles, property, easements and **hereditaments**...”

**Revised to:**

“...titles, property, easements and **other interests**...”

**Changes:**

“hereditaments” deleted; archaic term  
“other interests” added

**7. Article II, Sec. 2.01(a)(1) — Governance Clause (MODIFIED)**

**Original:**

“For the government of the city commission...”

**Revised to:**

“For the government of **the city**, for the government of the city commission...”

**Changes:**

Added “the government of the city”

**8. Article II, Sec. 2.01(c)(3)— Morality Clause (DELETED)**

**Original:**

“To **foster and promote virtue and good morals** in the city;”

**Change:**

Whole clause deleted.

Added on (d): “or which are not prohibited under the laws of this state.”

**9. Article II, Sec. 2.01(e) — Intergovernmental Relations (ADDED)**

**Original:**

There was no subsection (e).

**Added:**

“(e) Intergovernmental Relations. The city may participate by contract or otherwise...”

**Change:**

Entire new subsection added.

**10. Article II, Sec. 2.02 (a) — Property (MODIFIED)**

**Original:**

“...lands, tenements and **hereditaments**...”

**Revised to:**

“...lands, **and other property interests**...”

**Changes:**

Deleted “tenements and hereditaments”

Added “other property interests”

## 11. Article II, Sec. 2.04 — Public Improvements (MODIFIED)

### Clause (a)

#### Original:

“public housing, **recreational**, conservation...”

#### Revised to:

“public housing, **affordable housing**, conservation...”

#### Changes:

“recreational” deleted

“affordable housing” added

### Clause (b)

#### Original:

“...changing street lines or sidewalks.”

#### Revised to:

“...changing street lines or sidewalks **or for purposes of stormwater management.**”

#### Changes:

Added stormwater condemnation authority

### Clause (c)

#### Original:

“...paving, **macadamizing and remacadamizing**...”

#### Revised to:

“...paving, **surfacing and resurfacing**...”

#### Changes:

Replaced archaic paving terminology

## 12. Article II, Sec. 2.05 — Public Utilities (MODIFIED)

#### Original:

“...operate, repair, improve and extend...”; “public airports and any other public utility...”; “therefore, and may provide for...”; etc.

#### Change:

Updated and cleaned up language in the whole section

### 13. Article II, Sec. 2.06 — Use of Streets (MODIFIED)

**Original:**

Did not include authority to restrict sidewalks exclusively to pedestrians.  
“Telegraph and telephone poles”

**Revised to:**

“...may require that **only pedestrians** use public sidewalks...”  
From “Telegraph and telephone poles” to “utility poles”

**Changes**

Added explicit authority to restrict sidewalks to pedestrian-only use.  
Updated archaic language

### 14. Article II, Sec. 2.11 — Flood Control (MODIFIED)

**Original:**

“...preventing or controlling **floods, freshets**, or inundations...”

**Revised to:**

“...preventing or controlling **floods** or inundations...”

**Change:**

Deleted “freshets”

### 15. Article II, Sec. 2.12 — Public Safety (MODIFIED)

**Original:**

“...gunpowder, tar, pitch, rosin, coal, benzine, naphtha, kerosene oil, dynamite...”

**Revised to:**

“...noxious, toxic, flammable materials, gases...”

**Changes:**

Removed long list of specific materials  
Replaced with broader generalized category

### 16. Article II, Sec. 2.15 (a)— Parking (MODIFIED)

**Original:**

“...regulate the parking of **vehicles**...”

**Revised to:**

“...regulate the parking of **vehicles or other means of transportation**...”

**Change:**

Added “other means of transportation”

#### **17. Article II, Sec. 2.16 — Water and Sewer (MODIFIED)**

**Original (Clause a):**

“...provide the city with **pure** water...”

**Revised to:**

“...provide the city with fresh and clean potable water...”

Added: “that meets or exceeds all applicable federal, state, and local public health and environment standards” in (1) and (2)

**Change:**

Deleted “pure” to “fresh and clean potable water”

Added: “that meets or exceeds all applicable federal, state, and local public health and environment standards” in (1) and (2)

**Original ( b):**

“...for the benefit of the **citizens** of the city...”

**Revised to:**

“...for the benefit of the **people** in the city...”

**Change:**

“citizens” to “people”

### **ARTICLE III — CITY COMMISSION**

#### **18. Article III, Sec. 3.02 - Qualifications**

**Added:**

Added (c) from Model City Charter – holding other elected office

#### **19. Article III, Sec. 3.03 — Compensation (MODIFIED)**

**Original:**

“The mayor and the other city commissioners...”

**Revised to:**

“The mayor, **mayor pro tempore**, and the other city commissioners...”

**Change:**

Added “mayor pro tempore” to the compensated positions.

## 20. Article III, Sec. 3.04 — Elections; Districts; Terms (MODIFIED)

### (a) (1)— Updated census reference

**Original:**

Referenced the **2000 census**.

**Revised to:**

Uses the **2020 census** and plan name “DecaturCity2022.”

Added “The configuration of the districts shall be reevaluated within two years following each federal decennial census to ensure....”

Added (a)(2) “There shall be a post A....”

**Changes:**

Updated census base year

Added specific district plan identifier

### Clause (c) — Transitional election schedules removed

**Original:**

Contained multiple subsections governing elections in 2001, 2003, 2005, 2007.

**Revised to:**

Transition schedule deleted.

**New Clause (c) — Added:** “For the purposes of establishing and maintaining staggered terms of office for city commissioners”

**Original:**

No such clause existed. Replaced the original (c).

**Change:**

Entire new added (c).

Made the original (c), (d), and (e) numbered subsections under the new (c)

Moved “A city commissioner elected from an election district must reside with the election district....” to the new (d). Placed the at large residency as a last sentence.

## 21. Article III, Sec. 3.05 – First meeting each year; commissioners’ oath.

**Added “regular”:** “The city manager shall call to order the first **regular** meeting....”

**22. Article III, Sec. 3.06 — Mayor; Selection (MODIFIED — wording only)<sup>2</sup>**

**Original:**

“At the first regular meeting... the city commission shall elect...”

**Revised to:**

Same meaning but updated formatting.

**Changes:**

Wording cleaned; no substance changed.

**23. Article III, Sec. 3.07 — Mayor; Powers & Duties (MODIFIED)**

**Clause A — Veto clause relocated**

**Original:**

“Have no veto power, **but shall** have the same power to vote...”

**Revised to:**

“Shall have the same power to vote...” and new subsection:

“(4) **Have no veto power;**”

**Changes:**

Removed “but shall” phrasing

Created new standalone “no veto power” clause

**Clause B — New mayoral duties added (four new items)**

**Original:**

No items for intergovernmental representation, state-of-city, agenda review, or additional duties.

**Added:**

Represent city in intergovernmental relationships

Present annual state-of-the-city message

Review agendas with city manager

Perform duties assigned by commission

**Changes:**

New duties added

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<sup>2</sup> The CRC must still finalize their recommendation on the mayor selection method. If the city commission-elected method is kept, the CRC is recommending changing the mayor term from one-year to two-years. If the direct mayor method is recommended, the language and all the subsequent changes are included in the Addendum and will be inserted in the redline.

## 24. Article III, Sec. 3.09 — Meetings (MODIFIED — multiple clauses)

### **Original:**

Public notice requirements scattered in different subsections; no clear unified statement.

### **Revised to:**

Reorganized sequence of clauses. Added publication requirements for public access.

### **Changes:**

Consolidated public meeting language.  
Modernized legal phrasing.

**Clause (C)** – clarified by adding “commission members”

### **Clause (d) — Accessibility of minutes (new requirement)**

### **Original:**

No reference to accessibility standards.

### **Change:**

Added ADA-accessibility requirement for minutes.

### **Revised to:**

“...the journal of proceedings, including the approved minutes, shall be made available for public access **in a format accessible to those with disabilities.**”

### **Changes:**

Committee postings must be public  
Must be accessible format  
Clause (e) – deleted; city commission sub-committees do not exist  
Added a new (e) regarding publication of meeting notices

## 25. Article III, Sec. 3.10 — Quorum; Roll Call Vote (MODIFIED)

### **Clause (a) — Quorum definition changed**

### **Original:**

“the mayor, or the mayor pro tempore, and **two** city commissioners shall constitute a quorum...”

### **Revised to:**

Three city commissioners

### **Change:**

Replaced fixed composition quorum with majority-rule quorum.

**Clause (a) — Roll call requirement added**

**Original:**

No roll-call requirement for adopting ordinances.

**Revised to:**

The city commission shall take a **roll call vote** to adopt an ordinance

**Change:**

Mandatory roll call added for all ordinance approvals.

Clause (b) and (c) – added “commission members” for clarity

**26. Article III, Sec. 3.11 — Supervision of Administration (MODIFIED)**

**Clause (a) — Expanded investigatory materials**

**Original:**

“...access to the **books and papers** of the city...”

**Revised to:**

“...access to the **books, papers, electronic records including but not limited to digital media, and other evidence...**”

**Changes:**

Added electronic records and digital media

Added “other evidence”

**Clause (b)(c) — Non-interference clause added**

**Original:**

No clause preventing commissioners from directing staff or demanding appointment or removal of staff.

**Revised to:**

“Members of the city commission shall deal with officers and employees **solely through the city manager...**” and “Neither the city commission nor any of its members....”

**Changes:**

Adds Model City Charter council–manager “non-interference” rule.

**27. Article III, Sec. 3.12 — Boards, Commissions & Authorities (MODIFIED)**

**Clause (e) — Appointment authority expanded**

**Original:**

"...members shall be appointed by the city commission."

**Revised to:**

"...members shall be appointed by the city commission **or any official authorized by state law.**"

**Clause (b) — Bylaws approval added**

**Original:**

No requirement for city commission approval of board bylaws.

**Revised to:**

"Such bylaws... **shall be approved by the city commission.**"

**Changes:**

Requires commission approval of bylaws.

**28. Article III, Sec. 3.14 — Ethics Committee (ADDED)**

**Original:**

Section did not previously exist.

**Changes:**

Entire new section added.

**29. Article III, Sec. 3.14 — Removal (MODIFIED — wording only)**

**Original to Revised to:**

Same removal process; reorganized wording.

**Changes:**

Text updated

No substantive change

**30. Article III, Sec. 3.15, Vacancies**

**Added:** Mayor Pro Tempore and minor clarifying edits

**Changed:** Vacancy occurs from expiration of term from 6 to 12 months

**ARTICLE IV — ADMINISTRATION**

**30. Article IV, Sec. 4.01**

**Added:** Annual evaluation

**Changes:**

Wording updated, message remains same  
May require residency be within a reasonable distance

**32. Article IV, Sec. 4.02 – Powers and Duties of the City Manager**

**(3) Original:**

“...appoint and remove all heads of departments **with the approval of the city commission.**”

**Revised to:**

“...appoint and may remove all heads of departments **in accordance with policies adopted by the city commission.**”

**Changes:**

“approval of the city commission” to “policies adopted by the city commission”  
Shifts the commission from direct approver to policy-setter

**Added:**

Clauses (19), (20), (21), (22), (23) from Model City Charter

**Changes:**

Provide staff support for city commission  
Assist city commission with long term goals  
Encourage external partnerships  
Promote internal partnerships  
Encourage public engagement

**33. Article IV, Sec. 4.03 – Acting City Manager**

**Revisions:**

Deleted “By letter filed with the city clerk”; added “one or more” and “officers”

**34. Article IV, Sec. 4.06 – Mayor or city commissioner serving as city manager**

**Revisions:**

Added mayor pro tempore  
Cleaned up language for clarity purposes – “elected officials” and “elected officials term of office.”

**35. Article IV, Sec. 4.08 (a) and (b)— Appointments to city positions (MODIFIED)**

**(a) Original:**

“...of a director of a department of the city shall be made solely on the basis of ...”

**(a) Revised to:**

“...to any city position shall be made solely on the basis of qualifications...”

**(b) Revised:**

Added reference to personnel policy with additional restrictions on appointment of family members.

**36. Article IV, Sec. 4.09 — City Attorney; Appointment & Duties (New)**

**Added:** Clause language from Model City Charter

**Changes:**

Added option for law firm

**37. Article IV, Sec. 4.08 — Appointments to City Positions (MODIFIED)**

**Clause (a):** deleted last sentence – “Every appointment to any other position in the city government below the level of the city manager....”

**Clause (b):** Added reference to the city’s personnel policies.

**Changes:**

Simplified and clarified language.

**ARTICLE V — Municipal Courts**

**38. Article V, Sec. 5.01 (e),(f), (g)**

Added removal information (1)-(5)

Added (f) “Removal proceedings pursuant to the foregoing section....”

Added to (g) “or any official authorized by state law.

**39. Article V, Sec. 5.03 — Certiorari (MODIFIED)**

**Original:**

“...the right of certiorari... shall **lie to the Superior Court** of DeKalb County under the same rules and regulations as now provided by law **for certiorari from the courts of justices of the peace.**”

**Revised to:**

“...the right of certiorari... shall **be available to the Superior Court** of DeKalb County under the rules and regulations provided by **state law.**”

**Changes:**

“shall lie to” to “shall be available to”

Removed reference to “courts of justices of the peace”

Replaced “rules and regulations now provided by law” with “rules and regulations provided by state law”

Clauses a – c moved from General Provisions Article for cohesiveness

## **ARTICLE VI — FINANCE AND FISCAL ADMINISTRATION**

### **40. Article VI, Sec. 6.02 — Expenditures (MODIFIED)**

**Added:**

Updated conflict of interest language in clauses (c)-(g)

**Changes:**

Corrected cross-reference due to renumbering

Conflict of interest language inserted

### **41. Article VI, Sec. 6.05 — Taxation Generally (MODIFIED)**

**Original:**

Contained multiple archaic phrases such as “therefor,” “therein,” etc.

**Revised to:**

Phrased in modern English, e.g.,

“...may levy taxes for the purposes described in this section.”

**Changes:**

Removed archaic legal phrasing

No change in tax authority, only text

### **42. Article VI, Sec. 6.06 — Occupational Taxes; Regulatory Fees (MODIFIED)**

**Original:**

“...occupation taxes and license fees...”

**Revised to:**

“...occupation taxes, license fees, **and regulatory fees...**”

### **43. Article VI, Sec. 6.08 — Contracts and Purchases (MODIFIED)**

**Clause (a) — Bidder standard updated**

**Original:**

“lowest **responsible** bidder”

**Revised to:**

“lowest **responsive and responsible** bidder”

**Changes:**

Added “responsive and”  
Substantive procurement reform

**Clause (b) — Bid threshold increased**

**Original:**

“exceeds **\$10,000.00**”

**Revised to:**

“exceeds **\$25,000**”

**Change:**

Increased discretionary purchasing authority

**Clause (c) — Central purchasing agent removed**

**Original:**

“All purchases... made **through a central purchasing agent...**”

**Revised to:**

“All purchases... made at the lowest and best obtainable prices...”

**Changes:**

Deleted “central purchasing agent”  
Added “lowest and best obtainable prices”

**Changes:**

Wording correction

**44. Article VI, Sec. 6.09 — Capital Program (ADDED)**

**Original:**

This section did not exist in the original charter.

**Added:**

A multi-year capital program requirement is introduced:

(a) Submission to City Commission. The city manager shall prepare and submit to the city commission a multi-year capital program with the annual budget.

(b) Contents. The capital program shall include:

- (1) A clear general summary;
- (2) A list of all capital improvements proposed for the next five years...;
- (3) Cost estimates, financing methods, recommended schedule;
- (4) Estimated annual cost of operating & maintaining facilities;
- (5) Commentary on how the capital program advances sustainability;
- (6) Methods to measure outcomes and long-term performance.

(c) Revised annually for improvements pending or underway.

**Changes:**

Entire new section added

Establishes a multi-year capital plan

Adds sustainability requirement

Adds performance/outcome measurement requirement

Adds cost-of-operations disclosure

Makes annual updating mandatory

## **ARTICLE VII — EDUCATION**

### **45. Article VII, Sec. 7.01 — Public Schools Generally (MODIFIED)**

**Original:**

“...the **board of education of the city** shall continue...”

**Revised to:**

“...the **City Schools of Decatur Board of Education** shall continue...”

**Changes:**

Updated the formal name of the governing body

Textual modernization only

### **46. Article VII, Sec. 7.01 – Public Schools Generally (Added)**

**Clause (e) (new)**

**Original:**

Was not in the current charter

**Added:**

“The Board of Education of the City of Decatur may also consist of an additional member or members who are students of the City Schools of Decatur....”

**Change:**

Adds student(s) to the board of education

**47. Article VII, Sec. 7.02 — Powers & Duties of Board of Education (MODIFIED)**

**Clause (a) — Bonding authority added**

**Revised to:**

“The board of education **may issue general obligation bonds** for school purposes...”

**Changes:**

Added power to issue GO bonds

Added power to levy millage to repay such bonds

**Clause (b) — Debt isolation (new legal protection)**

**Revised to:**

“All debts and obligations issued by the board **shall be the sole obligations of the City Schools of Decatur and shall not constitute debts of the city.**”

**Changes:**

New clause expressly separating school debt from municipal debt

**Clause (d) — Consolidation of duties subsections**

**Original:**

Contained four separate subsections (d/e/f/g), fragmented.

**Revised to:**

Reorganized into subsections with updated language.

**Changes:**

Reworded and consolidated duties

No lost authority beyond removed archaic phrasing

Added accessibility language to (g)

**Article VIII - PUBLIC ENGAGEMENT (ADDED - New Article)**

**Public Engagement Article** is inserted in the redline as **Article VIII**.

The original Article VIII (General Provisions) is renumbered later and moved.

#### **48. Article VIII, Sec. 8.01 — Purpose**

**Added:**

(a) To ensure residents, neighborhoods, institutions, businesses, and community organizations are meaningfully engaged in civic life;

(b) To recognize that public engagement is a core function of city governance, essential to accountability, transparency, and inclusive decision-making.

#### **49. Article VIII, Sec. 8.02 — Principles of Public Engagement**

**Added:**

(a) Promote broad and equitable access to engagement opportunities;

(b) Design engagement processes with measurable outcomes and annually report effectiveness;

(c) Implement civic education, transparency, and shared accountability.

### **ARTICLE IX — GENERAL PROVISIONS**

#### **50. Article IX, Sec. 9.07 — Severability (ADDED — entire section)**

**Original:**

No severability clause previously existed in the charter.

**Added:**

“If any provision of this charter is held invalid, the other provisions... shall remain in full force and effect...”

“If the application... to any person or circumstance is held invalid... shall not affect application to others...”

**Changes:**

Entire severability clause added

No corresponding section previously existed