



To: Honorable Mayor and City Council Members

From: Wendell K. Willard

Date: For Submission onto the April 2, 2013 City Council Regular Meeting Agenda

Agenda Item: Consider an amendment to the Charter of the City of Sandy Springs, Georgia, to reapportion the electoral districts of the City pursuant to the 2010 census

City Attorney's Recommendation:

The City Attorney's office recommends that the City Council approve the attached resolution and Charter amendment.

Background:

The City is required to reapportion its election districts for municipal elections based on the 2010 decennial census in order to comply with the one person – one-vote requirements of the United States Constitution. This must be done prior to the election of members to the City municipal governing authority at the next regular general municipal election following publication of the decennial census. The reapportionment is accomplished by ordinance amending the City Charter in compliance with the provisions of Chapter 35 of Title 36 of the Official Code of Georgia Annotated ("O.C.G.A.") relating to home rule powers of municipal corporations (O.C.G.A. § 36-35-1, et seq., are referred to as the "Act").

Discussion:

O.C.G.A. § 36-35-4.1(a) provides that, subject to the limitations provided in the Act, the governing authority of any municipal corporation is authorized to reapportion the election districts from which members of the municipal governing authority are elected following publication of the United States decennial census of 1980 or any future such census, and that such reapportionment of districts shall be effective for the election of members to the municipal governing authority at the next regular general municipal election following the publication of the decennial census.

O.C.G.A. § 36-35-3 allows municipal charters to be amended by ordinance duly adopted at two (2) regular consecutive meetings of the City Council not less than seven (7) nor more than sixty (60) days apart. A notice containing a synopsis of the proposed amendment to the charter is required to be published in the official organ of the county of the legal situs of the municipal corporation or 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 to be available for examination and inspection by the public in the office of the City Clerk and in the office of the Clerk of Superior Court of Fulton County.

O.C.G.A. § 36-35-5 provides that no amendment or revision of any charter made pursuant to the Act shall become effective until a copy of the amendment or revision, a copy of the required notice of publication, and an affidavit of a duly authorized representative of the newspaper in which the notice was published, to the effect that the notice has been published as provided in the Act, has been filed with the Secretary of State and in the office of the Clerk of the Superior Court of the county of the legal situs of the municipal corporation.

The proposed dates for consideration and adoption by City Council at regular session are March 19, 2013 and April 2, 2013. Publication of notice is anticipated to be during the weeks of March 3, March 10, and March 17.



Attachments:

Resolution approved at 3/19/2013 City Council meeting, including the following exhibits:

Exhibit A - Legal Description of Reapportioned City Council Districts and Stated Population per Council District according to 2010 Census

Exhibit B - Reapportionment Map

Ordinance amending Charter

*City
Attorney*

RESOLUTION NO. 2013-03-16

**STATE OF GEORGIA
COUNTY OF FULTON**

**A RESOLUTION TO CONSIDER AN AMENDMENT TO THE CHARTER OF THE
CITY OF SANDY SPRINGS, GEORGIA, TO REAPPORTION THE ELECTORAL
DISTRICTS OF THE CITY PURSUANT TO THE 2010 CENSUS**

WHEREAS, the Charter of the City of Sandy Springs, Georgia (“City”) provides in Section 2.01(c) and in Appendix B that there shall be six (6) electoral Council Districts in the City, designated Council Districts 1 through 6; and

WHEREAS, a census was conducted in 2010 per requirements of federal law that measured the population of the City, and the results show an increase in population in certain parts of the City; and

WHEREAS, O.C.G.A § 36-35-4.1 provides that the governing authority of any municipal corporation is authorized to reapportion the election districts from which members of the municipal governing authority are elected following publication of the United States decennial census, so as to comply with the one-person one-vote requirements of the United States Constitution; and

WHEREAS, the Mayor and City Council have determined that such reapportionment is necessary due to the addition and shift of the population of the City since the previous census and have undertaken a reapportionment based on the 2010 census; and

WHEREAS, attached hereto as Exhibit A is a copy of the legal description of the proposed reapportioned Council Districts in the City, as well as stated population per Council District according to the 2010 census, and attached hereto as Exhibit B is a copy of the proposed reapportionment map; and

WHEREAS, the Mayor and City Council have determined that the proposed Charter amendment reapportioning said Council Districts is necessary based on the above; and

WHEREAS, Article IX, Section II, Paragraph II of the Constitution of the State of Georgia, entitled *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*, O.C.G.A. § 36-35-1, et seq.; and

WHEREAS, O.C.G.A. § 36-35-3 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, pursuant to O.C.G.A. § 36-35-3, the required notice must be published in the official organ of the county of the legal situs of the City or in a newspaper of general circulation in the City once a week for three (3) weeks prior to its final adoption, and a copy of the proposed amendment must be on file in the Office of the City Clerk and in the Office of the Clerk of the Superior Court of Fulton County, Georgia, all as required by law; and

WHEREAS, the required notice must be published within the statutory period of sixty (60) days immediately preceding the final adoption of the ordinance amending the Charter; and

WHEREAS, the title of the ordinance must be read and the ordinance duly adopted at two (2) consecutive City Council meetings not less than seven (7) nor more than sixty (60) days apart, as required by Georgia law; and

WHEREAS, O.C.G.A. § 36-35-5 provides that the Charter amendment shall not become effective until a copy of the amendment, a copy of the required notice of publication, and an affidavit of a duly authorized representative of the newspaper in which the notice was published, to the effect that the notice has been published as provided by O.C.G.A. § 36-35-3, has been filed with the Secretary of State and in the Office of the Clerk of the Superior Court of Fulton County;

NOW, THEREFORE, the Mayor and City Council of the City of Sandy Springs, Georgia, pursuant to their authority, do hereby resolve as follows:

Section 1. That it shall consider an amendment to the City Charter, as provided below:

Appendix B shall be deleted in its entirety and in lieu thereof shall be substituted the following:

“APPENDIX B. [COUNCIL DISTRICTS]

Council Districts 1 through 6 shall consist of the described territory of the City of Sandy Springs attached to this Act and made a part thereof and further identified as “Plan: Sandy Springs-Prop1-2013, Plan Type: Local, Administrator: Sandy Springs, User: bak.”

When used in such attachment, terms shall mean and describe the same geographical boundaries as provided in the report of the Bureau of the Census for the United States decennial census of 2010 for the State of Georgia.”

Section 2. That, pursuant to O.C.G.A. §36-35-3, the City Clerk is authorized to and shall cause a notice to be published in the Fulton County Daily Report once a week for three (3) weeks within a period of sixty (60) days immediately preceding final adoption of the Charter amendment, which shall read as follows:

**“NOTICE OF CITY OF SANDY SPRINGS, GEORGIA
PROPOSED CHARTER AMENDMENT**

The City of Sandy Springs, Georgia, hereby gives notice, pursuant to O.C.G.A. §36-35-3, that the Mayor and City Council of the City of Sandy Springs will consider an ordinance amending the City Charter to reapportion the six (6) electoral districts of the City of Sandy Springs and to amend the legal descriptions of same in the Charter (“Charter Amendment”) pursuant to the United States decennial census of 2010. To view a copy of the legal description of the six (6) electoral districts as reapportioned and a copy of the reapportionment map, please go to the City’s website at: <http://www.sandyspringsga.gov/districts>

The Mayor and City Council will consider the Charter Amendment at regular sessions on March 19, 2013 and April 2, 2013 at 6:00 pm, Sandy Springs City Hall, 7840 Roswell Road, Building 500, Sandy Springs, Georgia 30350. Anyone wishing to attend the meetings may do so and be heard relative thereto. A copy of the proposed Charter Amendment is on file in the Office of the

City Clerk of Sandy Springs and in the Office of the Clerk of the Superior Court of Fulton County for the purpose of examination and inspection by the public.

For further information, please call 770-730-5600.”

Section 3. That, pursuant to O.C.G.A. §36-35-3, the City Clerk is authorized to and shall maintain a copy of the proposed Charter amendment in the City Clerk’s office for the purpose of inspection and examination by the public.

Section 4. That, pursuant to O.C.G.A. §36-35-3, the City Clerk is authorized to and shall provide to the Office of the Clerk of Superior Court of Fulton County, Georgia, a copy of the proposed Charter amendment for the purpose of inspection and examination by the public.

Section 5. That, pursuant to O.C.G.A. §36-35-3, the City Clerk is authorized to and shall furnish a copy of the proposed amendment to anyone requesting the same in writing.

Section 6. That, pursuant to O.C.G.A. §36-35-5, the City Clerk is authorized to and shall file with the Secretary of State and in the Office of the Clerk of Superior Court of Fulton County, Georgia, a copy of the Charter amendment, a copy of the required notice of publication, and an affidavit of a duly authorized representative of the newspaper in which the notice was published, to the effect that the notice has been published as provided in O.C.G.A. §36-35-3.

Section 7. That the title of the proposed ordinance shall be read at two (2) consecutive meetings of the City Council of the City of Sandy Springs not less than seven (7) nor more than sixty (60) days apart and the publication and other requirements set forth above shall be effected immediately, the title of the proposed ordinance shall be read at the next regularly scheduled meeting of the City Council and if adopted shall be read for the required second time at a subsequent regularly scheduled meeting of the City Council which shall be consecutive and within sixty (60) days, and after publishing of the required notice, all as required by Georgia law.

RESOLVED this the 19th day of March, 2013.

Approved:

Eva Galambos, Mayor

Attest:

Michael Casey, City Clerk

(Seal)

EXHIBIT A

**LEGAL DESCRIPTION OF REAPPORTIONED CITY COUNCIL DISTRICTS
AND
STATED POPULATION PER COUNCIL DISTRICT ACCORDING TO 2010 CENSUS**

[Attached]

Plan: sandysprings-prop1-2013
Plan Type: Local
Administrator:Sandy Springs
User: bak

District 001

Fulton County

VTD: 121SS01 - SS01

010107:

1000 1005 1010 1011 1012 1013 2003 2004 2008 2014 2015 2016
2017

010108:

1000 1001 1002 1003 1004 1005 1006 1007 1008 2008 2018 2019
2020 2021 2024 2025 2026 2027 2028 2029 2030 2031

VTD: 121SS15B - SS15B

VTD: 121SS17 - SS17

010106:

1001 1002 1003 1004 1005 1006 1007 1008 1011 1012 1013 1014
1015 1019 1020 1021 1025 1026 1027 2000 2001 2002 2003 2004
2005 3000 3001 3002 3003 3004 3005 3006 3007 3008 3009 3010
3011 3012 3013

010107:

1001 1002 1006 1007 1008 1009 1014

010122:

1000

VTD: 121SS20 - SS20

VTD: 121SS25 - SS25

010108:

2001 2002 2003 2004 2005 2006 2007 2009 2010 2011 2012 2013
2014 2015 2016 2017 2022 2023

District 002

Fulton County

VTD: 121SS15A - SS15A

VTD: 121SS18B - SS18B

VTD: 121SS19 - SS19

VTD: 121SS22 - SS22

District 003

Fulton County

VTD: 121SS02A - SS02A

VTD: 121SS02B - SS02B

VTD: 121SS03 - SS03

VTD: 121SS05 - SS05 VTD: 121SS07B - SS07B

VTD: 121SS08A - SS08A

010110:

1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1030 1031
1032 1033 1034 1035 1036 1037 1038

VTD: 121SS08B - SS08B

VTD: 121SS16 - SS16

VTD: 121SS18A - SS18A

VTD: 121SS31 - SS31

District 004

Fulton County

VTD: 121SS04 - SS04

VTD: 121SS07A - SS07A

VTD: 121SS08C - SS08C

VTD: 121SS26 - SS26

VTD: 121SS29 - SS29

District 005

Fulton County

VTD: 121SS07C - SS07C

VTD: 121SS08A - SS08A

010110:

1039 1040 1041 1042 1043 1044 1045 1046 1047 1048 1049 1050

1051 1052 2000 2001 2002 2003 2004 2005 2006 2008 2009 2013

2014 2015 3000 3006 3017

VTD: 121SS11A - SS11A

VTD: 121SS12 - SS12

VTD: 121SS13A - SS13A

010114:

2005 2006 2007 2008 2026 3002 3003

VTD: 121SS14 - SS14

District 006

Fulton County

VTD: 12108B - 08B

010211:

1002

VTD: 121SS09 - SS09

VTD: 121SS10 - SS10

VTD: 121SS11B - SS11B

VTD: 121SS11C - SS11C

VTD: 121SS11D - SS11D

VTD: 121SS13A - SS13A

010114:

3004 3005 3006 3007

3008 3009 3010

VTD: 121SS13B - SS13B

Plan Name: **sandysprings-prop1-2013**

Plan Type : **Local**

User: **bak**

Administrator: **Sandy Springs**

DISTRICT	POPULATION	DEVIATION	% DEVIATION	BLACK	% BLACK	TOTAL BLACK	%TOTAL BLACK	HISP. OR LATINO	%HISP
001	15,388	-254	-1.62%	3,076	19.99%	3,243	21.07%	1,214	7.89%
VAP	11,911			2,312	19.41%	2,399	20.14%	829	6.96%
002	15,822	180	1.15%	5,909	37.35%	6,233	39.39%	2,019	12.76%
VAP	12,714			4,704	37.00%	4,908	38.60%	1,372	10.79%
003	15,617	-25	-0.16%	1,554	9.95%	1,673	10.71%	1,192	7.63%
VAP	12,361			1,193	9.65%	1,262	10.21%	801	6.48%
004	16,117	475	3.04%	4,367	27.10%	4,659	28.91%	1,625	10.08%
VAP	13,295			3,443	25.90%	3,614	27.18%	1,127	8.48%
005	15,514	-128	-0.82%	2,370	15.28%	2,583	16.65%	2,496	16.09%
VAP	12,352			1,966	15.92%	2,106	17.05%	1,621	13.12%
006	15,395	-247	-1.58%	1,448	9.41%	1,589	10.32%	4,822	31.32%
VAP	11,319			1,134	10.02%	1,203	10.63%	3,062	27.05%

Total Population: 93,853

Ideal Value: 15,642

Summary Statistics

Population Range: 15,388 to 16,117

Absolute Range: -254 to 475

Absolute Overall Range: 729

Relative Range: -1.62% to 3.04%

Relative Overall Range: 4.66%

EXHIBIT B
REAPPORTIONMENT MAP

[Attached]

STATE OF GEORGIA
COUNTY FULTON

**AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF SANDY SPRINGS,
GEORGIA, TO REAPPORTION THE ELECTORAL DISTRICTS OF THE CITY
PURSUANT TO THE 2010 CENSUS**

WHEREAS, the Charter of the City of Sandy Springs, Georgia (“City”) provides in Section 2.01(c) and in Appendix B that there shall be six (6) electoral Council Districts in the City, designated Council Districts 1 through 6; and

WHEREAS, a census was conducted in 2010 per requirements of federal law that measured the population of the City, and the results show an increase in population in certain parts of the City; and

WHEREAS, O.C.G.A § 36-35-4.1 provides that the governing authority of any municipal corporation is authorized to reapportion the election districts from which members of the municipal governing authority are elected following publication of the United States decennial census, so as to comply with the one-person one-vote requirements of the United States Constitution; and

WHEREAS, the Mayor and City Council have determined that such reapportionment is necessary due to the addition and shift of the population of the City since the previous census and thus have determined that the below Charter amendment reapportioning said Council Districts is necessary; and

WHEREAS, Article IX, Section II, Paragraph II of the Constitution of the State of Georgia, entitled *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*, O.C.G.A. § 36-35-1, et seq.; and

WHEREAS, O.C.G.A. § 36-35-3 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, pursuant to O.C.G.A. § 36-35-3, the required notice will have been published in the official organ of the county of the legal situs of the City or in a newspaper of general circulation in the City once a week for three (3) weeks prior to its final adoption, and a copy of the proposed amendment has been on file in the Office of the City Clerk and in the Office of the Clerk of the Superior Court of Fulton County, Georgia, all as required by 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 Charter; and

WHEREAS, the title of these Ordinances shall have been read and the Ordinance duly adopted at two (2) consecutive City Council meetings not less than seven (7) nor more than sixty (60) days apart, as required by Georgia law; and

WHEREAS, a copy of the Charter amendment, a copy of the required notice of publication, and an affidavit of a duly authorized representative of the newspaper in which the notice was published, to the effect that the notice has been published as provided in O.C.G.A. § 36-35-3, shall have been filed with the Secretary of State and in the Office of the Clerk of the Superior Court of Fulton County;

NOW, THEREFORE, in accordance with O.C.G.A. § 36-35-3, the Mayor and City Council of the City of Sandy Springs, Georgia, pursuant to their authority, do hereby adopt this Ordinance so that the Charter of the City is hereby amended as follows:

Appendix B shall be deleted in its entirety and in lieu thereof shall be substituted the following:

“APPENDIX B. [COUNCIL DISTRICTS]

Council Districts 1 through 6 shall consist of the described territory of the City of Sandy Springs attached to this Act and made a part thereof and further identified as “Plan: Sandy Springs-Prop1-2013, Plan Type: Local, Administrator: Sandy Springs, User: bak.”

When used in such attachment, terms shall mean and describe the same geographical boundaries as provided in the report of the Bureau of the Census for the United States decennial census of 2010 for the State of Georgia.”

ORDINANCE NO. 2013-03-03 IS SO ORDAINED AND EFFECTIVE this 19th day of March, 2013.

APPROVED AND ADOPTED this the 19th day of March, 2013.

Approved:

Eva Galambos, Mayor

Attest:

Michael Casey, City Clerk

(Seal)

ORDINANCE NO. 2013-03-03 IS SO ORDAINED AND EFFECTIVE this 2nd day of April, 2013.

Approved:

Eva Galambos, Mayor

Attest:

Michael Casey, City Clerk

(Seal)

Attachment to Appendix B of City of Sandy Springs Charter
Reapportioned Council Districts

Plan: sandysprings-prop1-2013
Plan Type: Local
Administrator: Sandy Springs
User: bak

District 001

Fulton County

VTD: 121SS01 - SS01

010107:

1000 1005 1010 1011 1012 1013 2003 2004 2008 2014 2015 2016
2017

010108:

1000 1001 1002 1003 1004 1005 1006 1007 1008 2008 2018 2019
2020 2021 2024 2025 2026 2027 2028 2029 2030 2031

VTD: 121SS15B - SS15B

VTD: 121SS17 - SS17

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1015 1019 1020 1021 1025 1026 1027 2000 2001 2002 2003 2004
2005 3000 3001 3002 3003 3004 3005 3006 3007 3008 3009 3010
3011 3012 3013

010107:

1001 1002 1006 1007 1008 1009 1014

010122:

1000

VTD: 121SS20 - SS20

VTD: 121SS25 - SS25

010108:

2001 2002 2003 2004 2005 2006 2007 2009 2010 2011 2012 2013
2014 2015 2016 2017 2022 2023

District 002

Fulton County

VTD: 121SS15A - SS15A

VTD: 121SS18B - SS18B

VTD: 121SS19 - SS19

VTD: 121SS22 - SS22

District 003

Fulton County

VTD: 121SS02A - SS02A

VTD: 121SS02B - SS02B

VTD: 121SS03 - SS03

VTD: 121SS05 - SS05 VTD: 121SS07B - SS07B

VTD: 121SS08A - SS08A

010110:

1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1030 1031
1032 1033 1034 1035 1036 1037 1038

VTD: 121SS08B - SS08B
VTD: 121SS16 - SS16
VTD: 121SS18A - SS18A
VTD: 121SS31 - SS31

District 004

Fulton County

VTD: 121SS04 - SS04
VTD: 121SS07A - SS07A
VTD: 121SS08C - SS08C
VTD: 121SS26 - SS26
VTD: 121SS29 - SS29

District 005

Fulton County

VTD: 121SS07C - SS07C
VTD: 121SS08A - SS08A

010110:

1039 1040 1041 1042 1043 1044 1045 1046 1047 1048 1049 1050
1051 1052 2000 2001 2002 2003 2004 2005 2006 2008 2009 2013
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VTD: 121SS11A - SS11A
VTD: 121SS12 - SS12
VTD: 121SS13A - SS13A

010114:

2005 2006 2007 2008 2026 3002 3003
VTD: 121SS14 - SS14

District 006

Fulton County

VTD: 12108B - 08B

010211:

1002

VTD: 121SS09 - SS09
VTD: 121SS10 - SS10
VTD: 121SS11B - SS11B
VTD: 121SS11C - SS11C
VTD: 121SS11D - SS11D
VTD: 121SS13A - SS13A

010114:

3004 3005 3006 3007
3008 3009 3010
VTD: 121SS13B - SS13B