

**AN ORDINANCE TO AMEND THE CHARTER FOR THE CITY OF BROOKHAVEN AS RECOMMENDED BY THE CHARTER REVIEW COMMISSION FOR 2022 TO ADD A PREAMBLE TO THE CHARTER, TO AMEND SECTION 2.07 RELATED TO EXPENSES AND SALARIES FOR ELECTED OFFICIALS, AND TO AMEND SECTION 2.14 RELATED TO GOALS TO REFLECT THE DIVERSITY OF THE COMMUNITY ON APPOINTED BOARDS AND COMMISSIONS, TO ESTABLISH AN EFFECTIVE DATE, TO AUTHORIZE CORRECTION OF SCRIVENER ERRORS, AND FOR OTHER PURPOSES**

**WHEREAS,** The Charter of the City of Brookhaven requires a review of its provisions every 5 years by a Citizen Commission, jointly appointed by the Mayor and City Council and by the Senate Delegation of the General Assembly representing Brookhaven, and by the House Delegation of the General Assembly representing Brookhaven; and

**WHEREAS,** The Charter Review Commission was duly appointed on June 14, 2022, and began its work on June 29, 2022;

**WHEREAS,** The Charter review Commission unanimously recommended certain changes and additions to the Charter that may be affected by the City Council under the Home Rule Act delegated authority from the General Assembly; and

**WHEREAS,** The City Council has adopted resolutions directed the Administration and the City Attorney to proceed with drafting legislation to enact certain of those changes; and

**WHEREAS,** The City has placed notices in the Legal Organ of the City and of DeKalb County as required by the Home Rule Act providing notice to the citizens and residents of the City of Brookhaven of the pending legislation to amend the Charter; and

**WHEREAS,** The City has advertised the intent to change the compensation for elected officials in the Legal Organ of the City and of DeKalb County on March 2, 9, and 16, as required by O.C.G.A. § 36-35-4(a)(3); and

**WHEREAS,** The City has placed copies of this proposed legislation on file with the City Clerk and with the Clerk of the Superior Court of DeKalb County as required to allow the community, its citizens, and residents to review and consider the proposed changes to the Charter of the City of Brookhaven, in accordance with State law, O.C.G.A. § 36-35-3; and

**WHEREAS,** This Ordinance must be passed at two consecutive regular meetings of the City Council before taking effect; and

**NOW THEREFORE,** the Mayor and Council for the City of Brookhaven do ordain and establish the following changes to the Charter of the City of Brookhaven:

**STATE OF GEORGIA  
CITY OF BROOKHAVEN**

**ORD 2023-03-\_\_**

**Section 1.** Addition of a Preamble to the Charter of the City of Brookhaven

The following language is to be added to the Charter of the City of Brookhaven as a Preamble and utilized as interpretive tool of any citizen, elected official, or judicial official, for the discussion and interpretation of any and all provisions, mandates, requirements, or sections of the Charter of the City:

We the people of Brookhaven, Georgia, continuously striving to ensure that our City represents our rich cultural diversity, under the constitution and laws of the state of Georgia, in order to secure the benefits of local self-government and to provide for an honest and accountable Council-Manager government have adopted this Charter and conferred upon the City the following powers, subject to the following restrictions, and prescribed by the following procedures and governmental structure. By this action, we secure the benefits of home rule and increased resident participation reflecting a welcoming environment, and to strive for equal opportunity among all those who call the City home by promoting social equity, improving efficiency and effectiveness, and providing for a responsive, responsible and cooperative government. We also recognize and aspire for a city where each individual shall have an equal opportunity to fully participate in the economic, cultural, and intellectual life of the city. We hold that the city will not discriminate on the basis of race, color, religion, national origin, gender, age, sexual orientation, gender expression, marital status, military status, or physical or mental disability. Therefore, be it resolved that this Charter seeks to further a government that advances justice and equity, inspires confidence, and fosters responsibility.

**Section 2.** Amendment to Section 2.07 of the Charter of the City of Brookhaven

Section 2.07 is amended as follows:

*Existing section:*

**Section 2.07. - Compensation and expenses.**

The annual salary of the mayor shall be \$16,000.00 and the annual salary for each councilmember shall be \$12,000.00. Such salaries shall be paid from municipal funds in monthly installments. The mayor shall be provided an annual expense allowance of \$7,000.00 and each councilmember shall be provided an annual expense allowance of \$5,000.00 for the reimbursement of expenses actually and necessarily incurred by the mayor and councilmembers in carrying out their duties as elected officials of the city.

*New Section:*

**Section 2.07. – Compensation of Elected Officials**

The annual salary of the mayor shall be \$46,800 and the annual salary for each councilmember \$31,200. Expenses for the mayor and councilmembers shall be budgeted annually from the City's General Fund and reimbursement governed by the City's Expense Policy in effect at the time the expense is incurred.

Section 3. Amendment to Section 2.14 to Encourage Diverse Representation on Boards, Commissions, and Authority

Section 2.14(a) of the Charter of the City of Brookhaven is amended as follows (additions in red and deletions in ~~strikethrough~~):

**Section 2.14. - Boards, commissions, and authorities.**

- (a) All members of boards, commissions, and authorities of the city shall be appointed by the mayor subject to confirmation by the city council for such terms of office and such manner of appointment as provided by ordinance, except where other appointing authority, term of office, or manner of appointment is prescribed by this Charter or by applicable state law. **The Appointing Authority shall endeavor to the extent possible to appoint or designate members of Committees, Boards, or Authorities that reflect the diversity of the community in terms of age, length of residency in the City, race, ethnicity, gender, gender expression, or otherwise.** Members of the Planning Commission, the Zoning Board of Appeals, and the Brookhaven Facilities Authority must be residents of the City of Brookhaven.

Section 4. Facts as found by the City Council

The Council expressly finds that any conditions precedent required by O.C.G.A. § 36-35-3 and O.C.G.A. § 36-35-4 have been satisfied.

Section 5. Effective Date

This Ordinance will take effect upon passage upon second read, if authorized by law. With respect to Section 2 of this Ordinance, the change in compensation for elected officials will not take effect until after the next municipal election, as required by O.C.G.A. § 36-35-4(a).

**STATE OF GEORGIA  
CITY OF BROOKHAVEN**

**ORD 2023-03-\_\_**

Section 6. Authority to correct Scrivener Errors

To the extent any Scrivener Errors are found after the passage of this Ordinance, the City Clerk, in consultation with the City Attorney, is authorized to make such corrections to the Ordinance to give effect to the intent of the Mayor and Council as expressed in the passage of this Ordinance.

Section 7. Separate Enforceability of each Section Independently

If any court of competent jurisdiction shall find that a section of this ordinance is unlawful or unconstitutional, it is the intent of the Mayor and Council for the City of Brookhaven that such infirmity shall not affect the validity or lawfulness of any other section of this Ordinance.

SO ORDAINED, this \_\_\_\_ day of March, 2023.

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

Attest:

Approved as to Form:

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

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