#5

02- O -1140

(Do Not Write Above This Line)

AN ORDINANCE BY

AN ORDINANCE TO REGULATE AND PROVIDE FOR THE CALLING OF A SPECIAL ELECTION TO DETERMINE THE APPROVAL OR NON-APPROVAL BY THE CITY OF ATLANTA OF A HOMESTEAD EXEMPTION FROM CERTAIN CITY OF ATLANTA AD VALOREM TAXES FOR MUNICIPAL PURPOSES IN THE AMOUNT EQUAL TO THE AMOUNT BY WHICH THE CURRENT YEAR ASSESSED VALUE OF A HOMESTEAD EXCEEDS THE BASE YEAR ASSESSED VALUE OF SUCH HOMESTEAD FOR CERTAIN RESIDENTS OF THAT CITY WHO ARE 65 YEARS OF AGE OR OLDER AND WHOSE ANNUAL HOUSEHOLD INCOME DOES NOT EXCEED $39,000.00, (FOR THE IMMEDIATELY PRECEDING TAXABLE YEAR); AND FOR OTHER PURPOSES.

- ❑ CONSENT REFER
- ❑ REGULAR REPORT REFER
- ❑ ADVERTISE & REFER
- ❑ 1st ADOPT 2nd READ & REFER
- ☑ PERSONAL PAPER REFER

Date Referred Committee on Council

Referred To: 6/17/02

Date Referred

Refferred To:

Date Referred

Referred To:

First Reading

Committee

Date

Chair

Referred To

Committee	Committee
Date	Date
Chair	Chair
Action Fav, Adv, Hold (see rev. side) Other	Action Fav, Adv, Hold (see rev. side) Other
Members	Members
Refer To	Refer To

Committee	Committee
Date	Date
Chair	Chair
Action Fav, Adv, Hold (see rev. side) Other	Action Fav, Adv, Hold (see rev. side) Other
Members	Members
Refer To	Refer To

FINAL COUNCIL ACTION

❑ 2nd ❑ 1st & 2nd ❑ 3rd Readings

❑ Consent ❑ V Vote ❑ RC Vote

CERTIFIED

MAYOR'S ACTION

02- O -1140

AN ORDINANCE BY

AN ORDINANCE TO REGULATE AND PROVIDE FOR THE CALLING OF A SPECIAL ELECTION TO DETERMINE THE APPROVAL OR NON-APPROVAL BY THE CITY OF ATLANTA OF A HOMESTEAD EXEMPTION FROM CERTAIN CITY OF ATLANTA AD VALOREM TAXES FOR MUNICIPAL PURPOSES IN THE AMOUNT EQUAL TO THE AMOUNT BY WHICH THE CURRENT YEAR ASSESSED VALUE OF A HOMESTEAD EXCEEDS THE BASE YEAR ASSESSED VALUE OF SUCH HOMESTEAD FOR CERTAIN RESIDENTS OF THAT CITY WHO ARE 65 YEARS OF AGE OR OLDER AND WHOSE ANNUAL HOUSEHOLD INCOME DOES NOT EXCEED $39,000.00, (FOR THE IMMEDIATELY PRECEDING TAXABLE YEAR); AND FOR OTHER PURPOSES.

WHEREAS, Georgia House of Representatives Bill 1797 (Act 710) provides for a homestead exemption from certain City of Atlanta ad valorem taxes for municipal purposes in the amount equal to the amount by which the current year assessed value of a homestead exceeds the base year assessed value of such homestead for certain residents of that city who are 65 years of age or older and whose annual household income does not exceed $39,000.00; and

WHEREAS, House Bill 1797 (Act 710) directs the Municipal Election Superintendent of the City of Atlanta to call and conduct an election for the purpose of submitting this Act to the electors of the City of Atlanta for approval or retention on the date of the August, 2002 state-wide general primary; and

WHEREAS, such "call" as defined by Georgia Code Section 21-2-2(3) was made by the Municipal Election Superintendent of the City of Atlanta through the publication of notice of such election in the official legal organ of Fulton County, the Fulton County Daily Report, on Wednesday, June 19, 2002; and

WHEREAS, House Bill 1797 (Act 710) was passed by the Georgia House of Representatives on April 9, 2002; and

WHEREAS, House Bill 1797 (Act 710) was passed by the Georgia Senate on April 12, 2002; and

WHEREAS, House Bill 1797 (Act 710) was signed by the Governor of the State of Georgia on May 1, 2002; and

THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS AS FOLLOWS:

Section 1: Call of Election. There shall be and is hereby called, as of the date of first publication of notice on June 19, 2002 made by the Municipal Clerk as Municipal Election Superintendent of the City of Atlanta, a special election to be held in the City of Atlanta on Tuesday, August 20, 2002. Said election shall be held for the purpose of submitting to the qualified voters of the City, the question of whether a homestead exemption from City of Atlanta ad valorem taxes for municipal purposes in the amount equal to the amount by which the current year assessed value of a homestead exceeds the base year assessed value of such homestead for certain residents of that city who are 65 years of age or older and whose annual household income does not exceed $39,000.00 should be granted or not.

Section 2: Question to be Voted Upon. The ballot label to be used in the election shall have printed thereon, in brief form, the question to be determined by the voters, which shall be substantially in the following form. The qualified voters may vote for or against the following question:

"SHALL THE ACT BE APPROVED WHICH PROVIDES A HOMESTEAD EXEMPTION FROM CITY OF ATLANTA AD VALOREM TAXES FOR MUNICIPAL PURPOSES IN THE AMOUNT EQUAL TO THE AMOUNT BY WHICH THE CURRENT YEAR ASSESSED VALUE OF A HOMESTEAD EXCEEDS THE BASE YEAR ASSESSED VALUE OF SUCH HOMESTEAD FOR CERTAIN RESIDENTS OF THAT CITY WHO ARE 65 YEARS OF AGE OR OLDER AND WHOSE ANNUAL HOUSEHOLD INCOME DOES NOT EXCEED $39,000.00?"

Section 3: Manner of Voting. The ballot labels for the question propounded above shall have printed thereon the word "YES" and the word "NO" in order that each voter may cast his or her vote in either the affirmative or the negative as to the question propounded. All persons desiring approval of the Act shall vote "YES", and all persons desiring rejection of the Act shall vote "NO".

Section 4: Results of Voting. If more than one-half the votes cast on the question are for approval of the Act, Section 1 of this Act shall become of full force and effect on January 1, 2003. If the Act is not so approved or if the election is not conducted as provided in this section, Section 1 of this Act shall not become effective and this Act shall be automatically repealed on the first day of January immediately following the election date.

Section 5: Time and Place of Election. The election shall be held in conjunction with the state-wide general primary election on Tuesday, August 20, 2002 at the regular and established polling places for holding elections in each precinct in the City. Each polling place shall be opened at 7:00 o'clock a.m. and closed at 7:00 o'clock p.m. The election shall be held in accordance and in conformity with the Constitution and laws of the United States of America and the State of Georgia.

Section 6: Authorization to Publish Notice of Election. In addition to the publication of notice defined by Georgia Code Section 21-2-2(3) as the "call" of the election and noted in Section I of this ordinance, the Municipal Clerk as Municipal Election Superintendent of the City of Atlanta, shall be and is hereby authorized and instructed to further publish a notice in the Fulton County Daily Report, the Atlanta Journal Constitution and the Champion newspapers, once a week for a period of two (2) weeks immediately preceding the date of the election. Such notice of election shall be in substantially the following form:

[FORM OF NOTICE]

NOTICE OF SPECIAL ELECTION TO THE QUALIFIED VOTERS OF THE CITY OF ATLANTA

YOU ARE HEREBY NOTIFIED that on Tuesday, the 20th of August, 2002, a special election will be held in the City of Atlanta, Georgia (the "City"), at which election there will be submitted to the qualified voters of the City for their determination the question of whether a homestead exemption from certain City of Atlanta ad valorem taxes for municipal purposes in the amount equal to the amount by which the current year assessed value of a homestead exceeds the base year assessed value of such homestead for certain residents of that city who are 65 years of age or older and whose annual household income does not exceed $39,000.00, for the immediately preceding taxable year.

A person shall not receive the homestead exemption granted unless that person or person's agent files an affidavit and application with the governing authority of the City of Atlanta, or the designee thereof, giving the person's age and the amount of income which the person and the person's spouse residing within such homestead received during the last taxable year and such additional information relative to receiving such exemption as will enable the governing authority of the City of Atlanta, or the designees thereof, to make a determination as to whether such owner is entitled to such exemption. The governing authority of the City of Atlanta, or the designee thereof, shall provide affidavit and application forms for this purpose.

The exemption shall be automatically renewed yearly as long as the owner occupies the residence as a homestead with no additional application necessary after the proper affidavit has been filed. The exemption shall not apply to or affect any state taxes, county taxes for county purposes, or City of Atlanta School District taxes for educational purposes. The homestead exemption shall be in addition to and not in lieu of any other homestead exemption applicable to City of Atlanta ad valorem taxes for municipal purposes. The exemption, if approved by the voters, shall apply to all taxable years beginning on or after January 1, 2003.

Voters desiring to vote for the homestead exemption shall do so by voting "YES" and voters desiring to vote against the homestead exemption shall do so by voting "NO" as to the question written or printed on the ballot labels with respect to the Act. Such question shall be substantially as follows:

"SHALL THE ACT BE APPROVED WHICH PROVIDES A HOMESTEAD EXEMPTION FROM CERTAIN CITY OF ATLANTA AD VALOREM TAXES FOR MUNICIPAL PURPOSES IN AN AMOUNT EQUAL TO THE AMOUNT BY WHICH THE CURRENT YEAR ASSESSED VALUE OF A HOMESTEAD EXCEEDS THE BASE YEAR ASSESSED VALUE OF SUCH HOMESTEAD FOR CERTAIN RESIDENTS OF THAT CITY WHO ARE 65 YEARS OF AGE OR OLDER AND WHOSE ANNUAL HOUSEHOLD INCOME DOES NOT EXCEED $39,000.00"

The ballot labels for the question propounded above shall have printed thereon the word "YES" and the word "NO" in order that each voter may cast his or her vote in either the affirmative or the negative as to the question propounded.

The several places for holding the election shall be the regular and established polling places for holding elections in each precinct in the City. Each polling place shall be opened at 7:00 o' clock a.m. and closed at 7:00 o' clock p.m. on August 20, 2002.

Those qualified to vote at this election shall be determined in all respects in accordance and in conformity with the Constitution and laws of the United States of America and of the State of Georgia.

FOR INFORMATION ON HOW TO REGISTER AND WHERE TO VOTE, YOU MAY CALL THE FULTON COUNTY BOARD OF REGISTRATION AND ELECTIONS AT (404) 730-7072 OR INQUIRE AT THE OFFICES OF THE FULTON COUNTY, BOARD OF REGISTRATION AND ELECTIONS AT THE FULTON COUNTY ADMINISTRATION BUILDING, 141 PRYOR STREET, S.W. SUITE 4085 ATLANTA, GEORGIA. THE FINAL DAY FOR REGISTRATION TO VOTE IN SUCH ELECTION SHALL BE JULY 22, 2002 .

This notice is given pursuant to the authority of H.B. 1797 (Act 710) Approved by the Governor of the State of Georgia on May 1, 2002.

CITY OF ATLANTA

_____

Rhonda Dauphin Johnson
Municipal Clerk/Election Superintendent

Section 7: Election and Canvass. The appropriate officials of the City shall take or cause to be taken all action which is required for holding the election in conformity with the constitutions and laws of the United States of America and of the State of Georgia, including the execution by the Mayor of the City of Atlanta of an agreement with Fulton County, Georgia for all or part of the acts to be performed in the holding of the election and the canvass of the results of the election.

Section 8: Voter Registration. The books for registration of voters in the election shall remain open until the close of business on July 22, 2002.

Section 9: Further Action. The Municipal Clerk, is hereby ordered and directed forthwith, as the Municipal Election Superintendent of the City of Atlanta, to take such action in conjunction with the Council as may be provided by law.

Section 11: Conflict; Repealer. Any and all ordinances in conflict with this ordinance shall be and they are hereby repealed.