

House Bill 1539

By: Representative Amerson of the 7th

A BILL TO BE ENTITLED
AN ACT

To amend an Act incorporating the City of Morganton, approved December 17, 1902 (Ga. L. 1902, p. 512), as amended, so as to change the number of members of the city council; to change the provisions relating to the election of the mayor and councilmembers; to change the provisions relating to vacancies; to change the provisions relating to city legislation and the affirmative votes required to pass any motion, resolution, or ordinance; to provide for effective dates; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

An Act incorporating the City of Morganton, approved December 17, 1902 (Ga. L. 1902, p. 512), as amended, is amended by striking Section 2.01, relating to the election of the mayor and councilmembers, and inserting in its place a new Section 2.01 to read as follows:

"SECTION 2.01.

Election of mayor and councilmembers.

Those persons serving as mayor or councilmembers on April 1, 2002, shall continue to serve for the remainder of their respective terms of office and until their successors are duly elected and qualified as provided by law.

On the Tuesday next following the first Monday in November, 2003, an election shall be conducted by the city election manager, in accordance with the provisions of the Georgia Election Code, Chapter 2 of Title 21 of the Official Code of Georgia Annotated, as amended, to elect a mayor and three councilmembers from the city at large by post. Each elector shall be entitled to vote for one candidate for mayor and three candidates for councilmembers.

At the 2003 election, the candidates for the office of mayor and for each post on the city council receiving the highest number of votes cast for their respective positions shall be

1 elected for terms of office of two years each beginning at 12:01 A.M. on the first Monday
2 in January, 2004, or when their successors are elected and qualified. Thereafter, elections
3 shall be held on the Tuesday next following the first Monday in November in each
4 odd-numbered year to elect, in the same manner, the mayor and three councilmembers who
5 shall serve for terms of two years each and until their respective successors are elected and
6 qualified. The terms of office of the mayor and councilmembers elected after the 2003
7 election shall begin at 12:01 A.M. on the first Monday in January next following their
8 election. No informality shall invalidate such election, provided it is conducted fairly and
9 in substantial conformity with the requirements of this Act and the Georgia Election Code."

10 **SECTION 2.**

11 Said Act is further amended by striking Section 2.03, relating to the city council, and
12 inserting in its place a new Section 2.03 to read as follows:

13 "SECTION 2.03.

14 City council.

15 The mayor and three councilmembers shall compose the city council, in which is vested
16 all corporate legislative and other powers of the city, except as otherwise provided in this
17 Act. The council shall be the final judge of the election and qualifications of its members.
18 The city council shall be authorized to fix the compensation and allowances of the mayor and
19 councilmembers, but such compensation and allowances shall be fixed at the first regular
20 meeting held in January of each year and shall not be changed during the year. The council
21 shall hold regular public meetings at a stated time and place, as provided by ordinance. The
22 council shall meet in special session on written call of the mayor or any two councilmembers
23 and served on the other members personally or left at their residences at least 12 hours in
24 advance of the meeting, but such notice of a special meeting shall not be required if the
25 mayor and all councilmembers are present when the special meeting is called. Only the
26 business stated in the written call may be transacted at a special meeting, except by
27 unanimous consent of all members of the council. The council shall exercise its powers only
28 in public meetings. A majority of the council shall constitute a quorum. The council may
29 by ordinance adopt rules and bylaws to govern the conduct of its business, including
30 procedures and penalties for compelling the attendance of absent members."

31 **SECTION 3.**

32 Said Act is further amended by striking Section 2.06, relating to vacancies in office, and
33 inserting in its place a new Section 2.06 to read as follows:

1 "SECTION 2.06.

2 Vacancy in office of mayor or councilmember.

3 A vacancy shall exist if the mayor or a councilmember resigns, dies, moves his or her
4 residence from the city, has been continuously disabled for a period of six months so as to
5 prevent him or her from discharging the duties of his or her office, accepts any federal,
6 state, county, or other municipal office or position of employment except as a notary public
7 or member of the National Guard or other reserve component of the U. S. Armed Forces,
8 or is convicted of malfeasance or misfeasance in office, or felony, a violation of this Act,
9 or a violation of the election laws of the state. The council shall appoint a qualified person
10 to fill such a vacancy for the remainder of the unexpired term. If a tie vote by the council
11 to fill a vacancy is unbroken for 15 days, the mayor or vice mayor in case of a vacancy in
12 the office of mayor, shall appoint a qualified person to fill the vacancy. At no time shall
13 there be more than one member so appointed holding office, and if a vacancy occurs with
14 one member so appointed on the council, a special election shall be held by the election
15 managers on the earliest date allowed by law following occurrence of the vacancy, at which
16 election a mayor or councilmember, as the case may be, shall be elected to serve the
17 remainder of the unexpired term of the vacant office, provided that no such election shall
18 be held if a regular annual election will occur within six months. Candidates in such a
19 special election shall be nominated as provided in Section 2.01 of this Act."

20 **SECTION 4.**

21 Said Act is further amended by striking Section 2.10, relating to city legislation and inserting
22 in its place a new Section 2.10 to read as follows:

23 "SECTION 2.10.

24 City legislation.

25 Any action of the council having a regulatory or penal effect, relating to revenue or the
26 expenditure of money, or required to be done by ordinance under this Act, shall be done
27 only by ordinance. The affirmative vote of at least two members of the council or of one
28 member and the mayor in cases of a tie vote, shall be required to pass any motion,
29 resolution, or ordinance. The original copies of all ordinances, resolutions and motions
30 shall be filed and preserved by the city clerk and kept available for public inspection."

SECTION 5.

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2 Section 1 of this Act shall become effective on January 1, 2003, for the purpose of
3 conducting elections for mayor and councilmembers. The remaining sections of this Act
4 shall become effective for all purposes on January 1, 2004.

SECTION 6.

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6 All laws and parts of laws in conflict with this Act are repealed.