

House Bill 1632

By: Representative Amerson of the 7th

A BILL TO BE ENTITLED
AN ACT

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

7 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

8 **SECTION 1.**

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

12 "SECTION 2.01.

13 Election of mayor and councilmembers.

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

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

23 At the 2003 election, the candidates for the office of mayor and for each post on the city
24 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."

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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
 19 and councilmembers, but such compensation and allowances shall be fixed at the first
 20 regular meeting held in January of each year and shall not be changed during the year. The
 21 council shall hold regular public meetings at a stated time and place, as provided by
 22 ordinance. The council shall meet in special session on written call of the mayor or any
 23 two councilmembers and served on the other members personally or left at their residences
 24 at least 12 hours in advance of the meeting, but such notice of a special meeting shall not
 25 be required if the mayor and all councilmembers are present when the special meeting is
 26 called. Only the business stated in the written call may be transacted at a special meeting,
 27 except by unanimous consent of all members of the council. The council shall exercise its
 28 powers only in public meetings. A majority of the council shall constitute a quorum. The
 29 council may by ordinance adopt rules and bylaws to govern the conduct of its business,
 30 including 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."

