

House Bill 328

By: Representative Coleman of the 80th

A BILL TO BE ENTITLED
AN ACT

1 To amend the Act creating a new charter for the City of Berkeley Lake, approved April 9,
2 1999 (Ga. L. 1999, p. 3636), to provide for four-year terms for the mayor and council; to
3 provide for staggered terms of office; to provide for initial terms of office; to remove the
4 limits on the number of terms which the mayor may serve; to increase the number of votes
5 required to overturn a veto from three to four; to provide for when the mayor may vote; to
6 provide for the filling of vacancies; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 An Act creating a new charter for the City of Berkeley Lake, approved April 9, 1999 (Ga.
10 L. 1999, p. 3636), is amended by striking Section 2.11 in its entirety and inserting in lieu
11 thereof a new Section 2.11 to read as follows:

12 "SECTION 2.11.

13 Mayor and city council members;
14 terms and qualifications for office.

15 (a) The mayor and city councilmembers in office on the effective date of this Act or their
16 successors shall continue in office until the first organizational meeting of the city council
17 in January, 2002. On the Tuesday next following the first Monday in November, 2001,
18 successors shall be elected for the mayor and city councilmembers.

19 (b) Each councilmember shall be elected at large by the voters of the entire municipality
20 by simple plurality of the votes cast.

21 (c) In the November, 2001, election, the candidates for city council receiving the three
22 highest numbers of votes shall serve terms of office of four years and until their successors
23 are elected and qualified beginning with the first organizational meeting of the city council
24 in January, 2002. Successors to such city councilmembers shall be elected on the Tuesday

1 next following the first Monday in November, 2005, and quadrennially thereafter, and shall
 2 take office at the first organizational meeting of the city council in January immediately
 3 following the date of their election. In the November, 2001, election, the candidates for
 4 city council receiving the fourth and fifth highest numbers of votes shall serve initial terms
 5 of office of two years and until their successors are elected and qualified beginning with
 6 the first organizational meeting of the city council in January, 2002. Successors to such
 7 city councilmembers shall be elected on the Tuesday next following the first Monday in
 8 November, 2003, and quadrennially thereafter, and shall take office at the first
 9 organizational meeting of the city council in January immediately following the date of
 10 their election and shall serve terms of office of four years.

11 (d) Notwithstanding any other provision of this Act to the contrary, the candidate for
 12 mayor in the November, 2001, election who receives the highest number of votes shall
 13 serve a term of office of two years and until his or her successor is elected and qualified.
 14 The mayor shall take office at the first organizational meeting of the city council in
 15 January, 2002. On the Tuesday next following the first Monday in November, 2003, and
 16 quadrennially thereafter, a successor shall be elected for the mayor. The mayor elected in
 17 the November, 2003, election, and subsequently thereafter, shall serve for a term of office
 18 of four years and until his or her successor is elected and qualified and shall take office at
 19 the first organizational meeting of the city council in January immediately following the
 20 date of his or her election."

21 **SECTION 2.**

22 Said Act is further amended by striking subsection (b) of Section 2.12 in its entirety and
 23 inserting in lieu thereof a new subsection (b) to read as follows:

24 "(b) Filling of vacancies. In the event that the office of mayor or councilmember shall
 25 become vacant, the city council or those remaining shall appoint a successor. The
 26 successor shall serve until the next succeeding special or general election held in the City
 27 of Berkeley Lake, at which time the vacant position shall be filled by the election of a
 28 successor for the unexpired term of office."

29 **SECTION 3.**

30 Said Act is further amended by striking Section 2.21 in its entirety and inserting in lieu
 31 thereof a new Section 2.21 to read as follows:

32 "Section 2.21. Quorum; voting.

33 The mayor and four councilmembers shall constitute a quorum and shall be authorized to
 34 transact business of the city council. When the mayor pro tempore is presiding in the
 35 mayor's absence, the mayor pro tempore and three councilmembers shall constitute a

1 quorum and the mayor pro tempore shall have no vote. Voting on the adoption of
2 ordinances shall be by voice vote and the vote shall be recorded in the journal, but any
3 member shall have the right to request a roll-call vote such vote shall be recorded in the
4 journal. Except as otherwise provided in this charter, the affirmative vote of three
5 councilmembers shall be required for the adoption of any ordinance, resolution, or motion.
6 The mayor shall only be able to vote in the event of a tie. The mayor shall have the power
7 to veto any motion, resolution, ordinance, or other question adopted by the council, but
8 such veto may be overridden by a vote of four-fifths of the entire council."

9 **SECTION 4.**

10 Said Act is further amended by striking Section 2.27 in its entirety and inserting in lieu
11 thereof a new Section 2.27 to read as follows:

12 "Section 2.27. Election of mayor; forfeiture; compensation.

13 The mayor shall be elected and serve for a term of four years and until a successor is
14 elected and qualified. The mayor shall be a qualified elector of this city and shall have
15 been a resident of the city for 12 months prior to the election. The mayor shall continue
16 to reside in this city during the period of service. The mayor shall forfeit the office on the
17 same grounds and under the same procedure as for councilmembers. The compensation
18 of the mayor shall be established in the same manner as for councilmembers."

19 **SECTION 5.**

20 Said Act is further amended by striking Sections 2.30 and 2.31 in their entirety and inserting
21 in lieu thereof a new Section 2.30 to read as follows:

22 "Section 2.30. Submission of ordinance to the mayor; veto power.

23 (a) Every ordinance adopted by the city council shall be presented promptly by the clerk
24 to the mayor.

25 (b) The mayor, within ten calendar days of receipt of an ordinance, shall return it to the
26 clerk with or without the mayor's approval, or with the mayor's disapproval. If the
27 ordinance has been approved by the mayor, it shall become law upon its return to the clerk;
28 if the ordinance is neither approved nor disapproved, it shall become law at 12:00 Noon on
29 the tenth calendar day after its adoption; if the ordinance is disapproved, the mayor shall
30 submit to the city council through the clerk a written statement of the reasons for the veto.
31 The clerk shall record upon the ordinance the date of its delivery to and receipt from the
32 mayor.

33 (c) Ordinances vetoed by the mayor shall be presented by the clerk to the city council at
34 its next meeting. If the city council then or at its next meeting adopts the ordinance by an
35 affirmative vote of four members, it shall become law.

1 (d) The mayor may disapprove or reduce any item or items of appropriation in any
2 ordinance. The approved part or parts of any ordinance making appropriations shall
3 become law, and the part or parts disapproved shall not become law unless subsequently
4 passed by the city council over the mayor's veto as provided herein. The reduced part or
5 parts shall be presented to the city council as though disapproved and shall not become law
6 unless overridden by the council as provided in subsection (c) of this section."

7 **SECTION 6.**

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