

House Bill 1828

By: Representative Shanahan of the 10th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act incorporating the Town of Resaca, approved April 6, 1981 (Ga. L. 1981,
2 p. 3746), as amended, so as to change certain provisions regarding terms and qualifications
3 for office; to repeal certain provisions regarding the mayor's status as chief executive officer;
4 to change certain provisions regarding powers and duties of the mayor; to repeal certain
5 provisions regarding the mayor's powers with respect to ordinances; to change certain
6 provisions regarding a quorum and voting; to change certain provisions regarding
7 administrative and service departments; to change certain provisions regarding boards,
8 commissions, and authorities; to change certain provisions regarding special elections and
9 vacancies; to change certain provisions regarding operating budgets; to change certain
10 provisions regarding changes in appropriations; to change certain provisions regarding
11 capital budgets; to provide for a referendum; to provide for automatic repeal under certain
12 circumstances; to provide for effective dates; to repeal conflicting laws; and for other
13 purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

15 **SECTION 1.**

16 An Act incorporating the Town of Resaca, approved April 6, 1981 (Ga. L. 1981, p. 3746),
17 as amended, is amended by striking Section 2.11 and inserting in its place a new Section 2.11
18 to read as follows:

19 "SECTION 2.11.

20 Terms and qualification of office.

21 Except for certain initial terms, the members of the town council shall serve for terms of
22 four years and until the election and qualification of their respective successors. The mayor
23 shall serve for a term of four years and until the election and qualification of a successor.
24 No persons shall be eligible to serve as mayor or councilmember unless such person shall

1 have been a resident of the area comprising the corporate limits of the Town of Resaca for
 2 a period of one year immediately prior to the date of the election of mayor or
 3 councilmember and shall continue to reside therein during his or her period of service and
 4 shall be registered and qualified to vote in municipal elections of the town."

5 **SECTION 2.**

6 Said Act is further amended by striking Section 2.18 and inserting in its place a new Section
 7 2.18 to read as follows:

8 "SECTION 2.18.

9 Reserved."

10 **SECTION 3.**

11 Said Act is further amended by striking Section 2.19 and inserting in its place a new Section
 12 2.19 to read as follows:

13 "SECTION 2.19.

14 Powers and duties of mayor.

15 The mayor shall:

- 16 (1) Preside at all meetings of the town council;
- 17 (2) Be the head of the town for the purpose of service of process and for ceremonial
 18 purposes and be the official spokesperson for the town and the chief advocate of policy;
- 19 (3) Have the power to administer oaths and take affidavits;
- 20 (4) Sign as a matter of course on behalf of the town all written and approved contracts,
 21 ordinances, and other instruments executed by the town which by law are required to be
 22 in writing;
- 23 (5) Vote on matters before the town council only in the event of a tie vote among the
 24 councilmembers;
- 25 (6) Prepare and submit to the town council a recommended annual operating budget and
 26 recommended capital budget;
- 27 (7) Fulfill such other executive and administrative duties as the town council shall by
 28 ordinance establish; and
- 29 (8) Not be counted toward a quorum at town council meetings, with the exception that
 30 the mayor pro tempore, if substituting for the mayor, may be counted toward a quorum
 31 at town council meetings."

1 **SECTION 4.**

2 Said Act is further amended by striking Section 2.20 and inserting in its place a new Section
3 2.20 to read as follows:

4 "SECTION 2.20.
5 Reserved."

6 **SECTION 5.**

7 Said Act is further amended by striking Section 2.25 and inserting in its place a new Section
8 2.25 to read as follows:

9 "SECTION 2.25.
10 Quorum; voting.

11 Three councilmembers shall constitute a quorum and shall be authorized to transact
12 business of the council. The mayor pro tempore, if substituting for the mayor at a meeting,
13 and two councilmembers shall be interpreted as the necessary three councilmembers to
14 constitute a quorum and transaction of business of the council. Voting on the adoption of
15 ordinances shall be taken by voice vote and the ayes and nays shall be recorded in the
16 journal but any member of the council shall have the right to request a roll-call vote. The
17 affirmative vote of the majority of the council shall be required for the adoption of any
18 ordinance, resolution, or motion except as otherwise provided in this charter."

19 **SECTION 6.**

20 Said Act is further amended by striking subsections (d) and (e) of Section 3.10 and inserting
21 in their place new subsections (d) and (e) to read as follows:

22 "(d) There may be a supervisor of each department or agency who shall be its principal
23 officer. Each supervisor shall, subject to the direction and supervision of the clerk, be
24 responsible for the administration and direction of the affairs and operations of his or her
25 department or agency.

26 (e) All supervisors under the supervision of the clerk shall be appointed by the council.
27 The clerk may suspend or remove supervisors under his or her supervision. The supervisor
28 involved may appeal to the council who, after a hearing, may override the clerk's action
29 by a vote of four councilmembers."

1 required by state law or by other provisions of this charter and for all debt service
 2 requirements for the ensuing fiscal year, and the total appropriations from any fund shall
 3 not exceed the estimated fund balance, reserves, and revenues.

4 (c) The town council by ordinance shall adopt the final operating budget for the ensuing
 5 fiscal year not later than the first day of the month prior to the beginning of the new fiscal
 6 year. If the town council fails to adopt the budget by this date, the amounts appropriated
 7 for operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year
 8 on a month to month basis, with all items prorated accordingly, until such time as the town
 9 council adopts a budget for the ensuing fiscal year. Adoption of the budget shall take the
 10 form of an appropriations ordinance setting out the estimated revenues in detail by sources
 11 and making appropriations according to fund and by organizational unit, purpose, or
 12 activity.

13 (d) The amount set out in the adopted operating budget for each organizational unit shall
 14 constitute the annual appropriation for such, and no expenditures shall be made or
 15 incumbents created in excess of the otherwise unencumbered balance of the appropriations
 16 or allotment thereof to which it is chargeable."

17 **SECTION 10.**

18 Said Act is further amended by striking Section 6.24 and inserting in its place a new
 19 Section 6.24 to read as follows:

20 "SECTION 6.24.

21 Changes in appropriations.

22 The town council by ordinance may make changes in the appropriations contained in the
 23 current operating budget at any regular meeting or any special or emergency meeting called
 24 for such purpose, but any additional appropriations may be made only from an existing
 25 unexpended surplus."

26 **SECTION 11.**

27 Said Act is further amended by striking Section 6.25 and inserting in its place a new
 28 Section 6.25 to read as follows:

1 "SECTION 6.25.

2 Capital budget.

3 (a) On or before the date fixed by the town council, but not later than 90 days prior to the
 4 beginning of each fiscal year, the town clerk shall submit to the town council a proposed
 5 capital improvement plan with a recommended capital budget containing the means of
 6 financing the improvements proposed for the ensuing fiscal year. The town council shall
 7 have the power to accept, with or without amendments, or reject the proposed plan and
 8 proposed budget. The town council shall not authorize an expenditure for the construction
 9 for any building, structure, work, or improvement unless the appropriations for such budget
 10 are included in the capital budget, except to meet a public emergency.

11 (b) The town council shall adopt by ordinance the final capital budget for the ensuing
 12 fiscal year not later than the first day of the month prior to such fiscal year. No
 13 appropriations provided for in a prior capital budget shall lapse until the purpose for which
 14 the appropriation was made shall have been accomplished or abandoned; provided,
 15 however, the town clerk may submit amendments to the capital budget at any time during
 16 the fiscal year, accompanied by the recommendations. Any such amendments to the capital
 17 budget shall become effective only upon adoption by ordinance."

18 **SECTION 12.**

19 Unless prohibited by the federal Voting Rights Act of 1965, as amended, the election
 20 superintendent of the Town of Resaca shall call and conduct an election as provided in this
 21 section for the purpose of submitting this Act to the electors of the Town of Resaca for
 22 approval or rejection. The election superintendent shall conduct that election on the date of
 23 the 2002 state-wide general primary and shall issue the call and conduct that election as
 24 provided by general law. The superintendent shall cause the date and purpose of the election
 25 to be published once a week for two weeks immediately preceding the date thereof in the
 26 official organ of Gordon County. The ballot shall have written or printed thereon the words:

27 "() YES Shall the Act be approved which changes the powers and duties of the
 28 () NO mayor and council of the Town of Resaca?"

29 All persons desiring to vote for approval of the Act shall vote "Yes," and those persons
 30 desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes
 31 cast on such question are for approval of the Act, then Sections 1 through 11 of this Act shall
 32 become of full force and effect on October 1, 2002. If Sections 1 through 11 of this Act are
 33 not so approved or if the election is not conducted as provided in this section, Sections 1
 34 through 11 of this Act shall not become effective and this Act shall be automatically repealed
 35 on the first day of January immediately following that election date. The expense of such

1 election shall be borne by the Town of Resaca. It shall be the election superintendent's duty
2 to certify the result thereof to the Secretary of State.

3 **SECTION 13.**

4 Except as otherwise provided in Section 12 of this Act, this Act shall become effective upon
5 its approval by the Governor or upon its becoming law without such approval.

6 **SECTION 14.**

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