

House Bill 1346 (AS PASSED HOUSE AND SENATE)

By: Representatives Manning of the 32nd, Ehrhart of the 36th, Tumlin of the 38th, Johnson of the 37th, and Setzler of the 35th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act creating a new charter for the City of Kennesaw, approved April 10, 1971
2 (Ga. L. 1971, p. 3620), as amended, so as to change the charter provision relating to what
3 shall constitute a quorum; to repeal conflicting laws; and for other purposes.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

5 style="text-align:center">**SECTION 1.**

6 An Act creating a new charter for the City of Kennesaw, approved April 10, 1971 (Ga. L.
7 1971, p. 3620), as amended, is amended by striking Section 2.05 and inserting in lieu thereof
8 a new Section 2.05 to read as follows:

9 style="text-align:center">"SECTION 2.05.

10 style="text-align:center">City council.

11 The governing body of said city shall be composed of a mayor and five councilmembers, in
12 which is vested all corporate, legislative, and other powers of the city, except as otherwise
13 provided in this Act. The mayor and council shall hold regular public meetings at a stated
14 time and place as provided by ordinance. The mayor and council shall meet in special
15 session on call of either the mayor or the mayor pro tempore and two councilmembers and
16 when notice of which has been served on the other members personally or left at their
17 residence at least 12 hours in advance of the meeting. Alternatively, or in addition thereto,
18 notice of a special session may be given by telephoning the other members. If this method
19 is used, the first order of business in the special session shall be to enter upon the minutes of
20 the meeting an oath or an affidavit by the mayor or the mayor pro tempore and two
21 councilmembers calling the special session, attested to by the city clerk or by another
22 member of the council, or any person authorized to administer oaths. Said oath or affidavit
23 must contain a statement that each councilmember was either notified personally by
24 telephone by the person making the oath or affidavit or was not capable of being so notified

1 by reason of lack of knowledge of his or her whereabouts or because of his or her absence
2 from the state. Any person who is found guilty of false swearing as defined by Section
3 16-10-71 of the O.C.G.A., as it now exists or may hereafter be amended, in the above
4 proceeding shall be punished as provided by law. Any action taken in a special session
5 which was called by a person later found guilty of false swearing regarding the telephone
6 notice of any member shall be void, unless ratified unanimously at a regular council meeting
7 held after said person is found guilty. A ratification of action taken in such a special session
8 by the mayor and council prior to a conviction for false swearing shall not be effective. Any
9 liability to the city arising from action taken by the mayor and council pursuant to a special
10 session in which telephone notice is given and in which the person calling the meeting is
11 found guilty of false swearing shall result in several liability for the person so convicted. But
12 such notice of a special meeting shall not be required and shall be considered waived if the
13 mayor and all council are present when the special meeting is called or convened. Only the
14 business stated in the written call or stated as being the purpose in the oath or affidavit
15 required in special sessions convened under the telephone notice provision of this charter
16 may be transacted at a special meeting, except by unanimous consent of all members of the
17 council. The mayor and council shall exercise their powers in public meetings. Four
18 members of the governing body of the city shall constitute a quorum. The council may by
19 ordinance adopt rules and bylaws to govern the conduct of its business; including procedures
20 and penalties for compelling the attendance of absent members. The mayor and council may
21 provide by ordinance for punishment of contemptuous behavior conducted in their presence."

22

SECTION 2.

23

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