

House Bill 1403 (AS PASSED HOUSE AND SENATE)

By: Representatives Jones of the 46<sup>th</sup> and Jerguson of the 22<sup>nd</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend an Act creating a new charter for the City of Mountain Park, approved March 30,  
2 1982 (Ga. L. 1982, p. 3648), as amended, so as to change certain provisions relating to the  
3 number of councilmen; to clarify the manner by which a quorum is defined; to clarify the  
4 number of votes required for a motion, resolution, or ordinance to pass; to amend the manner  
5 in which vacancies in office are filled; to provide for related matters; to state legislative  
6 intent; 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 Mountain Park, approved March 30, 1982 (Ga.  
10 L. 1982, p. 3648), as amended, is amended by revising Section 2.10 as follows:

11 "Sec. 2.10.

12 Creation and Composition; Number.

13 The corporate powers and the municipal government of the City of Mountain Park shall be  
14 vested in a mayor and city council. There shall be five members of the city council known  
15 as councilmen. The mayor and councilmen shall be elected for the terms of office, at the  
16 times, and in the manner provided by general law for the election of municipal officers."

17 **SECTION 2.**

18 Said Act is further amended by revising subsection (a) of Section 2.12 as follows:

19 "(a) The office of mayor or councilman shall become vacant upon the incumbent's death,  
20 resignation, or removal from office as provided by Chapter 2 of Article VI of this charter.  
21 The office of mayor or councilman shall also be deemed vacant if the regular election  
22 called to fill such office fails to fill such seat; such seat shall be deemed vacant at the  
23 beginning of the term for which the regular election was called."

24 **SECTION 3.**

25 Said Act is further amended by revising Section 2.33 as follows:

26 "Sec. 2.33.

27 Quorum; Voting.

28 The mayor, or the mayor pro tempore during the absence or disability of the mayor, and  
 29 three other councilmen shall constitute a quorum and shall be authorized to transact  
 30 business of the city council. Voting on the adoption of ordinances shall be taken by voice  
 31 vote and the yeas and nays shall be recorded in the journal, but any member of the city  
 32 council shall have the right to request a roll-call vote. The affirmative vote of three  
 33 councilmen shall be required for the adoption of an ordinance, resolution, or motion except  
 34 when the mayor votes to break a tie, and in that event the affirmative vote of the mayor and  
 35 two councilmen shall be sufficient for the adoption of an ordinance, resolution, or motion."

36 **SECTION 4.**

37 Said Act is further amended by revising Section 2.41 as follows:

38 "Sec. 2.41.

39 Emergency Ordinances.

40 To meet a public emergency affecting life, health, property, or public peace, the city  
 41 council may adopt one or more emergency ordinances, but such ordinances may not levy  
 42 taxes, grant, renew, or extend a franchise, regulate the rate charged by any public utility for  
 43 its services, or authorize the borrowing of money except as provided by law. An  
 44 emergency ordinance shall be introduced in the form and manner prescribed for ordinances  
 45 generally except that it shall be plainly designated as an emergency ordinance and shall  
 46 contain, after the enacting clause, a declaration stating that an emergency exists and  
 47 describing it in clear and specific terms. An emergency ordinance may be adopted with or  
 48 without amendment or rejected at the meeting at which it is introduced. It shall become  
 49 effective upon adoption or at such later time as it may specify. Every emergency ordinance  
 50 shall automatically stand repealed 60 days following the date upon which it was adopted,  
 51 but this repeal shall not prevent reenactment of the ordinance in the manner specified in  
 52 this section if the emergency still exists. An emergency ordinance may also be repealed  
 53 by adoption of a repealing ordinance in the same manner specified in this section for  
 54 adoption of emergency ordinances."

55 **SECTION 5.**

56 Said Act is further amended by revising Section 4.37 as follows:

57 "Sec. 4.37.

58 Capital Improvements Budget.

59 (a) On or before the date fixed by the city council but not later than 60 days prior to the  
 60 beginning of each fiscal year, the mayor shall submit to the city council a proposed capital  
 61 improvements budget with the mayor's recommendations as to the means of financing the  
 62 improvements proposed for the ensuing fiscal year. The city council shall have power to  
 63 accept with or without amendments or reject the proposed program and proposed means  
 64 of financing. The city council shall not authorize an expenditure for the construction of  
 65 any building, structure, work or improvement, unless the appropriations for such project  
 66 are included in the capital improvements budget, except to meet a public emergency  
 67 threatening the lives, health, or property of the inhabitants of the city.

68 (b) The city council shall adopt the final capital improvements budget for the ensuing  
 69 fiscal year within 60 days after the proposed budget is submitted to the council by the  
 70 mayor. No appropriation provided for in the capital improvements budget shall lapse until  
 71 the purpose for which the appropriation was made shall have been accomplished or  
 72 abandoned, but the mayor may submit amendments, accompanied by the mayor's  
 73 recommendations thereon, to the capital improvements budget at any time during the fiscal  
 74 year. Any such amendments to the capital improvements budget shall become effective  
 75 only upon the affirmative vote of the city council."

76 **SECTION 6.**

77 Said Act is further amended by revising Chapter 1 of Article VI as follows:

78 "CHAPTER 1.

79 GENERAL PROVISIONS.

80 Sec. 6.10.

81 Applicability of General Law.

82 All primaries and elections shall be held and conducted in accordance with the Georgia  
 83 Election Code, Chapter 2 of Title 21 of the O.C.G.A., as now or hereafter amended.

84 Section 6.11.

85 Election of the City Council and Mayor.

86 (a) There shall be a municipal general election biennially in the odd years on the Tuesday  
87 next following the first Monday in November.

88 (b) There shall be elected the mayor and two councilmen at one election and at alternating  
89 regular elections thereafter. The remaining city council seats shall be filled at the election  
90 alternating with the first election so that a continuing body is created. Terms shall be for  
91 four years.

92 Section 6.12.

93 Nonpartisan Elections.

94 Political parties shall not conduct primaries for city offices and all names of candidates for  
95 city offices shall be listed without party designations.

96 Section 6.13.

97 Election by Plurality.

98 The person receiving a plurality of the votes cast for any city office shall be elected.

99 Section 6.14.

100 Other Provisions.

101 Except as otherwise provided by this charter, the city council shall, by ordinance, prescribe  
102 such rules and regulations it deems appropriate to fulfill any options and duties under the  
103 Georgia Election Code."

104 **SECTION 7.**

105 The General Assembly hereby finds that there presently exist two vacant seats on the  
106 Mountain Park City Council. For purposes of this Act, the two currently existing vacant or  
107 unfilled seats shall be deemed the councilmen seats which are abolished by this Act. This  
108 Act shall not affect the right to office of the remaining five councilmen, who shall be entitled  
109 to serve the terms for which they were elected. Otherwise, the public welfare of the citizens  
110 of the City of Mountain Park demanding, this Act shall become effective upon its approval  
111 by the Governor or upon its becoming law without such approval.

112

**SECTION 8.**

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