

The House Committee on Intragovernmental Coordination - Local Legislation offers the following substitute to HB 790:

A BILL TO BE ENTITLED  
AN ACT

1 To amend an Act creating a new charter for the City of Doraville, approved October 13, 1971  
2 (Ga. L. 1971, Ex. Sess., p. 2154), as amended, particularly by an Act approved March 10,  
3 1983 (Ga. L. 1983, p. 3581), so as to provide municipal judges with certain authorities  
4 regarding the sentencing of local offenders; to provide for the selection of the mayor-pro tem;  
5 to provide for municipal elections; to provide for appeals procedure for municipal court  
6 decisions; to provide that the city attorney may not serve as the municipal court judge; to  
7 provide for qualifying fees for municipal office; to provide for municipal elections; to  
8 provide for related matters; to provide for an effective date; to repeal conflicting laws; and  
9 for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 An Act creating a new charter for the City of Doraville, approved October 13, 1971 (Ga. L.  
13 1971, Ex. Sess., p. 2154), as amended, particularly by an Act approved March 10, 1983 (Ga.  
14 L. 1983, p. 3581), is amended by revising Section 2.04 as follows:

15 "Section 2.04.

16 Mayor Pro-tem.

17 The council at the first regular meeting in January of each year shall elect from its  
18 membership a Mayor Pro-tem for a term of one year. Upon the Council's failure to elect a  
19 Mayor Pro-tem at its first regular meeting in May of each year, the incumbent councilman  
20 not up for election at the previous election who received the highest number of votes, when  
21 last elected, shall be declared the Mayor Pro-tem. The Mayor Pro-tem shall perform the  
22 duties of the Mayor during his absence from the City or his disability."

23 **SECTION 2.**

24 Said Act is further amended by revising Section 3.02 as follows:

25 "Section 3.02.

26 Judge of Municipal Court.

27 The Council shall elect a judge and make him presiding officer of said court. The judge so  
 28 elected shall be a duly licensed attorney and a member of the State Bar of Georgia, shall  
 29 serve at the pleasure of the Council, and his compensation shall be fixed by the Council. The  
 30 Council shall appoint such other judges, meeting the same required qualifications as set out  
 31 above, to serve in said municipal court as it shall deem necessary. Before entering on duties  
 32 of his office, any judge of the municipal court shall take an oath before an officer duly  
 33 authorized to administer oaths in this State, that he will truly, honestly and faithfully  
 34 discharge the duties of his office to the best of his ability without fear, favor, or partiality.  
 35 This oath shall be entered upon the minutes of the meeting of the Council."

36

37 **SECTION 3.**

38 Said Act is further amended by revising Section 3.03 as follows:

39 "Section 3.03.

40 Powers; Maximum Penalty; Contempt.

41 The judge of the municipal court shall have jurisdiction to try all offenses against the laws  
 42 and ordinances of the City of Doraville and to punish violators of the same. Said court shall  
 43 have the power to enforce its judgments by the imposition of such penalties as may be  
 44 provided by law; to punish witnesses for nonattendance; and also to punish for contempt.  
 45 The judge of municipal court shall have power and authority to impose fines for the  
 46 violations of any law or ordinance of the City of Doraville passed in accordance with its  
 47 charter consistent with the limitations provided for municipal corporations in O.C.G.A. Code  
 48 Sections 36-32-5 and 36-35-6, or to sentence offenders to labor on the streets or other public  
 49 works of the City of Doraville for not more than thirty (30) days. Said judge shall have the  
 50 power and authority to impose any one or more of these punishments, when in the opinion  
 51 of the court the facts justify it. Said court shall have the power to preserve order, compel the  
 52 attendance of witnesses, compel the production of books and papers to be used as evidence,  
 53 and to issue subpoenas for these purposes, and to issue such other processes as may be  
 54 necessary to the proper administration of said Court, and to punish for contempt in a manner  
 55 consistent with general law."

56 **SECTION 4.**

57 Said Act is further amended by revising Section 3.05 as follows:

58 "Section 3.05.

59 Right of Appeal.

60 Be it further enacted, that the right of appeal and any bond as may be required to secure the  
 61 costs on appeal to the Superior Court of DeKalb County from the municipal court shall lie  
 62 in the same manner and under the same procedure as generally prescribed for appeals and  
 63 appeal bonds from the Court of Ordinary. Provided, however, any person convicted of an  
 64 offense shall have thirty (30) days to file his appeal. An appeal to the Superior Court shall  
 65 be a de novo proceeding."

66 **SECTION 5.**

67 Said Act is further amended by revising Section 5.08 as follows:

68 "(a) The mayor and councilmembers in office as of the effective date of this Act shall serve  
 69 until the end of their current terms. The successors for the mayor and councilmembers  
 70 currently serving shall be elected in the election held on the Tuesday following the first  
 71 Monday of November in the year the terms for such mayor and councilmembers expire.  
 72 Notwithstanding the provisions of this subsection, there shall be a municipal general election  
 73 biennially in odd-numbered years on the Tuesday next following the first Monday in  
 74 November.

75 (b) There shall be elected the mayor and two members of the councilmembers at one  
 76 election and at every other election thereafter. The remaining councilmember seats shall be  
 77 filled at the election alternating with the first election so that a continuing body is created.

78 (c) There shall be three city election districts in the City of Doraville, and two councilmen  
 79 shall represent each district, and shall reside in the district which they represent. The city  
 80 election districts shall be as follows:

81 (1) District One shall consist of all that part of the city lying north and west of the  
 82 Southern Railroad Main Line.

83 (2) District Two shall consist of all the part of the city lying south and east of the Buford  
 84 Highway, and south of Interstate Highway I-285.

85 (3) District Three shall consist of all that part of the city lying south and east of the  
 86 Southern Railroad Main Line between the Southern Railroad Main Line and the Buford  
 87 Highway, and all of that part of the city lying east of the Buford Highway and North of  
 88 Interstate Highway I-285.

89 (d) Candidates for the district posts must live in the district which they seek to represent but  
 90 all elections shall be at large in the City.

91 (e) In instances where no candidate for mayor or for any council seat receives a majority of  
92 the votes cast at the election held on the first Saturday in November, a runoff election shall  
93 be held between the two candidates receiving the highest number of votes in such election.  
94 Said runoff election shall be held on the third Saturday in November of the same year. The  
95 candidate for mayor or for any council seat receiving a majority of the votes cast in such  
96 runoff election shall be declared the winner."

97 **SECTION 6.**

98 This Act shall become effective on January 1, 2011.

99 **SECTION 7.**

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