

House Bill 1092

By: Representative Parrish of the 156<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend an Act to provide a new charter for the City of Stillmore, approved April 10, 1998  
2 (Ga. L. 1998, p. 4316), so as to provide for staggered terms for members of the city council;  
3 to provide for the manner of election; to provide that the mayor and council shall appoint the  
4 city attorney and city clerk; to revise the duties of the mayor and council; to revise the  
5 amount of fines that may be imposed by the municipal court; to provide for the applicability  
6 of Chapter 2 of Title 21 of the O.C.G.A. to municipal elections; to provide for related  
7 matters; to repeal conflicting laws; and for other purposes.

8 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

9 **SECTION 1.**

10 An Act to provide a new charter for the City of Stillmore, approved April 10, 1998  
11 (Ga. L. 1998, p. 4316), is amended by revising Section 2.11 as follows:

12 **"SECTION 2.11.**

13 **City councilmembers; terms and qualifications for office.**

14 Except as otherwise provided in Section 5.11 of this charter, the members of the city  
15 council shall serve for terms of four years and until their respective successors are elected  
16 and qualified. No person shall be eligible to serve as mayor or councilmember unless that  
17 person shall have been a resident of the city for 12 months prior to the date of the election  
18 of mayor or members of the city council; each shall continue to reside therein during that  
19 person's period of service and to be registered and qualified to vote in municipal elections  
20 of this city."

21 **SECTION 2.**

22 Said Act is further amended by revising Section 2.28 as follows:

23 "SECTION 2.28.

24 Powers and duties of mayor.

25 As the chief executive of this city, the mayor shall:

26 (1) See that all laws and ordinances of the city are faithfully executed;

27 (2) Reserved;

28 (3) Exercise supervision over all executive and administrative work of the city and  
29 provide for the coordination of administrative activities;

30 (4) Prepare and submit to the councilmembers a recommended operating budget and  
31 capital budget;

32 (5) Submit to the councilmembers at least once a year a statement covering the financial  
33 conditions of the city and from time to time such other information as the  
34 councilmembers may request;

35 (6) Recommend to the councilmembers such measures relative to the affairs of the city,  
36 improvement of the government, and promotion of the welfare of the inhabitants as the  
37 mayor may deem expedient;

38 (7) Call special meetings of the councilmembers as provided for in subsection (b) of  
39 Section 2.18 of this charter;

40 (8) Approve or disapprove ordinances as provided in Section 2.20 of this charter;

41 (9) Provide for an annual audit of all accounts of the city;

42 (10) Require any department or agency of the city to submit written reports whenever  
43 the mayor deems it expedient;

44 (11) Perform such other duties as may be required by law, this charter, or ordinance;

45 (12) Participate in the discussion of all matters brought before the councilmembers; and

46 (13) Sign as a matter of course all written contracts, ordinances, and other instruments  
47 executed by the city which by law are required to be in writing."

48 **SECTION 3.**

49 Said Act is further amended by revising Section 3.12 as follows:

50 "SECTION 3.12.

51 City attorney.

52 The mayor and council shall appoint a city attorney, together with such assistant city  
53 attorneys as may be authorized, and shall provide for the payment of such attorney or  
54 attorneys for services rendered to the city. The city attorney shall be responsible for  
55 providing for the representation and defense of the city in all litigation in which the city is

56 a party; may be the prosecuting officer in the municipal court; shall attend the meetings of  
 57 the city council as directed; shall advise the mayor and other officers and employees of the  
 58 city concerning legal aspects of the city's affairs; and shall perform such other duties as  
 59 may be required by virtue of such person's position as city attorney."

60 **SECTION 4.**

61 Said Act is further amended by revising Section 3.13 as follows:

62 "SECTION 3.13.

63 City clerk.

64 The mayor and council shall appoint a city clerk who shall not be a councilmember. The  
 65 city clerk shall be custodian of the official city seal and city records; maintain city council  
 66 records required by this charter; and perform such other duties as may be required by the  
 67 city council."

68 **SECTION 5.**

69 Said Act is further amended by revising subsection (c) of Section 4.13 as follows:

70 "(c) The municipal court may fix punishment for offenses within its jurisdiction not  
 71 exceeding a fine of \$5,000.00 or imprisonment for not more than six months or both such  
 72 fine and imprisonment or may fix punishment by fine, imprisonment, or alternative  
 73 sentencing, as now or hereafter provided by law."

74 **SECTION 6.**

75 Said Act is further amended by revising Section 5.10 as follows:

76 "SECTION 5.10.

77 Applicability of general law.

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

80 **SECTION 7.**

81 Said Act is further amended by revising Section 5.11 as follows:

82 "SECTION 5.11.

83 Regular elections; time for holding.

84 (a) The mayor and members of the city council in office on the effective date of this  
 85 section shall serve out the terms to which they were elected and until their respective  
 86 successors are elected and qualified.

87 (b) On the effective date of this section, Kym Bowman shall be deemed to be holding  
 88 Council Post 1, Frances Creech shall be deemed to be holding Council Post 2, Eddie Dean  
 89 Allen shall be deemed to be holding Council Post 3, and Brad Daughtry shall be deemed  
 90 to be holding Council Post 4.

91 (c) On the Tuesday following the first Monday in November, 2015, an election shall be  
 92 held for Council Posts 1 and 2. The persons elected in such election shall take office on  
 93 January 1 immediately following such election and shall serve for terms of office of two  
 94 years and until their respective successors are elected and qualified. Thereafter, successors  
 95 to such officeholders shall be elected in the November election immediately preceding the  
 96 end of their terms of office and such successors shall take office on January 1 immediately  
 97 following such November election for terms of office of four years and until their  
 98 respective successors are elected and qualified.

99 (d) On the Tuesday following the first Monday in November, 2015, an election shall be  
 100 held for mayor and Council Posts 3 and 4. The persons elected in such election shall take  
 101 office on January 1 immediately following such election and shall serve for terms of office  
 102 of four years and until their respective successors are elected and qualified. Thereafter,  
 103 successors to such officeholders shall be elected in the November election immediately  
 104 preceding the end of their terms of office and such successors shall take office on January 1  
 105 immediately following such November election for terms of office of four years and until  
 106 their respective successors are elected and qualified."

107 **SECTION 8.**

108 Said Act is further amended by revising Section 5.14 as follows:

109 "SECTION 5.14.

110 Special elections; vacancies.

111 In the event that the office of mayor or councilmember shall become vacant as provided  
 112 in Section 2.12 of this charter, the city council or those remaining shall order a special  
 113 election to fill the balance of the unexpired term of such official; provided, however, that  
 114 if such vacancy occurs within 12 months of the expiration of the term of that office, the city  
 115 council or those members remaining shall appoint a successor for the remainder of the  
 116 term. In all other respects, the special election shall be held and conducted in accordance

117 with Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia Election Code,' as now or hereafter  
118 amended."

119 **SECTION 9.**

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