

House Bill 440 (AS PASSED HOUSE AND SENATE)

By: Representatives Watson of the 172nd and Houston of the 170th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act providing for a new charter for the City of Ellenton, Georgia, approved
2 April 17, 1975 (Ga. L. 1975, p. 3073), so as to change certain provisions relating to the
3 election and powers of city councilmembers; to provide for related matters; to provide for
4 an effective date; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 An Act providing for a new charter for the City of Ellenton, Georgia, approved April 17,
8 1975 (Ga. L. 1975, p. 3073), is amended by revising Section 2.11 as follows:

9 "Section 2.11. Terms and Qualifications of Office. The mayor and councilmembers shall
10 serve for terms of four years and until their respective successors are elected and qualified.
11 The term of office of the mayor and each councilmember shall begin on the first day of
12 January immediately following their election. No person shall be eligible to serve as mayor
13 or councilmember unless he or she:

- 14 (1) Has been a resident of the city for a period of one year immediately prior to the date
15 of the election for mayor or councilmember;
16 (2) Continues to reside within the city during his or her term of office;
17 (3) Is registered and qualified to vote in municipal elections of the City of Ellenton; and
18 (4) Meets the qualifications for holding civil office as provided in Code Section 45-2-1
19 of the O.C.G.A. or any other general law applicable to that office."

20 **SECTION 2.**

21 Said Act is further amended by revising Section 2.13 as follows:

22 "Section 2.13. Compensation and Expenses. The mayor and councilmembers shall receive
23 as compensation for their services an amount prescribed by ordinance lawfully adopted by
24 the city council. The mayor and councilmembers shall also be entitled to receive

25 reimbursement for their actual and necessary expenses incurred in the performance of their
 26 official duties."

27 **SECTION 3.**

28 Said Act is further amended by revising Sections 5.10 through 5.12 as follows:

29 "Section 5.10. Regular Elections.

30 (a) For purposes of electing the mayor and five councilmembers as provided in this charter,
 31 each shall be elected at large. The mayor and councilmember positions shall be designated
 32 by post number. The mayor shall be designated Post 1 and the councilmembers elected in
 33 even-numbered years as of the effective date of this Act shall be designated Posts 2 and 3.
 34 The councilmembers elected in odd-numbered years as of the effective date of this Act shall
 35 be designated as Posts 4, 5, and 6. The mayor shall be considered a councilmember for all
 36 purposes, except as may be specifically limited in this charter. A reference in a city
 37 ordinance to the mayor and council shall mean the city council.

38 (b) The members of the city council serving in office on the effective date of this Act and
 39 any person selected to fill a vacancy in any such office shall continue to serve until the
 40 expiration of the terms for which they were elected and until their successors are elected and
 41 qualified.

42 (c) The members of the reconstituted city council shall be elected as provided in this
 43 subsection. The members from Posts 1, 2, and 3 shall be elected at the general election on
 44 the Tuesday following the first Monday in November, 2014, shall take office the first day of
 45 January immediately following that election, and shall serve for initial terms of office of
 46 three years. The first members from Posts 4, 5, and 6 shall be elected at the general election
 47 on the Tuesday following the first Monday in November, 2013, shall take office on the first
 48 day of January immediately following that election, and shall serve for initial terms of office
 49 of two years. Those and all future successors to councilmembers whose terms of office are
 50 to expire shall be elected at the time of the election in November immediately preceding the
 51 expiration of such terms, shall take office the first day of January immediately following that
 52 election, and shall serve for terms of office of four years each.

53 (d) All members of the city council who are elected thereto shall be nominated and elected
 54 in accordance with Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia Election Code.'

55 Section 5.11. Election Procedures. The city council may, by ordinance not in conflict with
 56 or preempted by general law, provide rules and regulations governing qualifying fees, the
 57 nomination of candidates, and such other procedures as are necessary for the conduct of
 58 elections.

59 Section 5.12. Reserved."

60 **SECTION 4.**

61 Said Act is further amended by revising Section 7.13 as follows:

62 "Section 7.13. Penalties. The violation of any provision of this charter for which a penalty
63 is not specifically provided shall be a misdemeanor, punishable by imprisonment of not more
64 than 12 months or a fine of not more than \$1,000.00, or both."

65 **SECTION 5.**

66 Said Act is further amended by revising Section 7.16 as follows:

67 "Section 7.16. Enumeration of Powers. The enumeration of powers contained in this
68 charter shall be unrestrictive such that the city council may exercise all powers, authority,
69 and jurisdiction needed to fulfill the purposes of this charter as if the same were specifically
70 enumerated. The city council may pass all laws, ordinances, rules, and regulations,
71 consistent with its authority and the laws of this state, deemed necessary for the health,
72 safety, and welfare of the residents of the City of Ellenton. Where powers are conferred by
73 this charter but the manner of exercising such powers is not fully specified, the city council
74 may provide by ordinance, rule, or regulation procedures necessary for the implementation
75 of such powers.

76 Section 7.17. Repealer. All laws and parts of laws in conflict with this charter are
77 repealed."

78 **SECTION 6.**

79 The city council shall through its legal counsel cause this Act to be submitted for
80 preclearance under Section 5 of the federal Voting Rights Act of 1965, as amended, no later
81 than 45 days after the date on which this Act is approved by the Governor or otherwise
82 becomes law without such approval.

83 **SECTION 7.**

84 This Act shall become effective upon its approval by the Governor or upon its becoming law
85 without such approval.

86 **SECTION 8.**

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