

House Bill 557

By: Representative McCall of the 33<sup>rd</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend an Act to provide a new charter for the City of Danielsville, approved March 27,  
2 1998 (Ga. L. 1998, p. 3632), as amended, particularly by an Act approved April 9, 1999  
3 (Ga. L. 1999, p. 3714), so as to provide for staggered, four-year terms for the mayor and  
4 council; to provide that the city clerk may serve as the city treasurer; to provide that the  
5 municipal judge shall be a licensed attorney; to provide that the office of elected officials of  
6 the city shall be vacated under certain circumstances; to provide for related matters; to  
7 provide for submission under Section 5 of the federal Voting Rights Act of 1965, as  
8 amended; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 An Act to provide a new charter for the City of Danielsville, approved March 27, 1998  
12 (Ga. L. 1998, p. 3632), as amended, particularly by an Act approved April 9, 1999  
13 (Ga. L. 1999, p. 3714), is amended by revising Section 2.11 as follows:

14 "SECTION 2.11.

15 City council terms and qualifications for office.

- 16 (a) The members of the city council shall serve for terms of four years and until their  
17 respective successors are elected and qualified. No person shall be eligible to serve as  
18 mayor or councilmember unless that person shall have been a resident of the city for six  
19 months prior to the date of the election of mayor or members of the city council; each shall  
20 continue to reside therein during that person's period of service and be registered and  
21 qualified to vote in municipal elections of this city.
- 22 (b) All candidates shall be elected at large."

23 **SECTION 2.**

24 Said Act is further amended by revising Section 2.27 as follows:

25 "SECTION 2.27.

26 Election of mayor; forfeiture; compensation.

27 The mayor shall be elected and serve for a term of four years and until the mayor's  
 28 successor is elected and qualified. The mayor shall be a qualified elector of this city and  
 29 shall have been a resident of this city immediately preceding the election. The mayor shall  
 30 continue to reside in this city during the period of the mayor's service. The mayor shall  
 31 forfeit the office of mayor on the same grounds and under the same procedure as for  
 32 councilmembers. The compensation of the mayor shall be established in the same manner  
 33 as for councilmembers."

34 **SECTION 3.**

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

36 "SECTION 3.13.

37 City clerk.

38 The city council shall appoint a city clerk who shall not be a councilmember. The city  
 39 clerk shall be custodian of the official city seal, maintain city council records required by  
 40 this charter, and perform such other duties as may be required by the city council."

41 **SECTION 4.**

42 Said Act is further amended by revising Section 3.14 as follows:

43 "SECTION 3.14.

44 City treasurer.

45 The city council shall appoint a city treasurer, who may be the city clerk, to collect all  
 46 taxes, licenses, fees, and other moneys belonging to the city subject to the provisions of this  
 47 charter and the ordinances of the city and to enforce all laws of the State of Georgia  
 48 relating to the collection of delinquent taxes and the sale or foreclosure for nonpayment of  
 49 taxes by the city. The city treasurer shall also be responsible for the general duties of a  
 50 treasurer and fiscal officer."

51 **SECTION 5.**

52 Said Act is further amended by revising subsection (b) of Section 4.11 as follows:

53 "(b) No person shall be qualified or eligible to serve as a judge on the municipal court  
54 unless such person shall have attained the age of 25 years and shall have been an attorney  
55 licensed to practice law in the State of Georgia for at least three years at the time of  
56 appointment. The chief judge shall be nominated and appointed by the mayor and  
57 councilmembers and shall serve at the pleasure of the mayor and councilmembers. All  
58 other judges shall be nominated by the chief judge and appointed by the mayor and  
59 councilmembers."

60 **SECTION 6.**

61 Said Act is further amended by revising subsection (b) of Section 5.11 as follows:

62 "(b) Notwithstanding the provisions of Sections 2.11 and 2.27 of this charter, at the general  
63 municipal election in 2013, there shall be elected successors to those persons whose terms  
64 of office expire in January next following such election who shall be elected to two-year  
65 terms of office. At the general municipal election in 2015 and every four years thereafter,  
66 successors shall be elected to such persons whose terms of office expire in January next  
67 following such election who shall be elected to four-year terms of office. At the general  
68 municipal election in 2014, successors shall be elected to those persons whose terms expire  
69 in January next following such election who shall be elected to three-year terms of office.  
70 At the general municipal election in 2017 and every four years thereafter, successors shall  
71 be elected to succeed those persons whose terms of office expire in January next following  
72 such election who shall be elected to four-year terms of office."

73 **SECTION 7.**

74 Said Act is further amended by revising Section 5.16 by designating the existing text as  
75 subsection (a) and adding a new subsection (b) to read as follows:

76 "(b) In addition to the provisions of subsection (a) of this section, the office of any elected  
77 official of the city shall be forfeited and vacated upon such official being absent from four  
78 regularly scheduled meetings of the city council in any 12 month period, such period to be  
79 determined from the date of any meeting from which such elected official is absent to the  
80 date of the regularly scheduled meeting 12 months later. Such vacancy shall be filled in  
81 accordance with Section 2.12 of this charter."

82 **SECTION 8.**

83 The mayor and councilmembers of the City of Danielsville who are serving as such on the  
84 effective date of this Act and any person selected to fill a vacancy in any such office shall

85 continue to serve as such members until the regular expiration of their respective terms of  
86 office and upon the election and qualification of their respective successors.

87 **SECTION 9.**

88 The governing authority of the City of Danielsville shall through its legal counsel cause this  
89 Act to be submitted for preclearance under the federal Voting Rights Act of 1965, as  
90 amended, no later than 45 days after the date on which this Act is approved by the Governor  
91 or otherwise becomes law without such approval.

92 **SECTION 10.**

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