

House Bill 527 (AS PASSED HOUSE AND SENATE)

By: Representatives Jones of the 47th and Hill of the 22nd

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act to incorporate the City of Milton in Fulton County, Georgia, approved
2 March 29, 2006 (Ga. L. 2006, p. 3554), as amended, particularly by an Act approved
3 May 29, 2007 (Ga. L. 2007, p. 4283), so as to clarify the cap on the millage rate for ad
4 valorem property taxes; to revise the term limits on the mayor and city council; to provide
5 that the affirmative vote of five councilmembers shall be required to override a veto; to
6 provide for the selection and term of a mayor pro tempore; to provide for related matters; to
7 repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 SECTION 1.

10 An Act to incorporate the City of Milton in Fulton County, Georgia, approved March 29,
11 2006 (Ga. L. 2006, p. 3554), as amended, particularly by an Act approved May 29, 2007
12 (Ga. L. 2007, p. 4283), is amended by revising subparagraph (b)(40)(A) of Section 1.12 as
13 follows:

14 "(A) For all years, the millage rate imposed for ad valorem taxes on real property for
15 operating budget purposes shall not exceed 4.731 unless a higher limit is recommended
16 by resolution of the city council and approved by a majority of the qualified voters of
17 the city voting in a referendum; provided, however, that for the purposes of compliance
18 with Code Section 48-8-91 of the O.C.G.A., the millage rate may be adjusted upward
19 for the sole purpose of complying with the millage rate rollback provisions set forth
20 therein. For the purposes of this subparagraph, the term 'qualified voters' means those
21 voters of the city who are qualified to vote in city elections and cast a vote for or
22 against such measure in such referendum. The question to be presented to the voters
23 in the referendum on increasing the millage rate shall be 'Do you approve increasing
24 taxes on residential and nonresidential property for City of Milton property owners by
25 raising from [current millage rate] to [proposed millage rate] the operating budget
26 millage rate, which was capped in the original charter for the city?' If such millage rate

27 increase is approved by the qualified voters of the City of Milton voting in the
 28 referendum, the new rate shall become the maximum limit until changed again by
 29 resolution of the city council and approval by a majority of the qualified voters of the
 30 City of Milton voting in a referendum;".

31 **SECTION 2.**

32 Said Act is further amended by revising subsection (c) of Section 2.10 as follows:

33 "(c)(1) The mayor shall be limited to serving three full, consecutive four-year terms of
 34 office.

35 (2) Councilmembers shall be limited to serving three full, consecutive terms of office.

36 (3) Persons who serve terms of less than four years as a result of being elected to an
 37 initial term of office under subsection (d) of Section 2.11 of this charter or who fill an
 38 unexpired term shall not be considered to have served a full term of office for the
 39 purposes of this subsection."

40 **SECTION 3.**

41 Said Act is further amended by revising subsection (c) of Section 3.21 as follows:

42 "(c) An ordinance vetoed by the mayor shall automatically be on the agenda at the next
 43 regular meeting of the city council for reconsideration. If the minimum number of
 44 councilmembers necessary to vote to override the veto are not present, the action may be
 45 continued until the next meeting at which such minimum number of councilmembers are
 46 present. The city council may override a veto by the mayor and adopt any ordinance that
 47 has been vetoed by the mayor by the affirmative votes of at least five councilmembers, not
 48 including the mayor."

49 **SECTION 4.**

50 Said Act is further amended by revising Section 3.29 as follows:

51 "SECTION 3.29.

52 Selection of mayor pro tempore.

53 There shall be a mayor pro tempore elected from among the councilmembers by the city
 54 council at the first regular meeting of each calendar year. The mayor pro tempore serving
 55 on the effective date of this Act shall serve until the first regular meeting of the city council
 56 in 2014, at which time a successor shall be elected to serve for a term of one year. All
 57 subsequent successors shall be elected at the first regular meeting of the city council in
 58 each calendar year to serve until the first regular meeting of the city council in the

59 immediately following calendar year. The mayor pro tempore shall continue to vote and
60 otherwise participate as a councilmember. A vacancy in the position of mayor pro tempore
61 resulting from the mayor pro tempore ceasing to serve as a councilmember or from any
62 other cause shall be filled for the remainder of the unexpired term in the same manner as
63 the original election."

64 **SECTION 5.**

65 Said Act is further amended by revising subsection (b) of Section 6.11 as follows:

66 "(b) For all years, the millage rate imposed for ad valorem taxes on real property shall not
67 exceed 4.731 unless a higher millage rate is recommended by resolution of the city council
68 and subsequently approved by a majority of the qualified voters of the city voting in a
69 referendum. For the purposes of this subsection, the term 'qualified voters' means those
70 voters of the city who are qualified to vote in city elections and cast a vote for or against
71 such measure in such referendum. This millage rate limit shall apply to the millage rate
72 actually levied and shall not apply to the hypothetical millage rate computed under
73 subsection (a) of Code Section 48-8-91 of the O.C.G.A., relating to conditions on
74 imposition of the joint county and municipal sales tax."

75 **SECTION 6.**

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