

House Bill 29

By: Representatives Petrea of the 166th, Stephens of the 164th, Hitchens of the 161st, Gordon of the 163rd, Stephens of the 165th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act to incorporate the City of Skidaway Island, approved May 7, 2018
2 (Ga. L. 2018, p. 3784), so as to provide for the imposition of certain charges, taxes, and fees;
3 to provide for land use; to provide for insurance for officers and employees of the city; to
4 provide for the inspection of taxicabs and the mandate of safety and cleanliness standards for
5 such vehicles; to provide for the manner of election of members of the governing authority
6 and the procedures therefor; to provide for the dates of elections regarding the incorporation
7 of the city and the election of its mayor and council; to provide for the filling of vacancies;
8 to provide for the manner of selection of a mayor pro tem; to provide for the removal of
9 board members; to provide for the manner of increasing millage rates; to provide for certain
10 homestead exemption amounts and eligibilities and definitions relating to such exemption;
11 to provide for the provision of services and collection of certain funds during the transition
12 period; to provide for compliance with constitutional requirements; to provide an effective
13 date; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

15 **SECTION 1.**

16 An Act to incorporate the City of Skidaway Island, approved May 7, 2018 (Ga. L. 2018,
17 p. 3784), is amended by revising paragraphs (20), (23), (31), and (39) of Section 1.13 as
18 follows:

19 "(20) Municipal utilities. To acquire, lease, contract for, construct, operate, maintain,
20 sell, and dispose of public utilities, including, but not limited to, a system of
21 waterworks, sewers and drains, sewage disposal, storm-water management, gas works,
22 electricity generating plants, cable television and other telecommunications,
23 transportation facilities, public airports, and any other public utility; to fix the taxes,
24 charges, rates, fares, fees, assessments, regulations, and penalties; and to provide for the
25 withdrawal of service for refusal or failure to pay the same."

26 "(23) Planning and zoning. To provide comprehensive city planning for land use and
 27 development by zoning and to provide subdivision regulation and the like as the city
 28 council deems necessary and reasonable to ensure a safe, healthy, and aesthetically
 29 pleasing community."

30 "(31) Retirement and benefits. To provide and maintain a retirement plan, insurance,
 31 and other employee benefit plans and programs for officers and employees of the city."

32 (39) Taxicabs. To regulate and license vehicles operated for hire in the city; to limit
 33 the number of such vehicles; to require the operators thereof to be licensed; to require
 34 public liability insurance on such vehicles in the amounts to be prescribed by ordinance;
 35 to inspect such vehicles and mandate standards of safety and cleanliness, and to
 36 regulate the parking of such vehicles."

37 **SECTION 2.**

38 Said Act is further amended by revising Section 2.10 as follows:

39 "SECTION 2.10.

40 City council; creation; number; election.

41 The legislative authority of the government of this city, except as otherwise specifically
 42 provided in this charter, shall be vested in a city council to be composed of a mayor and
 43 six councilmembers. The councilmembers shall be elected in the manner provided by
 44 general law and this charter. The councilmembers shall be elected at large by the voters
 45 of the entire city in accordance with provisions of Article V of this charter. The mayor
 46 shall be elected as provided in Section 2.32 and Article V of this charter."

47 **SECTION 3.**

48 Said Act is further amended by revising subsections (b) and (c) of Section 2.11 as follows:

49 "(b) For the purpose of electing members of the council, the City of Skidaway Island shall
 50 consist of six council posts which shall be designated Council Posts 1, 2, 3, 4, 5, and 6.
 51 Except for the initial election under this charter, at the time of qualifying, each candidate
 52 for election to the council other than the mayor shall designate the council post that he or
 53 she seeks to represent. To be eligible to seek and to hold Council Post 1, in addition to the
 54 other qualifications specified in subsection (a) of this section, the person shall be a resident
 55 of the area within the city that is not contained in the subdivision known as 'The Landings
 56 on Skidaway Island.' Persons elected to Council Posts 2, 3, 4, 5, and 6 may reside
 57 anywhere within the city.

58 (c) The first election for mayor and councilmembers shall be a special election held on the
 59 third Tuesday in June, 2019. At such election, the mayor and councilmembers from
 60 Council Posts 1, 2, and 3 shall be elected for initial terms of office beginning immediately
 61 after their election and expiring on December 31, 2023. The councilmembers elected from
 62 Council Posts 4, 5, and 6 shall be elected for initial terms of office beginning immediately
 63 after their election and expiring on December 31, 2021. Thereafter, their successors shall
 64 be elected for terms of four years. All members shall serve until their successors are
 65 elected and qualified."

66 **SECTION 4.**

67 Said Act is further amended by revising subsection (b) of Section 2.12 as follows:

68 "(b) A vacancy in the office of mayor shall be filled for the remainder of the unexpired
 69 term, if any, by the mayor pro tem if a period of less than 12 months remains in the
 70 unexpired term. A vacancy in the office of a councilmember shall be filled for the
 71 remainder of the unexpired term, if any, by appointment by the city council or those
 72 members remaining if a period of less than 12 months remains in the unexpired term. If
 73 such a vacancy in the office of mayor or councilmember occurs 12 months or more prior
 74 to the expiration of the term of that office, such vacancy shall be filled for the remainder
 75 of the unexpired term by a special election, as provided for in Section 5.14 of this charter
 76 and in accordance with Titles 21 and 45 of the O.C.G.A., or other such laws as are or may
 77 hereafter be enacted."

78 **SECTION 5.**

79 Said Act is further amended by revising subsection (a) of Section 2.21 as follows:

80 "(a) A majority of councilmembers shall constitute a quorum and shall be authorized to
 81 transact business of and for the city council. Voting on the adoption of ordinances shall
 82 be by voice vote and the vote shall be recorded in the journal, but any member of the city
 83 council shall have the right to request a roll call vote and such vote shall be recorded in the
 84 journal. Except as otherwise provided in this charter, the affirmative vote of a majority of
 85 councilmembers present shall be required for the adoption of any ordinance, resolution, or
 86 motion; provided, however, that no ordinance shall be enacted except upon the affirmative
 87 vote of four members of the city council."

88 **SECTION 6.**

89 Said Act is further amended by revising Section 2.32 as follows:

90 "SECTION 2.32.

91 Selection of mayor and mayor pro tem.

92 In accordance with the alternating election cycle for terms of office in subsection (b) of
 93 Section 5.11 of this charter, except as otherwise provided in this charter, at each regular
 94 election when the mayor is to be elected, the voters of the city shall elect a mayor at large
 95 for a term of four years. At the first organizational meeting in 2019, and thereafter at the
 96 beginning of each even-numbered year, beginning in 2020, the city council shall elect from
 97 among the councilmembers a mayor pro tem who shall act as mayor during the absence or
 98 disability of the mayor, but who shall only have one vote on matters before the city
 99 council."

100 **SECTION 7.**

101 Said Act is further amended by revising subsection (g) of Section 3.12 as follows:

102 "(g) All board members serve at-will and may be removed at any time by a vote of four
 103 members of the city council unless otherwise provided by law."

104 **SECTION 8.**

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

106 "(d) In the initial election under this charter to be held on the third Tuesday in June, 2019,
 107 the mayor and six council posts shall be filled. The initial terms of office for those
 108 individuals elected to the positions of mayor and Council Posts 1, 2, and 3 shall take office
 109 immediately upon the certification of the results of such initial election and shall serve until
 110 December 31, 2023, and until their respective successors are elected and qualified. The
 111 individuals elected to Council Posts 4, 5, and 6 shall take office immediately upon the
 112 certification of the results of such initial election and shall serve until December 31, 2021,
 113 and until their respective successors are elected and qualified. Thereafter, all members of
 114 the city council shall be elected in November immediately preceding the end of their
 115 respective terms of office and shall take office on January 1 immediately following such
 116 election for terms of office of four years and until their respective successors are elected
 117 and qualified."

118 **SECTION 9.**

119 Said Act is further amended by revising Section 5.13 as follows:

120 "SECTION 5.13.

121 Election by plurality.

122 The candidate receiving the highest number of votes cast for the council post for which he
 123 or she is offering for election shall be elected, and the candidate receiving the highest number
 124 of votes cast for the office of mayor shall be elected."

125 **SECTION 10.**

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

127 "SECTION 5.14.

128 Special elections; vacancies.

129 In the event that the office of mayor or a councilmember shall become vacant as provided
 130 in Section 2.12 of this charter, the city council or those remaining shall order a special
 131 election to fill the balance of the unexpired term of such official; provided, however, that
 132 if such vacancy occurs within 12 months of the expiration of the term of a councilmember,
 133 the city council or those remaining shall appoint a successor for the remainder of the term
 134 and provided, further, that, if the vacancy in the office of mayor occurs within 12 months
 135 of the expiration of the term of office, the vacancy shall be filled in accordance with the
 136 provisions of subsection (b) of Section 2.12 of this charter. In all other respects, the special
 137 election shall be held and conducted in accordance with Chapter 2 of Title 21 of the
 138 O.C.G.A., the 'Georgia Election Code,' as now or hereafter amended."

139 **SECTION 11.**

140 Said Act is further amended by revising Section 6.11 as follows:

141 "SECTION 6.11.

142 Millage rate; due dates; payment methods.

143 The city council, by ordinance, shall establish a millage rate for the city property tax, a due
 144 date, and the time period within which these taxes shall be paid. The city council, by
 145 ordinance, may provide for the payment of these taxes by two installments or in one lump
 146 sum, as well as authorize the voluntary payment of taxes prior to the time when due. For
 147 all years, the millage rate imposed for ad valorem taxes on real property for operating
 148 budget purposes shall not exceed 4.13 mills unless a higher limit is recommended by a
 149 resolution of the city council and voted on in a nonbinding referendum of the qualified

150 voters of the city; provided, however, that for the purposes of compliance with Code
 151 Section 48-8-91 of the O.C.G.A., the millage rate may be adjusted upward for the sole
 152 purpose of complying with the millage rate rollback provisions set forth therein. For the
 153 purposes of this section, the term 'qualified voters' means those voters of the city who are
 154 qualified to vote in city elections and cast a vote for or against such measure in such
 155 referendum. The question to be presented to the voters in any referendum on increasing
 156 the millage rate shall be, 'Do you approve increasing taxes on residential and nonresidential
 157 property for City of Skidaway Island property owners by raising from [current millage rate]
 158 to [proposed millage rate] the operating budget millage rate, which was capped in the
 159 original charter for the city?' Following certification of the results of such a referendum,
 160 the city council shall, at its next regular or special called meeting, introduce and vote upon
 161 a resolution that increases the millage rate to the amount specified in the question presented
 162 to the voters in the referendum. The city council shall nevertheless be authorized to
 163 increase the millage rate if the millage rate increase is not approved by the qualified voters
 164 of the City of Skidaway Island voting in the referendum, but shall not be authorized to
 165 increase the millage rate above the amount specified."

166

SECTION 12.

167 Said Act is further amended by revising subsections (b) and (c) of Section 8.10 as follows:

168 "(b) Each resident of the City of Skidaway Island is granted an exemption on that person's
 169 homestead from City of Skidaway Island ad valorem taxes for municipal purposes in the
 170 amount of \$12,000.00 of the assessed value of that homestead. The value of that property
 171 in excess of such exempted amount shall remain subject to taxation.

172 (c) Any person who as of January 1, 2019, has applied for and is eligible for the \$2,000.00
 173 exemption from county ad valorem taxation provided in Code Section 48-5-44 of the
 174 O.C.G.A. shall be eligible for the exemption provided for by subsection (b) of this section
 175 without applying therefor. Thereafter, a person shall not receive the homestead exemption
 176 granted by subsection (b) of this section unless such person or person's agent files an
 177 application with the governing authority of the City of Skidaway Island, or the designee
 178 thereof, giving such information relative to receiving such exemption as will enable the
 179 governing authority of the City of Skidaway Island, or the designee thereof, to make a
 180 determination regarding the initial and continuing eligibility of such person for such
 181 exemption. The governing authority of the City of Skidaway Island, or the designee
 182 thereof, shall provide application forms for this purpose."

183 **SECTION 13.**

184 Said Act is further amended by revising paragraph (1) of subsection (a) of Section 8.11 as
185 follows:

186 "(1) 'Ad valorem taxes for municipal purposes' means all ad valorem taxes for municipal
187 purposes levied by, for, or on behalf of the City of Skidaway Island, except for any ad
188 valorem taxes to pay interest on and to retire municipal bonded indebtedness."

189 **SECTION 14.**

190 Said Act is further amended by revising subsection (b) of Section 8.12 as follows:

191 "(b) Each resident of the City of Skidaway Island is granted an exemption on that person's
192 homestead from City of Skidaway Island ad valorem taxes for municipal purposes in an
193 amount equal to the amount by which the current year assessed value of that homestead
194 exceeds the base year assessed value of that homestead. This exemption shall not apply
195 to taxes assessed on improvements to such homestead or additional land that is added to
196 such homestead after January 1 of the base year. If any real property is added to or
197 removed from such homestead, the base year assessed value shall be adjusted to reflect
198 such addition or removal, and the exemption shall be recalculated accordingly. The value
199 of that property in excess of such exempted amount shall remain subject to taxation."

200 **SECTION 15.**

201 Said Act is further amended by revising Section 9.10 as follows:

202 "SECTION 9.10.

203 Qualified electors.

204 (a) For the purposes of the referendum election provided for in Section 9.11 of this charter
205 and for the purposes of the special election to be held on the third Tuesday in June, 2019,
206 the qualified electors of the City of Skidaway Island shall be those qualified electors of
207 Chatham County residing within the corporate limits of the City of Skidaway Island as
208 described by Section 1.11 of this charter. At subsequent municipal elections, the qualified
209 electors of the City of Skidaway Island shall be determined pursuant to the authority of
210 Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia Election Code.'

211 (b) Only for the purpose of holding and conducting the referendum election provided for
212 by Section 9.11 of this charter and only for the purpose of holding and conducting the
213 special election of the City of Skidaway Island to be held on the third Tuesday in
214 June, 2019, the election superintendent of Chatham County is vested with the powers and

215 duties of the election superintendent of the City of Skidaway Island and the powers and
 216 duties of the governing authority of the City of Skidaway Island."

217 **SECTION 16.**

218 Said Act is further amended by revising Section 9.11 as follows:

219 "SECTION 9.11.

220 Referendum.

221 The election superintendent of Chatham County shall call a special election for the purpose
 222 of submitting this Act to the qualified voters of the proposed City of Skidaway Island, as
 223 provided in Section 9.10 of this charter, for approval or rejection. The superintendent shall
 224 issue the call for the election in accordance with the provisions of Chapter 2 of Title 21 of
 225 the O.C.G.A., the "Georgia Election Code." The superintendent shall set the date of such
 226 election for the third Tuesday in March, 2019. The superintendent shall cause the date and
 227 purpose of the election to be published once a week for two weeks immediately preceding
 228 the date thereof in the official organ of Chatham County. The ballot shall have written or
 229 printed thereon the words:

230 '() YES Shall the Act incorporating the City of Skidaway Island in Chatham County
 231 () NO and granting the homestead exemptions described therein be approved?'

232 All persons desiring to vote for approval of the Act shall vote 'Yes,' and those persons
 233 desiring to vote for rejection of the Act shall vote 'No.' If more than one-half of the votes
 234 cast on such question are for approval of the Act, it shall become of full force and effect
 235 as provided in Section 9.12 of this charter; otherwise, it shall thereafter be void and of no
 236 force and effect. The expense of the special election set forth in this section shall be borne
 237 by Chatham County. It shall be the duty of the superintendent to hold and conduct such
 238 election. It shall be his or her further duty to certify the result thereof to the Secretary of
 239 State."

240 **SECTION 17.**

241 Said Act is further amended by revising subsections (a) and (b) of Section 9.12 as follows:

242 "(a) Section 1.10, Section 1.11, and this section of this charter and those provisions of this
 243 charter necessary for the special election provided for in Section 9.11 of this charter shall
 244 become effective immediately upon its approval by the Governor or upon its becoming law
 245 without such approval.

246 (b) Those provisions of this Act necessary for the special election to be held on the third
 247 Tuesday in June, 2019, shall be effective upon the certification of the results of the

248 referendum election provided for by Section 9.11 of this charter, if this Act is approved at
 249 such referendum election."

250 **SECTION 18.**

251 Said Act is further amended by revising subsection (b) of Section 9.13 as follows:

252 "(b) During such transition period, Chatham County shall continue to provide within the
 253 territorial limits of the City of Skidaway Island all government services and functions
 254 which Chatham County provided in that area prior to the referendum election provided for
 255 in Section 9.11 of this charter and at the same actual cost, except to the extent otherwise
 256 provided in this section; provided, however, that upon at least 30 days' prior written notice
 257 to Chatham County by the City of Skidaway Island, responsibility for any such service or
 258 function shall be transferred to the City of Skidaway Island. The governing authority of
 259 the City of Skidaway Island shall determine the date of commencement of collection of
 260 taxes, fees, assessments, fines and forfeitures, and other moneys within the territorial limits
 261 of the City of Skidaway Island; provided, however, that upon at least 30 days' prior written
 262 notice to Chatham County by the City of Skidaway Island, the authority to collect any tax,
 263 fee, assessment, fine or forfeiture, or other moneys shall remain with Chatham County until
 264 such time as Chatham County receives subsequent notice from the City of Skidaway Island
 265 that such authority shall be transferred to the City of Skidaway Island."

266 **SECTION 19.**

267 In accordance with the requirements of Article VII, Section II, Paragraph II(a)(1) of the
 268 Constitution of the State of Georgia, this Act shall not become law unless it receives the
 269 requisite two-thirds' majority vote in both the Senate and the House of Representatives.

270 **SECTION 20.**

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

273 **SECTION 21.**

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