

House Bill 695

By: Representatives Wilson of the 80th, Oliver of the 82nd, Davis of the 87th, Henson of the 86th, Bennett of the 94th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act to incorporate the City of Brookhaven in DeKalb County, approved
2 April 16, 2012 (Ga. L. 2012, p. 5527), as amended, so as to increase the term limit of the
3 mayor; to repeal expired provisions related to election of mayor and councilmembers during
4 the first four years of the city's existence; to provide for the filling of vacancies in the offices
5 of mayor and councilmembers of more than 12 months; to provide for the filling of vacancies
6 in the offices of mayor and councilmembers of less than 12 months; 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 incorporate the City of Brookhaven in DeKalb County, approved April 16, 2012
11 (Ga. L. 2012, p. 5527), as amended, is amended by revising subsection (d) and repealing
12 subsection (f) of Section 2.02 as follows:

13 "(d) The number of consecutive terms an individual may hold in the position of mayor
14 shall be limited to three consecutive four-year terms and shall not include any partial term
15 of office served as mayor. This section shall apply to any incumbent in office at the time
16 the section becomes effective and all prior service of any incumbent shall be counted
17 toward this term limit."

18 **SECTION 2.**

19 Said act is further is amended by revising subsections (b) and (c) of Section 2.03 as follows:

20 "(b) The office of mayor shall become vacant upon the incumbent's death, resignation,
21 forfeiture of office, or removal from office in any manner authorized by this Charter or the
22 general laws of the State of Georgia. Unless otherwise provided herein, a vacancy in the
23 office of mayor shall be filled for the remainder of the unexpired term by the city council
24 or those members remaining who shall appoint a successor for the remainder of the term.
25 This provision shall also apply to a temporary vacancy created by the suspension from

26 office of the mayor. If more than 12 months remain in the unexpired term, a special
27 election shall be held on the Tuesday after the first Monday in November following the
28 creation of the vacancy. Any person appointed to the office of mayor shall not be entitled
29 to be shown on the ballot as the incumbent in such special election.

30 (c) The office of a councilmember shall become vacant upon the incumbent's death,
31 resignation, forfeiture of office, or removal from office in any manner authorized by this
32 Charter or the general laws of the State of Georgia. Unless otherwise provided herein, a
33 vacancy in the office of a councilmember shall be filled for the remainder of the unexpired
34 term by the mayor who shall appoint a successor for the remainder of the term subject to
35 the approval of the city council or those members remaining. This provision shall also
36 apply to a temporary vacancy created by the suspension from office of a councilmember.
37 If more than 12 months remain in the unexpired term, a special election shall be held on
38 the Tuesday after the first Monday in November following the creation of the vacancy.
39 Any person appointed to the office of councilmember shall not be entitled to be shown on
40 the ballot as the incumbent."

41 **SECTION 3.**

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