

House Bill 590 (AS PASSED HOUSE AND SENATE)

By: Representative Petrea of the 166th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act to provide for a new charter for the City of Tybee Island, approved
2 April 20, 1995 (Ga. L. 1995, p. 4462), as amended, so as to provide for the filling of
3 vacancies; to provide for the election and duties of a mayor pro tem; to provide for elections;
4 to provide for related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 An Act provide for a new charter for the City of Tybee Island, approved April 20, 1995
8 (Ga. L. 1995, p. 4462), as amended, is amended by revising Section 2.12 as follows:

9 "SECTION 2.12.

10 Vacancies; filling of vacancies.

11 (a) The office of mayor or councilmember shall become vacant upon the occurrence of any
12 event specified by the Constitution of the State of Georgia, Title 45 of the O.C.G.A., or
13 such other applicable laws as are or may hereafter be enacted.

14 (b) A vacancy in the office of mayor or councilmember shall be filled for the remainder
15 of the unexpired term, if any, as provided in Sections 5.18 and 5.19 of this charter."

16 **SECTION 2.**

17 Such Act is further amended by revising Section 2.33 as follows:

18 "SECTION 2.33.

19 Selection and powers and duties of the mayor pro tem.

20 At the first regular meeting of the city council following the regular election of the mayor
21 every four years, the city council shall select one of its members as mayor pro tem. During
22 the absence or physical or mental disability of the mayor for any cause, the mayor pro tem,
23 or in the mayor pro tem's absence or disability for any reason, any one of the
24 councilmembers chosen by a majority vote of the city council, shall be clothed with all the
25 rights and privileges of the mayor and shall perform the duties of the office of the mayor
26 so long as such absence or disability shall continue. Any such absence or disability shall
27 be declared by a majority vote of all councilmembers. The mayor pro tem or selected
28 councilmember shall sign all contracts and ordinances in which the mayor has a
29 disqualifying financial interest as provided in Section 2.14 of this charter."

30 **SECTION 3.**

31 Said Act is further amended by revising Section 5.11 as follows:

32 "SECTION 5.11.

33 Regular elections; time for holding.

34 In odd-numbered years, on the Tuesday next following the first Monday in November, and
35 biannually thereafter, a regular election shall be held in the City of Tybee Island at such
36 place or places as the city council may designate for the election of the appropriate number
37 of councilmembers, who shall have the qualifications specified in this charter to hold such
38 office. An incumbent mayor or incumbent councilmember who shall qualify as a candidate
39 and meet the qualifications to hold such office may be a candidate to succeed himself or
40 herself for such office or for office as a member of the city council. As provided in Section
41 5.12 of this charter, the mayor shall be elected to four-year terms of office and the mayoral
42 election shall accompany the election on the Tuesday next following the first Monday in
43 November in odd-numbered years by four-year terms."

44 **SECTION 4.**

45 Said Act is further amended by revising Section 5.17 as follows:

46 "SECTION 5.17.

47 Nondesignation of specific office by candidate; highest vote elects.

48 A candidate seeking one of two or more public offices each having the same title and to be
 49 filled at the same election by the vote of the same electors shall not designate the specific
 50 office he or she is seeking. The candidates for city council receiving the highest number
 51 of lawful votes cast shall be elected as the councilmembers of the City of Tybee Island."

52 **SECTION 5.**

53 Said Act is further amended by revising Section 5.18 as follows:

54 "SECTION 5.18.

55 Filling vacancy in office of mayor or councilmembers.

56 (a) Should, during the term of office to which elected, the mayor or any councilmember
 57 die, resign, remove or change residence beyond the city limits of the municipality, or
 58 otherwise fail to meet all of the qualifications prescribed in this charter for the particular
 59 office held at the time, the office of such person shall thereby become, and thereupon be
 60 declared, vacant; and, in case of vacancy in the office of mayor or of any councilmember
 61 from any cause whatsoever other than expiration of the term of office, the mayor and
 62 remaining members of the council, or the remaining members of the council, as the case
 63 may be, shall elect within 30 days after the vacancy occurs a qualified person to fill the
 64 vacant office; provided, however, that if the vacancy to be filled is the office of mayor, the
 65 office shall be assumed and filled by the mayor pro tem elected by the mayor and
 66 councilmembers pursuant to Section 2.33 of this charter. The council seat vacated by the
 67 former councilmember holding the office of mayor pro tem shall then be vacant and such
 68 vacant council seat shall be filled in accordance with this section.

69 (b) In the event of a vacancy in the office of a councilmember prior to the expiration of the
 70 regular term of office, such vacancy shall be filled for the remainder of the unexpired term,
 71 by appointment by the mayor and council if less than 12 months remain in the unexpired
 72 term, otherwise by an election provided for in this charter and in accordance with Titles 21
 73 and 45 of the O.C.G.A., or such other laws as are or may hereafter be enacted."

74 **SECTION 6.**

75 Said Act is further amended by revising Section 5.19 as follows:

76 "SECTION 5.19.

77 Special Election; vacancies.

78 In the event that the office of a councilmember shall become vacant as provided in Section
79 2.12 or pursuant to Section 5.18 of this charter, and which vacancy occurs with more than
80 12 months remaining in the term of the elected official, such office shall be filled by special
81 election to be held and conducted in accordance with Title 21 of the O.C.G.A., the 'Georgia
82 Election Code,' as now or hereafter amended."

83 **SECTION 7.**

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