House Bill 811 (AS PASSED HOUSE AND SENATE)

By: Representative Jones of the 46th

A BILL TO BE ENTITLED

AN ACT

To amend an Act to incorporate the City of Milton in Fulton County, Georgia, approved March 29, 2006 (Ga, L. 2006, p. 3554), so as to provide for certain qualifications for the office of mayor or councilmember; to provide for term limits; to change the compensation for the mayor and councilmembers; to provide for certain nominations; to eliminate the position of executive aide; to provide for the composition of certain boards, commissions, and authorities; to remove certain franchise provisions; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

An Act to incorporate the City of Milton in Fulton County, Georgia, approved March 29, 2006 (Ga, L. 2006, p. 3554), is amended by revising subsection (b) of Section 2.10 as follows:

"(b) The mayor and councilmembers shall serve for terms of four years and until their respective successors are elected and qualified, except as otherwise provided in subsection (d) of Section 2.11 of this charter. No person shall be eligible to serve as mayor or councilmember unless that person shall have been a resident of the territory for 12 months immediately preceding the election of mayor or councilmembers, shall have attained the age of 21 years prior to the date of qualifying, and, in the case of councilmembers, has been a resident of the district from which he or she seeks election for six months at the time of qualifying for election; each such person shall continue to reside within the city and, in the case of councilmembers, within the district from which he or she was elected during said period of service and shall be registered and qualified to vote in municipal elections of this city. The mayor may reside anywhere within the city. No person´s name shall be listed as a candidate on the ballot for election for either mayor or councilmember unless such person shall file a written notice with the clerk of said city that such person desires his or her name to be placed on said ballot as a candidate either for

mayor or councilmember. No person shall be eligible for the office of mayor or councilmember unless such person shall file above said notice within the time provided for in Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia Election Code.'"

SECTION 2.

Said Act is further amended by adding a new subsection to Section 2.10 as follows:

"(c)(1) The mayor shall be limited to serving two four-year terms of office. After serving two full terms of office, the mayor shall be ineligible for election or reelection to the office of mayor.

(2) Councilmembers shall be limited to serving two full terms of office. After serving two full terms of office, councilmembers shall be ineligible for election or reelection to the city council.

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

SECTION 3.

Said Act is further amended by revising Section 2.14 as follows:

"SECTION 2.14.

Compensation and expenses.

The annual salary of the mayor shall be $23,000.00 and the annual salary for each councilmember shall be $13,000.00. Such salary shall be paid from municipal funds in monthly installments. The city council may provide for the reimbursement of expenses actually and necessarily incurred by the mayor and members of the city council in carrying out their official duties."

SECTION 4.

Said Act is further amended by revising subsection (b) of Section 3.22 as follows:

"(b) The mayor shall:

(1) Preside at all meetings of the city council and participate therein as a voting member of the city council;

(2) Be the head of the city for the purpose of service of process and for ceremonial purposes and be the official spokesperson for the city and the chief advocate of policy;

(3) Have power to administer oaths and to take affidavits;

(4) Sign as a matter of course on behalf of the city all written and approved contracts, ordinances, resolutions, and other instruments executed by the city which by law are required to be in writing;

(5) See that all laws and ordinances of the city are faithfully executed;

(6) Vote on any motion, resolution, ordinance, or other question before the council other than a veto override;

(7) Obtain short-term loans in the name of the city when authorized by the city council to do so;

(8) Appoint city council committees and appoint councilmembers to oversee and report on the functions of the various departments of the city, subject to confirmation by the city council;

(9) Require the city manager to meet with him or her at a time and place designated for consultation and advice upon the affairs of the city;

(10) Nominate the city manager, city attorney, chief judge of municipal court, city clerk, and city treasurer, subject to ratification by the city council; provided, however, that, if the mayor´s nomination is rejected by the city council or the mayor fails to offer a nomination, nominations may be offered by members of the city council;

(11) Prepare or have prepared an agenda for each meeting of the city council which shall include all business submitted by the mayor, any councilmember, the city manager, and the city attorney; and

(12) Fulfill and perform such other duties as are imposed by this charter and duly adopted ordinances.″

SECTION 5.

Said Act is further amended by revising subsection (a) of Section 3.23 as follows:

″(a) The mayor shall nominate a city manager for an indefinite term and shall set the city manager´s initial compensation, subject to confirmation by the city council. The city manager shall be nominated solely on the basis of that person´s executive and administrative qualifications.″

SECTION 6.

Said Act is further amended by revising Sections 3.26 and 3.27 as follows:

″SECTION 3.26.

Reserved.

SECTION 3.27.

Reserved.″

SECTION 7.

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

"(b) All members of boards, commissions, and authorities of the city shall be appointed by a majority vote of the city council for such terms of office and in such manner as shall be provided by ordinance, except where other appointing authority, terms of office, or manner of appointment is prescribed by this charter or by law. Except as otherwise provided by this charter or by law, each board, commission, or authority shall consist of seven members with one member being appointed by each member of the city council and the mayor. Members appointed by the mayor may reside anywhere within the corporate limits of the city, but a member appointed by a member of the city council shall reside within the district of the councilmember who appointed such member."

SECTION 8.

Said Act is further amended by revising Section 6.14 as follows:

"SECTION 6.14.

Reserved."

SECTION 9.

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