Senate Bill 398

By: Senator Thompson of the 33rd

AS PASSED

A BILL TO BE ENTITLED

AN ACT

To amend an Act creating a new charter for the City of Powder Springs, approved March 13, 1970 (Ga. L. 1970, p. 2760), as amended, particularly by, but not exclusively by, an Act approved March 19, 1987 (Ga. L. 1987, p. 4043), so as to provide for the mayor´s or city councilmembers´ terms and qualifications for office; to provide for applicability of general law; to provide for election of the city council and mayor; to change the description of the wards; to provide for nonpartisan elections; to provide for election by majority; to provide for special elections; to provide for vacancies; to provide for other provisions; to provide for removal of officers; to provide for submission of this Act for preclearance under the Voting Rights Act of 1965, as amended; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

An Act creating a new charter for the City of Powder Springs, approved March 13, 1970 (Ga. L. 1970, p. 2760), as amended, particularly by, but not exclusively by, an Act approved March 19, 1987 (Ga. L. 1987, p. 4043), by revising Section 2.11 to read as follows:

″Section 2.11.

City council terms and qualifications for office.

Except as otherwise provided in this charter, the mayor and members of the city council shall serve for terms of four years and until their respective successors are elected and qualified. No person shall be eligible to serve as mayor or councilmember unless he or she shall have been a resident of the city for a period of 12 months immediately prior to the date of his or her qualifying for the office of mayor or member of the city council; and the mayor or councilmember shall continue to reside therein during his or her period of service and to be registered and qualified to vote in municipal elections of this city.″

SECTION 2.

Said Act is further amended by revising Sections 5.10 through 5.16 as follows:

″Section 5.10.

Applicability of general law.

Except as otherwise provided by this charter, all primaries and elections shall be held and conducted in conformity so far as applicable with the provisions of Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia Election Code,' as it now exists or may hereafter be amended. Whenever any time period established by said chapter is altered so as to change or supersede any time period provided in this charter, it shall be considered that said periods in this charter shall be correspondingly changed so as to avoid conflict between the charter and the general law.

Section 5.11.

Election of the city council and mayor.

(a) There shall be a municipal general election biennially on the Tuesday next following the first Monday of November in odd-numbered years.

(b) For the purpose of electing three councilmembers, the City of Powder Springs shall be divided into three wards, each such ward being represented by one councilmember. The councilmember representing each such ward shall be elected only by the electors residing in that ward, and not at large.

(c)(1) The three wards shall be and correspond to those three numbered districts described in and attached to and made a part of this Act and further identified as Plan Name: powdersprings01 Plan Type: Local User: Gina Administrator: Powder Springs.

(2) When used in such attachment, the terms 'Tract' and 'BG' (Block Group) shall mean and describe the same geographical boundaries as provided in the report of the Bureau of the Census for the United States decennial census of 2000 for the State of Georgia. The separate numeric designations in a Tract description which are underneath a 'BG' heading shall mean and describe individual Blocks within a Block Group as provided in the report of the Bureau of the Census for the United States decennial census of 2000 for the State of Georgia. Any part of the City of Powder Springs which is not included in any such ward described in that attachment shall be included within that ward contiguous to such part which contains the least population according to the United States decennial census of 2000 for the State of Georgia. Any part of the City of Powder Springs which is described in that attachment as being in a particular ward shall nevertheless not be included within such ward if such part is not contiguous to such ward. Such noncontiguous part shall instead be included within that ward contiguous to such part

which contains the least population according to the United States decennial census of 2000 for the State of Georgia.

(d) The mayor and the remaining two councilmembers shall be elected at large. The two at-large council positions shall hereafter be known as 'At-Large Council Post 1' and 'At-Large Council Post 2,' respectively. Candidates for election to either of said positions shall, upon qualifying for such election, designate by post number the specific position sought. The mayor and the said two at-large councilmembers shall be elected at the regular municipal election in 2007 and every four years thereafter; shall take office on the first Monday in January following their elections; and shall, except as otherwise provided in this section, serve for a term of four years and until their successors are elected and qualified. The mayor and the said two at-large councilmembers shall have been residents of the City of Powder Springs for a period of 12 months immediately prior to the date of qualifying and shall continue to reside therein during their period of service and shall be registered and qualified to vote in municipal elections of the city.

(d) Each councilmember from Ward 1, Ward 2, and Ward 3 shall be elected from and by the electors of only the ward he or she represents and must be a resident of such ward. Members from Wards 1, 2, and 3 shall be elected at the regular municipal election in 2009 and every four years thereafter; and shall, except as otherwise provided by this charter or local law, serve for a term of four years and until their successors are elected and qualified. The councilmembers from Ward 1, Ward 2, and Ward 3 shall have been residents of the city for a period of 12 months immediately prior to the date of qualifying and shall continue to reside therein during their period of service and shall be registered and qualified to vote in municipal elections of the city.

Section 5.12.

Nonpartisan elections.

Political parties shall not conduct primaries for city offices and all names of candidates for city offices shall be listed without party designations.

Section 5.13.

Election by majority.

The candidate receiving a majority of the votes cast for any city office shall be elected. In instances where no candidate receives a majority of the votes cast, a run-off primary or election between the candidates receiving the two highest numbers of votes shall be held. Said run-off primary or election shall be conducted in accordance with Code Section 21-2-501 of the O.C.G.A.

Section 5.14.

Special election; vacancies.

In the event that the office of mayor or councilmember shall become vacant for any cause whatsoever, the mayor and city council or those remaining shall order a special election to fill the balance of the unexpired term of such official; provided, however, if such vacancy occurs within six months of the expiration of the term of that office, the mayor and city council or those remaining shall appoint a successor for the remainder of the term. In all other respects, the special election shall be held and conducted in accordance with Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia Election Code.'

Section 5.15.

Other provisions.

Except as otherwise provided by this charter, the city council shall, by ordinance, prescribe such rules and regulations it deems appropriate to fulfill any options and duties under Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia Election Code.'

Section 5.16.

Removal of officers.

(a) Except as otherwise provided in this charter, the mayor, councilmembers, or other appointed officers provided for in this charter shall be removed from office for any one or more of the following causes:

(1) Incompetence, misfeasance, or malfeasance in office;

(2) Conviction of a crime involving moral turpitude;

(3) Failure at any time to possess any of the qualifications of office as provided by this charter or by law;

(4) Knowingly violating any express prohibition of this charter;

(5) Abandonment of office or neglect to perform the duties thereof;

(6) Failure for any other cause to perform the duties of office as required by this charter or by state law; or

(7) Failure to attend four consecutive regular council meetings.

(b) The removal of an officer pursuant to this section shall be accomplished by the vote of three officers from the membership of the city council and office of mayor after an investigative hearing. In the event an elected officer is sought to be removed by the action of the mayor and city council, such officer shall be entitled to a written notice specifying the ground or grounds for removal and to a public hearing which shall be held not less than ten days after the service of such written notice. Any elected officer sought to be removed from office as provided in this section shall have the right to appeal from the decision of

the mayor and city council to the Superior Court of Cobb County. Such an appeal shall be governed by the same rules as govern appeals to the superior court from the probate court.

(c) Recall of public officers is governed by Chapter 4 of Title 21 of the O.C.G.A.″

SECTION 3.

The governing authority of the City of Powder Springs shall through its legal counsel cause this Act to be submitted for preclearance under the federal Voting Rights Act of 1965, as amended; and such submission shall be made to the United States Department of Justice or filed with the appropriate court no later than 45 days after the date on which this Act is approved by the Governor or otherwise becomes law without such approval.

SECTION 4.

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

Plan Name: powdersprings01 Plan Type: Local User: Gina Administrator: Powder Springs

Redistricting Plan Components Report
District 001
Cobb County
Tract: 315.01
BG: 2
2012 2015 2017 2022 2023 2024 2032 2033 2034
BG: 3
3000 3001 3002 3004 3006 3013 3015 3018 3022 3028 3029
BG: 5
5000
BG: 7
7003 7004 7009
Tract: 315.05
BG: 1
1001 1010 1011 1012 1013 1014 1015 1023 1024
BG: 2
2001 2002 2004 2005 2006 2007 2008 2009 2010 2011 2012 2013
2014 2015 2016 2017 2020 2021 2022 2023 2024 2025 2026 2027
2028 2029 2030 2031 2032 2036 2037 2038 2039 2040 2041 2043
2044 2999
BG: 3
3000 3001 3002 3005 3008 3009 3010 3011 3012 3013 3014 3015
3019

District 002
Cobb County
Tract: 314.05
BG: 4
4008
Tract: 315.03
BG: 2
2018 2019
Tract: 315.04
BG: 1
1007
BG: 2
2006 2007 2008 2010 2015 2016 2017 2019 2020 2021 2022 2024
2026 2027 2028 2030 2031 2034 2035 2036

BG: 3
3000 3001 3002 3003 3004 3005 3006 3012 3013 3014 3015 3029

District 003
Cobb County
Tract: 315.01
BG: 1
1010 1011 1012 1017
Tract: 315.04
BG: 1
1008 1009 1010 1011 1013 1014 1999
BG: 3
3007 3008 3009 3010 3011 3016 3017 3018 3019 3020 3021 3022
3023 3024 3027 3031 3032
BG: 4
4003 4004 4005 4006 4007 4008 4009 4010 4011 4014 4015 4016
4018 4020
Tract: 315.05
BG: 1
1000 1007 1017 1018 1020 1021 1022
BG: 2
2000 2018 2019 2034 2035 2045 2046 2047 2048 2049 2050 2051