House Bill 790 (AS PASSED HOUSE AND SENATE)

By: Representative Chambers of the 81st

A BILL TO BE ENTITLED

AN ACT

To amend an Act creating a new charter for the City of Doraville, approved October 13, 1971 (Ga. L. 1971, Ex. Sess., p. 2154), as amended, particularly by an Act approved March 10, 1983 (Ga. L. 1983, p. 3581), so as to provide municipal judges with certain authorities regarding the sentencing of local offenders; to provide for the selection of the mayor-pro tem; to provide for municipal elections; to provide for appeals procedure for municipal court decisions; to provide that the city attorney may not serve as the municipal court judge; to provide for qualifying fees for municipal office; to provide for municipal elections; to provide for related matters; to provide for an effective date; 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 Doraville, approved October 13, 1971 (Ga. L. 1971, Ex. Sess., p. 2154), as amended, particularly by an Act approved March 10, 1983 (Ga. L. 1983, p. 3581), is amended by revising Section 2.04 as follows:

″Section 2.04.

Mayor Pro-tem.

The council at the first regular meeting in January of each year shall elect from its membership a Mayor Pro-tem for a term of one year. Upon the Council's failure to elect a Mayor Pro-tem at its first regular meeting in January of each year, the incumbent councilman not up for election at the previous election who received the highest number of votes, when last elected, shall be declared the Mayor Pro-tem. The Mayor Pro-tem shall perform the duties of the Mayor during his absence from the City or his disability.″

SECTION 2.

Said Act is further amended by revising Section 3.02 as follows:

″Section 3.02.

Judge of Municipal Court.

The Council shall elect a judge and make him presiding officer of said court. The judge so elected shall be a duly licensed attorney and a member of the State Bar of Georgia, shall serve at the pleasure of the Council, and his compensation shall be fixed by the Council. The Council shall appoint such other judges, meeting the same required qualifications as set out above, to serve in said municipal court as it shall deem necessary. Before entering on duties of his office, any judge of the municipal court shall take an oath before an officer duly authorized to administer oaths in this State, that he will truly, honestly and faithfully discharge the duties of his office to the best of his ability without fear, favor, or partiality. This oath shall be entered upon the minutes of the meeting of the Council.″

SECTION 3.

Said Act is further amended by revising Section 3.03 as follows:

″Section 3.03.

Powers; Maximum Penalty; Contempt.

The judge of the municipal court shall have jurisdiction to try all offenses against the laws and ordinances of the City of Doraville and to punish violators of the same. Said court shall have the power to enforce its judgments by the imposition of such penalties as may be provided by law; to punish witnesses for nonattendance; and also to punish for contempt. The judge of municipal court shall have power and authority to impose fines for the violations of any law or ordinance of the City of Doraville passed in accordance with its charter consistent with the limitations provided for municipal corporations in O.C.G.A. Code Sections 36-32-5 and 36-35-6, or to sentence offenders to labor on the streets or other public works of the City of Doraville for not more than thirty (30) days. Said judge shall have the power and authority to impose any one or more of these punishments, when in the opinion of the court the facts justify it. Said court shall have the power to preserve order, compel the attendance of witnesses, compel the production of books and papers to be used as evidence, and to issue subpoenas for these purposes, and to issue such other processes as may be necessary to the proper administration of said Court, and to punish for contempt in a manner consistent with general law.″

SECTION 4.

Said Act is further amended by revising Section 3.05 as follows:

″Section 3.05.

Right of Appeal.

Be it further enacted, that the right of appeal and any bond as may be required to secure the costs on appeal to the Superior Court of DeKalb County from the municipal court shall lie in the same manner and under the same procedure as generally prescribed for appeals and appeal bonds from the Court of Ordinary. Provided, however, any person convicted of an offense shall have thirty (30) days to file his appeal. An appeal to the Superior Court shall be a de novo proceeding.″

SECTION 5.

Said Act is further amended by revising Section 5.08 as follows:

″(a) The mayor and councilmembers in office as of the effective date of this Act shall serve until the end of their current terms. The successors for the mayor and councilmembers currently serving shall be elected in the election held on the Tuesday following the first Monday of November in the year the terms for such mayor and councilmembers expire. Notwithstanding the provisions of this subsection, there shall be a municipal general election biennially in odd-numbered years on the Tuesday next following the first Monday in November.

(b) There shall be elected the mayor and two members of the councilmembers at one election and at every other election thereafter. The remaining councilmember seats shall be filled at the election alternating with the first election so that a continuing body is created.

(c) There shall be three city election districts in the City of Doraville, and two councilmen shall represent each district, and shall reside in the district which they represent. The city election districts shall be as follows:

(1) District One shall consist of all that part of the city lying north and west of the Southern Railroad Main Line.

(2) District Two shall consist of all the part of the city lying south and east of the Buford Highway, and south of Interstate Highway I-285.

(3) District Three shall consist of all that part of the city lying south and east of the Southern Railroad Main Line between the Southern Railroad Main Line and the Buford Highway, and all of that part of the city lying east of the Buford Highway and North of Interstate Highway I-285.

(d) Candidates for the district posts must live in the district which they seek to represent but all elections shall be at large in the City.

(e) In instances where no candidate for mayor or for any council seat receives a majority of the votes cast at the election held on the first Tuesday following the first Monday in November, a runoff election shall be held between the two candidates receiving the highest number of votes in such election. Said runoff election shall be held in accordance with state law. The candidate for mayor or for any council seat receiving a majority of the votes cast in such runoff election shall be declared the winner.″

SECTION 6.

Said Act is further amended by revising Section 5.09 as follows:

″Section 5.09.

Terms of Office.

The terms of office of the Mayor and councilmen shall begin on the first day of January next succeeding the election, shall continue for four years and until their successors are elected and qualified.″

SECTION 7.

This Act shall become effective on January 1, 2011.

SECTION 8.

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