House Bill 1092 (AS PASSED HOUSE AND SENATE)

By: Representative Parrish of the 156th

A BILL TO BE ENTITLED

AN ACT

To amend an Act to provide a new charter for the City of Stillmore, approved April 10, 1998 (Ga. L. 1998, p. 4316), so as to provide for staggered terms for members of the city council; to provide for the manner of election; to provide that the mayor and council shall appoint the city attorney and city clerk; to revise the duties of the mayor and council; to revise the amount of fines that may be imposed by the municipal court; to provide for the applicability of Chapter 2 of Title 21 of the O.C.G.A. to municipal elections; 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 provide a new charter for the City of Stillmore, approved April 10, 1998 (Ga. L. 1998, p. 4316), is amended by revising Section 2.11 as follows:

"SECTION 2.11.

City councilmembers; terms and qualifications for office.

Except as otherwise provided in Section 5.11 of this charter, the 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 that person shall have been a resident of the city for 12 months prior to the date of the election of mayor or members of the city council; each shall continue to reside therein during that person's 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 Section 2.28 as follows:

″SECTION 2.28.

Powers and duties of mayor.

As the chief executive of this city, the mayor shall:

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

(2) Reserved;

(3) Exercise supervision over all executive and administrative work of the city and provide for the coordination of administrative activities;

(4) Prepare and submit to the councilmembers a recommended operating budget and capital budget;

(5) Submit to the councilmembers at least once a year a statement covering the financial conditions of the city and from time to time such other information as the councilmembers may request;

(6) Recommend to the councilmembers such measures relative to the affairs of the city, improvement of the government, and promotion of the welfare of the inhabitants as the mayor may deem expedient;

(7) Call special meetings of the councilmembers as provided for in subsection (b) of Section 2.18 of this charter;

(8) Approve or disapprove ordinances as provided in Section 2.20 of this charter;

(9) Provide for an annual audit of all accounts of the city;

(10) Require any department or agency of the city to submit written reports whenever the mayor deems it expedient;

(11) Perform such other duties as may be required by law, this charter, or ordinance;

(12) Participate in the discussion of all matters brought before the councilmembers; and

(13) Sign as a matter of course all written contracts, ordinances, and other instruments executed by the city which by law are required to be in writing.″

SECTION 3.

Said Act is further amended by revising Section 3.12 as follows:

″SECTION 3.12.

City attorney.

The mayor and council shall appoint a city attorney, together with such assistant city attorneys as may be authorized, and shall provide for the payment of such attorney or attorneys for services rendered to the city. The city attorney shall be responsible for providing for the representation and defense of the city in all litigation in which the city is

a party; may be the prosecuting officer in the municipal court; shall attend the meetings of the city council as directed; shall advise the mayor and other officers and employees of the city concerning legal aspects of the city's affairs; and shall perform such other duties as may be required by virtue of such person's position as city attorney."

SECTION 4.

Said Act is further amended by revising Section 3.13 as follows:

"SECTION 3.13.

City clerk.

The mayor and council shall appoint a city clerk who shall not be a councilmember. The city clerk shall be custodian of the official city seal and city records; maintain city council records required by this charter; and perform such other duties as may be required by the city council."

SECTION 5.

Said Act is further amended by revising subsection (c) of Section 4.13 as follows:

"(c) The municipal court may fix punishment for offenses within its jurisdiction not exceeding a fine of $5,000.00 or imprisonment for not more than six months or both such fine and imprisonment or may fix punishment by fine, imprisonment, or alternative sentencing, as now or hereafter provided by law."

SECTION 6.

Said Act is further amended by revising Section 5.10 as follows:

"SECTION 5.10.

Applicability of general law.

All primaries and elections shall be held and conducted in accordance with Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia Election Code,' as now or hereafter amended."

SECTION 7.

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

"SECTION 5.11.

Regular elections; time for holding.

(a) The mayor and members of the city council in office on the effective date of this section shall serve out the terms to which they were elected and until their respective successors are elected and qualified.

(b) On the effective date of this section, Kym Bowman shall be deemed to be holding Council Post 1, Frances Creech shall be deemed to be holding Council Post 2, Eddie Dean Allen shall be deemed to be holding Council Post 3, and Brad Daughtry shall be deemed to be holding Council Post 4.

(c) On the Tuesday following the first Monday in November, 2015, an election shall be held for Council Posts 1 and 2. The persons elected in such election shall take office on January 1 immediately following such election and shall serve for terms of office of two years and until their respective successors are elected and qualified. Thereafter, successors to such officeholders shall be elected in the November election immediately preceding the end of their terms of office and such successors shall take office on January 1 immediately following such November election for terms of office of four years and until their respective successors are elected and qualified.

(d) On the Tuesday following the first Monday in November, 2015, an election shall be held for mayor and Council Posts 3 and 4. The persons elected in such election shall take office on January 1 immediately following such election and shall serve for terms of office of four years and until their respective successors are elected and qualified. Thereafter, successors to such officeholders shall be elected in the November election immediately preceding the end of their terms of office and such successors shall take office on January 1 immediately following such November election for terms of office of four years and until their respective successors are elected and qualified.″

SECTION 8.

Said Act is further amended by revising Section 5.14 as follows:

″SECTION 5.14.

Special elections; vacancies.

In the event that the office of mayor or councilmember shall become vacant as provided in Section 2.12 of this charter, the city council or those remaining shall order a special election to fill the balance of the unexpired term of such official; provided, however, that if such vacancy occurs within 12 months of the expiration of the term of that office, the city council or those members 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,' as now or hereafter amended."

SECTION 9.

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