

House Bill 1241

By: Representatives Crawford of the 89th and Oliver of the 84th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act providing a new charter for the City of Decatur, approved April 13, 2001
2 (Ga. L. 2001, p. 4351), as amended, so as to revise provisions regarding the city commission
3 and the public school system; to provide for related matters; to repeal conflicting laws; and
4 for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 An Act providing a new charter for the City of Decatur, approved April 13, 2001
8 (Ga. L. 2001, p. 4351), as amended, is amended by revising Articles III and VII as follows:

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"ARTICLE III
CITY COMMISSION

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SECTION 3.10.

Created; number of city commissioners; election.

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The legislative authority of the government of this city, except as otherwise specifically provided in this Charter, shall be vested in a city commission to be composed of four city commissioners and a mayor. City commissioners and the mayor shall be elected by receiving a plurality of the votes cast in the election district in which the city commissioner qualified. City commissioners and the mayor shall exercise their powers in such manner as may be prescribed by this Charter and the Constitution and applicable laws of the State of Georgia, or if not prescribed, in such manner as may be prescribed by the duly established ordinances of the city.

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SECTION 3.11.

Qualifications.

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(a) No person shall be eligible for the office of city commissioner or mayor unless the person:

- (1) Has resided in the city not less than one year immediately preceding said person's election;
- (2) Is a qualified voter in municipal elections for officers of the city; and
- (3) Has not been convicted and sentenced for any violation of the criminal laws of Georgia involving moral turpitude, unless such person has received a full pardon or has all rights of citizenship restored.

31 (b) All city commissioners and the mayor shall continue to reside within the city and
32 within their election district, if any, during their terms of office.

33 (c) Except where authorized by law:

34 (1) No city elected official shall hold any other elected public office during the term for
35 which the city official was elected.

36 (2) No city elected official shall hold any other city office or employment during the
37 term for which the official was elected.

38 (3) No former city elected official shall hold any compensated appointive office or
39 employment with the city until one year after the expiration of the term for which the
40 official was elected, unless granted a waiver by the ethics committee as defined in
41 Section 3.25 of this Act.

42 (4) Nothing in this section shall be construed to prohibit the city commission from
43 selecting any current or former city elected official to represent the city on the governing
44 board of any regional or other intergovernmental agency.

45 **SECTION 3.12.**

46 Compensation; expenses.

47 The mayor and city commissioners shall receive compensation and expenses for their
48 services as provided by ordinance and in accordance with the provisions of Chapter 35 of
49 Title 36 of the O.C.G.A.

50 **SECTION 3.13.**

51 Election districts; election dates.

52 (a)(1) For the purposes of electing city commissioners, the city is divided into two
53 election districts consisting of the described territory of the city contained in the

54 description attached to this Charter and made a part hereof and further identified as 'Plan:
55 DecaturCity2022.' The configuration of the districts shall be reevaluated within two years
56 following each United States decennial census to ensure the districts comply with the
57 constitutional principle of 'one person, one vote.'

58 (2) There shall be a Post A and a Post B for each such district.

59 (3) For the purposes of electing the mayor, the entirety of the two districts described in
60 paragraph (1) of this subsection shall constitute the election district for the mayor.

61 (b) For the purposes of this section:

62 (1) The term 'tract' means and describes the same geographical boundaries as those
63 provided in the report of the Bureau of the Census for the United States decennial census
64 of 2020 for the State of Georgia.

65 (2) Whenever the description of any district refers to a named city, it shall mean the
66 geographical boundaries of that city, as shown on the census maps for the United States
67 decennial census of 2020 for the State of Georgia.

68 (3) Any part of the city which is not included in any election district described in this
69 section shall be included within that district contiguous to such part which contains the
70 least population according to the United States decennial census of 2020 for the State of
71 Georgia.

72 (c) For the purposes of establishing and maintaining staggered terms of office for city
73 elected officials:

74 (1) Those persons in office as city commissioners on April 1, 2000, shall serve out the
75 remainder of the terms to which they were elected. Two city commissioners shall be
76 elected from each of the two election districts provided for in subsection (a) of this
77 section, and the mayor shall be elected from the city at large as set forth in paragraph (3)
78 of subsection (a) of this section.

79 (2) City commissioners elected under this Charter shall be elected to Post A of each
80 election district on the first Tuesday next following the first Monday in November, 2001.

81 They shall take office on the first Monday in January, 2002, and shall serve terms of four
82 years and until their successors are elected. Successors to such city commissioners shall
83 be elected at the general municipal election held on the first Tuesday next following the
84 first Monday in November, 2005, and quadrennially thereafter for terms of office of four
85 years.

86 (3) City commissioners shall be elected to Post B of each election district on the first
87 Tuesday next following the first Monday in November, 2003. Such city commissioners
88 shall take office on the first Monday in January, 2004, and shall serve terms of four years
89 and until their successors are elected. Successors to such city commissioners shall be
90 elected at the general municipal election held on the first Tuesday next following the first
91 Monday in November, 2007, and quadrennially thereafter for terms of office of four
92 years.

93 (4) The mayor shall be elected on the first Tuesday next following the first Monday in
94 November, 2027. Such mayor shall take office on the first Monday in January, 2028, and
95 shall serve a term of four years and until their successor is elected and qualified. The
96 successor to the mayor shall be elected at the general municipal election held on the first
97 Tuesday next following the first Monday in November, 2031, and quadrennially
98 thereafter for terms of office of four years.

99 (d) A person offering for election as a district city commissioner shall designate the
100 election district and post for which the person is offering. A city commissioner elected
101 from an election district must reside within the election district from which elected and
102 shall be elected by the electors residing within the election district. A person offering for
103 election as the mayor shall designate that the person is offering for such position on the city
104 commission. The mayor may reside anywhere within the city and shall be elected by the
105 electors of the city as set forth in paragraph (3) of subsection (a) of this section.

106 (e) The regular city election of the city shall be held on the first Tuesday next following
107 the first Monday in November of each odd-numbered year.

108 (f) All city commissioners and the mayor shall serve until their respective successors are
109 elected and qualified.

110 (g) Political parties shall not conduct primaries for city commission offices, including the
111 office of mayor, and all names of candidates for such offices shall be listed without party
112 designation.

113 (h) If two or more candidates tie in receiving the highest number of votes for a city office,
114 a run-off election between the candidates with the highest number of votes shall be held
115 as provided for by general law.

116 **SECTION 3.14.**

117 First meeting each year; city commissioners' oath.

118 The city manager shall call to order the first meeting of the city commission in each
119 calendar year. The elected officials, before entering upon the duties of their office, shall
120 take and subscribe the following oath or affirmation:

121 'I do solemnly (swear) (affirm) that I will well and truly demean myself as an elected
122 official of the City of Decatur for the ensuing term, and that I will faithfully enforce the
123 Constitution and laws of the United States of America and of the State of Georgia, and
124 the Charter and ordinances of the City of Decatur, to the best of my ability and without
125 fear or favor, and in all my acts as an elected official of the City of Decatur, I will act as
126 I believe for the best interest of this city (so help me God).'

127 Any elected official who is absent from such meeting shall take and subscribe the oath or
128 affirmation as soon as possible.

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SECTION 3.15.

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Election, term of mayor.

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Reserved.

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SECTION 3.16.

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Powers and duties of mayor.

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The mayor shall:

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(1) Be recognized as the head of the city government for all ceremonial purposes, and

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by the governor for purposes of military law;

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(2) Be a member of the city commission and have the same power to vote upon all

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questions passed upon as other city commission members;

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(3) Serve as the chair of the meetings of the city commission. The chair of the meetings

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shall have the power to convene the city commission in extra session whenever, in the

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chair's judgment, it becomes necessary, and shall do so whenever requested by three city

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commission members in writing;

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(4) Have no veto power;

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(5) Represent the city in intergovernmental relationships and as directed or consented to

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by the city commission;

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(6) Present an annual state of the city message;

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(7) Review with the city manager the proposed agenda of any city commission meeting;

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(8) Perform other duties as specified by the city commission.

150 **SECTION 3.17.**

151 Election, term, duties, absence of mayor pro tempore.

152 At the first regular meeting of the city commission in each calendar year, the city
153 commission shall elect one of the city commissioners to serve as mayor pro tempore for
154 one year from the time of the city commissioner's election as mayor pro tempore until the
155 city commissioner's successor shall have been elected and qualified. The mayor pro
156 tempore shall serve as the chair of the meetings of the city commission in the event of the
157 absence or disability of the mayor. In the event of the absence or disability of both the
158 mayor and the mayor pro tempore, the city commission shall elect a city commissioner to
159 serve as chair of the meeting. The city commission shall declare the absence or disability
160 of the mayor or the mayor pro tempore by majority vote.

161 **SECTION 3.18.**

162 Meetings.

163 (a) All meetings of the city commission shall be public to the extent required by law, and
164 notice to the public of special meetings shall be given as required by law.

165 (b) The city commission shall hold regular meetings at such times and places as shall be
166 prescribed by ordinance.

167 (c) Special meetings of the city commission shall be held upon call of the mayor or three
168 city commission members. Notice of a special meeting shall be served on all other
169 members of the city commission personally, by telephone personally, or by text message
170 personally, at least 48 hours in advance of the meeting. Such notice to members of the city
171 commission shall not be required if the mayor and all city commission members are present
172 when the special meeting is called. Notice of a special meeting may be waived by a
173 member of the city commission in writing before or after such a meeting, and attendance

174 at such a meeting shall also constitute a waiver of notice as to any business transacted in
175 such member's presence. Only the business stated in the call may be transacted at a special
176 meeting.

177 (d) The city commission shall adopt rules to govern its procedures and order of business,
178 consistent with the provisions of this Charter, and shall provide for the keeping of a journal
179 of its proceedings, which shall be a public record. The journal of proceedings, including
180 the approved meeting minutes, and the meeting notices, shall, in addition to the
181 requirements of general law, be published on the city's website for public access in a format
182 accessible to those with disabilities.

183 **SECTION 3.19.**

184 Quorum; roll call vote.

185 (a) Except as provided in subsection (b) of this section, three city commission members
186 shall constitute a quorum for the transaction of business, and a majority of votes cast shall
187 determine questions before the city commission. On any question, any city commission
188 member may demand a roll call vote, and on such demand the vote shall be so taken and
189 recorded in the minutes. On a vote to adopt an ordinance, the city commission shall take
190 a roll call vote, and the vote shall be recorded in the minutes.

191 (b) If vacancies in office result in less than a quorum of the city commission holding
192 office, the remaining city commission members in office shall constitute a quorum and
193 shall be authorized to transact business of the city commission. A vote of a majority of the
194 remaining city commission members shall be required for the adoption of any ordinance,
195 resolution or motion.

196 (c) Once a quorum is established, the quorum cannot be defeated by the subsequent
197 departure of a city commission member.

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SECTION 3.20.

Supervision of administration.

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(a) The city commission, at any time, may appoint one or more city commission members or other persons to investigate the conduct and business of any officer, employee, department or other agency of the city; may compel the presence of persons or the production of books, papers, electronic records, including but not limited to digital media, and other evidence; and may swear all persons summoned, as may be necessary or pertinent to the investigation.

(b) Except for the purpose of inquiries and investigations under this section, the city commission or its members shall deal with city officers and employees who are subject to the direction and supervision of the city manager solely through the city manager, and neither the city commission nor its members shall give orders to any such officer or employee, either publicly or privately.

(c) Neither the city commission nor any of its members shall in any manner control or demand the appointment or removal of any city administrative officer or employee whom the city manager or any subordinate of the city manager is empowered to appoint, but the city commission may express its views and fully and freely discuss with the city manager anything pertaining to appointment and removal of such officers and employees.

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SECTION 3.21.

Boards, commissions, and authorities generally.

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(a) The city commission may, by ordinance or resolution, create boards, commissions and authorities to fulfill any investigative, quasi-judicial, or quasi-legislative function that the city commission deems necessary and shall, by ordinance or resolution, establish the composition, period of existence, duties, and powers thereof.

222 (b) All members of boards, commissions, and authorities of the city shall be appointed by
223 the city commission in such manner and for such terms of office as shall be provided by
224 ordinance or resolution, except where other appointing authority, terms of office, or manner
225 of appointment is prescribed by this Charter or by general law.

226 (c) The city commission, by ordinance or resolution, may provide for the compensation
227 and reimbursement for actual and necessary expenses of the members of any board,
228 commission, or authority.

229 (d) Any vacancy on a board, commission, or authority of the city shall be filled for the
230 unexpired term in the manner prescribed for the original appointment, except as otherwise
231 provided by this Charter or by general law.

232 (e) If otherwise required by state law, no member of a board, commission, or authority
233 shall assume office until said person has executed and filed with the city clerk an oath
234 obligating said person to perform faithfully and impartially the duties of said person's
235 office, such oath to be prescribed by ordinance or resolution and administered by the mayor
236 or any official authorized by state law.

237 (f) Every member of a board, commission or authority shall serve at will and may be
238 removed from office by a vote of three members of the city commission.

239 (g) Except as otherwise provided in this Charter or by general law, each board,
240 commission, and authority of the city shall elect one of its members as chair and one of its
241 members as vice-chair, and may elect or appoint as its secretary one of its members, or it
242 may appoint as secretary an employee of the city. Each board, commission, or authority
243 of the city may establish such bylaws, rules and regulations, not inconsistent with this
244 Charter, the ordinances of the city or general law, as it deems appropriate and necessary
245 for the fulfillment of its duties or the conduct of its affairs. Such bylaws, rules and
246 regulations approved by each board, commission, or authority of the city shall be approved
247 by the city commission. Copies of such bylaws, rules and regulations shall be filed with
248 the city clerk.

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SECTION 3.22.

Planning commission.

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The city commission may appoint a commission to be known as a planning commission to recommend to the city commission the boundaries of various zoning districts to be laid out and to recommend the adoption of appropriate regulations and restrictions to apply to the lands, buildings, and structures in such zoning districts. The members of the planning commission, the number of members constituting such commission, the duties of such commission, the terms for which the members of such commission shall serve, and any compensation that such members may receive for their services shall be determined by the city commission. The acts of the planning commission shall be advisory only.

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SECTION 3.23.

Removal.

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(a) Any city commission member shall be removed from office for any 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 qualification of office as provided by this Charter or by law;
- (4) Knowingly violating any express prohibition of this Charter; or
- (5) Abandonment of office or failure or neglect to perform the duties thereof as required by this Charter or by state law.

(b) Removal of any city commission member under this section shall be accomplished by one of the following methods:

- 272 (1) By a vote of four members of the city commission after an investigative hearing. The
273 person under investigation shall be entitled to a written notice specifying the ground or
274 grounds for removal and to a public hearing that shall be held not less than ten days after
275 the service of the written notice. The person under investigation shall have such rights
276 as are provided by law; or
- 277 (2) By an order of the Superior Court of DeKalb County following a hearing on a
278 complaint seeking such removal brought by any resident of the city.

279 **SECTION 3.24.**

280 Vacancies.

- 281 (a) The office of mayor, mayor pro tempore, or city commissioner shall become vacant
282 upon the incumbent's death, resignation, forfeiture of office, or removal from office in any
283 manner authorized by this Charter or by the general laws of the State of Georgia.
- 284 (b) Upon the suspension from office of the mayor, mayor pro tempore, or city
285 commissioner in any manner authorized by the general laws of the State of Georgia, the
286 remaining city commission members shall appoint a successor for the duration of the
287 suspension. If the suspension becomes permanent, the office shall become vacant and shall
288 be filled as provided in subsection (c) of this section.
- 289 (c) If the office of mayor or city commissioner shall become vacant, the city commission
290 or the remaining city commissioners shall call a special election to fill the balance of the
291 unexpired term of such official; however, if such vacancy occurs within twelve months of
292 the expiration of the term of that office, the city commission or the remaining city
293 commissioners shall appoint a successor for the remainder of the term. If the office of
294 mayor pro tempore shall become vacant, the city commission shall appoint a city
295 commissioner to the office of mayor pro tempore to serve the remaining balance of the
296 then-current term.

297 **SECTION 3.25.**
298 Ethics Committee.

299 The use of public office for private gain is prohibited. The city commission shall
300 implement this prohibition and other ethical principles by ordinance, including appointment
301 of an ethics committee. The ethics committee shall have such membership, powers, and
302 duties as set forth in this Charter or by ordinance."

303 "ARTICLE VII
304 EDUCATION

305 **SECTION 7.10.**
306 Public schools generally.

307 (a) The public school system in operation in the city on the effective date of this Charter,
308 established and continued under an Act of the General Assembly approved September 12,
309 1889, 'to authorize the establishment of a system of public schools in the City of Decatur,'
310 as amended, is hereby continued under this Charter and referred to as the 'City Schools of
311 Decatur.' The Board of Education of the City of Decatur that exists on the effective date
312 of this Charter (referred to as the 'board of education' in this Charter) is continued in
313 existence.

314 (b) The board of education, so continued, shall continue to have the powers, duties, rights,
315 obligations and liabilities of the board of education that exists on the effective date of this
316 Charter and shall be subject to all constitutional and statutory provisions relating to boards
317 of education that are not in conflict with this Charter.

318 (c) The board of education shall be a body corporate and politic and shall be empowered
319 to engage in legal process and to enact such policies, bylaws, rules and regulations, not

320 inconsistent with the laws of this state or of the United States, for the government of the
321 members of the board of education, the superintendent of schools and teachers and students
322 of such schools, as the board of education may deem proper.

323 **SECTION 7.11.**

324 General powers and duties of board of education.

325 (a) The chair and the vice-chair of the board of education shall be elected from the
326 membership of the board of education at its first meeting in each calendar year, and such
327 members shall serve as chair and vice-chair for terms of one year. A member may succeed
328 themselves as chair or vice-chair.

329 (b) The board of education shall make such bylaws, policies, rules, regulations and orders
330 for its government as it deems wise. The board of education shall have the entire
331 supervision, direction and control of the City Schools of Decatur and may make such
332 changes therein as it deems proper; provided, that the board of education shall not have the
333 power or authority to contract any debt for or on account of the city. However, the board
334 of education may contract on its own behalf for short-term debt whose repayment is
335 pledged by specific tax receipts.

336 (c) The city may transfer to the board of education, and the board of education may accept
337 from the city, title to property for the use of the City Schools of Decatur.

338 (d) The board of education shall have the exclusive right, power and authority to:

339 (1) Prescribe the curriculum of the City Schools of Decatur;

340 (2) Appoint and employ a superintendent of the City Schools of Decatur and all other
341 employees at the recommendation of the superintendent of schools, and to fix their
342 compensation;

- 343 (3) Suspend or remove the superintendent of schools, or any other employee of the City
344 Schools of Decatur at the recommendation of the superintendent, for cause satisfactory
345 to it;
- 346 (4) Make such bylaws, policies, rules, regulations and orders for the government,
347 discipline and conduct of the City Schools of Decatur and of the superintendent of
348 schools, employees, and students as it may deem proper and not in conflict with the laws
349 of Georgia; and
- 350 (5) Have power and authority to do and perform all acts necessary to and in promotion
351 of the best educational interests of the city, not in conflict with this Charter or the laws
352 of this state.
- 353 (e) No member of the board of education may serve in the office of superintendent of
354 schools or in the position of employee in such schools.
- 355 (f) The treasurer of the board of education shall give bond in such sum as the board may
356 fix.
- 357 (g) The board of education shall cause to be kept regular minutes of all its proceedings,
358 which shall be open to inspection. The approved meeting minutes shall be published on
359 the board of education's website for public access in a format accessible to those with
360 disabilities.
- 361 (h)(1) The board of education shall upon request submit to the city commission, a report
362 for the academic year ending June 30, showing:
- 363 (A) The condition of the public schools;
- 364 (B) The attendance of the public schools with resident and nonresident students shown
365 separately;
- 366 (C) The receipts and expenditures for the academic year; and
- 367 (D) Such other information that the city commission may call for or that the board of
368 education may deem proper and such recommendations as the board of education may
369 desire to make.

370 (2) The report required by paragraph (1) of this subsection shall be published in the city
371 legal organ.

372 (h) The board of education shall provide schools for children, and such schools shall be
373 kept open and free for not less than nine academic months in each year.

374 (i) When there are vacant seats in the City Schools of Decatur not needed for children of
375 the city as mentioned in this article, the board of education may provide for the admission
376 of children whose parents or guardians are not residents of the city upon terms and
377 conditions as the board of education may prescribe.

378 **SECTION 7.12.**

379 Per diem and expenses of board of education.

380 The members of the board of education shall, when approved by the board of education,
381 receive a per diem of not less than \$15.00 and not more than \$50.00 for each day of
382 attendance at meetings of the board of education, not to exceed five days in any one month,
383 and while meeting and traveling within or outside the state as a member of a committee of
384 the board of education on official business first authorized by a majority of the board of
385 education, plus reimbursement for actual expenses necessarily incurred in connection with
386 such duties and travel. The accounts for such service and expenses shall be submitted for
387 approval to the superintendent of schools. No member of the board of education shall be
388 paid such per diem for any meeting unless he or she shall:

389 (1) Be actually present at such meeting not later than 15 minutes after the time for such
390 meeting to convene; and

391 (2) Not leave such meeting until it has been adjourned.

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SECTION 7.13.

Educational funds; school tax.

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(a) On or before March 1 of each year, or another date specified by the city commission, the board of education shall provide to the city commission the rate of the ad valorem tax levy, on taxable property in the city, necessary for the support, maintenance, and operation of the public schools of the city. Such rate shall not exceed 25 mills. The city commission shall assess, levy, and cause to be collected such ad valorem tax as provided by the board of education upon all property subject to taxation in the city.

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(b) The city commission may provide for the payment of the school tax described in this section in installments as in the case of the collection of the general ad valorem tax levied in the city, but such school tax shall be paid over to the board of education, as collected, at the close of each month during which received.

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(c) No part of the school fund derived from the school tax described in this section shall be used for purposes other than:

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- (1) Support and maintenance of the City Schools of Decatur;
- (2) Contracting for or erecting schools or school related buildings and additions to such buildings, or providing furniture and other necessary equipment for such buildings; or
- (3) Repairs and upkeep of the buildings and grounds of the City Schools of Decatur.

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SECTION 7.14.

Election districts and dates.

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(a) The board of education shall continue to consist of five members. Board of education members shall be elected by receiving a plurality of the votes cast in the election district in which the board of education member qualified.

415 (b) The board of education may also consist of one or more additional honorary, ex officio,
416 nonvoting members who are students of the City Schools of Decatur at all times during
417 their term of office (referred to as a 'student board member' in this Charter) and whose
418 election and authority shall be as provided by law. The provisions set forth in
419 subsections (c) through (k) of this section shall not apply to the candidacy or terms of
420 office for student board members unless otherwise established by the policies of the board
421 of education or the Constitution and/or laws of the State of Georgia.

422 (c)(1) No person shall be eligible for the office of member of the board of education
423 unless the person:

424 (A) Has resided in the city not less than one year immediately preceding said person's
425 election;

426 (B) Is a qualified voter in municipal election for officers of the city; and

427 (C) Has not been convicted and sentenced for any violation of the criminal laws of
428 Georgia involving moral turpitude, unless such person has received a full pardon or has
429 all rights of citizenship restored.

430 (2) All board of education members shall continue to reside within the city and within
431 their election district, if any, during their terms of office as board of education members.

432 (3) Persons employed by the City Schools of Decatur shall not be eligible to be members
433 of the board of education.

434 (d) For the purposes of electing members of the board of education:

435 (1) The City Schools of Decatur school district are divided into two election districts.
436 The districts shall consist of the described territory of the City Schools of Decatur school
437 district contained in the description attached to this Act and made a part hereof as further
438 identified as 'Plan: dec1'.

439 (2) Any part of the City Schools of Decatur school district that is not included in any
440 election district described in paragraph (1) of this subsection shall be included within the

441 election district contiguous to such part that contains the least population according to the
442 United State Decennial census of 2000 for the State of Georgia.

443 (3) Any part of the City Schools of Decatur school district that is described in
444 paragraph (1) of this subsection as being included in a particular election district shall
445 nevertheless not be included within such election district if such part is not contiguous
446 to such election district. Such noncontiguous part shall instead be included within that
447 election district contiguous to such part that contains the least population according to the
448 United States decennial census of 2000 for the State of Georgia.

449 (4) For the purposes of this section:

450 (A) The term 'precinct' is synonymous with the term 'voting precinct' and means a
451 geographical area, established in accordance with Article 7 of Chapter 2 of Title 21 of
452 the O.C.G.A., within which all electors vote at one polling place.

453 (B) The terms 'tract,' 'block' and 'VTD' shall mean and describe the same geographical
454 boundaries as provided in the report of the Bureau of the Census for the United States
455 decennial census of 2000 for the State of Georgia.

456 (C) Whenever the description of any election district refers to a named city, it shall
457 mean the geographical boundaries of that city as shown on the census map of the
458 United States decennial census of 2000 for the State of Georgia.

459 (D) Precinct names and designations following VTD designations are included for
460 convenience only; and if the description of any election district contains a conflict
461 between the geographical boundaries of any VTD and the boundaries of the
462 subsequently named precinct, the geographical boundary as shown on the census maps
463 for the United States decennial census of 2000 for the State of Georgia shall control.

464 (e) Two members shall be elected from each election district provided for in subsection (d)
465 of this section. The members elected from an election district shall be elected solely by the
466 electors of the election district voting in an election thereon. There shall be a Post A and

467 a Post B in each election district, and each candidate must designate the post for which the
468 candidate is offering.

469 (f) One member of the board of education shall be elected at large. A candidate for the
470 at-large office on the board of education may reside anywhere within the schools of the
471 City of Decatur school district and shall be elected by the electors of the City Schools of
472 Decatur school district voting in an election thereon.

473 (g) For the purposes of establishing and maintaining staggered terms of office for board
474 of education members:

475 (1) The members of the board of education who are serving on such board of education
476 on the effective date of this Charter, and any person selected to fill a vacancy in any such
477 offices, shall continue to serve as such members until their terms of office expire.

478 (2) Members of the board of education under this Charter shall be elected to Post A of
479 Election District 1, Post A of Election District 2 and the at-large post on the first Tuesday
480 next following the first Monday in November, 2001. They shall take office on January 1,
481 2002, and shall serve terms of four years and until their successors are elected.
482 Successors to such members shall be elected at the general municipal election held on the
483 first Tuesday next following the first Monday in November, 2005, and quadrennially
484 thereafter for terms of office of four years.

485 (3) Members shall be elected to Post B of Election District 1 and Post B of Election
486 District 2 on the first Tuesday next following the first Monday in November, 2003. Such
487 members shall take office on January 1, 2004, and shall serve terms of four years and
488 until their successors are elected. Successors to such members shall be elected at the
489 general municipal election held on the first Tuesday following the first Monday in
490 November, 2007, and quadrennially thereafter for terms of office of four years.

491 (h) All members of the board of education shall serve until their successors are elected and
492 qualified.

- 493 (i) Political parties shall not conduct primaries for board of education offices, and all
494 names of candidates for such offices shall be listed without party designation.
- 495 (j) Any vacancy in the board of education as a result of death, resignation, removal from
496 the city, removal from an election district or otherwise, except for the expiration of a term
497 of office, shall be filled as provided in Code Section 20-2-54.1 of the O.C.G.A.
- 498 (k) If two or more candidates tie in receiving the highest number of votes for office on the
499 board of education, a runoff election between the candidates with the highest number of
500 votes shall be held pursuant to Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia Election
501 Code,' to determine the winner."

502

SECTION 2.

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