House Bill 1137

By: Representatives Turner of the 21st, Caldwell of the 20th, and Moore of the 22nd

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act creating a new charter for the City of Holly Springs in the County of

2 Cherokee, approved March 18, 1980 (Ga. L. 1980, p. 3281), as amended, particularly by an

3 Act approved April 13, 2001 (Ga. L. 2001, p. 3679), and an Act approved April 24, 2013

4 (Ga. L. 2013, p. 3648), so as to provide for the terms and manner of election of the mayor

5 and councilmembers; to provide for wards; to provide for qualifications; to provide for the

6 filling of vacancies; to provide for removal from office; to provide for related matters; to

7 repeal conflicting laws; and for other purposes.

8   BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9   **SECTION 1.**

10 An Act creating a new charter for the City of Holly Springs in the County of Cherokee,

11 approved March 18, 1980 (Ga. L. 1980, p. 3281), as amended, particularly by an Act

12 approved April 13, 2001 (Ga. L. 2001, p. 3679), and an Act approved April 24, 2013

13 (Ga. L. 2013, p. 3648), is amended by revising Section 2.02 as follows:

14   "SECTION 2.02.

15 The members of the city council shall serve for terms of four years and until their

16 respective successors are elected and qualified. No person shall be eligible to serve as

17 mayor or councilmember unless he or she has been a resident of the city for one year prior

18 to the date of the election of mayor and councilmembers and has been a resident of the

19 ward which he or she represents for a period of one year previous to the election in which

20 he or she is a candidate. Each shall continue to reside in such ward during such member's

21 period of service and continue to be registered and eligible to vote in municipal elections

22 of the city."

23   **SECTION 2.**

24   Said Act is further amended by revising Article V as follows:

25   "ARTICLE V

26   ELECTIONS

27   SECTION 5.01.

28   Applicability of general law.

29   All primaries and elections shall be held and conducted in accordance with the provisions

30   of Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia Election Code.'

31   SECTION 5.02.

32   Regular elections.

33   (a)(1) For purposes of electing members of the city council, the city is divided into five

34   wards. One member of the council shall be elected from each such ward. The five wards

35   shall be and correspond to those five numbered districts described in and attached to and

36   made a part of this Act and further identified as 'Plan: hollysprings-2014 Plan Type:

37   Local Administrator: Holly Springs User: bak'.

38   (2) For the purposes of such plan:

39   (A) The term 'VTD' shall mean and describe the same geographical boundaries as

40   provided in the report of the Bureau of the Census for the United States decennial

41   census of 2010 for the State of Georgia. The separate numeric designations in a district

42   description which are underneath a VTD heading shall mean and describe individual

43   Blocks within a VTD as provided in the report of the Bureau of the Census for the

44   United States decennial census of 2010 for the State of Georgia; and

45   (B) Except as otherwise provided in the description of any district, whenever the

46   description of any district refers to a named city, it shall mean the geographical

47   boundaries of that city as shown on the census maps for the United States decennial

48   census of 2010 for the State of Georgia.

49   (3) Any part of the city which is not included in any ward described in paragraph (1) of

50   this subsection shall be included within that ward contiguous to such part which contains

51   the least population according to the United States decennial census of 2010 for the State

52   of Georgia.

53   (4) Any part of the city which is described in paragraph (1) of this subsection as being

54   included in a particular ward shall nevertheless not be included within such district if

55   such part is not contiguous to such ward. Such noncontiguous part shall instead be

56   included within that ward contiguous to such part which contains the least population

57   according to the United States decennial census of 2010 for the State of Georgia.

58   (b) Those members of the city council who are serving as such on the effective date of this

59   section and any person selected to fill a vacancy in any such office shall continue to serve

60   as such members until the regular expiration of their respective terms of office and upon

61   the election and qualification of their respective successors.

62   (c) On and after the effective date of this section, Kyle Whitaker shall be deemed to

63   represent Ward No. 1, Debbie Phillips shall be deemed to represent Ward No. 2, Michael

64   Roy Zenchuk II shall be deemed to represent Ward No. 3, Karen Barnett shall be deemed

65   to represent Ward No. 4, and Jeremy Smith shall be deemed to represent Ward No. 5.

66   SECTION 5.03.

67   Election at large; plurality vote.

68   The councilmember for each ward and the mayor shall be elected by the qualified electors

69   of the city at large, and each candidate for mayor and city council receiving a plurality of

70   the votes cast from the city at large shall be declared elected.

71   SECTION 5.04.

72   Special elections; vacancies.

73   In the event that the office of mayor or councilmember shall become vacant for any cause

74   whatsoever, the city council or those remaining shall call for a special election to fill the

75   balance of the unexpired term of such office; provided, however, that, if such vacancy

76   occurs within six months of the expiration of the term of such office, the city council or

77   those remaining shall appoint a successor for the remainder of the term. In all other

78   respects, the special election shall be held and conducted in accordance with Chapter 2 of

79   Title 21 of the O.C.G.A., the 'Georgia Election Code.'

80   SECTION 5.05.

81   Other provisions.

82   Except as otherwise provided by this charter, the city council shall by ordinance prescribe

83   such rules and regulations it deems appropriate to fulfill any options and duties under the

84   provisions of state law pertaining to elections.

85   SECTION 5.06.

86   Grounds and procedure for removal of elected officers.

87   The council may by ordinance set forth the grounds and procedure for the removal of

88   elected officials of the City of Holly Springs."

89   **SECTION 3.**

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

Plan: hollysprings-2014
Plan Type: Local
Administrator:Holly Springs
User: bak

District 001
Cherokee County
VTD: 057019 - HICKORY FLAT
090803:
 1047 1049 1050
VTD: 057022 - HOLLY SPRINGS
090702:
 1017 1020 1025 1060 1061 1062 1063 1065 1074 1075
VTD: 057042 - WILDCAT
090702:
 1069 3004 3005 3006 3009 3010 3011 3015 3017 3020 3021 3023
 3025 4000 4002 4003 4006

District 002
Cherokee County
VTD: 057003 - AVERY
090803:
 1072
VTD: 057008 - BRADSHAW
090803:
 1080 1081 2004 3002
090804:
 1005
VTD: 057019 - HICKORY FLAT
090803:
 1006 1007 1008 1020 1043 1052 1053 1054 1055 1056 1058 1059
 1060 1068 1069 1070 1071 1075 1076 1077 1078 3004
VTD: 057042 - WILDCAT
090702:
 3000 3003 3027
090803:
 2003

District 003
Cherokee County
VTD: 057019 - HICKORY FLAT
090803:
 1009 1010 1012 1013 1014 1015 1016 1019 1021 1022 1023 1025
 1026 1027 1028 1030 1031 1032 1033 1034 1035 1036 1037 1038
 1039 1044 1045 1057 1061 1062 1063 1064 1074 1079 1085
VTD: 057042 - WILDCAT
090702:
 1071
090803:
 1018

District 004
Cherokee County
VTD: 057022 - HOLLY SPRINGS
090702:
 1026 2000 2001 2002 2003 2004 2005 2008 2009 2011 2013 2015
 2016 2018 2019 2020 2021 2022 2023 2025 2026 2028 2030 2032
 2033 2040 2041 2042 2043 2050 4009 4010 4012 4021 4022 4023
VTD: 057037 - TOONIGH
090701:
 3049 3053 3055 3057 3068 3074 3077 3080 3081 3082 3083 3084
 3086
090702:
 2034 2037 2038 2045 2047 2051 2052 2054 4013 4019 4028 4029
 4032
090804:
 2007 2008 2009 2010 2015 3003 3004 3005 3006 3007

District 005
Cherokee County
VTD: 057022 - HOLLY SPRINGS
090702:
 1007 1013 1027 1028 1029 1030 1031 1032 1033 1034 1035 1036
 1037 1038 1039 1040 1041 1045 1046 1047 1048 1050 1051 1052
 1053 1054 1066 1067 1068
VTD: 057024 - LIBERTY
090701:
 3001 3007 3008 3009 3010 3013 3014 3015 3016 3018 3019 3020
 3022 3024 3028 3029 3030 4121 4122 4124 4134
090702:
 1055 2006 2007 2010 2048 2049
VTD: 057034 - SIXES
090701:
 3027 3031 3032 3033 3034 3044