

House Bill 5 (AS PASSED HOUSE AND SENATE)

By: Representatives Waites of the 60th, Glanton of the 75th, Stovall of the 74th, Jordan of the 77th, and Scott of the 76th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act incorporating the City of Forest Park in the County of Clayton, approved
2 March 24, 1988 (Ga. L. 1988, p. 4409), as amended, particularly by an Act approved
3 March 25, 1997 (Ga. L. 1997, p. 3545), so as to change the number of councilmember votes
4 for calling a special meeting, transacting business, overriding a veto, transacting emergency
5 business, removing the city manager, removing a director, removing a member of a board,
6 or removing an officer; to remove a certain provision relating to at-large voting; to provide
7 for submission for preclearance under Section 5 of the federal Voting Rights Act of 1965,
8 as amended; to provide for related matters, to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

11 An Act incorporating the City of Forest Park in the County of Clayton, approved March 24,
12 1988 (Ga. L. 1988, p. 4409), as amended, particularly by an Act approved March 25, 1997
13 (Ga. L. 1997, p. 3545), is amended by revising subsection (b) of Section 2.20 as follows:

14 "(b) Special meetings of the city council may be held on call of the mayor or three
15 members of the city council. Notice of such special meetings shall be served on all other
16 members personally, or by telephone personally, at least 48 hours in advance of the
17 meeting. Such notice to councilmembers shall not be required if the mayor and all
18 councilmembers are present when the special meeting is called. Such notice of any special
19 meeting may be waived by a councilmember in writing before or after such a meeting, and
20 attendance at the meeting shall also constitute a waiver of notice on any business transacted
21 in such councilmember's presence. Only the business stated in the call may be transacted
22 at the special meeting."

23 style="text-align:center">**SECTION 2.**

24 Said Act is further amended by revising Section 2.23 as follows:

25 "SECTION 2.23.

26 Quorum; voting.

27 Three councilmembers, in addition to the presiding officer, shall constitute a quorum and
 28 shall be authorized to transact business of the city council. Voting on the adoption of
 29 ordinances shall be by voice vote and the vote shall be recorded in the journal, but any
 30 member of the city council shall have the right to request a roll-call vote and such vote shall
 31 be recorded in the journal. In any event, the affirmative vote of at least three
 32 councilmembers, including the vote of the presiding officer where necessary to break a tie
 33 vote, shall be required for the adoption of any ordinance, resolution, or motion."

34 **SECTION 3.**

35 Said Act is further amended by revising subsection (b) of Section 2.32 as follows:

36 "(b) Within seven days after the passage thereof the mayor may veto any resolution or
 37 ordinance of the council regardless of whether the mayor was present at the time of its
 38 enactment. The veto shall be in writing, setting forth the reason for the veto, and shall be
 39 delivered to the city clerk, who shall notify each councilmember at his or her home address
 40 by hand delivery or by registered mail. Such notice shall contain the reason for the veto.
 41 No later than the second council meeting after the mayor's veto the council may override
 42 the mayor's veto of any measure or act by a vote of four or more of its members to be taken
 43 by 'yeas' and 'nays' and entered upon the minutes of the council."

44 **SECTION 4.**

45 Said Act is further amended by revising Section 2.33 as follows:

46 "SECTION 2.33.

47 Emergencies.

48 To meet a public emergency affecting life, health, property, or public peace, the city council
 49 may convene on call of the mayor or three councilmembers and promptly adopt an
 50 emergency ordinance, but such ordinance may not levy taxes; grant, renew, or extend a
 51 franchise; regulate the rate charged by any public utility for its services; or authorize the
 52 borrowing of money except for loans to be repaid within 30 days. An emergency ordinance
 53 shall be introduced in the form prescribed for ordinances generally, except that it shall be
 54 plainly designated as an emergency ordinance and shall contain, after the enacting clause,
 55 a declaration stating that an emergency exists, and describing the emergency in clear and
 56 specific terms. An emergency ordinance may be adopted, with or without amendment, or

57 rejected at the meeting at which it is introduced, but at least four affirmative votes shall be
 58 required for adoption. It shall become effective upon adoption or at such later time as it may
 59 specify. Every emergency ordinance shall automatically stand repealed 30 days following
 60 the date upon which it was adopted, but this shall not prevent reenactment of the ordinance
 61 in the manner specified in this section if the emergency still exists. An emergency ordinance
 62 may also be repealed by adoption of a repealing ordinance in the same manner specified in
 63 this section for adoption of emergency ordinances."

64 **SECTION 5.**

65 Said Act is further amended by revising Section 2.41 as follows:

66 "SECTION 2.41.

67 Removal of city manager.

68 The city manager shall serve under the supervision of the city council. The city council may
 69 remove or suspend the city manager, which suspension shall be effective immediately;
 70 automatic termination shall follow in ten days, unless the city manager requests a hearing
 71 before the council. Said hearing, at the city manager's request, may be either public or
 72 private, and shall be held within ten days of the date of the request. All actions to be taken
 73 under this section, by the council, shall be by the action of three affirmative votes."

74 **SECTION 6.**

75 Said Act is further amended by revising subsection (d) of Section 3.14 as follows:

76 "(d) All directors under the supervision of the city manager shall be nominated by the city
 77 manager with confirmation of appointment by the city council. The city manager may
 78 suspend or remove directors under his supervision, which suspension shall be effective
 79 immediately; automatic termination shall follow in ten days, unless the director appeals the
 80 manager's action as provided in this section. Written notice of such action and the reasons
 81 therefor, together with notice of the right of appeal, shall be provided to the director at the
 82 time of such action and to the city council. The director involved may appeal to the city
 83 council which, after a hearing, may override the city manager's action by three affirmative
 84 votes."

85 **SECTION 7.**

86 Said Act is further amended by revising subsection (g) of Section 3.15 as follows:

87 "(g) Any member of a board, commission, or authority may be removed from office for
 88 cause by three affirmative votes."

89 **SECTION 8.**

90 Said Act is further amended by revising subsection (d) of Section 4.11 as follows:

91 "(d) Judges may be removed for cause by a vote of three members of the city council."

92 **SECTION 9.**

93 Said Act is further amended by revising Section 5.12 as follows:

94 "SECTION 5.12.

95 Qualifications for council (residence in ward).

96 A person desiring to qualify for the office of mayor or councilmember shall specify in
 97 writing to the city clerk the office which he seeks, and, if qualifying for the office of
 98 councilmember, shall state whether for councilmember at large or for a designated ward. A
 99 councilmember who qualifies to represent a designated ward in the city shall at the time of
 100 qualifying and at all times while holding office reside in that ward."

101 **SECTION 10.**

102 Said Act is further amended by revising subsection (b) of Section 5.16 as follows:

103 "(b) Removal of an officer pursuant to subsection (a) of this section shall be accomplished
 104 as follows: by the vote of four councilmembers after an investigative hearing. In the event
 105 an elected officer is sought to be removed by the action of the city council, such officer
 106 shall be entitled to a written notice specifying the ground or grounds for removal and to a
 107 public hearing which shall be held not less than ten days after the service of such written
 108 notice. Any elected officer sought to be removed from office as herein provided shall have
 109 the right of appeal from the decision of the city council to the Superior Court of Clayton
 110 County. Such appeal shall be governed by the same rules as govern appeals to the superior
 111 court from the probate court."

112 **SECTION 11.**

113 The governing authority of the City of Forest Park shall cause, through its legal counsel, this
 114 Act to be submitted for preclearance under Section 5 of the federal Voting Rights Act of
 115 1965, as amended, within 45 days after the date on which this Act is approved by the
 116 Governor or otherwise becomes law without such approval.

117 **SECTION 12.**

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