

House Bill 911 (AS PASSED HOUSE AND SENATE)

By: Representatives Knight of the 130th and Mathiak of the 73rd

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act to provide a new charter for the City of Griffin, approved May 17, 2004
2 (Ga. L. 2004, p. 4232), as amended, so as to provide for a mayor and a mayor pro tem; to
3 provide for the duties and powers of the mayor and mayor pro tem; to provide for the
4 election and qualifications of the mayor and how to fill vacancies in the office of mayor; to
5 provide for quorums; to provide for procedures; to provide for related matters; to provide for
6 a referendum and contingent effective dates; to repeal conflicting laws; and for other
7 purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 SECTION 1.

10 An Act to provide a new charter for the City of Griffin, approved May 17, 2004
11 (Ga. L. 2004, p. 4232), as amended, is amended by revising Article II as follows:

12 "ARTICLE II
13 MAYOR AND COMMISSION
14 SECTION 2.1.

15 Corporate and governing authority.

16 The municipal government of the city shall consist of a commission of seven citizens, who
17 shall be known as the 'Mayor and Commissioners of the City of Griffin, Georgia,' hereafter
18 referred to collectively as the 'commission.' The commission shall be the legislative and
19 governing authority of the city. Except as otherwise provided by law or this charter, the
20 commission shall be vested with all the powers of government of this city, but no
21 individual member, including the person holding the office of mayor, shall have or exercise
22 any power under this charter, except as provided herein. Members of the commission shall
23 possess the qualifications and be elected in the manner provided by general law and this
24 charter; provided, however, that members of the commission in office on the effective date

25 of this charter shall in all respects be successors to and a continuation of the governing
26 authority elected under the prior charter and shall serve the terms for which elected. The
27 members of the commission shall devote as much of their time to the office as may be
28 necessary.

29 SECTION 2.2.

30 Qualification and election of mayor and commissioners.

31 (a) Any person who is a citizen of this state, has attained the age of 18 years, and has at
32 least 12 months' residency within the city shall be eligible to be elected to the office of
33 mayor or commissioner; provided, however, that no person who is not a qualified elector
34 of the city, who has been convicted of a felony or misdemeanor involving moral turpitude
35 unless that person's civil rights have been restored, who holds an office of trust under the
36 government of the United States, this state, or any foreign state which by the laws of the
37 State of Georgia he or she is prohibited from holding, or who is the holder or receiver of
38 public money of this state or any county, school district, or municipality thereof who has
39 refused or failed when called upon after reasonable opportunity to account for and pay over
40 the same to the proper officer, shall be eligible to hold the office of mayor or
41 commissioner.

42 (b) Candidates for Districts 1, 2, 3, 4, 5, and 6 shall have resided within their respective
43 election district for at least six months on the date of qualifying. Commissioners shall
44 remain residents of their respective election districts throughout their terms of office.

45 (c) Candidates for mayor shall possess all of the qualifications for the office of
46 commissioner but may reside in any election district of the city.

47 (d) Only those qualified electors residing within a city election district may vote for
48 candidates for commissioner from their corresponding district. All qualified electors of the
49 city may vote for candidates for mayor.

50 (e) Elections for the offices of mayor and commissioners shall be held and conducted by
51 the Griffin-Spalding Board of Elections and Registration in accordance with Chapter 2 of
52 Title 21 of the O.C.G.A. or other such laws as are or may hereafter be enacted.

53 (f) The mayor and commissioners shall serve a term of four years and until their
54 successors are duly elected and qualified. Before assuming the duties of the office or
55 exercising the powers thereof, a newly elected mayor or commissioner shall be sworn
56 before any federal or state judicial officer, or any officer of this state duly authorized to
57 administer oaths, at any time following certification of his or her election. Except for a
58 mayor or commissioner elected to fill an unexpired term, a newly elected mayor or
59 commissioner shall take office on January 1 following his or her election.

60 (g) The mayor and commissioners shall receive compensation and expenses for their
61 services as provided by an ordinance enacted in accordance with Code Section 36-35-4 of
62 the O.C.G.A.

63 (h) Those members of the city council in office on the effective date of this section shall
64 serve out the terms of office to which they were elected. In the November, 2019, municipal
65 election, no election shall be held for the at-large commissioner from District 7 and, on and
66 after January 1, 2020, such position shall be abolished. An election for the position of
67 mayor shall be held at the November, 2019, municipal election and the person elected
68 mayor at such election shall take office on January 1, 2020.

69 SECTION 2.3.

70 Districts established; apportionment of election
71 districts based upon population.

72 (a) The original apportionment of the city into six single-member election districts was in
73 accordance with the consent decree in *REID, et al. v. MARTIN, et al.*, Civil Action File
74 No. C-84-60N, U.S. District Court for the Northern District of Georgia. Thereafter, the
75 commission, following publication of each United States decennial census, has
76 reapportioned election districts in accordance with Code Section 36-35-4.1 of the O.C.G.A.
77 The current reapportionment plan is set forth at Ga. L. 2012, p. 5743.

78 (b) Future reapportionment of election districts shall be adopted by a home rule ordinance
79 enacted in accordance with paragraph (1) of subsection (b) of Code Section 36-35-3. Such
80 ordinance shall incorporate by reference a reapportionment plan based upon official census
81 tract and block references to the areas included within each district, using the criteria set
82 forth in Code Section 36-35-4.1 of the O.C.G.A. For future reference, a map illustrating
83 election districts may be published as an appendix to the Code of Griffin, Georgia.

84 SECTION 2.4.

85 Majority vote required.

86 No candidate for the commission shall be declared elected until he or she shall have
87 received a majority of the votes of all qualified electors voting in the election.

88 SECTION 2.5.

89 Oath of office.

90 Upon entering each term of office, the mayor and commissioners shall take and subscribe
91 to the following oath:

92 'I do solemnly swear and affirm that I will faithfully and honestly discharge the duties of
93 the office of (mayor/commissioner) of the City of Griffin, Georgia, to the best of my skill
94 and knowledge, in accordance with its charter and all applicable laws. I do further swear
95 that I am not the holder of any unaccounted for public money due this state or any
96 political subdivision or authority thereof, and I will well and truly account for and pay
97 over all public moneys and property that may come into my hands during my term of
98 office. I do further swear that I am not the holder of any office of trust under the
99 government of the United States, this state, or any foreign state which by the laws of the
100 State of Georgia I am prohibited from holding. I do further swear that I am qualified to
101 hold the office of (mayor/commissioner) of the City of Griffin according to the
102 Constitution and laws of Georgia. I do further swear that I will support the Constitution
103 of the United States and the Constitution of the State of Georgia. I do further swear that
104 I am a resident of the district from which I have been elected and have been a resident of
105 the district for the time required by the Constitution and laws of this state. So help me
106 God.'

107 SECTION 2.6.

108 Vacancy; filling of vacancies in office.

109 (a) The office of mayor or commissioner shall become vacant upon the occurrence of any
110 event specified by the Constitution or general laws of this state or upon the incumbent
111 losing the qualifications required for holding the office.

112 (b) A vacancy in the office of mayor or commissioner shall be filled for the remainder of
113 the unexpired term, if any, by appointment of the mayor and commissioners, if less than
114 12 months remains in the unexpired term; otherwise, by a special election, as provided in
115 Title 21 of the O.C.G.A., or other such laws as are or may hereafter be enacted.

116 SECTION 2.7.

117 Quorum for commission meeting; voting; conflicts of interest.

118 (a) Four commissioners, or three commissioners and the mayor, shall constitute a quorum.
119 In order to enact ordinances or take action, the vote of a majority of those present shall

120 control. An abstention, except when based upon the member's disqualification for
121 announced conflict of interest or other legal grounds, shall be counted as an affirmative
122 vote. Except when a roll call vote is requested by any member, votes may be cast by voice
123 ('aye' or 'nay') or by show of hands. The mayor shall announce all votes and declare each
124 matter approved or rejected.

125 (b) No member of the mayor and commissioners shall vote or act upon, or seek to
126 influence the approval or rejection of, any ordinance, resolution, contract, or other matter
127 within the official jurisdiction of the city in which that person is financially interested. Any
128 member having a financial interest, directly or indirectly, in any ordinance, resolution,
129 contract, or matter pending before or within a department of the city shall disclose such
130 interest, in writing, to the mayor and commission at the earliest opportunity and disqualify
131 himself or herself from participating in any decision or vote relating thereto.

132 SECTION 2.8.

133 Meetings of the commission.

134 (a) The commission shall hold regular meetings on the second and fourth Tuesday of each
135 month at such times as set by ordinance, which meetings shall be open to the public, except
136 as allowed by law; shall keep minutes of their proceedings; and shall record all their actions
137 therein. They may meet at such times and as often in extra called meetings as any three of
138 them or the mayor may designate or call.

139 (b) To meet a public emergency affecting life, health, property, or public peace, the mayor
140 and commission may convene on call of the mayor or any two commissioners, provided
141 that such emergency meeting is called in accordance with the Georgia open meetings law,
142 Code Section 50-14-1, et seq., of the O.C.G.A. At such emergency meeting, as the only
143 order of business, the mayor and commission may consider and adopt an emergency
144 ordinance, but such ordinance may not levy taxes; grant, renew, or extend a franchise;
145 regulate the rates charged by the city for any utility services provided; or authorize the
146 borrowing of money, except temporary borrowings made in anticipation of taxes. An
147 emergency ordinance shall be proposed in the form required for ordinances generally and
148 shall contain a declaration stating in clear and precise terms the conditions that constitute
149 the emergency warranting the meeting and action taken therein. An emergency ordinance
150 shall require the affirmative vote of at least two-thirds of those members eligible to vote
151 at the meeting. It shall become effective immediately or at such later time as it may
152 specify. Every emergency ordinance shall automatically stand repealed 30 days following
153 its enactment unless affirmatively ratified at the next regular meeting of the commission.

154 An emergency ordinance may also be repealed by adoption of a repealing ordinance in the
155 same manner specified in this section for adoption of emergency ordinances.

156 SECTION 2.9.

157 Rules of procedure.

158 The mayor and commissioners may adopt rules of procedure and orders of business
159 consistent with the provisions of this charter and general law. Procedural rules and similar
160 administrative matters affecting governance of the city may be adopted by resolution
161 instead of ordinance.

162 SECTION 2.10.

163 Inquiries and investigative powers.

164 (a) The mayor and commissioners shall exercise general legislative oversight over all
165 appointed officers, departments, agencies, and employees of the city and shall have the
166 right, from time to time as a majority of such commission deems necessary, to call upon
167 such officers and employees for an accounting of their actions in the performance of their
168 official duties.

169 (b) Following the adoption of an authorizing resolution defining the scope thereof, the
170 mayor and commissioners may conduct inquiries and make investigations into the affairs
171 of the city, its elected and appointed officers, and the conduct of any department, agency,
172 or employee thereof, and for this purpose may subpoena witnesses, administer oaths, take
173 testimony under oath or affirmation, and require the production of evidence. Any person
174 who fails or refuses to obey a lawful order issued in the exercise of these powers shall be
175 punished as provided by ordinance.

176 SECTION 2.11.

177 Mayor pro tem.

178 The mayor shall annually appoint a member of the commission to serve as mayor pro tem
179 and to act in the mayor's absence, disability, or disqualification. The commissioner so
180 appointed shall have no additional powers or duties, except those of mayor when acting as
181 mayor pro tem.

182 SECTION 2.12.

183 Duties of the mayor.

184 The mayor shall preside at all meetings of the commission. The mayor shall be entitled to
 185 vote on all questions, motions, or matters brought before the mayor and commissioners for
 186 action. The mayor or, in his or her absence, the mayor pro tem and the city manager shall
 187 sign all orders, checks, and warrants for the payment of any moneys out of the treasury of
 188 the city and shall execute on behalf of the city all contracts, deeds, and other obligations.
 189 The mayor may also perform those perfunctory duties of the office, but shall not act on
 190 behalf of or bind the city without express authority or approval of the commission as
 191 directed by ordinance or resolution. Except for the power to fill appointments as
 192 authorized by this charter, general or local laws, or intergovernmental agreements, the
 193 mayor shall exercise no powers or authority beyond those granted under this charter. When
 194 this charter, a general law or local act, ordinance, resolution, or contract makes reference
 195 to the chairperson, it shall hereafter be deemed a reference to the mayor. The commission,
 196 by the vote of at least four commissioners, may direct the mayor to sign any order, check,
 197 warrant, contract, deed, or other obligation and, upon such vote taken for that purpose, it
 198 shall be the duty of the mayor to execute the same. The mayor shall also accept personal
 199 service of process on behalf of the city and its governing body, but not on behalf of any
 200 commissioner when sued in a personal capacity.

201 SECTION 2.13.

202 Secretary to the commission; other officers.

203 The city manager shall serve as secretary to the commission, whose duties shall require his
 204 or her attendance at all meetings, the recording of minutes of proceedings, serving as
 205 custodian of all public records and the seal of the city, and such other duties as assigned by
 206 the commission by ordinance or resolution. The secretary shall perform all duties and
 207 responsibilities imposed by general law on the clerk of a municipal corporation. The
 208 commission may appoint such subordinate officers, as needed, and define the duties and
 209 compensation thereof by ordinance or resolution."

210 SECTION 2.

211 The election superintendent of the City of Griffin shall call a special election for the purpose
 212 of submitting this Act to the qualified voters of the City of Griffin for approval or rejection.
 213 The superintendent shall set the date of such election for the date of the 2018 general
 214 primary. The superintendent shall issue the call for such election at least 60 days prior to the

215 date thereof. The superintendent shall cause the date and purpose of the election to be
216 published once a week for two weeks immediately preceding the date thereof in the official
217 organ of the City of Griffin. The ballot shall have written or printed thereon the words:

218 "() YES Shall the Act providing for a mayor and mayor pro tem for the City of
219 () NO Griffin be approved?"

220 All persons desiring to vote for approval of the Act shall vote "Yes," and those persons
221 desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes
222 cast on such question are for approval of the Act, Section 1 of this Act shall become of full
223 force and effect immediately for the purposes of conducting elections for municipal offices
224 in 2019 and for all purposes on January 1, 2020; otherwise, it shall be void and of no force
225 and effect. The expense of such special election shall be borne by the City of Griffin. It
226 shall be the duty of the superintendent to hold and conduct such election. It shall be his or
227 her further duty to certify the result thereof to the Secretary of State.

228 **SECTION 3.**

229 Except as provided in Section 2 of this Act, this Act shall become effective upon its approval
230 by the Governor or upon its becoming law without such approval.

231 **SECTION 4.**

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