

House Bill 901 (AS PASSED HOUSE AND SENATE)

By: Representative Dickerson of the 113th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act entitled "An Act to provide a new charter for the City of Porterdale,"
2 approved May 1, 2002 (Ga. L. 2002, p. 5272), so as to provide for certain appropriations; to
3 provide for certain codes and regulations; to change provisions relative to the management
4 of public property; to change provisions relating to voting by the city council; to change the
5 powers and duties of the mayor; to change provisions relating to the mayor's veto; to provide
6 for duties of the mayor pro tempore; to provide for members of boards and commissions; to
7 provide that the city clerk shall be under the supervision of the city manager; to provide for
8 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 entitled "An Act to provide a new charter for the City of Porterdale," approved
12 May 1, 2002 (Ga. L. 2002, p. 5272), is amended in Section 1.13 by adding a new subsection
13 to read as follows:

14 "(a.1) Appropriations for relief of poor and for charitable purposes. The mayor and
15 council shall have power, by appropriate action, to appropriate money for, or permit use
16 of city-owned property or services, for the relief of the poor and for charitable purposes as
17 they may deem proper."

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

19 Said Act is further amended in said section by revising subsections (d) and (s) as follows:

20 "(d) Building regulation. To regulate and to license the erection and construction of
21 buildings and all other structures; to adopt building, housing, maintenance, plumbing,
22 electrical, gas, and heating and air conditioning codes; and to regulate all building and
23 housing trades."

24 "(s) Municipal property ownership and disposition. To acquire, dispose of, and hold in
25 trust or otherwise, any real, personal, or mixed property, in fee simple or lesser interest,

26 inside or outside the property limits of the city and to sell, lease, alien, convey, exchange,
 27 or dispose of the same or any part thereof."

28 **SECTION 3.**

29 Said Act is further amended by revising Section 2.21 as follows:

30 "SECTION 2.21.

31 Quorum; voting.

32 The mayor and three councilmembers shall constitute a quorum and shall be authorized to
 33 transact business of the city council. Voting on the adoption of ordinances shall be by
 34 voice vote and the vote shall be recorded in the journal, but any member of the city council
 35 shall have the right to request a roll-call vote and such vote shall be recorded in the journal.
 36 Except as otherwise provided in this charter, the affirmative vote of three councilmembers
 37 shall be required for the adoption of any ordinance, resolution, or motion."

38 **SECTION 4.**

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

40 "SECTION 2.33.

41 Powers and duties of mayor.

42 The mayor shall:

- 43 (1) Preside at all meetings of the city council;
- 44 (2) Be the head of the city for the purposes of service of process and for ceremonial
 45 purposes and be the official spokesperson for the city and the chief advocate of policy;
- 46 (3) Have the power to administer oaths, issue proclamations, and take affidavits;
- 47 (4) Sign, as a matter of course on behalf of the city, all written and approved contracts,
 48 ordinances, and other instruments executed by the city which by law are required to be
 49 in writing;
- 50 (5) Perform such other duties and exercise such other powers as are otherwise provided
 51 by law and this charter;
- 52 (6) Call special meetings of the city council as provided for in subsection (b) of Section
 53 2.19 of this charter;
- 54 (7) Perform such other duties as the city council shall by ordinance or resolution
 55 establish; and

56 (8) Vote, but only in cases of a tie in the vote of councilmembers, in which case the
 57 mayor may then vote to break the tie; provided, however, that the mayor shall not have
 58 the power to vote on matters in which the mayor has a disqualifying financial or personal
 59 interest as provided in Section 2.14 of this charter."

60 **SECTION 5.**

61 Said Act is further amended by revising subsection (d) of Section 2.34 as follows:

62 "(d) The power of veto shall not be ascribed to the mayor in regard to ordinances in which
 63 the mayor has a disqualifying financial or personal interest as provided in Section 2.14 of
 64 this charter."

65 **SECTION 6.**

66 Said Act is further amended by revising Section 2.35 as follows:

67 "SECTION 2.35.

68 Mayor pro tempore; selection; duties.

69 (a) By a majority vote, the city council at its first meeting of the calendar year shall elect
 70 a councilmember to serve as mayor pro tempore.

71 (b) The mayor pro tempore shall preside at all meetings of the city council in the
 72 temporary absence of the mayor.

73 (c) The mayor pro tempore shall assume the full duties and powers of the mayor, including
 74 the right to vote in the event of a tie in the vote of the remaining councilmembers and right
 75 to veto ordinances, upon the mayor's disability, disqualification or removal from office, or
 76 extended absence. While serving as mayor pro tempore in the extended absence,
 77 disqualification or removal from office, or disability of the mayor, the mayor pro tempore
 78 shall not vote as or exercise the powers or functions of a councilmember. The city council
 79 by a majority vote shall elect a new presiding officer from among its members for any
 80 period in which the mayor pro tempore is disabled, or during an extended absence, or while
 81 the mayor pro tempore has assumed the full duties and powers of the mayor. Any
 82 disability or extended absence of the mayor or mayor pro tempore shall be declared by
 83 majority vote of councilmembers at a regular or called meeting where a quorum is present."

84 **SECTION 7.**

85 Said Act is further amended by revising subsections (b), (g), and (h) of Section 3.11 as
 86 follows:

87 "(b) All members of boards, commissions, and authorities of the city shall be appointed
 88 by the city council for such terms of office and in such manner as shall be provided by
 89 ordinance or resolution, except where other appointing authority, terms of office, or manner
 90 of appointment is prescribed by this charter or by law."

91 "(g) Any member of a board, commission, or authority may be removed from office for
 92 cause by a vote of three members of the city council."

93 "(h) Except as otherwise provided by this charter or by law, each board, commission, or
 94 authority of the city shall elect one of its members as chairperson and one member as vice
 95 chairperson and may elect as its secretary one of its own members or may appoint as
 96 secretary one of its own members or may appoint as secretary an employee of the city.
 97 Each board, commission, or authority shall pass rules and regulations, not inconsistent with
 98 this charter, ordinances of the city, or law, as it deems appropriate and necessary for the
 99 fulfillment of its duties or the conduct of its affairs. Copies of such rules and regulations
 100 shall be filed with the clerk of the city."

101 **SECTION 8.**

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

103 "SECTION 3.13.

104 City Clerk.

105 "The city council shall appoint a city clerk who shall not be a councilmember. The city
 106 clerk also may be ex officio treasurer. The city clerk shall be custodian of the official city
 107 seal and city records, maintain city council records required by this charter, and report to
 108 and perform such other duties as may be required by the city council. On a day-to-day
 109 basis, the city clerk shall be subject to direction, supervision, and oversight of the city
 110 manager."

111 **SECTION 9.**

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