

House Bill 1234 (AS PASSED HOUSE AND SENATE)

By: Representatives Erwin of the 28th and Gurtler of the 8th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act to amend, revise, consolidate, and supersede the several Acts incorporating
2 the Town of Tallulah Falls in Habersham and Rabun counties, approved February 6, 1984
3 (Ga. L. 1984, p. 3547), as amended, particularly by an Act approved May 8, 2018 (Ga.
4 L. 2018, p. 4044), an Act approved May 16, 2007 (Ga. L. 2007, p. 3533), and an Act
5 approved March 22, 1990 (Ga. L. 1990, p. 4384), so as to modify provisions regarding the
6 terms, qualifications, election, and vacancies of the mayor and councilmembers; to modify
7 provisions regarding conflicts of interest; to modify provisions regarding special meetings
8 of the town council; to amend the powers and duties of the mayor pro tem; to modify
9 provisions regarding boards, commissions, and authorities of the town; to modify maximum
10 punishments in the municipal court; to authorize the levy of a technology fee by the
11 municipal court; to provide for related matters; to repeal conflicting laws; and for the other
12 purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

15 An Act to amend, revise, consolidate, and supersede the several Acts incorporating the Town
16 of Tallulah Falls in Habersham and Rabun counties, approved February 6, 1984 (Ga.
17 L. 1984, p. 3547), as amended, particularly by an Act approved May 8, 2018 (Ga. L. 2018,
18 p. 4044), an Act approved May 16, 2007 (Ga. L. 2007, p. 3533), and an Act approved
19 March 22, 1990 (Ga. L. 1990, p. 4384), is amended by revising Section 2.11 and Section 2.12
20 as follows:

21 style="text-align:center">"SECTION 2.11.

22 style="text-align:center">Town council terms and qualifications for office.

23 The members of the town council shall serve for terms of four years and until their
24 respective successors are elected and oaths of office taken. No person shall be eligible to

25 serve as mayor or town councilmember unless he or she shall have been a resident of the
 26 town six months immediately prior to the date of the election of mayor or councilmember;
 27 each member of the town council shall continue to reside within the town during his or her
 28 period of service and shall be registered and qualified to vote in municipal elections of this
 29 town. No person related within the second degree by affinity, or within the third degree
 30 by consanguinity, to any elected officer of the town shall be eligible for an elected or
 31 appointed office of the town; provided, however, that a majority of the unrelated
 32 councilmembers may vote to allow such disqualified person to serve as an unpaid volunteer
 33 filling a role on behalf of the town for no compensation or remuneration.

34 **SECTION 2.12.**

35 Vacancy; filling of vacancies.

- 36 (a) The office of mayor or councilmember shall become vacant upon the incumbent's
 37 death, resignation, removal, or as otherwise provided by paragraph (a) of Code
 38 Section 45-5-1 of the O.C.G.A.
 39 (b) A vacancy in the office of mayor or councilmember shall be filled as provided for in
 40 Article V of this charter."

41 **SECTION 2.**

42 Said Act is further amended by revising Section 2.14 as follows:

43 "SECTION 2.14.

44 Holding other office; voting when personally interested.

- 45 (a) Except as authorized or permitted by general state law, neither the mayor nor any
 46 councilmember shall hold any other town employment or town office, including
 47 membership on any authority, board, or commission during the term for which he or she
 48 was elected; provided, however, that a majority of the remaining councilmembers may vote
 49 to allow such disqualified person to serve as an unpaid volunteer filling a role on behalf of
 50 the town for no compensation or remuneration.
 51 (b) Neither the mayor nor any member of the town council shall vote upon, sign, or veto
 52 any question or matter in which he or she is personally interested."

53 **SECTION 3.**

54 Said Act is further amended by revising Section 2.16 as follows:

55 "SECTION 2.16.

56 Regular and special meetings.

57 (a) The town council shall hold regular meetings at such times and places as prescribed by
58 ordinance.59 (b) Special meetings of the town council may be held on call of the mayor or three
60 members of the town council. Notice of such special meetings shall be served on all other
61 councilmembers personally, whether physically, in person, or by telephone, at least 48
62 hours in advance of the meeting. Such notice to councilmembers shall not be required if
63 the mayor and all councilmembers are present when the special meeting is called. Such
64 notice of any special meeting may be waived by a councilmember in writing before or after
65 such meeting, and attendance at the meeting shall also constitute a waiver of notice of any
66 business transacted in such councilmember's presence. Only the business stated in the call
67 may be transacted at the special meeting.68 (c) All meetings of the town council shall be public to the extent required by general state
69 law, and notice to the public of special meetings shall be made as fully as is reasonably
70 possible 24 hours prior to such meetings."71 **SECTION 4.**

72 Said Act is further amended by revising Section 2.21 through Section 2.22 as follows:

73 SECTION 2.21.

74 Election of mayor; compensation.

75 The mayor shall be elected and serve for a term of four years and until his or her successor
76 is elected and the oath of office is administered. The mayor shall be a qualified elector of
77 this town and shall have been a resident of this town six months immediately preceding his
78 or her election. The mayor shall continue to reside in the town during the period of his or
79 her service as mayor. The compensation of the mayor shall be established in the same
80 manner as that for councilmembers.

81 SECTION 2.22.

82 Mayor pro tem.

83 On an annual basis at the first regular meeting of each calendar year, the town council shall
 84 elect by majority vote from among its members a mayor pro tem who shall assume the
 85 duties, restrictions, and powers of the mayor upon the town council declaring that the
 86 mayor is absent or subject to a disability."

87 SECTION 5.

88 Said Act is further amended by revising Section 3.10 as follows:

89 "SECTION 3.10.

90 Boards, commissions, and authorities.

91 (a) The town council shall create by ordinance such boards, commissions, and authorities
 92 to fulfill any investigative, quasi-judicial, or quasi-legislative function the town council
 93 deems necessary and, by ordinance, shall establish the composition, period of existence,
 94 duties, and powers thereof.

95 (b) All members of boards, commissions, and authorities of the town shall be appointed
 96 by the town council for such terms of office and in such manner as shall be provided by
 97 ordinance, except where other appointing authority, term of office, or manner of
 98 appointment is prescribed by this charter or by state law.

99 (c) The town council, by ordinance, may provide for the compensation and reimbursement
 100 for actual and necessary expenses of the members of any board, commission, or authority.

101 (d) Any vacancy on a board, commission, or authority of the town shall be filled for the
 102 remainder of the unexpired term in the manner provided by ordinance adopted by town
 103 council.

104 (e) Except as otherwise provided by this charter, by ordinance or by state law, each board,
 105 commission, or authority of the town shall elect one of its members as chairperson and one
 106 member as vice chairperson and may elect as its secretary one of its own members or may
 107 appoint as secretary an employee of the town. Each board, commission, or authority of
 108 the town government may establish such bylaws, rules, and regulations not inconsistent
 109 with this charter, ordinances of the town, or state law as it deems appropriate and necessary
 110 for the fulfillment of its duties or the conduct of its affairs, copies of which shall be filed
 111 with the clerk of the town."

112 **SECTION 6.**

113 Said Act is further amended by deleting Section 3.11 in its entirety.

114 **SECTION 7.**

115 Said Act is further amended by revising subsections (c) and (d) of Section 4.13 as follows:

116 "(c) The municipal court may fix punishment for offenses within its jurisdiction not
 117 exceeding a fine of \$500.00 or imprisonment for not more than 60 days or both; but the
 118 punishment imposed shall not exceed any maximum specified in the ordinance or statute
 119 governing the particular offense. In any case, however, where a general state law
 120 authorizes the municipal court to impose greater punishment, such general state law shall
 121 control.

122 (d) The municipal court shall have authority to establish a schedule of fees to defray the
 123 cost of operation and shall be entitled to reimbursement of the costs of meals,
 124 transportation, and caretaking of prisoners bound over to superior courts for violations of
 125 state law. This authority shall include but not be limited to the ability for the council to
 126 assess a technology fee to be set at an annual basis. This maximum amount of this fee
 127 cannot exceed the reasonable cost necessary to fund the technology and must be set out in
 128 a separate fund."

129 **SECTION 8.**

130 Said Act is further amended by revising Section 5.10 as follows:

131 "SECTION 5.10.

132 Regular elections.

133 (a) The mayor and councilmembers in office on the effective date of this Act shall remain
 134 in office until the expiration of the terms for which they were elected or appointed and until
 135 their successors are elected and the oaths of office are administered.

136 (b) Successors to those two councilmembers whose terms expire on December 31, 2021,
 137 shall be elected at the general municipal election on the Tuesday next following the first
 138 Monday in November of 2021 and quadrennially thereafter for a term of four years and
 139 until their successors are elected and qualified.

140 (c) Successors to the mayor and those two councilmembers whose terms expire on
 141 December 31, 2023, shall be elected at the general municipal election on the Tuesday next
 142 following the first Monday in November of 2023 and quadrennially thereafter for a term
 143 of four years and until their successors are elected and the oaths of office are administered.

- 144 (d) All municipal terms of office shall commence on January 1 immediately following the
 145 election for such position and after the oaths of office are administered.
- 146 (e) Oaths of office for mayor and councilmembers may be administered by the town clerk
 147 or any other official charged with the ability to administer oaths by state statute.
- 148 (f) Unless otherwise provided by general state law, general municipal elections of the town
 149 shall occur on the Tuesday next following the first Monday in November of each
 150 odd-numbered year.

151 **SECTION 9.**

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

153 "SECTION 5.12.

154 Special elections; vacancies.

- 155 (a) In the event that a vacancy occurs, for any cause whatsoever, in the position of
 156 councilmember or mayor of the town during the first 33 months of such elected officer's
 157 term of office, the remaining councilmembers shall appoint a qualified person as an interim
 158 councilmember or mayor to serve until a special election to be held on the Tuesday next
 159 following the first Monday in November immediately following the occurrence of such
 160 vacancy to fulfill the remainder of the unexpired term.
- 161 (b) In the event such vacancy occurs during the last 15 months of such term of office, the
 162 remaining councilmembers shall appoint a qualified person to serve for the remainder of
 163 the unexpired term.
- 164 (c) In the event that such vacancies result in there being no remaining councilmembers,
 165 the mayor shall make such appointments consistent with subsections (a) and (b) of this
 166 section.
- 167 (d) In the event that all seats on the town council, including the office of mayor, are
 168 vacant, such vacancies shall be filled as provided by O.C.G.A. 36-30-13.
- 169 (e) Oaths of office for mayor and councilmembers elected in a special election may be
 170 administered by the town clerk or any other official charged with the ability to administer
 171 oaths by state statute, and each such elected official shall assume office upon such oaths
 172 being administered."

173 **SECTION 10.**

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