

House Bill 788 (AS PASSED HOUSE AND SENATE)

By: Representative Meeks of the 178th

A BILL TO BE ENTITLED

AN ACT

1 To amend an Act to provide a new charter for the City of Blackshear, approved March 19,
2 1993 (Ga. L. 1993, p. 4091), as amended, so as to decrease the size of the city council from
3 six to five members; to update provisions relating to elections, meetings, organization, and
4 voting of the city council; to change the description of the council districts; to provide for
5 definitions and inclusions; to provide for manner of election; to provide for the continuation
6 in office of current members; to revise provisions related to vacancies in the offices of mayor
7 or councilmembers; to revise provisions related to the city attorney, city clerk, and city
8 accountant; to abolish the office of city treasurer; to revise provisions relating to city rules
9 and regulations related to employees; to provide for related matters; to repeal conflicting
10 laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

13 An Act to provide a new charter for the City of Blackshear, approved March 19, 1993 (Ga.
14 L. 1993, p. 4091), as amended, is amended by revising Sections 2.10 through 2.12 as follows:

H. B. 788

"SECTION 2.10.

City council creation; composition; number; election.

(a) The legislative authority of the government of this city, except as otherwise specifically provided in this charter, shall be vested in a city council to be composed of a mayor and five councilmembers. The mayor and city councilmembers shall be elected as provided by general law and this charter.

(b) The mayor and councilmembers shall serve for terms of four years and until their respective successors are elected and qualified. No person shall be eligible to serve as mayor or councilmember unless he or she shall have been a resident of this city for 12 months immediately preceding the election of mayor or councilmember; each such person shall continue to reside within the city during that person's period of service and to be registered and qualified to vote in municipal elections of this city. In addition to the above requirements, no person shall be eligible to serve as a councilmember representing a council district unless that person has been a resident of the district such person seeks to represent for a continuous period of at least six months immediately prior to the date of the election for councilmember and continues to reside in such district during that person's period of service. No person's name shall be listed as a candidate on the ballot for election for either mayor or councilmember unless such person shall file a notice of his or her candidacy with the municipal superintendent as prescribed by Georgia law. No person shall be eligible for the office of mayor or councilmember unless such person shall file above said notice within the time provided for by the 'Georgia Election Code,' Chapter 2 of Title 21 of the O.C.G.A.

SECTION 2.11.

Elections.

39 (a) At any election, all persons who are qualified under the Constitution and laws of
40 Georgia to vote for members of the General Assembly of Georgia and who are bona fide
41 residents of said city shall be eligible to qualify as voters in the election.

42 (b) All primaries and elections shall be held and conducted in accordance with the Georgia
43 Election Code as now or hereafter amended. Except as otherwise provided by this charter,
44 the city council shall, by ordinance, prescribe such rules and regulations it deems
45 appropriate to fulfill any options and duties consistent with the Georgia Election Code.

46 (c) The mayor and those members of the city council who are serving as such on
47 December 31, 2023, and any person elected to fill a vacancy in such office, shall continue
48 to serve as such mayor or members until the regular expiration of their respective terms of
49 office and upon the election and qualification of their respective successors. On and after
50 January 1, 2024, the governing authority of the City of Blackshear shall consist of five
51 councilmembers, all of whom shall be elected from council districts described in
52 subsection (d) of this section and the mayor who is elected at large as provided in this
53 charter.

54 (d)(1) For the purpose of electing councilmembers, the City of Blackshear shall be
55 divided into five council districts. One councilmember shall be elected from each such
56 district. Districts 1, 2, 3, 4, and 5 shall be and correspond to those five numbered districts
57 described in Appendix A attached to and made a part of this Act and further identified as
58 'User: Blackshear Plan Name: BlackshearCC-Import-2023 Plan Type: Local'.

59 (2) For the purposes of such plan:

60 (A) The term 'VTD' shall mean and describe the same geographical boundaries as
61 provided in the report of the Bureau of the Census for the United States decennial
62 census of 2020 for the State of Georgia. The separate numeric designations in a district

63 description which are underneath a VTD heading shall mean and describe individual
64 Blocks within a VTD as provided in the report of the Bureau of the Census for the
65 United States decennial census of 2020 for the State of Georgia; and

66 (B) Except as otherwise provided in the description of any district, whenever the
67 description of any district refers to a named city, it shall mean the geographical
68 boundaries of that city as shown on the census maps for the United States decennial
69 census of 2020 for the State of Georgia.

70 (e)(1) Any part of the City of Blackshear which is not included in any district described
71 in subsection (d) of this section shall be included within that district contiguous to such
72 part which contains the least population according to the United States decennial census
73 of 2020 for the State of Georgia.

74 (2) Except for an incorporated island, any part of the City of Blackshear which is
75 described in subsection (d) of this section as being included in a particular district shall
76 nevertheless not be included within such district if such part is not contiguous to such
77 district. Such noncontiguous part shall instead be included within that district contiguous
78 to such part which contains the least population according to the United States decennial
79 census of 2020 for the State of Georgia.

80 (3) Any territory purportedly described in a district in subsection (d) of this section that
81 is not within the corporate limits of the City of Blackshear shall not be part of any such
82 district.

83 (f) The mayor and members of the city council shall be elected as provided in this
84 subsection. The members from Council Districts 1 and 2 shall be elected at the general
85 election on the Tuesday next following the first Monday in November, 2023. Those first
86 councilmembers elected thereto from Council Districts 1 and 2 in 2023 shall take office the
87 first day of January immediately following the election and shall serve for initial terms of
88 office which expire December 31, 2027, and upon the election and qualification of their
89 respective successors. The mayor and members from Council Districts 3, 4 and 5 shall be

90 elected at the general election on the Tuesday next following the first Monday in
91 November, 2025. The mayor and councilmembers elected thereto from Council
92 Districts 3, 4 and 5 in 2025 shall take office the first day of January immediately following
93 that election and shall serve for initial terms of office which expire December 31, 2029, and
94 upon the election and qualification of their respective successors. Those and all future
95 successors to the mayor and members of the city council whose terms of office are to
96 expire shall be elected at the time of the municipal general election immediately preceding
97 the expiration of such terms, shall take office the first day of January immediately
98 following that election, and shall serve for terms of office of four years each. The mayor
99 and members of the city council shall serve for the terms of office specified therefor in this
100 subsection and until their respective successors are elected and qualified.

101 SECTION 2.12.

102 Vacancy; filling of vacancies.

103 (a) The office of mayor or councilmember shall become vacant upon the incumbent's
104 death, resignation, forfeiture of office, or occurrence of any event specified by the
105 Constitution of the State of Georgia, Title 45 of the O.C.G.A., or such other applicable laws
106 as are or may hereafter be enacted.

107 (b) A vacancy in the office of mayor or councilmember shall be filled for the remainder
108 of the unexpired term, if any, by appointment by the city council or those members
109 remaining if less than 12 months remains in the unexpired term. If such vacancy occurs 12
110 months or more prior to the expiration of the term of that office, it shall be filled for the
111 remainder of the unexpired term by a special election, as provided for in Section 5.14 of
112 this charter and in accordance with Titles 21 and 45 of the O.C.G.A., or other such laws as
113 are or may hereafter be enacted.

114 (c) This provision shall also apply to a temporary vacancy created by the suspension from
115 office of the mayor or any councilmember."

116 **SECTION 2.**

117 Said Act is further amended by revising Section 3.11 as follows:

118 "SECTION 3.11.

119 Organization.

120 (a) The city council shall hold an organizational meeting at the first regular meeting in
121 January following each regular election. The meeting shall be called to order by the
122 mayor, mayor-elect, or city clerk and the oath of office shall be administered to the newly
123 elected members by a judicial officer authorized to administer oaths or the city clerk and
124 shall be, to the extent that it comports with federal and state law, as follows:

125 I do solemnly (swear)(affirm) that I will faithfully perform the duties of
126 (mayor)(councilmember) of this city and that I will support and defend the charter thereof
127 as well as the Constitution and laws of the State of Georgia and of the United States of
128 America. I am not the holder of any unaccounted for public money due this state or any
129 political subdivision or authority thereof. I am not the holder of any office of trust under
130 the government of the United States, any other state, or any foreign state which I by the
131 laws of the State of Georgia am prohibited from holding. I am otherwise qualified to
132 hold said office according to the Constitution and laws of Georgia, and I will support the
133 Constitution of the United States and of this state. I have been a resident of [my district
134 and] the City of Blackshear, Georgia for the time required by the Constitution and laws
135 of this state and by the municipal charter. I will perform the duties of my office in the
136 best interest of the City of Blackshear, Georgia to the best of my ability without fear,
137 favor, affection, reward, or expectation thereof.'

138 (b) By a majority vote, the city council shall elect a councilmember to serve as mayor pro
139 tempore. The mayor pro tempore shall preside at all meetings of the city council and shall
140 assume the duties and powers of the mayor during any disability or absence of the mayor.
141 The city council shall by majority vote elect a presiding officer from its number for any
142 period in which the mayor pro tempore is disabled, absent, or acting as mayor. Such
143 absence or disability shall be declared by majority vote of the city council. When serving
144 as mayor, the mayor pro tempore shall not also vote as a member of the council."

145 **SECTION 3.**

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

147 "SECTION 3.13.

148 Meetings.

149 (a) The city council shall hold regular meetings at such times and places as prescribed by
150 ordinance.

151 (b) Special meetings of the city council may be held on call of the mayor or three
152 members of the city council. Notice of such special meeting shall be served on all other
153 members personally, or by telephone personally, at least 48 hours in advance of the
154 meeting. Such notice to councilmembers shall not be required if the mayor and all
155 councilmembers are present when the special meeting is called. Such notice of any special
156 meeting may be waived by a councilmember in writing before or after such a meeting and
157 attendance at the meeting shall also constitute a waiver of notice on any business transacted
158 in such councilmember's presence. Only the business stated in the call may be transacted
159 at the special meeting.

160 (c) All meetings of the city council shall be public to the extent required by law and notice
161 to the public of special meetings shall be made fully as is reasonably possible as provided

162 by Code Section 50-14-1 of the O.C.G.A., or other such applicable laws as are or may
163 hereafter be enacted."

164 **SECTION 4.**

165 Said Act is further amended by revising Section 3.15 as follows:

166 "SECTION 3.15.

167 Voting.

168 (a) Except as otherwise provided in subsection (b) of this section, three councilmembers
169 shall constitute a quorum and shall be authorized to transact the business of the city
170 council. Voting on the adoption of ordinances shall be by voice vote and the vote shall be
171 recorded in the journal, but any member of the city council shall have the right to request
172 a rollcall vote and such vote shall be recorded in the journal. Except as otherwise provided
173 in this charter, the affirmative vote of a majority of the councilmembers present shall be
174 required for the adoption of any ordinance, resolution, or motion.

175 (b) No member of the city council shall abstain from voting on any matter properly
176 brought before the council for official action except when such councilmember has a
177 conflict of interest which is disclosed in writing prior to or at the meeting and made a part
178 of the minutes. Any member of the city council present and eligible to vote on a matter and
179 refusing to do so for any reason other than a properly disclosed and recorded conflict of
180 interest shall be deemed to have acquiesced or concurred with the members of the majority
181 who did vote on the question involved.

182 (c) In the event vacancies in office result in less than a quorum of councilmembers holding
183 office, then the remaining councilmembers in office shall constitute a quorum and shall be
184 authorized to transact business of the city council. A vote of a majority of the remaining
185 councilmembers shall be required for the adoption of any ordinance, resolution, or motion."

186 **SECTION 5.**

187 Said Act is further amended by revising Sections 4.12 through 4.15 as follows:

188 "SECTION 4.12.

189 City attorney.

190 The city council shall appoint a city attorney, together with such assistant city attorneys as
191 may be authorized, and shall provide for the payment of such attorney or attorneys for
192 services rendered to the city. The city attorney shall be responsible for providing for the
193 representation and defense of the city in all litigation in which the city is a party; may be
194 the prosecuting officer in the municipal court; shall attend the meetings of the council as
195 directed; shall advise the city council, mayor, and other officers and employees of the city
196 concerning legal aspects of the city's affairs; and shall perform such other duties as may be
197 required by virtue of the person's position as city attorney. The city attorney shall at all
198 times be an independent contractor. A law firm, rather than an individual, may be
199 designated as the city attorney.

200 SECTION 4.13.

201 City clerk.

202 (a) The city council shall appoint a city clerk who shall not be a councilmember. The city
203 clerk shall be custodian of the official city seal, maintain city council records required by
204 this charter, and perform such other duties as may be required by the city council. The city
205 council shall provide for the compensation of the city clerk.

206 (b) The city clerk shall be authorized to collect all taxes, licenses, fees, and other moneys
207 belonging to the city subject to the provisions of this charter and the ordinances of the city

208 and to enforce all laws of Georgia relating to the collection of delinquent taxes and the sale
209 or foreclosure for nonpayment of taxes by the city.

210 **SECTION 4.14.**

211 City accountant.

212 The mayor may appoint and the city council shall confirm a city accountant to perform the
213 duties of accountant.

214 **SECTION 4.15.**

215 Rules and regulations.

216 The city council shall adopt rules and regulations consistent with this charter concerning:

217 (1) The method of employee selection and probationary periods of employment;

218 (2) The administration of a position classification and pay plan, methods of promotion
219 and applications of service ratings thereto, and transfer of employees within the
220 classification plan;

221 (3) Hours of work, vacation, sick leave, and other leaves of absence, overtime pay, and
222 the order and manner in which layoffs shall be effected;

223 (4) Such dismissal hearings as due process may require; and

224 (5) Such other personnel notices as may be necessary to provide for adequate and
225 systematic handling of personnel affairs."

226 **SECTION 6.**

227 Said Act is further amended by repealing Section 4.16.

228

SECTION 7.

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

230

APPENDIX A

231 User: Blackshear

232 Plan Name: BlackshearCC-Import-2023

233 Plan Type: Local

234 District 001

235 County Pierce GA

236 VTD BLACKSHEAR

237 Block 960401

238 3032 3044 3045 3046 3048 3049

239 Block 960402

240 2043

241 VTD ST JOHNS/BLACKSHEAR

242 Block 960401

243 4003 4004 4005 4006 4007 4009 4012 4013 4014 4016 4017 4018

244 4019

245 Block 960402

246 2028 2029 2040 2041 2042 2044

247 District 002

248 County Pierce GA

249 VTD ALABAHA

250 Block 960200

251 2073 2074

252 Block 960302

253 1069 1070 1072 1073 1088

254 Block 960402
255 1031 1032 1036
256 VTD BLACKSHEAR
257 Block 960200
258 2075
259 Block 960301
260 3000 3001 3055
261 Block 960302
262 1041 1042 1043 1054 1055 1056 1057 1058 1059 1060 1061 1081
263 1082 1083 1084 1085 1086
264 Block 960401
265 3000 3001 3002 3003 3004 3005 3006 3007 3008 3009 3010 3011
266 3012 3016 3017 3018
267 Block 960402
268 2001 2003 2004 2005 2006 2015 2016 2017 2019 2024 2025
269 VTD HACKLEBARNEY/CASON
270 Block 960301
271 3002 3015 3023
272 Block 960302
273 1071
274 VTD OTTER CREEK
275 Block 960402
276 1037 1038 1048
277 VTD ST JOHNS/BLACKSHEAR
278 Block 960402
279 2000 2010 2011 2012 2013 2014 2018 2020 2021 2022 2026 2027

280 District 003
281 County Pierce GA
282 VTD ALABAHA
283 Block 960302
284 1028 1063 1064 1068
285 VTD BLACKSHEAR
286 Block 960302
287 1029 1031 1032 1034 1035 1037 1044 1045 1046 1047 1048 1049
288 1050 1051 1052 1053 1062
289 VTD HACKLEBARNEY/CASON
290 Block 960301
291 3003
292 Block 960302
293 1066 1067 1074 1076 1079 1087

294 District 004
295 County Pierce GA
296 VTD BLACKSHEAR
297 Block 960401
298 1008 1009 1012 1018 1019 1020 1022 1029 1031 2034 2035 3013
299 3014 3015 3020 3021 3022 3040
300 VTD HACKLEBARNEY/CASON
301 Block 960301
302 1019 2000 2003 2005 2007 2008 2020 2021 2022 2023 2024 2026
303 2027 2028 3004 3005 3006 3010 3011 3012 3013 3014 3016 3017
304 3018 3019 3020 3021 3022 3024 3025 3026 3027 3028 3029 3030
305 3031 3032 3033 3034 3035 3036 3037 3045 3046 3047 3048 3049

306 District 005
307 County Pierce GA
308 VTD BLACKSHEAR
309 Block 960401
310 3019 3023 3024 3025 3026 3027 3028 3029 3030 3031 3033 3034
311 3035 3047 4000 4001 4002 4010 4011 4020