

House Bill 1578 (AS PASSED HOUSE AND SENATE)

By: Representatives Gaines of the 120<sup>th</sup> and Dunahoo of the 31<sup>st</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend an Act to provide a new charter for the Town of Arcade, approved April 5, 1995  
2 (Ga. L. 1995, p. 4024), as amended, so as to clarify the name of the municipality; to make  
3 conforming changes; to change the date of the organization meeting of the city council  
4 following municipal elections; to revise provisions related to the form of ordinances; to  
5 revise provisions related to emergency meetings of the city council; to provide for a mayoral  
6 veto; to provide for related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 An Act to provide a new charter for the Town of Arcade, approved April 5, 1995 (Ga. L.  
10 1995, p. 4024), as amended, is hereby amended by deleting any reference to "the Town of  
11 Arcade" and to substitute in its place "the City of Arcade".

12 **SECTION 2.**

13 Said Act is further amended by deleting any reference to "journal" and to substitute in its  
14 place "minutes".

15 **SECTION 3.**

16 Said Act is further amended by revising Section 2.18 as follows:

17 "SECTION 2.18.

18 Organizational meeting.

19 The city council shall hold an organizational meeting on the second Monday of January  
20 following a municipal election. The meeting shall be called to order by the mayor or city  
21 clerk and the oath of office shall be administered to the newly elected members as follows:

22 'I do solemnly (swear)(affirm) that I will faithfully perform the duties of  
23 (mayor)(councilmember) of this City and that I will support and defend the charter  
24 thereof as well as the Constitution and laws of the State of Georgia and the United States  
25 of America.'

26 **SECTION 4.**

27 Said Act is further amended by revising subsection (a) of Section 2.22 as follows:

28 "(a) Every proposed ordinance should be introduced in writing and in the form required  
29 for final adoption. No ordinance shall contain a subject which is not expressed in its title."

30 **SECTION 5.**

31 Said Act is further amended by revising Section 2.24 as follows:

32 "SECTION 2.24.

33 Emergencies.

34 To meet a public emergency affecting life, health, property, or public peace, the city  
35 council may convene on call of the mayor or two councilmembers and may promptly adopt

36 an emergency ordinance, but such ordinance may not levy taxes; grant, renew, or extend  
37 a franchise; regulate the rate charged by any public utility for its services; or authorize the  
38 borrowing of money except for loans to be repaid within days. An emergency ordinance  
39 shall be introduced in the form prescribed for ordinances generally, except that it shall be  
40 plainly designated as an emergency ordinance and shall contain, after the enacting clause,  
41 a declaration stating that an emergency exists and shall describe the emergency in clear and  
42 specific terms. An emergency ordinance may be adopted, with or without amendment, or  
43 rejected at the meeting at which it is introduced. Such emergency ordinance shall become  
44 effective upon adoption or at such later time as it may specify. Every emergency ordinance  
45 shall automatically stand repealed 30 days following the date upon which it was adopted,  
46 but this shall not prevent reenactment of the ordinance in the manner specified in this  
47 section if the emergency continues to exist. An emergency ordinance may also be repealed  
48 by adoption of a repealing ordinance in the same manner specified in this section for  
49 adoption of emergency ordinances."

50 **SECTION 6.**

51 Said Act is further amended by revising Section 2.29 as follows:

52 "SECTION 2.29.

53 Powers and duties of the mayor.

54 (a) The mayor shall:

55 (1) Preside at all meetings of the city council;

56 (2) Be the head of the city for the purpose of service of process and for ceremonial  
57 purposes and be the official spokesperson for the city and the chief advocate of policy;

58 (3) Have the power to administer oaths and to take affidavits;

- 59 (4) Sign as a matter of course on behalf of the city all written and approved contracts,  
60 ordinances, and other instruments executed by the city which by law are required to be  
61 in writing;
- 62 (5) Vote on matters before the city council as provided in this charter;
- 63 (6) Prepare and submit to the city council a recommended annual operating budget and  
64 recommended capital budget; and
- 65 (7) Fulfill such other executive and administrative duties as the city council shall by  
66 ordinance establish.
- 67 (b) Within 96 hours after the adjournment of any city council meeting, the city clerk shall  
68 present to the mayor the draft record of proceedings of the meeting together with all  
69 ordinances and resolutions adopted and actions taken at the meeting. Within seven days  
70 of receipt of an ordinance or resolution or record of actions, the mayor shall return it to the  
71 city clerk with his or her signature for approval or with his or her veto. If an ordinance,  
72 resolution, or action is vetoed, the mayor shall attach a written statement explaining the  
73 reasons for his or her veto. Ordinances, resolutions, or actions vetoed by the mayor shall  
74 be considered at the next regular meeting of the city council, and the city council may pass  
75 the ordinance, resolution, or action over the veto by the affirmative vote of four of its  
76 members. The effective date of an ordinance, resolution, or action passed over the mayor's  
77 veto shall not be less than 15 days after the date of final passage. The mayor's veto power  
78 shall extend to disapproving or reducing individual appropriation items in the budget or any  
79 ordinance, resolution, or action, except appropriations for auditing or investigating any part  
80 of the executive branch. The mayor shall not have the power to veto any emergency  
81 ordinance."

82 **SECTION 7.**

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