House Bill 29 (AS PASSED HOUSE AND SENATE)
By: Representatives Petrea of the 166th, Stephens of the 164th, Hitchens of the 161st, Gordon of the 163rd, Stephens of the 165th, and others

A BILL TO BE ENTITLED
AN ACT

To amend an Act to incorporate the City of Skidaway Island, approved May 7, 2018 (Ga. L. 2018, p. 3784), so as to provide for the imposition of certain charges, taxes, and fees; to provide for land use; to provide for insurance for officers and employees of the city; to provide for the inspection of taxicabs and the mandate of safety and cleanliness standards for such vehicles; to provide for the manner of election of members of the governing authority and the procedures therefor; to provide for the dates of elections regarding the incorporation of the city and the election of its mayor and council; to provide for the filling of vacancies; to provide for the manner of selection of a mayor pro tem; to provide for the removal of board members; to provide for the manner of increasing millage rates; to provide for certain homestead exemption amounts and eligibilities and definitions relating to such exemption; to provide for the provision of services and collection of certain funds during the transition period; to provide for compliance with constitutional requirements; to provide an effective date; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.
An Act to incorporate the City of Skidaway Island, approved May 7, 2018 (Ga. L. 2018, p. 3784), is amended by revising paragraphs (20), (23), (31), and (39) of Section 1.13 as follows:

"(20) Municipal utilities. To acquire, lease, contract for, construct, operate, maintain, sell, and dispose of public utilities, including, but not limited to, a system of waterworks, sewers and drains, sewage disposal, storm-water management, gas works, electricity generating plants, cable television and other telecommunications, transportation facilities, public airports, and any other public utility; to fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties; and to provide for the withdrawal of service for refusal or failure to pay the same."
(23) Planning and zoning. To provide comprehensive city planning for land use and development by zoning and to provide subdivision regulation and the like as the city council deems necessary and reasonable to ensure a safe, healthy, and aesthetically pleasing community.

(31) Retirement and benefits. To provide and maintain a retirement plan, insurance, and other employee benefit plans and programs for officers and employees of the city.

(39) Taxicabs. To regulate and license vehicles operated for hire in the city; to limit the number of such vehicles; to require the operators thereof to be licensed; to require public liability insurance on such vehicles in the amounts to be prescribed by ordinance; to inspect such vehicles and mandate standards of safety and cleanliness, and to regulate the parking of such vehicles.

SECTION 2.

Said Act is further amended by revising Section 2.10 as follows:

SECTION 2.10.

City council; creation; number; election.

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 six councilmembers. The councilmembers shall be elected in the manner provided by general law and this charter. The councilmembers shall be elected at large by the voters of the entire city in accordance with provisions of Article V of this charter. The mayor shall be elected as provided in Section 2.32 and Article V of this charter.

SECTION 3.

Said Act is further amended by revising subsections (b) and (c) of Section 2.11 as follows:

(b) For the purpose of electing members of the council, the City of Skidaway Island shall consist of six council posts which shall be designated Council Posts 1, 2, 3, 4, 5, and 6. Except for the initial election under this charter, at the time of qualifying, each candidate for election to the council other than the mayor shall designate the council post that he or she seeks to represent. To be eligible to seek and to hold Council Post 1, in addition to the other qualifications specified in subsection (a) of this section, the person shall be a resident of the area within the city that is not contained in the subdivision known as 'The Landings on Skidaway Island.' Persons elected to Council Posts 2, 3, 4, 5, and 6 may reside anywhere within the city.
(c) The first election for mayor and councilmembers shall be a special election held on the third Tuesday in June, 2019. At such election, the mayor and councilmembers from Council Posts 1, 2, and 3 shall be elected for initial terms of office beginning immediately after their election and expiring on December 31, 2023. The councilmembers elected from Council Posts 4, 5, and 6 shall be elected for initial terms of office beginning immediately after their election and expiring on December 31, 2021. Thereafter, their successors shall be elected for terms of four years. All members shall serve until their successors are elected and qualified."

SECTION 4.

Said Act is further amended by revising subsection (b) of Section 2.12 as follows:

"(b) A vacancy in the office of mayor shall be filled for the remainder of the unexpired term, if any, by the mayor pro tem if a period of less than 12 months remains in the unexpired term. A vacancy in the office of a councilmember shall be filled for the remainder of the unexpired term, if any, by appointment by the city council or those members remaining if a period of less than 12 months remains in the unexpired term. If such a vacancy in the office of mayor or councilmember occurs 12 months or more prior to the expiration of the term of that office, such vacancy shall be filled for the remainder of the unexpired term by a special election, as provided for in Section 5.14 of this charter and in accordance with Titles 21 and 45 of the O.C.G.A., or other such laws as are or may hereafter be enacted."
SECTION 2.32.

Selection of mayor and mayor pro tem.

In accordance with the alternating election cycle for terms of office in subsection (b) of Section 5.11 of this charter, except as otherwise provided in this charter, at each regular election when the mayor is to be elected, the voters of the city shall elect a mayor at large for a term of four years. At the first organizational meeting in 2019, and thereafter at the beginning of each even-numbered year, beginning in 2020, the city council shall elect from among the councilmembers a mayor pro tem who shall act as mayor during the absence or disability of the mayor, but who shall only have one vote on matters before the city council.

SECTION 7.

Said Act is further amended by revising subsection (g) of Section 3.12 as follows:

“(g) All board members serve at-will and may be removed at any time by a vote of four members of the city council unless otherwise provided by law.”

SECTION 8.

Said Act is further amended by revising subsection (d) of Section 5.11 as follows:

“(d) In the initial election under this charter to be held on the third Tuesday in June, 2019, the mayor and six council posts shall be filled. The initial terms of office for those individuals elected to the positions of mayor and Council Posts 1, 2, and 3 shall take office immediately upon the certification of the results of such initial election and shall serve until December 31, 2023, and until their respective successors are elected and qualified. The individuals elected to Council Posts 4, 5, and 6 shall take office immediately upon the certification of the results of such initial election and shall serve until December 31, 2021, and until their respective successors are elected and qualified. Thereafter, all members of the city council shall be elected in November immediately preceding the end of their respective terms of office and shall take office on January 1 immediately following such election for terms of office of four years and until their respective successors are elected and qualified.”

SECTION 9.

Said Act is further amended by revising Section 5.13 as follows:
"SECTION 5.13.
Election by plurality.

The candidate receiving the highest number of votes cast for the council post for which he or she is offering for election shall be elected, and the candidate receiving the highest number of votes cast for the office of mayor shall be elected."

SECTION 10.

Said Act is further amended by revising Section 5.14 as follows:

"SECTION 5.14.
Special elections; vacancies.

In the event that the office of mayor or a councilmember shall become vacant as provided in Section 2.12 of this charter, the city council or those remaining shall order a special election to fill the balance of the unexpired term of such official; provided, however, that if such vacancy occurs within 12 months of the expiration of the term of a councilmember, the city council or those remaining shall appoint a successor for the remainder of the term and provided, further, that, if the vacancy in the office of mayor occurs within 12 months of the expiration of the term of office, the vacancy shall be filled in accordance with the provisions of subsection (b) of Section 2.12 of this charter. In all other respects, the special election shall be held and conducted in accordance with Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia Election Code,' as now or hereafter amended."

SECTION 11.

Said Act is further amended by revising Section 6.11 as follows:

"SECTION 6.11.
Millage rate; due dates; payment methods.

The city council, by ordinance, shall establish a millage rate for the city property tax, a due date, and the time period within which these taxes shall be paid. The city council, by ordinance, may provide for the payment of these taxes by two installments or in one lump sum, as well as authorize the voluntary payment of taxes prior to the time when due. For all years, the millage rate imposed for ad valorem taxes on real property for operating budget purposes shall not exceed 4.13 mills unless a higher limit is recommended by a resolution of the city council and voted on in a nonbinding referendum of the qualified
voters of the city; provided, however, that for the purposes of compliance with Code
Section 48-8-91 of the O.C.G.A., the millage rate may be adjusted upward for the sole
purpose of complying with the millage rate rollback provisions set forth therein. For the
purposes of this section, the term 'qualified voters' means those voters of the city who are
qualified to vote in city elections and cast a vote for or against such measure in such
referendum. The question to be presented to the voters in any referendum on increasing
the millage rate shall be, 'Do you approve increasing taxes on residential and nonresidential
property for City of Skidaway Island property owners by raising from [current millage rate]
to [proposed millage rate] the operating budget millage rate, which was capped in the
original charter for the city?' Following certification of the results of such a referendum,
the city council shall, at its next regular or special called meeting, introduce and vote upon
a resolution that increases the millage rate to the amount specified in the question presented
to the voters in the referendum. The city council shall nevertheless be authorized to
increase the millage rate if the millage rate increase is not approved by the qualified voters
of the City of Skidaway Island voting in the referendum, but shall not be authorized to
increase the millage rate above the amount specified."

SECTION 12.

Said Act is further amended by revising subsections (b) and (c) of Section 8.10 as follows:

"(b) Each resident of the City of Skidaway Island is granted an exemption on that person's
homestead from City of Skidaway Island ad valorem taxes for municipal purposes in the
amount of $12,000.00 of the assessed value of that homestead. The value of that property
in excess of such exempted amount shall remain subject to taxation.

(c) Any person who as of January 1, 2019, has applied for and is eligible for the $2,000.00
exemption from county ad valorem taxation provided in Code Section 48-5-44 of the
O.C.G.A. shall be eligible for the exemption provided for by subsection (b) of this section
without applying therefor. Thereafter, a person shall not receive the homestead exemption
granted by subsection (b) of this section unless such person or person's agent files an
application with the governing authority of the City of Skidaway Island, or the designee
thereof, giving such information relative to receiving such exemption as will enable the
governing authority of the City of Skidaway Island, or the designee thereof, to make a
determination regarding the initial and continuing eligibility of such person for such
exemption. The governing authority of the City of Skidaway Island, or the designee
thereof, shall provide application forms for this purpose."
SECTION 13.

Said Act is further amended by revising paragraph (1) of subsection (a) of Section 8.11 as follows:

"(1) 'Ad valorem taxes for municipal purposes' means all ad valorem taxes for municipal purposes levied by, for, or on behalf of the City of Skidaway Island, except for any ad valorem taxes to pay interest on and to retire municipal bonded indebtedness."

SECTION 14.

Said Act is further amended by revising subsection (b) of Section 8.12 as follows:

"(b) Each resident of the City of Skidaway Island is granted an exemption on that person's homestead from City of Skidaway Island ad valorem taxes for municipal purposes in an amount equal to the amount by which the current year assessed value of that homestead exceeds the base year assessed value of that homestead. This exemption shall not apply to taxes assessed on improvements to such homestead or additional land that is added to such homestead after January 1 of the base year. If any real property is added to or removed from such homestead, the base year assessed value shall be adjusted to reflect such addition or removal, and the exemption shall be recalculated accordingly. The value of that property in excess of such exempted amount shall remain subject to taxation."

SECTION 15.

Said Act is further amended by revising Section 9.10 as follows:

"SECTION 9.10.

Qualified electors.

(a) For the purposes of the referendum election provided for in Section 9.11 of this charter and for the purposes of the special election to be held on the third Tuesday in June, 2019, the qualified electors of the City of Skidaway Island shall be those qualified electors of Chatham County residing within the corporate limits of the City of Skidaway Island as described by Section 1.11 of this charter. At subsequent municipal elections, the qualified electors of the City of Skidaway Island shall be determined pursuant to the authority of Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia Election Code.'

(b) Only for the purpose of holding and conducting the referendum election provided for by Section 9.11 of this charter and only for the purpose of holding and conducting the special election of the City of Skidaway Island to be held on the third Tuesday in June, 2019, the election superintendent of Chatham County is vested with the powers and
duties of the election superintendent of the City of Skidaway Island and the powers and
duties of the governing authority of the City of Skidaway Island."

SECTION 16.
Said Act is further amended by revising Section 9.11 as follows:

"SECTION 9.11.
Referendum.

The election superintendent of Chatham County shall call a special election for the purpose
of submitting this Act to the qualified voters of the proposed City of Skidaway Island, as
provided in Section 9.10 of this charter, for approval or rejection. The superintendent shall
issue the call for the election in accordance with the provisions of Chapter 2 of Title 21 of
the O.C.G.A., the "Georgia Election Code." The superintendent shall set the date of such
election for the third Tuesday in March, 2019. The superintendent shall cause the date and
purpose of the election to be published once a week for two weeks immediately preceding
the date thereof in the official organ of Chatham County. The ballot shall have written or
printed thereon the words:

'( ) YES Shall the Act incorporating the City of Skidaway Island in Chatham County
( ) NO and granting the homestead exemptions described therein be approved?'

All persons desiring to vote for approval of the Act shall vote 'Yes,' and those persons
desiring to vote for rejection of the Act shall vote 'No.' If more than one-half of the votes
cast on such question are for approval of the Act, it shall become of full force and effect
as provided in Section 9.12 of this charter; otherwise, it shall thereafter be void and of no
force and effect. The expense of the special election set forth in this section shall be borne
by Chatham County. It shall be the duty of the superintendent to hold and conduct such
election. It shall be his or her further duty to certify the result thereof to the Secretary of
State."

SECTION 17.
Said Act is further amended by revising subsections (a) and (b) of Section 9.12 as follows:

"(a) Section 1.10, Section 1.11, and this section of this charter and those provisions of this
charter necessary for the special election provided for in Section 9.11 of this charter shall
become effective immediately upon its approval by the Governor or upon its becoming law
without such approval.

(b) Those provisions of this Act necessary for the special election to be held on the third
Tuesday in June, 2019, shall be effective upon the certification of the results of the
referendum election provided for by Section 9.11 of this charter, if this Act is approved at such referendum election."

SECTION 18.
Said Act is further amended by revising subsection (b) of Section 9.13 as follows:

"(b) During such transition period, Chatham County shall continue to provide within the territorial limits of the City of Skidaway Island all government services and functions which Chatham County provided in that area prior to the referendum election provided for in Section 9.11 of this charter and at the same actual cost, except to the extent otherwise provided in this section; provided, however, that upon at least 30 days' prior written notice to Chatham County by the City of Skidaway Island, responsibility for any such service or function shall be transferred to the City of Skidaway Island. The governing authority of the City of Skidaway Island shall determine the date of commencement of collection of taxes, fees, assessments, fines and forfeitures, and other moneys within the territorial limits of the City of Skidaway Island; provided, however, that upon at least 30 days' prior written notice to Chatham County by the City of Skidaway Island, the authority to collect any tax, fee, assessment, fine or forfeiture, or other moneys shall remain with Chatham County until such time as Chatham County receives subsequent notice from the City of Skidaway Island that such authority shall be transferred to the City of Skidaway Island."

SECTION 19.
In accordance with the requirements of Article VII, Section II, Paragraph II(a)(1) of the Constitution of the State of Georgia, this Act shall not become law unless it receives the requisite two-thirds' majority vote in both the Senate and the House of Representatives.

SECTION 20.
This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 21.
All laws and parts of laws in conflict with this Act are repealed.