

House Bill 985 (AS PASSED HOUSE AND SENATE)

By: Representative Erwin of the 28<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend an Act to provide a new charter for the City of Homer, approved May 17, 2004  
2 (Ga. L. 2004, p. 4033), so as to provide for election districts of the city council; to provide  
3 descriptions of such council districts; to provide for staggered terms of councilmembers; to  
4 provide for the manner of election of the mayor and councilmembers; to provide for the  
5 continuation in office of the current mayor and members of the city council; to provide for  
6 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 City of Homer, approved May 17, 2004 (Ga.  
10 L. 2004, p. 4033), is amended by revising Section 2.1 as follows:

11 "SECTION 2.1.

12 City council creation; number; election.

13 The legislative authority of the government of this city, except as otherwise specifically  
14 provided in this charter, shall be vested in a city council to be composed of a mayor and  
15 five councilmembers. As of January 1, 2022, the city shall be divided into three city  
16 council districts, to be named District 1, District 2, and District 3. District 1 and District 2  
17 shall each have two posts. District 3 shall have one post. The mayor and each  
18 councilmember shall be elected at large by the voters of the entire city. A councilmember  
19 must reside within the district from which he or she is elected to represent. The mayor may  
20 reside within any district. The city council established in this Act shall in all respects be  
21 a successor to and continuation of the municipality's governing authority under prior laws.  
22 The mayor and councilmembers shall be elected in a manner provided by general law and  
23 this charter."

24 **SECTION 2.**

25 Said Act is further amended by revising Section 2.2 as follows:

26 "SECTION 2.2

27 City council terms and qualifications for office.

28 Except as provided herein by this charter, the members of the city council shall serve for  
 29 terms of four years and until their respective successors are elected and qualified. No  
 30 person shall be eligible to serve as mayor or councilmember unless that person shall have  
 31 been a resident of the city for 12 months prior to the date of election. Additionally, no  
 32 person shall be eligible to serve as a councilmember unless that person shall have been a  
 33 resident of the district from which he or she is elected to represent for 12 months prior to  
 34 the date of election. The mayor and each councilmember shall continue to reside therein  
 35 during that person's period of service and continue to be registered and qualified to vote in  
 36 municipal elections of this city. The mayor and councilmembers in office upon the  
 37 effective date of this Act shall continue to serve until the expiration of their then current  
 38 terms."

39 **SECTION 3.**

40 Said Act is further amended by revising Section 2.17 as follows:

41 "SECTION 2.17.

42 Election of mayor; forfeiture; compensation.

43 The mayor shall be elected and serve for a term of four years and until a successor is  
 44 elected and qualified. The mayor shall be a qualified elector of this city and shall have  
 45 been a resident of the city for at least 12 months prior to his or her election to the office of  
 46 mayor. The mayor may reside in any city council district, but shall continue to reside  
 47 within the city during his or her period of service. The mayor shall forfeit the office on the  
 48 same grounds and under the same procedure as is provided for councilmembers. The  
 49 compensation of the mayor shall be established in the same manner as councilmember  
 50 compensation is established."

51 **SECTION 4.**

52 Said Act is further amended by revising Article V as follows:

53 **"ARTICLE V.**

54 Elections and removal.

55 **SECTION 5.1.**

56 Terms and qualifications.

57 Except as otherwise provided in this charter, the mayor and councilmembers shall serve for  
 58 terms of four years and until their respective successors are elected and qualified. No  
 59 person shall be eligible to serve as mayor or councilmember unless he or she has been a  
 60 resident of the city for 12 months immediately proceeding his or her election as mayor or  
 61 councilmember. Each person elected as mayor or councilmember shall continue to reside  
 62 within the city, and for councilmembers, within the district which that member represents  
 63 during said period of service. If a councilmember moves his or her residence from the  
 64 district from which he or she was elected during his or her term of office, a vacancy shall  
 65 be created and shall be filled as provided in this charter. Each person elected mayor or  
 66 councilmember shall be registered and qualified to vote in the municipal elections of the  
 67 city. No person's name shall be listed as a candidate on the ballot for election for either  
 68 mayor or councilmember unless such person files a written notice with the city clerk that  
 69 he or she desires his or her name to be placed on the ballot, and for councilmembers elected  
 70 on or after the general municipal election in 2021, identifying the district and post for  
 71 which such person desires to represent. No person shall be eligible for election to the  
 72 office of mayor or councilmember unless he or she files such notice within the time  
 73 provided for in Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia Election Code.'

74 **SECTION 5.2.**

75 Elections.

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

79 (b) All primaries and elections shall be held and conducted in accordance with Chapter 2  
 80 of Title 21 of the O.C.G.A. the 'Georgia Election Code.' Except as otherwise provided by  
 81 this charter, the city council shall, by ordinance or resolution, prescribe such rules and

82 regulations as it deems appropriate to fulfill any options or duties under the 'Georgia  
83 Election Code.'

84 (c) Political parties shall not conduct primaries for city offices, and all names of candidates  
85 for city office shall be listed without party labels.

86 (d) The candidate receiving a plurality of the votes cast for any city office shall be elected.

87 SECTION 5.3.

88 Councilmembers; election posts.

89 (a) The mayor and councilmembers who are in office on the effective date of this Act shall  
90 serve until the expiration of the terms of the office to which they were elected and until  
91 their successors are duly elected and qualified.

92 (b)(1) The city is divided into three city council districts, which shall be and correspond  
93 to those three numbered districts described in Plan: homercc-p1-2019; Plan Type: Local;  
94 Administrator: Homer; User: Gina, attached hereto and made a part of this Act.

95 (2) The mayor and each councilmember shall be elected at large by the voters of the  
96 entire municipality. Those councilmembers elected to District 1 Post 1, District 2 Post 1,  
97 and District 3 Post 1 at the general municipal election in 2021 shall serve a term of two  
98 years. The mayor and those councilmembers elected to District 1 Post 2 and District 2  
99 Post 2 at the general municipal election in 2021 shall serve a term of four years.  
100 Thereafter all councilmembers shall each serve a term of office of four years.

101 (3) The term 'VTD' shall mean and describe the same geographical boundaries as  
102 provided in the report of the Bureau of the Census for the United States decennial census  
103 of 2010 for the State of Georgia. The separate numeric designations in a district  
104 description which are underneath a 'VTD' heading shall mean and describe individual  
105 Blocks within a VTD as provided in the report of the Bureau of the Census for the United  
106 States decennial census of 2010 for the State of Georgia.

107 (4) Any part of the City of Homer which is not included in any such district described  
108 in this Act shall be included within that district contiguous to such part which contains  
109 the least population according to the United States decennial census of 2010 for the State  
110 of Georgia.

111 (5) Any part of the City of Homer which is described in this Act as being in a particular  
112 city council district shall nevertheless not be included within such district if such part is  
113 not contiguous to such district. Such noncontiguous part shall instead be included within  
114 that district contiguous to such part which contains the least population according to the  
115 United States decennial census of 2010 for the State of Georgia.

116

## 117 SECTION 5.4.

## 118 Elections.

119 Municipal elections shall be held on the general municipal election on the Tuesday next  
120 following the first Monday in November, 2021, and on such day biennially thereafter, as  
121 provided herein.

## 122 SECTION 5.5.

## 123 Special elections; vacancies.

124 In the event that the office of mayor or councilmember shall become vacant as provided  
125 in Section 2.3 of this charter, the city council or those remaining members shall order a  
126 special election to fill the balance of the unexpired term; provided, however, that if such  
127 vacancy occurs within 12 months of the expiration of the term of that office, the city  
128 council or those remaining members shall appoint a successor for the remainder of the  
129 term. In all other respects, the special election shall be held and conducted in accordance  
130 with Chapter 2 of Title 21 of the O.C.G.A.

## 131 SECTION 5.6.

## 132 Removal of officers.

133 (a) The mayor, councilmembers, or other appointed officers provided for in this charter  
134 shall be removed from office for any one or more of the causes provided in Title 45 of the  
135 O.C.G.A. or such other applicable laws.

136 (b) Removal of an officer pursuant to subsection (a) of this section shall be accomplished  
137 by one of the following methods:

138 (1) In the event an elected officer is sought to be removed by the action of the remaining  
139 members of the city council, such officer shall be entitled to a written notice specifying  
140 the ground or grounds for removal and to a public hearing which shall be held not less  
141 than ten days after the service of such written notice. The city council shall provide by  
142 ordinance for the manner in which such hearings shall be held. Any elected officer  
143 sought to be removed from office as herein provided shall have the right of appeal from  
144 the decision of the city council to the Superior Court of Banks County. Such appeal shall  
145 be governed by the same rules as govern appeals to the superior court from the probate  
146 court; or

147 (2) By an order of the Superior Court of Banks County following a hearing on a  
148 complaint seeking such removal brought by any resident of the City of Homer."

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