

House Bill 590 (AS PASSED HOUSE AND SENATE)

By: Representative Petrea of the 166<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend an Act to provide for a new charter for the City of Tybee Island, approved  
2 April 20, 1995 (Ga. L. 1995, p. 4462), as amended, so as to provide for the filling of  
3 vacancies; to provide for the election and duties of a mayor pro tem; to provide for elections;  
4 to provide for related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 An Act provide for a new charter for the City of Tybee Island, approved April 20, 1995  
8 (Ga. L. 1995, p. 4462), as amended, is amended by revising Section 2.12 as follows:

9 "SECTION 2.12.

10 Vacancies; filling of vacancies.

11 (a) The office of mayor or councilmember shall become vacant upon the occurrence of any  
12 event specified by the Constitution of the State of Georgia, Title 45 of the O.C.G.A., or  
13 such other applicable laws as are or may hereafter be enacted.

14 (b) A vacancy in the office of mayor or councilmember shall be filled for the remainder  
15 of the unexpired term, if any, as provided in Sections 5.18 and 5.19 of this charter."

16 **SECTION 2.**

17 Such Act is further amended by revising Section 2.33 as follows:

18 "SECTION 2.33.

19 Selection and powers and duties of the mayor pro tem.

20 At the first regular meeting of the city council following the regular election of the mayor  
21 every four years, the city council shall select one of its members as mayor pro tem. During  
22 the absence or physical or mental disability of the mayor for any cause, the mayor pro tem,  
23 or in the mayor pro tem's absence or disability for any reason, any one of the  
24 councilmembers chosen by a majority vote of the city council, shall be clothed with all the  
25 rights and privileges of the mayor and shall perform the duties of the office of the mayor  
26 so long as such absence or disability shall continue. Any such absence or disability shall  
27 be declared by a majority vote of all councilmembers. The mayor pro tem or selected  
28 councilmember shall sign all contracts and ordinances in which the mayor has a  
29 disqualifying financial interest as provided in Section 2.14 of this charter."

30 **SECTION 3.**

31 Said Act is further amended by revising Section 5.11 as follows:

32 "SECTION 5.11.

33 Regular elections; time for holding.

34 In odd-numbered years, on the Tuesday next following the first Monday in November, and  
35 biannually thereafter, a regular election shall be held in the City of Tybee Island at such  
36 place or places as the city council may designate for the election of the appropriate number  
37 of councilmembers, who shall have the qualifications specified in this charter to hold such  
38 office. An incumbent mayor or incumbent councilmember who shall qualify as a candidate  
39 and meet the qualifications to hold such office may be a candidate to succeed himself or  
40 herself for such office or for office as a member of the city council. As provided in Section  
41 5.12 of this charter, the mayor shall be elected to four-year terms of office and the mayoral  
42 election shall accompany the election on the Tuesday next following the first Monday in  
43 November in odd-numbered years by four-year terms."

44 **SECTION 4.**

45 Said Act is further amended by revising Section 5.17 as follows:

## 46 "SECTION 5.17.

47 Nondesignation of specific office by candidate; highest vote elects.

48 A candidate seeking one of two or more public offices each having the same title and to be  
 49 filled at the same election by the vote of the same electors shall not designate the specific  
 50 office he or she is seeking. The candidates for city council receiving the highest number  
 51 of lawful votes cast shall be elected as the councilmembers of the City of Tybee Island."

52 **SECTION 5.**

53 Said Act is further amended by revising Section 5.18 as follows:

## 54 "SECTION 5.18.

55 Filling vacancy in office of mayor or councilmembers.

56 (a) Should, during the term of office to which elected, the mayor or any councilmember  
 57 die, resign, remove or change residence beyond the city limits of the municipality, or  
 58 otherwise fail to meet all of the qualifications prescribed in this charter for the particular  
 59 office held at the time, the office of such person shall thereby become, and thereupon be  
 60 declared, vacant; and, in case of vacancy in the office of mayor or of any councilmember  
 61 from any cause whatsoever other than expiration of the term of office, the mayor and  
 62 remaining members of the council, or the remaining members of the council, as the case  
 63 may be, shall elect within 30 days after the vacancy occurs a qualified person to fill the  
 64 vacant office; provided, however, that if the vacancy to be filled is the office of mayor, the  
 65 office shall be assumed and filled by the mayor pro tem elected by the mayor and  
 66 councilmembers pursuant to Section 2.33 of this charter. The council seat vacated by the  
 67 former councilmember holding the office of mayor pro tem shall then be vacant and such  
 68 vacant council seat shall be filled in accordance with this section.

69 (b) In the event of a vacancy in the office of a councilmember prior to the expiration of the  
 70 regular term of office, such vacancy shall be filled for the remainder of the unexpired term,  
 71 by appointment by the mayor and council if less than 12 months remain in the unexpired  
 72 term, otherwise by an election provided for in this charter and in accordance with Titles 21  
 73 and 45 of the O.C.G.A., or such other laws as are or may hereafter be enacted."

74 **SECTION 6.**

75 Said Act is further amended by revising Section 5.19 as follows:

76 "SECTION 5.19.

77 Special Election; vacancies.

78 In the event that the office of a councilmember shall become vacant as provided in Section  
79 2.12 or pursuant to Section 5.18 of this charter, and which vacancy occurs with more than  
80 12 months remaining in the term of the elected official, such office shall be filled by special  
81 election to be held and conducted in accordance with Title 21 of the O.C.G.A., the 'Georgia  
82 Election Code,' as now or hereafter amended."

83 **SECTION 7.**

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