

**CITY OF HAPEVILLE
LEGISLATIVE AGENDA 2020 SESSION**

Charter Amendments

- Section 3-202. – Filling of vacancies.
 - **Current language:**

In the event the office of the mayor or any council member shall become vacant by death, removal, disqualification, resignation or other cause, the remaining members of the mayor and council shall within 30 days order a special election to fill the vacancy or vacancies for the unexpired term or terms. Every special election for such purpose shall be held and conducted in all respects in accordance with the provisions of the code relating to general elections.
 - **Proposed language:**

In the event the office of the mayor or any council member shall become vacant by death, removal, disqualification, resignation or other cause, the remaining members of the mayor and council shall:

 - within thirty (30) days, order a special election to fill the vacancy for the unexpired term, if the vacancy occurred while the elected official was within the first two years of his or her term. Every special election for such purpose shall be held and conducted in all respects in accordance with the provisions of the code relating to general elections; or
 - within sixty (60) days, appoint a qualified city resident to fill the vacancy for the unexpired term, if the vacancy occurred while the elected official was within the last two years of his or her term. Appointments may only occur if there is a unanimous vote by all members of the City Council.
- Section 2-402. – Rules, quorum; voting; journal of minutes.
 - **Current language:**

(a) The mayor and council, by a motion approved by a majority vote of all members, may adopt any rules of procedure and order of business or amendments thereto that are consistent with this charter and ordinances of the city.

(b) A majority of the members of the mayor and council, including the mayor, shall constitute a quorum for the transaction of business, but a number less than a majority may adjourn from time to time. All actions of the mayor and council shall require the affirmative vote of a majority of the council members present unless otherwise required by this charter.

(c) A journal of minutes shall be maintained, and every official action of the mayor and council shall be recorded therein. The journal shall be a public record. Any council member may require the recording of yeas and nays of each member in the journal for any votes taken by the mayor and council.
 - **Proposed language:**

(a) *Rules.* The mayor and council, by a motion approved by a majority vote of all members, may adopt any rules of procedure and order of business or amendments thereto that are consistent with this charter and ordinances of the city.

(b) *Quorum*. A majority of the members of the mayor and council, with at least one city-wide elected official, shall constitute a quorum for the transaction of business. If the mayor is not present, then the alderman-at-large shall preside over the mayor and council meeting. If the mayor and the alderman-at-large are not present, then the councilman at large shall preside over the mayor and council meeting.

(c) *Voting*. All actions of the mayor and council shall require the affirmative vote of a majority of the council members present unless otherwise required by this charter.

(c) *Minutes*. A journal of minutes shall be maintained, and every official action of the mayor and council shall be recorded therein. The journal shall be a public record. Any council member may require the recording of yeas and nays of each member in the journal for any votes taken by the mayor and council.

**** Note from PMP – Under the proposed language, a quorum can be established with the Mayor and two council members. With the Mayor not being able to vote, there may be circumstances where two people can make decisions for a five-member body. It is my recommendation that we modify the Mayor’s voting authority, so that we can ensure that any action needs at least three affirmative votes.**

• Section 4-202. – City attorney; appointment; qualifications; duties; compensation.

○ **Current language:**

(a) The mayor and council shall annually appoint a city attorney who shall hold office for one (1) year, or until his successor is appointed and qualified.

(b) The city attorney shall be an active member of the State Bar of Georgia in good standing.

(c) The city attorney shall be legal counsel to the city and shall perform any other duties as may be provided by ordinance.

(d) The compensation of the city attorney shall be fixed by the mayor and council.

○ **Proposed language:**

(a) The mayor and council shall annually appoint individual attorney(s) or a law firm to hold the office designated as City Attorney.

(b) The appointed individual attorney(s) or the attorneys of the law firm shall be active members of the State Bar of Georgia in good standing.

(c) The City Attorney shall be legal counsel to the city and shall perform any and all duties necessary and requested by the city and its officers.

(d) The compensation of the City Attorney shall be fixed by the mayor and council.

Creation of Facilities Authority

See attached.