

FIRST READING _____

SECOND READING _____

PUBLICATION DATES: _____

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHARTER OF THE CITY OF DAWSONVILLE TO PROVIDE FOR FILLING VACANCIES OF THE OFFICE OF MAYOR AND CITY COUNCIL MEMBERS AND FOR HOLDING SPECIAL ELECTIONS TO FILL VACANCIES; TO AMEND RESIDENCY REQUIREMENTS FOR CITY OFFICES; AND FOR OTHER PURPOSES

WHEREAS, an Act was passed in the Georgia Legislature in April of 1996 providing a new Charter for the City of Dawsonville and for other purposes;

WHEREAS, Section 2.11 of the City Charter sets forth the terms and qualifications for Council members and the Mayor, including certain residency requirements;

WHEREAS, Section 2.12 of the City Charter defined the manner by which an office of the Mayor or Council member becomes vacant and set out the manner in which such offices shall be filled;

WHEREAS, Section 5.13 further sets out the manner by which vacancies of the office of the Mayor or Council member are filled and by which special elections are held;

WHEREAS, the City now desires to amend Section 2.11, 2.12 and Section 5.13 of the City Charter, pursuant to O.C.G.A. 36-35-3 to provide for a more fair and reasonable means of qualification for a city office and a more efficient and practical means for filling vacancies of city offices and holding special elections for the same;

NOW THEREFORE, THE COUNCIL OF THE CITY OF DAWSONVILLE, GEORGIA HEREBY ORDAINS AS FOLLOWS:

Sections 2.11, 2.12 and 5.13 of the City Charter, as amended, are deleted in their entirety and the new sections set forth below are inserted. All other remaining sections of the City Charter not specifically amended by this ordinance shall remain in full force and effect. A copy of this Charter Amendment along with all other required documents shall be provided to the Secretary of State in accordance with O.C.G.A. § 36-35-5.

Sections 2.11, 2.12 and Section 5.13 of the City Charter shall read according to the amendments as follows:

Section 2.11. Terms and qualifications of office.

The members of the Council shall serve for terms of four years and until their respective successors are qualified and elected. The Mayor shall serve for a term of four years and until his or her successor is qualified and elected. No person shall be eligible to serve as Mayor or Council member unless he or she: (1) has been a resident of the City for a period of at least one year immediately prior to the date he or she takes office; (2) continues to reside within the City during his or her period of service; (3) is registered and qualified to vote in municipal elections of the City of Dawsonville; and (4) meets any applicable requirements imposed under the Article 14, Chapter 2, of the "Georgia Election Code."

Section 2.12. Vacancy; forfeiture of office; filling of vacancies.

(a) The office of Mayor or Council member shall become vacant upon the incumbent's death, resignation, forfeiture of office, or removal from office in any manner authorized by this Charter or the laws of the State of Georgia.

(b) A vacancy in the office of Mayor or Council member shall be filled, as provided for in Article V of this Charter.

Section 5.13. Special elections; vacancies.

In the event of a vacancy in the office of the Mayor or Council member, the Mayor and Council shall appoint a qualified person to fill such vacancy until a special election is held as set forth below. If a tie vote by the Mayor and Council to fill a vacancy is unbroken for 15 days, the Mayor, or Mayor pro tempore in case of a vacancy in the office of Mayor, shall appoint a qualified person to fill the vacancy. Once a vacancy is filled by appointment, a special election shall be called and held to fill the balance of the unexpired term. Notwithstanding the foregoing, if such vacancy occurs within 180 days prior to a regular election for the vacant office of the Mayor or Council member, the appointee shall serve until the election, the vacancy shall be filled at the regular election, and in such event, no special election shall be held. Special elections shall be called and held according to the next applicable special election date after a vacancy is created. In all other respects, special elections shall be conducted in accordance with the applicable provisions of this charter and Article 14, Chapter 2, of the "Georgia Election Code."

All other provisions as contained in the City Charter for the City of Dawsonville, Georgia, as amended, that are not modified by this ordinance shall remain in full force and effect. This ordinance shall become effective upon adoption.

SO ADOPTED by the City Council of Dawsonville, Georgia, this _____ day of February, 2005.

CITY OF DAWSONVILLE

Mayor, City of Dawsonville

Council Member

Council Member

Council Member

Council Member

Attested to by City Clerk

AFFIDAVIT OF PUBLICATION

**STATE OF GEORGIA]
COUNTY OF DAWSON]**

Before me, the undersigned a Notary Public, this day came _____,
who being duly sworn, according to law, says he is the Editor of the DAWSON
COMMUNITY NEWS, A NEWSPAPER OF GENERAL CURCULATION IN THE
MUNICIPAL CORPORATION and that a NOTICE OF PUBLICATION regarding an
“Ordinance to amend Section 2.11, Section 2.12 and Section 5.13 of the City Charter
pursuant to O.C.G.A. §36-35-3(b) to amend the process of filling vacancies in the office
of the Mayor or Councilmember and holding special elections to fill any such vacancy,
as provided under the City Charter of the City of Dawsonville, Georgia” was published
three (3) times on the dates of
_____2005.

EDITOR

Subscribed and sworn to before me
this _____ day of _____, 2005.

NOTARY PUBLIC (SEAL)