

STATE OF GEORGIA
COUNTY OF HENRY
CITY OF STOCKBRIDGE

RESOLUTION NO. - A13-518

A RESOLUTION AUTHORIZING THE CITY OF STOCKBRIDGE ("CITY") TO REQUEST THAT ITS LEGISLATIVE DELEGATION INTRODUCE LOCAL LEGISLATION IN THE GENERAL ASSEMBLY AMENDING SECTIONS 2.11 (e), 3.11 (a), AND 3.23 (c) AS SPECIFICALLY DESCRIBED HEREIN SO AS TO CLARIFY THE DATE ON WHICH ELECTED OFFICIALS TAKE OFFICE, SO AS TO REMOVE THE CITY CLERK AS THE OFFICIAL CALLING TO ORDER THE ORGANIZATIONAL MEETING, AND SO AS TO CLARIFY VETO OVERRIDE PROVISIONS; AUTHORIZING THE LEGISLATURE TO ADVERTISE A NOTICE OF INTENT TO INTRODUCE LOCAL LEGISLATION; AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THE PURPOSES OF THIS RESOLUTION; AUTHORIZING THE CITY CLERK TO ATTEST SIGNATURES AND AFFIX THE OFFICIAL SEAL OF THE CITY AS NECESSARY; PROVIDING FOR SEVERABILITY; REPEALING INCONSISTENT RESOLUTIONS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Stockbridge ("City") is a municipal corporation duly organized and existing under the laws of the State of Georgia and is charged with providing public services to residents located within the corporate limits of the City; and

WHEREAS, Article II, Section V, Paragraph VIII of the 1983 Constitution of the State of Georgia states that the General Assembly may provide by law for the procedure for considering local legislation; and

WHEREAS, Article III, Section V, Paragraph IX of the 1983 Constitution of the State of Georgia states that the General Assembly shall provide for the advertisement of notice of intention to introduce local legislation; and

WHEREAS, O.C.G.A. § 28-1-14 sets forth the requirement that no local bill shall become law unless notice of the intention to introduce such bill shall have been properly advertised, and sets forth the procedure for such advertisement; and

WHEREAS, the City was incorporated by an act of the General Assembly approved on August 6, 1920 (1920 Ga. Laws 1531 *et seq.*); and

WHEREAS, the General Assembly adopted a new City Charter on April 4, 1991 through an act of local legislation (1991 Ga. Laws 4359), which has been subsequently amended; and

WHEREAS, Section 2.11 (e) of the City Charter currently provides that the terms of office of persons elected to office in the City shall begin on the first day of January immediately following their election; and

WHEREAS, Section 3.11 (a) of the City Charter currently provides that the City Council shall hold an organizational meeting at the first regular meeting in January following an election, and that the meeting shall be called to order by the City Clerk and the oath of office shall be administered to the newly elected officers on that date as provided therein; and

WHEREAS, Section 3.23 (c) of the City Charter currently provides that ordinances vetoed by the Mayor shall be presented by the City Clerk to the City Council at its next meeting and should the City Council then or at its next general meeting adopt the ordinance by an affirmative vote of the entire Council, it shall become law; and

WHEREAS, the City finds that the City Charter needs to be clarified as to when elected officials take office, finds that the City Clerk is an inappropriate official to call its

organizational meeting to order, and seeks to amend City Charter Sections 2.11 (e) and 3.11 (a) to clarify these issues; and

WHEREAS, the City desires to create clarity as to the process for an override of the Mayor's veto by amending City Charter Section 3.23 (c); and

WHEREAS, the City finds that under Georgia law, the City Charter amendments described above can best be accomplished through the passage of proposed local legislation by the Georgia General Assembly; and

WHEREAS, to the extent that O.C.G.A. § 28-1-14 requires the publication of a notice of intent to introduce local legislation, the City requests that the General Assembly publish such notice pursuant to its normal procedure; and

WHEREAS, the City wishes to formally request that the Georgia General Assembly enact local legislation amending the City's Charter so as to provide for the City Charter amendments exactly as described herein below.

NOW THEREFORE, THE COUNCIL OF THE CITY OF STOCKBRIDGE
HEREBY RESOLVES AS FOLLOWS;

Section 1. Approval - The City Council of the City of Stockbridge hereby approves and authorizes the City to formally request that the Georgia General Assembly enact local legislation amending Sections 2.11 (e), 3.11 (a), and 3.23 (c) of the City's Charter so as to provide as follows:

Section 2.11 – Elections.

....

- (e) **On the Tuesday next following the first Monday in November, 1991, and on that day quadrennially thereafter, there shall be elected three councilmembers. Then, on the Tuesday next following the first Monday in November, 1993, and on that day quadrennially thereafter, there shall be elected a mayor and two councilmembers. It is the purpose of this section to provide a rotation system for the office of mayor and councilmembers. The terms of office of persons so elected shall begin at the time they are sworn into office following their election.**

....

Section 3.11 – Organization.

....

- (a) **The city council shall hold an organizational meeting at the first regular meeting in January following an election. Once the meeting has been called to order, the oath of office shall be administered to any newly elected mayor or city councilmember as follows:**

I do solemnly swear/affirm that I will faithfully perform the duties of (mayor/councilmember) of the City of Stockbridge and that I will, to the best of my ability, support and defend the charter thereof as well as the Constitution and laws of the State of Georgia and of the United States of America. I further affirm that upon assumption of this office I do not hold any unaccounted for public money due and payable to the state, any political subdivision of this state, the City of Stockbridge, or any authority thereof, nor do I hold any other office of trust of the government of the United States, of this state, or of any foreign state as proscribed by the laws of the State of Georgia. I solemnly affirm that I am fully qualified under the Constitution and the laws of this state to hold the office of (mayor/councilmember), and that I have been a resident of the City of Stockbridge for the entire period of time required by the Constitution and laws of the State of Georgia. I will perform the duties of my office in the best interest of the City of Stockbridge to the best of my ability without fear, favor, affection, reward, or expectation thereof.

....

Section 3.23 – Submission of ordinances to the mayor; veto power.

....

- (c) **Ordinances vetoed by the mayor shall be presented by the city clerk to the city council at its next regular meeting and should the council at that meeting adopt the ordinance by a vote of four (4) councilmembers, it shall become law.**

....

Further, pursuant to O.C.G.A. § 28-1-14, the Mayor and City Council approve the publication of notice of intent to introduce local legislation in a form substantially similar to the notice attached hereto and incorporated herein as Exhibit "A".

Section 2. Approval of Execution - The Mayor is hereby authorized to sign all documents and to perform all other acts necessary to

effectuate this Resolution on behalf of the City of Stockbridge. The City Clerk is authorized to execute, attest to, and seal any document which may be necessary to effectuate this Resolution, subject to approval as to form by the City Attorney.

Section 3. **Severability** - To the extent any portion of this Resolution is declared to be invalid, unenforceable, or non-binding, that shall not affect the remaining portions of this Resolution.

Section 4. **Repeal of Conflicting Provisions** - All City resolutions inconsistent with this Resolution are hereby repealed.

Section 5. **Effective Date** - This Resolution shall be effective on the date of its approval by the City Council and Mayor as provided in the City Charter.

SO RESOLVED, this the 1st day of March, 2013.

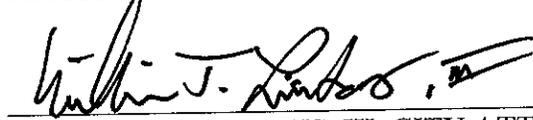
CITY OF STOCKBRIDGE, GEORGIA


MARK A. ALARCON, MAYOR

ATTEST:


RHONDA A. BLACKMON, CITY CLERK

APPROVED AS TO FORM:


WILLIAM J. LINKOUS, III, CITY ATTORNEY
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NOTICE OF INTENTION TO INTRODUCE LOCAL LEGISLATION
Pursuant to Article III, § V, Paragraph IX of the Constitution of the State of Georgia and O.C.G.A. § 28-1-14, notice is given that there will be introduced at the regular 2013 session of the General Assembly of Georgia local legislation amending Sections 2.11 (e), 3.11 (a), and 3.23 (c) of the City Charter of the City of Stockbridge so as to clarify the date on which elected officials take office, so as to remove the City Clerk as the official calling to order the City's organizational meetings, and so as to clarify the procedure for overriding a mayoral veto; to provide for any and all matters relative to the foregoing; to repeal conflicting laws; and for other purposes.

This ___ day of March, 2013.

City of Stockbridge, Georgia

By: ___/s/___

David A. Milliron

City Administrator

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