

House Bill 574 (AS PASSED HOUSE AND SENATE)

By: Representatives Raffensperger of the 50th, Jones of the 25th, Willard of the 51st, Hilton of the 95th, and Martin of the 49th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act to incorporate the City of Johns Creek in Fulton County, Georgia, approved
2 March 29, 2006 (Ga. L. 2006, p. 3503), as amended, so as to provide for vacancies on the
3 governing authority; to provide for a city manager; to provide for a mayor pro tempore; to
4 provide for related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 An Act to incorporate the City of Johns Creek in Fulton County, Georgia, approved
8 March 29, 2006 (Ga. L. 2006, p. 3503), as amended, is amended by revising subsection (b)
9 of Section 2.12 as follows:
10 "(b) In the event that the office of mayor or councilmember shall become vacant, the city
11 council or those remaining shall order a special election to fill the balance of the unexpired
12 term of such official; provided, however, if such vacancy occurs within six months of the
13 expiration of the term of that office, the city council or those members remaining shall
14 appoint a successor for the remainder of the term. In all other respects, the special election
15 shall be held and conducted in accordance with Chapter 2 of Title 21 of the O.C.G.A., the
16 "Georgia Election Code," as now or hereafter amended. The city council shall call for an
17 election within 30 days of a position being vacated, and the election shall be held at the first
18 available date allowed by state law, with a minimum of 60 days between the call for the
19 election and the election date."

20 style="text-align:center">**SECTION 2.**

21 Said Act is further amended by revising Section 3.23 as follows:

22 "SECTION 3.23.

23 City manager; appointment, qualification, and compensation.

24 (a) The mayor shall appoint a city manager, subject to ratification by the city council. The
25 city manager shall be appointed without regard to political beliefs and solely on the basis of
26 his or her executive and administrative qualifications with special reference to his or her
27 educational background and actual experience in, and knowledge of, the duties of office as
28 hereinafter prescribed.

29 (b) The city manager shall be an employee at will and may be removed by an affirmative
30 vote of a majority of the city council.

31 (c) The mayor may suspend the city manager from duty, with pay, for a period not to exceed
32 45 days. Said suspension may be shortened or reversed by an affirmative vote of a majority
33 of the city council."

34 **SECTION 3.**

35 Said Act is further amended by revising Section 3.27 as follows:

36 "SECTION 3.27.

37 Selection of mayor pro tempore.

38 There shall be a mayor pro tempore elected from among the councilmembers by the city
39 council. The initial mayor pro tempore shall serve for a term expiring December 31, 2007,
40 and successors shall serve for terms of two years. The mayor pro tempore shall continue to
41 vote and otherwise participate as a councilmember. A vacancy in the position of mayor pro
42 tempore resulting from the mayor pro tempore ceasing to serve as a councilmember or from
43 any other cause shall be filled for the remainder of the unexpired term in the same manner
44 as the original election."

45 **SECTION 4.**

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