

House Bill 548 (AS PASSED HOUSE AND SENATE)

By: Representatives Stovall of the 74th, Glanton of the 75th, Burnough of the 77th, Scott of the 76th, and Bazemore of the 63rd

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act to incorporate the City of Riverdale, approved February 13, 1956 (Ga. L.
2 1956, p. 2205), as amended, so as to provide for a governing authority; to create wards for
3 the election of members of the governing authority; to provide for definitions and inclusions;
4 to provide for method of election and filling vacancies; to provide for the continuation in
5 office of current members; to provide for related matters; to provide for effective dates; to
6 repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 An Act to incorporate the City of Riverdale, approved February 13, 1956 (Ga. L. 1956, p.
10 2205), is amended by revising Section 7 as follows:

11 **"Section 7. Incumbents.** The members of the city council elected in the November, 2013,
12 general election shall continue in office for the terms to which they were elected and until
13 their successors are elected and qualified as provided in this Act. The members of the city
14 council elected in the November, 2015, general election shall continue in office for the
15 terms to which they were elected and until their successors are elected and qualified as
16 provided in this Act."

17 **SECTION 2.**

18 Said Act is further amended by revising Section 7A as follows:

19 **"Section 7A. Wards.**

20 (a) For the purpose of electing the four councilmembers of the City of Riverdale, the city
21 shall be divided into four wards. Wards 1, 2, 3, and 4 shall correspond to those four
22 numbered districts described in a plan and attached to and made a part of this Act and
23 further identified as 'Plan: riverdale-pl-2016 Plan Type: Local Administrator: H074 User:
24 Gina'.

25 (b)(1) For the purposes of such plan:

26 (A) The term 'VTD' shall mean and describe the same geographical boundaries as
 27 provided in the report of the Bureau of the Census for the United States decennial
 28 census of 2010 for the State of Georgia. The separate numeric designations in a ward
 29 description which are underneath a 'VTD' heading shall mean and describe individual
 30 blocks within a VTD as provided in the report of the Bureau of the Census for the
 31 United States decennial census of 2010 for the State of Georgia; and

32 (B) Except as otherwise provided in the description of any ward, whenever the
 33 description of any ward refers to a named city, it shall mean the geographical
 34 boundaries of that city as shown on the census maps for the United States decennial
 35 census of 2010 for the State of Georgia.

36 (2) Any part of the City of Riverdale that is not included in any ward described in
 37 subsection (a) of this section shall be included within that ward contiguous to such part
 38 which contains the least population according to the United States decennial census of
 39 2010 for the State of Georgia.

40 (3) Any part of the City of Riverdale which is described in subsection (a) of this section
 41 as being included in a particular ward shall nevertheless not be included within such ward
 42 if such part is not contiguous to such ward. Such noncontiguous part shall instead be
 43 included within that ward contiguous to such part which contains the least population
 44 according to the United States decennial census of 2010 for the State of Georgia."

45 **SECTION 3.**

46 Said Act is further amended by revising Section 8 as follows:

47 **"Section 8. Election, oath, and vacancies.**

48 (a) There shall be one member of the city council elected for each ward. A candidate shall
 49 designate the ward for which such candidate offers for election. Members of the city
 50 council shall be elected by qualified electors of the ward for which they offer for election.
 51 The election of members of the city council shall be conducted in accordance with the
 52 provisions of Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia Election Code.'

53 (b) The first members of the reconstituted governing authority of the City of Riverdale
 54 from Wards 1 and 3 shall be elected in the November, 2017, general election. Such
 55 members shall take office on January 1 following their election and shall serve for terms
 56 of four years each and until their successors are elected and qualified.

57 (c) The first members of the reconstituted governing authority of the City of Riverdale
 58 from Wards 2 and 4 shall be elected in the November, 2019, general election. Such
 59 members shall take office on January 1 following their election and shall serve for terms
 60 of four years each and until their successors are elected and qualified.

61 (d) Successors to members elected under subsections (b) and (c) of this section shall be
62 elected in the November general election next preceding the expiration of such terms of
63 office and shall take office on January 1 following their election for terms of four years and
64 until their successors are elected and qualified.

65 (e) All elections shall be conducted on a district-wide basis and in order for a candidate
66 to be eligible to qualify as a candidate, in addition to the other qualifications enumerated
67 in this charter, he or she must reside in the ward for which he or she offers for election for
68 at least 12 months prior to an election. In order to be elected, a candidate for mayor or
69 councilmember must receive a majority of the votes cast for the position for which he or
70 she is offering as a candidate.

71 (f) In the event a councilmember moves his or her residence from the ward that he or she
72 represents after taking office, the mayor and city council shall declare his or her office
73 vacant and it shall be filled as any other vacancy in the city's government.

74 (g)(1) At the first regular meeting of the mayor and city council after each regular
75 election of members of the mayor and city council, they shall meet in the city hall or
76 other designated place in the city and then and there severally take, before some officer
77 authorized under the laws of Georgia to administer oaths, the following oath of office, to
78 wit: 'I do solemnly swear that I will well and truly demean myself as mayor or
79 councilmember, as the case may be, of the City of Riverdale for the ensuing term, and
80 that I will faithfully enforce the charter and ordinances of said city to the best of my skill
81 and ability, without fear or favor, so help me God.'

82 (2) Should the mayor or any councilmember be absent from said meeting, such person
83 shall take the oath of office as soon as possible thereafter.

84 (h) Said mayor and councilmembers shall provide, by ordinance, for regular monthly
85 meetings and may hold such special or called meetings as the business of the city may
86 require, which special or called meetings shall be called either by the mayor in his or her
87 discretion or by at least three councilmembers in their discretion, to be convened as
88 provided by the city ordinances. Notice of special or called meetings shall be served by the
89 city clerk or his or her designee on all other members personally or by telephone at least
90 24 hours in advance of the meeting. If the clerk or his or her designee is unable to reach
91 a member, it shall be deemed sufficient notice under this section if telephonic
92 communication is attempted via the member's telephone number designated for that
93 purpose or by delivery of written notice at the member's home address, provided such
94 attempt is made at least 24 hours in advance of the meeting and, if possible, a message is
95 left for the member. Notice to councilmembers of special or called meetings shall not be
96 required if the mayor and all councilmembers are present when the special meeting is
97 convened. Notice of any special or called meeting may be waived by a member in writing

98 either before or after such a meeting. Also, attendance at any special or called meeting
99 shall constitute a waiver of notice concerning any business transacted in such member's
100 presence. At special or called meetings, only the business stated in the call may be
101 transacted.

102 (i) In the event that the office of mayor or any one or more of the councilmembers shall
103 become vacant by death, resignation, removal, or otherwise, said vacancy or vacancies may
104 be filled by appointment and selection by the mayor and councilmembers in the case of
105 vacancies in the city council, and by the councilmembers in the case of a vacancy in the
106 office of mayor. Persons so selected shall be duly qualified to fill such vacancies for the
107 unexpired term provided it does not exceed 12 months; otherwise, a special election shall
108 be called."

109 **SECTION 4.**

110 The provisions of this Act relating to and necessary for the 2017 regular election of members
111 of the governing authority of the City of Riverdale shall become effective upon its approval
112 by the Governor or upon its becoming effective without such approval; and this Act shall
113 otherwise become effective January 1, 2018.

114 **SECTION 5.**

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