



OFFICE OF SECRETARY OF STATE

I, Brad Raffensperger, Secretary of State of the State of Georgia, do hereby certify that

the attached 5 pages are true and a correct copy of Act No. 523, House Bill No. 695, as approved and signed by the Governor on July 29, 2020; all as the same appear on file and record in this office.



IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of my office, at the Capitol, in the City of Atlanta, this 5th day of August, in the year of our Lord Two Thousand and Twenty and of the Independence of the United States of America the Two Hundred and Forty-Fifth.

Brad Raffensperger
Brad Raffensperger, Secretary of State

ENROLLMENT

June 30, 2020

The Committee of the House on Information and Audits has examined the within and finds the same properly enrolled.

Don Hogan

Chairman

[Signature]

Speaker of the House

[Signature]

Clerk of the House

[Signature]

President of the Senate

[Signature]

Secretary of the Senate

[Signature]

Received

Secretary, Executive Department

This 30th day of June 2020

Approved

[Signature]

Governor

This 29th day of July 2020

H.B. No. 695 General

Act No. 523 Assembly



AN ACT

To amend an Act to incorporate the City of Brookhaven in DeKalb County, approved April 16, 2012 (Ga. L. 2012, p. 5527), as amended, so as to increase the term limit of the mayor; to repeal expired provisions related to election of mayor and councilmembers during the first four years of the city's existence; to provide for the filling of vacancies in the offices of mayor and councilmembers of more than 12 months; to provide for the filling of vacancies in the offices of mayor and councilmembers of less than 12 months; to provide for related matters; to repeal conflicting laws; and for other purposes.

IN HOUSE

Read 1st time 3-25-19
Read 2nd time 3-26-19
Read 3rd time 3-28-19

And Passed

Yeas 152 Nays 5

[Signature]

Clerk of the House

IN SENATE

Read 1st time 3-29-19
Read 2nd time
Read 3rd time

And Passed 4-02-19

Yeas 48 Nays 1

Passed Both Houses

[Signature]

Secretary of the Senate

By: Reps. Wilson of the 80th, Oliver of the 82nd, Davis of the 87th, and others

AN ACT

To amend an Act to incorporate the City of Brookhaven in DeKalb County, approved April 16, 2012 (Ga. L. 2012, p. 5527), as amended, so as to repeal the term limit of the mayor; to repeal expired provisions related to election of mayor and councilmembers during the first four years of the city's existence; to provide for the filling of vacancies in the offices of mayor and councilmembers of more than 12 months; to provide for the filling of vacancies in the offices of mayor and councilmembers of less than 12 months; to provide for related matters; to provide for a referendum; to provide for contingent effective dates and automatic repeal; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

An Act to incorporate the City of Brookhaven in DeKalb County, approved April 16, 2012 (Ga. L. 2012, p. 5527), as amended, is amended by revising subsection (d) and repealing subsection (f) of Section 2.02 as follows:

"(d) The number of consecutive terms an individual may hold in the position of mayor shall not be limited. This section shall apply to any incumbent in office at the time the section becomes effective and all prior service of any incumbent shall be counted toward this term limit."

SECTION 2.

Said Act is further is amended by revising subsections (b) and (c) of Section 2.03 as follows:

"(b) The office of mayor 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 general laws of the State of Georgia. Unless otherwise provided herein, a vacancy in the office of mayor shall be filled for the remainder of the unexpired term by the city council or those members remaining who shall appoint a successor for the remainder of the term. This provision shall also apply to a temporary vacancy created by the suspension from office of the mayor. If more than 12 months remain in the unexpired term, a special election shall be held on the Tuesday after the first Monday in November following the creation of the vacancy. Any person appointed to the office of mayor shall not be entitled to be shown on the ballot as the incumbent in such special election.

(c) The office of a councilmember 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 general laws of the State of Georgia. Unless otherwise provided herein, a vacancy in the office of a councilmember shall be filled for the remainder of the unexpired term by the mayor who shall appoint a successor for the remainder of the term subject to the approval of the city council or those members remaining. This provision shall also apply to a temporary vacancy created by the suspension from office of a councilmember. If more than 12 months remain in the unexpired term, a special election shall be held on the Tuesday after the first Monday in November following the creation of the vacancy. Any person appointed to the office of councilmember shall not be entitled to be shown on the ballot as the incumbent."

SECTION 3.

The election superintendent of the City of Brookhaven shall call and conduct an election as provided in this section for the purpose of submitting Section 1 of this Act to the electors of the City of Brookhaven under this Act for approval or rejection. The election superintendent shall conduct such election on the Tuesday after the first Monday in November, 2020, and shall issue the call and conduct such election as provided by general law. The election superintendent shall cause the date and purpose of the election to be published once a week for two weeks immediately preceding the date thereof in the official organ of the City of Brookhaven. The ballot shall have written or printed thereon the words:

"() YES Shall the section of the Act be approved which repeals the provision that
() NO limits the terms of the mayor of the City of Brookhaven to allow the voters
of Brookhaven to choose the mayor of their choice?"

All persons desiring to vote for approval of Section 1 of this Act shall vote "Yes," and all persons desiring to vote for rejection of Section 1 of this Act shall vote "No." If more than one-half of the votes cast on such question are for approval of Section 1 of this Act, then this Act shall become effective on January 1, 2021. If more than one-half of the votes cast on such question are for rejection of Section 1 of this Act or if the election is not held as provided in this section, then Section 1 of this Act shall not become effective and this Act shall be automatically repealed on January 1, 2021. The expense of such election shall be borne by the City of Brookhaven. It shall be the election superintendent's duty to certify the result thereof to the Secretary of State.

SECTION 4.

Except as provided in Section 3 of this Act, this Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 5.

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

APPROVED

(JUL 29 2020

BY GOVERNOR

H. B. 695

**NOTICE OF INTENTION TO
INTRODUCE LOCAL LEGISLATION**
Notice is given that there will be introduced at the regular 2019 session of the General Assembly of Georgia a bill to amend an Act to incorporate the City of Brookhaven in DeKalb County, approved April 16, 2012 (Ga. L. 2012, p. 5527), as amended, and for other purposes.

AFFIDAVIT

GEORGIA, FULTON COUNTY

I, Matthew Wilson, Representative from District 80, state on oath as follows:

- (1) I am the author of the local bill to which this affidavit is attached.
- (2) In accordance with O.C.G.A. § 28-1-14, the notice requirements for the local bill to which this affidavit is attached have been satisfied, including but not limited to the following:
 - (A) The Notice of Intention to Introduce Local Legislation which is attached to such local bill was published in the Champion, which is the official organ of DeKalb County, on the 7th of March in the year 2019; and
 - (B) If the local bill amends the charter of a municipality or the enabling Act of the governing authority of a county or consolidated government, then a copy of the Notice of Intention to Introduce Local Legislation was mailed, transmitted by facsimile, or otherwise provided to the governing authority of such municipality, county, or consolidated government:
 - (i) During the calendar week in which the Notice was published in the official organ; or
 - (ii) During the seven days immediately following the date of publication of such Notice.

s/ Matthew Wilson
Affiant

Sworn to and subscribed at the
State Capitol in Atlanta, Georgia,
This 18th of March, 2019,
Before me:

Jennifer Burgess

s/ Jennifer Burgess
Notary Public, Fulton County, Georgia
My Commission Expires December 2, 2022
[SEAL]

