AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF SKY VALLEY, AMENDING SECTION 2.10 – "CITY COUNCIL: COMPOSITION; NUMBER; ELECTION", SECTION 2.21 – "QUORUM; VOTING" AND SECTION 3.01 – "ELECTION; POWERS AND DUTIES OF MAYOR"

WHEREAS, the Charter of the City of Sky Valley provides that city council members vote to enact ordinances, resolutions, and motions;

WHEREAS, the City Council has decided to amend the Charter of the City of Sky Valley to change the description of the Mayor as being a part of the legislative body and to change the authorization that allowed the Mayor to vote;

WHEREAS, the City Council also has decided to change the number of members present to constitute a quorum for conducting meetings and other business of the City;

WHEREAS, Article IX. Section II, Paragraph II of the Constitution of the State of Georgia, entitled Home Rule for Municipalities, allows the General Assembly of the State of Georgia to provide by law for the self-government of municipalities, which the General Assembly has done with The Municipal Home Rule Act of 1965, O.C.G.A. §36-35-1 et seq.; and

WHEREAS, O.C.G.A. §36-35-3 allows municipal charters to be amended by ordinances duly adopted at two regular consecutive meetings of the municipal governing authority, not less than seven nor more than 60 days apart; and

WHEREAS a Resolution was approved and adopted on ___6/26/2018___ by the City Council while in regular session to amend the Charter by Ordinance as set forth above and pursuant to O.C.G.A. §36-35-3 the required notice has been published in Clayton Tribune for three weeks prior to its final adoption, and copy of the proposed amendment has been on file in the Office of the Clerk of City of Sky Valley and in the Office of the Clerk of the Superior Court of Rabun County, Georgia, all as required by law; and

WHEREAS, the required notice will have been published within the statutory period of 60 days immediately preceding the final adoption of this Ordinance amending the Charter; and

WHEREAS, the title of this Ordinance shall have been read and the Ordinance duly adopted at two consecutive City Council meetings not less than 7 nor more than 60 days apart as required by Georgia law.

NOW, THEREFORE, in accordance with O.C.G.A. §36-35-3, the Mayor and City Council of the City of Sky Valley, Georgia, pursuant to their authority, do hereby adopt this Ordinance so that the Charter of the City of Sky Valley is hereby amended by adding subsection C(4) to the already existing Section 3.11 "Election; Powers and Duties of Mayor" as follows:

Section 3.11.
Election; Powers and Duties of Mayor
(C)(4) Vote only in the event of a tie vote of the Council.

and by striking Section 2.10 "City Council: composition; number; election" and Section 2.21 "Quorum; voting" and replacing those sections as follows:

Section 2.10.
City council: composition; number; election
The legislative authority of the government of the City of Sky Valley, except as otherwise specifically provided in this charter, shall be vested in a city council to be composed of five council members. The city council established in this charter shall in all respects be a successor to and continuation of the city governing authority under prior law. The council members shall be elected in the manner provided by this charter.

Section 2.21.
Quorum; voting.
Any three members of the city council shall constitute a quorum and shall be authorized to transact business of the city council. Voting on the adoption of ordinances shall be by voice vote, and the vote shall be recorded in the journal, but any member of the city council shall have the right to request a roll-call vote and such vote shall be recorded in the journal. Except as otherwise provided in this charter, the affirmative vote of the majority of the quorum shall be required for the adoption of any ordinance, resolution, or motion. In the event any council member leaves the meeting after the motion is made but before the motion is decided, he or she shall be deemed absent for quorum purposes.

II.   All ordinances or parts of ordinances in conflict with this ordinance are repealed.

III.   Should any provision of this ordinance be rendered invalid by a court of law, the remaining provisions shall continue in force and effect until amended or repealed by action of the City Council.

So resolved this 26th day of _____June_____, 2018.

AUTHENTICATION:

Read first time on ____May 22____, 2018.

Adopted by Council on _June 26_, 2018.

APPROVED:

ROBERT MACNAIR, MAYOR

CHIP DURPO, COUNCILOR

NEIL HOWARD, COUNCILOR

CONNIE LARSEN, COUNCILOR

ALLEN PIONTKOWSKI,
COUNCILOR

PAUL WHEELER, COUNCILOR

ATTEST:

ELLA FAST, CITY CLERK