

# ORDINANCE ORD-2025-02

## AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF DALLAS TO AMEND ARTICLE IV SECTION 4-13; TO REPEAL CONFLICTING ORDINANCES AND FOR OTHER PURPOSES

**WHEREAS,** Pursuant to O.C.G.A. §36-35-3 the City has been vested by the State of Georgia with legislative power to adopt clearly reasonable ordinances, resolutions or regulations relating to its property and affairs (the “Home Rule” power) including the power to amend its Charter except as provided in O.C.G.A. §36-35-6; and,

**WHEREAS,** Consistent with the powers vested them by the City Charter, the City the Mayor and City Council deem it necessary to implement changes to the Charter regarding the qualifications of Mayor and Councilmembers, and to conform the Charter to the State Election Code; and,

**WHEREAS,** The implementation of changes to the Charter regarding qualifications of elected officials is not a matter preempted by the Georgia General Assembly via enactment of general law; and,

**WHEREAS,** The Mayor and the City Council of Dallas, Georgia have, in regular meeting of Council assembled, pursuant to O.C.G.A. §36-35-3, after proper notice and advertisement in accordance therewith, considered said amendment; and,

**THEREFORE,** be it ordained by the Mayor and the City Council of Dallas, Georgia:

### **SECTION I.**

That the City Charter of the City of Dallas:

**ARTICLE II. – GOVERNMENT STRUCTURE, Sec. 2-11. - City Council terms and qualifications for office.;**

**ARTICLE II. – GOVERNMENT STRUCTURE, Sec. 2 – 12. – Vacancy; filling of vacancies.;**

**ARTICLE V. – ELECTIONS, Sec. 5-10. - Applicability of general law.;**

**ARTICLE V. – ELECTIONS, Sec. 5-11. - Regular elections; time for holding.;**

and

**ARTICLE V. – ELECTIONS, Sec. 5-13. - Election by majority.**

are hereby amended as follows:

**ARTICLE II. – GOVERNMENT STRUCTURE, Sec. 2-11. - City Council terms and qualifications for office. SHALL BE STRUCK IN ITS ENTIRETY AND REPLACED AS FOLLOWS:**

**Sec. 2.11. - City Council terms and qualifications for office.**

- (a) The Mayor of the City and members of the City Council shall serve for terms of four years. Municipal officeholders shall be sworn in at the first organizational meeting of the new year following the regular election for said office and will hold office until their successors are duly elected and qualified and take said oath of office.
- (b) No person shall be eligible to serve as Mayor or Councilmember unless he or she is a qualified municipal voter and shall have been a resident of the City for one year immediately prior to the date of his or her qualifying for said position.
- (c) No person shall be eligible to serve as a Ward Councilmember unless he or she is a qualified municipal voter and shall have been a resident of the Ward for which they seek office for one year immediately prior to the date of his or her qualification for said position.
- (d) The Mayor and each Councilmember shall continue to reside within the City limits proper and, unless serving as an At-Large member, within the Ward they represent, during their period of service.

**ARTICLE II. – GOVERNMENT STRUCTURE, Sec. 2 – 12. – Vacancy; filling of vacancies. SHALL BE AMENDED AS FOLLOWS:**

**Sec. 2.12. - Vacancy; filling of vacancies.**

- (a) The office of Mayor or seat of Councilmember shall become vacant upon the incumbent's death, resignation, forfeiture of office, relocation of residency outside the City limits proper, **relocation of residency outside the Ward which they represent** or removal from office in any manner authorized by this Charter or the general laws of the State of Georgia.
- (b) In the event of a vacancy in the office of Mayor, the position shall be filled by the City Council through the appointment of one of its members by a majority vote. The appointed member shall serve until the next general municipal election, at which time a Mayor will be elected to serve for the remainder of the unexpired term or be seated for the next full term. ~~A vacancy in the office of Mayor shall be filled from the City Council by election appointment of one of its members, by majority vote, to serve until the next election where a Mayor shall be elected to serve for the remainder of the unexpired term.~~
- (c) A vacancy in the office of one or more Councilmembers shall be filled by appointment of a qualified person by the Mayor and City Council, by majority vote. The appointee will serve until the next general municipal election, where a Councilmember or members will be elected to complete the unexpired term or begin a new full term. ~~A vacancy in the office of one or more Councilmembers shall be filled by the Mayor and City Council by the election of any citizens of said City eligible to hold such office, who shall serve until the next election, to be held every two years, where a Councilmember or members shall be elected to fill the remainder of the unexpired term.~~

**ARTICLE V. – ELECTIONS, Sec. 5-10. - Applicability of general law. SHALL BE AMENDED AS FOLLOWS:**

**Sec. 5-10. - Applicability of general law.**

All primaries and elections shall be held and conducted in accordance ~~with Chapter 3 of Title 21 of the O.C.G.A., the "Georgia Municipal Election Code,"~~ with Chapter 2

of Title 21 Elections of the Official Code of Georgia Annotated, as now or hereafter amended.

**ARTICLE V. – ELECTIONS, Sec. 5-11. - Regular elections; time for holding.**  
SHALL BE AMENDED AS FOLLOWS:

- (a) ~~On the first Wednesday in September, 1989, and on that day every two years thereafter, there shall be an election for successors to the City Councilmembers and Mayor, if applicable, whose terms will expire the following January. Pursuant to O.C.G.A. §21-2-9(c), all general municipal elections to fill elective municipal offices shall be held on the Tuesday following the first Monday in November in each odd-numbered year.~~ The terms of office shall begin at the time of taking the oath of office as provided in Section 2.18 of this Charter.
- (b) The Mayor shall be elected in 1991 and every four years thereafter.
- (c) The City Councilmembers from Ward One, Ward Three, and one Councilmember-at-large shall be elected in 1989 and every four years thereafter.
- (d) The City Councilmembers from Ward Two, Ward Four, and one Councilmember-at-large shall be elected in 1991 and every four years thereafter.
- (e) The Mayor and City Councilmembers in office on the effective date of this Charter shall remain in office until their successors are elected and take office as provided in this Charter.

**ARTICLE V. – ELECTIONS, Sec. 5-11. - Election by majority.** SHALL BE AMENDED AS FOLLOWS:

**Sec. 5.13. Election by majority.**

- (a) The person receiving a majority of the votes cast for any City office shall be elected.
- (b) In the event that no candidate receives a majority of the votes cast, then a run-off election will be held in accordance with City Ordinance and Chapter 3 of Title 21 of the O.C.G.A., the "Georgia Municipal Election Code." ~~Chapter 2 of Title 21 Elections of the Official Code of Georgia Annotated~~
- (c) In the event that there is a tie vote between the two candidates receiving the most votes, then a special election will be held in accordance with City Ordinances and Chapter 3 of Title 21 of the O.C.G.A., the "Georgia Municipal Election Code." ~~Chapter 2 of Title 21 Elections of the Official Code of Georgia Annotated.~~

**SECTION II. REPEAL OF CONFLICTING ORDINANCES.** That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION III. SEVERABILITY CLAUSE.** If any section, sentence, clause or phrase of this ordinance or any part thereof is for any reason found to be invalid by a court of competent jurisdiction, such decision will not affect the validity of the remainder of this ordinance or any part thereof.

**SECTION IV. EFFECTIVE DATE.** Following passage and approval of this ordinance by the Mayor and City Council, this ordinance shall be effective January 7, 2026.

**SO SHALL IT BE ORDAINED BY THE MAYOR AND COUNCIL OF THE**

**CITY OF DALLAS, GEORGIA, THIS THE \_\_\_\_ DAY OF**

**\_\_\_\_\_, 2024.**

\_\_\_\_\_  
L. James Kelly, Mayor

\_\_\_\_\_  
James R. Henson, Councilmember

\_\_\_\_\_  
Cooper Cochran, Councilmember

\_\_\_\_\_  
Nancy R. Arnold, Councilmember

\_\_\_\_\_  
Christopher B. Carter, Councilmember

\_\_\_\_\_  
Leah Alls, Councilmember

\_\_\_\_\_  
Candace Callaway, Councilmember