

Sec. 2.01. - City council creation; number; election.

- (a) The legislative authority of the government of the City of Dunwoody, except as otherwise specifically provided in this Act, shall be vested in a city council of which the mayor shall be a voting member.
- (b) (1) The city council of Dunwoody, Georgia shall consist of six members, plus the mayor.
(2) There shall be three council districts, designated Council Districts 1 through 3, as described in Appendix B of this Act, which is attached to and made a part of this Charter of the City of Dunwoody.
(3) One councilmember shall be elected from each of the three council districts and shall hold Council Posts 1, 2, and 3, respectively. Each person desiring to offer as a candidate for councilmember for such posts shall designate the council post for which he or she is offering. Councilmembers for such posts shall be elected by a majority vote of the qualified electors of the respective council districts voting at the elections of the city. In the event that no candidate for a council post obtains a majority vote of the qualified electors of the council district voting in the election, then a run-off election shall be held. The candidates receiving the two highest numbers of votes in the election for such council post will be included in the run-off election. The person receiving the highest number of votes of the qualified electors of the council district voting at such run-off election shall be elected. Each candidate for election to the city council must reside in the district he or she seeks to represent.
(4) Three councilmembers shall be elected from the city at large and shall represent Council Posts 4, 5, and 6. Candidates offering for election to Council Post 4 shall reside in Council District 1, candidates offering for election to Council Post 5 shall reside in Council District 2, and candidates offering for election to Council Post 6 shall reside in Council District 3. Each person desiring to offer as a candidate for councilmember for such posts shall designate the council post for which he or she is offering. Councilmembers for such posts shall be elected by a majority vote of the qualified electors of the entire city voting at the elections of the city. In the event that no candidate for a council post obtains a majority vote of the qualified electors of the entire city voting in the election, then a run-off election shall be held. The candidates receiving the two highest numbers of votes in the election for such council post will be included in the run-off election. The person receiving the highest number of votes of the qualified electors of the city voting at such run-off election shall be elected.
- (c) With the exception of the initial terms set forth in subsection (d) of this section, councilmembers shall be elected to terms of four years and until their successors are elected and qualified on a staggered basis in alternate election cycles such that every two years three councilmembers are up for election.
- (d) In order to assure staggered elections of the councilmembers, in the first election of the city council the terms for the candidates elected for Council Posts 1, 2, and 3 shall expire upon the administration of the oath of office to their successors elected in the regular elections held in November 2009 as provided in subsection (b) of Section 2.02. The terms for the candidates elected for Council Posts 4, 5, and 6 shall expire upon the administration of the oath of office to their successors elected in the regular elections held in November 2011 as provided in subsection (b) of Section 2.02. Thereafter, a successor to each councilmember shall be elected at the November election immediately preceding the end of such

councilmember's term of office and the term of each councilmember shall expire upon the administration of the oath of office to his or her successor.

- (e) With the exception of the initial term of office, a mayor of the City of Dunwoody, with the powers and duties specified herein, shall be elected to a term of four years and until his or her successor is elected and qualified. The mayor shall be elected by a majority vote of the qualified electors of the city at large voting at the elections of the city. In the event that no candidate for mayor obtains a majority vote of the qualified electors of the city at large voting at the elections of the city, then a run-off election shall be held. The candidates receiving the two highest numbers of votes in the election shall be included in the run-off election and the candidate receiving the highest number of votes in the runoff of the qualified electors of the city at large voting at such runoff shall be elected. The term of the first elected mayor shall expire upon the administration of the oath of office to his or her successor elected in the regular election held in November 2011, as provided in subsection (b) of Section 2.02. Thereafter, a successor to each mayor shall be elected at the November election immediately preceding the end of such mayor's term of office and the term of each mayor shall expire upon the administration of the oath of office to his or her successor.

Sec. 2.02. - Mayor and councilmembers; terms and qualifications for office.

- (a) For all elections subsequent to the first election, the mayor and councilmembers shall serve for terms of four years and until their terms shall expire upon the administration of the oath of office to their successors. No person shall be eligible to serve as mayor or councilmember unless that person shall have been a resident of the City of Dunwoody for a continuous period of at least 12 months immediately prior to the date of the election for mayor or councilmember, shall continue to reside therein during that person's period of service, and shall continue to be registered and qualified to vote in municipal elections of the City of Dunwoody. In addition to the above requirements, no person shall be eligible to serve as a councilmember representing a council district unless that person has been a resident of the district such person seeks to represent for a continuous period of at least six months immediately prior to the date of the election for councilmember and continues to reside in such district during that person's period of service.
- (b) An election shall be held on the third Tuesday in September 2008, to elect the first mayor and city council. At such election, the first mayor and council shall be elected to serve for the initial terms of office specified in Sections 2.01(d) and 2.01(e). Thereafter, the time for holding regular municipal elections shall be on the Tuesday next following the first Monday in November of each odd-numbered year beginning in 2009.
- (c) The number of successive terms an individual may hold a position as a councilmember shall be unlimited.
- (d) The number of successive terms an individual may hold the position of Mayor shall be limited to two terms. An individual who serves as mayor for either one term or two consecutive terms, may stand for subsequent elections provided the individual is not the mayor at time of such elections.

Sec. 2.03. - Vacancy; filling of vacancies; suspensions.

- (a) Elected officials of the city cannot hold other elected or public offices. The elected offices of the city's government will become vacant upon the member's death, resignation, removal, or forfeiture of office. The following shall result in an elected city official forfeiting his or her office:
- (1) Violating the provisions of this Charter;

- (2) Being convicted of, or pleading guilty or "no contest" to, a felony or a crime of moral turpitude; or
 - (3) Failing to attend one-third of the regular meetings of the council in a three-month period without being excused by the council.
- (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 Act or the general laws of the State of Georgia. A vacancy in the office of mayor shall be filled for the remainder of the unexpired term by a special election if such vacancy occurs 12 months or more prior to the expiration of the term of that office. If such vacancy occurs within 12 months of the expiration of the term of that office, the city council or those members remaining 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.
- (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 Act or the general laws of the State of Georgia. A vacancy in the office of a councilmember shall be filled for the remainder of the unexpired term by a special election if such vacancy occurs 12 months or more prior to the expiration of the term of that office. If such vacancy occurs within 12 months of the expiration of the term of that office, the mayor 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.

Sec. 2.04. - Nonpartisan elections.

Political parties shall not conduct primaries for city offices and all names of candidates for city offices shall be listed without party designation.

Sec. 2.05. - Election votes.

The candidates for mayor and city council who receive a majority vote of the qualified electors of the city at large voting at the elections of the city shall be elected to a term of office.

Sec. 2.06. - Applicability of general laws; qualifying; other provisions.

All elections shall be held and conducted in accordance with Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended or otherwise provided by law. Except as otherwise provided by this Act, the city council shall, by ordinance or resolution, prescribe such rules and regulations as it deems appropriate, including but not limited to the establishment of qualifying fees, to fulfill any options and duties under Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended or otherwise provided by law.