



Nancy Harris, Mayor
Marsha Anderson Bomar, Post 1
Marline Thomas, Post 2

Billy Jones, Post 3
Greg Whitlock, Post 5

**AGENDA
SPECIAL CALLED MEETING
MAYOR AND COUNCIL
CITY OF DULUTH, GA
3167 Main Street
Duluth, GA 30096**

AUGUST 3, 2021

COUNCIL CHAMBERS

12:00 PM

12:00 PM - CALL TO ORDER Mayor Harris

I. NEW BUSINESS

1. ORDINANCE – CALL FOR SPECIAL ELECTION

attachment

Per section 5.14 of the Duluth City Charter, in the event that the office of mayor or councilmember shall become vacant for any cause whatsoever, the city council or those remaining shall appoint a successor who shall serve until the next regularly scheduled election. Should the office which became vacant not be scheduled for election at the next regularly scheduled election, then the city council shall order a special election at the time of the regularly scheduled election to fill the balance of the unexpired term of the vacant position. The special called election to fill the unexpired term shall be held and conducted in accordance with Chapter 2 of Title 21 of O.C.G.A., the "Georgia Municipal Election Code," as now or hereafter amended.

Council Post 4 of the City of Duluth has unexpectedly become vacant. The next regularly scheduled election for Post 4 is November 2023, thereby requiring a special called election for November 2021. Approval of this item approves an ordinance authorizing the Superintendent of Elections to issue the Call.

II. ADJOURNMENT

PLEASE NOTE: This and other city meetings may be audio and/or videotaped for broadcast, transcription and/or archival purposes. As set forth in the Americans with Disabilities act (ADA) of 1992, the City of Duluth government does not discriminate on the basis of disability in the admission or access to or treatment of employment in its programs or activities, and complies with the requirements contained in section 35.107 of the Department of Justice regulations. All agenda packages may be converted to WCAG 2.0 compatibility format by emailing agenda@duluthga.net. In addition, any requests for reasonable accommodations required by individuals to fully participate in any open meeting, program, or activity of the City of Duluth government should be made seven days prior to the event. Inquiries should be directed to the ADA Coordinator in the City Clerk office, located at 3167 Main Street, Duluth, GA. 30096, telephone 770.476.3434.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DULUTH TO REGULATE AND
PROVIDE FOR THE CALLING OF THE SPECIAL CALLED MUNICIPAL ELECTION
TO FILL THE TERM OF COUNCIL POST 4**

WHEREAS, under Section 5.14 of the Charter of the City of Duluth, the Georgia Election Code codified at O.C.G.A. § 21-2-1 et seq., and the Constitution of the State of Georgia of 1983, Art. 9, Para. 1 the City of Duluth shall call a special municipal election to fill a post vacated by reason of death of one of its elected members and;

WHEREAS, Councilman Kelvin J. “Kelly” Kelkenberg holding the office of Councilman for Post 4 died on August 2, 2021 and;

WHEREAS, the successor for Post 4 is required to be elected on the municipal election date set by law;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF DULUTH, A GEORGIA
MUNICIPAL CORPORATION, AND BY THE AUTHORITY OF THE SAME, IT IS HEREBY
ORDAINED AS FOLLOWS:**

Section 1. That under and by virtue of the Charter of the City of Duluth, Constitution and laws of the State of Georgia, a special municipal election be, and it is hereby, called to be held in the City of Duluth on November 2, 2021, at which election there shall be submitted to the qualified voters of said City election for the expiring terms of the following offices, to wit:

Council Member Post 4 (to succeed Kelvin J. “Kelly” Kelkenberg-deceased)

Section 2. That the voting poll shall be opened at 7:00 am and closed at 7:00 pm on November 2, 2021 at Duluth City Hall, 3167 Main Street, Duluth GA, in accordance and in conformity with the laws of the State of Georgia. Computation of votes cast in the November 2 election will be conducted at the time the poll closes. If no candidate receives a majority of the votes cast for each post, a run-off election shall be held on Tuesday, November 30 between the candidates receiving the two highest numbers of votes.

That the Advance Voting poll for the November 2 General Municipal Election shall open at 9:00 am and close at 5:00 pm daily, excluding Sundays, beginning on Tuesday, October 12 through Friday, October 29. Should a run-off election be required, the Advanced voting poll for the run-off election shall be held November 22 through November 24 from 9:00am – 5:00pm. No voting shall take place on State or Federal holidays.

That Absentee voting by mail will be provided as per State Law.

Section 3. Qualifying for said offices shall open Monday, August 16, 2021 at 8:30 am and will close at 4:30 pm on Wednesday, August 18, 2021 in the office of the City Clerk located at 3167 Main Street, Duluth, GA. Individuals intending to qualify must be a

resident of the City of Duluth for one year prior to the date of the November 2 election, be a City of Duluth registered voter and shall remit the qualification fee of \$180.00 for Council member.

Section 4. That any person whose name is not on the municipal registration list who desires to vote at said election, he or she shall register on or before 5:00 pm October 4, 2021, at any authorized location; any person who is presently registered as a voter in said City but whom now resides outside the City limits is not eligible to vote in said election. Those qualified to vote at said election shall be determined in all respects in accordance and in conformity with the laws of the State of Georgia. Information on voter registration may be obtained through the Chief Registrar of Gwinnett County, Georgia.

Section 5. That the City shall utilize the Image Cast Precinct Tabulator (ICP Optic Scanning (OS) System) to record and tabulate the respective votes. Absentee Ballots received by mail to be tabulated manually.

Section 6. The Georgia Municipal Election Code requires that the Mayor and Council appoint certain officials prior to the election – including a Superintendent, Poll Manager, Chief Registrar, and an Absentee Ballot Clerk. Duluth City Clerk Teresa S. Lynn is hereby appointed to the position of Municipal Superintendent and Registrar; the Gwinnett Board of Registration and Elections is hereby appointed Chief Registrar; Kristin McGregor is hereby appointed as Assistant Superintendent of Elections and Absentee Ballot Clerk, and Janice Williams is appointed as Poll Manager. Poll Workers will be appointed by the Superintendent of Elections and/or Poll Manager at a later date. Per O.C.G.A. 21-2-71(1) the Superintendent of Election shall budget for compensation of poll officers, custodians, and other assistants and employees. The workers who are employees of the City of Duluth will either be given “comp time” or paid for hours above the regular eight hours at the overtime rate depending on FLSA status.

Section 7. That the Election Superintendent shall prepare a notice of the special-called municipal election be advertised at least 30 days prior to the date of the election in the legal organ of the City of Duluth and a copy be transmitted to the Secretary of State’s office pursuant to O.C.G.A. 21-2-9 and O.C.G.A. 21-2-70;

Section 8. The Election Superintendent shall take such action as is necessary to properly call the special-called municipal election scheduled for November 2, 2021, including, but not limited to properly publishing a public notice to notify the public of said election. The City Clerk and/or Election Superintendent shall take such other actions as necessary and appropriate to make certain that the election is conducted accordance with, and in conformity with, the laws of the State of Georgia, the Duluth City Charter and Duluth Ordinances. That the notice of said election shall be in substantially the following form as the attached Exhibit “A.”

IT IS SO ORDAINED THIS 3rd DAY OF AUGUST, 2021.

BY: _____

Nancy Harris, Mayor

Marsha A. Bomar, Post 1

Marline Thomas, Post 2

Billy Jones, Post 3

Greg Whitlock, Post 5

ATTEST: _____

Teresa S. Lynn, City Clerk

APPROVED AS TO FORM:

Stephen Pereira, City Attorney

EXHIBIT A
NOTICE OF CITY OF DULUTH
SPECIAL CALLED MUNICIPAL ELECTION

Pursuant to O. C. G. A. § 21-2-1 et seq. and all other applicable Georgia laws, please be advised that on November 2, 2021, a special-called municipal election will be held in the City of Duluth, Georgia, at which time there will be submitted to the qualified voters of said City for their determination the term of Council Member Post 4 (to succeed Kelvin J. “Kelly” Kelkenberg);

Those interested in qualifying for said office should be advised that the respective qualification period shall run beginning at 8:30 am, Monday, August 16, 2021 through 4:30 pm on Wednesday, August 18, 2021 in the office of the City Clerk at Duluth City Hall, located at 3167 Main Street, Duluth, GA. 30096. Individuals intending to qualify shall remit the sum of \$180.00 for Council Member.

The registration deadline to vote in this election is October 4, 2021. Any person who is presently registered as a voter in said City but who now resides outside the city limit is not eligible to vote in said election. All duly qualified electors of the City of Duluth, Georgia, are urged to participate. Those qualified to vote at said election shall be determined in all respects in accordance and in conformity with the State of Georgia. Information on voter registration may be obtained through the Chief Registrar of Gwinnett County, Georgia.

The Advance Voting poll for the November 2 special-called election shall open at 9:00 am and close at 5:00 pm daily beginning on Tuesday, October 12 through Friday, October 29 at Duluth City Hall, excluding Sundays.

The special-called municipal election shall be held in conjunction with the general municipal election Tuesday, November 2, 2021, between the hours of 7:00 am and 7:00 pm at Duluth City Hall, 3167 Main Street, Duluth, Georgia. Absentee voting by mail will be available per state law. In accordance with the City Charter, the successful candidates for each post will be determined by majority of votes. If no candidate receives a majority of the votes cast, a run-off election shall be held between the candidates receiving the two highest numbers of votes. Such run-off election shall be held on Tuesday, November 30, 2021.

Should a run-off election be required, the Advanced voting poll for the run-off election shall be held November 22 through November 24 from 9:00am – 5:00pm. No voting shall take place on State or Federal holidays.

This and all City of Duluth elections is governed by the Elections Code of the State of Georgia and The City Charter. A copy of the ordinance calling for the election is on file, together with other relevant documents, for inspection at the City Clerk’s office, 3167 Main Street, Duluth, Georgia 30096, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. For additional information, contact the City Clerk’s office at 770-476-3434.

This ___ day of August, 2021.

Teresa S. Lynn
Election Superintendent
City of Duluth, Georgia