



To: Honorable Mayor and City Council Members

From: Wendell K. Willard

Date: For submission onto the August 2, 2016 City Council Meeting Agenda

Agenda Item: An ordinance to amend Chapter 30, Article I, Section 30-2, Subsection (a) of the City of Sandy Springs (the "City") Code of Ordinances to provide for the designation of a chief judge of municipal court.

City Attorney's Recommendation:

The City Attorney's Office recommends that the City Council adopt the proposed amendment to Chapter 30, Article I, Section 30-2 of the City's Code of Ordinances (the "Ordinance") and the proposed resolution regarding the appointment of a chief judge to the City's municipal court.

Background and Discussion:

Georgia law provides for the governing body of a municipal corporation to appoint judges to its municipal court, as provided by the act incorporating the municipal corporation. The City's charter and the Ordinance provide that all municipal court judges shall be appointed by resolution of City Council.

The Uniform Rules, Municipal Courts of the State of Georgia, anticipate the appointment of a chief judge to municipal court with certain duties and responsibilities. The City has not yet designated a chief judge, and there is currently no provision in the Ordinance for such designation. The appointment of a chief judge will lead to a more efficient function and administration of the City's municipal court.

Alternative:

The alternative is not to amend the Ordinance, which would not allow the municipal court to maximize the opportunity for efficiency.

Financial Impact:

There should not be a financial impact on the City.

Attachments:

Proposed Ordinance amendment and resolution.

**STATE OF GEORGIA
COUNTY OF FULTON**

**AN ORDINANCE TO AMEND CHAPTER 30, ARTICLE I, SECTION 30-2,
SUBSECTION (a) OF THE CODE OF ORDINANCES TO PROVIDE FOR
THE DESIGNATION OF A CHIEF JUDGE OF MUNICIPAL COURT**

WHEREAS, O.C.G.A. § 36-32-2 provides that the governing body of a municipal corporation within the State of Georgia having a municipal court, as provided by the act incorporating the municipal corporation or any amendments thereto, is authorized to appoint a judge of such court; and

WHEREAS, the City of Sandy Springs (“City”) charter provides in Sec. 4.02(b) (“Charter”) that all judges shall be appointed by resolution of City Council and shall serve for a term of four (4) years; and

WHEREAS, the City has determined that it is in the best interest of the City and for the proper administration, purpose and function of its municipal court to designate a chief judge to serve as hereinafter provided; and

WHEREAS, Chapter 30, Article I, Section 30-2 of the City’s Code of Ordinances (“Code”), which provides for the appointment of municipal court judges, currently does not provide for the designation of a chief judge;

NOW, THEREFORE, in order to provide for the designation of a chief judge of the City’s municipal court to enhance the court’s administration, purpose and function, City Council does hereby adopt the following Ordinance amending Chapter 30, Article I, Section 30-2, Subsection (a) by deleting in its entirety the current Subsection (a) and substituting the following as Chapter 30, Article I, Section 30-2, Subsection (a), which shall henceforth read as follows:

“(a) In accordance with section 4.02 of the Charter, the council shall appoint the municipal court judges with compensation to be fixed by the council. Of the municipal court judges appointed by the council, the mayor shall appoint and the council shall approve a chief judge of the municipal court. Every two (2) years, a new chief judge shall be appointed by the mayor and approved by the council from among the judges currently serving on the municipal court. A judge may be appointed to serve for two (2) consecutive terms as chief judge. The chief judge shall perform all duties assigned to the chief judge by the Uniform Rules, Municipal Courts of the State of Georgia, as amended from time to time (“Uniform Rules”), in accordance with applicable provisions of the Uniform Rules.

The chief judge shall take any and all such other actions as may be authorized for a chief judge of municipal court pursuant to the Uniform Rules, as may be approved by the council, and city ordinances.

The chief judge shall serve as such at the pleasure of the mayor and the council.”

SO ORDAINED, this the _____ day of _____, 2016.

Approved:

Russell K. Paul, Mayor

Attest:

Michael D. Casey, City Clerk

(SEAL)

RESOLUTION NO. 2016-____-____

STATE OF GEORGIA
COUNTY OF FULTON

A RESOLUTION APPOINTING CHIEF JUDGE OF
THE MUNICIPAL COURT FOR THE CITY OF SANDY SPRINGS, GEORGIA

BE IT RESOLVED by the City Council for the City of Sandy Springs, Georgia ("City"), while in regular session on August 2, 2016, as follows:

1. That _____ is hereby designated as Chief Judge of the Municipal Court for the City in accordance with the provisions of Chapter 30, Article I, Section 30-2(a) of the City's Code of Ordinances, as amended ("Code"); and
2. That _____ shall serve as Chief Judge for a period of two (2) years, to be followed by another municipal court judge appointed by the Mayor and approved by City Council to serve as Chief Judge in accordance with the rotating schedule established in Section 30-2(a) of the Code; and
3. That this resolution shall become effective upon its adoption.

RESOLVED this the _____ day of _____, 2016.

Approved:

Russell K. Paul, Mayor

Attest:

Michael D. Casey, City Clerk

(Seal)