

House Bill 1449

By: Representatives Heard of the 114th, McKillip of the 115th, and Smith of the 113th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act establishing the Unified Government of Athens-Clarke County, Georgia,
2 approved March 2, 1990 (Ga. L. 1990, p. 3560), as amended, particularly by an Act approved
3 April 20, 1992 (Ga. L. 1992, p. 6556), and an Act approved June 3, 2003 (Ga. L. 2003, p.
4 4250), so as to provide a method for selecting the judge and personnel of the municipal court;
5 to provide for membership on the Athens-Clarke County Industrial Authority; to repeal
6 conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 An Act establishing the Unified Government of Athens-Clarke County, Georgia, approved
10 March 2, 1990 (Ga. L. 1990, p. 3560), as amended, particularly by an Act approved April 20,
11 1992 (Ga. L. 1992, p. 6556), and an Act approved June 3, 2003 (Ga. L. 2003, p. 4250), is
12 amended by revising Section 5-106 as follows:

13 "Section 5-106.
14 Municipal Court of the City of Athens;
15 Continuation of Operations in
16 the Court of the Unified Government.

17 On the effective date of this charter the operations and employees of the Municipal Court
18 of the City of Athens shall continue as the operations and employees of a court of the
19 Unified Government of Athens-Clarke County. The Judge of the Municipal Court of the
20 City of Athens shall be authorized to serve as the Judge of said court. The United
21 Government of Athens-Clarke County shall have the authority by ordinance to establish
22 and define the method of selecting the Judge and other personnel necessary to operate the
23 court, their terms of office and compensation, a schedule of fees to defray the cost of

1 operation, and the jurisdiction and powers of said court insofar as permitted by general law
2 and any other applicable law."

3 **SECTION 2.**

4 Said Act is further amended by revising subsection (e) of Section 8-101 as follows:

5 "(e) The Athens-Clarke County Industrial Development Authority, created by a local
6 amendment to the Constitution (Ga. L. 1960, p. 1379) and continued in force and effect by
7 an Act approved March 27, 1985 (Ga. L. 1985, p. 4134), provides that the membership of
8 that Authority is composed of or appointed by governmental authorities which no longer
9 exist because of the unification of those authorities as the Unified Government of
10 Athens-Clarke County, Georgia, effected by this Act. Article XI, Section I, Paragraph IV
11 and Article X, Section I, Paragraph I of the Constitution prohibit the amendment of such
12 local constitutional amendments. Article IX, Section III, Paragraph II(a) of the
13 Constitution, however, grants the General Assembly the power in providing for local
14 government consolidation to 'provide by law for any matters necessary or convenient to
15 authorize the consolidation...' It is thus found by the General Assembly that the
16 consolidation which resulted in the Unified Government necessitates, and therefore
17 constitutionally authorizes, that the membership positions on the Athens-Clarke County
18 Industrial Development Authority be construed to mean the following:

19 (1) The membership position on the Authority specified to be held by the Mayor of the
20 City of Athens shall be construed to refer to the Mayor of the Unified Government;

21 (2) The membership position on the Authority specified to be held by the Chairman of
22 the Board of Commissioners of Roads and Revenue of Clarke County shall be construed
23 to refer to a member of the Commission of the Unified Government who has been
24 appointed to the Authority by such Commission;

25 (3) The membership position on the Authority specified to be held by a person appointed
26 by the Commissioners of Roads and Revenues of Clarke County shall be construed to
27 refer to a person recommended by the Mayor of the Unified Government and appointed
28 by the Commission of that government.

29 (4) The membership position on the Authority specified to be held by a person appointed
30 by the Mayor and Council of the City of Athens shall be construed to refer to a person
31 appointed by the Commission of the Unified Government; and

32 (5) The membership position on the Authority specified to be held by the President of
33 the Athens Chamber of Commerce, Inc., shall be construed to refer to the Chairperson
34 of the Board of the Athens Area Chamber of Commerce, Inc."

1

SECTION 3.

2 All laws and parts of laws in conflict with this Act are repealed.