House Bill 945 (AS PASSED HOUSE AND SENATE)

By: Representatives Martin of the 37th, Jones of the 38th, Campbell of the 39th, and Burkhalter of the 36th

A BILL TO BE ENTITLED

AN ACT

To amend an Act consolidating, revising, and superseding the several Acts incorporating the City of Alpharetta, Georgia, in the County of Fulton and creating a new charter for said city, approved April 9, 1981 (Ga. L. 1981, p. 4609), as amended, so as to change provisions relating to the Municipal Court of the City of Alpharetta; to provide for the convening of the municipal court; to provide for the rules of the municipal court; to provide for the selection of substitute and other judges; to provide for a chief court clerk of the municipal court; to provide duties for the chief court clerk; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

An Act consolidating, revising, and superseding the several Acts incorporating the City of Alpharetta, Georgia, in the County of Fulton and creating a new charter for said city, approved April 9, 1981 (Ga. L. 1981, p. 4609), as amended, is amended by striking in its entirety Section 4.12 and inserting in lieu thereof a new Section 4.12 to read as follows:

"SECTION 4.12.

Convening.

Unless otherwise provided by ordinance, the municipal court shall be convened at regular intervals as designated by the judge, subject to approval of the city council."

SECTION 2.

Said Act is further amended by striking in its entirety Section 4.15 and inserting a new Section 4.15 to read as follows:

″SECTION 4.15.

Rules for court.

With the approval of the city council, the judge shall have full power and authority to make reasonable rules and regulations necessary and proper to secure the efficient and successful administration of the municipal court; provided, however, that the city council may adopt in part or in toto the rules and regulations applicable to the municipal court. The rules and regulations made or adopted shall be filed with the chief clerk, shall be available for public inspection, and, upon request, a copy shall be furnished to all defendants in municipal court proceedings at least 48 hours prior to said proceedings.″

SECTION 3.

Said Act is further amended by striking Section 4.16 and inserting in lieu thereof a new Section 4.16 to read as follows:

″SECTION 4.16.

Absence of judge.

(a) Subject to subsection (b) of this section, in the event that the judge is absent, recuses himself or herself, or is otherwise unavailable for court, a substitute judge shall be selected by the court clerk from a list approved by the city council. The list shall include only individuals who meet the qualifications listed in subsection (b) of this section for appointed part-time, full-time, or stand-by judges.

(b) In addition to the judge provided for in Section 4.11 of this Act, the municipal court may be presided over by such part-time, full-time, or stand-by judges as the city council, in its discretion, deems necessary to meet the needs of the court. All such judges shall have attained the age of 21 years, shall be a member of the State Bar of Georgia, and possess all qualifications required by law. Such judges need not be residents of the city. All judges shall be appointed by the city council and shall serve until a successor is appointed and qualified. Compensation of the judges shall be fixed by ordinance. Judges shall serve at will and may be removed from office at any time by the city council unless otherwise provided by ordinance. Before assuming office, each judge shall take an oath, given by the mayor, that the judge will honestly and faithfully discharge the duties of the office to the best of that person´s ability and without fear, favor, or partiality. The oath shall be entered upon the minutes of the city council journal.″

SECTION 4.

Said Act is further amended by striking Section 4.22 and inserting in lieu thereof a new Section 4.22 to read as follows:

″SECTION 4.22.

Chief court clerk.

(a) The municipal court shall have a chief clerk of court and, if approved by the city council, one or more deputy clerks.

(b) The chief clerk and deputy clerks shall be appointed by the city council.

(c) The term of office for the chief clerk and deputy clerks shall be according to their good behavior and at the discretion of the city council.

(d) The compensation of the chief clerk and deputy clerks shall be established by ordinance.″

SECTION 5.

Said Act is further amended by striking Section 4.23 and inserting in lieu thereof a new Section 4.23 to read as follows:

″SECTION 4.23.

Duties of chief court clerk.

(a) The chief court clerk shall be the custodian of the official court records, establish and manage case calendars and dockets, collect fines imposed by the court, transmit records of all cases bound over or appealed to the state or superior courts from the municipal court, and perform such other duties as may be provided by ordinance.

(b) The chief court clerk shall be a city employee and, unless otherwise provided by ordinance, shall serve as the city´s director of municipal court services. The director of municipal court services shall provide administrative services to the municipal court, act as liaison to the police department, supervise all other court personnel, and perform such other duties as may be provided by ordinance.″

SECTION 6.

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