

AN ORDINANCE

AN ORDINANCE AMENDING THE CODE OF GRIFFIN, GEORGIA, AT CHAPTER 38, COURTS, SEC. 38-9, MUNICIPAL COURT JUDGE, TO ESTABLISH A FIXED TERM OF OFFICE AND TO PROVIDE FOR REMOVAL FOR CAUSE, INCLUDING THE PROCEDURES THEREFOR; TO PROVIDE AN EFFECTIVE DATE; TO PROVIDE FOR SEVERABILITY; TO RESTATE AND REAFFIRM THE CODE OF GRIFFIN, GEORGIA, AS MODIFIED HEREBY; TO REPEAL ALL CODE PROVISIONS, ORDINANCES, OR PARTS THEREOF, IN CONFLICT HERewith; AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF GRIFFIN, GEORGIA, AND IT IS ESTABLISHED AS FOLLOWS:

Section 1. The Code of Griffin, Georgia is hereby amended at Chapter 38, COURTS, at Sec. 38-9, MUNICIPAL COURT JUDGE, to conform the Code to the requirements of Act 433 (H.B. 691) of the 2015-2016 Regular Session of the Georgia General Assembly, effective July 1, 2016, by specifying a fixed term of office and providing for removal from office for cause, and the procedures governing removal. Existing Sec. 38-9 is hereby repealed in its entirety and the following is enacted in lieu thereof:

“Sec. 38-9. - Municipal court judge.

The board of commissioners shall appoint a municipal court judge to hold and preside over the municipal court. The municipal court judge shall be licensed to practice law in the State of Georgia and have served at least seven years as an active member in good standing of the State Bar of Georgia. The judge shall serve a term of one (1) year, commencing on January 1 of each calendar year, and until a successor is appointed, subject to removal from office as provided in O.C.G.A. §36-32-2.2. The board of commissioners shall set the compensation for the office in advance of said term, by resolution. The person appointed to the office of Municipal Court Judge shall satisfactorily complete the required training for such office. Before assuming the duties of the office, the person appointed shall subscribe to the following oath: "I swear (or affirm) that I will well, faithfully, and impartially and without fear, favor, or affection discharge my duties as judge of the Municipal Court for the City of Griffin, Georgia."

The governing authority may also appoint one or more associate municipal court judges to hold and preside over the municipal court in the absence, disability, or disqualification of the municipal court judge, for a one (1) year term, and establish the compensation thereof by resolution. Associate judges shall possess all qualifications and satisfy all training requirements for the office of municipal court judge. While presiding, the associate municipal court judge(s) shall have and may exercise all powers and duties of the municipal court judge as granted by law or Charter of the City of Griffin.

In addition to the powers and duties granted by law or Charter of the City of Griffin, the judge and associate judge(s) of the municipal court shall have and may exercise the same powers and authorities as magistrates in the matter of and pertaining to criminal cases of whatsoever nature returnable to the several courts of this state.”

Section 2. All ordinances and Code sections, or parts thereof, in conflict with the foregoing are expressly repealed.

Section 3. Should any provision of this ordinance be rendered invalid by any court of law, the remaining provisions shall continue in force and effect until amended or repealed by action of the municipal governing authority.

Section 4. Except as modified herein, The Code of Griffin, Georgia, is hereby reaffirmed and restated. The codifier is hereby granted editorial license to include this amendment in future supplements of said Code by appropriate section, division, article or chapter.

Section 5. This ordinance shall become effective July 1, 2016; the initial term of office for Municipal Court Judge under this Ordinance shall commence July 1, 2016 and expire at Midnight, December 31, 2016, or when a successor is appointed. William T. Johnson is hereby appointed Municipal Court Judge for said initial term, commencing July 1, 2016, at a salary of \$24,000.00, per annum, payable in equal monthly installments of \$2,000.00 each. Said appointee is hereby designated as a part-time officer of the City, ineligible for any employment benefits, and is granted the authority to maintain an outside law practice so long as it does not conflict with his duties as Municipal Court Judge.

First Reading: May 10, 2016

Second Reading: May 24, 2016

[NOTE: The Charter of the City of Griffin, Sec. 3.5, continues to provide for the Judge to serve at the pleasure of the Commission. The enactment of Act 433, a general law of statewide application, repeals this language by implication; however, a H. R. Ordinance will need to be enacted to revise the Charter in accordance with said law.]