

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF HINESVILLE, GEORGIA, CHAPTER 10, MUNICIPAL COURT, SECTION 10-16. QUALIFICATIONS OF THE PROSECUTING ATTORNEY OF THE MUNICIPAL COURT. THIS AMENDMENT PROVIDES THAT AN OTHERWISE QUALIFIED INDIVIDUAL WITH A BONA FIDE LAW OFFICE OR PRINCIPAL PLACE OF BUSINESS WITHIN THE ATLANTIC JUDICIAL CIRCUIT IS HEREINAFTER ELIGIBLE TO TAKE AND HOLD THE OFFICE OF MUNICIPAL COURT PROSECUTING ATTORNEY DESPITE NOT BEING A RESIDENT OF THE JUDICIAL CIRCUIT IN WHICH THE MUNICIPAL COURT IS LOCATED.

WITNESSETH:

WHEREAS, the duly governing authority of the City of Hinesville, Georgia is the Mayor and City Council thereof; and

WHEREAS, the Mayor and City Council are authorized under Article 9, Section 2, of the Constitution of the State of Georgia to enact reasonable ordinances to protect the health, safety, morals, convenience, order, propriety, and general welfare of the people of the City; and

WHEREAS, the Mayor and City Council have appointing authority over the Prosecuting Attorney of the Municipal Court, can legally prescribe the duties and qualifications of said Prosecuting Attorney, and now desire to amend said qualifications to better address the city's current and future legal needs; and

WHEREAS, Part II, Code of Ordinances, Chapter 1 General Provisions, Sec. 1-10 of the Code of Ordinances provides the standards and procedures for amending any provision of the said Code; and

WHEREAS, Chapter 10 of the Code was amended on March 18, 2010, to provide that the Prosecuting Attorney of the Municipal Court shall be a resident of the judicial circuit in which the Municipal Court is located; and

WHEREAS, the City of Hinesville Municipal Court is located in Liberty County, Georgia, within the Atlantic Judicial Circuit; and

WHEREAS, the Atlantic Judicial District is comprised of the following six counties, McIntosh County, Liberty County, Long County, Evans County, Tattnall County and Bryan County; and

WHEREAS, the Prosecuting Attorney of the Municipal Court's position requires a high degree of specialized education and skills; and

WHEREAS, a large and qualified group of candidates willing to fill the Prosecuting Attorney of the Municipal Court position, who also reside within the Judicial Circuit, may not always be available; and

WHEREAS, the Mayor and City Council have determined that it is in the City's best interests to attract and fill the Prosecuting Attorney position from a larger pool of qualified, available candidates; and

WHEREAS, the Mayor and City Council believe the Prosecuting Attorney's mandatory residency requirement can sometimes be a barrier to appointing and retaining its preferred Prosecuting Attorney of the Municipal Court candidate; and

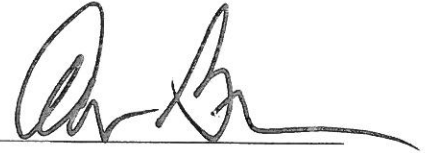
WHEREAS, the Mayor and City Council believe opening the Prosecuting Attorney's position to otherwise qualified individuals who are nonresidents of the Atlantic Judicial District but who have a law office or principal place of business located in the Atlantic Judicial Circuit will result in an increased volume of qualified applicants for the Prosecuting Attorney position, and guarantee continuity and stability of all Municipal Court operations; and

WHEREAS, any provision limiting or otherwise restricting the Prosecuting Attorney's position only to persons residing within the Atlantic Judicial Circuit is expressly repealed; and henceforth, any qualified person residing within the Judicial Circuit and/or maintaining a bona fide law office or principal place of business within the Atlantic Judicial Circuit is qualified to serve as Prosecuting Attorney of the Municipal Court.

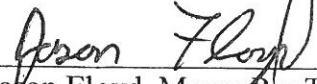
NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE HINESVILLE CITY COUNCIL that Chapter 10, Section 10-16 of the Code of Ordinances is amended to read as follows: At the time of appointment and throughout his/her term of office, the City of Hinesville Prosecuting Attorney of the Municipal Court shall be a resident of the Atlantic Judicial Circuit or shall maintain a bona fide law office or principal place of business within the said Judicial Circuit.

In all other respects, especially as to the Prosecuting Attorney's duties and responsibilities, Chapter 10 of the Code shall remain in full force and effect, and all other ordinances or resolutions, or parts thereof, in conflict with this Ordinance are hereby repealed.

PASSED AND APPROVED THIS 16th DAY OF JULY, 2020, BY THE MAYOR AND
COUNCIL OF THE CITY OF HINESVILLE, GEORGIA.



Allen Brown, Mayor



Jason Floyd, Mayor Pro Tem



Diana F. Reid, Councilmember



Vicky C. Nelson, Councilmember



Keith Jenkins, Councilmember



Karl A. Riles, Councilmember

ATTEST:

