

## ORDINANCE NO. 1141

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES FOR THE CITY OF CONYERS TO SET THE COMPENSATION OF THE CHIEF MUNICIPAL COURT JUDGE; TO PROVIDE FOR A TERM OF OFFICE FOR THE MUNICIPAL COURT JUDGE; TO PROVIDE FOR A SERVICE AGREEMENT; TO PROVIDE AN EFFECTIVE DATE; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.**

**WHEREAS**, O.C.G.A. §36-32-2 authorizes the governing authority of each municipality in the state of Georgia having a Municipal Court to appoint a judge for such court; and

**WHEREAS**, O.C.G.A. §36-32-2 provides that a judge of municipal court shall serve for a minimum term of one year and until a successor is appointed or if the judge is removed from office as provided in O.C.G.A. §36-32-2.1; and

**WHEREAS**, O.C.G.A. §36-32-2 further provides such term shall be memorialized, *inter alia*, in an ordinance; and

**WHEREAS**, the Mayor and Council of the City of Conyers, Georgia, the governing authority for the City of Conyers, Georgia, deem it necessary and in the best interest of the citizens of the City of Conyers, Georgia, to adopt and enact this ordinance to ensure the just, efficient and effective running of the Municipal Court system.

**NOW THEREFORE, BE IT ORDAINED** that it is the intention of the City Council and it hereby is ordained by the authority of same that the provisions of this Ordinance shall become and be made a part of the Code of the City of Conyers, Georgia, and the sections of the code and this ordinance may be renumbered to accomplish that intention, and that Title 2, Chapter 5 of the Code of Ordinances of the City of Conyers, Georgia, is hereby amended as follows.

**SECTION 1.** Title 2, Chapter 5 of the Code is hereby amended by creating the following new sections:

**Section 2-5-24. Compensation of Chief Municipal Court Judge; term of appointed office; Service Agreement.**

- (a) The compensation for the Chief Municipal Court Judge is set at \$2,500 per month.
- (b) No person shall be qualified or eligible to serve as a judge of the municipal court unless he or she shall be in compliance with the requirements of the City's Charter and state law on qualifications to serve in such office,

including, but not limited to, compliance with all applicable training requirements.

- (c) All judges of the City of Conyers Municipal Court shall be appointed by a resolution of the Mayor and City Council that adopts or approves a Service Agreement with the judge. This Service Agreement shall include a term of service for one year. The Service Agreement shall be approved by the city attorney as accurately describing the obligations of the judge and the independence of the court, and it shall identify obligations of the judge and of the city for oversight and management of court staff and court service providers. Unless the judge has been removed from office in the middle of the term as described below, the Service Agreement shall renew automatically for a subsequent term unless the city council, by resolution, appoints a successor judge to serve at the expiration of the then-current term. The judge shall be an independent contractor of the City during the term of the Service Agreement.
- (d) The judge, or any judge pro tempore serving in the absence of the judge, is solely responsible for judicial decisions. Judicial decisions include, but are not limited to, establishment of a standard bail schedule, determination of bail in individual cases, determination of financial ability, conditions of probation, determination of liability, and determination of eligibility for indigent defense and for alternatives to monetary penalties including community service and penalty or fine reductions.
- (e) The judge is responsible for notifying the City Manager and the city attorney of any resources or process changes that are required or appropriate in order for the court to operate in accordance with applicable law.
- (f) The municipal court judge may engage in the private practice of law; provided, however, a judge may not appear and represent a client before the Municipal Court of Conyers.
- (g) Before entering on duties of his or her office for the first time, an appointed judge shall take the following oath before an officer duly authorized to administer oaths in this state:

‘I Michael Nation swear (or affirm) that I will faithfully and impartially and without fear, favor, or partiality discharge my duties as judge of the Municipal Court for the City of Conyers, and will take only my lawful compensation. I do further swear (or affirm) that I am not the holder of any unaccounted for public money due this State, or any political subdivision or authority thereof; that I am not the holder of any office of trust under the government of the United States, any other state, or any foreign state which I am prohibited from holding by the laws of the State of Georgia; and that I am otherwise qualified to

hold said office, according to the Constitution and Laws of Georgia; and that I will support the Constitutions of the United States and of this state.'

The oath shall be entered upon the minutes of the city council, and the judge's name, contact information for business correspondence, and term of office shall be provided to the Clerk of Municipal Court.

(h) A judge of the municipal court shall serve for the designated term in the Service Agreement, but may be removed from the position, and the Service Agreement terminated during the term, by a two-thirds vote of the entire membership of the City Council or upon action taken by the State Judicial Qualifications Commission for:

- (1) Willful misconduct in office;
- (2) Willful and persistent failure to perform duties;
- (3) Habitual intemperance;
- (4) Conduct prejudicial to the administration of justice which brings the judicial office into disrepute; or
- (5) Disability seriously interfering with the performance of duties, which is, or is likely to become, of a permanent character.

**SECTION 2.** The preamble to this Ordinance is hereby incorporated by reference into this Ordinance as if fully set forth herein.

**SECTION 3.** All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

**SECTION 4.** If any section, subsection, provisions, or clause of any part of this Ordinance shall be declared invalid or unconstitutional or, if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent of the City Council that this Ordinance would have been adopted in its current form without the invalid or unconstitutional provision contained therein.

**SECTION 5.** Pursuant to Section 2-402(a)(4) of the Charter of the City of Conyers, Georgia, the second reading of this Ordinance is hereby waived in order to permit this Ordinance to become effective upon its adoption by the City Council and upon its execution by the Mayor.

**ADOPTED AND APPROVED** by the City Council of Conyers, Georgia this  
15<sup>th</sup> day of August, 2018.

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G. Vincent Evans, Jr., Mayor

ATTEST:

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Christina Heyman, City Clerk

Approved by:

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Michael S. Waldrop, City Attorney