

ORDINANCE NO. O20-21

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF WAYCROSS, GEORGIA TO PROVIDE FOR A SERVICE AGREEMENT AND MAXIMUM TERM OF OFFICE FOR THE MUNICIPAL COURT JUDGE; TO PROVIDE AN EFFECTIVE DATE; TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES.

WHEREAS, the City Commission desires to amend the Code of Ordinances of the City of Waycross to incorporate laws relating to the establishment and maintenance of a municipal court and as allowed by Georgia law; and

WHEREAS, the City of Waycross has, since at least 2003, contracted with Ware County to furnish municipal court services to the municipality as authorized by O.C.G.A. § 15-7-80 et seq.; and

WHEREAS, the issue has been duly considered by the Commission of the City of Waycross, Georgia;

NOW THEREFORE, BE IT ORDAINED by the Commission of the City of Waycross, Georgia and it is hereby ordained by the authority of the same as follows:

SECTION 1. The City of Waycross Code of Ordinances, **Chapter 24 – MUNICIPAL COURT, ARTICLE I. – IN GENERAL, Section 24-1. – Where sessions held; Section 24-8. – Maximum Term of appointed office for municipal court judge; service agreement; and Section 24-9. – Removal of judge from office** are hereby amended to include the following language and to read as follows:

Sec. 24-1. - Where sessions held.

The sessions of the municipal court shall be held in the courtroom of the police administration building located at 512 Oak Street, Waycross, Georgia; or in the discretion of the judge or judge pro tempore, in the county courthouse; or in an emergency or under exigent circumstances, in the city auditorium when allowed by resolution and approval of the city commission.

Sec. 24-8. - Maximum Term of Appointed Office for Municipal Court Judge; Service Agreement.

(a) 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 state law on qualifications to serve in such office, including but not limited to compliance with all applicable training requirements.

(b) All judges of the municipal court shall be appointed by a resolution of the city commission that adopts or approves a Service Agreement with the judge. This Service Agreement shall include a term of service of not less than one year and not more than four (4) years. 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 commission, 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.

(c) 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.

(d) 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.

(e) Unless prohibited by the Service Agreement, 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 court.

(f) 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 swear (or affirm) that I will faithfully and impartially and without fear, favor, or affection discharge my duties as judge of the Municipal Court for the City of Waycross, Georgia, 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 Constitution of the United States, the Constitution and laws of the State of Georgia, and the Charter and Ordinances of the City of Waycross, so help me God.”

The oath shall be entered upon the minutes of the city commission, and the judge’s name, contact information for business correspondence, and term of office shall be provided to the Administrative Office of the Courts.

(g) Nothing in this Article shall prevent the city commission from contracting with the county governing authority to furnish municipal court services to the city pursuant to O.C.G.A. § 15-7-80 et seq.

Sec. 24-9. - Removal of judge from office

A judge, or judge pro tempore, of the municipal court shall serve for the designated term in the Service Agreement but may be removed from the position pursuant to the procedure mandated by O.C.G.A. § 36-32-2.1, and the Service Agreement terminated during the term, by a two-thirds vote of the entire membership of the city commission 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. This Ordinance shall take effect and be enforced from and after the date of its final approval after second reading by the Commission of the City of Waycross, Georgia.

SECTION 3. If any portion of this ordinance shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair the remaining portions unless it clearly appears that such other parts are wholly and necessarily dependent upon the part held to be invalid or unconstitutional.

SECTION 4. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 5. It is the intention of the City Commission and it is hereby ordained that the provisions of this Ordinance shall become part of the Code of the City of Waycross, Georgia and the sections of this Ordinance may be renumbered to accomplish such intention.

SO ORDAINED, this 3rd day of November, 2020.

CITY OF WAYCROSS, GEORGIA

BY: + Michael Angelo James
MICHAEL-ANGELO JAMES, MAYOR

ATTEST:

Michelle Love

MICHELLE LOVE, CITY CLERK

READ 1ST TIME: 10/20/2020

READ 2ND TIME AND ADOPTED: 11/03/2020