

*This model ordinance for setting a term of office for the office of municipal court judge is not and should not be treated as legal advice. This model ordinance has been developed in response to House Bill 691 from the 2015-2016 legislative session. **You should consult with your legal counsel before drafting or adopting any ordinance and before taking any action based on this model.***

Model Municipal Court Judge Term Ordinance

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF _____, GEORGIA TO PROVIDE FOR A 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.

(HB 691 states that an individual appointed as a municipal court judge shall serve a minimum term of one year and until a successor is appointed or if removed under the statute. The city may have a term of longer than one year. The law now states that the city shall memorialize in a written agreement, in an ordinance, or in the charter the term of office for the judge. If done by a charter amendment the charter amendment could still be effectuated by an ordinance, pursuant to the procedures under O.C.G.A. §36-35-3. This model ordinance can be enacted as a stand-alone ordinance or can be utilized to effectuate such charter amendment.)

SECTION ONE

That Section _____ of the (Code of Ordinances/ City Charter), City of _____, Georgia, is hereby amended to read as follows:

Sec. _____. Term of Office for Municipal Court Judge.

- (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.
- (b) All judges of the municipal court for the Municipal Court of _____ shall be appointed by resolution of the city council and shall serve a term of _____ year(s). The compensation of the judge shall be fixed by the city council by adoption of a resolution. The position of judge created in this article shall not be a full-time position, and the person serving in said position may engage in the private practice of law; provided, however, a judge may not appear and represent a client before the court.

- (c) Before entering on duties of his or her office, the appointed judges shall take an oath before an officer duly authorized to administer oaths in this state declaring that he or she will truly, honestly, and faithfully discharge the duties of his or her office to the best of his or her ability without fear, favor, or partiality. The oath shall be entered upon the minutes of the city council.
- (d) A judge of the municipal court shall serve for the designated term but may be removed from the position 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.

(The city may add additional causes under paragraph (d) above but only if such additional causes are added by charter amendment.)

SECTION TWO

All ordinances or parts of ordinances in conflict herewith are hereby expressly repealed.

SECTION THREE

This Ordinance shall become effective on _____, 20_____.

SO ORDAINED, this _____ day of _____, 20_____.

Approved:

Mayor

ATTEST:

_____(SEAL)
City Clerk