COUNTY DEPARTMENT AGENDA REQUEST

Department:	Magistrate Judges	Presenter(s):	Judge Bob Ruppenthal
Meeting Date:	Thursday, January 13, 2011	Type of Request:	Old Business

Wording for the Agenda:

Consideration of Resolution No. 2011 - 02 regarding amendments to local legislation governing Fayette County's Magistrate Court.

Background/History/Details:

Judge Ruppenthal, representing the four Magistrate Judges, came before the Board of Commissioners at the Board's Workshop on January 5 to discuss possible changes in the County's statutes governing the Magistrate Court. The three issues discussed were:

1. Salary structure for Magistrate Judges
2. Qualifications of Magistrate Judges
3. Vacancies in the Chief Magistrate's position

If agreement is reached on any of these issues, legislation amending the current local act will be introduced in the upcoming 2011 General Assembly Session.

At the time of publication of the Agenda for the January 13 meeting, documents are still being prepared. These documents will be available prior to the meeting.

What action are you seeking from the Board of Commissioners?

Approval of the Resolution and authorization for the County Attorney to proceed with developing documents to be forwarded to the County's legislative delegation for introduction in the 2011 Session of the General Assembly.

If this item requires funding, please describe:

Not applicable at this time. Changes in the salary structure for Magistrate Judges, if approved, could effect annual budget requirements.

Has this issue come before the Commissioners in the past?	Yes	If so, when?	Wednesday, January 5, 2011
Do you need audio-visual for the presentation?	No	Back-up Material Submitted?	Yes

STAFF USE ONLY

Approved by Finance	Not Applicable	Reviewed by Legal	Yes
Approved by Purchasing	Not Applicable	Approved by County Clerk	Yes
Administrator's Approval	Yes		

Staff Notes:

A BILL TO BE ENTITLED
AN ACT

To amend an Act creating the Magistrate Court of Fayette County, approved April 1, 1983 (Ga. L. 1983, Vol. 2, p. 4707), so as to change the salary of the magistrate court judges; to change the qualifications for the magistrate court judge; to change the qualifications of the magistrate court judges; to repeal conflicting laws; and for other purposes.

Be it enacted by the General Assembly of Georgia:

SECTION 1.

An Act creating the Magistrate Court of Fayette County, approved April 1, 1983 (Ga. L. 1983, Vol. 2, p. 4707), is amended by adding a new subsections (e) and (f) to Section 4. to read as follows:

"Section 2.
…
(e) A vacancy in the office of chief magistrate shall be filled by an appointment by majority vote of the judges of superior court for the remainder of the unexpired term from among the remaining magistrate judges; and a vacancy in the office of any other magistrate shall be filled by an appointment by the chief magistrate with the consent of the judges of superior court for the remainder of the unexpired term.

(f) No person shall be judge of the magistrate court unless, at the time of his election, he has attained the age of 25 years, has been a citizen of the state for three years, has practiced law for seven years, and has been duly reinstated to the practice of law in the event of his disbarment therefrom, or has served as a judge of the Magistrate Court of Fayette County in good standing for seven or more years."

SECTION 2.

Said Act is further amended by striking in its entirety Section 4. and inserting in its place the following:

"Section 4.

(a) The chief judge of the Magistrate Court of Fayette County shall receive as compensation an amount equal to seventeen percent (17%) of the base salary of a judge in the superior courts for the State of Georgia. Such compensation shall be paid in equal monthly installments from the funds of Fayette County."

(b) All other judges of the Magistrate Court of Fayette County shall receive as compensation an amount equal to fourteen percent (14%) of the base salary of a judge in the superior courts for the State of Georgia. Such compensation shall be paid in equal monthly installments from the funds of Fayette County."

SECTION 3.

All provisions of this Act shall become effective upon the approval of this Act by the Governor or upon its becoming law without such approval.

SECTION 4.

All laws and parts of laws in conflict with this Act are hereby repealed.

State of Georgia;
County of Fayette

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY, GEORGIA RELATING TO AMENDING LOCAL LEGISLATION RELATIVE TO THE STATE COURT

WHEREAS, in 1983, the General Assembly approved the creation of the Magistrate Court of Fayette County, Georgia; and

WHEREAS, the Fayette County Board of Commissioners has determined that there exists a need to change certain provisions of this local legislation relating to the appointment of the chief magistrate, the qualifications of a magistrate court judge, and the salary of the magistrate court judges; and

WHEREAS, the Board of Commissioners has spent much time and effort in reviewing the changes to the Magistrate Court; and

WHEREAS, the judges of the Magistrate Court have concurred in the need for these changes; and

WHEREAS, the Fayette County Board of Commissioners has concluded that these changes will enhance the fair and expeditious operation of the Magistrate Court of Fayette County.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY, GEORGIA, that the Georgia General Assembly be requested to introduce and pass appropriate legislation to effectuate these changes, as proposed by said Board of Commissioners.

It is so resolved this 13th day of January, 2011, by the

BOARD OF COMMISSIONERS
FAYETTE COUNTY, GEORGIA

_____
Herbert E. Frady, Chairman

(Seal)

Attest:

_____
Clerk/Deputy Clerk