

**A RESOLUTION BY
PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE 04-R -2226**

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT WITH DEKALB COUNTY TO ESTABLISH THE STANDARD OPERATING PROCEDURES BETWEEN THE CITY OF ATLANTA AND DEKALB TO GUIDE THE PROCESS OF TRANSFERRING APPROPRIATE TRAFFIC OFFENSE CASES FROM THE MUNICIPAL COURT TO DEKALB COUNTY; AND FOR OTHER PURPOSES.

WHEREAS, the Georgia General Assembly during its 2004 Legislative Session adopted Senate Bills 497 and 498, abolishing the City Court (Traffic Court) as of January 1, 2005 if the City entered into intergovernmental agreements with affected jurisdictions, and addressing the jurisdiction of the Municipal Court and the handling of traffic offenses; and

WHEREAS, cases pending in the City Court as of the effective date of its repeal can be transferred to the Municipal Court; and

WHEREAS, defendants standing trial for traffic offenses are by state law entitled to demand for jury trials, and the Municipal Court is not empowered to conduct jury trials and may wish to transfer such cases to the appropriate court in DeKalb; and

WHEREAS, it is necessary for the City and DeKalb to enter into an Agreement to guide the process of transferring cases from the Municipal Court to DeKalb,

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA:

SECTION 1: That the Mayor be and is hereby authorized to execute an Intergovernmental Agreement to establish the standard operating procedures to guide the transfer of appropriate traffic cases to DeKalb County.

SECITON 2: That the City Attorney is hereby directed to prepare appropriate Intergovernmental Agreement for execution.

A true copy,

Rhonda Daughin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

DEC 06, 2004
DEC 10, 2004



INTERGOVERNMENTAL AGREEMENT (“AGREEMENT”)

THIS AGREEMENT is made this ____ day of ____, 2004 by and between the CITY OF ATLANTA, a political subdivision of the State of Georgia (“City”) and DEKALB COUNTY, a political subdivision of the State of Georgia (“DeKalb”) (collectively, the “Parties”).

WITNESSETH:

WHEREAS, the Georgia General Assembly during its 2004 Legislative Session adopted Senate Bills 497 and 498, abolishing the City Court (Traffic Court) as of January 1, 2005 if the City entered into intergovernmental agreements with affected jurisdictions, and addressing the jurisdiction of the Municipal Court and the handling of traffic offenses; and

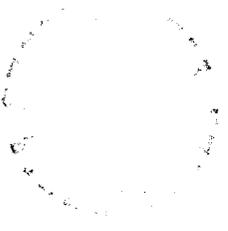
WHEREAS, cases pending in the City Court as of the effective date of its repeal can be transferred to the Municipal Court; and

WHEREAS, defendants standing trial for traffic offenses are by state law entitled to demand for jury trials, and the Municipal Court is not empowered to conduct jury trials and may wish to transfer such cases to the appropriate court in DeKalb; and

WHEREAS, it is necessary for the City and DeKalb to enter into an Agreement to guide the process of transferring cases from the Municipal Court to DeKalb,

NOW, THEREFORE, in consideration of the mutual promises, covenants, and obligations herein set forth, the Parties mutually agree as follows:

1. **BINDING OF CASES.** The City agrees that there shall be no change in binding over cases. When a defendant in a traffic case in the Municipal Court demands to have a jury trial and when the Municipal Court determines that such defendant’s case should be bound over to DeKalb County, then such defendant’s case will be bound over to the appropriate state court in DeKalb. The City has consulted with DeKalb County and created a process to inform a defendant of his/her right to a jury trial or bench trial, and bind such defendant over to DeKalb if he/she demands a jury trial.
2. **TRANSFER OF CASES; STANDARD OPERATING PROCEDURES.** The City agrees to abide by the attached standard operating procedure for transfer of cases from the Municipal Court to DeKalb.
3. **TERM.** This Agreement shall remain in effect until such time as the Service Delivery Strategy (the “SDS”) between the City and DeKalb is renegotiated, as required under the terms of the Service Delivery Strategy Act (O.C.G.A. 36-70-1 et seq.) and the terms and conditions of the SDS are incorporated herein by reference.



IN WITNESS WHEREOF, the Parties have set their hands and seals by their duly authorized officials effective the day and year above written.

CITY OF ATLANTA, a political subdivision of the State of Georgia

ATTEST: _____

BY _____

Municipal Clerk (Seal)

SHIRLEY FRANKLIN, MAYOR

APPROVED AS TO FORM:

City Attorney

DEKALB COUNTY, a political subdivision of the State of Georgia

ATTEST: _____

BY _____

CHIEF EXECUTIVE OFFICER

APPROVED AS TO FORM:

County Attorney



STANDARD OPERATING PROCEDURES

The following are the Standard Operating Procedures established pursuant to the Intergovernmental Agreement between the City of Atlanta and DeKalb County, as mandated by the Georgia General Assembly during its 2004 Legislative Session, for cases transferred to the State Court of DeKalb County from the Municipal Court of the City of Atlanta. These procedures conform to those utilized by all other municipal jurisdictions located within the geographical boundaries of DeKalb County.

Once the judge has made the determination that a case is to be bound over to the State Court of DeKalb County, the judge shall:

1. Notify the Defendant of his/her arraignment date, time, location and judge assignment.
 - a. Have the Defendant sign his/her court notice. Defendants are assigned to a court division by the date of his/her arrest (or date on citation). These dates will be furnished to the Municipal Court's Administrator by the State Court Clerk's Office.
2. Forward the Court's Bind Over Order, signed court notice, drivers license (if applicable) and all copies of the Citations for that Defendant along with a copy of his/her bond (if any) to the address listed below.
3. If a cash bond has been posted, forward a copy of the bond showing the name and address of the surety along with a check for the bond amount to the address listed below. Make check payable to: Clerk, State Court.
4. The delivery address for the State Court of DeKalb County is:

Clerk's Office, State Court of DeKalb County
DeKalb County Courthouse, Room 607
556 N. McDonough Street
Decatur, Georgia 30030-3356

Attachments: Sample copy of bond arraignment sheet
Sample copy of court notice

RCS# 6357.
12/06/04
7:46 PM

Atlanta City Council

Regular Session

04-R-2226

INTERGOVT'L AGRMNT W/DEKALB CO TRNSFR
TRAFFIC OFFENSE CASES MUN CRT TO DEKALB
ADOPT

YEAS: 12
NAYS: 1
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 1
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Mitchell
NV Starnes	Y Fauver	N Martin	E Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Sheperd	NV Borders

04-R-2226

(Do **Not** Write Above **2026**)

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Approved by:

Stacey Abrams
STACEY ABRAMS, DEPUTY CITY ATTORNEY

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER

ADOPTED BY

DEC 06 2004

COUNCIL

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred To _____

PSLA Committee

11/30/04 Date

Chair *[Signature]*

Action

Fav/Adv, Hold (see rev. side)

Other

Members

[Signature]

[Signature]

[Signature]

[Signature]

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Refer To

FINAL COUNCIL ACTION

2nd 1st & 2nd 3rd

Readings

Consent V Vote RC Vote

CERTIFIED

DEC 06 2004

[Signature]

MAYOR'S ACTION

[Signature]
DEC 10 2004