

**ORDINANCE  
AMENDMENT  
NO. \_\_OA-2023-10\_\_**

**CHAPTER 24 – OFFENSES AND MUNICIPAL COURT**

**ARTICLE II. – PROCEDURES IN MUNICIPAL COURT**

**SECTIONS 24-51 through 24-100**

**WHEREAS,** The Mayor and the City Council of Dallas, Georgia have determined that it is necessary for the City to make certain amendments to its ordinances to comply with the provisions of O.C.G.A. §15-18-90 through O.C.G.A. §15-18-99 and create the office of municipal solicitor and provide for appointment, qualifications, authority and duties of said office; **AND**

**WHEREAS,** The Mayor and the City Council of Dallas, Georgia considered the proposed amendment at a duly noticed public meeting on \_\_\_\_\_; **AND**

**WHEREAS,** The Mayor and the City Council of Dallas, Georgia have determined that the proposed amendment creating the office of municipal solicitor serves such purposes and benefits the public health safety and welfare of the Citizens and the City of Dallas, Georgia; **AND**

**THEREFORE,** be it ordained by the Mayor and the City Council of Dallas, Georgia:

**SECTION I.**

That **CHAPTER 24 – OFFENSES AND MUNICIPAL COURT, ARTICLE II. – PROCEDURES IN MUNICIPAL COURT, SECTIONS 24-51 through 24-100** are struck in their entirety and amended as follows:

**CHAPTER 24 – OFFENSES AND MUNICIPAL COURT**

**ARTICLE II. – PROCEDURES IN MUNICIPAL COURT**

**Sec. 24-51. Office of Municipal Solicitor created.**

The office of Municipal Solicitor is hereby created.

- a. The Mayor and the City Council shall appoint, by majority vote of all members, a person to serve as Solicitor in the Municipal Court in the City of Dallas.
- b. The Council may, at their discretion, provide for a preliminary appointment of Municipal Solicitor to determine the suitability of said appointment, to be finalized by a majority vote of all Council members at the end of the designated preliminary period.
- c. The Municipal Solicitor shall serve at the pleasure of the Mayor and City Council and shall be removed upon request of the Solicitor or a majority vote of all members of the City Council.
- d. Upon said appointment, the City Clerk shall comply with the notification requirements of O.C.G.A. §15-18-91.
- e. The creation of this office shall not invalidate any actions taken by the persons acting in the position of Municipal Solicitor as appointed by the Mayor and City Council prior to this Ordinance creation.

**Sec. 24-52. Qualifications.**

The person appointed to the position of Municipal Solicitor shall be a member in good standing with the State Bar of Georgia and shall be admitted to practice in all trial and appellate Courts in the State of Georgia. The City Attorney may serve as the Municipal Solicitor, provided that all other qualifications for being Municipal Solicitor are met.

**Sec. 24-53. Compensation.**

The Mayor and City Council, in consultation with the Court Clerk and City Manager, may set the compensation for the Municipal Solicitor as provided by the City Charter or Ordinances. If the City Attorney also serves as the Municipal Solicitor, no additional compensation will be made to the City Attorney for said services. However, the Municipal Solicitor shall always be entitled to be reimbursed for actual expenses incurred in the performance of his or her official duties in the same manner and rate as other City of Dallas employees. The compensation for an Assisting Solicitor as provided in Sec. 24-54 shall be at the discretion of the Solicitor and the Court Clerk but shall not exceed the regular per diem or hourly compensation of the appointed Municipal Solicitor.

**Sec. 24-54. Oath of Office**

The Municipal Solicitor shall take and subscribe to the following oath: "I swear (or affirm) that I will well, faithfully, and impartially and without fear, favor, or affection discharge my duties as prosecuting attorney of the City of Dallas, Georgia." Failure to take the oath in a timely manner shall not affect the validity of any official acts taken as Municipal Solicitor for the City of Dallas prior to taking the oath.

**Sec. 24-54. Authority and Duties of the Solicitor.**

The Municipal Solicitor shall have such authority and duties as provided in O.C.G.A. §15-18-96. If the Municipal Solicitor is disqualified from engaging in the prosecution of a particular case or is unable to perform the duties of said office due to illness or incapacity, the Municipal Solicitor may appoint an Assisting Solicitor to prosecute in his or her place as appropriate until the cases subject to disqualification are concluded or the illness or incapacity is resolved.

**Secs. 24-55—24-99. Reserved.**

**SECTION II. REPEAL OF CONFLICTING ORDINANCES.** That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION III. RATIFICATION.** This ordinance shall ratify the current appointment of the Municipal Solicitor by the Mayor and Council and all actions taken by the persons acting in the position of Municipal Solicitor for the City of Dallas to date as authorized by appointment of the Mayor and City Council.

**SECTION IV. SEVERABILITY CLAUSE.** If any section, sentence, clause or phrase of this ordinance or any part thereof is for any reason found to be invalid by a court of competent jurisdiction, such decision will not affect the validity of the remainder of this ordinance or any part thereof.

**SECTION V EFFECTIVE DATE.** This ordinance shall be effective immediately following passage and approval of this ordinance by the Mayor and City Council.

**SO SHALL IT BE ORDAINED BY THE MAYOR AND COUNCIL OF THE**

**CITY OF DALLAS, GEORGIA, THIS THE \_\_\_\_ DAY OF**

\_\_\_\_\_, 2023.

\_\_\_\_\_  
L. James Kelly, Mayor

\_\_\_\_\_  
James R. Henson, Councilmember

\_\_\_\_\_  
Michael G. Cason, Councilmember

\_\_\_\_\_  
Cooper Cochran, Councilmember

\_\_\_\_\_  
Nancy R. Arnold, Councilmember

\_\_\_\_\_  
Christopher B. Carter, Councilmember

\_\_\_\_\_  
Leah Alls, Councilmember

ATTEST:

\_\_\_\_\_  
Tina Clark, City Clerk of the City of Dallas, GA

\_\_\_\_\_  
Date