



COUNCIL AGENDA ITEM COVER SHEET

Meeting Type: Council - Regular

Meeting Date: May 7, 2026

Agenda Item Type: Consent Agenda

Staff Contact: Brandon Perkins, Town Manager

STAFF REPORT

AGENDA ITEM:

Approval of a resolution authorizing the Town of Tyrone's participation in an amicus brief in the *Chang v. City of Milton* Supreme Court (Georgia) case.

BACKGROUND:

The City of Milton has requested that municipalities across Georgia consider adopting a resolution authorizing participation in an **amicus curiae** (friend of the court) brief in the ongoing litigation styled *Chang v. City of Milton*. The case arises from a 2016 motor vehicle collision and subsequent claims related to roadway conditions.

The Council has previously authorized participation in two earlier amicus efforts related to this same case, joining municipalities across the state in support of clarifying the scope of municipal liability and sovereign immunity.

On March 12, 2026, the Supreme Court of Georgia issued a significant ruling in the case, clarifying that a municipality's duty related to roadway maintenance applies only to areas intended for ordinary travel and not to conditions outside those travel lanes. The case has now been remanded to the Georgia Court of Appeals to address a separate issue involving the so-called "**nuisance**" **exception** to sovereign immunity in personal injury claims.

Historically, Georgia courts have allowed certain nuisance claims for personal injury against cities based on judicial precedent rather than an explicit constitutional or statutory waiver of sovereign immunity. Recent court decisions have questioned the continued validity and scope of that doctrine.

Municipal organizations consider the outcome of this issue to be of statewide importance because it could affect the extent of liability exposure for cities and the associated financial and operational impacts on local governments. The proposed resolution would authorize the Town to again join other municipalities in supporting an amicus brief seeking clarification that any waiver of sovereign immunity for nuisance claims involving personal injury must be grounded in the Constitution or state law.

Participation in the amicus effort does not make the Town a party to the litigation but allows its position and interests to be formally considered by the appellate courts. Timing is important, as participating municipalities have been asked to adopt and return resolutions within approximately 30 days to support coordinated filing of the brief.

FUNDING:

None.

STAFF RECOMMENDATION:

Staff recommends approval for the Mayor to sign.

ATTACHMENTS:

1. Resolution
2. Request from City of Milton

PREVIOUS DISCUSSIONS:

December 5, 2024

July 17, 2025