

**AN ORDINANCE**

**AMENDING**, the Code of the City of Marietta, Part 1 – General Government,

**NOW, THEREFORE BE IT HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MARIETTA, GEORGIA, THAT:**

**Section 1:** Chapter 1-12-040 of the City Code of Ordinances is renamed: **1-12-040 - Clerk of court; associate judge; assistant prosecuting attorney; chief assistant prosecuting attorney**

**Section 2:** Chapter 1-12-040 is amended as follows:

**1-12-040 - Clerk of court; associate judge; assistant prosecuting attorney; chief assistant prosecuting attorney**

- A. The position of clerk of the municipal court is created. The clerk shall be appointed by the city manager.
- B. The clerk of court shall:
  - 1. Prepare all subpoenas and warrants and maintain a docket thereof that will show the name of the person for whom the subpoena or warrant was issued, its date, at whose instance it was issued, and to whom delivered;
  - 2. The chief municipal judge may require that the clerk maintain a duplicate court docket and to use the signed duplicate copy of the docket to make necessary entries in the master docket after each session of court. The master or original to be retained by the judge and the duplicate to be examined for completeness and signed by the judge;
  - 3. Be authorized to make continuations of a case for good cause shown;
  - 4. Act as court officer to accept filing of all pleadings and motions;
  - 5. Indicate time and date of receipt;
  - 6. Schedule hearings upon motions when necessary and notify parties and witnesses;
  - 7. Open files with copy of original citations for prosecuting attorney in cases where motions are filed and act as custodian of these files;
  - 8. Act as custodian of the seal of the court;
  - 9. Certify copies of citations, orders and sentences where necessary; and
  - 10. The clerk of court shall work under the general supervision of the city manager. The city manager shall evaluate the performance of the clerk of court, shall consult with the prosecuting attorney and judge on their evaluation of the clerk of the court's performance, and report the results of the evaluation twice each anniversary year to the mayor and city council.

The clerk of court shall supervise the functional day to day office activities of all classified municipal court employees including but not limited to the deputy court clerks, probation officers, and prosecuting attorney's secretary.

It is recognized that the municipal judge and prosecuting attorney shall direct the activities of the employees respectively assigned to them for specific work assignments and procedures; however, the clerk of court shall have supervisory responsibility over all classified employees assigned to the municipal court office to assure that the municipal court budget and provisions of the City Code and Charter as they apply to employee performance and employee conduct will be effectively and consistently administrated. The clerk of court shall, prior to approving vacation leave, compensatory leave and setting hours of work for those classified employees who are assigned to perform specific work activities and procedures for the municipal judge or prosecuting attorney, obtain approval from the municipal judge and prosecuting attorney. The court clerk shall provide the municipal judge and prosecuting attorney a summary twice each fiscal year of the probation officer and prosecuting attorney's secretary's day to day performance relative to attendance, being on time, courtesy, coordinating and working with others in the municipal court. Any complaints of violations of the law or of the provision of the City Code and Charter as they apply to employee performance and employee conduct shall be reported to the clerk of the court or his/her designee who shall notify the municipal judge, prosecuting attorney and city manager.

11. Perform other related duties as assigned.
- C. The deputy clerks of the municipal court shall have the responsibility to:
1. Act as custodian of the original citation issued by the police department;
  2. Act as custodian of the master docket of the court;
  3. Handle correspondence with the department of public safety regarding cancellation, revocation and suspension of licenses;
  4. Forward all convictions, bond forfeitures and other disposition reports required by O.C.G.A. § 40-5-53;
  5. Forward to the department of public safety all licenses received by the court pursuant to O.C.G.A. § 40-5-53;
  6. Perform other related duties as assigned.
- D. The position of associate judge of the municipal court is created.
- E. The position of assistant prosecuting attorney of the municipal court is created and the position of chief assistant prosecuting attorney of the municipal court is created.
- F. The associate judge, the chief assistant prosecuting attorney, and the assistant prosecuting attorneys shall have such duties as are set forth in the City Charter, and they shall receive such compensation as is set by the governing authority of the city.

**Section 3:** It is hereby declared to be the intention of this Ordinance that its sections, paragraphs, sentences, clauses, and phrases are severable and if any section, paragraph, sentence,

clause, or phrase of this Ordinance is declared to be unconstitutional or invalid, it shall not affect any of the remaining sections, paragraphs, sentences, clauses, or phrases of this Ordinance.

**Section 4:** All Ordinances and parts of Ordinances in conflict with this Ordinance are hereby repealed.

**Section 5:** This Ordinance shall be effective upon signature or without the signature of the Mayor, subject to Georgia laws 1983, page 4119.

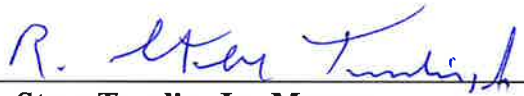
Approved as to Form:

  
\_\_\_\_\_  
Daniel W. White, Jr., City Attorney

Approved by City Council:

APPROVED:

DATE: 1.14.26

  
\_\_\_\_\_  
R. Steve Tumlin, Jr., Mayor

ATTEST:

  
\_\_\_\_\_  
Stephanie Guy, City Clerk