

ORDINANCE NO. 05- 06

AN ORDINANCE ADOPTED PURSUANT TO THE MUNICIPAL HOME RULE ACT OF 1945, O.C.G.A. SEC. 36-35-1 *et seq.*, AMENDING ARTICLE IV OF THE CHARTER OF THE CITY OF FORT GAINES SO AS TO AUTHORIZE THE PROVISION OF A SYSTEM OF INDIGENT DEFENSE IN THE MUNICIPAL COURT AND A PROSECUTOR; TO PROVIDE FOR THE FUNDING THEREOF; TO REPEAL ALL PRIOR ORDINANCES AND CHARTER PROVISIONS IN CONFLICT; AND FOR OTHER PURPOSES.

WHEREAS, the Constitution of the United States of America as construed by the United States Supreme Court requires that indigent defendants in certain criminal cases in all courts including municipal courts be provided with defense counsel at the expense of the government; and

WHEREAS, it is necessary to amend the charter of the City of Fort Gaines in order to authorize the implementation of such a system in the municipal court of said city; and

WHEREAS, the Municipal Home Rule Act of 1945, O.C.G.A. Sec. 36-35-1, authorizes such amendments to charters and provides procedures therefor;

NOW, THEREFORE, BE IT ORDAINED by the mayor and council of the City of Fort Gaines, and it is hereby ordained by authority of same:

SECTION 1. Article IV of the charter of the City of Fort Gaines is hereby amended by adding a new section to be located and numbered appropriately in said Article of the charter, to read as follows:

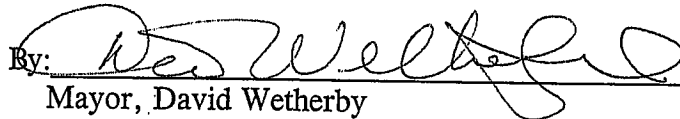
SECTION 4.16 AUTHORIZING, PROVIDING FOR, AND FUNDING A SYSTEM OF INDIGENT DEFENSE.

The mayor and council shall have the power to provide for a system of defense for indigent persons charged in municipal court with violations of ordinances and/or state laws, and for the prosecution of such cases by a prosecutor, and to provide for and require the expense of same to be added to all fines, bonds and bond forfeitures imposed by the municipal court judge and collected in addition to fines, penalties, and all other costs.

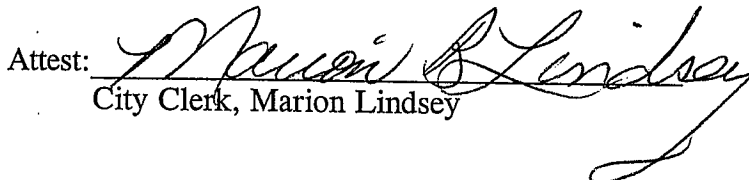
SECTION 2. All ordinances and charter provisions in conflict herewith are repealed.

SO ORDAINED, this 10 day of MAY, 2005.

CITY OF FORT GAINES

By: 
Mayor, David Wetherby

(SEAL)

Attest: 
City Clerk, Marion Lindsey

1st reading: 04-15-2005

2nd reading: 05-10-2005