

House Bill 542

By: Representatives Mathiak of the 74<sup>th</sup>, Knight of the 134<sup>th</sup>, and Daniel of the 117<sup>th</sup>

A BILL TO BE ENTITLED

AN ACT

1 To repeal an Act to incorporate the City of Sunny Side, to provide a new charter for the  
2 government of said city, approved February 17, 1950 (Ga. L. 1950, p. 2626), as amended;  
3 to provide for transfer of duties and obligations to Spalding County; to provide for transfer  
4 of all legal rights, privileges, and assets to Spalding County; to establish a special tax and  
5 service district for outstanding bonded indebtedness and other obligations; to provide for  
6 transfer of all federal and state permits and licenses; to provide for the transfer of ongoing  
7 judicial actions; to provide for the continuation of zoning and land use regulations; to provide  
8 for future proceeds of special and regular local option sales taxes; to provide for the  
9 designation of the historic Sunny Side community; to provide for related matters; to repeal  
10 conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

13 An Act to incorporate the City of Sunny Side, to provide a new charter for the government  
14 of said city, approved February 17, 1950 (Ga. L. 1950, p. 2626), as amended, is hereby  
15 repealed in its entirety.

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16

**SECTION 2.**

17 Spalding County, Georgia, shall be vested with full authority to provide all governmental  
18 services within that area comprising the former jurisdictional boundary of the City of Sunny  
19 Side. All ordinances, rules, and regulations of Spalding County shall apply within that area  
20 as they do in other unincorporated areas of the county, and the appropriate courts of Spalding  
21 County shall have jurisdiction to enforce such ordinances; provided that this transition shall  
22 not impact any vested rights accrued prior to the effective date of this Act.

23

**SECTION 3.**

24 Upon the effective date of this Act, the existence of any local authority created by or for the  
25 City of Sunny Side shall likewise terminate on the same date; provided, however, that any  
26 joint authority of which the City of Sunny Side was a part shall be modified by operation of  
27 law to remove the City of Sunny Side, and that authority shall continue in existence with its  
28 remaining members. The assets and liabilities of any authority terminated pursuant to this  
29 section shall be treated in the same manner as assets and liabilities of the City of Sunny Side  
30 under this Act.

31

**SECTION 4.**

32 There is hereby created a special tax and service district to be known as the Sunny Side  
33 Services District which shall correspond to and be coterminous with the corporate limits of  
34 the City of Sunny Side as those corporate limits existed on the effective date of this Act.  
35 Upon the completion of the purposes provided in this Act for such service district, the tax  
36 and service district may be abolished by resolution of the governing authority of Spalding  
37 County.

38

**SECTION 5.**

39 (a) Except as provided herein, all legal rights, privileges, and assets of the City of Sunny  
40 Side and all records of such assets shall pass to Spalding County without the necessity or  
41 formality of a deed, bill of sale, or other instrument of transfer. The assets that shall transfer  
42 include all real property assets of the City of Sunny Side of any nature, including, without  
43 limitation, freehold estates, easements, life estates, future interests, and co-owned interests;  
44 all tangible and intangible personal property assets of the City of Sunny Side of any nature,  
45 including, without limitation, vehicles, heavy equipment, office equipment, and software; all  
46 accounts receivable, rights to payment under contracts fully performed by the City of Sunny  
47 Side, and similar financial assets of the City of Sunny Side of any nature; and all digital and  
48 electronic papers and records of the City of Sunny Side. Expressly excluded from this  
49 section are any rights or assets that derive from executory contracts of the City of Sunny Side  
50 addressed in Section 6 of this Act.

51 (b) Those amounts in any general fund for the City of Sunny Side shall be immediately  
52 transferred to the general fund of Spalding County and segregated by Spalding County for  
53 the provision of services within the Sunny Side Services District.

54 (c) Those amounts in any special fund for the City of Sunny Side shall immediately be  
55 transferred to a special fund of Spalding County and segregated by Spalding County for their  
56 designated special purpose.

57

**SECTION 6.**

58 (a) Except as specifically provided in this Act, neither Spalding County nor the State of  
59 Georgia nor any political subdivision of the State of Georgia shall bear any responsibility or  
60 liability for obligations, amounts, claims, debts, causes of action, judgments, or liabilities that  
61 have accrued to the City of Sunny Side or its local public authorities, up to and including the  
62 effective date of this Act. Nothing in this Act shall in any manner obligate Spalding County

63 to provide continued employment for any employee of the City of Sunny Side or any local  
64 public authority of the city.

65 (b) Any bonded indebtedness of the City of Sunny Side shall become the debt and obligation  
66 of the special tax and service district established pursuant to Section 4 of this Act. Spalding  
67 County shall be the successor to the City of Sunny Side for all purposes relating to such  
68 bonded indebtedness, including the enforcement of rights and remedies of bondholders. The  
69 County shall be authorized but not required to levy a special district tax, fee, or assessment  
70 within the Sunny Side Services District for the purpose of paying the amounts due on such  
71 bonded debt.

72 (c) Other than those bonded debts provided for in subsection (b) of this section and  
73 Section 11 of this Act, Spalding County shall be authorized but not required to assume the  
74 rights and duties of any executory contract of the City of Sunny Side in effect as of the  
75 effective date of this Act. If assumed, any rights and obligations of such contracts that by  
76 their nature are personal to the city shall be deemed to apply to the personnel, services, and  
77 assets formerly belonging to the city so as to reasonably fulfill the basic purpose and bargain  
78 of the original contract. The county shall be authorized but not required to levy a special  
79 district tax, fee, or assessment within the Sunny Side Services District for the purpose of  
80 paying the amounts due under such assumed contracts, to the extent that the financial  
81 obligations under such contract cannot be fully funded by funds and assets devolved to the  
82 county from the City of Sunny Side.

83 (d) Financial assets and property devolved to Spalding County that are deemed by the  
84 county to be excess for purposes of serving the Sunny Side Services District shall be used  
85 to satisfy any obligations and retire any indebtedness of the City of Sunny Side.

86 **SECTION 7.**

87 To the maximum extent permitted by law, all federal and state permits and licenses issued  
88 to the City of Sunny Side or its local authorities shall be transferred by operation of law to  
89 Spalding County.

90 **SECTION 8.**

91 Notwithstanding any provisions of this Act to the contrary, on the effective date of this Act,  
92 if any person is held in the custody of the City of Sunny Side, such person may be transferred  
93 over to the custody of the Spalding County Sheriff's Office or other appropriate law  
94 enforcement agency.

95 **SECTION 9.**

96 All cases pending in the Sunny Side Municipal Court shall be automatically transferred to  
97 the Spalding County Magistrate Court or the appropriate court of competent jurisdiction in  
98 Spalding County if jurisdiction does not lie in magistrate court. Any transfer of law  
99 enforcement jurisdiction to Spalding County shall not in and of itself abate any pending  
100 prosecution of any violation of any ordinance of the City of Sunny Side, and the county shall  
101 be entitled to enforce such city ordinance if a violation occurred while the city ordinances  
102 were in effect. As for any other lawsuits involving the City of Sunny Side in the Georgia  
103 judicial system, the city shall cease to exist and therefore shall no longer be a proper party  
104 to any legal action.

105 **SECTION 10.**

106 The zoning and land use regulations of the City of Sunny Side shall be deemed Spalding  
107 County ordinances and shall apply within the Sunny Side Services District only, unless and  
108 until Spalding County adopts zoning and land use regulations covering the properties within  
109 the Sunny Side Services District.

110 **SECTION 11.**

111 Spalding County shall be entitled to receive the City of Sunny Side's share of proceeds of any  
112 special purpose local option sales tax imposed pursuant to Article 3 of Chapter 8 of Title 48  
113 of the O.C.G.A. and shall use those proceeds to complete the city projects authorized by the  
114 applicable referendum or otherwise abandon the projects in accordance with general law.  
115 To the extent that any intergovernmental agreement has been approved between Spalding  
116 County and its qualified municipalities in connection with such special purpose local option  
117 sales tax, the county shall have the power to act in place of the city for purposes of that  
118 agreement.

119 **SECTION 12.**

120 Spalding County and its qualified municipalities shall divide the City of Sunny Side's share  
121 of proceeds of any local option sales tax in accordance with the provisions of Code  
122 Section 48-8-89.2 of the O.C.G.A.

123 **SECTION 13.**

124 There is hereby designated a Historic Sunny Side Community which shall correspond to and  
125 be coterminous with the corporate limits of the City of Sunny Side as those corporate limits  
126 existed on the effective date of this Act. Spalding County is authorize to provide appropriate  
127 signage so as to mark the boundaries of such historic community.

128 **SECTION 14.**

129 All laws and parts of laws in conflict with this Act are repealed.