

House Bill 542 (COMMITTEE SUBSTITUTE)

By: Representatives Mathiak of the 74th, Knight of the 134th, and Daniel of the 117th

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 provide
10 an effective date; to repeal 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15 repealed in its entirety.

H. B. 542 (SUB)

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 This Act shall become effective on January 1, 2024.

130 **SECTION 15.**

131 All laws and parts of laws in conflict with this Act are repealed.