



DeKalb County Government

Manuel J. Maloof Center
1300 Commerce Drive
Decatur, Georgia 30030

Agenda Item

File ID: 2020-

6/8/2021

Public Hearing: YES NO

Department: State Court

SUBJECT:

Commission District(s): All Districts

Authorize the State Court to use Decatur Presbyterian Church for criminal and civil jury selection.

Information Contact: Honorable Al Wong, Judge State Court

Phone Number: 404-371-2591

PURPOSE:

The State Court has advised that it is impracticable to use the courthouse to select criminal and civil jurors in a way that is compliant with CDC and court-related guidelines. State law, O.C.G.A. 15-6-8, requires the governing authority to approve by resolution the use of alternative facilities for holding any session of the state court, and further requires for criminal jury trials, that the county have a contractual relationship with the alternative facility. While the state court will not be holding the actual jury trials in the alternative facility, Judge Wong has worked out an arrangement to use the Decatur Presbyterian Church for jury selection for civil jury trials beginning the week of June 21, 2021 and for criminal jury trials upon execution of the lease by the parties.

NEED/IMPACT:

Without use of this facility for criminal and civil jury selection, the State Court would not be able to begin jury trials until much later in 2021 or perhaps even in 2022.

FISCAL IMPACT:

\$250.00 per day of use plus cost of insurance.

RECOMMENDATION:

Authorize the attached resolution and authorize the CEO to execute a lease with the Decatur Presbyterian Church for the State Court's temporary use of the facility for jury selection purposes.

**A RESOLUTION BY THE GOVERNING AUTHORITY OF DEKALB COUNTY,
GEORGIA, TO AUTHORIZE THE STATE COURT OF DEKALB COUNTY TO USE
THE DECATUR PRESBYTERIAN CHURCH FOR JURY SELECTION
FOR CRIMINAL AND CIVIL JURY TRIALS,
AND FOR OTHER PURPOSES.**

WHEREAS, O.C.G.A. § 15-6-18, as recently amended during 2020-2021 Session of the Georgia General Assembly, allows the governing authority of a county to authorize, by appropriate resolution, the holding of any session of any superior or state court at an alternative facility, when it has become impracticable to hold such court sessions at the courthouse, and when the move would be in the best interest of the public;

WHEREAS, due to CDC and other Covid-19 related guidelines, it has become impracticable for the State Court of DeKalb County to use its courthouse for jury selection in criminal and civil state court jury trials, and an alternative facility is needed in order to be in compliance with these guidelines;

WHEREAS, after giving due consideration to the accessibility by the public, including those people with physical and mental impairments, as well as the transportation burdens upon the public, the Governing Authority of DeKalb County believes that it is in the best interest of the public to authorize the State Court of DeKalb County to use the Decatur Presbyterian Church for jury selection in criminal and civil jury trials;

WHEREAS, the Decatur Presbyterian Church can accommodate a greater number of people, while meeting social-distancing requirements, is situated near a MARTA station, and has handicap parking options; and

WHEREAS, the Decatur Presbyterian Church has agreed to enter into a lease agreement with DeKalb County allowing for the temporary use of the Church by the State Court of DeKalb County for jury selection for criminal and civil jury trials beginning the week of June 21, 2021 and for the use of five parking spaces, which will be designated as handicapped parking.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Authority of DeKalb County, as follows:

1. The Governing Authority of DeKalb County finds that it is in the best interest of the public to authorize the State Court of DeKalb County to hold sessions of court, specifically jury selection for criminal and civil jury trials, at an alternative facility.
2. The Governing Authority of DeKalb County hereby authorizes the State Court of DeKalb County to temporarily use the Decatur Presbyterian Church for jury selection for civil jury trials, beginning the week of June 21, 2021 and criminal jury trials beginning upon execution of the lease by the parties.
3. The Governing Authority further authorizes the Chief Executive Officer of DeKalb County to execute a lease, in a form approved by the County Attorney, with the Decatur

June 7, 2021

Presbyterian Church for the State Court of DeKalb County's temporary use of the Church and the five parking spaces, and to execute all other necessary documents for such purposes.

ADOPTED by the DeKalb County Board of Commissioners, this ____ day of _____, 2021.

STEPHEN R. BRADSHAW
Presiding Officer
Board of Commissioners
DeKalb County, Georgia

APPROVED by the Chief Executive Officer, this ____ day of _____, 2021.

MICHAEL L. THURMOND
Chief Executive Officer
DeKalb County, Georgia

ATTEST:

APPROVED AS TO SUBSTANCE:

BARBARA H. SANDERS-NORWOOD, CCC
County Clerk
Board of Commissioners and
Chief Executive Officer

ZACHARY L. WILLIAMS
Chief Operating Officer
DeKalb County, Georgia

APPROVED AS TO FORM:

Viviane H Ernstes

VIVIANE H. ERNSTES
County Attorney
DeKalb County, Georgia