

*File*  
*Housing Code Enforcement*

October 5, 1965

Mr. Henry L. Bowden, City Attorney  
1114 William-Oliver Building  
Atlanta, Georgia 30303

Dear Henry:

In response to your request, I am enclosing a copy of Senate Bill 4 that was passed by the 1965 Legislature which grants home rule authority to municipalities.

Section 4, Subparagraph 6 of the Home Rule Act states as follows:

"Action affecting any court or the personnel thereof, except any municipal court having jurisdiction only over municipal ordinances."

Section 5 of the Act provides that the City has the authority to fix salaries, compensation, expenses, etc., of their employees, but makes no provision whatsoever for the changing of duties of the employees.

In a meeting in Mr. Landers' office with you and Miss Dusthimer, we discussed the possibility of changing Miss Dusthimer's title from Chief Law Clerk to some other appropriate title in which we could vest more authority in her position to consummate court orders, etc. As you will recall, the position that Miss Dusthimer holds was created as a local act by the Legislature and is codified under Section 5.1.34 of the 1965 Charter. This section reads as follows:

"There is hereby created in the department of municipal courts in the City of Atlanta the position of chief law clerk, who shall be appointed to office by the chief general judge and shall hold office at his pleasure."

The question that I would like to raise to you regarding Miss Dusthimer's position is whether or not we have the authority under either the '62 Home Rule law or the '65 Home Rule law to change her title and her duties. I would appreciate your early answer to this question.

Yours very truly,



Charles L. Davis  
City Comptroller

CLD:CW  
Enc.

cc: Mr. R. E. Landers ✓