

COUNTIES & THE LAW

This edition of *Counties & the Law* includes decisions of interest to county attorneys published in the Daily Report Opinions Weekly between April 23, 2016, and April 29, 2016.

We welcome your suggestions and opinions regarding Counties & the Law. Please contact Kelly Pridgen at kpridgen@accg.org or Joe Scheuer at jscheuer@accg.org with your comments.

CONTEMPT ORDERS

Lewis v. City of Savannah

Georgia Court of Appeals
April 26, 2016; A15A2029

A county recorder's court issued a 2010 cease and desist order against the defendant for operation of illegal rooming houses. The case was subsequently dismissed and the clerk told the defendant no fine was due because of the dismissal. In 2013 the defendant was again in the county recorder's court on charges of operating illegal rooming houses, but for properties not involved in the 2010 matter. The defendant was found in contempt of the 2010 order for failure to pay the fine and for failure to abide by the cease and desist order. On appeal, the superior court affirmed but the Court of Appeals reversed. The defendant could not be held in contempt of an order from a different case that had been dismissed.

IMMUNITY

Boatright v. Copeland

Georgia Court of Appeals
April 25, 2016; A15A2043

A county school district owned a canon which was used at high school football games. The canon loader was injured and sued the school district for negligence alleging that the canon had malfunctioned. The trial court granted a motion to dismiss on the basis of official immunity. On appeal, the Court of Appeals reversed. Compliance with a criminal law is a ministerial duty and defendants are not entitled to official immunity at this point of the case. Weapons are not permitted in school safety zones and the exception under O.C.G.A. 16-11-127.1(a)(4) for an item used in classroom work clearly does not apply to a canon at a football game. The violation however is unclear since the defendant's did not carry or possess the canon at a school function. It is conceivable though that the canon may have been under their control since they

owned the canon and encouraged its use. It cannot be said at this juncture whether the plaintiff would not be entitled to relief under any facts asserted in support.