

FALL 2009

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SYLLABUS AND GENERAL COURSE INFORMATION

LOCAL GOVERNMENT LAW – FALL 2009

I. **REQUIRED CASEBOOK:** Mandelker et al., State and Local Government in a Federal System (6th Edition, LexisNexis 2006)

II. **READINGS OVER THE COURSE OF THE SEMESTER**

Overview of the Governmental System

- Chapter 1, pp. 1-54 (all chapter references are to the assigned text book)
- Georgia Constitution, Articles III & IX (read generally)

Local Government Incorporation and Annexation

- Chapter 2, pp. 55-104

Local Government Powers and Home Rule

- Chapter 3, pp. 105-61
- Other resources:
 - R. Perry Sentell, Jr., The Georgia Home Rule System, 50 Mercer L. Rev. 99 (1998), pp. 99-114, 143-48
 - Melvin B. Hill, Jr., Home Rule in Georgia: A Study in Legislation and Political Schizophrenia, Georgia County Government (Jan. 1995), pp. 17-21

Local Government Statutory Preemption and Conflict

- Chapter 3, pp. 161-180

Special Legislation

- Chapter 9, pp. 667-87
- Georgia Constitution, Art. III, § VI, ¶ IV

Delegation of Power

- Chapter 9, pp. 687-707
- Georgia Constitution, Art. I, § II, ¶ III

Alternative Models for Local Government

- Chapter 4, pp. 181-226

Overview of Georgia Regional Transportation Authority (GRTA) Act (O.C.G.A. § § 50-32-1 to 50-32-70), available in SB57 (1999) - GeorgiaNet. The Georgia Constitution vests all land use powers in the state's local governments and counties. See GA. Const. Art. IX, § 2, ¶ 4. As you read the GRTA Act, list all the powers given to GRTA that indirectly give it power over land use policy

Overview of Metropolitan North Georgia Planning District (SB 130, 2001-2002 Legislative Session, available in SB 130 (2001) - Georgia Net

Will GRTA solve the problems set out in the Problem on page 185?

What solutions can be found in the Georgia Constitution and statutes to the Problem on page 185?

- Chapter 4, pp. 226-54

State and Local Finance

- Chapter 5, pp. 255-93

Revenues

- Chapter 5, pp. 295-99; 349-54; 363-66

Finance Methods

- Special Assessments, User Fees & Impact Fees
 - Chapter 5, pp. 319-48
- Borrowing
 - Chapter 5, pp. 366-87
 - Janice C. Griffith, "Moral Obligation" Bonds: Illusion or Security?, 8 Urban Lawyer 54 (1976) (not assigned-supplemental reading only)
- Tax Increment Financing
 - Chapter 5, pp. 430-43
- Debt Limitations
 - Georgia Constitution Article IX, § V (Limitation on Local Debt)
 - Chapter 5, pp. 391-410

- Nations v. Downtown Development Authority of Atlanta, 255 Ga. 324, 338 S.E. 2d 240 (1985)
- Nations v. Downtown Development Authority of Atlanta, 256 Ga. 158, 345 S.E. 2d 581 (1986)

Budgeting Process and Appropriations

- Chapter 5, pp. 447-65

Federalism

- Chapter 8, pp. 607-63

GENERAL COURSE INFORMATION

OBJECTIVES

Hone advocacy skills, communication skills, and your skills in reading, analyzing, and interpreting cases

Facilitate an understanding of the theory and policy underlying local government law. We will use the Georgia Regional Transportation Authority as a case study

Achieve an understanding of the different functions performed by local and state governments

Achieve an understanding of how local government law is made

Achieve an understanding of the federal structure of the United States government and the allocation of power in a federal structure

Examine the role of local governments as providers of services, as centers for public discourse, and as administrative bodies imposing regulations

Examine the role of the state and federal judiciaries in restraining or mandating the exercise of governmental power

Achieve an understanding of local finance law precepts

ATTENDANCE

The American Bar Association requires regular class attendance and course credit cannot be given for irregular attendance.

There are no "excused" or "unexcused" absences, and you need not tell us why you are unable to come to class.

CLASS CONDUCT

Please try to arrive before class begins. If you cannot do so, please try to find a seat without disrupting the class.

Please do not eat in class.

If for some reason you need to drink in class, please put your beverage in a no-spill container. In other words, the library rules are in effect as to eating and drinking.

CLASS PREPARATION

We expect you to be prepared for every class.

Should you be unable to prepare properly for class for some unexpected reason, either write us a note or tell us before class that you have been unable to prepare. Our policy in such case is not to call on you.

CASE BRIEFS

Cases should be briefed to cover the items discussed in Karl Llewellyn, *The Bramble Bush*, at 25-53. The book provides good pointers on what lies behind a case. Several copies of this book are in the library.

Please see the outline that highlights the main parts of a good brief as discussed by former Professor Llewellyn.

GRADES

Your grade will be based entirely on the final examination, which will be an open book examination.

At least 2/3 of the examination will consist of essay questions.

Sample exams have been placed on reserve. Topics other than those covered on the sample exams may be tested in this course.

LAW 7385 ON THE WEB

The Web page for this course may be accessed through Course Web Sites or the College of Law's home page. It is anticipated that course materials will be posted to the Web site during the semester.

OFFICE HOURS

Students are welcomed to email or call Professor Fjelstul during regular business hours. You may also arrange for an appointment during regular business hours via email.

ASSIGNMENT POLICY

The assignments posted in this syllabus indicate a map of where we expect we will be going this semester.

All of the material listed may not be covered and the order of coverage may change.

Additional text assignments, handouts or other material may be added from time to time.

Generally, for the next class, prepare for 25 pages ahead of the material covered in the last class.