

# **Bond Case Briefs**

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## **DECLARATORY JUDGMENT - GEORGIA**

### **Gwinnett County v. State**

**Court of Appeals of Georgia - October 31, 2025 - S.E.2d - 2025 WL 3041523**

County brought action against state, seeking a declaratory judgment and injunctive relief based on allegations that senate bill providing for the creation of a city within the county was unconstitutional.

The trial court, after considering stipulation of facts filed by parties, granted state's motion to dismiss. County appealed.

The Court of Appeals held that:

- Consideration of matters outside pleadings in ruling on motion constituted treatment of the motion as one for summary judgment, and thus Court of Appeals would review grant of motion as grant of a motion for summary judgment;
- County's action satisfied Declaratory Judgment Act's actual-controversy requirement;
- County's action fell within constitutional waiver of sovereign immunity for superior-court actions seeking declaratory relief for alleged state acts outside the scope of lawful authority or in violation of state laws, state constitution, or federal constitution; and
- Court of Appeals would decline to exercise its discretion under right-for-any-reason rule to affirm based on state's argument that a county could never dispute the constitutionality of a state act.

County faced uncertainty as to its own future conduct arising from the various mandates imposed upon it by allegedly unconstitutional senate bill creating city within county, and thus the Declaratory Judgment Act's actual-controversy requirement was satisfied as to county's action against state seeking declaration that the bill was unconstitutional; bill required county to participate in two-year transition of services and government functions to city, to refrain from making any zoning modifications within city limits during transition period, and to renegotiate several of its intergovernmental agreements to account for city.