

# **Bond Case Briefs**

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## **POLITICAL SUBDIVISIONS - GEORGIA**

### **City of College Park v. Clayton County**

**Supreme Court of Georgia - June 24, 2019 - S.E.2d - 2019 WL 2571781**

City brought action against county and taxpayers, seeking injunctive and declaratory relief regarding division and collection of alcoholic beverage taxes and asserting claims for an accounting, unjust enrichment, attorney fees, and damages.

The Superior Court denied county's motion for judgment on the pleadings and granted city's motion for partial summary judgment. County appealed. The Supreme Court vacated and remanded. On remand, the Superior Court granted county's second motion for judgment on the pleadings. City appealed.

The Supreme Court held that:

- Sovereign immunity does not bar suits between political subdivisions of the state, such as counties and cities, disapproving of *City of Union Point v. Greene County*, 303 Ga. 449, 812 S.E.2d 278;
- Sovereign immunity did not apply to bar action;
- Mandamus claims brought by city against county public officials in their official capacities were not barred by sovereign immunity;
- City's claims against county public officials in their individual capacities were not barred by sovereign immunity; and
- Trial court was not permitted to grant interpleader claim brought by taxpayer prior to reaching final decision on issue of sovereign immunity.

Sovereign immunity did not apply to bar action by city against county and taxpayers, seeking injunctive and declaratory relief regarding division and collection of alcoholic beverage taxes; city and county were exercising their own respective home rule powers by collecting tax revenues for their own purposes, neither city nor county were acting on behalf of state, and neither entity retained superior authority over other that would prevent it from being haled into court of law by other.

Mandamus claims brought by city against county public officials in their official capacities were not barred by sovereign immunity in city's action seeking injunctive and declaratory relief regarding division and collection of alcoholic beverage taxes and asserting claims for accounting, unjust enrichment, attorney fees, and damages; mandamus statute expressly authorized claimants to seek relief against public official whenever defect of legal justice would ensue from official's failure to perform or from improper performance of official duties, which amounted to specific waiver of sovereign immunity when public officials were sued in their official capacities.

City's claims against county public officials in their individual capacities were not barred by sovereign immunity in city's action seeking injunctive and declaratory relief regarding division and collection of alcoholic beverage taxes and asserting claims for accounting, unjust enrichment, attorney fees, and damages; while city characterized claims as requests for mandamus, mandamus was by definition claim against officials in their official capacities, and, while qualified immunity

might limit availability of relief against officers in their individual capacities, sovereign immunity generally posed no bar.

Trial court was not permitted to grant interpleader claim brought by taxpayer prior to reaching final decision on issue of sovereign immunity in city's action against county and taxpayers seeking injunctive and declaratory relief regarding division and collection of alcoholic beverage taxes and asserting claims for accounting, unjust enrichment, attorney fees, and damages; sovereign immunity was jurisdictional issue, and, thus, court was required to address issue prior to making any decision on interpleader claim.