

Bond Case Briefs

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INTERGOVERNMENTAL AGREEMENTS - GEORGIA

Driskell v. Dougherty County

Court of Appeals of Georgia - March 16, 2022 - S.E.2d - 2022 WL 793864

Motorist filed suit against city, city code enforcement officer, and county for injuries sustained when officer collided with motorist's vehicle.

The State Court granted county's motion for summary judgment, and denied city's motion for summary judgment and motorist's cross-motion for summary judgment. Motorist and city appealed denial of their respective motions.

The Court of Appeals held that:

- Mutual control is essential element of joint venture between contracting government entities, disapproving *City of Eatonton v. Few*, 189 Ga. App. 687, 377 S.E.2d 504, *DeKalb County v. Lenowitz*, 218 Ga. App. 884, 463 S.E.2d 539, *Lafontaine v. Alexander*, 343 Ga. App. 672, 808 S.E.2d 50, and *Ga. Dept. of Transp. v. Delor*, 351 Ga. App. 414, 830 S.E.2d 519;
- No joint venture existed between city and county that rendered county liable for city officer's alleged negligence;
- County was not liable for officer's alleged negligence under borrowed-servant doctrine; and
- County was not liable for officer's alleged negligence under agency theory of liability.