

IN THE SUPERIOR COURT OF CHATHAM COUNTY
STATE OF GEORGIA

BOBBY LOCKETT, ANTHONY NOHA,)
MARSHA BUFORD, JOHN TAYLOR,)
TABITHA ODELL, GERTRUDE)
ROBINSON, and)
CHATHAM COUNTY, GEORGIA,)

Plaintiffs,)

Civil Action No. SPCV25-00791-WA

v.)

CHATHAM AREA TRANSIT,)
AUTHORITY,)

Defendant.)

VERIFIED COMPLAINT

COME NOW, Plaintiffs in the above-styled action and bring this Verified Complaint for Declaratory and Injunctive Relief.

INTRODUCTION

1. House Bill 756 (“HB 756”), a local Act passed at the 2025 session of the Georgia General Assembly and signed by the Governor as Act 323, purports to vacate the offices of the board of directors of the Defendant Chatham Area Transit Authority (“CAT”) appointed under existing law, abolish those offices, recreate those offices, and change the method of board appointment. As discussed at greater

length below, the provisions of the bill violate Georgia's constitution in two distinct ways. First, the bill violates Georgia's constitutional ban on "bills of attainder", punishing the sitting board members by removing them from office before the end of the terms to which they were appointed and to which they are legally entitled, and inflicts this punishment without a judicial trial. Second, this local legislation is not consistent with statewide law. The bill fails to provide Chatham County and the City of Savannah (the "central city" of CAT) with the right to appoint a majority of the authority board as guaranteed by the Transit Authority Act, O.C.G.A. § 32-9-9, thus violating Georgia's constitutional requirement that "laws of a general nature shall have uniform operation throughout this state".

2. Though local legislation should be a partnership between local officials and their legislative delegation, HB 756 was neither requested by the county nor discussed with the Board of Commissioners before its introduction. In light of the plain constitutional violations apparent on the face of the bill, Plaintiffs request that HB 756 be declared unconstitutional and that its implementation be enjoined.

PARTIES

3. Plaintiff Bobby Lockett is a Commissioner of the Chatham County Commission, District 3, and he serves as a current CAT board member. He resides in Chatham County, Georgia. He brings this suit for declaratory and injunctive relief against CAT to declare HB 756 unlawful and enjoin its enforcement. HB 756

purports to divest Plaintiff Lockett of his membership as a CAT board member, and therefore he faces uncertainty as to whether he remains in office as a CAT board member after the passage of HB 756.

4. Plaintiff Anthony Noha is a Commissioner of the Chatham County Commission, District 1, and he serves as a current CAT board member. He resides in Chatham County, Georgia. He brings this suit for declaratory and injunctive relief against CAT to declare HB 756 unlawful and enjoin its enforcement. HB 756 purports to divest Plaintiff Noha of his membership as a CAT board member, and therefore he faces uncertainty as to whether he remains in office as a CAT board member after the passage of HB 756.

5. Plaintiff Marsha Buford is a Commissioner of the Chatham County Commission, District 8, and she serves as a current CAT board member. She resides in Chatham County, Georgia. She brings this suit for declaratory and injunctive relief against CAT to declare HB 756 unlawful and enjoin its enforcement. HB 756 purports to divest Plaintiff Buford of her membership as a CAT board member, and therefore she faces uncertainty as to whether she remains in office as a CAT board member after the passage of HB 756.

6. Plaintiff John Taylor serves as a current CAT board member. He resides in Chatham County, Georgia. He brings this suit for declaratory and injunctive relief against CAT to declare HB 756 unlawful and enjoin its

enforcement. HB 756 purports to divest Plaintiff Taylor of his membership as a CAT board member, and therefore he faces uncertainty as to whether he remains in office as a CAT board member after the passage of HB 756.

7. Plaintiff Tabitha Odell serves as a current CAT board member. She resides in Chatham County, Georgia. She brings this suit for declaratory and injunctive relief against CAT to declare HB 756 unlawful and enjoin its enforcement. HB 756 purports to divest Plaintiff Odell of her membership as a CAT board member, and therefore she faces uncertainty as to whether she remains in office as a CAT board member after the passage of HB 756.

8. Plaintiff Dr. Gertrude Robinson serves as a current CAT board member. She resides in Chatham County, Georgia. She brings this suit for declaratory and injunctive relief against CAT to declare HB 756 unlawful and enjoin its enforcement. HB 756 purports to divest Plaintiff Robinson of her membership as a CAT board member, and therefore she faces uncertainty as to whether she remains in office as a CAT board member after the passage of HB 756.

9. Plaintiff Chatham County, Georgia, is a county government and political subdivision of the State of Georgia. Chatham County, Georgia brings this case as it has been deprived of the ability to have its appointments on the CAT board of directors.

10. Defendant Chatham Area Transit Authority (“CAT”) is a public corporation located within Chatham County, Georgia. CAT has its principal place of business in Chatham County, Georgia, and it is capable of being sued in law and equity. Defendant CAT is located at 900 E. Gwinnett St. Savannah, GA 31401 and can be served with process at that address through its Interim Director, Stephanie Cutter.

JURISDICTION AND VENUE

11. This Court has jurisdiction over this case as the Defendant, CAT, resides in Chatham County, Georgia. Chatham County Superior Court has jurisdiction over this case because this is a case seeking an injunction and declaratory relief.

12. Venue is appropriate in the Superior Court of Chatham County because the Defendant CAT resides in Chatham County.

STATEMENT OF FACTS

13. CAT was created in 1986 by House Bill 1699 (Ga. L. 1986, p. 5082) (the “CAT Act”). This bill established the board membership and powers of the authority.

14. The CAT Act has been amended numerous times to create or expand on the membership of the Authority. *See, e.g.*, an Act approved April 11, 2012 (Ga. L. 2012, p. 5296)

15. Throughout the existence of the authority, Chatham County has had the majority share of the board membership.

16. In 1986 the General Assembly also enacted House Bill 1698 (Ga. L. 1986, p. 5315) which granted the Chatham County Board of Commissioners the authority to establish a special district for transit services and allowed the county to set a millage rate for the special district for all cities and the unincorporated portion of the county using the transit services.

17. House Bill 1698 also allowed for other municipalities to exclude themselves from the special district by resolution adopted within 90 days of the Act becoming effective.

18. Port Wentworth was one of the cities that excluded themselves from the transit services.

19. The CAT Act was amended in 1988 by HB 1901 (Ga. L. 1988, p. 4824) to exclude Vernonburg and to include a provision to allow local governments to contract with CAT without being included in the special district so long as the revenue paid by the contracting government was not less than the actual cost of the service.

20. During the 2025 session of the General Assembly HB 756 was introduced, vacating the current board memberships, abolishing the board memberships, and recreating those memberships with new appointment provisions and an expansion of the board to up to eleven members.

21. The membership was amended to allow for 2 Chatham County Commissioners and 1 person with a disability to be appointed to the Authority by the Chatham County Board of Commissioner.

22. HB 756 further allows for an Aldermen member to be appointed by the City of Savannah and a resident to be appointed by the city of Savannah.

23. The other board positions and appointments include: Port Wentworth (1)(optional), Garden City (1), Convention Authority (1), and Chatham legislative delegation (3). The populations of the City of Garden City and the City of Port Wentworth according to the 2020 decennial census were, respectively, 10,829 and 10,878.

24. The new CAT board created by HB 756 would have either ten or eleven members, depending upon an opt-in by the City of Port Wentworth.

25. The board appointments by Chatham County and the City of Savannah total five and do not make up a majority of either an eleven-member or ten-member board.

26. The current CAT board members, if deprived of office under the terms of HB 756, will not have been afforded a judicial trial prior to such deprivation.

LEGAL BACKGROUND AND ARGUMENT

27. HB 756 violates the Georgia constitution and state law.

28. HB 756 violates the Georgia constitution by creating a “bill of attainder”. Bills of Attainder violate not only Ga. Const. 1983, Art. I, Sec. I, Par. X (“No bill of attainder . . . shall be passed.”), but also Art. I, Sec. X of the Constitution of the United States (Powers Denied To The States): “No State shall . . . pass any Bill of Attainder . . .” Under Georgia law a bill of attainder is “a ‘legislative act, *no matter what its form*, that applies either to named individuals or to easily ascertainable members of a group in such a way as to inflict punishment on them without a judicial trial.’” *Cook v. Smith*, 288 Ga. 409, 413, 705 S.E.2d 847 (Ga. 2010) (emphasis added) (quoting *United States v. Lovett*, 328 U.S. 303, 315-316, 66 S.C. 1073 (1946)).

29. In 1991 a unanimous Georgia Supreme Court ruled that a local act requiring a special election for a Douglas County commission seat where the seat had already been filled by appointment under the provisions of a prior local act was an impermissible bill of attainder:

[T]he local act in this case punishes Fulton by removing her from office before the end of the two-year term to which she was legally appointed and inflicts this

punishment ‘without a judicial trial’ . . . The local act, not a court of law, mandates that Fulton forfeit her office . . . Since section 2 of the local act is a classic example of a bill of attainder, we hold that it is unconstitutional under both the Georgia and United States constitutions. Accordingly, Fulton's term of office may not be terminated under the act prior to the expiration of her appointed term on December 31, 1992.

Fulton v. Baker, 261 Ga. 710, 712-713, 410 S.E.2d 735 (Ga. 1991).

30. In 2010 our Supreme Court addressed a similar question in *Cook v. Smith, supra*: whether the chair of the Randolph County Board of Education could be removed from his chairmanship by changing the underlying law to cause him to be disqualified.

31. Relying on *Fulton v. Baker*, the *Cook* court minced no words: “Here, Cook was serving a four-year term as chairman that was established by law. H.B. 563 would impermissibly ‘punish Cook by removing him from office before the end of the four-year term to which he was legally entitled, and inflict this punishment without a judicial trial.’” *Cook v. Smith*, 288 Ga. at 414.

32. The law as expressed in *Cook* and *Fulton* is plainly applicable to HB 756. The current board members, a readily identifiable group, are serving terms established by law, the CAT Act as amended. HB 756 impermissibly punishes each sitting board member by removal from office before the end of the terms to which they are legally entitled and properly appointed and inflicts this punishment without a judicial trial. HB 756 is an illegal bill of attainder.

33. HB 756, a local Act, also violates the uniformity provision of the Georgia constitution because it is inconsistent with the provisions of the Transit Authority Act, O.C.G.A. 32-9-9, the general law authorizing the creation of CAT by special Act. Ga. Const. 1983, Art. III, Sec. VI, Par. IV(a) provides that “[l]aws of a general nature shall have uniform operation throughout this state and no local or special law shall be enacted in any case for which provision has been made by an existing general law”

34. The Transit Authority Act requires that “the central city served by such mass rapid transit system and any county or counties whose territory or any part thereof lies within the territorial limits of such authority, as the same may be delimited in the special Act creating such authority, ***shall have the right to appoint the members of such authority, or a majority thereof***”. O.C.G.A. § 32-9-9(d) (emphasis added).

35. Chatham County is the only county involved in CAT. Savannah is the only city in Chatham County that qualifies as the “central city” of the authority under the statutory definition found at O.C.G.A. § 32-9-9(c): “‘Metropolitan area’ means (1) the area of any city within the state whose population, as determined by the federal census of 1950 or any later federal census, shall have exceeded 43,617 persons (such a city being hereinafter referred to as a central city)”. Accordingly,

Chatham County and the City of Savannah have a statutory right to appoint, at a minimum, a majority of the board members of the authority.

36. Examining the provisions of HB 756, it is incontestable that the proposed new board appointments violate the Transit Authority Act. The bill proposes a board of either ten or eleven members, only five of whom are appointed by Savannah and Chatham. See HB 756 (2025), p. 2, lines 15-35. Five members are obviously not a majority of either a ten-member or an eleven-member board. The additional board appointments given by the bill to the cities of Port Wentworth (p. 2, lines 21-22) and Garden City (p. 2, lines 23-24) cannot count toward the required county/“central city” majority because neither city meets the “central city” population definition in the Transit Authority Act: 43,617 according to the most recent census. Port Wentworth’s 2020 census population was 10,878, while Garden City’s was 10,289.

37. HB 756 violates the uniformity requirement of the Georgia constitution and is therefore unconstitutional as a matter of law.

Count I - (Bill of Attainder)

38. Plaintiffs incorporate by reference paragraphs 1 through 37 as if fully set forth herein.

39. The predominant purpose behind HB 756 is to remove the Plaintiffs, a readily identifiable group, from the public offices that they held and to penalize

them for lawful public positions and policies pursued in the course of carrying out their public duties. The effect of this Act is to single out the Plaintiffs and to impose upon them legal disability and punishment without proof of unlawful conduct or other legal cause and without judicial trial, all in violation of the Georgia and United States constitutions.

Count II - (Violation of the Transit Authority Act)

40. Plaintiffs incorporate by reference paragraphs 1 through 39 as if fully set forth herein.

41. HB 756 reduces the board members of CAT appointed by the City of Savannah and Chatham County below the legal threshold required by the Transit Authority Act, which requires that the city and county appoint the entire board or a majority of the board members.

Count III - (Declaratory and Injunctive Relief)

42. Plaintiffs incorporate by reference paragraphs 1 through 41 as if fully set forth herein.

43. If Plaintiffs are removed from their positions as board members of CAT, they will suffer irreparable harm for which there is no adequate remedy at law. Monetary damages cannot compensate the Plaintiffs for the loss of a public

office in which they served effectively, efficiently, loyally and competently on behalf of the residents of Chatham County.

44. Plaintiffs are entitled to a declaratory judgment that HB 756 violates the Constitution and laws of the United States and the State of Georgia and an injunction barring the Defendant CAT from implementing the provisions of HB 756. Plaintiffs bring this action pursuant to OCGA § 9-4-2 *et seq.* and further state that no immunity bars this action and this case is properly pled as against Defendant CAT. Plaintiffs seek declaratory judgment that HB 756 is completely struck down. Upon entry of declaratory relief, this Honorable Court can issue injunctive relief enjoining the implementation of HB 756. *See* OCGA § 9-5-10.

PRAYER FOR RELIEF

Plaintiffs respectfully request that this Court grant the following relief:

(a) A preliminary injunction barring Defendant CAT from implementing the provisions of HB 756;

(b) A declaratory judgment that HB 756 is unconstitutional and unenforceable on the grounds set forth in this petition;

(c) A permanent injunction barring Defendant CAT from implementing the provisions of HB 756 under any circumstances;

(d) The award of attorney's fees and costs;

(e) Such other and further relief as the Court may deem proper.

Respectfully submitted this 27th day of May 2025.

/s/ Allen Lightcap
Allen Lightcap 553459
Attorney for Plaintiffs

Mayer & Harper, LLP
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alightcap@mayerharper.com

STATE OF GEORGIA)
)
COUNTY OF CHATHAM)

VERIFICATION

PERSONALLY APPEARED before the undersigned officer duly authorized by law to administer oaths, Gertrude Robinson, who, being first duly sworn, deposes and says that the facts alleged in the foregoing Verified Complaint are true and correct to the best of his/her knowledge and belief.

This 23rd day of May, 2025.



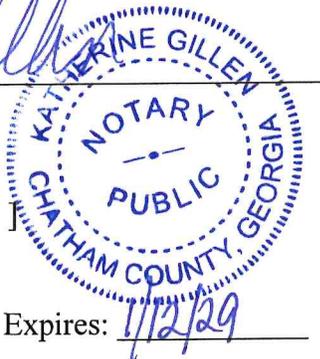
Gertrude Robinson

Sworn to and subscribed before me,
this 23rd day of May, 2025.



Notary Public

[SEAL]



My Commission Expires: 1/2/29

STATE OF GEORGIA)
)
COUNTY OF CHATHAM)

VERIFICATION

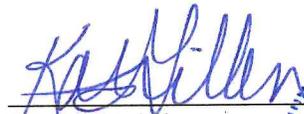
PERSONALLY APPEARED before the undersigned officer duly authorized by law to administer oaths, Tabitha Odell, who, being first duly sworn, deposes and says that the facts alleged in the foregoing Verified Complaint are true and correct to the best of his/her knowledge and belief.

This 23rd day of May, 2025.



Tabitha Odell

Sworn to and subscribed before me,
this 23rd day of May, 2025.



Notary Public



[SEAL]

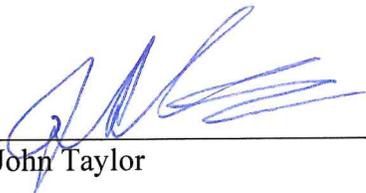
My Commission Expires: 1/12/29

STATE OF GEORGIA)
)
COUNTY OF CHATHAM)

VERIFICATION

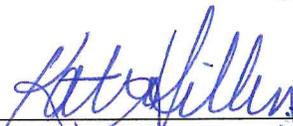
PERSONALLY APPEARED before the undersigned officer duly authorized by law to administer oaths, John Taylor, who, being first duly sworn, deposes and says that the facts alleged in the foregoing Verified Complaint are true and correct to the best of his/her knowledge and belief.

This 23rd day of May, 2025.



John Taylor

Sworn to and subscribed before me,
this 23rd day of May, 2025.



Notary Public



[SEAL]

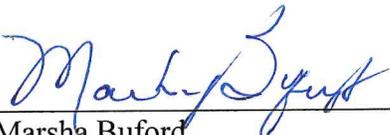
My Commission Expires: 1/12/29

STATE OF GEORGIA)
)
COUNTY OF CHATHAM)

VERIFICATION

PERSONALLY APPEARED before the undersigned officer duly authorized by law to administer oaths, Marsha Buford, who, being first duly sworn, deposes and says that the facts alleged in the foregoing Verified Complaint are true and correct to the best of his/her knowledge and belief.

This 23rd day of May, 2025.

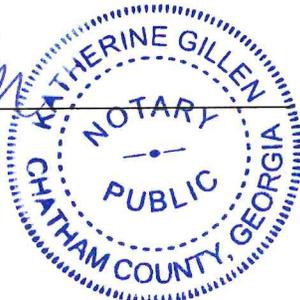


Marsha Buford

Sworn to and subscribed before me,
this 23rd day of May, 2025.



Notary Public



[SEAL]

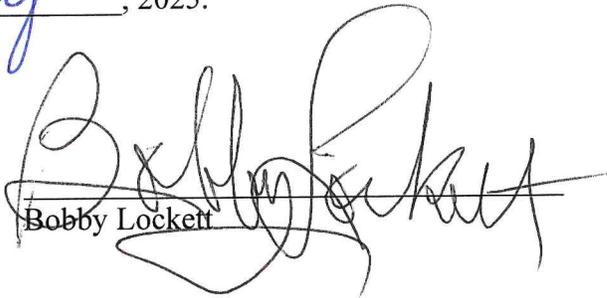
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STATE OF GEORGIA)
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COUNTY OF CHATHAM)

VERIFICATION

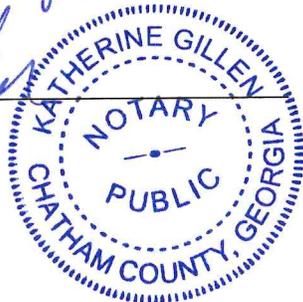
PERSONALLY APPEARED before the undersigned officer duly authorized by law to administer oaths, Bobby Lockett, who, being first duly sworn, deposes and says that the facts alleged in the foregoing Verified Complaint are true and correct to the best of his/her knowledge and belief.

This 23rd day of May, 2025.


Bobby Lockett

Sworn to and subscribed before me,
this 23rd day of May, 2025.


Notary Public



[SEAL]

My Commission Expires: 1/12/29

STATE OF GEORGIA)
)
COUNTY OF CHATHAM)

VERIFICATION

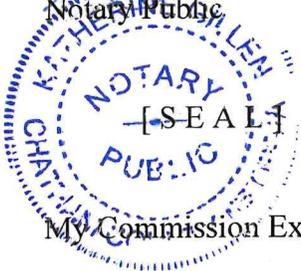
PERSONALLY APPEARED before the undersigned officer duly authorized by law to administer oaths, Anthony Noha, who, being first duly sworn, deposes and says that the facts alleged in the foregoing Verified Complaint are true and correct to the best of his/her knowledge and belief.

This 23rd day of May, 2025.

Anthony Noha
Anthony Noha

Sworn to and subscribed before me,
this 23rd day of May, 2025.

Kate Miller
Notary Public



My Commission Expires: 1/12/29