

A RESOLUTION TO AMEND ARTICLE I, SECTION 1.03(b)(30) OF THE CHARTER OF THE CITY OF SANDY SPRINGS RELATING TO THE POWERS OF THE CITY WITH REGARD TO PUBLIC UTILITIES AND SERVICES AND TO CLARIFY THE CITY'S POWER TO GRANT FRANCHISES AND MAKE CONTRACTS FOR PUBLIC UTILITIES AND PUBLIC SERVICES AND TO PRESCRIBE THE RATES, FARES, REGULATIONS AND STANDARDS AND CONDITIONS OF SERVICE APPLICABLE TO THE SERVICE TO BE PROVIDED BY THE FRANCHISE GRANTEE OR CONTRACTOR

WHEREAS, Article I of the charter of the City of Sandy Springs (the "City") currently provides that the City shall have the power to grant franchises or make contracts for, or impose taxes on, public utilities and public service companies and to prescribe the rates, fares, regulations, and standards and conditions of service applicable to the service to be provided by the franchise grantee or contractor, insofar as not in conflict with valid regulations of the Public Service Commission; and

WHEREAS, the Mayor and the City Council have determined that the term "public service companies" should be clarified to indicate that it is intended to pertain to all public services and therefore the Mayor and City Council desire to amend said language in its charter; and

WHEREAS, Article IX, Section II, Paragraph II of the Constitution of the State of Georgia, entitled Home Rule for Municipalities, allows the General Assembly of the State of Georgia to provide by law for the self-government of municipalities, which the General Assembly has done with The Municipal Home Rule Act of 1965, O.C.G.A. § 36-35-1 et seq.; and

WHEREAS, O.C.G.A. §36-35-3 allows municipal charters to be amended by ordinances duly adopted at two (2) regular consecutive meetings of the municipal governing authority, not less than seven nor more than sixty (60) days apart; and

WHEREAS, a notice containing a synopsis of the proposed amendment to the charter is required to be published in the official organ of the county of the legal situs of the municipal corporation once a week for three (3) weeks within a period of sixty (60) days immediately preceding its final adoption, and to be available for examination and inspection by the public in the office of the Clerk of the City of Sandy Springs, Georgia (the "City Clerk") and in the office of the Clerk of the Superior Court of Fulton County, Georgia; and

WHEREAS, the recording officer of the municipal governing authority is required to furnish anyone, upon written request, a copy of the proposed amendment;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Sandy Springs, Georgia on March 18th, 2008 at 6:00 p.m. as follows:

Section 1. That the charter of the City of Sandy Springs be amended in accordance with the above so that upon proper passage Section 1.03(b)(30) of Article I of the charter shall read as follows:

"(30) Public utilities and services. To grant franchises or make contracts for, or impose taxes on, public utilities and public services, and to prescribe the rates, fares, regulations, and standards and conditions of service applicable to the service to be provided by the franchise grantee or contractor, insofar as not in conflict with valid regulations of the Public Service Commission;"

Section 2. That a notice be published in the Fulton County Daily Report once a week for three (3) weeks which shall read as follows:

“NOTICE OF PROPOSED AMENDMENT TO THE CHARTER OF THE CITY OF SANDY SPRINGS, GEORGIA:

“Pursuant to O.C.G.A. §36-35-3, notice is hereby given that a Resolution has been passed by the City Council of Sandy Springs, Georgia, to approve the introduction of an ordinance to amend Article I, Section 1.03(b)(30) of the charter relating to the powers of the City with regard to public utilities and services and to clarify the City’s power to grant franchises and make contracts for public utilities and public services and to prescribe the rates, fares, regulations and standards and conditions of service applicable to the service to be provided by the franchise grantee or contractor.”

Section 3. That the City Clerk shall see that a copy of the proposed amendment to the charter is kept on file both in the City Clerk’s office and in the Office of the Clerk of the Superior Court of Fulton County, Georgia, for inspection and examination by the public.

Section 4. That the City Clerk’s office shall furnish a copy of the proposed amendment to anyone requesting the same in writing.

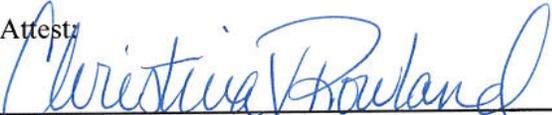
Section 5. That the title of the proposed ordinance be read at two (2) consecutive meetings of the City Council of the City of Sandy Springs not less than seven (7) nor more than sixty (60) days apart and the publication and other requirements set forth above shall be effected immediately, the title of the proposed ordinance shall be read at the next regularly scheduled meeting of the City Council and if adopted shall be read for the required second time at a subsequent regularly scheduled meeting of the City Council which shall be consecutive and within sixty (60) days, and after publishing of the required notice, all as required by Georgia law.

APPROVED AND ADOPTED this 18th day of March, 2008.

Approved:



Eva Galambos, Mayor

Attest:


Christina Rowland, City Clerk
(Seal)

