

**AN ORDINANCE TO AMEND ARTICLE I, SECTION 1.03(b)(30) OF THE CHARTER OF THE CITY OF SANDY SPRINGS RELATING TO THE POWER 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 including, but not limited to, utilities 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 Resolution was approved and adopted on March 18, 2008, by the City Council to amend the Charter by Ordinance as set forth above and pursuant to O.C.G.A. § 36-35-3 the required notice has been published in the Fulton County Daily Report once a week for three (3) weeks prior to its final adoption, and a copy of the proposed amendment has been on file in the Office of the Clerk of Sandy Springs and in the Office of the Clerk of the Superior Court of Fulton County, Georgia, all as required by law; and

**WHEREAS**, the required notice will have been published within the statutory period of sixty (60) days immediately preceding the final adoption of this Ordinance amending the Charter; and

**WHEREAS**, the title of this Ordinance shall have been read and the Ordinance duly adopted at two (2) consecutive City Council meetings not less than seven (7) nor more than sixty (60) days apart as required by Georgia law;

**NOW, THEREFORE**, in accordance with O.C.G.A. § 36-35-3, the Mayor and City Council of the City of Sandy Springs, Georgia, pursuant to their authority, do hereby adopt this Ordinance so that the Charter of the City of Sandy Springs is hereby amended by deleting in its entirety the current Section 1.03(b)(30) of Article I of the Charter and substituting the following as Section 1.03(b)(30), amended, which shall henceforth 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;”

**SO ORDAINED**, this 15 day of April, 2008.

Approved:

*Eva Galambos*  
Eva Galambos, Mayor

Attest:

*Christina Rowland*  
Christina Rowland, City Clerk  
(Seal)

