

STATE OF GEORGIA

CITY OF COLLEGE PARK

ORDINANCE NO. 2017-11

1 AN ORDINANCE TO AMEND SECTION 2-27 (“SALARIES OF MAYOR AND
2 COUNCIL MEMBERS”) IN ARTICLE II (“MAYOR AND COUNCIL”) IN CHAPTER 2
3 (“ADMINISTRATION”) OF THE CODE OF ORDINANCES, CITY OF COLLEGE PARK,
4 GEORGIA; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR REPEAL OF
5 CONFLICTING ORDINANCES; TO PROVIDE AN ADOPTION AND EFFECTIVE DATE;
6 AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

7 **WHEREAS**, the duly elected governing authority of the City of College Park, Georgia is
8 the Mayor and Council thereof; and

9 **WHEREAS**, the governing authority is authorized under Section 1-4 of the City Charter
10 and O.C.G.A. § 36-35-4 to fix the salary, compensation, and expenses of the elective members of
11 the municipal governing authority subject to certain requirements; and

12 **WHEREAS**, Section 2-27(e) grants the Mayor and Council monthly compensation in the
13 amount of a \$200.00 credit to be applied against City utility services and said unused portions
14 cannot be carried over from month to month;

15 **WHEREAS**, in accordance with Section 1-4 of the City Charter and O.C.G.A. § 36-35-4,
16 the governing authority desires to enact an ordinance that permits the unused portions of the
17 utility credit to be carried over month to month, thereby potentially increasing the annual
18 compensation the Mayor and Council receive for utility credits; and

19 **WHEREAS**, the compensation increase will not take effect until January 1, 2018, which
20 is after the next municipal election following the enactment of this Ordinance; and

21 **WHEREAS**, this Ordinance was enacted prior to the qualifying period for the 2017
22 municipal elections; and

23 **WHEREAS**, public notice of intent to take action at the August 14, 2017 special council
24 meeting was advertised in South Fulton Neighbor and Daily Report on Wednesday, July 26,
25 2017; Wednesday, August 2, 2017; and Wednesday, August 9, 2017; and

26 **BE IT AND IT IS HEREBY ORDAINED** by the Mayor and Council of the City of
27 College Park, Georgia, and by the authority thereof:

28 **Section One.** Subsection (e) of Section 2-27 (“Salaries of mayor and council members”)
29 in Article II (“Mayor and Council”) in Chapter 2 (“Administration”) of the Code of Ordinances,
30 City of College Park, Georgia, is hereby amended by striking in its entirety, the provisions
31 presently found in said subsection and inserting in lieu thereof new text, which shall read and be
32 codified as follows:

33 “(e) Effective beginning January 1, 2018, or on such date as the official is sworn into and
34 assumes the office, in addition to the salary provided in subsections (a) and (b) above, the
35 mayor and each member of the city council shall receive additional compensation in an
36 amount not to exceed Two Thousand Four Hundred Dollars per year. Such additional
37 compensation shall not be limited and/or governed by any salary conditions, modifications
38 or limitations contemplated by any other subsection of this section. Furthermore, such
39 additional compensation shall be subject to the following restrictions and limitations:

- 40 (1) It shall begin on January 1, 2018.
- 41 (2) It shall only be applied against bills for any utility service provided by the city to
42 property owned by the elected official and shall not be assignable.
- 43 (3) It shall have no cash value and is not convertible to either cash or its equivalent,
44 currency, or any type of negotiable instrument.
- 45 (4) The credit shall be applied to the utility account of the elected official on January 1 of
46 each year, and may be utilized in any denomination until depleted. No unused portion of
47 this additional compensation shall be carried over year to year.
- 48 (5) In any year in which the elected official’s then existing term of office expires on
49 December 31, and such elected official is not reelected, or otherwise elected to another
50 city office, no credit shall be applied for the following year, even if the elected official
51 does not vacate office until his successor is sworn into the succeeding term.

52 (6) Once the credit is initially applied, any thereafter remaining balance of the credit shall
53 not be utilized by any elected official that, at the time of the potential application of
54 remaining credit, has a past due amount to the city for any service, utility account, or
55 tax due, for more than 45 days from the date of the utility bill to which the credit is
56 sought to be applied.”

57 **Section Two.** The preamble of this Ordinance shall be considered to be and is hereby
58 incorporated by reference as if fully set out herein.

59 **Section Three.** This Ordinance shall be codified in a manner consistent with the laws of
60 the State of Georgia and the City.

61 **Section Four.** (a) It is hereby declared to be the intention of the Mayor and Council that
62 all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their
63 enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

64 (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest
65 extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this
66 Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this
67 Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the
68 greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this
69 Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase
70 of this Ordinance.

71 (c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance
72 shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise
73 unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the
74 express intent of the Mayor and Council that such invalidity, unconstitutionality or
75 unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional
76 or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or
77 sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases,

78 clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional,
79 enforceable, and of full force and effect.

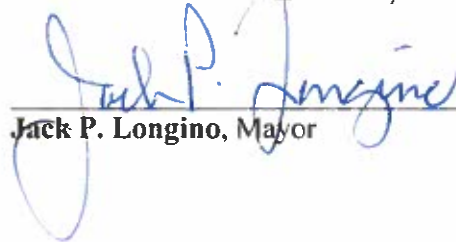
80 **Section Five.** All ordinances and parts of ordinances in conflict herewith are hereby
81 expressly repealed.

82 **Section Six.** Unless otherwise provided for herein, penalties in effect for violations of
83 the Code of Ordinances of the City of College Park at the time of the effective date of this
84 Ordinance shall be and

85 **Section Seven.** The effective date of this Ordinance shall be the date of adoption unless
86 otherwise stated herein.

ORDAINED this 14th day of August, 2017.

CITY OF COLLEGE PARK, GEORGIA



Jack P. Longino, Mayor

ATTEST:



Melissa Brooks, City Clerk

APPROVED BY:



Steven M. Fincher, City Attorney