

AN ORDINANCE TO AUTHORIZE THE CITY MANAGER TO EXECUTE CERTAIN CONTRACTS AND AGREEMENTS ON BEHALF OF THE CITY PREVIOUSLY APPROVED AND ADOPTED BY THE CITY COUNCIL; AND FOR OTHER LAWFUL PURPOSES.

(Sponsored by Councilmember Willis)

WHEREAS, Section 3.22 (b)(4) of the City Charter requires the Mayor to sign as a matter of course on behalf of the city all written and approved contracts, ordinances, resolutions, and other instruments executed by the city which by law are required to be in writing; and

WHEREAS, notwithstanding the Mayor's authority to sign written approved contracts and/or other instruments, Section 3.22 (b)(4) of the City Charter allows the City Council to delegate contract signing authority to the City Manager; and

WHEREAS, Section 1-2011 of the Code of Ordinances of the City provides that every written contracts shall be executed by the Mayor or Mayor Pro Tem in the Mayor's absence; and

WHEREAS, the City enters into many contracts and agreements that are routine in nature or for certain categories or types of items that have been already approved by City Council whether through its budgetary process and the City Manager, or designee, should be authorized to sign these contracts and agreements in the interest of efficiency of administrative governmental operations in the City; and

WHEREAS, the Mayor Pro Tem, pursuant to Section 3.30 of the City Charter, during the absence or physical or mental disability of the Mayor for any cause or disqualifying financial interest is clothed with all the rights and privileges of the Mayor, including the authority to sign all contracts and/or ordinances. However, in the event the Mayor or Mayor Pro Tem are unable to sign City Council approved contracts and/or other instruments, it is in the best interest of the city and citizens that this authority be delegated to the City Manager when the Mayor and/or Mayor Pro Tem are unable to do so.

NOW THEREOFRE, THE CITY COUNCIL OF THE CITY OF SOUTH FULTON HEREBY ORDAINS as follows:

Section 1. That the City Manager is hereby granted authority to execute contracts and agreements on behalf of the City that are approved by City Council, including those contracts and agreements that are contained in an approved budget. All such contracts and agreements shall be approved as to form by the City attorney prior to execution.

Section 2. It is hereby declared to be the intention of the Mayor and Council that: (a) All sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the City Council to be fully valid, enforceable and constitutional.

(b) To the greatest extent allowed by law, every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. No section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

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

Section 3. All Ordinances and parts of Ordinances in conflict herewith are hereby expressly repealed.

Section 4. The City Attorney, City Clerk and contracted City Codifier are authorized to make non-substantive formatting and renumbering edits to this ordinance for proofing, codification, and supplementation purposes. The final version of all ordinances shall be filed with the clerk.

Section 5. The effective date of this Ordinance shall be the date of adoption unless provided otherwise by the City Charter or state and federal law.

[signatures and voting tabulations appear on the following page]