

RCS# 6063
9/20/04
4:00 PM

Atlanta City Council

Regular Session

04-O-1481 RATIFYING ACTIONS BY ATL-FULTON CO WATER
RESOURCES COMM 4% COL FOR GEN MGR N AREA
FILE

YEAS: 11
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 5
EXCUSED: 0
ABSENT 0

| | | | |
|-----------|-------------|-----------|------------|
| Y Smith | Y Archibong | Y Moore | Y Mitchell |
| Y Starnes | NV Fauver | NV Martin | NV Norwood |
| Y Young | Y Shook | NV Maddox | Y Willis |
| Y Winslow | Y Muller | Y Sheperd | NV Borders |

04-O-1481

**AN ORDINANCE BY
FINANCE AND EXECUTIVE COMMITTEE**

04-0-1481

AN ORDINANCE RATIFYING THE ACTIONS TAKEN BY THE ATLANTA-FULTON COUNTY WATER RESOURCES COMMISSION, A GEORGIA JOINT VENTURE COMPRISED OF THE CITY OF ATLANTA AND FULTON COUNTY GEORGIA, ON August 22, 2002; AUTHORIZING A 4% COST OF LIVING INCREASE FOR THE GENERAL MANAGER OF THE ATLANTA-FULTON COUNTY NORTH AREA WATER TREATMENT PLANT, EFFECTIVE JANUARY 1, 2003; AND FOR OTHER PURPOSES.

Whereas, On May 28, 1986, the City of Atlanta ("City") and Fulton County, Georgia ("County") formed the Atlanta-Fulton County Water Resources Commission, a Georgia Joint Venture, for the purposes of jointly constructing and operating the North Area Water Treatment Plant ("Plant"), located in Alpharetta, Georgia, by entering into an Agreement ("JV Agreement") of even date; and

Whereas, On February 18, 1998, the parties entered into an Amended Atlanta-Fulton County Water Resources Commission Joint Venture Agreement ("Amended JV Agreement"); and

Whereas, Section 3.1 of the Amended JV Agreement provides that the decision-making body of the AFCWRC shall be a Management Commission ("Commission"), which is comprised of 3 representatives of the City, 3 representatives of the County and 1 independent representative; and

Section 3.1.6 and 3.1.6.3 of the Amended JV Agreement provides as follows:

3.1.6 Powers of the Commission Generally. As agent for the Joint Venturers, the Commission shall have the following powers and duties:

...3.1.6.3 To select a General Manager and staff, as provided hereafter. Such General Manager and Staff may be employed directly by the Commission or by either of the parties to this agreement provided that the employing party will ensure either by contract or legislation that such employees shall be answerable solely to the Commission, and that decisions regarding the hiring, firing and discipline of such employees shall be subject to the sole discretion of the Commission.

Section 3.1.7 and 3.1.7.1 of the Amended Joint Venture Agreement provides as follows:

3.1.7 ...No action of the Commission related to the following responsibilities shall be taken unless approved at a regularly scheduled quarterly meeting at which a quorum is present...:

3.1.7.1 The establishment of compensation, within the limits established in the approved budget, and employment of a General Manager and staff.

Whereas, on August 22, 2002, the Atlanta Fulton County Water Resources Commission (“AFCWRC”) convened a regularly scheduled meeting at which a quorum was present and in which one of the adopted agenda items involved an increase in compensation (“COLA Adjustment”) payable to the General Manager of the Plant in the amount of 4%, effective January 1, 2003;

Whereas, although the General Manager of the Plant is an employee of the Joint Venture, by agreement between the Joint Venturers and as an administrative convenience, his salary is administered under the guidelines of the City’s Salary Grades for 40 Hour Per Week Employees;

Whereas, prior to the COLA Adjustment, the General Manager of the Plant was being compensated in accordance with the City’s 2001 Salary Grades at Grade 41, Step 10 and is still being compensated at that Grade and Step as of the date of the submission of this Ordinance for consideration by the City’s Council;

Whereas, in order to effectuate the COLA Adjustment, the General Manager’s compensation requires adjustment to Grade 43, Step 10 of the City’s July 1, 2004 Salary Grades; and

Whereas, in order to facilitate the actions of the AFCWRC and its Commission in authorizing, pursuant to the Amended Joint Venture Agreement, the COLA Adjustment for the General Manager, the City has determined that it is desirable and in its, the County’s and the AFCWRC’s best interests to ratify the actions of the Commission concerning the COLA Adjustment.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA AS FOLLOWS:

Section 1:

The AFCWRC’s Commission’s actions on August 22, 2002, in authorizing the COLA Adjustment for the General Manager of the Plant are ratified and confirmed.

Section 2:

For administrative purposes only in effectuating the payment of the COLA Adjustment and not as an admission that the General Manager is an employee of the City, the General Manager's compensation, effective January 1, 2003, is to be calculated at the rate established under Grade 43, Step 10 of the City's July 1, 2004, Salary Grades for 40 Hour Per Week Employees.

Section 3:

That the Chief Financial Officer is directed to calculate retroactive pay amounts that may be due to the General Manager of the Plant, effective January 1, 2003, and to remit such amounts to the General Manager, subject to the County's obligations to pay its portion of such amounts under the Amended JV Agreement.

Section 4:

On a going forward basis, the General Manager's compensation will be calculated and paid accordingly to his reclassified pay scale, subject to the County's obligations to pay its portion of such amounts under the Amended JV Agreement.

Section 5:

That all Ordinances in conflict with this Ordinance are waived, but only to the extent to effectuate the transaction contemplated by this Ordinance.

(Do Not Write Above Line)

AN ORDINANCE BY
FINANCE EXECUTIVE COMMITTEE

AN ORDINANCE RATING THE
ACTIONS TAKEN BY THE ATLANTA-
FULTON COUNTY WATER
RESOURCES COMMISSION, A
GEORGIA JOINT VENTURE
COMPRISED OF THE CITY OF
ATLANTA AND FULTON COUNTY
GEORGIA, ON AUGUST 22, 2002;
AUTHORIZING A 4% COST OF LIVING
INCREASE FOR THE GENERAL
MANAGER OF THE ATLANTA-
FULTON COUNTY NORTH AREA
WATER TREATMENT PLANT,
EFFECTIVE JANUARY 1, 2003; AND
FOR OTHER PURPOSES.

FILED BY
CITY COUNCIL

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER

Date Referred 9-07-04

Referred To: FIN/Exec

Date Referred

Referred To:

Date Referred

Referred To:

First Reading
 Committee FIN
 Date 9-7-04
 Chair John W. Spivey
 Referred To FIN/Exec

FIN/Exec
 Date 9-15-04
 Chair John Spivey
 Action Fav, Adv, Hold (see rev. side)
 Other F
 Members

Refer To
 Committee
 Date
 Chair
 Action Fav, Adv, Hold (see rev. side)
 Other
 Members

Committee
 Date
 Chair
 Action Fav, Adv, Hold (see rev. side)
 Other
 Members

Refer To
 Committee
 Date
 Chair
 Action Fav, Adv, Hold (see rev. side)
 Other
 Members

FINAL COUNCIL ACTION
 2nd
 1st & 2nd
 3rd
 Consent
 V Vote
 RC Vote

CERTIFIED
 SEP 20 2004
 ATLANTA- FULTON COUNTY PRESIDENT
 John Spivey

SEP 20 2004
 MAYOR'S ACTION