

STATE OF GEORGIA
COUNTY OF FULTON
CITY OF SOUTH FULTON

RES2023-034

A RESOLUTION AUTHORIZING THE CITY OF SOUTH FULTON, GEORGIA TO BILL AND COLLECT SOLID WASTE FEES THROUGH A SOLID WASTE BILLING AND COLLECTION AGREEMENT WITH FULTON COUNTY, GEORGIA, AND THE FULTON COUNTY TAX COMMISSIONER, AND FOR OTHER LAWFUL PURPOSES

(Sponsored by Councilmembers Willis, Gumbs, Sebastian, Reeves)

WHEREAS, the City of South Fulton ("City") is a municipal corporation duly organized and existing under the laws of the State of Georgia; and

WHEREAS, the duly elected governing authority of the City, is the Mayor and Council thereof ("City Council"); and

WHEREAS, the City Charter § 1.12 (b)(7) allows for the City to enter into contracts other governments, private persons, firms, and corporations; and

WHEREAS, the City Charter § 1.12 (b)(37),(39) and (44) allows for the collection and disposal of garbage, rubbish (i.e., solid waste), to levy and provide for special assessments and to exercise and enjoy all other powers, functions, rights, privileges, and immunities necessary or desirable to promote or protect the safety, health and peace, security; and

WHEREAS, the City of South Fulton, Fulton County, and the Tax Commissioner of Fulton County, on August 2, 2017, had previously entered into a billing and collection agreement for the processing, receipt and collection of ad valorem taxes levied on behalf of the City; and

WHEREAS, on January 24, 2023, the City of South Fulton approved the solid waste contract between the City and WastePro as its sole provider for its residential solid waste collection; and

WHEREAS, according to O.C.G.A § 12-8-39.3, any city that operates a solid waste handling facility and/or provides solid waste collection services or both and levies, collects taxes, fees, and/or assessments to accomplish this purpose is also authorized to enforce by ordinance or resolution the collection of taxes, fees, or assessments due to the city in the same manner as authorized by law for the enforcement of the collection and payment of state taxes, fees, or assessments. Any such ordinance or resolution enacted by a county governing authority may provide that the tax commissioner or tax collector of such county shall be the officer charged with the enforcement of its provisions; and

WHEREAS, it is in the best interests of the Parties, in order to provide the taxpayers and citizens of Fulton County and the City of South Fulton with more efficient governmental services by entering into an agreement for the billing and collection of the City's solid waste fees; and

WHEREAS, this Solid Waste Billing and Collection Agreement ("BCA") will allow the City, Fulton County, Georgia and the Fulton County Tax Commissioner's Office to provide for the efficient processing, receipt and collection of solid waste fees on behalf of the City for its residential solid waste collection services that is in the best interest of the health and general welfare of the City, its residents and general public.

THE COUNCIL OF THE CITY OF SOUTH FULTON, GEORGIA, HEREBY RESOLVES as follows:

Section 1. The City of South Fulton ("City") in accordance with all applicable local and state law hereby authorizes through this resolution that all solid waste charges and/or fees imposed for residential solid waste collections may be enforced and treated in the same manner as authorized by law for the enforcement, the collection and payment of state ad valorem taxes, fees, or assessments through utilizing the tax commissioner or tax collector of such county shall be the officer charged with the enforcement and/or collection of the solid waste fees imposed by the City. See, e.g., O.C.G.A. § 12-8-39.3

Section 2. the Interim City Manager and City Attorney are authorized and empowered on behalf of the City to do all things necessary to finalize and effectuate the solid waste billing and collection agreement between the parties, which will be to this resolution hereto as Exhibit A.

Section 3. If necessary or required, the Interim City Manager and City Attorney are authorized to make such other or additional modifications to the solid waste BCA or any other related documents or instruments as necessary to protect the City's interests and to effectuate the terms and conditions of the solid waste BCA.

Section 4. It is hereby declared to be the intention of the City Council that:

(a) All sections, paragraphs, sentences, clauses, and phrases of this Resolution 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, each and every section, paragraph, sentence, clause, or phrase of this Resolution is severable from every other section, paragraph, sentence, clause, or phrase of this Resolution. No section, paragraph, sentence, clause, or phrase of this Resolution is mutually dependent upon any other section, paragraph, sentence, clause, or phrase of this Resolution.

Section 5. The City Attorney and City Clerk are authorized to make non-substantive editing and renumbering revisions to this Resolution for proofing, codification, and

supplementation purposes. The final version of all resolutions shall be filed with the City Clerk.

Section 6. All resolutions or parts thereof that are in conflict with this Resolution are, to the extent of such conflict, hereby repealed.

Section 7. The effective date of this Resolution shall be from the date of adoption, unless provided otherwise by the City Charter or state and/or federal law.

[signatures and voting tabulations appear on the following page]

The foregoing RESOLUTION 2023-034, adopted on May 9, 2023, was **VETOED** by the Mayor on May 16, 2023. The City Council voted to **OVERRIDE** the veto by action of the City Council at its May 23, 2023, Council Meeting. The motion was offered by Councilmember Sebastian, who moved its approval. The motion was seconded by Councilmember Willis, and being put to a vote, the result was as follows:

	AYE	NAY
khalid kamau, Mayor	_____	_____
Carmalitha Gumbs	_____X_____	_____
Catherine Foster Rowell	_____X_____	_____
Helen Zenobia Willis	_____X_____	_____
Jaceey Sebastian	_____X_____	_____
Corey Reeves	_____X_____	_____
Natasha Williams-Brown, Mayor Pro Tem	_____X_____	_____
Linda Becquer Pritchett	_____X_____	_____

THIS subject action was adopted this 23th day of May 2023.

CITY OF SOUTH FULTON, GEORGIA

ATTEST:



COREY E. ADAMS, SR., CITY CLERK



The foregoing RESOLUTION No. 2023-034, adopted on May 9, 2023, was offered by Councilmember Willis, who moved its approval. The motion was seconded by Councilmember Sebastian, and being put to a vote, the result was as follows:

	AYE	NAY
khalid kamau, Mayor	<u> X </u>	<u> </u>
Carmalitha Gumbs	<u> X </u>	<u> </u>
Catherine Foster Rowell	<u> X </u>	<u> </u>
Helen Zenobia Willis	<u> X </u>	<u> </u>
Jaceey Sebastian	<u> X </u>	<u> </u>
Corey Reeves	<u> X </u>	<u> </u>
Natasha Williams-Brown, Mayor Pro Tem	<u> X </u>	<u> </u>
Linda Becquer Pritchett	<u> X </u>	<u> </u>

THIS RESOLUTION adopted this 9th day of May 2023.

CITY OF SOUTH FULTON, GEORGIA

khalid kamau, MAYOR

ATTEST:


COREY E. ADAMS, SR., CITY CLERK

APPROVED AS TO FORM:

 5/10/23
VINCENT D. HYMAN, CITY ATTORNEY





MAYOR'S SIGNATURE PAGE

Every ordinance, resolution, or other action adopted by the city council shall be presented to the mayor for signature within two business days following the adoption of such ordinance, resolution, or other action by the city council. The mayor shall have the right to veto any ordinance, resolution, or other action adopted by the city council, in accordance with the procedures set forth in this section. The mayor, within five business days following receipt of an ordinance, resolution, or other action adopted by the city council, shall return it to the city clerk with or without the mayor's approval or with the mayor's veto. If an ordinance, resolution, or other action adopted by the city council has been approved by the mayor or if it is returned to the city clerk neither approved nor disapproved, it shall become law upon its return to the city clerk. However, if the mayor fails to return an ordinance, resolution, or other action adopted by the city council to the city clerk within five business days of receipt, it shall become law at 12:00 Midnight on the fifth business day after receipt. If an ordinance, resolution, or other action adopted by the city council is vetoed by the mayor, the mayor shall submit to city council, through the city clerk, the reason for the mayor's veto. The city clerk shall record upon the ordinance, resolution, or other action adopted by the city council the date of its delivery to and its receipt from the mayor. An ordinance, resolution, or other action adopted by the city council vetoed by the mayor shall automatically be on the agenda at the next regular meeting of the city council for reconsideration. Votes to override mayoral vetoes shall only occur at regular scheduled meetings of the city council and cannot occur at a special meeting or emergency meeting. If the minimum number of councilmembers necessary to vote to override the veto are not present, the action may be continued until the next meeting at which such minimum number of councilmembers are present. The city council may override a veto by the mayor and adopt any ordinance, resolution, or other action adopted by the city council that has been vetoed by the mayor by the affirmative votes of at least five councilmembers, not including the mayor.

The mayor acknowledges receipt of the noted Item listed below:

Date of Adoption: May 9, 2023, **Item Number:** RES2023-034

Subject: A RESOLUTION AUTHORIZING THE CITY OF SOUTH FULTON, GEORGIA TO BILL AND COLLECT SOLID WASTE FEES THROUGH A SOLID WASTE BILLING AND COLLECTION AGREEMENT WITH FULTON COUNTY, GEORGIA, AND THE FULTON COUNTY TAX COMMISSIONER, AND FOR OTHER LAWFUL PURPOSES

Date Received by Mayor: May 10, 2023

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APPROVED

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DISAPPROVED

Mayor's Signature: _____

Date to City Clerk: 5/11/23

** Mayor did not sign. CA
5/11/23*