

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE GOVERNING AUTHORITY FOR THE CITY OF FOREST PARK, GEORGIA, TO PROVIDE FOR AN INCREASE IN COMPENSATION FOR MEMBERS OF THE GOVERNING AUTHORITY IN ACCORDANCE WITH O.C.G.A. SECTION 36-35-4; TO PROVIDE THAT SAID INCREASE SHALL NOT TAKE EFFECT UNTIL JANUARY 1, 2022; TO PROVIDE FOR SEVERABILITY; TO REPEAL ALL ORDINANCES AND RESOLUTIONS AND PARTS OF ORDINANCES AND RESOLUTIONS IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES.

WHEREAS, Title 2, Chapter 1, Article D of the Code of Ordinances, City of Forest Park provides for the compensation of the Mayor and Council;

WHEREAS, it is proposed that said Article be amended and that an increase in the compensation of the Mayor and Council be approved;

WHEREAS, OCGA § 36-35-4 provides that the Mayor and Council may increase the compensation for the Mayor and Council subject to the following conditions: (1) any such increase shall not be effective until after the taking of office of those elected at the next regular municipal election which is held immediately following the date on which the action to increase the compensation was taken; (2) such action shall not be taken during the period of time beginning with the date that candidates for election to membership on the municipal governing authority may first qualify as such candidates and ending with the date members of the municipal governing authority take office following their election; and (3) such action shall not be taken until notice of intent to take the action has been published in a newspaper of general circulation designated as the legal organ in the county and in the municipal corporation at least once a week for three consecutive weeks immediately preceding the week during which the action is taken;

WHEREAS, the City of Forest Park has caused a notice of its intent to increase the compensation of the Mayor and Council to be published in the legal organ of Clayton County, Georgia once a week for three (3) consecutive weeks immediately preceding the week during which this action is to be taken.

NOW THEREFORE, THE COUNCIL OF THE CITY OF FOREST PARK HEREBY ORDAINS:

**Section 1.** Title 2, Chapter 1, Article D of the Code of Ordinances, City of Forest Park is hereby amended by deleting said section in its entirety and replacing it with the provisions of Exhibit A, attached hereto.

**Section 2.** The compensation paid by the City of Forest Park, Georgia to the elective members of the governing authority for the City shall, on the effective date provided for herein, be fixed as follows: the compensation for the Mayor of the City shall be increased from \$23,040.00 annually to \$55,000.00 annually; and the compensation for each of the members of the City Council of the City shall be increased from \$14,400 annually to \$38,635.56 annually.

**Section 3.** The provisions of Section 1 shall take effect immediately. The increases in compensation provided for in Section 2 above shall not take effect until January 1, 2024.

**Section 4.** Severability. If any section, paragraph, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional for any reason by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance, which such portions shall remain in full force and effect.

**Section 5.** All ordinances, resolutions or parts of ordinances or resolutions in conflict with this Ordinance are hereby repealed to the extent of such conflict.

**[SIGNATURES APPEAR ON FOLLOWING PAGE]**

SO ORDAINED this 3<sup>rd</sup> day of October, 2022.

\_\_\_\_\_  
Mayor Angelyne Butler

\_\_\_\_\_  
Council Member Kimberly James, Ward 1

\_\_\_\_\_  
Council Member Dabouze Antoine, Ward 2

\_\_\_\_\_  
Council Member Hector Gutierrez, Ward 3

\_\_\_\_\_  
Council Member Latresa Wells, Ward 4

\_\_\_\_\_  
Council Member Allan Mears, Ward 5

ATTEST:

\_\_\_\_\_  
City Clerk (SEAL)

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

## **EXHIBIT A**

### **Sec. 2-1-31. - Time for determining compensation.**

The salary for the mayor and members of the council shall be set by the governing body from time to time, but at all times such action shall be taken in compliance with the provisions of OCGA § 36-35-4.

### **Sec. 2-1-32. - Annual compensation and monthly expense allowance for the mayor.**

(a) The mayor shall receive an annual compensation that shall be set by resolution of the governing body, and shall be paid on a monthly basis. In any month that the mayor shall be absent without just cause from a regular meeting or a regular work session held during that month, then there shall be a deduction of ten (10) percent from the mayor's gross monthly compensation for that month for each regular meeting missed by the mayor without just cause that month, and a deduction of ten (10) percent from said gross compensation for each regular work session missed by the mayor without just cause that month.

(b) For purposes of this section, "just cause" shall mean and include an absence due to personal illness of the mayor or a member of the mayor's immediate family, an absence due to attending the funeral of an immediate family member, or any absence deemed justified and reasonable by a vote of the governing body. In all cases, the question of whether there was "just cause" for an absence shall be determined by a vote of the governing body based on information provided by the mayor.

### **Sec. 2-1-33. - Compensation and expenses of members of the city council.**

(a) Each member of the city council shall receive an annual compensation that shall be set by resolution of the governing body, and shall be paid on a monthly basis. In any month that a councilmember shall be absent without just cause from a regular meeting or a regular work session held during that month, then there shall be a deduction of ten (10) percent from the councilmember's gross monthly compensation for that month for each regular meeting missed by said councilmember without just cause that month, and a deduction of ten (10) percent from said gross compensation for each regular work session missed by said councilmember without just cause for that month.

(b) For purposes of this section, "just cause" shall mean and include an absence due to personal illness of the councilmember or a member of the councilmember's immediate family, an absence due to attending the funeral of an immediate family member, or any absence deemed justified and reasonable by a vote of the governing body. In all cases, the question of whether there was "just cause" for an absence shall be determined by a vote of the governing body based on information provided by the councilmember.

### **Secs. 2-1-34—2-1-40. - Reserved.**