



205 Lawrence Street  
Post Office Box 609  
Marietta, Georgia 30061

## **CITY COUNCIL SPECIAL CALLED MEETING**

**Wednesday, May 30, 2012  
5:15 PM**

**Council Chamber  
City Hall**

**Memo to:** All Members of City Council  
City Manager  
City Attorney  
City Clerk

**From:** R. Steve Tumlin, Mayor

R. Steve Tumlin, Mayor  
R. Steve Tumlin, Mayor as authorized Pam Hudson

**You are hereby notified of a special meeting of City Council as per City Code Section 2.9(b) for items listed in the following agenda:**



# City of Marietta

205 Lawrence Street  
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## Meeting Agenda CITY COUNCIL SPECIAL MEETING

*R. Steve Tumlin, Mayor*  
*Annette Paige Lewis, Ward 1*  
*Griffin "Grif" L. Chalfant, Jr., Ward 2*  
*Johnny Sinclair, Ward 3*  
*Vacant, Ward 4*  
*Rev. Anthony C. Coleman, Ward 5*  
*James W. King, Ward 6*  
*Philip M. Goldstein, Ward 7*

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Wednesday, May 30, 2012

5:15 PM

Council Chamber

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### CALL TO ORDER

#### BUSINESS:

**20120532** Amendment to Code Section 6-4-010 Board of Lights and Water (BLW)

Consideration of the following amendment to Code Section 6-4-010 Board of Lights and Water (BLW):

The Board of Lights and Water ("BLW" and hereafter referred to as same) is authorized to build, maintain and operate a water system, sewer system, electrical system, cable television system, telecommunications system and any other utility system. For this purpose, the BLW shall have all powers now provided the BLW by general state law or the Marietta City Charter and all powers formerly vested in the city council for these purposes; provided, all official actions of the BLW shall become effective only upon minutes of the BLW "being received and filed" at the said following meeting of by the city council. Notwithstanding any other provision of the City Code, except for certain actions in the BLW minutes that the Council may deny by a affirmative vote consisting of five(5) positive votes to deny such action(s) with the denied actions being referred back to the BLW Board and the remaining items "received and filed".

**20120554** Motion regarding the disposition of the 2012 Year End Settlement from MEAG and the designation of authorized signatories being the Mayor and City Clerk as specified in the Marietta City Code.

**20120539**      Rescind Legistar Number 20120468

Motion to rescind Legistar Number 20120468, Municipal Electric Authority of Georgia (MEAG) Municipal Competitive Trust Resolution approved at the May 9, 2012 City Council Meeting.

**20120538**      **Right-of-way acquisition**

Discussion and action related to right-of-way acquisition.

**20120540**

**Executive Session**

Executive Session to discuss legal, personnel and/or real estate matters.

**ADJOURNMENT:**



# City of Marietta

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## Motion Signature

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**File Number: 20120539**

**Rescind Legistar Number 20120468**

Motion to rescind Legistar Number 20120468, Municipal Electric Authority of Georgia (MEAG) Municipal Competitive Trust Resolution approved at the May 9, 2012 City Council Meeting.

**Date** May 30, 2012

\_\_\_\_\_  
R. Steve Tumlin, Jr., Mayor

\_\_\_\_\_  
Stephanie Guy, City Clerk

**RESOLUTION OF  
CITY OF MARIETTA/ BOARD OF LIGHTS AND WATER**

WHEREAS, the City is a Beneficiary of the Municipal Competitive Trust (the "Trust") that MEAG Power established as of January 1, 1999; and

WHEREAS, pursuant to the terms of the Trust, the City is allowed to transfer certain funds between accounts and withdraw certain funds from accounts by written direction to MEAG Power and the Trustee; and

WHEREAS, by official action of the City, a City official was delegated authority to make deposits to the Trust and to communicate City decisions with respect to the Trust to MEAG Power and the Trustee; and

WHEREAS, in order to improve the notification process, MEAG Power has requested that all written directions communicating City decisions with respect to the Trust be executed by two independent City officials; and

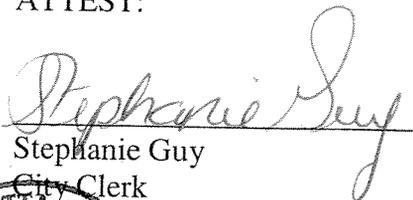
WHEREAS, the City, after due consideration, has determined that such procedural changes are in the best interest of the City.

NOW, THEREFORE, BE IT RESOLVED that henceforth **Mayor/ BLW Board Chairman** and **City Manager** (together, the "Authorized Officials") are authorized to communicate City/ BLW decisions with respect to the Trust by jointly executing written directions to MEAG Power and the Trustee; and

FURTHER RESOLVED that the City hereby authorizes the Authorized Officials to execute, and the City [Clerk/Secretary] to attest and deliver, certificates specifying the names, titles, term of office and specimen signatures of the Authorized Officials and other certificates and documents that MEAG Power may require from time to time to effect the purposes of the Trust and this Resolution.

This the 9 day of May, 2012.

ATTEST:

  
Stephanie Guy  
City Clerk

CITY OF MARIETTA/ BOARD OF  
LIGHTS AND WATER

  
R. Steve Tumlin, Jr.  
Mayor/ BLW Board Chairman



INCUMBENCY AND SIGNATORY CERTIFICATE

I, the undersigned Stephanie Guy, DO HEREBY CERTIFY that I am the duly appointed and acting City Clerk of the City of Marietta (the "City of Marietta"). I HEREBY FURTHER CERTIFY that the below named persons have been duly appointed or elected, as applicable, have been qualified, are duly holding the offices set opposite their names on this day and the signatures set opposite their names are their genuine signatures.

<u>Name</u>	<u>Office</u>	<u>Term Expires</u>	<u>Signature</u>
<u>R. Steve Tumlin</u>	<u>Mayor</u>	<u>January 6, 2014</u>	<u><i>R. Steve Tumlin</i></u>
<u>William F. Bruton</u>	<u>City Manager</u>	<u>N/A</u>	<u></u>

IN WITNESS WHEREOF, I have hereunder subscribed my name and affixed the official seal of the City of Marietta this 9 day of May, 2012

CITY OF MARIETTA

By: *Stephanie Guy*  
Stephanie Guy  
Its: City Clerk



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- 6-4-010 - Board of Lights and Water ("BLW"). 

The Board of Lights and Water ("BLW" and hereafter referred to as same) is authorized to build, maintain and operate a water system, sewer system, electrical system, cable television system, telecommunications system and any other utility system. For this purpose, the BLW shall have all powers now provided the BLW by general state law or the Marietta City Charter and all powers formerly vested in the city council for these purposes; provided, all official actions of the BLW shall become effective only upon minutes of the BLW "being received and filed" at the said following meeting of by the city council. **Notwithstanding any other provision of the City Code, except for certain actions in the BLW minutes that the Council may deny by a affirmative vote consisting of five(5) positive votes to deny such action(s) with the denied actions being referred back to the BLW Board and the remaining items "received and filed".**