



CITY COUNCIL MEETING AGENDA

December 19, 2011

City Council Chambers
12000 Findley Road, Suite 300
www.JohnsCreekGA.gov

7:00pm

A) CALL TO ORDER

B) ROLL CALL

C) PLEDGE OF ALLEGIANCE

D) OPENING REMARKS

E) MINUTES

- Consideration of 11-28-2011 Work Session Summary and Council Meeting Minutes

F) APPROVAL OF MEETING AGENDA – Add/Remove Agenda Items

G) PUBLIC COMMENT

H) CONSENT AGENDA –Consent Agenda Items

1. **ACTION ITEM** Consideration to Approve Privileged Resolutions for Eagle Scouts Jacob Vinson Brasher of Troop 629 and Gaurav Phadke of Troop 3143
2. **R2011-12-31** Consideration of Resolution to Approve CH2M Hill Inc.'s Assignment of that Certain Agreement between the City of Johns Creek, Georgia and CH2M Hill, Inc. to CH2M Hill Engineers, Inc.

I) ANNOUNCEMENTS

J) REPORTS AND PRESENTATIONS

K) OLD BUSINESS

L) NEW BUSINESS

1. **O2011-12-31** Consideration to Approve an Ordinance Amending the 2012 Budget for the Encumbrance Carry-Over from the 2011 FY Budget
2. **O2011-12-32** Consideration of an Ordinance Establishing the Charter Commission for the City of Johns Creek
3. **R2011-12-32** Consideration of Resolution Appointing the Nominee of Council Member Johnson to the Charter Commission of the City of Johns Creek
4. **R2011-12-33** Consideration of Resolution Appointing the Nominee of Council Member McCabe to the Charter Commission of the City of Johns Creek
5. **R2011-12-34** Consideration of Resolution Appointing the Nominee of Council Member Richardson to the Charter Commission of the City of Johns Creek
6. **R2011-12-35** Consideration of Resolution Appointing the Nominee of Council Member Figueroa to the Charter Commission of the City of Johns Creek
7. **R2011-12-36** Consideration of Resolution Appointing the Nominee of Council Member Stewart to the Charter Commission of the City of Johns Creek
8. **R2011-12-37** Consideration of Resolution Appointing the Nominee of Council Member Miller to the Charter Commission of the City of Johns Creek

9. **R2011-12-38** Consideration of Resolution Appointing the Nominee of Mayor Bodker to the Charter Commission of the City of Johns Creek
10. **R2011-12-39** Consideration of Resolution Appointing the Nominee of the Georgia House of Representatives to the Charter Commission of the City of Johns Creek
11. **R2011-12-40** Consideration of Resolution Appointing the Nominee of the Georgia Senate to the Charter Commission of the City of Johns Creek
12. **ACTION ITEM** Consideration to Adopt a Charter Commission Mission Statement
13. **R2011-12-41** Consideration of Resolution to Adopt A Fee For Retail Package Sales of Alcoholic Beverages on Sundays
14. **R2011-12-42** Consideration of Resolution Approving City Hall Lease Renewal

M) OTHER BUSINESS

N) PUBLIC COMMENT

O) MAYOR'S COMMENTS

P) EXECUTIVE SESSION (If Needed)

Q) ADJOURNMENT

CITY OF JOHNS CREEK
WORK SESSION SUMMARY

November 28, 2011, 5:00pm

The Mayor and Council of the City of Johns Creek held a Work Session on Monday, November 28, 2011 at 5:00pm. The Work Session was held in the Taylor Farms Conference Room at City Hall, located at 12000 Findley Road, Suite 300 in Johns Creek, Georgia 30097. In attendance were Council Members K. Stewart, I. Figueroa, K. Richardson, B. Miller and R. Johnson. Council Member D. McCabe was absent. Mayor Bodker presided. City Manager Kachmar was absent and other Department Heads were present.

Mayor Bodker opened the meeting with the Pledge of Allegiance. He reminded this is a full agenda, there is a need for an Executive Session; however with the Holiday Lighting scheduled between this Work Session and tonight's Council Meeting this will need to take place during the Council Meeting.

Senior Contracts Manager Thomas Henrikson reviewed the contract renewal for **Traffic Signs and Signals** and the **Amendment for Assignment of the CH2M Hill Contract**. He explained the contractor is providing additional support and maintenance which is reflected as the \$8,500 per month increase over the previous year. He informed Council the increase is reasonable for the services provided. Mr. Henrikson and Public Works Director Tom Black clarified the language in the contract regarding priority repairs, job site signage and "standard" street signs. There was a brief discussion regarding the term "like new", Director Black confirmed the signs will be well maintained and or replaced if necessary. This item is on tonight's City Council meeting agenda for consideration. Mr. Henrikson also reviewed a request from CH2M Hill to assign their contact to another entity within their corporation in order to differentiate between their Federal and non-Federal clients. This assignment contract from CH2M Hill, Inc. to CH2M Hill, Engineers, Inc. has no changes to scope or costs for services. Council had no objections to moving this item to the December 12th Council Meeting Agenda.

Finance Director Monte Vavra reviewed the **Ordinance to Amend the 2012 Budget for the Encumbrance Carryovers for 2011**, informing Council the encumbrances are for goods and services contracted in the FY 2011 budget that are on-going. The funds were encumbered for the expenses and will rollover into the 2012 Budget to facilitate payment. A brief discussion was held regarding if any of these funds are going into reserves. Director Vavra explained the reserves are not reflected in this amendment, any reserve fund changes will come later. Council had no objections to moving this item to the December 12th Council Meeting Agenda.

Assistant City Attorney Scott Haste reviewed fees for **Sunday Alcohol Sales Permit**. Mr. Haste reported the referendum to allow Sunday Alcohol sales passed during the November elections and the Ordinance will become effective on December 1st (December 4th is first Sunday). As the City currently administers a \$250.00 fee for Sunday sales for on-premises consumption licensees, there was discussion on whether the fee should also be assessed for retail package licensees. In addition, there was discussion on the purpose of the fee to allow Sunday sales and provisions to provide sufficient notice to licensees, so as not to cause undue hardship. The \$250.00 is consistent with what is currently being charged for consumption on premises permit. There was discussion of Council having this on the December 12th Agenda for further discussion and debate.

Mr. Hastey outlined the timeframe for renewal of the **City Hall Lease**. The current five year lease is due to expire September 30, 2012 and then renewed annually. The renewal includes a 2.5% cost increase which reflected in the current contract. Council Member Stewart asked if the increase was negotiable, due to the current market conditions. Mr. Hastey indicated the increase is part of the current lease agreement and suggested if Council considers negotiating a longer term, costs could be included in the new negotiations. Council recommended negotiating a new lease agreement, for a possible minimum of two years term, with a maximum of five, to check various terms.

Council discussed the Mission Statement for the Charter Commission and Nominees/ Appointees. There was discussion on draft statements prepared by Mayor Bodker and Council Member Richardson. Each Council submitted their nominees for the Commission. Mayor Bodker, nominated Bob Frame and Council Members' nominees were as follows: McCabe, *David Kornbluh*; Miller, *David Meskell*; Johnson, *Robert Horne*; Richardson, *Susan Grissom*; Figueroa, *Emmett Shaffer*; Stewart, *Rhonda Wilson*. The Mayor noted there are nine nominees (with the House Delegation choosing Tim Jeanette and the Senate, Cleve Gaddis). As Ms. Wilson currently serves on the Planning Commission, there was a brief discussion on whether Commission members may serve on other boards or commissions. There was Council consensus to move the mission statement for the charter commission and the appointment of nominees to the December 12th Council Meeting for further discussion and consideration.

Deputy City Manager Buzz Boehm briefly announced the City was selected to have "IZO the Snowman". IZO will be traveling around the City attending various Founders' Day events.

Council Member Richardson requested clarification on when Arts on the Creek would be discussed; City Clerk Jones mentioned the item is on the December 12th Work Session.

There being no further business Mayor Bodker adjourned the Work Session.

Approved,

Attest,

Michael E. Bodker, Mayor

Joan C. Jones, City Clerk

CITY OF JOHNS CREEK
COUNCIL MEETING
November 28, 2011 @ 7:00pm

The Mayor and Council of the City of Johns Creek held a monthly meeting on Monday, November 28, 2011. The meeting was held at 7:00pm in the City Hall Council Chambers located at 12000 Findley Road, Suite 300 in Johns Creek, Georgia.

COUNCIL PRESENT: Post 1-Randall Johnson
Post 2-Dan McCabe- **Absent**
Post 3-Karen Richardson
Post 4-Ivan Figueroa
Post 5-Kelly Stewart
Post 6-Bev Miller
Mayor Mike Bodker

STAFF PRESENT: City Clerk Joan Jones
City Manager Kachmar-**Absent**
City Attorney Bill Riley

PLEDGE OF ALLEGIANCE: Led by Eagle Scout Nikhil Vallabhaneni of Troop 3143.

OPENING REMARKS: Mayor Bodker offered his condolences to Council Member McCabe, his wife Kristin and their entire family for the recent passing of Kristin's father John William Mabry, Jr. and asked for a moment of silence in his honor.

MINUTES: Council Member Johnson motioned, seconded by Council Member Richardson to approve the November 7, 2011 Work Session Summary and Council Meeting Minutes as presented. There being no discussion, the motion passed unanimously.

MEETING AGENDA APPROVED: Council Member Figueroa motioned, seconded by Council Member Stewart to amend the meeting agenda to add an EXECUTIVE SESSION to discuss one (1) legal matter. There being no discussion, the motion passed unanimously and the amended agenda was approved.

PUBLIC COMMENT: No Public Comment

CONSENT AGENDA: Council Member Miller motioned, seconded by Council Member Figueroa to approve the Consent Agenda, which included- ***ACTION ITEM***-Approve Privileged Resolution Recognizing Eagle Scout Nikhil Vallabhaneni of Troop 3143; ***ACTION ITEM***-Authorize and Approve a Memorandum of Understanding between the City of Alpharetta and the City of Johns Creek for Hazardous Materials Mutual Aid. There being no discussion, the motion passed unanimously and the Consent Agenda was approved.

ANNOUNCEMENTS: City Clerk Jones announced the following upcoming meetings:

- *Tuesday, 12/6 @ 9:00am—CVB Meeting and @ 7:00pm—Planning Commission Meeting*
- *Monday, 12/12@ 5:00pm—Work Session; followed by the 7:00pm— City Council Meeting;* and reminded all of the December 3, Founders Day Parade.

REPORTS & PRESENTATIONS: Council Member Stewart read the following Privileged Resolution recognizing Eagle Scout Nikhil Vallabhaneni of Troop 3143:

The City of Johns Creek recognizes Nikhil Vallabhaneni of Troop 3143 on obtaining the rank of Eagle Scout. Whereas Eagle Scout Vallabhaneni completed his community service project by redesigning and landscaping the wildlife habitat at Spruill Oaks Library; and Whereas Eagle Scout Vallabhaneni's project included the addition of two bird feeders, the updating and reorganizing of the garden layout, replacing plant identification signs and general maintenance, thereby enhancing the environment where many children, adults and visitors can relax and enjoy the nature and wildlife that surrounds them. For his many hours of dedication and commitment to this project and the scouting program, the Mayor and Council of the City of Johns Creek hereby recognize and applaud Eagle Scout Nikhil Vallabhaneni and wish him well in all his future endeavors.

Deputy City Manager Buzz Boehm provided an update on the Annual Giving Campaign, which is scheduled for the week of December 5th through the 9th. During this week, City residents will be able to put out their recyclable books with other recyclables. The Organization *Better World Books* will re-sell those books in good condition and recycle the others. Proceeds of the sales will be donated to organizations benefitting the City's local libraries.

OLD BUSINESS: No Old Business.

NEW BUSINESS:

CONTRACT AMENDMENT FOR RIGHT OF WAY–MOWING/STORM DRAIN MAINTENANCE: As this item was discussed during a previous Work Session meeting, Council had no additional questions. Council Member Richardson motioned, seconded by Council Member Miller to approve the Action Item approving the First Contract Amendment for the Provision of Right of Way–Mowing and Right of Way–Storm Drain Maintenance with Optec RWM, LLC. There being no discussion, the motion passed unanimously. (***ACTION ITEM***)

CONTRACT AMENDMENT FOR FIELD SERVICES/ROAD WORK MAINTENANCE: As this item was discussed during a previous Work Session meeting, Council had no additional questions. Council Member Johnson motioned, seconded by Council Member Figueroa to approve the Action Item approving the First Contract Amendment for the Provision of Field Services – Road Work Maintenance Services with Blount Construction Company Inc. There being no discussion, the motion passed unanimously. (***ACTION ITEM***)

CONTRACT AMENDMENT FOR PARK MAINTENANCE SERVICES: As this item was discussed during a previous Work Session meeting, Council had no additional questions. Council Member Stewart motioned, seconded by Council Member Miller to approve the Action Item approving the First Contract Amendment for the Provision of Park Maintenance Services with Optec RWM, LLC. There being no discussion, the motion passed unanimously. (***ACTION ITEM***)

CONTRACT AMENDMENT FOR TRAFFIC SIGNS/SIGNALS MAINTENANCE SERVICES: As this item was discussed during tonight's Work Session meeting, Council had no additional questions. Council Member Figueroa motioned, seconded by Council Member Johnson to approve the Action Item approving the First Contract Amendment for the Provision of Traffic Signs and Traffic Signals Maintenance Services with Georgia Management Agency, Inc. D/B/A Roadworx. There being no discussion, the motion passed unanimously. (***ACTION ITEM***)

AMEND ARTICLE 2 OF CHAPTER 109: LAND DEVELOPMENT AND ENVIRONMENTAL PROTECTION:

Land Development Manager Seth Yurman responded to Council Member Richardson's inquiry in the affirmative that the proposed amendments would allow the City to participate in a rating system and residents within the floodplains would qualify for insurance discounts. Mayor Bodker asked for clarification the City's 500-year flood plain maps would not change substantially as the City is substantially built-out. Council Member Johnson motioned, seconded by Council Member Richardson to approve Ordinance 2011-11-26 to Adopt and Authorize the Amendment of Article 2 of Chapter 109: Land Development and Environmental Protection in order to comply with the National Floodplain Insurance Programs. There being no further discussion, the motion passed unanimously. (*ORDINANCE 2011-11-26*)

ADOPT CITY COUNCIL MEETING SCHEDULE FOR THE CALENDAR YEAR 2012:

City Clerk Jones presented and informed Council the revisions discussed during the November 7th Work Session meeting are incorporated in the current draft. Council Member Miller motioned, seconded by Council Member Stewart to approve Ordinance 2011-11-27 to Adopt and Establish the Regular City Council Meeting Schedule for the Calendar Year 2012. There being no discussion, the motion passed unanimously. (*ORDINANCE 2011-11-27*)

OTHER BUSINESS: No other Business

PUBLIC COMMENT: No Public Comment.

MAYOR'S COMMENT: The Mayor thanked everyone for attending the meeting and again expressed his condolences to Council Member McCabe and his family for their loss. He invited all to come out to this year's Founder's Day Parade and help celebrate the City's fifth anniversary and thanked the staff for their hard work.

EXECUTIVE SESSION: Council Member Figueroa motioned seconded by Council Member Miller to adjourn into Executive Session to discuss one (1) litigation matter. The motion carried unanimously and Council held an Executive Session. Council Member Richardson motioned, seconded by Council Member Stewart to come out of Executive Session and resume the regular meeting. The motion carried unanimously.

ADJOURNMENT: There being no further business, Council Member Miller motioned, seconded by Council Member Figueroa to adjourn the meeting. The motion carried unanimously and the meeting was adjourned.

Approved by:

Attested by:

Michael E. Bodker, Mayor

Joan C. Jones, City Clerk

CITY OF JOHNS CREEK
PRIVILEGED RESOLUTION FOR
EAGLE SCOUT JACOB VINSON BRASHER
TROOP 3143

The City of Johns Creek recognizes Jacob Vinson Brasher of Troop 3143 on obtaining the rank of Eagle Scout. Whereas Eagle Scout Brasher completed his service project by enhancing the area around the tennis courts at the Autrey Mill Middle School, which included the assembly and installation of benches, planting two Crepe Myrtles, a Red Maple tree and laying landscape timbers to prevent erosion; and Whereas Eagle Scout Brasher contributed many hours to this project, creating a beautiful, shaded area students can enjoy while attending sporting events, it is another example of the important and lasting benefits the scouting program provides to our community. The Mayor and Council of the City of Johns Creek hereby recognize and applaud Eagle Scout Jacob Vinson Brasher and wish him well in all his future endeavors.

12-19-2011 Council Meeting
Council Member Ivan Figueroa

CITY OF JOHNS CREEK
PRIVILEGED RESOLUTION FOR
EAGLE SCOUT GAURAV PHADKE
TROOP 3143

The City of Johns Creek recognizes Gaurav Phadke of Troop 3143 on obtaining the rank of Eagle Scout. Whereas, Eagle Scout Phadke completed his community service project in which he updated and repaired the outdoor classroom at Northview High School; and Whereas Eagle Scout Phadke refurbished the lectern, cleaned existing benches, sealing them against water damage and constructed new benches, and built and put in place five birdhouses; and Whereas this project has improved the outdoor learning environment at Northview High School, benefitting the many students and teachers throughout the year; it also demonstrates Eagle Scout Phadke's commitment to his community and the values of the scouting program. The Mayor and Council of the City of Johns Creek hereby recognize and applaud Eagle Scout Gaurav Phadke for all his accomplishments and wish him well in all his future endeavors.

12/19/2011 Council Meeting
Council Member Karen Richardson



AGENDA REPORT

To: Honorable Mayor and City Council Members

From: William F. Riley, Jr., City Attorney, and Scott T. Hastey, Assistant City Attorney

Date: December 8, 2011

Agenda: December 12, 2011 (MOVED TO DECEMBER 19TH) City Council Meeting; Consent Agenda Item: Consideration to Approve CH2M Hill, Inc.'s Assignment of that Certain Agreement between the City of Johns Creek, Georgia and CH2M Hill, Inc. to CH2M Hill Engineers, Inc.

Issue: Whether to approve CH2M Hill, Inc.'s request to assign the Agreement between the City and CH2M Hill, Inc. to CH2M Hill Engineers, Inc.

Background: The City and CH2M Hill, Inc. entered into that certain Agreement for Provision of City Operations Services on or about November 29, 2006. Thereafter, both parties entered into a First Amendment to the Agreement for Provision of City Operations Services on or about December 13, 2010 (the "First Amendment") (such agreement as amended hereinafter referred to as the "Agreement"). CH2M Hill, Inc. is currently consolidating its business into a Federal Acquisition Regulation compliant business, and therefore, would like to assign the Agreement to an affiliate that performs commercial (non-federal) work, CH2M Hill Engineers, Inc. Section 40 of the First Amendment provides that neither party may assign its interest or obligations in the Agreement without the prior written consent of the other party. Along with other obligations imposed by the Agreement, if the Agreement is assigned, CH2M Hill Engineers, Inc. will be required to meet the insurance requirements set forth in the Agreement.

Recommendation: Adopt a Resolution consenting to CH2M Hill, Inc.'s assignment of the Agreement to CH2M Hill Engineers, Inc.

Alternative Approaches: The City could withhold its consent thereby preventing the assignment of the Agreement.

Concurrent Review: Tom Henrikson, Contracts Manager

Attachment(s): Resolution; Letter from CH2M Hill with a copy of the Assignment Agreement.

A RESOLUTION TO CONSENT TO CH2M HILL, INC.'S ASSIGNMENT OF THAT CERTAIN AGREEMENT BETWEEN THE CITY OF JOHNS CREEK AND CH2M HILL, INC. FOR CITY OPERATIONS SERVICES TO CH2M HILL ENGINEERS, INC.

WHEREAS: The City of Johns Creek and CH2M Hill, Inc. entered into that certain Agreement for Provision of City Operations Services on or about November 29, 2006; and

WHEREAS: On or about December 13, 2010, the City of Johns Creek and CH2M Hill, Inc. entered into a First Amendment to the Agreement for Provision of City Operations Services (the "First Amendment") (such agreement as amended hereinafter referred to as the "Agreement"); and

WHEREAS: CH2M Hill, Inc. is currently consolidating its business into a Federal Acquisition Regulation compliant business, and therefore, has requested the City's consent of its assignment of the Agreement to an affiliate that performs commercial (non-federal) work, CH2M Hill Engineers, Inc; and

WHEREAS, Section 40 of the First Amendment provides that neither party may assign its interest or obligations in the Agreement without the prior written consent of the other party; and

WHEREAS, the proposed Assignment Agreement, which is attached hereto, has been reviewed by the City Attorney.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council for the City of Johns Creek that the Assignment and Assumption of the Agreement, as attached hereto and incorporated herein, is hereby consented to.

Approved:

Michael E. Bodker, Mayor

Attest:

Joan C. Jones, City Clerk

(Seal)



CH2MHILL

CH2M HILL
1000 Abernathy Road
Northpark 400, Suite 1425
Atlanta, GA 30328
Tel 678.731.6600
Fax 678.731.6601

November 17, 2011

Mr. John Kachmar, City Manager
City of Johns Creek
12000 Findley Road
Suite 400
Johns Creek, GA 30097

Dear Mr. Kachmar:

Pursuant to Section 40 of our agreement, CH2M HILL requests our contract with the City of Johns Creek be assigned from CH2M HILL INC. to CH2M HILL ENGINEERS, INC, effective December 31, 2011. As you may know, CH2M HILL conducts significant business with the U.S. Government, and until now, a significant portion of non-federal work has been housed in the same legal entities that were set up to satisfy the heavily regulated U.S. Federal work, including the City of Johns Creek contract. In order to create a stronger client focus and build efficiency in both Federal and Non-Federal markets, CH2M HILL's leadership has decided to move our non-federal government work out of U.S. Federally-compliant entities and into Non-Federal entities.

This change will help us: (1) release our Non-Federal business from regulatory requirements that apply to our Federal business only, and (2) enhance our focus on Non-Federal clients, with resources dedicated solely to the efficient, value-added delivery of services. It is important to note that there will be no change in the scope of the contract, no financial impact on the City, and no changes impacting the CH2M HILL associates in Johns Creek.

If the City is amenable to this Assignment, please have the City sign the acknowledgement below. We have included a copy of the Assignment for the City's review.

Sincerely yours,

Wayne P. Wright
Program Director
CH2M HILL

cc: William F. Riley, Jr., City Attorney
Jon Mantay
Cynthia M. Beyer, Esq.

Attachment: draft Assignment Agreement

John Kachmar, City Manager
City of Johns Creek
November 17, 2011
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CITY OF JOHNS CREEK, GEORGIA

John Kachmar
City Manager
City of Johns Creek, Georgia

Date

ASSIGNMENT AGREEMENT

THIS ASSIGNMENT AGREEMENT ("Assignment Agreement") is made on November—, 2011, by and between CH2M HILL INC., a Florida corporation, with an address of 9191 S. Jamaica Street, Englewood, Colorado 80112 ("Assignor"), and CH2M HILL ENGINEERS, INC., a Delaware corporation, with an address of 9191 S. Jamaica Street, Englewood, Colorado 80112 ("Assignee").

Recitals:

WHEREAS, on or about November 29, 2006, the City of Johns Creek, Georgia and ("City") and Assignor entered into that certain Agreement for provision of city operations services ("Agreement") and on December 13, 2010, the City and Assignor entered into a First Amendment to the Agreement ("First Amendment" and collectively referred to as the "Agreements");

WHEREAS, Assignor is consolidating its business into a Federal Acquisition Regulation compliant business, and accordingly would like to assign this Agreement to its affiliate that performs commercial (non- federal) work;

WHEREAS, Assignee is qualified, willing and able to perform the services under the Agreement effective as of such date as Assignor and Assignee mutually determine (the "Assignment Effective Date"); and

WHEREAS, effective as of the Assignment Effective Date, and contingent upon prior written consent from City, Assignor and Assignee desire that the Agreement shall be assigned to Assignee and Assignee shall assume the obligations of Assignor under the Agreement, on the terms and conditions set forth herein.

NOW THEREFORE, in consideration of the foregoing preambles, which by this reference are incorporated herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby consent to the Assignment Agreement, subject to the following terms and conditions, all of which are hereby acknowledged and agreed to by the parties:

Agreement:

1. **Assignment.**

Assignor hereby conveys, assigns, and transfers to Assignee all of

Assignor's right, title, obligations, and interest in and to the Agreement.

2. **Acceptance and Assumption.** Assignee hereby accepts the assignment of Assignor's right, title and interest under the Agreement, and shall be bound by all of the terms of the Agreement in Assignor's place and stead.

3. **Representations & Covenants.**

3.1 Assignor Representations. Assignor hereby represents and warrants that Assignor (i) subject to CLIENT's prior consent, it has full power and authority to assign the Agreement to Assignee, (ii) has not previously transferred or conveyed its interest in the Agreement to any person or entity collaterally or otherwise and (iii) has full power and authority to enter into the Assignment Agreement.

3.2 Assignee Representations Assignee hereby represents and warrants that Assignee has full power and authority to enter into the Assignment Agreement and it has the resources, skills and expertise necessary to successfully deliver services under the Agreement.

4. **Miscellaneous Provisions.**

4.1 Notices. Any notices required to be given under this Assignment Agreement shall be in writing and may be personally delivered, sent by nationally recognized overnight courier or sent by registered or certified mail, postage prepaid, return receipt requested and shall be effective upon receipt at the appropriate address. Any notice given to Assignor, or Assignee shall be sent to the respective address set forth on the signature page below, or to such other address as such party may designate for service of notice.

4.2 Governing Law. This Assignment Agreement is governed by and construed in accordance with the laws, regulations and ordinances of the State of Colorado. Venue for any lawsuit to enforce or interpret this Assignment Agreement shall be in an appropriate court located in Douglas County, Colorado.

4.3 Construction and Interpretation. This Assignment Agreement contains the entire understanding between the parties relating to the transaction contemplated by this Assignment Agreement. All prior or contemporaneous agreements, understandings, representations and statements, oral or written, pertaining to the novation are merged in this Assignment Agreement and shall be of no further force or effect. No party has been induced to enter into this Assignment Agreement by, nor is any party relying on, any representation or warrant outside those expressly set forth in this Assignment Agreement. This Assignment Agreement is binding on and inures to the benefit of the respective successors, assigns and representatives of each of the parties. All capitalized terms shall have the same meaning as set forth in the Agreement unless otherwise expressly provided in this Assignment Agreement.

IN WITNESS WHEREOF, Assignor and Assignee have executed this Assignment Agreement as of the date set forth above.

ASSIGNOR: Address for Notices:

CH2M HILL INC., a Florida corporation

CH2M HILL INC.
9191 South Jamaica Street
Englewood, CO 80112
Attn: O&MBG Counsel

By: _____

Name: _____

Title: _____

By: Name: Title:

Date: _____

ASSIGNEE:

CH2M HILL ENGINEERS, INC., a Delaware corporation

Address for Notices:

CH2M HILL ENGINEERS, INC.
9191 South Jamaica Street
Englewood, CO 80112
Attn: O&MBG Business Group
Counsel

By: _____

Name: _____

Title: _____

Date: _____



To: **Mayor and City Council**

From: **John Kachmar, City Manager**

By: **Monte Vavra, Finance Director**

Date: **November 18, 2011**

Agenda: **November 28, 2011 WORK SESSION AGENDA ITEM-
Moved to December 19th Council Meeting: *FY 2011
Encumbrance Carryover***

Issue: Detail listing of FY 2011 encumbrances to be carried over to FY 2012

Recommendation: City Council to add agenda item on December 12, 2011 meeting for ordinance to carryover FY 2011 encumbrances to FY 2012 and amend FY 2012 fiscal year budget

Background: Open encumbrances at close of FY 2011 will need to be carried forward to fiscal year 2012 and the corresponding budget will need to be amended to pay for goods/services in fiscal year 2012.

Basis for Recommendation: Generally accepted accounting practice

Alternative Approaches: None

Financial Impact: None, funds originally budgeted in FY 2011, encumbered in FY 2011, and encumbrance will be paid and liquidated in FY 2012.

Attachment(s): Detail listing of encumbrances carried over.

ENCUMBRANCE MASTER BY ACCOUNT NUMBER

Account #	P.O. #	Enc Date	Vendor #	PROJECT	Encr Amt	Liquidated Amt	Outstanding Amt
11 100-1310-523.90-06							
	541	9/28/2011	546	JOHNS CREEK ARTS CENTER	12,500.00		12,500.00
	542	9/28/2011	1129	PERFORMING ARTS NORTH, INC.	12,500.00		12,500.00
	543	9/28/2011	905	JOHNS CREEK SYMPHONY ORCHESTRA, INC.	5,000.00		5,000.00
				ACCOUNT TOTAL	30,000.00		30,000.00
11 100-1320-521.20-07							
	430	10/1/2010	915	THE TARRANCE GROUP, INC.	19,709.00		19,709.00
11 100-1330-521.20-03							
	546	9/28/2011	203	MUNCIPAL CODE CORP.	2,500.00		2,500.00
11 100-1511-521.20-03							
	407	10/1/2010	894	ROBERT W. BAIRD & CO	35,500.00		35,500.00
11 100-1511-521.30-00							
	441	10/1/2010	793	U.S. DEPT OF HOMELAND SECURITY	125.00	100.00	25.00
11 100-1540-521.20-00							
	354	6/1/2011	761	IXP CORPORATION	283,295.02	196,500.00	86,795.02
11 100-1540-523.85-02							
	518	6/24/2011	1091	SUNGARD PUBLIC SECTOR, INC.	189,575.00	106,332.36	83,242.64
11 100-1540-531.70-03							
	528	8/2/2011	707	CDW-G GOVERNMENT SALES	9,996.00		9,996.00
11 100-3210-531.70-03							
	539	9/22/2011	707	CDW-G GOVERNMENT SALES	1,251.07		1,235.00
11 100-3510-531.70-10							
	537	9/19/2011	11	NORTH AMERICA FIRE EQUIPMENT CO.	31,980.00		31,980.00
11 100-4110-521.20-07							
	480	2/10/2011	441	KEEP NORTH FULTON BEAUTIFUL	45,000.00	22,500.00	22,500.00
	535	9/15/2011	441	KEEP NORTH FULTON BEAUTIFUL	40,000.00		40,000.00
	553	9/30/2011	1150	LOWE ENGINEERS, LLC	41,520.00		41,520.00
				ACCOUNT TOTAL	126,520.00	22,500.00	104,020.00

ENCUMBRANCE MASTER BY ACCOUNT NUMBER

11 100-4110-521.21-00						
	549	9/29/2011	186	TRI-SCAPES, INC.	11,970.95	11,970.95
	550	9/29/2011	862	A & S PAVING, INC.	17,425.00	17,425.00
	554	9/30/2011	1151	PRECISION LANDSCAPE MANAGEMENT	6,107.00	6,107.00
				ACCOUNT TOTAL	35,502.95	35,502.95
11 100-4110-531.70-03						
	552	9/30/2011	1149	RECYCLE AWAY	3,718.00	3,718.00
11 100-6110-521.21-00						
	548	9/29/2011	446	ATLANTA SOFTBALL UMPIRES ASSOC.	826.00	826.00
11 100-6110-531.70-03						
	555	9/30/2011	1090	ALPHARETTA IMPRINTS INC.	2,492.09	2,492.09
	558	9/29/2011	147	UNIVERSAL CONCEPTS	1,125.00	1,125.00
				ACCOUNT TOTAL	3,617.09	3,617.09
11 100-7410-521.20-00						
	556	9/30/2011	1148	KM HOMES LLC	33,192.00	33,192.00
				FUND TOTAL	481,858.70	481,858.70

**AN ORDINANCE TO AMEND THE FISCAL YEAR 2012 BUDGET FOR THE
ENCUMBRANCE CARRY-OVER FROM THE FISCAL YEAR 2011 BUDGET FOR
THE GENERAL FUND.**

WHEREAS, a 2012 Budget for each of the funds of the City was adopted by the Mayor and City Council at the Council meeting on September 12, 2011; and

WHEREAS, subsequent to the adoption of the fiscal year 2012 budget the City of Johns Creek has entered into contracts and commitments encumbered in the fiscal year 2011 budget which were not completed and fulfilled at the close of the fiscal year,

WHEREAS, the outstanding encumbrances will be completed during the fiscal year 2012 and the fiscal year 2011 budget for the outstanding encumbrances will be carried forward to provide the budgetary fund,

WHEREAS, the City of Johns Creek City Council approves the additional budget for fiscal year 2012 to be funded from the encumbrance reserve established at the close of the fiscal year 2011

NOW THEREFORE BE IT HEREBY ORDAINED by the Mayor and City Council of the City of Johns Creek while in regular session on December 19, 2011 that:

Section 1: the City Finance Director roll over the outstanding encumbrances from fiscal year 2011 to fiscal year 2012; and

Section 2: the Budget Amendment, shown as "Exhibit A" attached hereto and by this reference made a part of this Ordinance, and shall be made part of the fiscal year 2012 Budget; and

Section 3: this Revised Budget is hereby approved and that the reserve for encumbrance shall be the source of funding; and

Section 4: any increase or decrease in appropriations or revenues of any fund or for any department require approval of the Mayor and Council; and

Section 5: as provided in Section 6.27 of the City Charter, such amendments to the Budget may be made by majority vote of the Mayor and Council at any business meeting; and

Section 6: the expenditures shall not exceed the appropriations authorized by this Budget Amendment thereto and that expenditures for the fiscal year shall not exceed actual funding available; and

Section 7: the City Manager or his designee may promulgate all necessary internal rules, regulations and policies to ensure compliance with this Budget Ordinance.

SO ORDAINED, this the 19th day of December, 2011.

Approved:

Michael E. Bodker, Mayor

Attest:

Approved as to Form and Content:

Joan C. Jones, City Clerk

William F. Riley, City Attorney

(Seal)

**2012 BUDGET AMENDMENT
December 12, 2011
ATTACHMENT "A"**

General Fund:

Fund Balance- Reserve for Encumbrances \$ 481,861
100-0000-134-2200

Anticipated Expenses:

City Council
100-1310-523-9006 Local Grant Match \$ 30,000

City Manager:
100-1320-521-2007 Professional Services Other 19,709

City Clerk:
100-1330-521-2003 Professional Services Contractual 2,500

Finance Department:
100-1511-521-2003 Professional Services Contractual 35,500
100-1511-521-3000 Technical Services 25

Human Resources/Support Services
100-1540-521-2000 Professional Services 86,796
100-1540-523-8502 Software Licensing fees 83,243
100-1540-531-7003 Operating supplies 9,996

Police Department:
100-3210-531-7003 Operating Supplies 1,235

Fire Department:
100-3510-531-7010 Uniforms 31,980

Public Works Department:
100-4110-521-2007 Other Professional Services 104,020
100-4110-521-2100 Professional Services Contracted 35,503
100-4110-531-7003 Operating Supplies 3,718

Recreation/Parks Department
100-6110-521-2100 Professional Services Contracted 826
100-6110-531-7003 Operating Supplies 3,618

STATE OF GEORGIA
FULTON COUNTY

Ordinance 2011-12-31

Community Development Department
100-7410-521-2000 Professional Services 33,192

TOTAL GENERAL FUND \$ 481,861

**AN ORDINANCE TO CREATE THE CHARTER COMMISSION OF THE CITY OF
JOHNS CREEK; AND FOR OTHER PURPOSES**

WHEREAS: the City of Johns Creek, Georgia (also referred to herein as the “City”) has been duly created and is validly existing as a municipal corporation of the State of Georgia; and

WHEREAS: Section 7.18 of the Charter for the City of Johns Creek (the “City Charter”) authorizes the Mayor and Council of the City of Johns Creek to create a Charter Commission to review the City’s experience and recommend to the General Assembly any changes to the City Charter; and

WHEREAS: members of the Charter Commission must reside within the City of Johns Creek; and

WHEREAS: the Charter Commission must complete its recommendations within six (6) months of its creation; and

WHEREAS: on October 24, , 2011, the Mayor and Council of the City of Johns Creek (the “Mayor and Council”) adopted Resolution 2011-10-30, which established certain guidelines and procedures for the formation and operation of the Charter Commission; and

WHEREAS: the Mayor and Council desire to create the Charter Commission effective this 19th day of December, 2011.

NOW THEREFORE, the Council of the City of Johns Creek hereby ordains the following:

Section 1: Creation

The Charter Commission for the City of Johns Creek (the “Charter Commission”) is hereby created.

Section 2: Composition; Membership

The Charter Commission shall be composed of nine (9) members, who shall be nominated and appointed pursuant to the “Guidelines and Procedures Governing the Formation and Operation of the City of Johns Creek Charter Commission,” which were adopted by Resolution 2011-10-30. Members of the Charter Commission are required to be citizens of the City of Johns Creek, and no member may be an elected official.

Section 3: Operation of the Charter Commission

The Charter Commission and its members shall adhere and comport with the rules, procedures, and other requirements set forth in the “Guidelines and Procedures Governing the Formation and Operation of the City of Johns Creek Charter Commission,” which are hereby incorporated herein. The Charter Commission shall complete its recommendation as provided in the City

Charter within six (6) months of its creation. Except to the extent in conflict with the “Guidelines and Procedures Governing the Formation and Operation of the City of Johns Creek Charter Commission,” the Charter Commission and its members shall be subject to all applicable City laws, regulations, Ordinances and Resolutions. Further, the Charter Commission and its members shall operate in conformity with State laws and regulations and the City Charter. No member of the Charter Commission shall abstain from voting except in the case of a conflict of interest or if absent when a motion being voted upon was made. If a conflict of interest does exist, the member shall provide a specific explanation of the conflict, and the explanation shall be recorded.

Section 4: Effective Date

This Ordinance shall become effective upon its adoption by the Mayor and Council.

| **SO ORDAINED**, this 19 day of December, 2011.

Approved:

Michael E. Bodker, Mayor

Attest:

Joan C. Jones, City Clerk (Seal)

A RESOLUTION TO APPOINT THE NOMINEE OF COUNCIL MEMBER RANDALL JOHNSON TO THE CHARTER COMMISSION OF THE CITY OF JOHNS CREEK

WHEREAS, Section 7.18 of the Charter of the City of Johns Creek calls for the Mayor and Council to create a charter commission at the first regularly scheduled meeting, five years after the inception of the City of Johns Creek, and

WHEREAS, the Charter Commission of the City of Johns Creek is tasked to review the city's experience and recommend to the General Assembly any changes to the city charter, and

WHEREAS, the Mayor and City Council passed Ordinance 2011-12-32 establishing a City of Johns Creek Charter Commission on December 19, 2011, and

WHEREAS, the Mayor of the City of Johns Creek received Council Member Randall Johnson's nominee for appointment to the Charter Commission of the City of Johns Creek, and

WHEREAS, _____, has been nominated by Council Member Randall Johnson to serve on the Charter Commission of the City of Johns Creek, and

WHEREAS, the Charter Commission members, as outlined in the city charter must complete their recommendations within six months of its creation, and

WHEREAS, this Resolution shall become effective on December 19, 2011.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the City of Johns Creek while in regular session on December 19, 2011 at 7:00pm, that _____ be nominated and appointed to the Charter Commission of the City of Johns Creek.

Approved:

Michael E. Bodker, Mayor

Attest:

Joan C. Jones, City Clerk

(SEAL)

**A RESOLUTION TO APPOINT THE NOMINEE OF COUNCIL MEMBER DAN MCCABE
TO THE CHARTER COMMISSION OF THE CITY OF JOHNS CREEK**

- WHEREAS,** Section 7.18 of the Charter of the City of Johns Creek calls for the Mayor and Council to create a charter commission at the first regularly scheduled meeting, five years after the inception of the City of Johns Creek, and
- WHEREAS,** the Charter Commission of the City of Johns Creek is tasked to review the city's experience and recommend to the General Assembly any changes to the city charter, and
- WHEREAS,** the Mayor and City Council passed Ordinance 2011-12-32 establishing a City of Johns Creek Charter Commission on December 19, 2011, and
- WHEREAS,** the Mayor of the City of Johns Creek received Council Member Dan McCabe's nominee for appointment to the Charter Commission of the City of Johns Creek, and
- WHEREAS,** _____, has been nominated by Council Member Dan McCabe to serve on the Charter Commission of the City of Johns Creek, and
- WHEREAS,** the Charter Commission members, as outlined in the city charter must complete their recommendations within six months of its creation, and
- WHEREAS,** this Resolution shall become effective on December 19, 2011.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the City of Johns Creek while in regular session on December 19, 2011 at 7:00pm, that _____ be nominated and appointed to the Charter Commission of the City of Johns Creek.

Approved:

Michael E. Bodker, Mayor

Attest:

Joan C. Jones, City Clerk

(SEAL)

A RESOLUTION TO APPOINT THE NOMINEE OF COUNCIL MEMBER KAREN RICHARDSON TO THE CHARTER COMMISSION OF THE CITY OF JOHNS CREEK

- WHEREAS,** Section 7.18 of the Charter of the City of Johns Creek calls for the Mayor and Council to create a charter commission at the first regularly scheduled meeting, five years after the inception of the City of Johns Creek, and
- WHEREAS,** the Charter Commission of the City of Johns Creek is tasked to review the city's experience and recommend to the General Assembly any changes to the city charter, and
- WHEREAS,** the Mayor and City Council passed Ordinance 2011-12-32 establishing a City of Johns Creek Charter Commission on December 19, 2011, and
- WHEREAS,** the Mayor of the City of Johns Creek received Council Member Karen Richardson's nominee for appointment to the Charter Commission of the City of Johns Creek, and
- WHEREAS,** _____, has been nominated by Council Member Karen Richardson to serve on the Charter Commission of the City of Johns Creek, and
- WHEREAS,** the Charter Commission members, as outlined in the city charter must complete their recommendations within six months of its creation, and
- WHEREAS,** this Resolution shall become effective on December 19, 2011.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the City of Johns Creek while in regular session on December 19, 2011 at 7:00pm, that _____ be nominated and appointed to the Charter Commission of the City of Johns Creek.

Approved:

Michael E. Bodker, Mayor

Attest:

Joan C. Jones, City Clerk

(SEAL)

**A RESOLUTION TO APPOINT THE NOMINEE OF COUNCIL MEMBER IVAN FIGUEROA
TO THE CHARTER COMMISSION OF THE CITY OF JOHNS CREEK**

WHEREAS, Section 7.18 of the Charter of the City of Johns Creek calls for the Mayor and Council to create a charter commission at the first regularly scheduled meeting, five years after the inception of the City of Johns Creek, and

WHEREAS, the Charter Commission of the City of Johns Creek is tasked to review the city's experience and recommend to the General Assembly any changes to the city charter, and

WHEREAS, the Mayor and City Council passed Ordinance 2011-12-32 establishing a City of Johns Creek Charter Commission on December 19, 2011, and

WHEREAS, the Mayor of the City of Johns Creek received Council Member Ivan Figueroa's nominee for appointment to the Charter Commission of the City of Johns Creek, and

WHEREAS, _____, has been nominated by Council Member Ivan Figueroa to serve on the Charter Commission of the City of Johns Creek, and

WHEREAS, the Charter Commission members, as outlined in the city charter must complete their recommendations within six months of its creation, and

WHEREAS, this Resolution shall become effective on December 19, 2011.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the City of Johns Creek while in regular session on December 19, 2011 at 7:00pm, that _____ be nominated and appointed to the Charter Commission of the City of Johns Creek.

Approved:

Michael E. Bodker, Mayor

Attest:

Joan C. Jones, City Clerk

(SEAL)

**A RESOLUTION TO APPOINT THE NOMINEE OF COUNCIL MEMBER KELLY STEWART
TO THE CHARTER COMMISSION OF THE CITY OF JOHNS CREEK**

WHEREAS, Section 7.18 of the Charter of the City of Johns Creek calls for the Mayor and Council to create a charter commission at the first regularly scheduled meeting, five years after the inception of the City of Johns Creek, and

WHEREAS, the Charter Commission of the City of Johns Creek is tasked to review the city's experience and recommend to the General Assembly any changes to the city charter, and

WHEREAS, the Mayor and City Council passed Ordinance 2011-12-32 establishing a City of Johns Creek Charter Commission on December 19, 2011, and

WHEREAS, the Mayor of the City of Johns Creek received Council Member Kelly Stewart's nominee for appointment to the Charter Commission of the City of Johns Creek, and

WHEREAS, _____, has been nominated by Council Member Kelly Stewart to serve on the Charter Commission of the City of Johns Creek, and

WHEREAS, the Charter Commission members, as outlined in the city charter must complete their recommendations within six months of its creation, and

WHEREAS, this Resolution shall become effective on December 19, 2011.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the City of Johns Creek while in regular session on December 19, 2011 at 7:00pm, that _____ be nominated and appointed to the Charter Commission of the City of Johns Creek.

Approved:

Michael E. Bodker, Mayor

Attest:

Joan C. Jones, City Clerk

(SEAL)

**A RESOLUTION TO APPOINT THE NOMINEE OF COUNCIL MEMBER BEVERLY MILLER
TO THE CHARTER COMMISSION OF THE CITY OF JOHNS CREEK**

- WHEREAS,** Section 7.18 of the Charter of the City of Johns Creek calls for the Mayor and Council to create a charter commission at the first regularly scheduled meeting, five years after the inception of the City of Johns Creek, and
- WHEREAS,** the Charter Commission of the City of Johns Creek is tasked to review the city's experience and recommend to the General Assembly any changes to the city charter, and
- WHEREAS,** the Mayor and City Council passed Ordinance 2011-12-32 establishing a City of Johns Creek Charter Commission on December 19, 2011, and
- WHEREAS,** the Mayor of the City of Johns Creek received Council Member Beverly Miller's nominee for appointment to the Charter Commission of the City of Johns Creek, and
- WHEREAS,** _____, has been nominated by Council Member Beverly Miller to serve on the Charter Commission of the City of Johns Creek, and
- WHEREAS,** the Charter Commission members, as outlined in the city charter must complete their recommendations within six months of its creation, and
- WHEREAS,** this Resolution shall become effective on December 19, 2011.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the City of Johns Creek while in regular session on December 19, 2011 at 7:00pm, that _____ be nominated and appointed to the Charter Commission of the City of Johns Creek.

Approved:

Michael E. Bodker, Mayor

Attest:

Joan C. Jones, City Clerk

(SEAL)

**A RESOLUTION TO APPOINT THE NOMINEE OF MAYOR MICHAEL BODKER
TO THE CHARTER COMMISSION OF THE CITY OF JOHNS CREEK**

- WHEREAS,** Section 7.18 of the Charter of the City of Johns Creek calls for the Mayor and Council to create a charter commission at the first regularly scheduled meeting, five years after the inception of the City of Johns Creek, and
- WHEREAS,** the Charter Commission of the City of Johns Creek is tasked to review the city's experience and recommend to the General Assembly any changes to the city charter, and
- WHEREAS,** the Mayor and City Council passed Ordinance 2011-12-32 establishing a City of Johns Creek Charter Commission on December 19, 2011, and
- WHEREAS,** the Mayor of the City of Johns Creek received Mayor Michael Bodker's nominee for appointment to the Charter Commission of the City of Johns Creek, and
- WHEREAS,** _____, has been nominated by Mayor Michael Bodker to serve on the Charter Commission of the City of Johns Creek, and
- WHEREAS,** the Charter Commission members, as outlined in the city charter must complete their recommendations within six months of its creation, and
- WHEREAS,** this Resolution shall become effective on December 19, 2011.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the City of Johns Creek while in regular session on December 19, 2011 at 7:00pm, that _____ be nominated and appointed to the Charter Commission of the City of Johns Creek.

Approved:

Michael E. Bodker, Mayor

Attest:

Joan C. Jones, City Clerk

(SEAL)

**A RESOLUTION TO APPOINT THE NOMINEE FROM THE DELEGATION OF THE GEORGIA
HOUSE OF REPRESENTATIVES TO THE CHARTER COMMISSION OF
THE CITY OF JOHNS CREEK**

- WHEREAS,** Section 7.18 of the Charter of the City of Johns Creek calls for the Mayor and Council to create a charter commission at the first regularly scheduled meeting, five years after the inception of the City of Johns Creek, and
- WHEREAS,** the Charter Commission of the City of Johns Creek is tasked to review the city's experience and recommend to the General Assembly any changes to the city charter, and
- WHEREAS,** the Mayor and City Council passed Ordinance 2011-12-32 establishing a City of Johns Creek Charter Commission on December 19, 2011, and
- WHEREAS,** the Mayor of the City of Johns Creek received from the Johns Creek delegation of the Georgia House of Representatives nominee for appointment to the Charter Commission of the City of Johns Creek, and
- WHEREAS,** _____, has been nominated by the Johns Creek Delegation of the Georgia House of Representatives to serve on the Charter Commission of the City of Johns Creek, and
- WHEREAS,** the Charter Commission members, as outlined in the city charter must complete their recommendations within six months of its creation, and
- WHEREAS,** this Resolution shall become effective on December 19, 2011.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the City of Johns Creek while in regular session on December 19, 2011 at 7:00pm, that _____ be nominated and appointed to the Charter Commission of the City of Johns Creek.

Approved:

Michael E. Bodker, Mayor

Attest:

Joan C. Jones, City Clerk

(SEAL)

**A RESOLUTION TO APPOINT THE NOMINEE OF THE JOHNS CREEK DELEGATION TO
THE GEORGIA SENATE TO THE CHARTER COMMISSION OF THE
CITY OF JOHNS CREEK**

- WHEREAS,** Section 7.18 of the Charter of the City of Johns Creek calls for the Mayor and Council to create a charter commission at the first regularly scheduled meeting, five years after the inception of the City of Johns Creek, and
- WHEREAS,** the Charter Commission of the City of Johns Creek is tasked to review the city's experience and recommend to the General Assembly any changes to the city charter, and
- WHEREAS,** the Mayor and City Council passed Ordinance 2011-12-32 establishing a City of Johns Creek Charter Commission on December 19, 2011, and
- WHEREAS,** the Mayor of the City of Johns Creek received the Johns Creek delegation to the Georgia Senate's nominee for appointment to the Charter Commission of the City of Johns Creek, and
- WHEREAS,** _____, has been nominated by the Johns Creek delegation to the Georgia Senate to serve on the Charter Commission of the City of Johns Creek, and
- WHEREAS,** the Charter Commission members, as outlined in the city charter must complete their recommendations within six months of its creation, and
- WHEREAS,** this Resolution shall become effective on December 19, 2011.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the City of Johns Creek while in regular session on December 19, 2011 at 7:00pm, that _____ be nominated and appointed to the Charter Commission of the City of Johns Creek.

Approved:

Michael E. Bodker, Mayor

Attest:

Joan C. Jones, City Clerk

(SEAL)

Work Session
November 7, 2011

Charter Commission
MISSION STATEMENT

The Charter for the City of Johns Creek is considered the Constitution of Johns Creek's city government. The mission of the Charter Commission is to review and evaluate current provisions of the Charter and recommend revisions to State legislators, ensuring that it balances the best interests of city government and the citizens and meets all applicable State and Federal laws.

Bev Miller
City Council, Post 6
City of Johns Creek

Charter Commission
MISSION STATEMENT

Appointment to the Charter Commission of the City of Johns Creek is both an honor, reflective of the Council's faith in an individual's character and clear-minded nature and a responsibility not to be taken lightly. Attendance at all meetings should be of paramount importance and a genuine effort to become fully informed on all topics under discussion is required.

Further, decisions made by individuals on the Commission should be reflective always of what is in the best interests of the City of Johns Creek for the extended future, not for the immediate. Decisions should be made without regard to personalities now holding elected office, but should be made with regard to ensuring the rights of the electorate to place the individual they feel most qualified in office. The City of Johns Creek was founded on three principals; fiscal responsibility, transparency and responsiveness. These guiding principles will continue to serve the Charter Commission well and should not be forgotten in discussion and recommendations.

Michael E. Bodker
Mayor

Charter Commission
Proposed, MISSION STATEMENT

The Charter for the City of Johns Creek is considered the Constitution of Johns Creek's city government. The mission of the Charter Commission is to review and evaluate current provisions of the Charter and to recommend revisions to the State Legislators.

Appointment to the Charter Commission of the City of Johns Creek is both an honor, reflective of the Council's faith in an individual's character and clear-minded nature and a responsibility not to be taken lightly. Attendance at all meetings should be of paramount importance and a genuine effort to become fully informed on all topics under discussion is required.

Further, decisions made by individuals on the Commission should be reflective always of what is in the best interests of the City of Johns Creek for the extended future. Decisions should be made without regard to personalities of those now holding elected office, but should be made with regard to ensuring the rights of the electorate to place the individual they feel most qualified in office.

The City of Johns Creek was founded on three principals; fiscal responsibility, transparency and responsiveness. These guiding principles will continue to serve the Charter Commission well and should not be forgotten in discussion and recommendations.

Mike Bodker
Mayor

All,

Rather than add another distinctly different version of the CC mission I took a stab at consolidating the two using what I consider to be the best of both.

Appointment to the Charter Commission of the City of Johns Creek is both an honor and responsibility. The Charter for the City of Johns Creek is the foundation of Johns Creek's city government. The mission of the Charter Commission is to review and evaluate current provisions of the Charter and recommend revisions that reflect and balance the guiding principals of our government--fiscal responsibility, transparency and responsiveness--with the long term interests of our government process and the citizens served.

Karen

11-28-2011

A RESOLUTION TO ADOPT A FEE FOR RETAIL PACKAGE SALES OF ALCHOLIC BEVERAGES ON SUNDAYS

WHEREAS, the Charter of the City of Johns Creek authorizes the City to provide for the general health, safety and welfare of the citizens of the City; and

WHEREAS, the Charter of the City of Johns Creek further authorizes the City to issue licenses and permits for the sale and pouring of alcoholic beverages, as well as collect all appropriate fees and taxes; and

WHEREAS, the Mayor and Council of the City of Johns Creek adopted Ordinance 2011-06-14 to authorize alcoholic beverage retail package licensees to sell alcoholic beverages on Sundays, subject to the citizens of Johns Creek approval of a Referendum allowing for such Sunday sales; and

WHEREAS, on November 8, 2011, the foregoing Referendum was approved by the citizens of Johns Creek; accordingly, Ordinance 2011-06-14 became effective December 1, 2011; and

WHEREAS, the City Council desires to adopt a fee for a Retail Package Licensee Sunday Sales Permit.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council for the City of Johns Creek, while in session on _____, 2011, a fee of \$250.00 is hereby adopted for a Retail Package Licensee Sunday Sales Permit.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that this Ordinance shall become effective January 2, 2012.

SO RESOLVED, this the ___ day of _____, 2011.

Approved,

Michael E. Bodker, Mayor

Attested by:

Joan C. Jones, City Clerk

Seal

**A RESOLUTION TO AUTHORIZE AND APPROVE THE EXERCISE OF AN OPTION
TO EXTEND THE LEASE TERM FOR 12000 FINDLEY ROAD (CITY HALL) FOR AN
ADDITIONAL ONE (1)-YEAR TERM**

WHEREAS: CH2M Hill, Inc. assigned that certain Lease for 12000 Findley Road (the “Lease”) to the City of Johns Creek on or about March 16, 2011; and

WHEREAS: The current Lease Term for 12000 Findley Road (“City Hall”) expires September 30, 2012; and

WHEREAS: Exhibit E of the Lease grants the City two (2) options to extend the Lease Term for additional one (1)-year terms; and

WHEREAS: the Mayor and Council of the City of Johns Creek desire to extend the Lease Term for an additional one (1) – year term commencing October 1, 2012, and expiring September 30, 2013; and

WHEREAS, in order to exercise the option to extend the Lease Term for an additional one (1)-year term, Exhibit E of the Lease requires the City, as the Tenant, to provide notice of its intent to extend the Lease Term nine (9) months prior to the expiration of the then applicable Lease Term.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council for the City of Johns Creek that the option to extend the Lease Term for 12000 Findley Road for an additional one (1) – year term commencing October 1, 2012, and expiring September 30, 2013, is hereby exercised, approved and authorized, and the City Manager is hereby authorized to provide notice of same in accordance with the Lease.

SO RESOLVED AND EFFECTIVE, this 19th day of December, 2011.

Approved:

Michael E. Bodker, Mayor

Attest:

Joan C. Jones, City Clerk

(Seal)