

**AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY GEORGIA, PART II (SPECIAL AND RELATED LAWS), TITLE 3 (PUBLIC SAFETY), CHAPTER 3-7 (FIRE), TO CREATE A NEW SECTION 3-7-11 ENTITLED “FIREFIGHTER'S MEDIATION ACT”; AND FOR OTHER PURPOSES.**

**WHEREAS**, pursuant to the Charter, the Unified Government of Athens-Clarke County, Georgia (“ACCGov”) is deemed to be both a municipal corporation and a county duly organized and existing under the laws of the State of Georgia; and

**WHEREAS**, O.C.G.A. § 25-5-1, *et seq.* (“Firefighter's Mediation Act”) provides an exception for firefighters to the general prohibition against public employees engaging in collective bargaining and specifically allows them the right to bargain collectively with their respective corporate authorities, which are defined to include only municipalities, and to be represented by a labor organization or other properly recognized bargaining agent to collectively bargain for such things as wages, rates of pay, hours, working conditions, and all other terms and conditions of employment; and

**WHEREAS**, the Firefighter’s Mediation Act provides that for ACCGov firefighters to be eligible to participate in collective bargaining, Athens-Clarke County (“ACC”) must have a population of 20,000 or more, and “the governing authority of the municipality must agree by ordinance that the municipality will be so covered”; and

**WHEREAS**, the population of ACC is greater than 20,000; and

**WHEREAS**, the governing authority of ACCGov desires for ACCGov firefighters to be covered under the Firefighter’s Mediation Act; and

**WHEREAS**, the Professional Firefighters of Athens-Clarke County Local 2795 (“Local 2795”) is a formally registered chapter of the International Association of Fire Fighters and employees have been organizing as Local 2795 for approximately fifteen years; and

**WHEREAS**, Local 2795 desires to begin the collective bargaining process; and

**WHEREAS**, Local 2795 would be eligible to serve as the bargaining agent for ACCGov firefighters if it were to be selected by a majority vote of all ACCGov firefighters to act in that capacity; and

**WHEREAS**, allowing ACCGov firefighters to participate in collective bargaining by ordinance will benefit the health and general welfare of ACC, its citizens, and the general public; and

**WHEREAS**, this Ordinance will benefit the labor relations between ACCGov and ACCGov’s firefighters; and

**WHEREAS**, ACCGov seeks to recruit and retain top-tier employees; and

**WHEREAS**, ACCGov has been experiencing difficulty in recruitment and retention, particularly in public safety departments, including the ACC Fire Department; and

**WHEREAS**, the Mayor and Commission believe in the value of ACCGov employees having the right to engage in collective bargaining, both for their own benefit and for the benefit of the community at large; and

**WHEREAS**, the Mayor and Commission seek for the ACC community to become a thriving economic hub rooted in a worker-friendly economy, which necessarily includes employers having a friendly disposition toward employee organizations and institutions supporting cooperatively and/or democratically organized workplaces;

**NOW, THEREFORE**, the Commission of Athens-Clarke County, Georgia, hereby ordains as follows:

**SECTION 1:** Chapter 3-7, Fire, of Title 3, Public Safety, of the Code of Athens-Clarke County, Georgia shall be amended by inserting a new Section 3-7-11 entitled “Firefighter’s Mediation Act”, as follows:

“Sec. 3-7-11. Firefighters Mediation Act.

- (a) The State Firefighter’s Mediation Act (O.C.G. A. § 25-5-1, *et seq.*) and all rights and privileges provided therein shall be applicable within Athens-Clarke County.
- (b) Pursuant to O.C.G.A. §§ 25-5-12 and 36-30-3, employees receiving benefits resulting from the adoption of this Section 3-7-11 do not receive them as vested rights.
- (c) Pursuant to O.C.G.A. § 25-5-12, Section 3-7-11 shall not be construed as granting ACCGov employees the authority to engage in a strike, work stoppage, or work slowdown of any kind.
- (d) The Manager, or the Manager’s designee(s), shall be designated to act on behalf of ACCGov for the purposes of collective bargaining with ACCGov firefighters’ selected bargaining agent pursuant to O.C.G.A. § 25-5-1, *et seq.*
- (e) To be effective, any collective bargaining agreement negotiated by the Manager and the bargaining agent selected by the firefighters must be approved by the governing authority.”

**SECTION 2:** Should any provision, paragraph, sentence, or word of this Ordinance be rendered or declared invalid by any final court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, paragraphs, sentences, or words of this Ordinance as hereby issued shall remain in full force and effect. All Ordinances or parts of Ordinances in conflict with this Ordinance are, to the extent of such conflict, hereby repealed or set aside.

**SECTION 3:** The Clerk of Commission, in consultation with the County Attorney, shall have the power to correct scrivener’s errors.

**SECTION 4:** The Commission adopts and makes the findings discussed in the “Whereas” paragraphs the factual findings of the Commission.

**SECTION 5:** This Ordinance shall become effective upon its approval by the Mayor or upon its adoption into law by the Commission without the Mayor’s approval.

**SO ORDERED AND ORDAINED** this \_\_\_\_ day of \_\_\_\_\_, 2022.

**THE UNIFIED GOVERNMENT OF ATHENS-CLARKE  
COUNTY, GEORGIA**

APPROVED: \_\_\_\_\_  
Kelly Girtz, Mayor

ATTEST: \_\_\_\_\_  
Gloria J. Spratlin, Clerk of Commission