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COUNTY DEPARTMENT AGENDA REQUEST

Department/Division: Finance

Department Head: Mary S. Holland

Presenter, if needed: Mary S. Holland

Preferred Meeting Date: Wednesday, December 3, 2008

Wording for the Agenda:

Consideration of Ordinance Number 2008-10 to revise County ordinance Chapter 2., Article V., Division 4., Sections 2-162 and 2-163 which addresses the disposal of unserviceable County property.

Background/History/Details:

At the Board of Commissioners' November 5, 2008 Workshop, staff requested the Board's consideration for changes to the current ordinance regarding disposal of unserviceable property. The County Attorney has drafted an ordinance which is being presented her for approval.

What action are you seeking from the Board of Commissioners?

Final approval and adoption of the proposed revised county ordinance sections.

If this item requires funding, please describe:

No funding is required for this request.

Has this issue come before the Commissioners in the past? Yes

If so, when? Wednesday, November 5, 2008

Do you need audio-visual for the presentation? No

Back-up Material Submitted? Yes

STAFF USE ONLY

Approved by Finance? Yes

Reviewed by Legal? Yes

Approved by Purchasing? Yes

Approved by Administrative Staff? Yes

Staff Notes

Administrator's Approval Yes

Confirmed Meeting Date Wednesday, December 3, 2008

- ○ Recognition/ Presentation
- ○ Public Hearing
- ◉ Old Business
- ○ New Business
- ○ Consent
- ○ Report
- ○ Other

STATE OF GEORGIA;
FAYETTE COUNTY

ORDINANCE NUMBER 2008-10

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, FAYETTE COUNTY, GEORGIA TO AMEND CHAPTER 2, ADMINISTRATION, ARTICLE V, PURCHASE; SALES; DIVISION IV, SALES OF COUNTY PROPERTY; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR PENALTIES; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN ADOPTION DATE; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES ALLOWED BY LAW.

WHEREAS, the duly elected governing authority of Fayette County is the Board of Commissioners thereof;

WHEREAS, the governing authority desires to amend the disposal of unserviceable property codes to provide for the disposal of property with negligible value so as to avoid the costs of storage and administration of such property; and

WHEREAS, the health, safety, and welfare of the citizens of Fayette County, Georgia shall be improved and protected by adoption and implementation of the Ordinance.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY, GEORGIA AND IT IS HEREBY ORDAINED BY AUTHORITY THEREOF:

Section 1. Part of the Fayette County Code is hereby amended by deleting sections 2-162 through 2-163 in their entirety and replacing those code sections to read as follows:

Sec. 2-162. Disposal of unserviceable property.

(a) When any personal property owned by the county has become worn out, useless, or has been used to such an extent that it is advisable to dispose of the property, the head of the department in charge of the property shall identify said property, assess a remaining value of said property, and certify to the director of purchasing that property in the custody of the department is no longer useful in the service of the county. Upon such certification, the director of purchasing, with permission of the board of commissioners, shall, at public sale, in his discretion, sell the unserviceable property deemed to have value and remit the proceeds from the sale to the county's general fund. After each public sale, the director of purchasing will submit to the finance department a list identifying the disposed property along with the sales price so that it may be removed from the appropriate inventory records. For any property for which the department head in charge of said property has assessed a value no greater than $50, certified to the finance department that said property is no longer useful in the service of the county, and certified that disposal of said property is in the county's best interest, the finance department shall coordinate with the buildings and grounds department head for disposal of the property and remove said property from the appropriate inventory records.

(b) No sales of unserviceable county personal property shall be made by the director of purchasing under this section where other provisions of law provide for such sales, but this section shall apply to the sale of unserviceable county personal property where no other provision of law is made. However, the director of purchasing shall have the authority to dispose of unserviceable property accumulated by the various departments of the county to the best advantage of the county by selling or trading the unserviceable property or transferring the unserviceable property to another department, whichever, in the discretion of the director of purchasing, will be most advantageous to the county.

Sec. 2-163. Notice of transfer or disposal of property.

All transfers of personal property from one (1) department of the county to another and all property disposed of shall be reported to the department of finance immediately.

Section 2. That the preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 3. a. It is hereby declared to be the intention of the Board of Commissioners that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are and were, upon their enactment, believed by the Board of Commissioners to be fully valid, enforceable, and constitutional.

b. It is hereby declared to be the intention of the Board of Commissioners that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Board of Commissioners that, to the greatest extent allowed by law, no Section, paragraph, sentence, clause or phase of this Article is mutually dependent upon any other Section, paragraph, sentence, clause or phrase of this Article.

c. In the event that any phrase, clause, sentence, paragraph or section of this Article shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it si the express intent of the Board of Commissioners that such invalidity, unconstitutionality, or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or Sections of the Article and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and Sections of the Article shall remain valid, constitutional, enforceable, and of full force and effect.

Section 4. All ordinances or resolutions and parts of ordinances and resolutions in conflict herewith are hereby expressly repealed.

Section 5. The effective date of this Ordinance shall be the date of adoption unless otherwise specified herein.

IT IS SO ORDAINED THIS 3rd Day OF DECEMBER, 2008.

BOARD OF COMMISSIONERS
FAYETTE COUNTY, GEORGIA

_____
Jack Smith, Chairman

ATTEST:

_____
Floyd L. Jones, Deputy Clerk