# COUNTY AGENDA REQUEST

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| Department: | Legal | Presenter(s): | Interim Attorney Dennis Davenport |
| Meeting Date: | Tuesday, July 9, 2013 | Type of Request: | Consent |

Wording for the Agenda:

Approval of staff's recommendation to adopt Ordinance 2013-10 amending the Code of Ordinances for Fayette County by revising provisions pertaining to authority to waive procedures and fee structures in emergencies, providing an effective date, repealing conflicting ordinances, providing severability, promoting the public health, safety and welfare, and for other purposes.

Background/History/Details:

Under circumstances necessitated by emergency conditions involving public safety or the preservation of property or public services, the county governing authority may meet by means of teleconference so long as notice is provided and means are afforded for the public to have simultaneous access to the teleconference meeting.

Ordinance 2013-10 delineates how emergency procurements are authorized. It further allows the county governing authority to suspend purchasing ordinances, regulations, policies or procedures to provide for the health and safety of persons and property, including emergency assistance to victims of the emergency. The county governing authority may authorize emergency measures for the duration of the emergency and the subsequent recovery period. The County may waive the requirement for competitive bidding, contract for public works without letting such contract to the lowest responsible bidder without advertising and posting notification of such contract, authorize specific individuals to approve purchases or contracts which exceed the authorization limit of the Purchasing Director, temporarily increase any department's P-Card spending limit as warranted by the nature of the emergency, and authorize any other procurement actions deemed necessary by the county governing authority to provide for the health and safety of persons and property.

What action are you seeking from the Board of Commissioners?

Approval of staff's recommendation to adopt Ordinance 2013-10 amending the Code of Ordinances for Fayette County by revising provisions pertaining to authority to waive procedures and fee structures in emergencies, providing an effective date, repealing conflicting ordinances, providing severability, promoting the public health, safety and welfare, and for other purposes.

If this item requires funding, please describe:

Not Applicable.

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| Has this request been considered within the past two years? | No | If so, when? | |
| Is Audio-Visual Equipment Required for this Request?* | No | Backup Provided with Request? | Yes |

**** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.***

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| Approved by Finance | Not Applicable | Reviewed by Legal | |
| Approved by Purchasing | Yes | County Clerk's Approval | Yes |
| Administrator's Approval | | | |

Staff Notes:

Any contracts or other agreements executed using emergency procurement procedures shall be entered in the minutes of the county as soon as practical, and the nature of the emergency shall be described therein.

**STATE OF GEORGIA**

**FAYETTE COUNTY**

**ORDINANCE**

**NO. 2013-10**

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES FOR FAYETTE COUNTY, GEORGIA; TO REVISE PROVISIONS PERTAINING TO AUTHORITY TO WAIVE PROCEDURES AND FEE STRUCTURES IN EMERGENCIES; TO PROVIDE AN EFFECTIVE DATE; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE, AND FOR OTHER PURPOSES.**

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS FOR FAYETTE COUNTY, GEORGIA AND IT IS HEREBY ENACTED PURSUANT TO THE AUTHORITY OF THE SAME THAT THE CODE OF ORDINANCES OF FAYETTE COUNTY AS IT PERTAINS TO STATE OF EMERGENCY REGULATIONS (ARTICLE VI OF CHAPTER 12), BE AMENDED AS FOLLOWS:**

**Section 1.** By adding a new sentence to the end of Subsection (a) of Section 12-241, pertaining to "Authority to waive procedures and fee structures", of Division 1 of Article VI of Chapter 12, to be read as follows:

Under circumstances necessitated by emergency conditions involving public safety or the preservation of property or public services, the county governing authority may meet by

means of teleconference so long as notice is provided and means are afforded for the public to have simultaneous access to the teleconference meeting, pursuant to O.C.G.A. § 15-14-1.

**Section 2.** By deleting Subsection (b) of Section 12-241 of Division 1 of Article VI of Chapter 12, in its entirety, and by replacing it with a new Subsection (b) in Section 12-241 of Division 1 of Article VI of Chapter 12, to be numbered and read as follows:

(b) *Emergency procurement.* Upon declaration of a state of emergency by the Governor, or determination by the county governing authority, its designee, or emergency interim successor (hereinafter referred to as the "county governing authority") of the existence of an emergency or disaster, the county governing authority may suspend purchasing ordinances, regulations, policies or procedures to provide for the health and safety of persons and property, including emergency assistance to victims of the emergency. The county governing authority may authorize emergency measures for the duration of the emergency and the subsequent recovery period. The county governing authority may:

(1) Waive the requirement for competitive bidding for emergency purchases of supplies, equipment, materials, or services.

(2) Contract for public works without letting such contract out to the lowest responsible bidder and without advertising and posting notification of such

contract as required by established statutes, rules, regulations, or policies.

(3) Authorize specific individuals to approve purchases or contracts which exceed the authorization limit of the Purchasing Director, or approve other procurement actions as warranted by emergency conditions.

(4) Temporarily increase any department's P-Card spending limit as warranted by the nature of the emergency, including the limit per purchase, limit per month, and number of transactions per day to levels deemed appropriate by the county governing authority.

(5) Authorize any other procurement actions deemed necessary by the county governing authority to provide for the health and safety of persons and property.

Any contracts or other agreements executed using emergency procurement procedures shall be entered in the minutes of the county as soon as practical, and the nature of the emergency shall be described therein.

**Section 3.** By deleting Subsection (e) of Section 12-241 of Division 1 of Article VI of Chapter 12, in its entirety, and by replacing it with a new Subsection (e) in Section 12-241 of Division 1 of Article VI of Chapter 12, to be numbered and read as follows:

(e) *Temporary dwellings.* Upon the declaration of a state of emergency by the governor, or upon the determination by the county governing authority, or its designee, of the existence of an emergency or disaster, the county governing

authority, their designee or the emergency interim successor may issue permits for temporary mobile home, trailer, recreational vehicles or other temporary dwelling structures or parks in any zoning district while the primary dwelling is being repaired provided that such temporary dwellings or parks are designed by an engineer and the plans are approved by the Fayette County Health Department and Fayette County Building and Inspections Department. The temporary permit shall not exceed six (6) months in duration. In the case of continuing hardship and in the discretion of the governing authority or its designee, the permit may be extended for a period for an additional six (6) months. Upon the expiration of the temporary permit or an extension, the temporary dwelling shall be removed.

**Section 4.** This ordinance shall become effective immediately upon its adoption by the Board of Commissioners for Fayette County, Georgia.

**Section 5.** All other ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**Section 6.** In any event any section, subsection, sentence, clause or phrase of this Ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect other sections, subsections, sentences, clauses or phrases of this Ordinance, which shall remain in full force and effect as if the section, subsection, sentence, clause or phrase so declared or adjudged invalid or

unconstitutional were not a part thereof. The Board of Commissioners hereby declares that it would have passed the remaining parts of this Ordinance if it had known that such part or parts hereof would be declared or adjudged invalid or unconstitutional.

**SO ENACTED** this ____ day of _____, 2013.

BOARD OF COMMISSIONERS OF
FAYETTE COUNTY, GEORGIA

By:_____
Steve Brown, Chairman

(SEAL)

ATTEST:

_____
Floyd Jones, County Clerk

Approved as to form:

_____
Interim County Attorney